CITY OF WAVELAND PLANNING & ZONING COMMISSION AGENDA OCTOBER 17TH, 2022 6:00 PM

- 1. Call to Order / Roll Call.
- 2. Motion to approve the minutes from the Planning & Zoning Meeting held Monday, September 19, 2022.
- 3. William MaGee, owner of the property commonly known as 127 Aiken Rd. parcel #161B-2-01-006.001, has made an application for a Rear-Yard Variance of five (5) feet which would result in twenty (20) feet rear-yard setback in order to construct a new single-family residence.
- 4. Cindi Poindexter, owner of the property commonly known as 105 Venus St. parcel # 162A-0-03-122.000, has made an application for a conditional use in order to have an accessory structure over 500 square feet. The proposed accessory structure will be 900 square feet used for storage.
- 5. Roger & Donna Estopinal, owners of the property commonly known as 534 Meadow Ln., parcel # 161D-0-02-022.000, along with Jim Breland, owner of the property commonly known as 530 Meadow Ln., parcel # 161D-0-02-021.000, have made an application for variances in order to decrease Mr. Breland's property width and increase the property width for Mr. & Mrs. Estopinal. Mr. Breland's property would decrease by nineteen (19) feet in lot frontage, resulting in eight-one (81) feet. Mr. & Mrs. Estopinal would increase their property's frontage by nineteen (19) feet which would result in sixty-nine (69) feet. Mr. Breland would not need a variance on property square footage due to the size. Mr. & Mrs. Estopinal require an extra variance because the frontage increase is not enough to reach the minimum 12,000 square feet as stated in Ordinance #349.
- 6. Comments from Chair, Commissioners, & Staff
- 7. Public Comments to the Commissioners
- 8. Adjourn: AT P.M.

MINUTES WAVELAND PLANNING & ZONING COMMISSION REGULAR MEETING SEPTEMBER 19, 2022

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 pm on Monday, September 19, 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 6:07pm. Present at the meeting were Commissioners Mike Adams, Clarence Harris and Bryan Frater, Zoning Manager Jeanne Conrad and City Attorney, Malcolm Jones. Commissioner Charlotte Watson was not present and Chairman Meggett made a statement that Commissioner Watson has officially resigned from her duties as a Planning & Zoning Commissioner due to health reasons.

Chairman Meggett called for a motion to approve the minutes from the Planning & Zoning Special Meeting held on Monday, July 18, 2022. Commissioner Adams moved, seconded by Commissioner Frater to approve the minutes.

After a unanimous vote by all commissioners present, the motion was passed.

John Newman, Representative for Coast Canna-ZenLabs LLC, has made an application for Conditional Use to have a Medical Cannabis Processing/Extracting Facility at the property commonly known as 118 Auderer Blvd, parcel #138P-0-33-250.001 (Jared Riecke — Current Owner). This will be the same location that the Cultivation Facility will be operated. The property is in the C-3 Highway Commercial Zoning District.

Mr. Newman came forward to explain his request. Mr. Newman stated that this facility will only have the Cultivation and Processing abilities. A Dispensary will not be included at this location which means there will be no civilian access other than employees. Commissioner Bryan Frater asked if there will be a fence. Mr. Newman stated that a fence will not be necessary or practical since the building is secure enough based on the state mandated requirements. They will be having 360-degree video surveillance and alarm system 24/7. Mr. Newman gave a verbal description of the layout of the building and Chairman Meggett requested a physical floorplan to be submitted to the Planning & Zoning Office.

Mr. Rudy Letellier came forward to speak on behalf of the applicant and voice his support for Mr. Newman's business venture.

After discussion between the applicant, Commissioners, and City Attorney, Malcom Jones, Chairman Meggett called for anyone else to come forward and speak for or against the application. No one came forward from the audience. Commissioner Frater asked Zoning Manager, Jeanne Conrad, if anyone contacted the Zoning office in regards to the application. Jeanne Conrad replied that no one sent any responses for or against the application.

Chairman Meggett called for a motion to approve or deny the application. Commissioner Mike Adams made a motion to approve the application as written, seconded by Commissioner Frater. Chairman Meggett stated that the criteria set forth by Section 906.3 of the Zoning Ordinance have been met (see addition below).

