

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

AGENDA

OCTOBER 8, 2020

REGULAR MEETING OF THE PLANNING and DEVELOPMENT COMMISSION

CITY OF LONG BEACH, MISSISSIPPI

5:30 O'CLOCK P.M.

LONG BEACH CITY HALL

MEETING ROOM

201 JEFF DAVIS AVENUE

I. CALL TO ORDER

II. ROLL CALL AND ESTABLISH QUORUM

III. PUBLIC HEARINGS

1. Variance- 208 West Avenue, Tax Parcel 0612E-03-005.000, Submitted by Joel V. Young (owner) and Robert Terwilliger (agent).
2. Variance- 302 Saint Charles Avenue, Tax Parcel 0612F-01-017.000, Submitted by Mary M. Gardner (owner) and Kevin Sampson (agent).

IV. ANNOUNCEMENTS

V. APPROVE MINUTES

1. September 10, 2020, Regular
2. September 10, 2020, Work Session
3. September 24, 2020, Regular

VI. UNFINISHED BUSINESS

1. Revitalization of Nonconforming Properties
2. Tree Ordinances 364, 490 and 491

VII. NEW BUSINESS

1. Certificate of Resubdivision- 0 North Lang Avenue, Tax Parcels 0512H-01-005.000 and 0512H-01-004.000, Submitted by Thor Goldsmith.

VIII. DEVELOPMENT & RESEARCH

IX. ADJOURN

*****NOTES*****

**All decisions made at this meeting are subject to a ten (10) day appeal for a Public Hearing and/or the Mayor and Board of Aldermen approval on October 20, 2020.

**The agenda for the Planning Commission meeting closes at 12:00 O'Clock (noon), and/or in accordance with applicable ordinances, the Thursday prior to the meeting day.

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Commissioner Eddie Seal read the Opening Statement for the Planning and Development Commission.

Be it remembered that two (2) Public Hearings were heard before the Long Beach Planning and Development Commission, Long Beach, Mississippi, and begun at 5:30 o'clock p.m., Thursday, the 8TH day of October 2020, in said City, and the same being the time, date and place fixed for holding said Public Hearings.

There were present and in attendance on said Commission and at the Public Hearings the following named persons: Commission Chairman Frank Olivar, Commissioners Mark McMillan, Eddie Seal, Larry Ward, Kevin McKenzie, Junior Husband, Marcia Kruse, City Consultant Bill Hessell, and Minutes Clerk Tina M. Dahl.

Absent the Public Hearing were Commissioners Shawn Barlow, Jeff Hansen and Building Official Mike Gundlach.

There being a quorum present and sufficient to transact the business of the Public Hearings, the following proceedings were had and done.

The first public hearing to consider a Variance for property located at 208 West Avenue, Tax Parcel 0612E-03-005.000, submitted by Joel V. Young (owner) and Robert Terwilliger (agent), as follows:

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



CITY OF LONG BEACH
201 Jeff Davis Avenue/ PO BOX 929
Long Beach, MS 39560
(228) 863-1554 office
(228) 863-1558 fax

Office use only
Date Received 9-10-20
Zoning R-1
Agenda Date 10-8-20
Check Number 1715

VARIANCE REQUEST

I. Tax Parcel Number(s): 0025-03-005.000

II. Address of Property Involved: 208 WEST AVE.

III. Statement clearly explaining the request being made. (Attach supplemental pages if necessary.)
Detached GARAGE 5' from Property Line
NEED 3' VARIANCE
NO WAY TO ATTACH; NEED 10' VARIANCE TO BE NEXT TO
MAIN Structure

****PLEASE COMPLETE THE FOLLOWING:**

A. Describe any special condition that justify the granting of this request and that are peculiar to the property and do not apply to other properties in the general area. What are the reasons for the request and why the applicant cannot meet the stated code requirement?
3' VARIANCE TO prevent GARAGE
from Being Behind EXISTING HOME. (2) HEIGHT of EXISTING
HOME 12' NO WAY TO ATTACH

B. Describe how the special condition discussed above is not the result of actions taken by the applicant. Show that the applicant did not cause the need for this request.
Lot is only 70' cant
Go Behind House

C. Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request necessary. State what hardship is caused if the applicant is required to meet code requirements? What is the result of this hardship? What would result if the Zoning Board denied this request?
HOUSE HAD TO BE ELEVATED DUE to flood Elevations

