

CITY OF WAVELAND
PLANNING & ZONING COMMISSION
SPECIAL MEETING AGENDA
JANUARY 9TH, 2023 6:00 PM

1. Call to Order / Roll Call.
2. Motion to approve the minutes from the Planning & Zoning Meeting held Monday, November 14, 2022.
3. Christopher Foster, owner of the property commonly known as 217 Gulfside St., parcel #162A-0-03-066.000, has made an application for two variances in order to split his lot. The first variance is for 37.5 feet of street frontage on both properties from the required 100 feet which would made the lots 62.5 feet in width. The second variance is for 4,812.5 square feet on each property from the required 12,000 square feet minimum which would make each property 7,187.5 square feet in size. The purpose is to construct a house for his son next door.
4. Kurt & Rebecca Carr, owners of the property commonly known as 109 Whispering Pines Dr., parcel #161B-2-01-102.000, have made an application for a right side-yard variance of four (4) feet in order to construct a one bedroom, one bathroom addition to their house.
5. Mark Shiffer, owner of the property commonly known as 10049 Eden St., parcel #139B-0-29-239.000, has made an application for a Conditional Use in order to place two (2) temporary containers to be used for storage during the construction of his new permanent single-family residence.
6. Charles Johnson, owner of the property commonly known as 319 Jeff Davis Ave, parcel #161D-0-02-187.000, has made an application for the Temporary Use of an RV during the construction of his new primary residence. The RV will be allowed occupancy of 180 days.
7. Comments from Chair, Commissioners, & Staff
8. Public Comments to the Commissioners
9. Adjourn: AT _____ P.M.

**MINUTES
WAVELAND PLANNING & ZONING COMMISSION
REGULAR MEETING
NOVEMBER 14, 2022**

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 pm on Monday, November 14, 2022 at Waveland City Hall in the Board Room located at 301 Coleman Ave, Waveland, MS 39576.

Chairman Jim Meggett called the meeting to order at 6:00pm. Present at the meeting were Commissioners Mike Adams, Clarence Harris, Bryan Frater and Gary Catalano. Also present were Zoning Manager, Jeanne Conrad. City Attorney, Malcolm Jones, was not present.

Chairman Meggett called for a motion to approve the minutes from the Planning & Zoning Regular Meeting held on Monday, October 17, 2022, with a noted typo concerning the date of previous meeting in the minutes. The corrected minutes state "Commissioner Adams called for a motion to approve the minutes from the Planning & Zoning Regular Meeting held on Monday, September 19, 2022". Commissioner Adams moved, seconded by Commissioner Frater to approve the minutes with the date correction.

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

Darren Dueitt, owner of a property on Hoffman Ln., parcel #161B-2-02-134.000, has made an application for a Re-subdivision and variances for the new proposed lots. The proposed lot split will create 5 new buildable properties. Proposed parcel A needs a one-hundred (100) variance on the street frontage as it will share an access easement with proposed parcel B. Proposed parcel B needs a fifty (50) feet variance on the street frontage. Proposed parcels C & D do not need any variances because they both meet the requirements set forth in Zoning Ord. #349. Proposed parcel E needs an eighty (80) feet variance on the street frontage.

Commissioner Frater noted that there were multiple individuals in the audience that had questions and wanted to speak about Mr. Dueitt's application. He then made a motion to move Mr. Dueitt to the last item on the agenda in order to get the rest of the applicants done first. Commissioner Adams seconded the motion.

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

Vinnie Bonadona, owner of the property commonly known as, 321 Hillcrest St., parcel #161E-0-02-075.000, has made an application of a Conditional Use for an Accessory Structure over 500 square feet. The applicant is requesting to construction an accessory structure of 1,120 square feet to be used for storage.

Mr. Bonadona came forward to explain his application. He stated that the accessory structure will be a 3-car metal building to store his classic car as well as work tools and vehicles. After discussion between the Commission and the applicant, Chairman Meggett called for anyone to come forward to comment on the application. Chairman Meggett noted that no one came forward from the audience.

Chairman Meggett called for a motion. Commissioner Adams made a motion to accept the variance application as written, seconded by Commissioner Frater.

After a unanimous vote of yes by all Commissioners present, Chairman Meggett stated that the application meets all conditions and criteria set forth in section 906.3 of the zoning ordinance (*see below) and declared the motion passed.

Bill Ivey, owner of the property commonly known as 316 Hoffman Ln., parcel # 161C-0-02-212.003, has made an application for a variance of one (1) foot from the right-side property line. The request is to be eleven and a half (11.5) feet from the right property line in order to construct a new single family residential home.

Mr. Ivey came forward to explain his application. Commissioners noted that this property was previously owned by Kenny Monti which came before the Commission to have two live oak trees removed. He was approved with the condition he would plant 9 live oak trees or donate them to the City. Mr. Monti has not done as was stipulated.

Chairman Meggett called for anyone to come forward to comment on this application. Mark and Lori Winklehake, owners of the property commonly known as 314 Hoffman Ln., and Marcie Longo, owner of the property commonly known as 320 Hoffman Ln., came forward to ask about why the house has already started with the foundation before requesting the variance? Mr. Bryan Therolf, resident on Gulfside St., came forward to ask why he was issued a permit if the setbacks did not meet zoning requirements?

Mr. Ivey came forward to reply to all of the questions. After all discussion between the applicant and the Commission, Commissioner Frater made a motion to accept the variance request as written with the condition that Mr. Ivey replace the 9 live oak trees that was required by Mr. Monti. Commissioner Catalano seconded the motion.

After a vote of no from Commissioner Adams, and yes from Commissioners Harris, Frater, and Catalano, Chairman Meggett stated that the application meets all conditions and criteria set forth in section 906.1 of the zoning ordinance and declared the motion passed.

Mr. Ivey requested that it be noted, Commissioner Adams' reason for voting no was due to the stipulation of the trees being a condition of the motion.

*Chairman Meggett added that the reference to the Zoning ordinance for the previous case was not stated and added here that the application meets all conditions and criteria set forth in section 906.3 of the zoning ordinance.

Linda and Michael Hannan, owners of the property commonly known as 136 Lakewood Dr., parcel #161B-2-01-023.000, have made an application for a five (5) feet variance in order to construct a porch addition. The request is for the back corner of the porch to have a 20 feet setback from the rear property line.

Mrs. Hannan came forward to explain the application request. Discussion between the applicant and the Commission included the types of shingles, attachment to the existing roof, and posts being used.

Chairman Meggett called for anyone from the audience to come forward to make any comment. No one from the audience came forward. Chairman Meggett called for a motion. Commissioner Frater made a motion, seconded by Commissioner Harris, to accept the variance request. Chairman Meggett stated that the application meets all conditions and criteria set forth in section 906.1 of the zoning ordinance.

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

Cindi & Gregory Poindexter, owners of the property commonly known as 105 Venus St., parcel #162A-0-03-122.000, have made an application for the temporary use of an RV during new construction of their primary home. The RV will be allowed temporary occupancy for 180 days. The applicants have also made a request for a variance on the maximum height requirement for an accessory structure to house the RV. The request is for a one (1) foot variance in order to have the accessory structure height at sixteen (16) feet in height.

Mr. Gregory Poindexter came forward to explain his request. He clarified that they may not need the camper anymore and withdraws his application. He also stated that the variance needed for the mean height of the accessory structure is 3" instead of 1'.

After a brief discussion between the applicant and the Commission, Chairman Meggett called for anyone in the audience who would like to come forward to comment on the application. No one from the audience came forward.

