

CITY OF WAVELAND
PLANNING & ZONING COMMISSION
REGULAR MEETING AGENDA
FEBRUARY 27TH, 2023 6:00 PM

1. Call to Order / Roll Call.
2. Motion to approve the minutes from the Planning & Zoning Meeting held Monday, January 23, 2023.
3. (Tabled from 1/23/23)
Brent Morreale, owner of the property commonly known as 1801 Arnold St., parcel #137N-0-35-063.001, has made an application for a variance to split his lot into two (2) lots. This property is currently zoned R-2, Single & Multi-Family Use. Parcel 1, to be addressed as 1801 Arnold St., and Parcel 2, to be addressed as 1803 Arnold St., will both need a 5,000 square feet area variance in order to build a duplex on each parcel. The area required is 7,500 square feet per unit as stated in Zoning Ord. #349.
The area required is 8,500 square feet per unit as stated in Zoning Ord. #349.
4. Nick Mortenson, owner of the property commonly known as 709 St. Joseph St., parcel #162A-0-03-138.000, has made an application for a Conditional Use to have an accessory structure over 500 square feet. The proposed accessory structure will be 864 square feet. The structure will be fifteen (15) feet from the rear property line and ten (10) feet from the side property line which does not require any variances as stated in Zoning Ord. #349 section 716.2.
5. The City of Waveland Building & Zoning Department is making a request for the consideration of revising the current Zoning Ordinance #349. The revision will be to change the side-yard setbacks for non-conforming lots in Section 713.3, Side Yard, as stated in Ordinance #349. The revision will be in section 713.3C and the new wording will state "For a lot of record, which qualifies pursuant to Section 402.3 as legally non-conforming and which measures sixty (60) feet or less in width, the Zoning Official is authorized to grant a variance of side yard minimum footage to allow a side yard setback of ten (10) feet. Said action may be taken without notice to or action by the Planning and Zoning Commission or the Board of Mayor and Aldermen."
6. Comments from Chair, Commissioners, & Staff
 - A. Accessory Structures
 - B. Short-Term Rentals
7. Public Comments to the Commissioners
8. Adjourn: AT _____P.M.

MINUTES
WAVELAND PLANNING & ZONING COMMISSION
REGULAR MEETING
JANUARY 23, 2023

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 pm on Monday, January 23, 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 Commissioners Mary Beth Cooper, Greg Poindexter, Chad Whitney and Matt Touart. Also present was Building Official, Josh Hayes, sitting in for Zoning Official, Jeanne Conrad. City Attorney, Ronnie Artigues Jr., was not present.

Chairman Frater called for a motion to approve the minutes from the Planning & Zoning Regular Meeting held on Monday, January 9, 2023. Commissioner Whitney made the motion, seconded by Commissioner Cooper, to approve the minutes as written.

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

Mark Lambert, owner of the property commonly known as 226 S. Beach Blvd., parcel #161M-0-11-098.000, has made an application for a variance of five (5) feet from the right-side property line in order to construct a new primary structure. This will make the right side-yard ten (10) feet instead of the required fifteen (15) feet as stated in Zoning Ord. #349.

Mr. Lambert came forward to explain his request to the Commission. After all discussions, Chairman Frater called for a motion. Commissioner Touart made a motion, seconded by Commissioner Whitney, to accept the variance request as written.

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

Brent Morreale, owner of the property commonly known as 1801 Arnold St., parcel #137N-0-35-063.001, has made an application for a variance to split his lot into two (2) lots. This property is currently zoned R-2, Single & Multi-Family Use. Parcel 1, to be addressed as 1801 Arnold St., and Parcel 2, to be addressed as 1803 Arnold St., will both need a 5,000 square feet area variance in order to build a duplex on each parcel. The area required is 7,500 square feet per unit as stated in Zoning Ord. #349.

Mr. Morreale was not present for the meeting. It was brought to the attention of the Commissioners that the publication had a typo. The area required for each unit in an R-2 Zoning District is 8,500 square feet; not 7,500 square feet. The Commissioners decided to table this application in order for Zoning Official, Jeanne Conrad, to readvertise with the corrected verbiage and the applicant will be heard at the next Planning and Zoning Meeting on February 27, 2023 at 6:00pm.