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

City Attorney, Malcom Jones, stated that he needed to leave the meeting early and requested a motion to move item number 6 on the agenda, Mr. Glennis Neal Jr., to be moved to the next item on the agenda.

Commissioner Frater moved, seconded by Commissioner Adams to bring Mr. Glennis Neal Jr.'s application to the next item on the agenda.

Glennis Neil Jr., owner of the property commonly known as 204 St. Joseph St, parcel #161E-0-02-214.000, has made an application for a Conditional Use in order to put two (2) more vacation cottages on his property which is allowed, by right, to have three (3) which are currently being built. This property is located in the CO-2 Coleman Open Zoning District.

Mr. Neal Jr. came forward to explain his request. Chairman Meggett suggested that the Commissioners make a condition to require a five (5) feet side-yard setback since the CO-2 Coleman Open District does not have a side-yard setback requirement. The applicant stated that his site plan in the application positions the cottages five (5) feet from the property lines. The depiction did not specifically state the distance.

After all discussion between the applicant and the Commission, Chairman Meggett called for anyone to come forward to speak for or against the application.

Althea Boudreaux came forward to speak in opposition to the application.

City Attorney, Malcom Jones, suggested a condition that the applicant must meet all drainage requirements set forth by the Building Code Office as part of the application.

After all discussions between the applicant and the Commission, Chairman Meggett called for a motion to approve or deny the application with the five (5) feet side-yard setback requirement and the drainage plan condition suggested by Malcom Jones. Commissioner Mike Adams made a motion to approve the application with the conditions, seconded by Commissioner Frater.

Chairman Meggett stated that application meets all conditions and criteria set forth by Section 906.3 of the Zoning Ordinance have been met. After a unanimous vote by all commissioners present, Chairman Meggett declared the motion passed.

Mr. Malcom Jones stated that the motion for the previous application for Mr. Newman needed to be amended to include the criteria from Section 906.3 of the Zoning Ordinance have been met. Commissioner

Adams moved, seconded by Commissioner Frater to amend the motion for John Newman's application at 118 Auderer Blvd. Medical Marijuana Processing Facility (see noted above).

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

City Attorney, Malcom Jones requested a motion to amend the agenda to add a discussion about the current Tree Ordinance #379. Commissioner Frater moved, seconded by Commissioner Adams to discuss an amendment to the Tree Ord. Commissioner Frater moved, seconded by Commissioner Adams to open discussion. After a unanimous vote by all commissioners present, Chairman Meggett declared the motion passed.

The commissioners discussed a proposed amendment to the Protected Tree Ord. #379 to include a fee of \$250.00 per tree that will be required for replanting due to the removal of a protected tree. Mr. Malcom Jones stated that he would draft an amendment and present it to the Planning and Zoning Commission at the next regularly scheduled meeting in October. After all discussion by the commission and Mr. Malcom Jones, no action was taken and the discussion closed. Mr. Malcom Jones left the meeting early due to prior commitments.

Frederick Harris, owner of the property commonly known as 209 Piney Ridge Rd, parcel #162Q-1-10-016.000, has made an application for a Conditional Use for an Accessory Structure over 500 sq ft and an application for a three (3) foot Variance for the structure to be placed seven (7) feet from the left side-yard property line in order to utilize the existing driveway. The proposed accessory structure will be 720 sq ft.

Mr. Harris came forward to explain is request. After discussion between the applicant and the Commission, Chairman Meggett called for anyone to come forward and speak for or against the application. No one came forward from the audience.

Chairman Meggett stated that the conditions and criteria from Sections 906.1 for Variances and 906.3 for Conditional Uses of the current Zoning Ordinance have been met. Chairman Meggett called for a motion of the application as written. Commissioner Frater moved, seconded by Commissioner Harris to approve the application for variance and conditional use.

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

John Komidor, owner of the property commonly known as 102 Seabrook Dr, parcel # 161B-2-01-019.001, has made an application for a Conditional Use for an Accessory Structure over 500 sq ft and an application for a five (5) foot Variance for the structure to be placed five (5) feet from the left side-yard property line. The proposed accessory structure will be 936 sq ft.