Commissioner Frater made a motion to accept the variance request, seconded by Commissioner Adams. Chairman Meggett stated that the application meets all conditions and criteria set forth in section 906.1 of the zoning ordinance.

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

Julie & Todd Navarro, owners of the property commonly known as 120 Favre St., parcel #161M-0-11-063.000, have made an application for multiple variances on the property in order to construct a new single family residential home. The requests are five (5) feet variances from the front and rear yard setbacks and two and a half (2.5) feet variances on both side yard setbacks. The new setbacks will be twenty (20) feet from the front and rear property lines and ten (10) feet from both side property lines.

**Mr. and Mrs. Navarro were not present for the meeting. After a discussion between the Commission and a few members of the audience, the Commissioners decided to move this item and the next item to the end of the agenda, after Mr. Dueitt's application, in order to try and get the applicants to phone conference in for the meeting.

Commissioner Frater moved, seconded by Commissioner Catalano, to move the two Navarro application to the end of the agenda.

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

Julie & Todd Navarro, owners of the property commonly known as 302 Fink St., parcel # 162K-0-10-134.000, have made an application for multiple variances on the property in order to construct a new single family residential home. The requests are five (5) feet variances from the front and rear yard setbacks and two and a half (2.5) feet variances on both side yard setbacks. The new setbacks will be twenty (20) feet from the front and rear property lines and ten (10) feet from both side property lines.

Moved to the end, after Mr. Dueitt's application. See above for motion.

Bernard Construction, representative Shane Bernard, owner of the property commonly known as 101 N Beach Blvd., parcel # 161E-0-02-127.000, has made an application for a variance on the front setback requirement for a beach front property and a variance request for the minimum parking space requirement for a lounge/bar. The setback request is for a forty-two (42) feet variance in order for the front of the structure to be eight (8) feet from the front property line. This is to preserve a line oak tree on the property. The parking

space request is to have ten (10) parking spaces under the structure. This meets the parking requirements for the condos but not for the lounge/bar. This is due to the parking bays on Coleman Ave. allowing for public parking.

Mr. Bernard came forward to explain his requests. He clarified that these are conceptual drawings. His request is to allow for expansion if needed. A question about where the setback measurement on the building is located. Does the setback from the property line go to the first foundation column or does it go to the edge of the building where the lounge/bar is located. This question arises from the uncovered pool area at the front of the building.

After all discussions between the Commissioners and the applicant, Chairman Meggett called for anyone from the audience to come forward with their comments.

Althea Boudreaux, owner of the property commonly known as 220 Coleman Ave., came forward with a question of how tall the building will be. Mr. Bernard stated that the bottom member under the building will be at 27' above sea level. The building above that measurement will be 30' in height. This gives the total building a 67' height from grade to the roof pitch.

Mary Beth Cooper, owner of the property commonly known as 102 S Beach Blvd., came forward to explain her concerns about this big project being put on such a small lot. Her main concerns include parking for patrons and delivery trucks as well as beachgoers. Chairman Meggett stated that, after talking with Mayor Mike Smith, the City has bought a piece of property off of Terrace Ave. and Arlington St. which is a short walk to the proposed condos and Mayor Mike stated that he would like to see the City use that property to build a parking structure. This would solve the parking issue for the condos.

Rachel Knight, president of Hancock County Tourism, came forward to comment on the application stating that this project will be good for Waveland's economy and growth.

Chairman Meggett called for anyone else to come forward and comment on this application. Mrs. Althea Boudreaux came forward to make an additional comment agreeing with Mrs. Cooper about the parking issues with Coleman Ave.

Mrs. Suzanne Bertoniere, owner of the property commonly known as 229 N Beach Blvd., came forward to ask a question about if the parking structure the city plans to construct will be free or paid parking. Chairman Meggett stated that he didn't know the specifics.

Mr. Bernard stated that he would be very interested in a partnership with the City to construct and use of a parking structure.

After additional comments from the Commissioners, Chairman Meggett called for a motion. Commissioner Catalano made a motion to accept the variance as written, seconded by Commissioner Adams. Chairman Meggett stated that the application meets all conditions and criteria set forth in section 906.1 of the zoning ordinance.

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

Darren Dueitt, owner of a property on Hoffman Ln., parcel #161B-2-02-134.000, has made an application for a Re-subdivision and variances for the new proposed lots. The proposed lot split will create 5 new buildable properties. Proposed parcel A needs a one-hundred (100) variance on the street frontage as it will share an

access easement with proposed parcel B. Proposed parcel B needs a fifty (50) feet variance on the street frontage. Proposed parcels C & D do not need any variances because they both meet the requirements set forth in Zoning Ord. #349. Proposed parcel E needs an eighty (80) feet variance on the street frontage.

Mr. Dueitt was not present for the meeting. Chairman Meggett and the Commissioners discussed and made clarifications about the description. Chairman Meggett called for anyone from the audience to come forward to comment on the application.

John Ascherl, owner of the property commonly known as 226 Hoffman Ln., came forward for clarification on what a variance actually means and what the applicant is asking for on each proposed property.

After discussions between the Commissioners, the audience, and Zoning Manager, Jeanne Conrad, Chairman Meggett asked if anyone else would like to come forward to comment.

Amy Doescher, owner of the property commonly known as 336 Terrace Ave., representing Mr. and Mrs. Bergeron, owners of the property commonly known as 609 N Beach Blvd., read an email into the minutes for Mr. and Mrs. Bergeron opposing the application for re-subdivision. Their opposition is due to the risk of increase traffic and there is plenty of room for development as the properties are split today. Ms. Doescher stated that she is also in opposition to this application for the same reasons given by the Bergeron's.

John and Stefanie Ascherl, came forward again for discussion with the Commissioners. After all discussion and clarifications, the Ascherl's declared they are in opposition to the application due to lack of fire hydrant and increase in traffic.

Althea Boudreaux came forward to comment about the width of the streets on Hoffman Ln. as well as her residency on Angel Ln. The streets are too narrow and the water and sewer lines are not run correctly.

After all discussions, Chairman Meggett called for any of the Commissioners to make a motion. Commissioner Frater made a motion, seconded by Commissioner Adams to accept the variances as corrected.

After a vote of yes by Commissioners Adams and Frater, and a vote of no by Commissioners Harris and Catalano, Chairman Meggett broke the tie with a vote of no. The recommendation is to deny the application.

Julie & Todd Navarro, owners of the property commonly known as 120 Favre St., parcel #161M-0-11-063.000, have made an application for multiple variances on the property in order to construct a new single family residential home. The requests are five (5) feet variances from the front and rear yard setbacks and two and a half (2.5) feet variances on both side yard setbacks. The new setbacks will be twenty (20) feet from the front and rear property lines and ten (10) feet from both side property lines.

Mr. and Mrs. Navarro were not present for the meeting and they did not reply to the email that was sent by Zoning Manager, Jeanne Conrad to call in if they were available.

Chairman Meggett called for anyone to come forward to speak for or against the application.

Althea Boudreaux, owner of the property commonly known as 116 Favre St., asked for clarification on where the measurement for the variance starts. Mrs. Boudreaux read the email she sent to Zoning Manager, Jeanne Conrad for the record. She also stated that this property was brought before the Commission 3 months ago.

After all discussions between the Commission and the audience, Chairman Meggett called for a motion. Commissioner Frater made a motion to deny the front and rear variance requests but to accept the side-yard

variance requests with the condition that the owners install gutters to help with stormwater drainage to the ditches. Commissioner Adams seconded the motion.