D. Show that denial of this request will deprive the applicant of rights commonly enjoyed by other properties in the general area and that the granting of this variance request will make possible the reasonable use of land while not conferring any special privilege. Outline how the subject of the variance is common in the area and if the applicant were to be denied this variance a right would be taken away which is granted to other properties. State how the variance makes reasonable use of the existing land and why the same action cannot be done in a way that does not require a variance. Show that granting of this variance does not give the applicant any special privileges that the properties in the area would find desirable.
LOTS ARE SMALL IN AREA,
AND TRYING TO KEEP Everything Looking uniform IN
LONG BEACH

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

IV. REQUIRED ATTACHMENTS:

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.
- B. **Survey and Site Plan.** a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- C. **Recorded Warranty Deed.** A deed which includes a legal description of the specific piece of property involved in the request. If, several parcels are included in a request, individual parcel deeds AND a composite legal description of all parcels involved in the request must be provided.
- D. **Fee.** Attach a check in the amount of \$100.00. This check should be made payable to the City of Long Beach to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

NOTE APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.

V. OWNERSHIP AND CERTIFICATION:

READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application, the completed application with all necessary documents and payments must be returned to the Planning office not later than 21 days before the 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

Ownership: I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

JOEL V. YOUNG
Name of Rightful Owner (PRINT)
208 West AVE
Owner's Mailing Address
Longbeach MS 39560
City State Zip