Chairman Frater called for a motion to table the application to the next Planning and Zoning Meeting. Commissioner Whitney made a motion, seconded by Commissioner Cooper to table the application.

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

Joseph Rotolo, owner of the property commonly known as 701 View St., parcel #162K-0-10-162.000, has made an application for a conditional use in order to construct an accessory structure over 500 square feet as stated in Zoning Ord. #349. The proposed accessory structure will be 900 square feet in size. The applicant has also made a request for a one (1) foot variance on the height of the accessory structure. The proposed accessory

structure will be sixteen (16) feet measured to the mean roof height instead of the fifteen (15) feet limit as stated in Zoning Ord. #349.

Mr. Rotolo came forward to explain his request to the Commission. After all discussions, Chairman Frater called for a motion. Commissioner Whitney made a motion, seconded by Commissioner Cooper, to accept the variance request as written.

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

Chairman Frater called for anyone else to come forward for comments. No one came forward.

Chairman Frater called for a motion to adjourn the meeting. Commissioner Whitney made the motion, seconded by Commissioner Cooper.

After a unanimous vote of yes by all commissioners present to adjourn the meeting, Chairman Frater declared the motion passed and the meeting adjourned at 6:26 pm.

Respectfully submitted,

Jeanne Conrad, Zoning Official

Item #3

Brent Morreale

1801 Arnold St.

(Tabled from P&Z Meeting 1/23/23)

Variance Request

Proposed Lot Split for R-2 Property

5,000 sq ft variance on area required for Duplex

(Per Ord., 8,500 sq ft per unit is required =

17,000 sq ft of area per property)



Building/Zoning Department
301 Coleman Avenue
Waveland, MS 39576
(228)466-2549
(228)467-5177 FAX

Application for Variance

Section 904. Applying for a Variance

To apply for a variance from the terms of the Zoning Ordinance, the applicant must submit the following:

1. Letter stating what is being requested and what type of development is proposed.
2. Two (2) copies of plot plan detailing existing structure, proposed development and encroachment, dimensions of property, location of all streets bordering property.
3. A fee of Seventy-five (\$75.00) Dollars, payable in advance to help defray the expense of advertising and processing.

Please remember that the Planning and Zoning Commission is a recommending body. The case will go the Board of Alderman at their next regularly scheduled meeting for final action on the variance request.

Name of Applicant: Christie + Brent Morreale Date of Application: _____
Phone#: [REDACTED] E-mail (optional): [REDACTED]
Property Physical Address or Parcel #: 1801 + 1803 Arnold St. Waveland
Current Zoning District: R-2 Flood Zone: X
Mailing Address (if different): 723 Faith St. Waveland, ms 39576
Proposed Variance: 5,000 sq. ft on each property

Please review the items below regarding what the Planning and Zoning Commission will consider, and if applicable address any of the items in your letter.

Section 906. Power and Duties of the Planning and Zoning Commission

The Planning and Zoning Commission shall have the following powers and duties:

906.1 To recommend in special cases such variances from the terms of this Zoning Ordinance as will not be contrary to public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Zoning Ordinance shall not be recommended by the Planning and Zoning Commission unless and until:

- A. A written application for a variance is submitted demonstrating:
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.

2. That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.
 3. That special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other lands, structures, or buildings in the same district.
- B. A public hearing shall be held after giving at least fifteen (15) days notice of the hearings in an official newspaper specifying the time and place for said hearing.
- C. The Planning and Zoning Commission may find in specific cases such variances from the terms of this Zoning Ordinance may not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Zoning Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be recommended in such case of unnecessary hardship upon a finding by the Planning and Zoning Commission that all of the following conditions exist:
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
 2. A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
 3. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
 4. The requested variance will be in harmony with the purpose and intent of this Zoning Ordinance and will not be injurious to the neighborhood or to the general welfare.
 5. The special circumstances are not the result of the actions of the applicant.
 6. The existence of a non-conforming use of neighboring land, buildings or structures in the same district, or non-conforming uses in other districts shall not constitute a reason for the requested variance.
 7. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
 8. The variance is not a request to permit a use of land, building or structures which are not permitted by right or by conditional use in the district involved.
 9. Notice of public hearing shall be given as in section 906.1.B.