After a vote of yes by Commissioners Adams and Frater, with a vote of no by Commissioners Harris and Catalano, Chairman Meggett broke the tie with a vote of yes. Chairman Meggett stated that the application meets all conditions and criteria set forth in section 906.1 of the zoning ordinance and declared the motion passed.

Julie & Todd Navarro, owners of the property commonly known as 302 Fink St., parcel # 162K-0-10-134.000, have made an application for multiple variances on the property in order to construct a new single family residential home. The requests are five (5) feet variances from the front and rear yard setbacks and two and a half (2.5) feet variances on both side yard setbacks. The new setbacks will be twenty (20) feet from the front and rear property lines and ten (10) feet from both side property lines.

Mr. and Mrs. Navarro were not present for the meeting and they did not reply to the email that was sent by Zoning Manager, Jeanne Conrad to call in if they were available.

Chairman Meggett called for anyone to come forward to speak for or against the application.

Gary Dauphin, owner of the property commonly known as 423 Waveland Ave. and the owners of the property adjacent to the side of 302 Fink St., came forward to oppose the application for the front and side variances. He stated that he has no objection to the rear variance request as it does not affect his property to the side.

After all discussions between the Commission and the audience, Chairman Meggett called for a motion. Commissioner Frater made a motion to deny the front yard variance and to accept the side-yard and rear variance request. Commissioner Adams seconded the motion.

After a vote of yes by Commissioners Adams and Frater, and a vote of no by Commissioners Harris and Catalano, Chairman Meggett broke the tie with a vote of no. The recommendation is to deny the application.

Chairman Meggett called for any comments from the Commissioners and staff.

The next Board of Mayor and Aldermen meeting will be held Wednesday, Dec. 7, at 6:30 pm due to the final election being held on Tuesday, Dec. 6. The next Planning and Zoning meeting will be held Monday, Dec. 12 at 6:00pm. If there is no December meeting, this will be the last meeting of the Planning and Zoning Commission.

Commissioner Frater made a comment on amending the tree ord. to require a deposit payment to replace all applicable trees due to the removal of trees. If the applicant decides to replace the trees and shows proof that they have been planted, they will be given a refund.

Commissioner Frater made a motion that states" section 5 paragraph d "at the time the applicant applies for a tree removal permit to cut down a protected tree, said applicant will place upon a deposit to the City of Waveland the sum of \$250 per tree determined in section 5 paragraph c. Said deposit or any part therein shall be refunded to the applicant after proof of any replacement determined by the building official. Applicant shall have 1 year from the date of removal permit to request reimbursement or will forfeit said rite." Chairman Meggett suggested an added request that any deposit paid shall go into the beautification fund and not the general fund. Commissioner Adams seconded the motion.

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

Chairman Meggett called for anyone in the audience to come forward for any additional comments to the Commission. Bryan Therolf came forward to make clarifications on what Keep Waveland Beautiful does for the City of Waveland. He stated that Keep Waveland Beautiful gets funds from Keep Mississippi Beautiful and the City has a line item that KWB uses to purchase necessities but most of their resources are donated.

Chairman Meggett called for anyone else to come forward if they wished to do so. Gary Dauphin stepped forward to briefly suggest that if an applicant doesn't show for a meeting, their application should be denied and the applicant be required to resubmit.

Chairman Meggett called for anyone else to come forward if they wished to do so. No one else came forward from the audience.

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

After a unanimous vote of yes by all commissioners present to adjourn the meeting, Chairman Meggett declared the motion passed and the meeting adjourned at 8:17 pm.

Respectfully submitted,

Jeanne Conrad, Zoning Administrator

Item #3

Christopher Foster

217 Gulfside St.

Variance Requests

Proposed lot split

Each property will be the same size

37.5' street frontage variances (62.5' frontages)

4,812.5 sq ft variances (7,187.5 sq ft)



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: Christopher J. Foster Date of Application: 10/31/22
Phone#: [REDACTED] E-mail (optional): [REDACTED]
Property Physical Address(s) or Parcel #(s): 162A-0-03-066.000
Current Zoning of Property: R1
Proposed Variance: 37.5' variance street frontage, 4812.5 sq ft area variance
Applicant Signature: Christopher J. Foster Date: 10/31/22

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: Christopher J. Felt

Date: 10/31/22

Zoning Official Sign-Off: J. M. Conrad

Date: 11/1/22

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

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

October 31, 2022

To City Council Members:

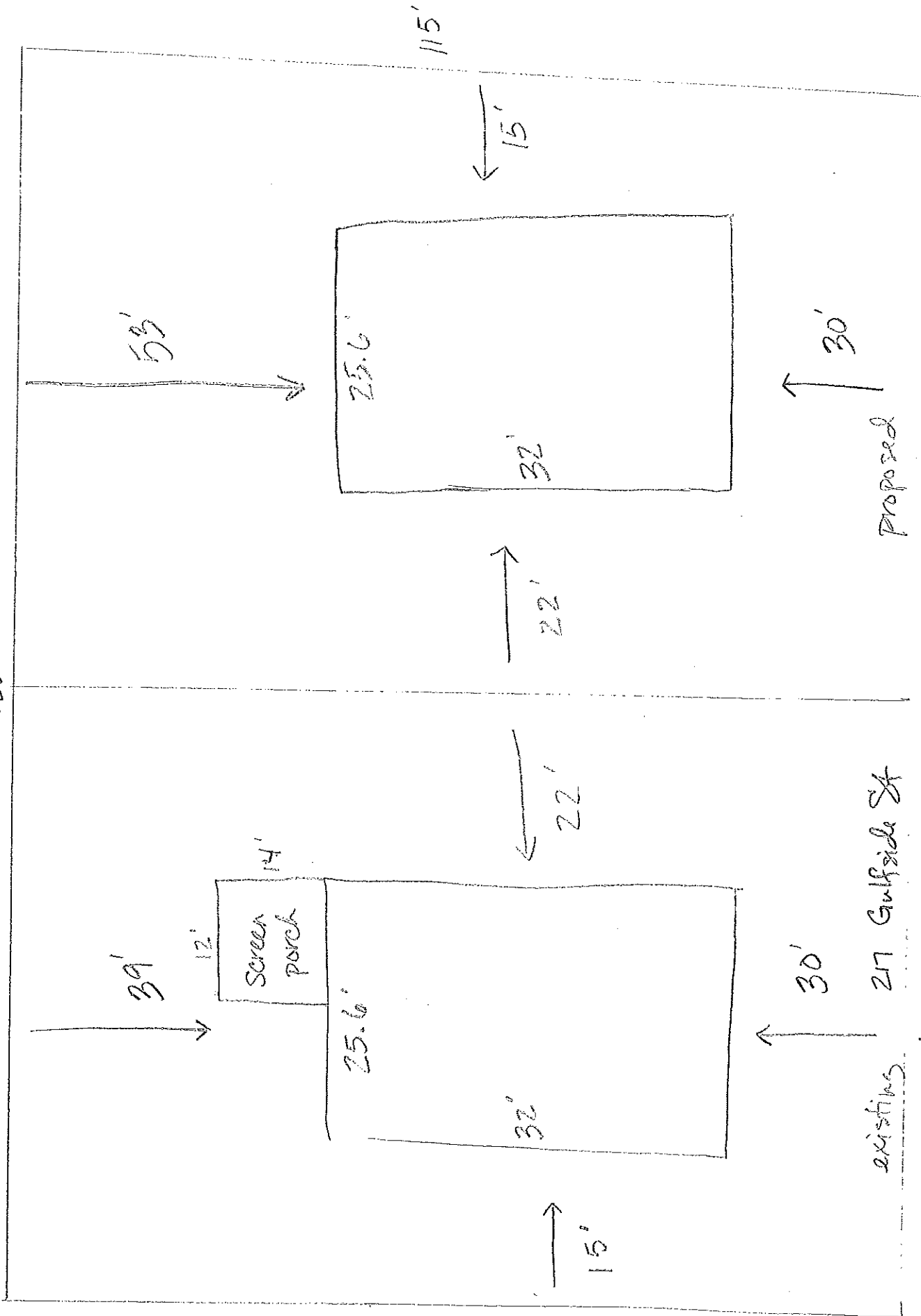
I am requesting to divide my existing parcel in half which requires a variance to the road frontage and total square footage. I have a disabled adult son, Christopher A. Foster, that I would like to build a small house for on the existing property. He is unable to live without assistance but his mental health physician suggests that he live on his own to establishing self-sustaining lifestyle habits. I would like to build an exact replica of my existing home which is 727 sq ft in living space. This does not require any other set back variances for the property. Thank you for your consideration.

