

CITY OF WAVELAND  
PLANNING & ZONING COMMISSION  
REGULAR MEETING AGENDA  
APRIL 17TH, 2023 6:00 PM

1. Call to Order / Roll Call.
2. Motion to approve the minutes from the Planning & Zoning Meeting held Monday, February 27, 2023.
3. Motion to approve the minutes from the Planning & Zoning Special Meeting Workshop 1 held Monday, April 10, 2023.
4. Motion to continue tabled items from the Planning & Zoning Special Meeting Workshop 1 held Monday, April 10, 2023; Article IV: General Regulations Sections 405-409.
5. Motion to adopt changes recommended for Article IV: General Regulations Sections 405-409 as discussed in tonight's meeting and advertise for Public Hearing on May 15, 2023 in conjunction with the Planning & Zoning Regular Meeting.
6. Scott Harris, owner of the property commonly known as 241 Gulf Dr., parcel #162Q-1-10-046.000, has made an application of a Conditional Use in order to construction an accessory structure over 500 sq. ft. and to build the structure before the primary structure. The proposed accessory structure will be 840 sq. ft. and will meet all minimum setbacks per Zoning Ordinance #349.
7. Michael Martin, owner of the property commonly known as 518 Fell Grass St., parcel #161D-0-02-096.000, has made an application for variances, a conditional use, and the temporary use of an RV during new construction. There is currently a non-conforming 1,200 sq. ft. accessory structure on the property. The applicant is requesting a 5' left side-yard variance for the pre-existing structure and for the proposed new primary structure in order to match the side-yard with the existing accessory structure. The non-conforming structure will also need a 5' rear-yard variance because it is 20' from the rear property line and not the required 25' due to the distance from the proposed primary structure. The applicant is also requesting a 5' variance on the right side-yard for the proposed open carport addition to the existing accessory structure for additional covered parking. This results in the request for a Conditional Use in order to have the total accessory structure to be 2,400 sq. ft. in size. The last request is to temporarily use an RV as occupancy during the new construction of the 1,050 sq. ft. primary residence.
8. Comments from Chair, Commissioners, & Staff
9. Public Comments to the Commissioners
10. Adjourn: AT \_\_\_\_\_ P.M.

**MINUTES**  
**WAVELAND PLANNING & ZONING COMMISSION**  
**REGULAR MEETING**  
**FEBRUARY 27, 2023**

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 pm on Monday, February 27, 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 6:01pm. Present at the meeting were Commissioners Mary Beth Cooper, Greg Poindexter, Chad Whitney and Matt Touart. Also present was 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 23, 2023. Commissioner Whitney made the motion, seconded by Commissioner Touart, to approve the minutes 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 8,500 square feet per unit as stated in Zoning Ord. #349. (Tabled from Regular Meeting held 1/23/23.)

Mr. Morreale came forward to explain his request. Applicant noted that setback variances are not needed as they will be within the requirements. Only the 5,000 sq. ft. variance is needed.

Chairman Frater called for anyone from the audience that would like to comment. Glenn Hood, owner of 1815 Nicholson Ave, came forward in opposition to the request. Mr. Hood stated that he is not in objection to a duplex being put on the property, as is, but is in objection to the creation of 2 non-conforming lots and then requesting a variance for 2 duplexes. Mr. Hood also provided a letter of objection from Mr. Jonathan and Mrs. Sarah Burns, owners of 621 New York St. (from 1.23.23 meeting.) Chairman Frater read the letter for the record.

After all discussion between the Commission and the applicant, Chairman Frater called for a motion. Commissioner Whitney made a motion to accept the variance request with the conditions that the applicant limit the size of the duplex to a maximum of 2,000 sq. ft (1,000 sq. ft. per unit), the erection of a privacy fence, and that all parking come off of Arnold St. Motion was seconded by Commissioner Poindexter.

After a unanimous vote of yes by all Commissioners present, Chairman Frater declared the motion passed in accordance with section 906.1 of the Zoning Ordinance.

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.

Mr. Mortenson was not able to attend the meeting. After brief discussion between the Commission, Chairman Frater called for anyone from the audience to come forward for comment. Walter Perez, representing the

property owned by the Life Estate of Kathleen Perez on Art St, came forward for clarification on the request. After discussions with the Commission, Mr. Perez stated that he and his family do not have any objections to the Conditional Use request.

After all discussions, Chairman Frater called for a motion. Commissioner Whitney made a motion, seconded by Commissioner Touart to accept the Conditional Use Request.

After a vote of yes by Commissioners Cooper, Whitney, and Touart with Commissioner Poindexter recusing himself, Chairman Frater declared the motion passed in accordance with section 906.3 of the Zoning Ordinance.

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."

Jeanne Conrad, Zoning Official for the City of Waveland, came forward to explain the Building & Zoning Department request.

(See audio for discussions.)

Commissioner Whitney made a motion to approve the amendment to the Zoning Ordinance, seconded by Commissioner Poindexter.

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

Chairman Frater called for any comments from Commissioners and staff. Chairman Frater opened discussion about the Zoning Ordinance requirement for the maximum size of Accessory Structures. Chairman Frater made a request to amend the Zoning Ordinance for the maximum size of Accessory Structures to be based on the size of the property.