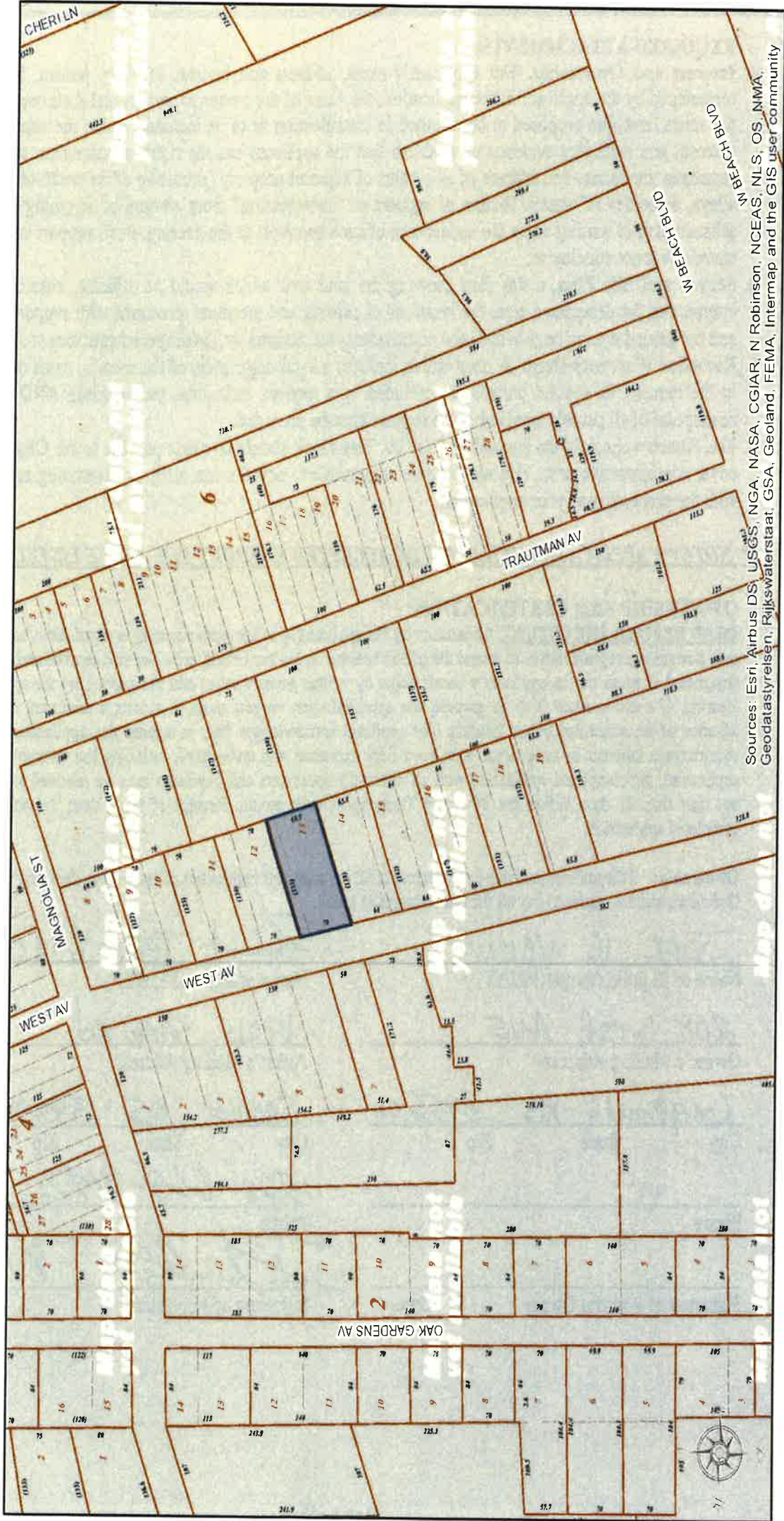
Phone

Signature of Rightful Owner Date

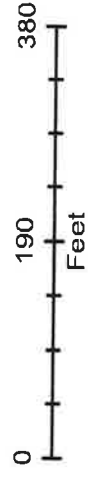
Robert TERwilliger
Name of Agent (PRINT)
19015 SHAW RD
Agent's Mailing Address
SARCIER MS 39574
City State Zip
228-669-9172
Phone
[Signature] 9-10-2020
Signature of Applicant Date

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

208 WEST AVENUE, 0612E-03-005.000



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatasysteisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community



HARRISON COUNTY, MISSISSIPPI

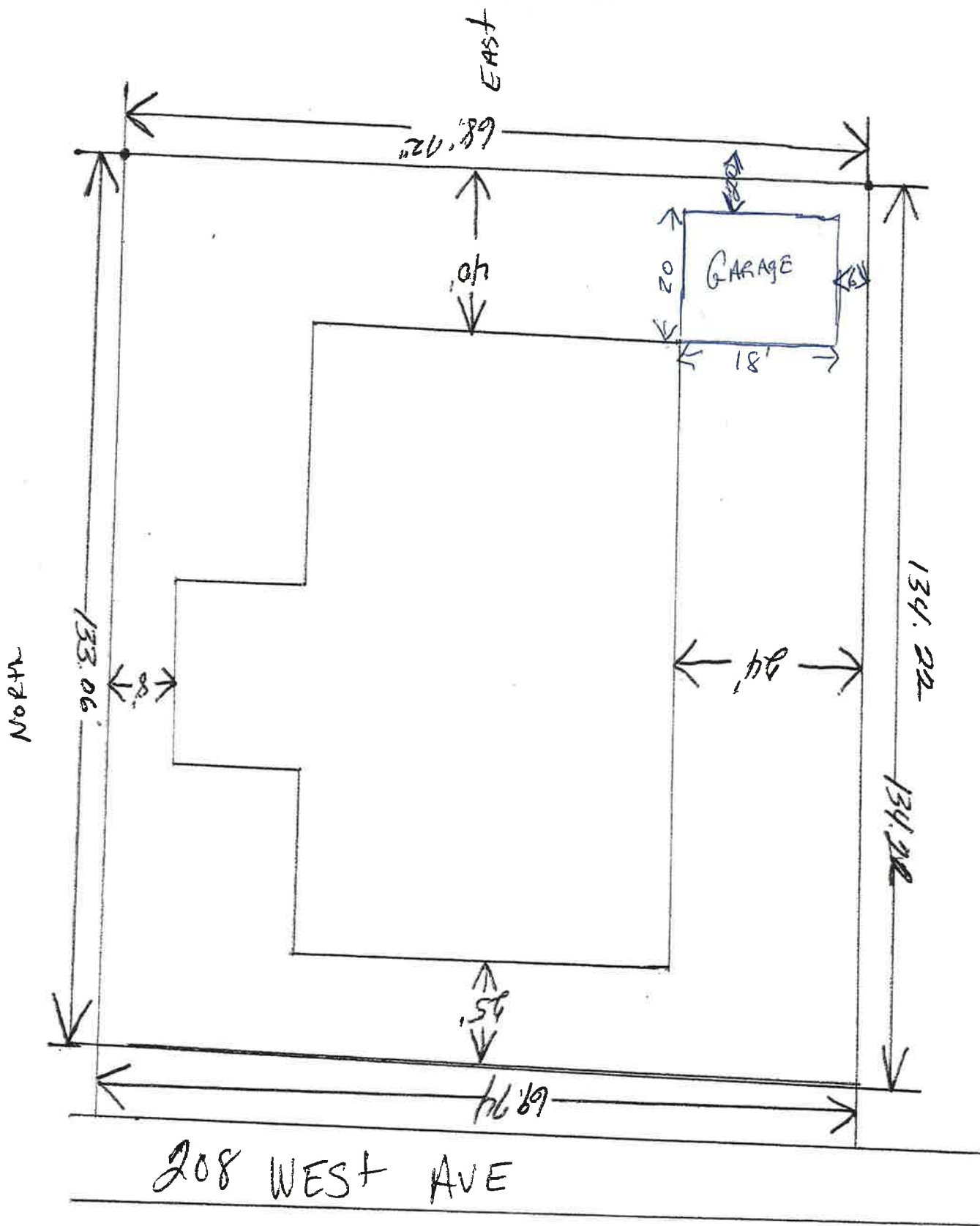
DISCLAIMER: THIS MAP IS FOR PROPERTY TAX ASSESSMENT PURPOSES ONLY. IT WAS CONSTRUCTED FROM PROPERTY INFORMATION RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS AND IS NOT CONCLUSIVE AS TO LOCATION OF PROPERTY OR LEGAL OWNERSHIP.
TAL FLURRY, TAX ASSESSOR.