Very Respectfully,

Christopher J. Foster

A handwritten signature in cursive script that reads "Christopher J. Foster". The signature is written in black ink and is positioned below the typed name.

175'



Proposed

217 Gulfside St

existing

62.5'

62.5'

Gulfside St.

Christopher & Jennifer Foster

Geoportail 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



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.

Item #4

Kurt & Rebecca Carr

109 Whispering Pines Dr.

Variance Request

Bedroom Addition

4' right side-yard variance to be 11.5' from property line



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: Rebecca Carr - Kurt K Carr Date of Application: 18 Nov 2022
Phone#: [REDACTED] E-mail (optional): [REDACTED]
Property Physical Address or Parcel #: 161B-2-01-102.000
Current Zoning District: R1 Flood Zone: AE
Mailing Address (if different): 109 Whispering Pines Drive, Waveland, MS 39576
Proposed Variance: 4 feet

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: Kurt Can Rebecca L. Can

Date: Nov. 18, 2022

Zoning Official Sign-Off: J-M. Conrad

Date: 11/22/22

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

Date: November 18, 2022
To: City of Waveland, Zoning Department - Jeanne Conrad
From: Kurt and Rebecca Carr
Regarding: Application for Variance – Room Addition
Address: 109 Whispering Pines Dr., Waveland, Mississippi 39576
Parcel: # 161B-2-01-102.000
Flood Zone: AE

Dear Planning & Zoning Members,

We are requesting a setback variance for the above address for an additional 292-square foot room addition, which includes a bedroom with on-suite bathroom. This room addition will expand a 1,505sf 2-bedroom 2-bath house into a 1,797sf 3-bedroom, 3-bath house. The room addition will be constructed with the same fit and finish and elevated on 11' 3" pylons conforming to the rest of house. The set-back variance request is for an elevated room addition, not a ground-level addition.

Whispering Pines Dr. runs North-West from Beach Blvd. to Central Avenue. Likewise, the front and back property lines run North-West. The perpendicular property lines between lots on Whispering Pines runs South-East.

The North-West corner of the room addition is three- and one-half feet within the fifteen-foot (15') Setback boundary of the neighboring property to the North as depicted (in the shaded area) on the attached plot plan from Duke Levy & Associates, P.A. The adjacent property to the North is vacant and does not have any structures.

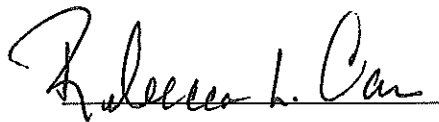
We are requesting a 4' Setback variance at the North-West property line.

If approved, the adjusted setback to the North-West property line will be eleven- and one-half feet (11.5') at the North-West corner of the addition, tapering along the property line towards the street.

Sincerely,



Kurt K. Carr Date 11-18-2022



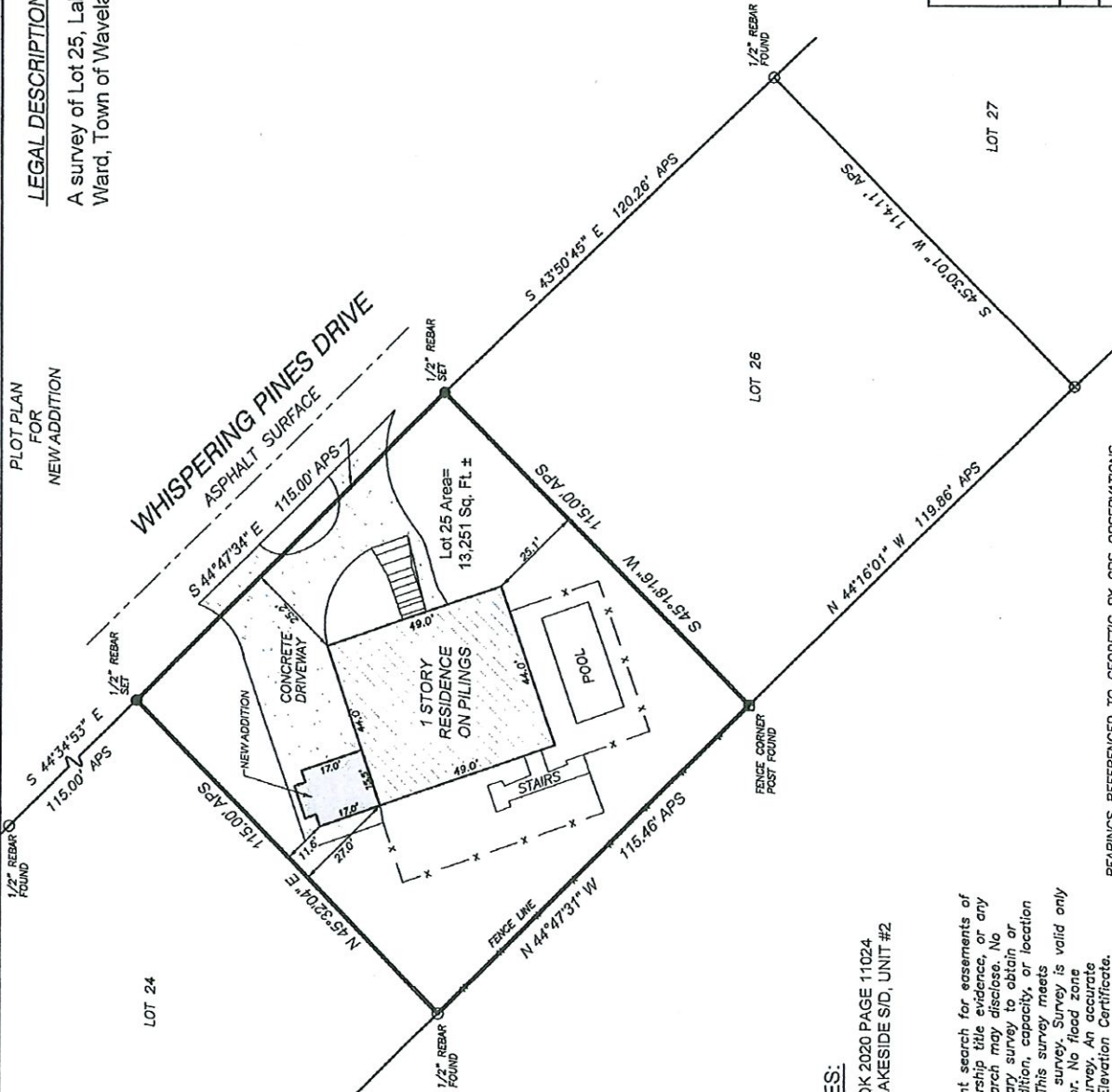
Rebecca L. Carr

Date 11-18-2022

LEGAL DESCRIPTION:

A survey of Lot 25, Lakeside Subdivision, Unit No. 2, First Ward, Town of Waveland, Hancock County, Mississippi.