The sizes would be as follows:

500 sq. ft. for all properties up to 8,500 sq. ft. in lot size,

750 sq. ft. for properties 8,501 sq. ft. to 12,500 sq. ft. lot size,

1,000 sq. ft. for properties 12,501 sq. ft. to 15,000 sq. ft.

15,001 sq. ft. properties will be allowed up to 1,500 sq. ft. accessory structure.

Any request for accessory structure over 1,500 sq. ft. will be required to submit a Conditional Use request.

After all discussion between the Commission, Chairman Frater called for a motion. Commissioner Whitney made a motion to Amend the Zoning Ordinance as suggested by Chairman Frater, seconded by Commissioner Cooper.

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

Chairman Frater opened a discussion concerning Short-Term Rentals for the City of Waveland. Mayor Trapani was in the Audience and gave comments throughout the discussion.

After all discussions between the Commission, Mayor Trapani, and Zoning Official, Chairman Frater called for a motion. Commissioner Touart made a motion to charge Short-Term Rentals/AirBnB/VRBO properties with the required Privilege License in addition to an initial permit fee of \$200.00, a \$100.00 annual renewal fee and \$500.00 violation fee for each violation occurrence. Commissioner Poindexter seconded the motion.

After additional discussions, Chairman Frater called for the vote. With a vote of yes by Commissioners Cooper, Poindexter, and Touart, a vote of no by Commissioner Whitney, Chairman Frater declared the motion passed.

Chairman Frater then opened a discussion for a proposed Amendment to the Protected Tree Ordinance. His suggested amendment is in section 5 paragraph D; "At the time the applicant applies for an approved removal permit to cut down a protected tree, said applicant will place on deposit to the City of Waveland an amount equal to the sum of \$250.00 per the number of trees determined in Section 5 paragraph C. Said deposit or any part therein shall be refunded to the applicant upon proof of any replacement determined by the Building Official. The applicant shall have 1 year from the date of the removal permit to request reimbursement or forfeit said right."

After discussions with the Commission and Zoning Official, Jeanne Conrad, Commissioner Whitney made a motion to accept the change to the Protected Tree Ordinance with the clarification that the City replant the trees. The applicant will pay the fee for each tree to be replanted and negate the refund process. Commissioner Poindexter seconded the motion.

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

With no other comments and no one left in the audience for comments, 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 7:46 pm.

Respectfully submitted,

Jeanne Conrad, Zoning Official

**MINUTES**  
**WAVELAND PLANNING & ZONING COMMISSION**  
**SPECIAL MEETING WORKSHOP**  
**APRIL 10, 2023**

A special meeting of the Waveland Planning & Zoning Commission was held at 6:00 pm on Monday, April 10, 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 6:01pm. Present at the meeting were Commissioners Barbara Coatney, Greg Poindexter, and Chad Whitney. Also present was Zoning Official, Jeanne Conrad. Commissioner Matt Touart and City Attorney, Ronnie Artigues Jr., were not present.

Chairman Frater called for a motion to open discussion on amendments to the Zoning Ord. #349 Article IV: General Regulations. Commissioner Whitney made the motion, seconded by Commissioner Coatney, to open discussion.

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

Commissioner Whitney started the discussion with the mention of the City's Comprehensive Plan. The Commissioners decided to go forward with recommended changes and recommendations are contingent upon the Comprehensive Plan.

After lengthy discussion between the Zoning Commission, Zoning Official, with comments from Jim Meggett, Jeremy Burke, and Mathew Adams from the audience throughout, the recommended changes that the Planning and Zoning Commission are as follows:

1. Section 401.4 Use will include new wording for temporary structures: "Temporary structures, including but not limited to shipping containers, storage containers, and the like, are prohibited as permanent residential dwelling but may be used as temporary storage during new construction of a permanent primary structure with a building permit."
2. Section 401.5 Approved Water Supply and Sewage Disposal for Building change the word "building" to permanent habitable dwelling. The new wording will be "It shall be unlawful to construct any permanent habitable dwelling or occupy any mobile home or manufactured home without water supply and sewer disposal... etc."
3. Section 401.6: reference the definition of a "nuisance" in the description. The new wording will be "No nuisance as defined in Section 302.7, shall be allowed as a permitted, conditional, or non-conforming use."
4. Section 401.8 Residential Planned Development Projects: Subsection C.2 "Wherever there is an abrupt change in use (i.e. residential to commercial), it is desirable that a buffer area of open space, protective planting, or solid fence be placed between the land uses which will protect each use from the undesirable affects of each other.
5. Section 404. Regulations for Auto Oriented Commercial Establishments: This type of business will only be allowed in the C-3 Highway Commercial District.
6. Section 701.8 Accessory Buildings (in R-1 Single Family Residential District): Increase the allowable sizes for accessory structures contingent upon the size of the lots.  
The sizes would be as follows:  
500 sq. ft. for all properties up to 8,500 sq. ft. in lot size,  
750 sq. ft. for properties 8,501 sq. ft. to 12,500 sq. ft. lot size,  
1,000 sq. ft. for properties 12,501 sq. ft. to 15,000 sq. ft.  
15,001 sq. ft. properties will be allowed up to 1,500 sq. ft. accessory structure.  
Any request for accessory structure over 1,500 sq. ft. will be required to submit a Conditional Use request.