The applicant was not able to attend the meeting, however, Zoning Manager Jeanne Conrad stated that per her conversation with the applicant, he would be listening to the Live Stream on YouTube for any questions. The commissioners had a couple of questions and asked that the applicant contact the Zoning Manager to call

into the meeting. In the meantime, the commissioners decided to put this item to the end of the meeting while they waited for the applicant's contact.

Toby Scelson, owner of the property commonly known as 222 Sandy St., parcel #162J-0-10-211.000, has made an application for the Temporary Use of an RV during New Construction. The 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 for these purposes.

The applicant was not able to attend the meeting. Mr. & Mrs. Lemoine, uncle and aunt of applicant, came forward on behalf of the applicant to explain the request. After questions and discussion between the representatives and the commission, Chairman Meggett called for anyone to make a comment for or against the application. No one came forward. Chairman Meggett asked Zoning Manager Jeanne Conrad if anyone contacted the zoning office. Ms. Conrad replied that two letters of support were sent to the office via email.

Chairman Meggett then called for a motion. Commissioner Frater moved to approve the application for the Temporary use of an RV during Construction, seconded by Commissioner Adams.

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

Jason & Melissa West, owners of the property commonly known as 804 Combel St, parcel #162A-0-03-074.000, have made an application for a Conditional Use for an Accessory Structure over 500 sq ft. This structure will be placed on their property behind the primary structure, parcel #162A-0-03-090.000. The use of the structure will be storage.

Applicant was not able to attend the meeting nor had a representative to explain the request or answer questions. During discussions by the Commission, it was stated that the property needs to be cleaned up per the International Property Maintenance Code. This structure will help with that and the condition for the application is to get the property in compliance with the IPMC. Zoning Manager Jeanne Conrad clarified that the zoning of the parcel would not have to be rezoned for this use because of what is stated in the Zoning Ord. #349 that an owner of two or more properties may put an accessory structure on a lot without a primary structure as long as there is continual frontage, common ownership, and a primary structure on the other lot. After all discussions, Chairman Meggett called for a motion to approve with the condition stated. Commissioner Adams moved to approve the application with the condition stated, seconded by Commissioner Frater.

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

John Komidor, with the application for a Conditional Use of an Accessory structure over 500 sq ft called into the meeting via Zoning Manager, Jeanne Conrad's personal phone to answer questions from the commission. The applicant stated that the setback request of the structure on the application has changed. He provided an updated site plan via email to Zoning Manager, Jeanne Conrad. The new variance request is 3.5' from the left side-yard, resulting in 6.5' from the left side-yard property line instead of the original 5' request. It was also stated that the height of the structure might need a variance as well. The Commission decided to vote on the

application presented and if the applicant needed another variance for the height of the structure, he will have to submit another application.

Chairman Meggett called for a motion with a change in the variance request to 3.5', resulting in being 6.5' from the left side-yard property line and a conditional use of an accessory structure over 500 sq ft. The accessory structure will be 936 sq ft.

Commissioner Frater moved, seconded by Commissioner Harris to approve the revised variance request and the conditional use application submitted.

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

The Chairman and Commissioners made comments about Sid Lambert from last BOA meeting that was tabled to the next meeting this Wednesday, 21st of September, 2022 at 6:30pm. Jeremy Burke stated that this would be considered "Spot Zoning". RV & Tree Ord. questions and discussions, wanting a Zoning Ord. workshop for the Zoning Commissioners, question on a Coleman/St. Joseph Fence and Change date of P&Z Meeting back to the last Monday of the Month. No action was taken on any of the comments and statements made.

No one left in the audience to make public comments to the Commissioners.

Chairman Jim Meggett asked for a motion to adjourn the meeting. Commissioner Harris moved, seconded by Commissioner Adams to adjourn the meeting.

After a unanimous vote by all commissioners present to adjourn the meeting, Chairman Jim Meggett declared the motion passed and the meeting adjourned at 7:58 pm.

Respectfully submitted,

Jeanne Conrad, Zoning Manager

Item #3

William Magee 127 Aiken Rd.

Variance Request

Rear-Yard Variance of five (5) feet which would result in twenty (20) feet rear-yard setback in order to construct a new single-family residence.