PLOT PLAN FOR NEW ADDITION



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
Duke Levy, RLS #1722

DUKE LEVY & ASSOCIATES, P.A.
4412 LEISURE TIME DRIVE
DIAMONDHEAD, MS 39525
(228) 343-9691 PHONE

| | | | |
|----------|--------------|----------|--------------|
| SCALE: | 1" = 30' | DATE: | 11-09-2022 |
| DRAWING: | WO# 2022-274 | REVISED: | 11-15-2022 |
| | | CLIENT: | Rebecca Carr |

REFERENCES:

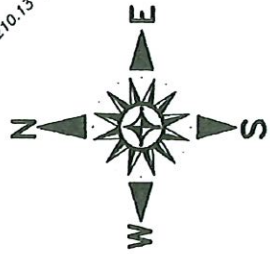
- DEED BOOK 2020 PAGE 11024
- PLAT OF LAKESIDE S/D, UNIT #2

NOTES:
Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

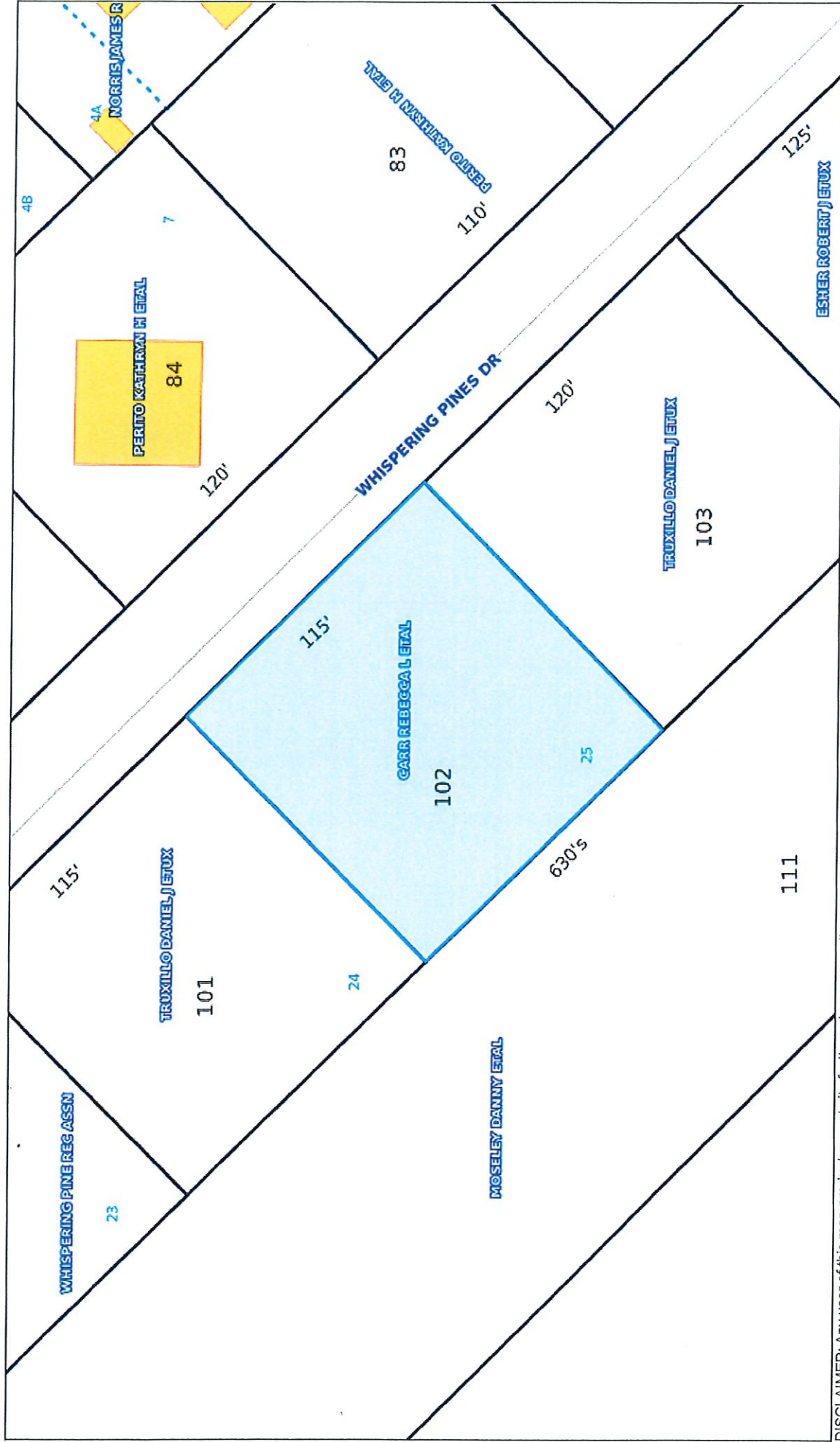
BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS

LEGEND:

- ☐ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- ⊞ FENCE CORNER POST
- ⊘ POWER POLE
- APS AS PER SURVEY
- APR AS PER RECORD