Chairman Frater called for a motion to advertise for the adoption of the recommended changes at a P&Z Public Hearing on Monday, May 15, 2023 in conjunction with the P&Z Regular Meeting. Commissioner Whitney moved, seconded by Commissioner Poindexter to advertise the recommended changes for a Public Hearing on Monday, May 15, 2023 at 6:00 pm.

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

No Recommended changes for Sections 402 Regulations for Continuing Non-Conforming Existing Uses and Structures nor Section 403 Regulations for Off-Street Parking and Loading Areas.

At this time, the Planning and Zoning Commission decided to table the remaining sections of Article IV to the next P&Z Meeting on Monday, April 17, 2023 at 6:00 pm because of time constraints.

Chairman Frater called for a motion to table section 405-409 of Article IV of the Zoning Ord. #349 and the discussion for changes to the Protected Tree Ord. #379 to the next P&Z Meeting on April 17, 2023 at 6:00. Commissioner Coatney moved, seconded by Commissioner Whitney to table the items.

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

Chairman Frater then moved to the next item on the agenda and called for a motion to open the discussion for a Short-Term Rental Ordinance. Commissioner Whitney moved, seconded by Commissioner Coatney to open the discussion.

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

The Commissioners discussed enforcing a 3% sales tax and other fees with a required Privilege License for all Short-Term rentals with the City of Waveland. After all discussions, the Commission decided to recommend the enactment of a 3% sales tax on all Short-Term Rentals and to table the discussion for the new Ordinance to the next P&Z Meeting on Monday, April 17, 2023 at 6:00 pm.

Chairman Frater called for a motion to recommend the enactment of a 3% sales tax on all Short-Term Rentals and to table the discussion for the new Ordinance to the next P&Z Meeting on Monday, April 17, 2023 at 6:00 pm. Commissioner Whitney moved, seconded by Commissioner Coatney.

After a vote of yes by Commissioners Whitney and Coatney and a vote of no by Commissioner Pondexter to table the discussion, Chairman Frater declared the motion passed.

Chairman Frater then called for public comments. Mr. Jim Meggett came forward with a brief comment on the Protected Tree Ordinance. Mr. Mathew Adams came forward to make a request to the Commissioners and then the Board of Mayor and Aldermen to create less restrictions in the Zoning Ordinance in order for the Citizens to have more property rights.

With no other comments, Chairman Frater called for a motion to adjourn the meeting. Commissioner Whitney moved, seconded by Commissioner Poindexter to adjourn the meeting.

After a unanimous vote of yes by all commissioners present, Chairman Frater declared the motion passed and the meeting adjourned at 9:01 pm.

Respectfully submitted,

Jeanne Conrad, Zoning Official

# **Item #6**

**Scott Harris**

**241 Gulf Dr.**

## **Conditional Use**

**1. Accessory Structure over 500 sq. ft.**

**Proposed structure will be 840 sq. ft.**

**No variances needed for setbacks**

**2. Request to build accessory structure  
before primary dwelling.**



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: Scott + Teresa Harris Date of Application: 3-16-23  
Phone#: [REDACTED] E-mail (optional): [REDACTED]  
Property Physical Address(s) or Parcel #(s) 241 GULF DR  
Mailing Address (if different): [REDACTED]  
Current Zoning District: \_\_\_\_\_ Flood Zone: \_\_\_\_\_  
Conditional Use Request: To Construct a 24' x 35' Garage, 10' side walls, the mean height of approx 12', all set backs will be per Waveland codes.

(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.



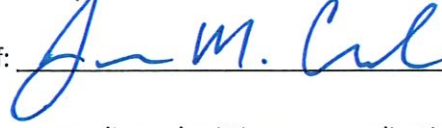
If the findings by the Planning and Zoning Commission relative to the above subjects are that the City would benefit from the proposed use and the surrounding area would not be adversely affected, then the Commission may recommend the project for approval to the Board of Mayor and Aldermen.

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:  Terese Harman

Date: 3-16-23

Zoning Official Sign-Off:  J. M. Conrad

Date: 3/28/23

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

Jeanne Conrad  
Zoning Department  
(228) 466-2549  
[iconrad@waveland-ms.gov](mailto:iconrad@waveland-ms.gov)

Waveland Zoning Board:

We are requesting a conditional use permit to build a garage on our property at 241 Gulf Dr before we build our house.

The reason we are asking for the permit is we had a change in our current living conditions. Recently my 93 year old father moved in with us for full time care, thus putting our home building plans on hold for a time. We are currently renting two storage units and having a building on our property would ease the financial burden of paying storage fees. Having a garage will also help during the building process.