City of Waveland

Application for Variance

Section 904. Applying for a Variance

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. <u>Two (2) copies of plot plan detailing existing structure, proposed development and encroachment, dimensions of property, location of all streets bordering property, and the names and mailing addressed of all property owners adjacent to side of property affected.</u>
- 3. A fee of Seventy-five (\$75.00) Dollars, payable in advance to help defray the expense of advertising and processing.

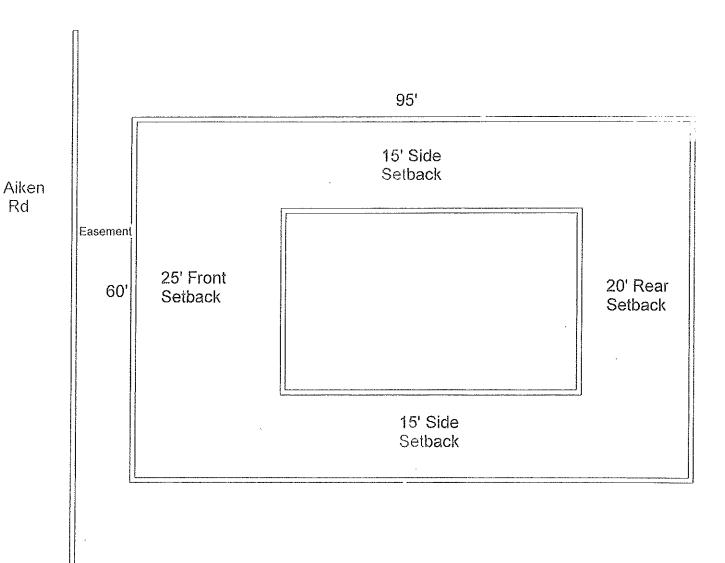
Typically the Planning and Zoning Commission meets on the last Monday of the month. Please call the Building and Zoning Office for submittal deadlines and the dates of the Meetings. You can also go the City of Waveland website at: http://waveland.ms.gov/administration/planning-and-zoning/. Please remember 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.

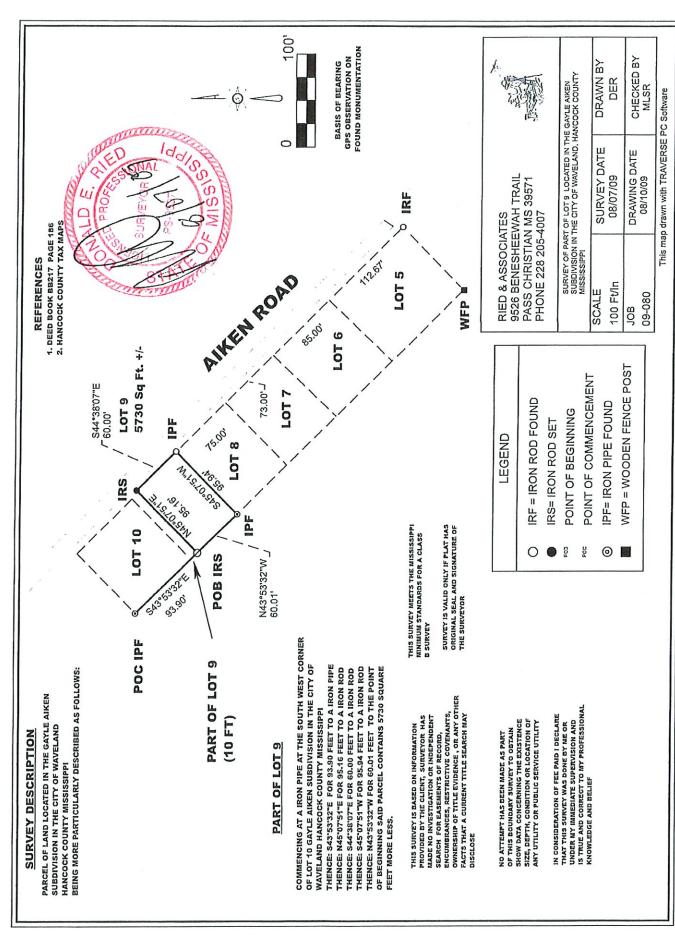
Date of Application: 9/6/22	
Name of Applicant: William MAGGE	Phone#:
Applicant Signature: William Magu	Date:
Property (Physical Address(s) or Parcel #(s) 127	AIKEN 80 1618-2-01-066 001
Current Zoning of Property:	
Proposed Variance: 5' Vagiance PA	REAR SETBACK