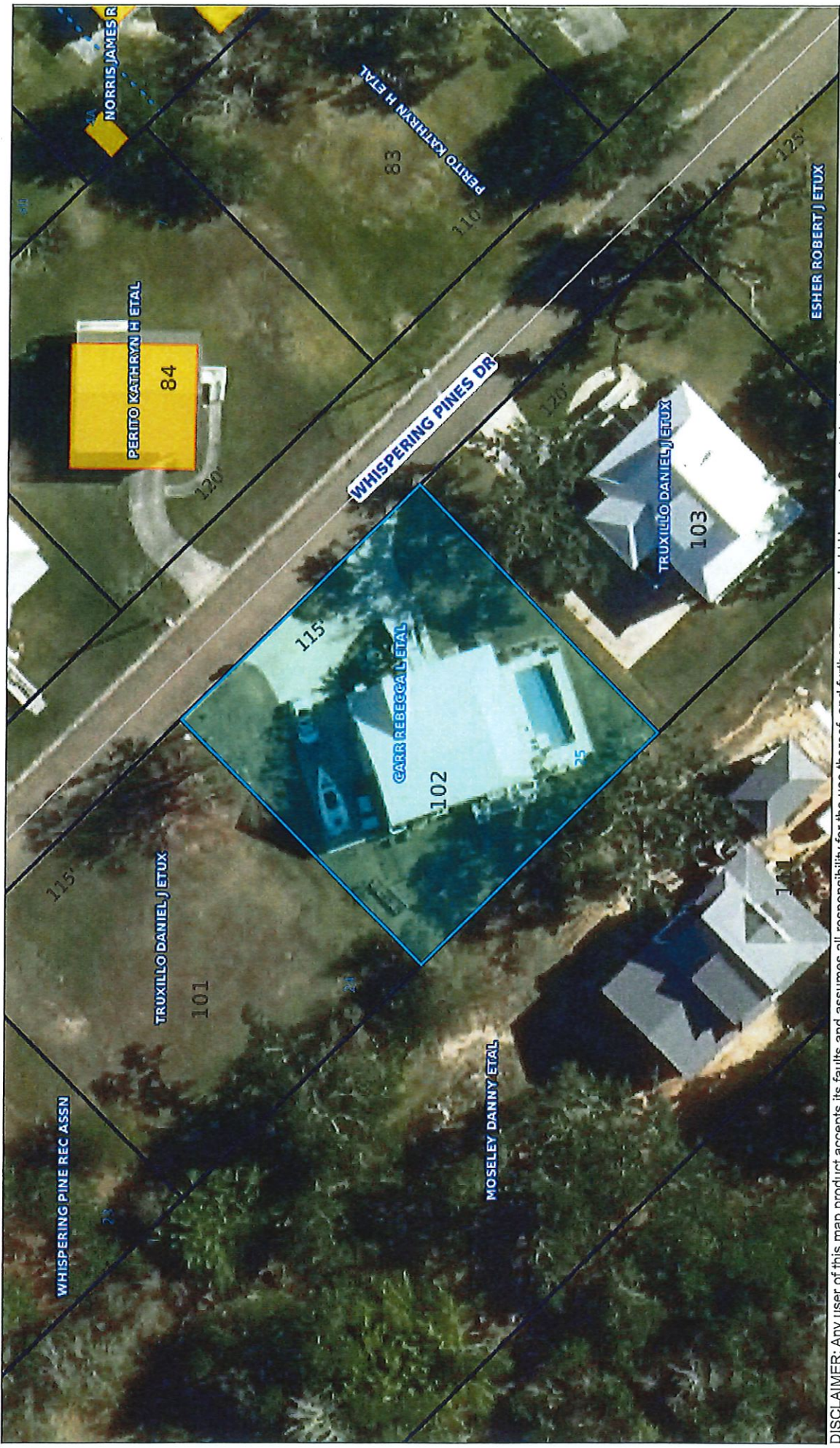


Geoportal Map



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Item #5

Mark Shiffer

10049 Eden St.

Conditional Use Request

Two Temporary Storage Containers

**To be used during New Construction of Primary
Residence**



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: Mark C. Shiffer Date of Application: 25 November 2022
Phone#: [REDACTED] E-mail (optional): [REDACTED]
Property Physical Address(s) or Parcel #(s) Eden Street; Parcels 1393-0-29-239/240/241 Block 731 lots 2,3,4,5,6
Current Zoning of Property and Proposed Conditional Use: Residential
Conditional Use Request: Owner wishes to install (2) temporary containers to house tools and materials while constructing a residence.

(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: Mark L. Shuffler

Date: 25 NOVEMBER 2022

Zoning Official Sign-Off: J. M. Cal

Date: 12/12/22

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

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

Chalmette, Louisiana

25 November 2022

By Email To:

Waveland, Mississippi

Planning and Zoning Commission

Board of Aldermen

Ladies and Gentlemen:

Please accept this letter as a formal request to install a temporary "structure" composed of Two (2) portable containers on our unimproved property in Shoreline Park conforming to your Zoning Ordinance Sections 409.1 and 409.3.

We have filed for permitting with the Army Corps of Engineers, the State of Mississippi and the City of Waveland to obtain permission to fill the property for the purpose of constructing a permanent residential dwelling and bulkhead.

To date, we are permitted by the City for 2'-00" of fill over the existing elevation.

The containers are required to lock up material and tools as we are absentee Owners for the moment. The area is semi-rural and only part inhabited. There are no permanent residents nearby of which we are aware. We have received direction from the Waveland Police Dept. that they do not patrol often in our area which is the literal northern boundary of Waveland City Limits. We have had some minor issues with vandalism.

We intend to comply with all city ordinances. We have spoken to the neighbors nearest us, who generally spend time sporadically in Shoreline Park and have heard no objections. All adjacent properties are unimproved.

Respectfully Yours,

Mark C. Shiffer

[Redacted signature line]

[Redacted signature line]

[Redacted signature line]

(2) 8' x 8' x 20'
CONTAINERS w/
TEMPORARY
ROOF STRUCTURE

TOOLS & MATERIALS
STORAGE ONLY

(2) STORY
RESIDENCE
(PROPOSED)

BOAT
HOUSE
STRUCTURE
(PROPOSED)

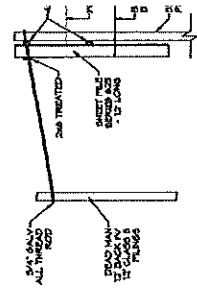
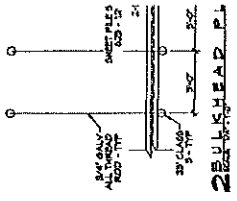
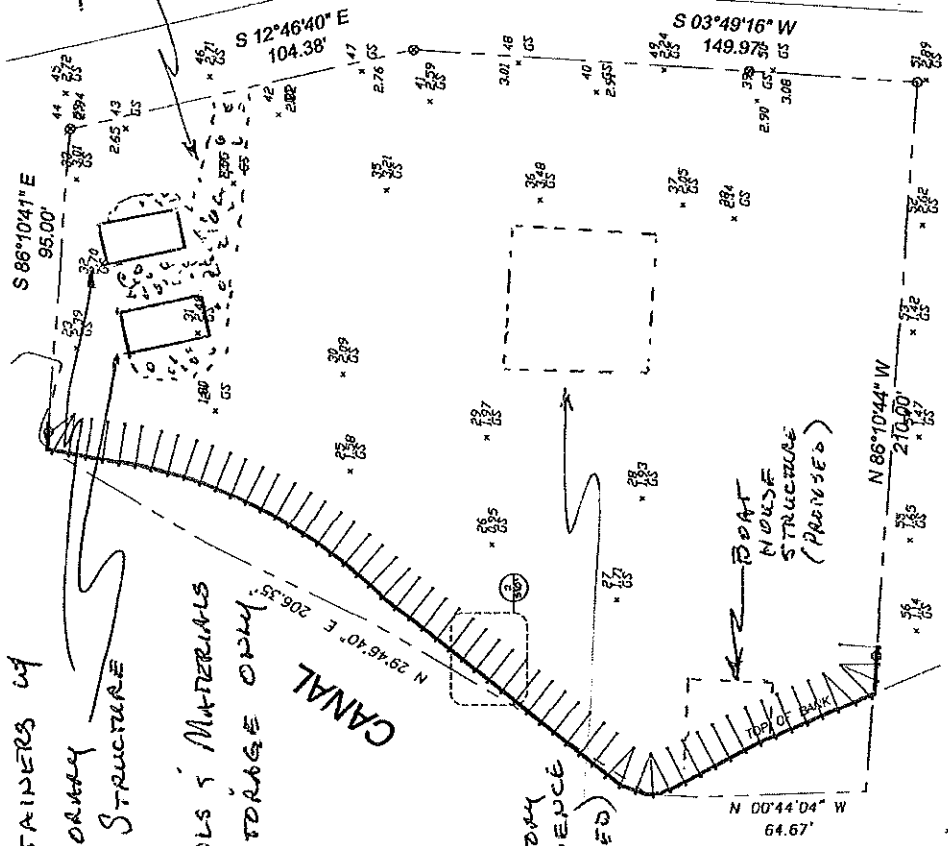
TEMPORARY DRIVE
5 PAD ELEVATED
TO 4'00" ELEV. ±
↑ SEA LEVEL.

PARCEL NOS.