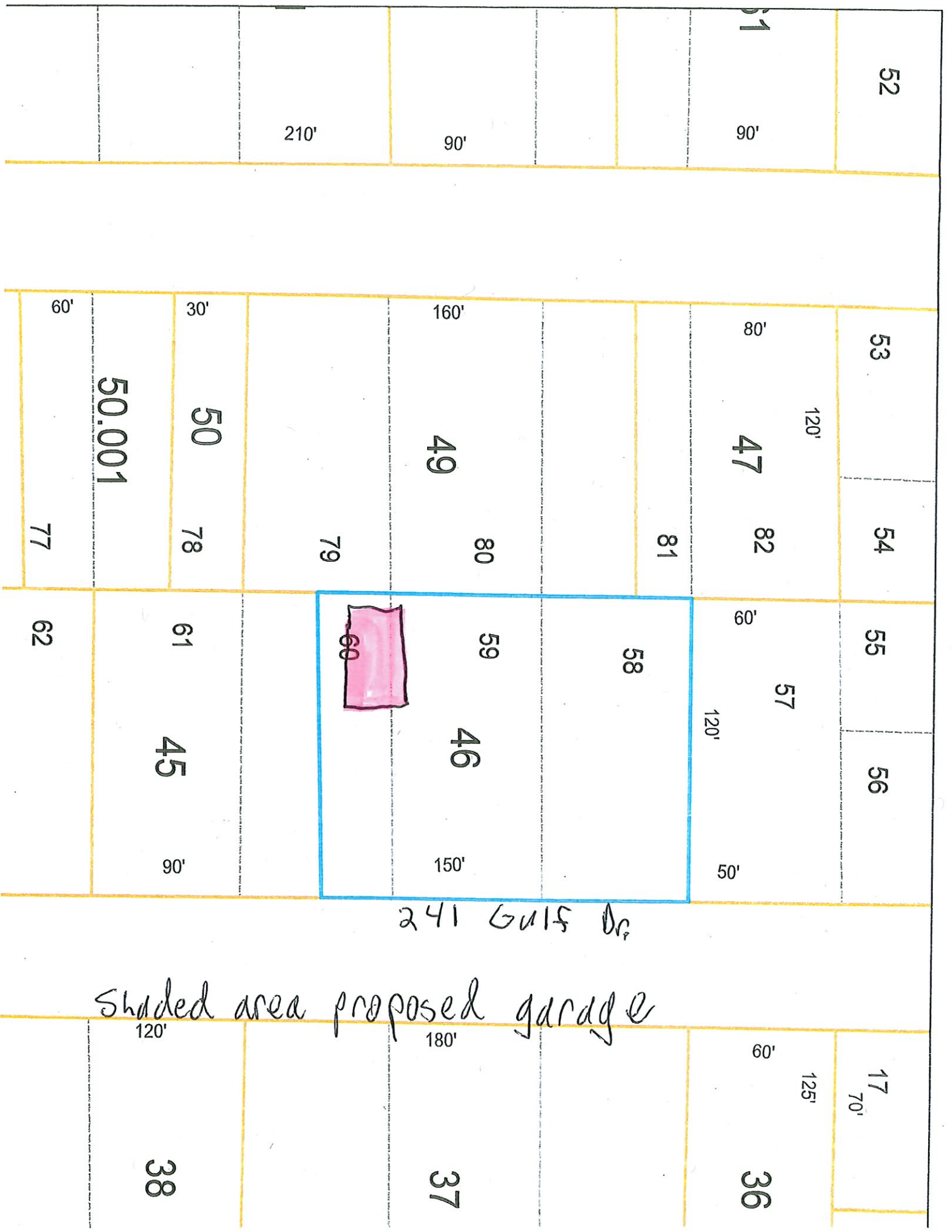
The size of the building is 24 X 35 equaling 840 sq ft.

The building will be constructed to all codes and all setbacks will be followed.

There will be no utilities attached to the garage until the home building process is started.