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:

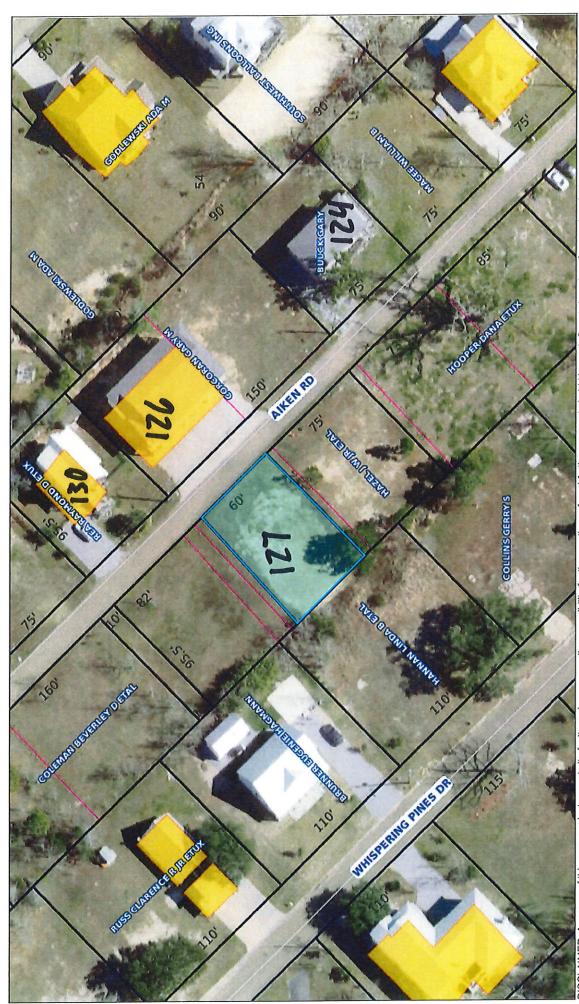
- 906.1 To recommend in special cases such variances from the terms of this Zoning Ordinance as will not be contrary to public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of 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.





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60ft

Item #4

Cindi Poindexter 105 Venus St.

Conditional Use Request

Request for an accessory structure over 500 square feet.

The proposed accessory structure will be 900 square feet used for storage.



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. < toindexter Date of Application: 9-6-22Name of Applicant: Phone#: E-mail (optional): Property Physical Address(s) or Parcel #(s) 105 Venus Current Zoning of Property and Proposed Conditional Use: (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: Substantially increase traffic hazards or congestion. 1. 2. Substantially increase fire hazards.

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).

If the findings by the Planning and Zoning Commission relative to the above subjects are that the City would benefit

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

from the proposed use and the surrounding area would not be adversely affected, then the Commission may

Adversely affect the character of the neighborhood.

recommend the project for approval to the Board of Mayor and Aldermen.

Adversely affect the general welfare of the city.

Overtax public utilities or community facilities.

Be in conflict with the Comprehensive Plan.

district in which such use is located.

3.

4. 5.

6.