MAP DATE: September 11, 2020



REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION



Updated 10-8-19

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

COPY

Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550

Indexing Instructions:
Part of Lot 12, all of Lot 13,
Trautman Woods S/D, Harrison
County, 1st JD, MS

File#190973

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00),
cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of
which is hereby acknowledged,

WILLIAM J. LITTLE, JR., an unmarried man
2505 14TH STREET, SUITE 500
GULFPORT, MS 39501
(228) 223-4117

does hereby grant, bargain, sell, convey and warrant, unto

MAGNOLIA BREEZE PROPERTIES, LLC
A Mississippi Limited Liability Company
19015 SHAW ROAD
SAUCIER, MS 39574
(225) 413-3908

the following described property, together with the improvements, hereditaments and appurtenances
thereunto situated and located in the County of Harrison, State of Mississippi, and more particularly
described as follows, to-wit:

**The South 10 feet of Lot Twelve (12) and all of lot Thirteen (13), TRAUTMAN
WOODS SUBDIVISION, a subdivision according to the official map or plat
thereof on file and of record in the Office of the Chancery Clerk of the First**

prove to be inaccurate for any reason, the Grantee agrees to refund any excess, and the Grantor
agrees to pay any deficiency, upon receipt of a copy of the tax statement for the current year and a
computation of the true amount due, based on a 365 day year.

THIS CONVEYANCE is also subject to Zoning and/or other land use regulations
promulgated by federal, state or local governments affecting the use or occupancy of the subject
property.

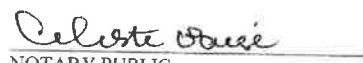
WITNESS THE SIGNATURE of the Grantor on this the 30th day of May, 2019.


WILLIAM J. LITTLE, JR.

STATE OF MISSISSIPPI
COUNTY OF HARRISON

THIS DAY personally appeared before me, the undersigned authority in and for the
jurisdiction aforesaid, **WILLIAM J. LITTLE, JR., an unmarried man**, who acknowledged that
he signed, executed and delivered the above and foregoing instrument as a voluntary act and deed
on the day and year therein mentioned.

GIVEN under my hand and official seal on this the 30th day of May, 2019.


NOTARY PUBLIC

My Commission Expires:



**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING**

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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

The Clerk reported that thirteen (13) notices of Public Hearing were sent by regular mail to property owners within one hundred sixty feet (160') of the subject property. Notices were also posted on the bulletin boards at City Hall, the Building Official's Office and the Water Department, 201 Jeff Davis Avenue and at the Long Beach Public Library, 209 Jeff Davis Avenue; said notice was ordered as part of these proceedings:

City of Long Beach



LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 598 of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **Variance**.