Thank you for your consideration for our request,

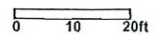
Scott and Teresa Harris



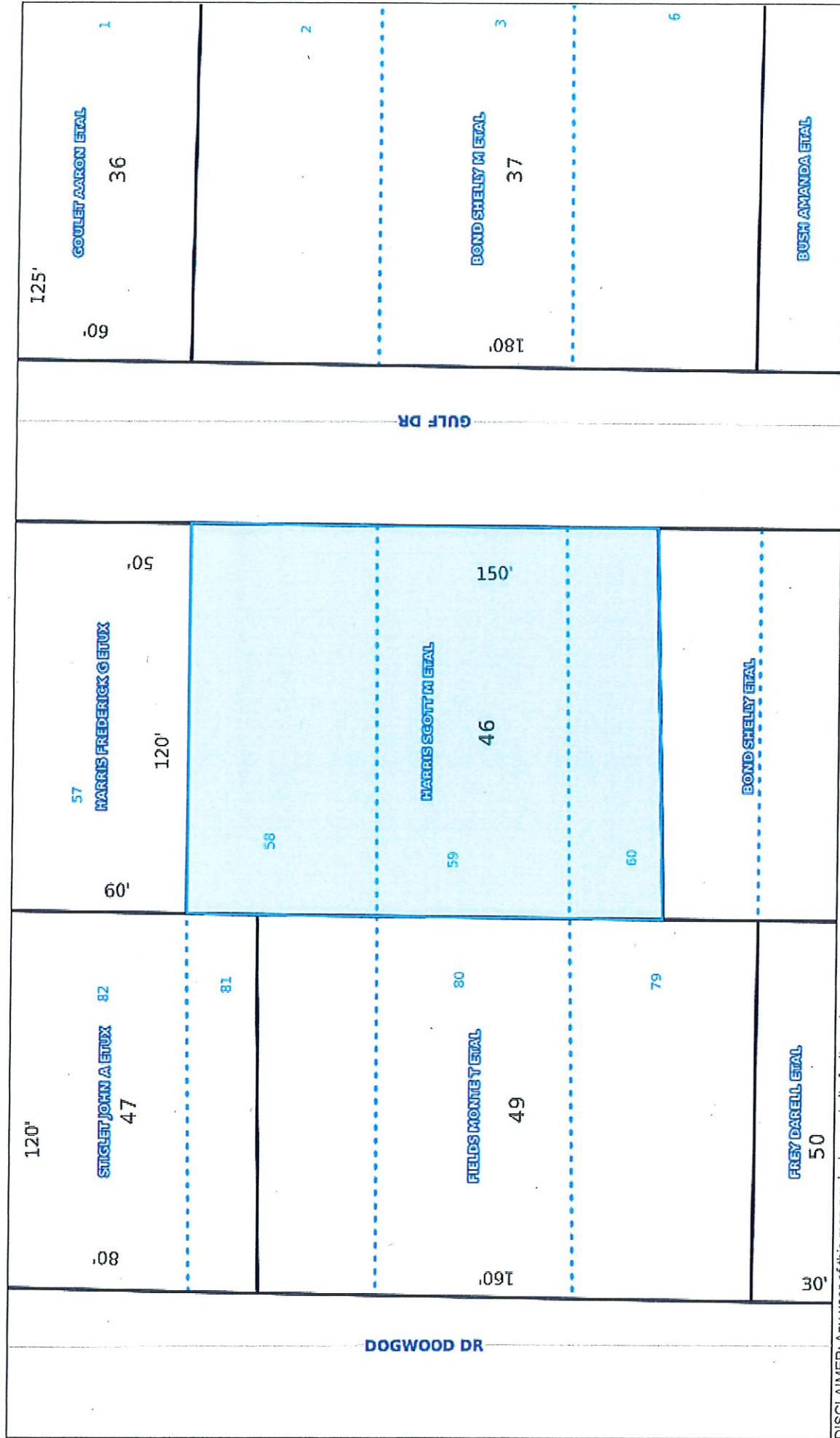
241 Gulf Dr

Shaded area proposed garage

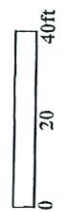




# Geoportal Map



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.





# Geoportal Map



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162Q-1-10-046.000

**Parcel Number:** 162Q-1-10-046.000  
**Owner Name:** HARRIS SCOTT M ETAL  
**Owner Address:** 9155 COACHMAN DR  
**Owner City, State ZIP:** VENICE, FL 34293  
**Physical Address:** 241 GULF DR  
**Improvement Type:**  
**Year Built:** 0  
**Base Area:** 0  
**Adjusted Area:** 0  
**Actual Total Value:** 14490  
**Taxable Total Value:** 0  
**Estimated Tax:** 273.51  
**Homestead Exemption:** No  
**Deed Book:** 2020  
**Deed Page:** 13191  
**Legal Description 1:** 58,59,N 1/2 60 GULF GARDENS  
**Legal Description 2:** S/D  
**Legal Description 3:**  
**Legal Description 4:**  
**Legal Description 5:**  
**Legal Description 6:**  
**Longitude:** -89  
**Latitude:** 30  
**Square Footage:** 18475.98

# Item #7

Michael Martin

518 Fell Grass St.

## Variances, Conditional Use, & Temp RV during New Construction

1. 5' Right side-yard variance for both Primary Structure & Existing Accessory structure  
5' Left side-yard variance for addition to existing accessory structure  
5' Rear-yard variance for existing non-conforming accessory structure
2. Accessory Structure over 500 sq. ft.  
Existing non-conforming accessory structure is 1,200 sq. ft.  
Addition to existing accessory structure will make total accessory structure 2,400 sq. ft.
3. Temporary use of an RV during the construction of 1,050 sq. ft. primary dwelling





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: Michael Martin Date of Application: 3/24/2023  
Phone#: [REDACTED] E-mail (optional): [REDACTED]  
Property Physical Address(s) or Parcel #(s): 518 Fellgrass St. Waveland, Ms 39576  
Current Zoning of Property: R1  
Proposed Variance: 5' variance right side, 5' variance left side, 5' variance rear yard  
Garage House + Garage Garage  
Applicant Signature: Michael Martin Date: 03/24/2023

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: Michael Martin

Date: 03/24/2023

Zoning Official Sign-Off: J. M. Conrad

Date: 3/24/23

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

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





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: Michael Martin Date of Application: 03/24/2023  
Phone#: [REDACTED] E-mail (optional): [REDACTED]  
Property Physical Address(s) or Parcel #(s) 518 Fellgrass St. Waveland, Ms 39576  
Current Zoning of Property and Proposed Conditional Use: R1 , conditional use A/S over 500 sqft -> 2400 sqft  
Conditional Use Request: adding 1200 sqft. covering to existing A/S

(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: Michael Martin

Date: 03/24/2023

Zoning Official Sign-Off: J. M. Conrad

Date: 3/24/23

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

Jeanne Conrad  
Zoning Department  
(228) 466-2549

[jconrad@waveland-ms.gov](mailto:jconrad@waveland-ms.gov)





**Application for Temporary Conditional Use**  
**of an RV during New Construction**

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: Michael Martin Date of Application: 03/24/2023  
Driver's License #: \_\_\_\_\_ State: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: Bay St Louis State: Ms Zip: 39520  
Phone#: \_\_\_\_\_ E-mail (optional): \_\_\_\_\_  
Physical Address or Parcel # for RV use: 518 Fellgrass St. Waveland, Ms 39576  
Current Zoning: R1 Flood Zone: X Foundation Inspection: n/a  
Permit #: \_\_\_\_\_ Date Permit was Issued: \_\_\_\_\_  
RV Registration #: have not purchased yet RV Insurance #: have not purchased yet

309.5 A Temporary Conditional Use for a Recreational Vehicle may be applied for only in connection with the erection of a permanent residential dwelling when the following listed conditions have been met. Said conditional use may be permitted by the Board and Mayor of Aldermen, upon review and recommendation by the Planning and Zoning Commission with the procedures and under the conditions set forth in Article IX.