The Fee for a Variance Application is \$75.00 and is non-refundable regardless of approval or denial.

Applicant Signature: _____

Date: 12/22/22

Zoning Official Sign-Off: _____

Date: 1/2/23

If you have any questions regarding submitting your application please contact:

Jeanne Conrad
Zoning Department
(228) 466-2549
jconrad@waveland-ms.gov

Dec. 27, 2022

Brent Morreale
723 Faith St.
Waveland, MS 39576

Planning / Zoning Department
City of Waveland

RE: Request for a variance for property located at
1801 & 1083 Arnold St. Waveland, MS

I am requesting a 5,000 sq ft variance on each property
so I can build 1 duplex per lot.

The Zoning Ordinance includes a Permitted Use
requiring 8,500 square feet for each unit. The 2 unit
requirement would be 8,500 square feet = 17,000
square feet. Thus meeting the Permitted Use
requirement of land for 2 Unit Duplex.

Thank you for your consideration,

Brent Morreale

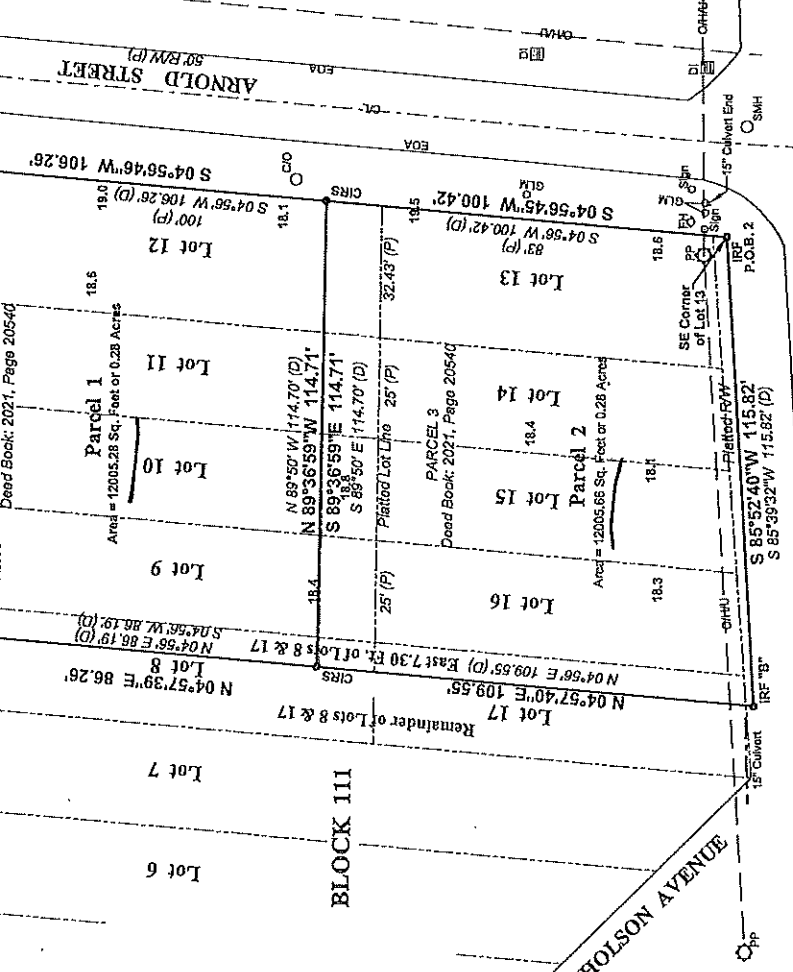


CERTIFICATE OF APPROVAL:

Submitted to and approved by the Board of Mayor and Aldermen of the City of Waveland this the _____ Day of _____, 2022.