1393-0-29-239.00
- 240.00

SHORELINE PARK
BLOCK 731
LOTS 2, 3, 4, 5, 6

EDEN STREET



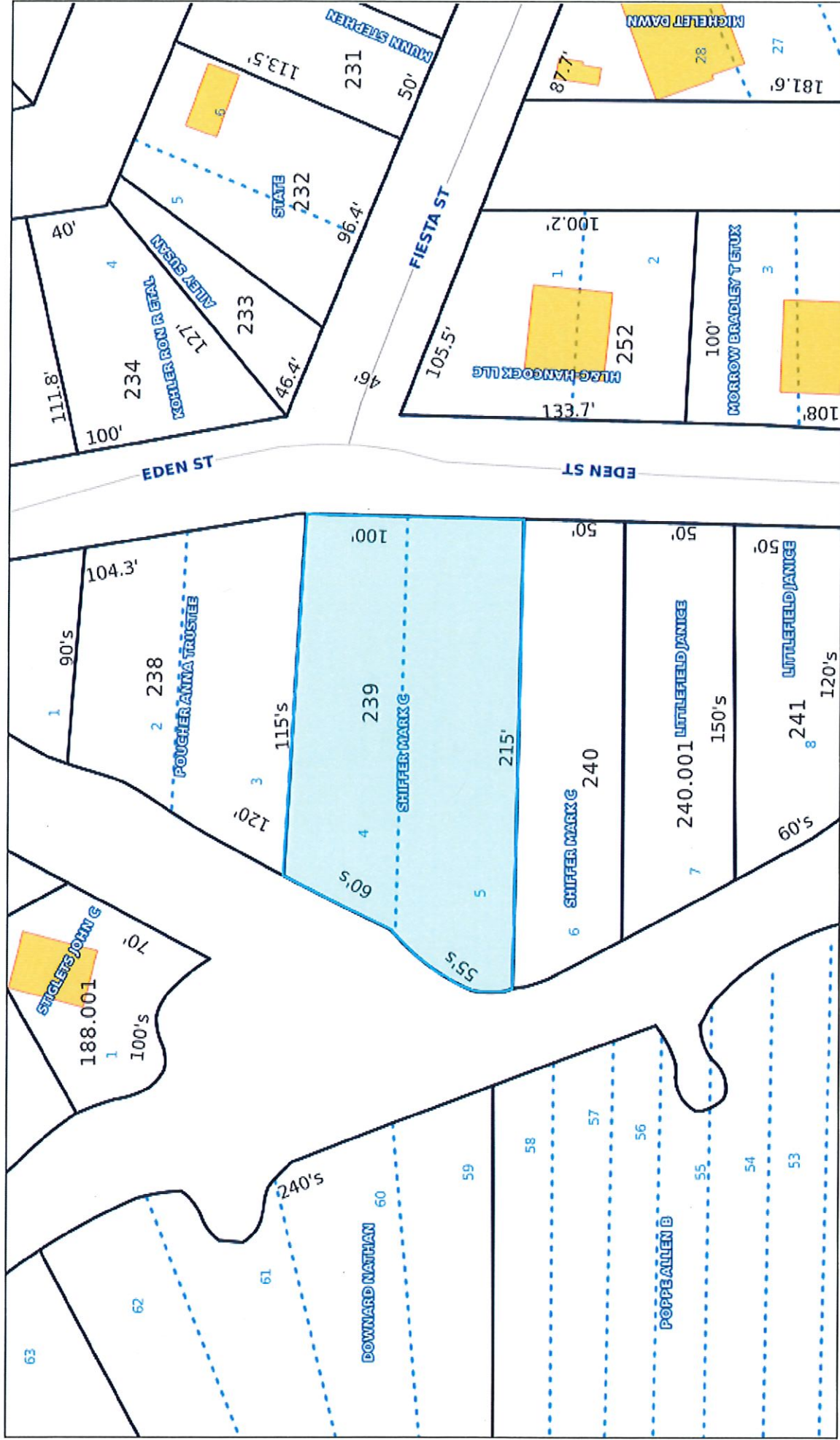
2 BULKHEAD SECTION

1 BULKHEAD PILING PLAN



11/09/2021

Geoportal Map



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Item #6

Charles Johnson

319 Jeff Davis Ave

**Temporary Use of an RV
During New Construction**

**RV will be used as temporary occupancy while the
primary dwelling is being constructed.**

**Approval will allow the RV to be occupied for 180 days
with no renewal option other than to reapply with P&Z.**



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: Charles R. Johnson Date of Application: Nov. 28, 2022
Driver's License #: [REDACTED] State: Ms.
Address: [REDACTED]
City: _____ State: _____ Zip: _____
Phone#: [REDACTED] E-mail (optional): [REDACTED]
Physical Address or Parcel # for RV use: 319 Jeff Davis Ave Waveland, Ms.
Current Zoning: R1 single family Flood Zone: AE 18 Foundation Inspection: _____
Permit #: [REDACTED] Date Permit was Issued: Nov. 23, 2022
RV Registration #: [REDACTED] RV Insurance #: [REDACTED]

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: Charles R. Jones

Date: Nov. 28, 2022

Zoning Official Sign-Off: J. M. Conrad

Date: 11/30/22

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

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

PREPARED BY:

DATE:

PROJECT TITLE:

ACTION NOTES:

PROJECT PLANNING NOTES:

Nov. 29, 2022

Charles R. Johnson

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To whom it may concern,

I, Charles R. Johnson, plan to build a house on 319 Jeff Davis Ave. I have the power and sewer hookups left over from having a Katrina trailer.

As soon as I obtain a certificate of occupancy, I will remove the RV from the property.

I received my new construction permit on November 23, 2022 and hopefully will start building by the first of 2023.

Thank you,
Charles R. Johnson

LEGAL DESCRIPTION:

A parcel of land situated and being located in Lot 30A and a part of Lot 27, Fourth Ward, Town of Waveland, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Beginning at a 3/4" square rod found at the southwest corner of said Lot 30A, Fourth Ward; thence N 45°46'25" W 341.60 feet to a 1/2" rebar set; thence N 44°25'41" E 105.00 feet to a 1/2" rebar set; thence S 45°31'36" E 52.02 feet to a 1/2" rebar found; thence N 58°29'04" E 126.71 feet to a 1/2" rebar set; thence S 45°34'19" E 315.70 feet to a 1/2" rebar set on the north right-of-way of the CSX Transportation; thence S 59°31'00" W 233.70 feet along said north right-of-way of the CSX Transportation to the Point of Beginning. Said parcel of land contains 75,800 square feet or 1.74 acres, more or less, and together with a 20' wide ingress/egress easement being defined as a 20' wide strip of land running parallel with, adjacent to and lying north of the southwestern line of said Lot 30.

The bearings of this legal description are based on geodetic by GPS observations.

Direct storm water away from adjacent properties toward streets and/or drainage systems. Provide erosion control during & after construction.