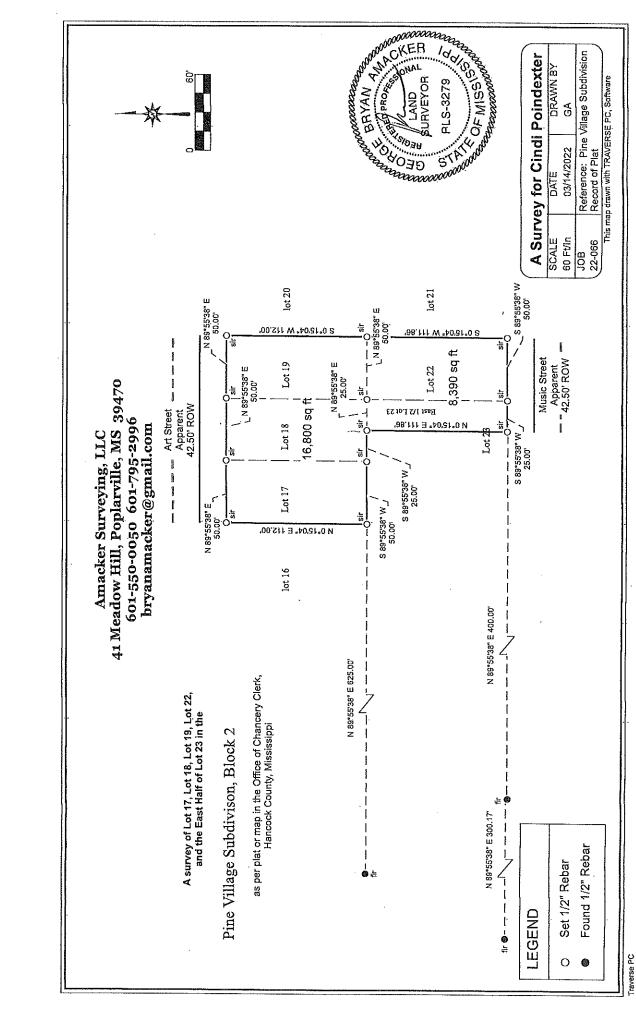
Zoning Official Sign-Off: Date: 9/6/22

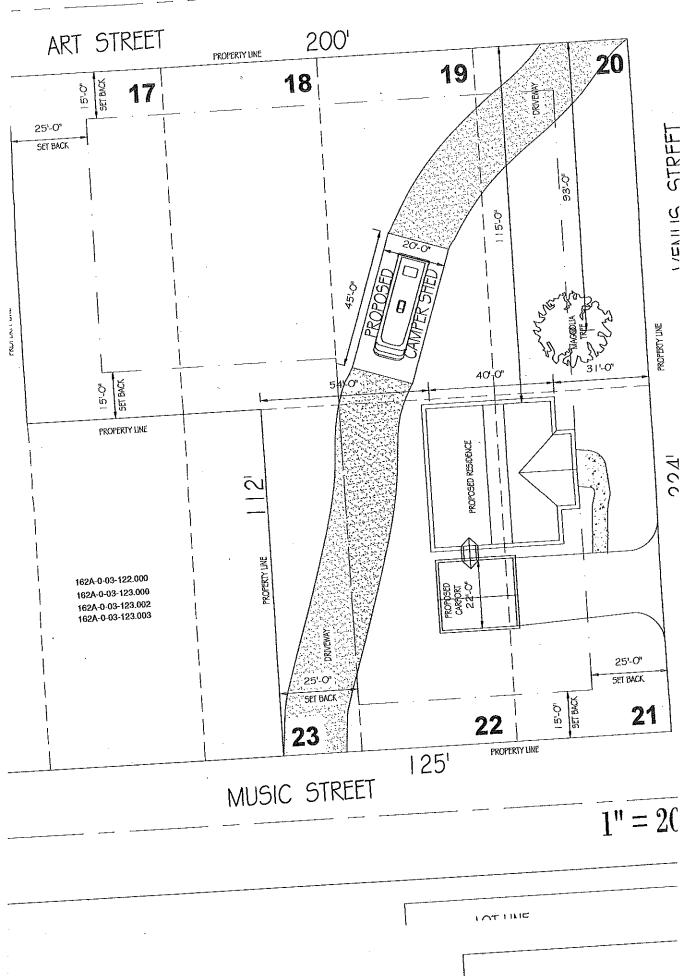
Date: 9/6/22

T Cindi Poindexter Would like
to build an Access structure of approx
900 sq Ft. For my RV. It will be
a RV Barn on 105 Venus St. Waveland
MS. The Structure will Be steel
Approved
Hurricane Monterial:

Therefore I would like to Request a conditional Use of an Accessory Structure over 50059 Ft.

Thank You, Cindi Poindexter 9-6-2022





INDEX TO DRAWINGS:

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Item #5

Roger & Donna Estopinal
With Jim Breland
534 & 530 Meadow Ln.

Variance Requests

- Decrease Mr. Breland's property width by 19' in frontage.
- Increase Mr. & Mrs. Estopinal's property width by 19' in frontage.
- No lot size variance needed for Mr. Breland due to the remaining lot area meets zoning minimum of 12,000.
- Mr. & Mrs. Estopinal require an additional variance for lot square footage. The increase in frontage does not bring them to the required minimum of 12,000 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

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- 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, and the names and mailing addressed of all property owners adjacent to side of property affected.
- 3. A fee of Seventy-five (\$75.00) Dollars, payable in advance to help defray the expense of advertising and processing.