NEW YORK STREET
40' R/W (P)
N 05°15'31"E 20.11'
N 04°56'E 20.07' (D)
S 89°50'E 107.40' (D)
S 89°50'E 7.27'
S 89°50'E 7.30' (D)
S 89°50'E 117.7' (D)
P.O.C. (D)

LEGEND:
IRF = 1/2" Iron Rod Found
IRP = Iron Pipe Found
IRS = 1/2" Iron Rod Set
IRP = Iron Fence Post
TFF = "T" Post Found
IBF = Iron Bar Found
AIF = Angle Iron Found
C = Capped
WFP = Wood Fence Post
MNF = Magnetic Nail Found
MNS = Magnetic Nail Set
Ref = Reference
RW = Right-Of-Way
OH/U = Overhead Utilities
PP = Power Pole
LP = Light Pole
P.O.B. = Point of Beginning
P.O.C. = Point of Commencement
TBM = Temporary Bench Mark
GLM = Gas Line Marker
DI = Drop Inlet
FH = Fire Hydrant
WV = Water Valve
SMH = Sewer Man Hole
C/O = Cleanout
C/L = Centerline
EOA = Edge of Asphalt
(P) = Plat of Record
(D) = Deed of Record
(R) = Record



LEGAL DESCRIPTION (AS PER SURVEY):
PARCEL 1:
BEGINNING at a found 1/2" iron rod for the Northwest Corner of Lot 9, Block 111, of the Bay St. Louis Land and Improvement Company's Subdivision of part of the Bay St. Louis Land and Improvement Company's First Addition to the City of Bay St. Louis and Waveland, Hancock County, Mississippi; thence N 05°15'31"E 20.11 ft. to a found 1/2" iron rod; thence S 89°50'15"E 107.23 ft. to a found 1/2" iron rod; thence S 04°56'48"W 106.28 ft. to a found 1/2" iron rod on the west margin of Arnold Street; thence along said margin S 04°56'46"W 106.28 ft. to a set capped 1/2" iron rod; thence N 89°36'59"W 114.71 ft. to a set capped 1/2" iron rod; thence N 04°57'39"E 86.26 ft. to a found 1/2" iron rod on the north line of Lot 8 of said Block 111; thence along said line S 89°18'55"E 7.27 ft. to the POINT OF BEGINNING; Containing 12005.28 square feet or 0.28 acres, more or less, and being part of Lots 8 thru 12, Block 111, and part of New York Street, the Bay St. Louis Land and Improvement Company's Subdivision of part of the Bay St. Louis Land and Improvement Company's First Addition to the City of Bay St. Louis and Waveland, Hancock County, Mississippi.
PARCEL 2:
BEGINNING at a found 1/2" iron rod for the Southeast Corner of Lot 13, Block 111, of the Bay St. Louis Land and Improvement Company's Subdivision of part of the Bay St. Louis Land and Improvement Company's First Addition to the City of Bay St. Louis and Waveland, Hancock County, Mississippi; thence along the north margin of Old Spanish Trail, S 85°52'40"W 115.82 ft. to a found 1/2" iron rod; thence N 04°57'39"E 109.55 ft. to a set capped 1/2" iron rod; thence S 89°36'59"E 114.71 ft. to a set capped 1/2" iron rod on the west margin of Arnold Street; thence along said margin S 04°56'48"W 100.42 ft. to the POINT OF BEGINNING; Containing 12005.66 square feet or 0.28 acres, more or less, and being part of Lots 8 thru 12, all of Lots 13 thru 16, and part of Lot 17, Block 111, Bay St. Louis Land and Improvement Company's Subdivision of part of the Bay St. Louis Land and Improvement Company's First Addition to the City of Bay St. Louis and Waveland, Hancock County, Mississippi.