Permit Holder: *Richard Jha*



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
Duke Levy, RLS #1722

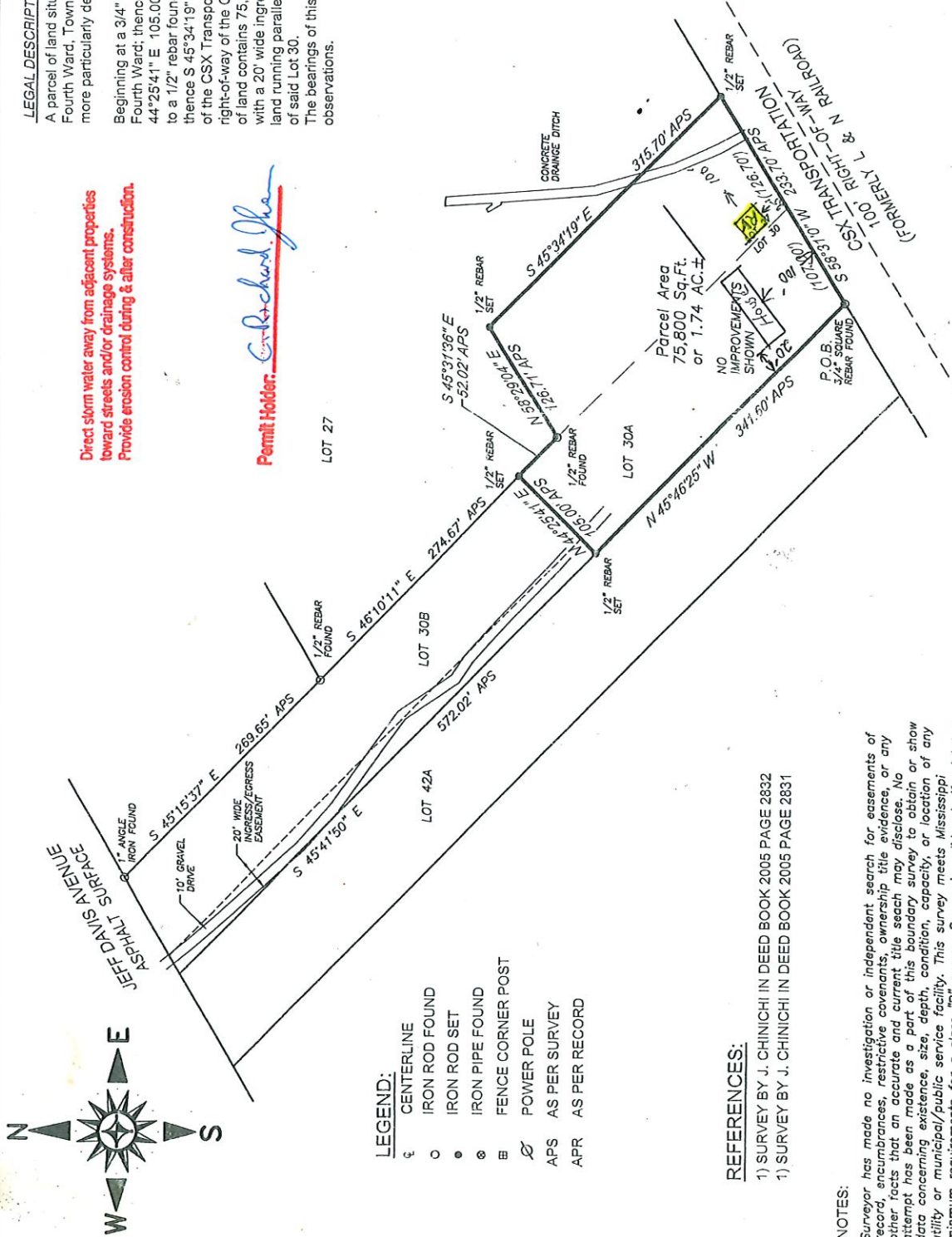
DUKE LEVY & ASSOCIATES, P.A.

1711 WAVELAND AVENUE
WAVELAND, MS 39576
(228) 467-5212 PHONE

SCALE: 1" = 100'

DATE: 07-25-17

DRAWING: WOV# 17-187 CLIENT: Peggy Johnson



BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS

LEGEND:

- ☐ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- ⊕ FENCE CORNER POST
- ⊙ POWER POLE
- ⊘ APS AS PER SURVEY
- ⊚ APR AS PER RECORD

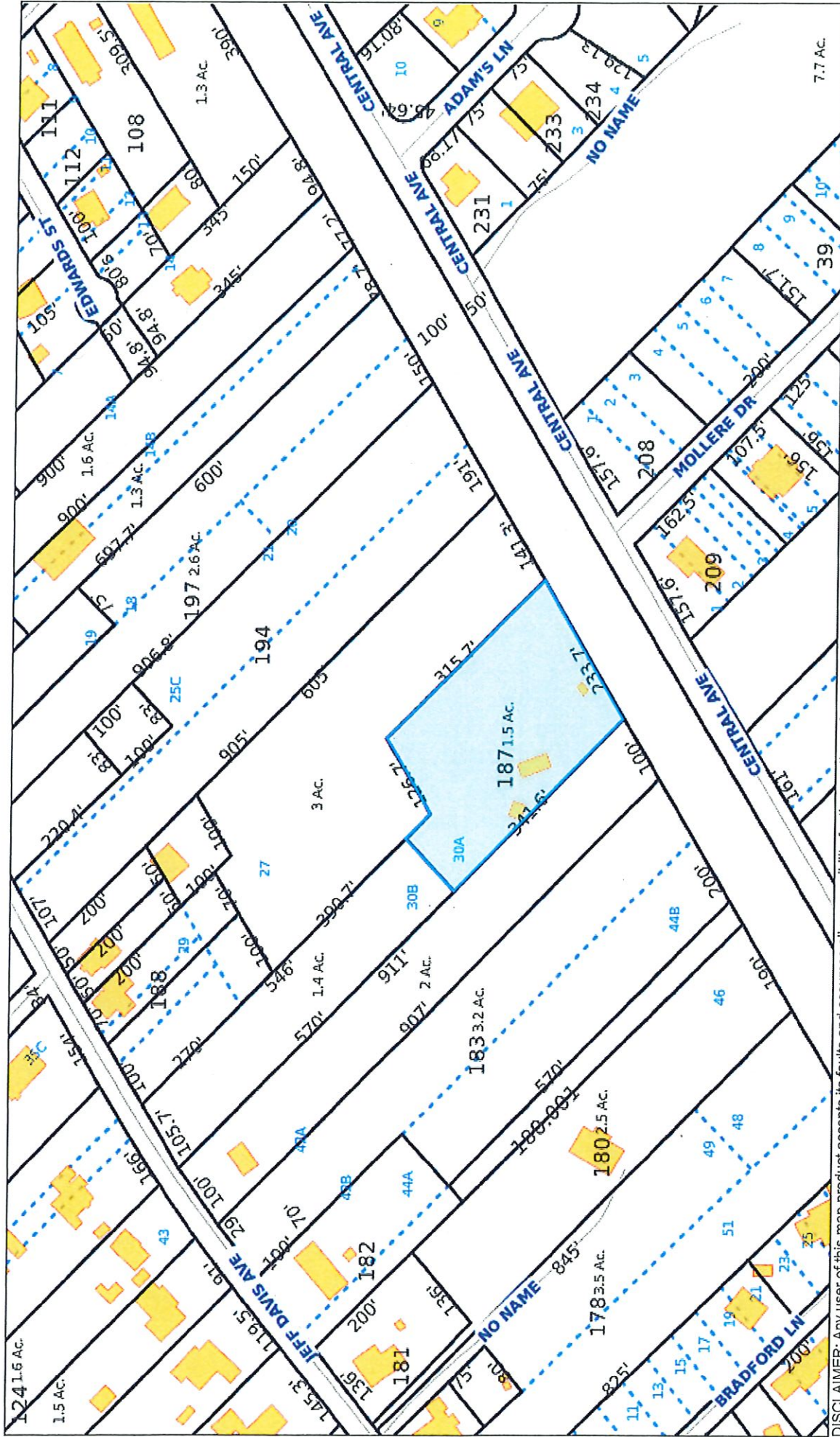
REFERENCES:

- 1) SURVEY BY J. CHINICHI IN DEED BOOK 2005 PAGE 2832
- 1) SURVEY BY J. CHINICHI IN DEED BOOK 2005 PAGE 2831

NOTES:

Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

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