Joel V. Young 208 West Avenue, Long Beach, MS, 39560, and agent Robert Terwilliger, 19015 Shaw Road, Saucier, MS, 39574, have filed an application for a Variance in accordance with the Comprehensive Long Beach Unified Land Ordinance. **The applicants are requesting a 3 foot side yard Variance to construct a detached garage. The City's requirement is 8 feet from side property line. The applicants are also requesting a 10 feet variance to place a detached garage next to a preexisting home. The City's requirement is 10 feet from any other structure for detached accessory structures.** The address is 208 West Avenue, Tax Parcel Number is 0612E-03-005.000. The legal description is as follows:

S 10 FT OF LOT 12 & ALL LOT 13 TRAUTMAN WOOD SUBD.

A Public Hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, October 8, 2020 at 5:30 p.m., in the Long Beach City Hall Meeting Room located at 201 Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared before me, TINA M DAHL, known to me to be the Minutes Clerk of the City of Long Beach, Mississippi, Planning and Development Commission, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That she is the duly appointed and acting Minutes Clerk of the City of Long Beach, Mississippi, Planning and Development Commission;

2. That in such capacity, she is responsible for mailing Notices of Public Hearing for the purpose of notifying property owners within One Hundred Sixty Feet (160'), excluding public right of ways, of the subject property, when applications for zoning map changes, variances, appeals, etc., are filed, all as stipulated in The Zoning Ordinance Number 598 of the City of Long Beach; and other matters pertaining to such Public Hearings and the business of the Planning and Development Commission in and for the City of Long Beach;

3. That on September 17, 2020, she did cause to be mailed, Notice of Public Hearing, a copy of which is attached hereto, to 13 (thirteen) property owners within One Hundred Sixty Feet (160'), excluding public right of ways, of, Tax Parcel 0612E-03-005.000, notifying them that a Public Hearing will be held, October 8, 2020 to consider an application for a Variance.

Given under my hand this the 17th day of September 2020.

Stacey Dahl
STACEY DAHL, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 17th day of September 2020.

Michelle B. McMATH
NOTARY PUBLIC

-My Commission Expires-



Dyann Lentz
204 West Avenue
Long Beach, MS 39560

Kuan, Tony and Lentz, Gena
321 Lakeshore Drive
Madison, MS 39110

Irby, Gay T
252 East 4th Street
Long Beach, MS 39560

Berry, Julie Ann
516 Trautman Avenue
Long Beach, MS 39560

Sanders, Scott and Ann Lynn
131 Stoneleigh Drive
Heath, TX 75032

Sullivan, John Heath and Lauren R
524 Trautman Avenue
Long Beach, MS 39560

Simmons Gulf View Properties, LLC
2510 Inwood Drive
Houston, TX 77019

Dyer, Charles T
5270 Menge Avenue
Pass Christian, MS 39571

Olnada, LLC
68 Redfern Trail
Petal, MS 39465

Ryan, Robert E -ETAL-
11545 Briarstone Place
Gulfport, MS 39503

Evans, Richard B and Dana A
209 West Avenue
Long Beach, MS 39560

Ryan, Thomas C Jr and Charlotte F
18045 Allen Road
Long Beach, MS 39560

Cooper, Keith A and Sharon M
700 Magnolia Street
Long Beach, MS 39560

The Clerk reported that she did cause to be published in the Gazebo Gazette, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, Legal Notice of Public Hearing, as evidenced by the Publisher's Proof of Publication as follows:

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



CITY OF LONG BEACH
201 Jeff Davis Avenue/ PO BOX 929
Long Beach, MS 39560
(228) 863-1554 office
(228) 863-1558 fax

Office use only
Date Received 9-4-20
Zoning R-1
Agenda Date 10-8-20
Check Number 9302

VARIANCE REQUEST

I. Tax Parcel Number(s): 0612F-01-017.000

II. Address of Property Involved: 302 ST. CHARLES AVENUE

III. Statement clearly explaining the request being made. (Attach supplemental pages if necessary.)
WE WOULD LIKE TO CONSTRUCT A 14' X 20' CARPORT ON THE WEST SIDE OF OUR HOUSE. NOT CONNECTED - WITHIN 2 FT OF EXISTING. WE WOULD LIKE A 6 FT. VARIANCE ON THE WESTSIDE.