NOTES:
1. Lot location & orientation are based on recorded data and monumentation found available.
2. Bearings reference: Grid, Geoid G-2018 U7 NAD '83
State Plane Zone Mississippi East by GPS Observation.
Utilizing Earl Dudley's Virtual Reference Network, INET.
3. Survey considered a Class "B" survey.
4. Only visible roads, lanes, driveways, drains, utilities, etc., over and across said premises are shown hereon.
5. This survey was prepared without a current title report nor were County records researched for easements by this surveyor.
6. "18.8" indicates ground elevations at decimal.

CONVERGENCE:
Convergence Angle = -0° 16' 21" & Combination Factor = 0.999982352
Survey considered a Class "B" survey.

SURVEYOR'S CERTIFICATION:

This is to certify that I have surveyed the property herein described and delineated, and that all measurements and other data are correct to the best of my knowledge and belief.

Michael Raymond McGinnis
Professional Surveyor
P.L.S. #02827
State of Mississippi

Date

OLD SPANISH TRAIL

Rev. # 3 Date:	Rev. # 2 Date:
Rev. # 1 Date: 12/22/2022	Date: 12/01/2022
Scale: 1" = 30'	Drawn by: dmr
Dwg. #: 28222MS1	



PLAT OF SURVEY OF
LOTS 9 THRU 12, LOTS 13 THRU 16,
AND PART OF LOTS 8 AND 17, BLOCK 111,
BAY ST. LOUIS LAND AND IMPROVEMENT COMPANY'S
SUBDIVISION OF PART OF THE
BAY ST. LOUIS LAND AND IMPROVEMENT COMPANY'S
FIRST ADDITION TO THE CITY OF BAY ST. LOUIS AND
WAVELAND, HANCOCK COUNTY, MISSISSIPPI.

Item #4

Nick Mortenson

709 St. Joseph St.

Conditional Use

Accessory Structure over 500 sq. ft.

Proposed structure will be 864 sq. ft.

No variances needed for setbacks



CITY OF
HOSPITALITY CITY
Building/Zoning Department
301 Coleman Avenue
Waveland, MS 39576
(228)466-2549
(228)467-5177 FAX

Application for Conditional Use

302.16 Conditional Use: A conditional use is a use that would not be appropriate generally or without restriction through the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning districts as conditional uses, if specific provisions for such conditional use are made in this zoning ordinance.

Name of Applicant: Nick Mortenson Date of Application: 2-8-27
Phone#: [REDACTED] E-mail (optional): [REDACTED]
Property Physical Address(s) or Parcel #(s) 709 Saint Joseph ST
Mailing Address (if different): _____
Current Zoning District: _____ Flood Zone: X
Conditional Use Request: To build 24' x 36' 864 sq ft Garage

(Note: To submit a Conditional Use Application you must provide proof of current ownership or a document from the current owner granting you permission to seek a Conditional Use (specific to use) for this property.)

906.3 Conditional Uses: Subject to the provisions of Sections 901 and 902 of this Article, the Planning and Zoning Commission shall set a hearing and make a recommendation to the Board of Mayor and Aldermen to grant a conditional use for the uses enumerated as conditional uses in any district as herein qualified and may impose appropriate conditions and safeguards including a specified period of time for the use to protect property and property values in the neighborhood.

Applications for conditional use for uses authorized by this Ordinance shall be made to the Planning and Zoning Commission. A public hearing shall be held, after giving at least fifteen (15) days' notice of the hearing in an official paper specifying the time and place for said hearing. The application shall be specified by the governing authority. The Planning and Zoning Commission will investigate all aspects of the application giving particular regard to whether such use will:

1. Substantially increase traffic hazards or congestion.
2. Substantially increase fire hazards.
3. Adversely affect the character of the neighborhood.
4. Adversely affect the general welfare of the city.
5. Overtax public utilities or community facilities.
6. Be in conflict with the Comprehensive Plan.

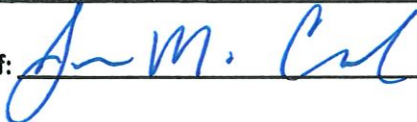
If the findings by the Planning and Zoning Commission relative to the above subjects are that the City would benefit from the proposed use and the surrounding area would not be adversely affected, then the Commission may recommend the project for approval to the Board of Mayor and Aldermen.