- A. Without a permit, it shall be unlawful for any person, firm, or corporation to dwell in a Recreational Vehicle as contemplated by Section 409.5 within the City of Waveland. The violation of any of the provisions of Section 409.5 shall be deemed a misdemeanor, with each day of the violation being considered a separate offense. A fine of up to one hundred dollars for each day may apply for each violation.
- B. Approval of the Temporary Conditional Use permit shall be for a period of time not to exceed 180 days. Before the expiration of the initial **180 day** period, the applicant may make application to the Planning and Zoning Commission, for approval by the Mayor and Board of Aldermen, requesting an additional 180 days.
- C. Upon completion of the structure, use of the Recreational Vehicle must be in compliance with the regulations of the Zoning Ordinance and other applicable local, State, and Federal regulations.
- D. Only one Recreational Vehicle, serial number to be provided, is allowed on the location for which a building permit is issued. Said Recreational Vehicle may not be rented and may only be occupied by the owner(s) of the property.
- E. The applicant must provide sufficient evidence of the following conditions, in addition to the provisions listed in Section 906.3, with the submission of the Temporary Conditional Use application:

1. Issuance of a valid and current building permit for a residential structure;
2. Verification of a completed and inspected foundation on the property;
3. Submittal of an Evacuation Plan for the Recreational Vehicle in the instance that a named storm enters the Gulf of Mexico and/or a voluntary or mandatory evacuation is ordered for the area;
4. A copy of the title and proof of insurance on the Recreational Vehicle;
5. Proof that the Recreational Vehicle is able to be transported over the streets and highways and has the appropriate state and local licenses;
6. Proof of quick disconnect to City utilities;
7. There must not be any structural additions to the Recreational Vehicle;
8. Recreational Vehicles and the subject properties must be in compliance with and are restricted by the requirements and standards of the Flood Damage Prevention Ordinance.

F. The above stipulations and conditions are not intended to be all inclusive, and each application may have additional stipulations and conditions as the health, safety, and welfare of the City require.

G. At any time the Planning or Zoning Officer or Building Official deems that the conditions and stipulations attached to the Temporary Conditional Use permit are not met, the Temporary Conditional Use permit will be deemed withdrawn without further action and appropriate enforcement measures will be taken.

H. A final permit fee for the placement of a temporary construction recreational vehicle of One Hundred dollars (\$100.00) is required.

Applicant Signature: Michael Martin

Date: 03/24/2023

Zoning Official Sign-Off: J. M. Cul

Date: 3/24/23

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

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

To whom it may concern,

I am requesting a single-family home to be built on a lot I purchased that has a preexisting 30' x 40' garage. Along with the single-family home I would like to add a 30' x 40' cover off the garage.

To construct this single-family home including the cover I am requesting the following variances:

- 5' variance right side yard
- 5' variance left side yard
- 5' variance rear yard

The existing building does not meet the following variances:

- 5' variance left side yard
- 5' variance rear yard

Thank,

Michael Martin

Prepared by:  
Melissa Nunley Reso  
Attorney at Law, MS Bar No. 101506  
2318 Pass Road, Unit 3  
Biloxi, Mississippi 39531  
228-207-0484

Return to:  
Team Title, LLC  
2318 Pass Road, Unit 3  
Biloxi, Mississippi 39531  
228-207-0484

File #: 22-4412-MS

Indexing Instructions: EXEMPT

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 considerations, the receipt and sufficiency of which are hereby acknowledged, we,

**Mitchell Gaudet and wife, Erica Gaudet (Grantors)**

[REDACTED]

do hereby sell, convey, bargain and warrant to

**Michael Martin (Grantee)**

[REDACTED]

the following described real property situated and located in Hancock County, State of Mississippi, more particularly and certainly described as:



**Lots 7 and 8, GRASS ACRES SUBDIVISION, Fourth Ward, Town of Waveland, Hancock County, Mississippi, as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of Hancock County, Mississippi.**

**This being the property obtained by Grantors under Warranty Deed recorded on 04/17/2019 in Book 2019 at Page 4774 in the Office of the Chancery Clerk of Hancock County, Mississippi.**

The conveyance herein is subject to all easements, roadways, servitudes, restrictive covenants and oil, gas and other mineral reservations, exceptions, conveyances ad leases of record or obvious on reasonable inspection of the subject property.

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

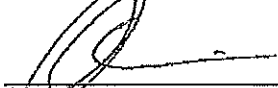
The parties agree that the Ad Valorem taxes for 2022 tax year are being prorated as of this day and are assumed by the Grantee herein.

WITNESS our signatures, this the 23<sup>rd</sup> day of May, 2022.