Typically the Planning and Zoning Commission meets on the last Monday of the month. Please call the Building and Zoning Office for submittal deadlines and the dates of the Meetings. You can also go the City of Waveland website at: http://waveland.ms.gov/administration/planning-and-zoning/.

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: Jim Breliano / Regen + Denna EsTopina/Date of Application:	a-paragram gyanan an an
Phone#: E-mail (optional): Rock!	
Property Physical Address(s) or Parcel #(s): 530 And 534 MEADOW LANG.	
Current Zoning of Property: R - 1 Proposed Variance: 534 Men 00001 Men 2 1015339 530 Men on 1 4 now 4	
Applicant Signature Date: 9/19/	2021

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:

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:

Jim Breland
BayCation Properties LLC
530 Meadow Lane
Waveland, MS 39576

RE: 530 Meadow Lane
Waveland, MS 39576
Lots 17 & 18 Block 1 being A Part of Lot 13,
Fourth Ward of the Town of Waveland MS, Hancock County, MS
Jeff Davis Place Subdivision

To City of Waveland Planning and Zoning,

I, Jim Breland owner of property 530 Meadow Lane in Waveland, MS and the legal property addressed above, I do hereby give permission to Roger Estopinal Jr. to represent the variances request & Square footage request together.

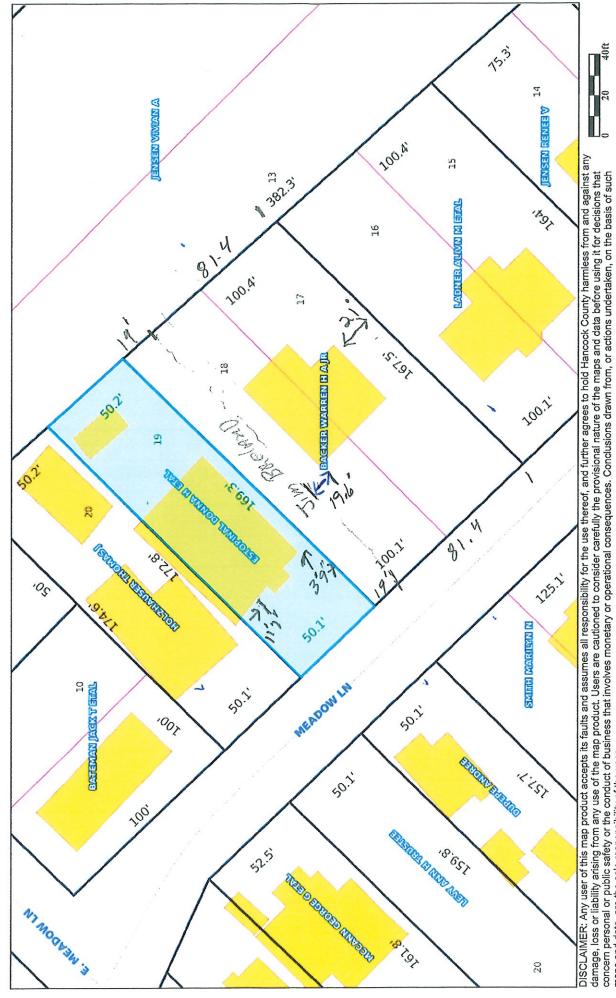
I Jim Breland, owner of (Bay Cation Properties) am requesting to sell to Roger and Donna Estopinal 19' width of property by 169.3 length. We are requesting variances on 530 Meadow Lane on street frontage of 19' and Roger is requesting lot size square footage of 339' and street frontage of 31'. These variances will increase 534 Meadow Lane from 50' frontage to 69.1 and decrease 530 Meadow Lane from 100' to 81.4'. Roger and Donna Estopinal will have access to their back yard to park their boat, etc. to free up the front driveway and to create a better curbside appearance.

Please let me know of anything else you may need in this variance request, and we look forward to your reply.

Sincerely, Jim Breland

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100ft

Current Left Side-Yard



Current Right Side-Yard





*Oak Tree will not be effected

Jim's Distance (Side-Yard) after Split