B. Any proposed conditional use shall otherwise comply with all regulations set forth in this Zoning Ordinance for the district in which such use is located.

Please provide a letter providing as much detail as possible regarding the proposed Conditional Use, including but not limited to description of purpose of the conditional Use. Please review the above items regarding what the Planning and Zoning Commission will consider, and if applicable address any of the items in your letter).

Applicant Signature: 

Date: 2-8-27

Zoning Official Sign-Off: 

Date: 2/8/27

If you have any questions regarding submitting your application please contact:

Jeanne Conrad
Zoning Department
(228) 466-2549
jconrad@waveland-ms.gov

Letter Of Intent

To Waveland City Council and all concerned,

Our plan is to build a 24' x36' (864 sqft) garage directly behind our house. The intended purpose of the structure is to park vehicles.

Thank you,

Nick Mortenson

709 Saint Joseph St.

Geoportal Map



DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.

2022 17653
Recorded in the Above
Deed Book & Page
11-10-2022 03:52:08 PM
Timothy A Kellar
Hancock County

Prepared by & return to:
Eugene J. Hoffman, IV (MSB #104994)
Landmark Title & Escrow Co., Inc.
521 Ulman Ave.
Bay St. Louis, MS 39520
Telephone: (228) 467-4675
Facsimile: (228) 467-4656
File No.: 1157-41822

INDEX: Pt. SE 1/4 of NE 1/4, Sec.3, T9S, R14W Hancock Co., MS

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration not necessary to be mentioned herein, the receipt and sufficiency of all of which is hereby acknowledged, We,

MALCOLM M. SNELL, JR. and EMILY D. SNELL, Grantors
[REDACTED]

do hereby sell, convey and warrant unto

NICK MORTENSON and CHRISTINA MORTENSON, Grantees
[REDACTED]

as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property situated in Hancock County, Mississippi, to wit:

See Legal Description attached hereto as **EXHIBIT "A"**.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

This conveyance is made subject to any and all prior reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions which appear of record.

If bounded by water, the warranty granted herein shall not extend to any part of the above-described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

The Grantors herein certify that the property hereinabove conveyed forms no part of the homestead of said Grantors.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years' taxes are specifically assumed by Grantees herein.

WITNESS our signatures, this the 4th day of November, 2022.

Malcolm M. Snell, Jr.
by Emily D. Snell, AIF
MALCOLM M. SNELL, JR., Grantor
by Emily D. Snell, Attorney-in-Fact

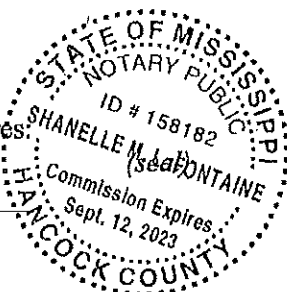
Emily D. Snell
EMILY D. SNELL, Grantor

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

PERSONALLY APPEARED before me, the undersigned authority in and for the said county and state, on this 8th day of November, 2022, within my jurisdiction, the within named **EMILY D. SNELL**, who acknowledged that she is Attorney-in-Fact for **MALCOLM M. SNELL, JR.**, and that individually and in said representative capacity she executed and delivered the above and foregoing instrument, after first having been duly authorized so to do.

My commission expires:

9/12/2023



Shanelle M. Lafontaine
NOTARY PUBLIC

EXHIBIT "A"
(File No.: 1157-41822)
Legal Description

A certain parcel of land described as beginning at a stake set 33 feet West of the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 9 South, Range 14 West, Hancock County, Mississippi; thence run West 241 feet; thence run South 177 feet; thence run East 246 feet, more or less, to the Western line of a public road; thence Northerly along said line of said road 177 feet to the Point of Beginning. Being a part of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 9 South, Range 14 West, Hancock County, Mississippi.