**GRANTORS:**



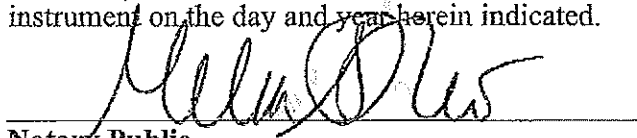
Mitchell Gaudet



Erica Gaudet

STATE OF Mississippi  
COUNTY OF Hancock

Personally appeared before me, the undersigned authority in and for the said County and State, on this 23<sup>rd</sup> day of May, 2022, within my jurisdiction, the within named **Mitchell Gaudet and Erica Gaudet** and acknowledged that they executed the above foregoing instrument on the day and year herein indicated.



Notary Public

My Commission expires: 10/23/24



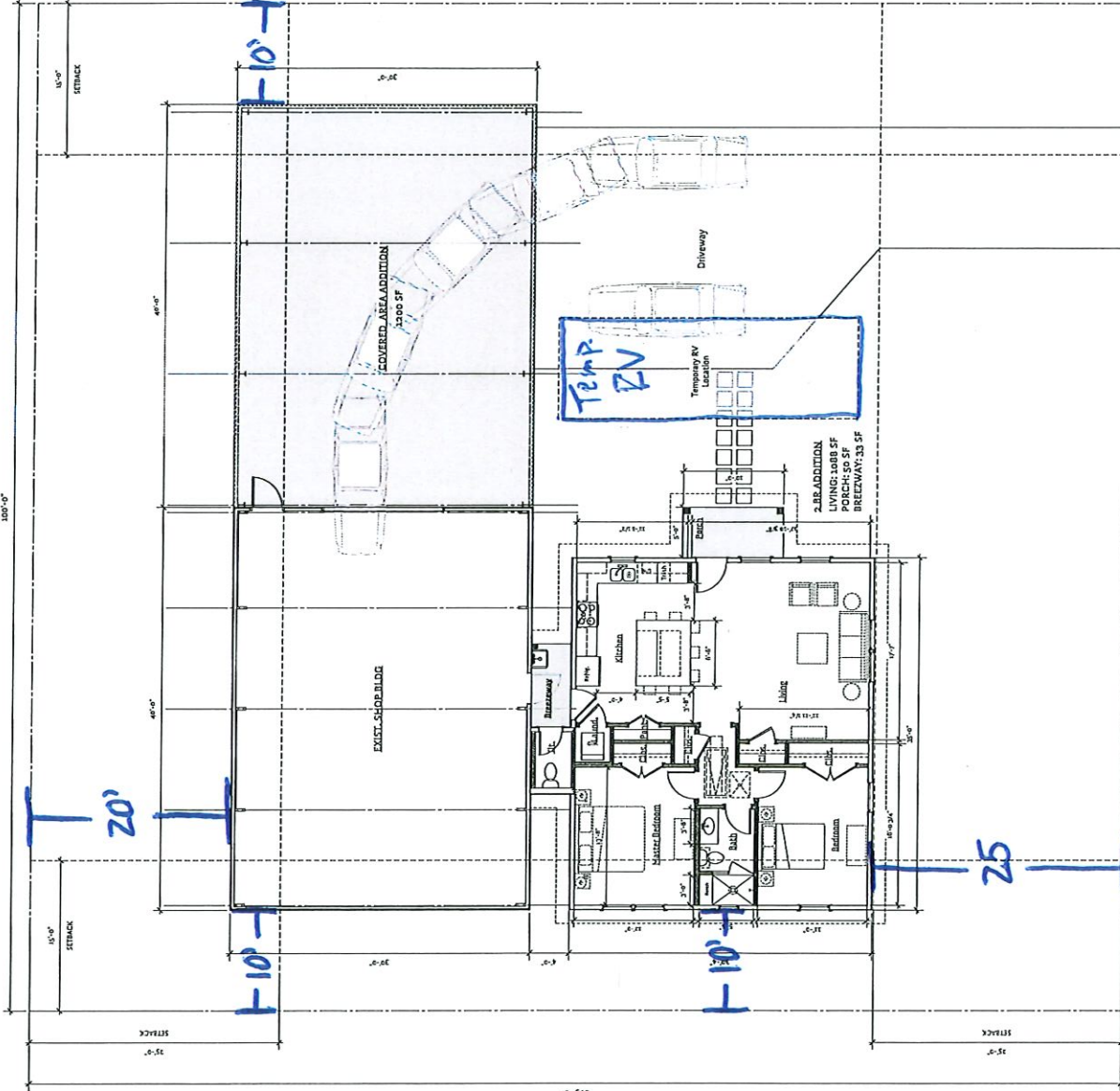
**TAX NOTICES:** Grantee is responsible for the property taxes.

**ZONING SUMMARY**

Section 701. Area, Yard and Height Requirements for R-1 Single Family Residential District. The following area, yard and height requirements shall apply to all structures in this zoning district:

- 701.1 Minimum Lot Area 12,000 square feet
- 701.2 Minimum Lot Width 100 feet
- 701.3 Minimum Front Yard 25 feet except as required in Section 720.
- 701.4 Minimum Side Yard 15 feet except as required in Section 720.
- 701.5 Minimum Rear Yard 25 feet except as required in Section 720.
- 701.6 Maximum Lot Coverage 45%

- 701.8 Accessory Building
- A. The size of an accessory building shall be limited to a one story building not larger than 500 square feet in area.
  - B. Accessory buildings shall be:
    1. Shall not exceed fifteen (15) feet in height in residential zones.
    2. Shall occupy no part of the front yard or required side yard of a residential lot, except a garage or accessory building may occupy the (5) feet of the required side and ten (10) feet of the required rear yard. The structure shall be not less than twelve (12) feet from a principal structure. The structure shall be located closer than five (5) feet to any property line.
    3. May occupy one-half (1/2) the dimension of the required side yard if the garage is to be not less than twelve (12) feet from a principal structure.
    4. Where applicable, the requirements of Section 720 shall apply.