**PLEASE COMPLETE THE FOLLOWING:

A. Describe any special condition that justify the granting of this request and that are peculiar to the property and do not apply to other properties in the general area. What are the reasons for the request and why the applicant cannot meet the stated code requirement?
THE CONSTRUCTION OF THIS CARPORT WILL BE CLOSER TO THE PROPERTY LINE THAN SET BY THE CODE LIMITS OF EITHER 8 FT ON THE SIDE OF THE HOME OR 15 FT FROM THE REAR OF THE HOME

B. Describe how the special condition discussed above is not the result of actions taken by the applicant. Show that the applicant did not cause the need for this request.
THE HOME DOES NOT CURRENTLY HAVE A CARPORT OR A GARAGE. THE ONLY DRIVEWAY FOR THIS HOUSE IS LOCATED IN THE 20 FT SPACE BETWEEN THE HOUSE AND THE WEST PROPERTY LINE. THE NEW CARPORT WILL BE AT LEAST 30 FT FROM THE STREET BEHIND AN EXISTING 8 FT GATE, FAIRLY NON-VISIBLE FROM THE STREET.

C. Show that an unnecessary hardship exists due to the character of the property and that this hardship makes the request necessary. State what hardship is caused if the applicant is required to meet code requirements? What is the result of this hardship? What would result if the Zoning Board denied this request?
THE ONLY OTHER POSSIBLE LOCATION FOR A CARPORT ON THIS PROPERTY IS AT SUCH A DISTANCE THAT ACCESS FROM THE CARPORT TO THE HOME WOULD BE AT LEAST 40 FT, AND WOULD REQUIRE THE DEMOLITION OF THE CURRENT REAR YARD OF THE PROPERTY.

D. Show that denial of this request will deprive the applicant of rights commonly enjoyed by other properties in the general area and that the granting of this variance request will make possible the reasonable use of land while not conferring any special privilege. Outline how the subject of the variance is common in the area and if the applicant were to be denied this variance a right would be taken away which is granted to other properties. State how the variance makes reasonable use of the existing land and why the same action cannot be done in a way that does not require a variance. Show that granting of this variance does not give the applicant any special privileges that the properties in the area would find desirable.
THE ORIGINAL POSITION OF THIS 113 YEAR OLD HOME ON THIS CITY LOT DOES NOT ALLOW A CARPORT TO BE CONSTRUCTED THAT WOULD MEET CITY CODES. WE NEED TO BE ABLE TO PARK OUR CAR OUT OF VIEW FROM THE STREET IN A PROTECTED ENCLOSURE.

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

IV. REQUIRED ATTACHMENTS:

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.
- B. **Survey and Site Plan.** a site plan showing the land area which would be affected, easements bounding and intersecting the designated area, the locations of existing and proposed structures with supporting open facilities, and the ground area to be provided and continuously maintained for the proposed structure or structures;
- C. **Recorded Warranty Deed.** A deed which includes a legal description of the specific piece of property involved in the request. If, several parcels are included in a request, individual parcel deeds AND a composite legal description of all parcels involved in the request must be provided.
- D. **Fee.** Attach a check in the amount of \$100.00. This check should be made payable to the City of Long Beach to cover administrative cost. You will also be responsible to actual costs, such as advertising and mailing incurred with the processing of your application.

*****NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

V. OWNERSHIP AND CERTIFICATION:

READ BEFORE EXECUTING. Attendance by the applicant(s) at the public hearing is mandatory; however, the applicant may designate a representative to attend the public hearing on his/her behalf, provided said representative has been properly designated to speak on the applicant's behalf either by written permission or oral designation by the applicant at the Public Hearing. If a continuance is to be granted, the applicant must request same in writing a minimum of seven (7) days in advance of the scheduled public hearing. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application, the completed application with all necessary documents and payments must be returned to the Planning office not later than 21 days before the 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

Ownership: I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

Mary M. Gardner

Name of Rightful Owner (PRINT)

302 St. Charles Avenue

Owner's Mailing Address

Long Beach, Miss. 39560

City State Zip

(775) 527-0968

Phone

Mary M. Gardner

Signature of Rightful Owner

Date

KEVIN SAMPSON

Name of Agent (PRINT)