SPECIFIC LIMITED POWER OF ATTORNEY

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

KNOW ALL MEN BY THESE PRESENTS, THAT I, **MALCOLM M. SNELL, JR.**, whose address is 22233 Freddie Frank Rd., Long Beach, MS 39560, (228) 326-6182, desiring to execute a SPECIFIC LIMITED POWER OF ATTORNEY, hereby nominate and appoint - **EMILY D. SNELL**, 22233 Freddie Frank Rd., Long Beach, MS 39560, (228) 669-6605, as my true and lawful Attorney-in-Fact to act as follows, granting unto said Attorney-in-Fact full power and authority to do all things necessary to close on the sale of the following described real property:

See Legal Description attached hereto as **EXHIBIT "A"**.

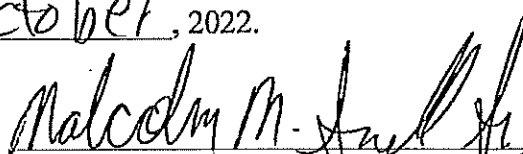
Said Attorney-in-Fact is hereby authorized to act in my name, place and stead, on my behalf, and for my use and benefit to exercise or perform any act, power, duty, right or obligation whatsoever that I now have, or may subsequently acquire the legal right, power or capacity to exercise or perform, in connection with, arising from or relating to the sale of the above-described real property. Said Attorney-in-Fact may execute any and all documents necessary to effect the sale, conveyance, and settlement on said property, including but not limited to, deeds, checks, receipts, releases, warranties, affidavits, contracts, addenda, settlement statements, endorsements to checks, or any other form of commercial papers, or the like, and any such other instrument or instruments of writing of whatever kind, character, and nature as may be necessary to complete the sale and final settlement process.

I hereby ratify and confirm all that said Attorney-in-Fact shall lawfully do or cause to be done by virtue of this Specific Limited Power of Attorney and the rights and powers herein granted.

All acts done pursuant to this Specific Limited Power of Attorney shall be done in my name, and all instruments and documents shall be executed by my Attorney-in-Fact in my name, followed by that of my Attorney-in-Fact with the designation "Attorney-in-Fact" or "by POA", or other acceptable description.

The rights, powers, and authority granted herein shall be valid and in full force and effect immediately upon execution hereof; and may be relied upon by any third party until such time as this Specific Limited Power of Attorney is expressly terminated in writing or said sale is finalized, whichever shall occur sooner.

DATED this the 31 day of October, 2022.

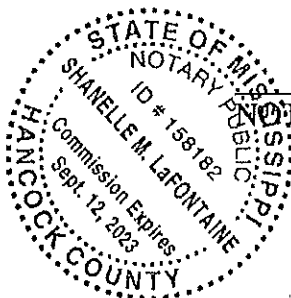

MALCOLM M. SNELL, JR., SELLER

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

PERSONALLY CAME AND APPEARED before me, the undersigned authority in and for the county and state aforesaid, on this 31st day of October, 2022, within my jurisdiction, the within named **MALCOLM M. SNELL, JR.**, who acknowledged that he executed the above and forgoing instrument on the date and for the purposes therein contained.

My commission expires:

9/12/2023



[Signature]

EXHIBIT "A"
Legal Description

A certain parcel of land described as beginning at a stake set 33 feet West of the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 9 South, Range 14 West, Hancock County, Mississippi; thence run West 241 feet; thence run South 177 feet; thence run East 246 feet, more or less, to the Western line of a public road; thence Northerly along said line of said road 177 feet to the Point of Beginning. Being a part of the Southeast 1/4 of the Northeast 1/4 of Section 3, Township 9 South, Range 14 West, Hancock County, Mississippi.



Hancock County
I certify this instrument was filed on
11-10-2022 03:52:08 PM
and recorded in Deed Book
2022 at pages 17653 - 17658
Timothy A Kellar

Item #5

City of Waveland

Building & Zoning Department

301 Coleman Ave

Zoning Ordinance Amendment

**Change wording concerning Non-Conforming Lots of
Record Side-Yard Setback Requirements**

instances shall be computed by extending a line that intersects the side lot lines and intersects or coincides with the rear-most wall of the main building, and which line parallel to the front property line, or a chord extended across the curve of the property line. All the area enclosed by the aforementioned line, the side lot lines and the rear lot line or lines shall be computed as the rear yard area.