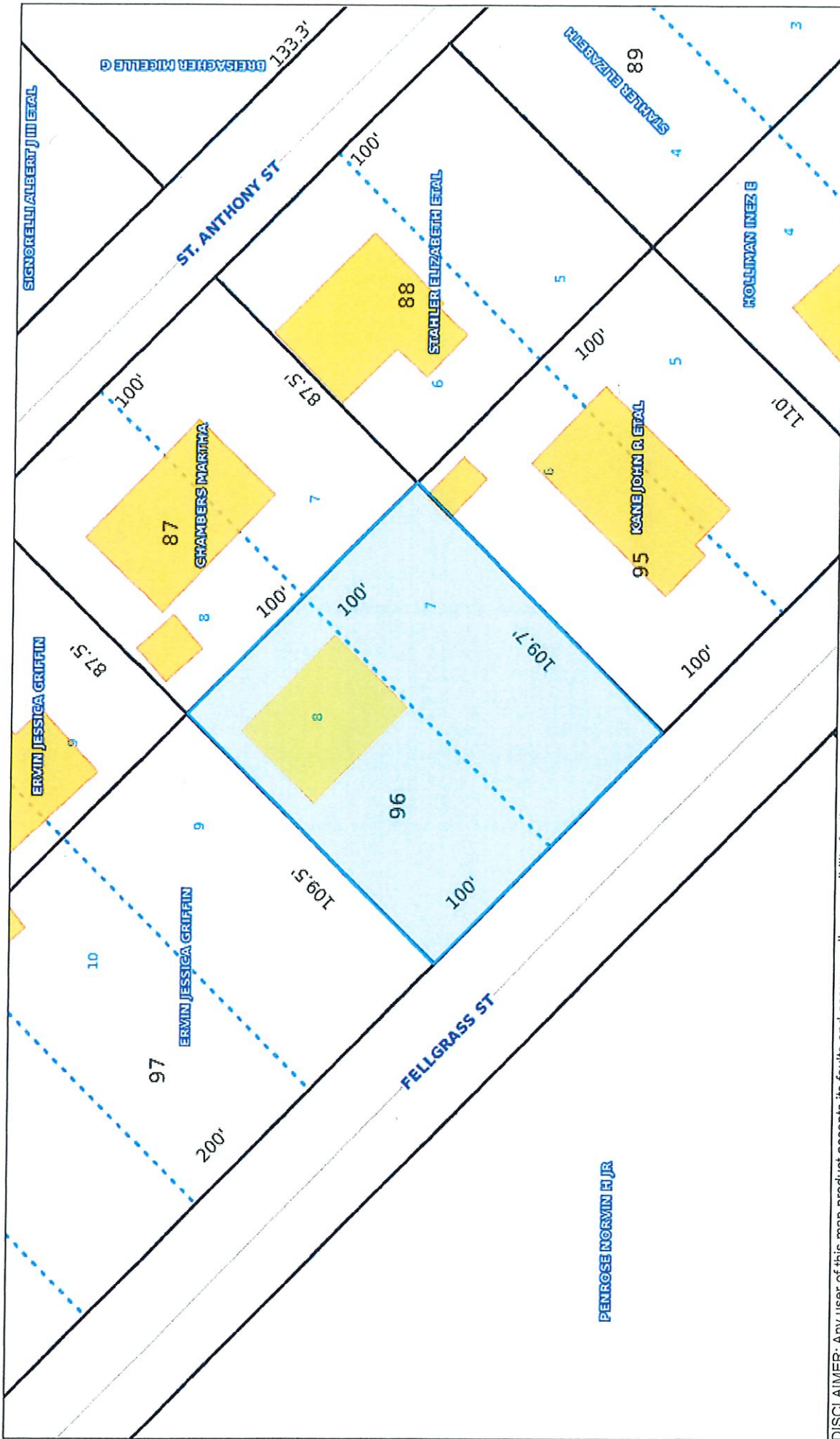
FELL GRASS STREET

1 Site Plan/Roof Plan  
A1 Scale: 1/8" = 1'-0"



NO.	OWNER	REVIEW
2-13-23	OWNER	REVIEW
3-22-23	OWNER	REVIEW

# 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.



# Geoportal Map



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161D-0-02-096.000

**Parcel Number:** 161D-0-02-096.000

**Owner Name:**

**Owner Address:**

**Owner City, State ZIP:**

**Physical Address:**

**Improvement Type:**

**Year Built:**

**Base Area:**

**Adjusted Area:**

**Actual Total Value:**

**Taxable Total Value:** 0

**Estimated Tax:**

**Homestead Exemption:** No

**Deed Book:**

**Deed Page:**

**Legal Description 1:**

**Legal Description 2:**

**Legal Description 3:**

**Legal Description 4:**

**Legal Description 5:**

**Legal Description 6:**

**Longitude:** -89

**Latitude:** 30

**Square Footage:** 10620.44