- C. In less restrictive zones and within one hundred (100') feet of a residential or business zone, rear yards shall have a minimum depth equal to that required in the more restricted zone.

713.3 Side Yard

- A. On corner lots in residential zones, the side yard fronting on an existing street, or platted and recorded street, that is unimproved shall have a depth of not less than fifty (50) percent of the required front yard depth or ten (10) feet, whichever is greater.
- B. In less restrictive zones and within one hundred (100) feet of a residential or business zone, side yards shall have a minimum width equal to that required in the more restricted zone, unless a greater width is required for the zone in which it is located.
- C. For a lot of record, which qualifies pursuant to Section 402.3 as legally non-conforming and which measures fifty (50) feet or less in width, the Zoning Official is authorized to grant a variance of side yard minimum footage to allow a side yard setback equal to, but not less than, twenty-five percent (25%) of the lot width. Said action may be taken without notice to or action by the Planning and Zoning Commission or the Board of Mayor and Aldermen.

713.4 Irregular Yard Lines

Where a wall of a building is not parallel with the lot line or where the lot line is irregular; the required depth or width of any such yard may be taken as the average depth or width provided, however, that the side yard shall not be narrower than ten (10) feet at any point and the front yard not less than fifteen (15) feet at any point.

713.5 Courts

- A. The width of an outer court is that "horizontal dimension" which is substantially parallel to principal open end of such court. If the two sides of the court are not parallel, the width shall be the average distance between the two sides (which usually can be measured along a line between the mid-points of the opposite sides).
- B. The depth of an outer court is the horizontal distance between the mid-point of the principal open end to the mid-point of the opposite end.
- C. The minimum space shall be fifty (50) feet if the buildings are located so that the front of one building faces either the front or rear of another building and twenty (20) feet when buildings are oriented in any manner (e.g., front to side).

instances shall be computed by extending a line that intersects the side lot lines and intersects or coincides with the rear-most wall of the main building, and which line parallel to the front property line, or a chord extended across the curve of the property line. All the area enclosed by the aforementioned line, the side lot lines and the rear lot line or lines shall be computed as the rear yard area.

- C. In less restrictive zones and within one hundred (100') feet of a residential or business zone, rear yards shall have a minimum depth equal to that required in the more restricted zone.

713.3 Side Yard

- A. On corner lots in residential zones, the side yard fronting on an existing street, or platted and recorded street, that is unimproved shall have a depth of not less than fifty (50) percent of the required front yard depth or ten (10) feet, whichever is greater.
- B. In less restrictive zones and within one hundred (100) feet of a residential or business zone, side yards shall have a minimum width equal to that required in the more restricted zone, unless a greater width is required for the zone in which it is located.
- C. For a lot of record, which qualifies pursuant to Section 402.3 as legally non-conforming and which measures sixty (60) feet or less in width, the Zoning Official is authorized to grant a variance of side yard minimum footage to allow a side yard setback of ten (10) feet. Said action may be taken without notice to or action by the Planning and Zoning Commission or the Board of Mayor and Aldermen.

713.4 Irregular Yard Lines

Where a wall of a building is not parallel with the lot line or where the lot line is irregular; the required depth or width of any such yard may be taken as the average depth or width provided, however, that the side yard shall not be narrower than ten (10) feet at any point and the front yard not less than fifteen (15) feet at any point.

713.5 Courts

- A. The width of an outer court is that "horizontal dimension" which is substantially parallel to principal open end of such court. If the two sides of the court are not parallel, the width shall be the average distance between the two sides (which usually can be measured along a line between the mid-points of the opposite sides).
- B. The depth of an outer court is the horizontal distance between the mid-point of the principal open end to the mid-point of the opposite end.
- C. The minimum space shall be fifty (50) feet if the buildings are located so that the front of one building faces either the front or rear of another building and twenty (20) feet when buildings are oriented in any manner (e.g., front to side).