302 ST. CHARLES AVE

Agent's Mailing Address

LONG BEACH, MS 39560

City State Zip

(775) 322-5552

Phone

Kevin Sampson

Signature of Applicant

Date

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

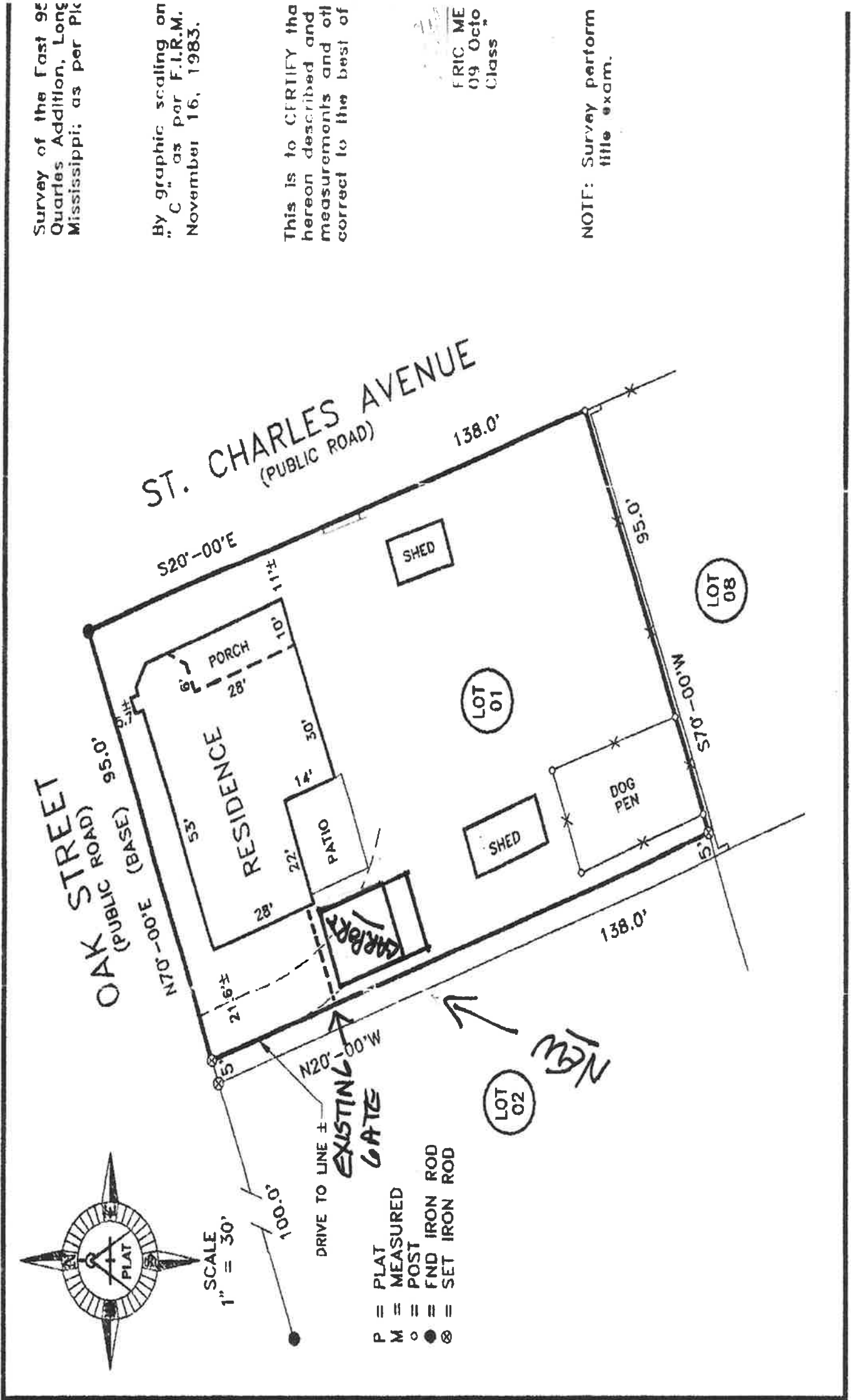
Survey of the East 95
Quarles Addition, Long
Mississippi; as per Plc

By graphic scaling on
"C" as per F.I.R.M.
November 16, 1983.

This is to CERTIFY the
hereon described and
measurements and of
correct to the best of

ERIC ME
09 Octo
Class

NOTE: Survey perform
title exam.



MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



1st Judicial District
Instrument 2515 8228 D -11
Filed/Recorded 9/15/2015 02:14 P
Total Fees \$ 12.00
2 Pages Recorded

Index: East 95 feet of Lot 1
Block 6, Quarles Addition

Prepared by and return to:
George E. Estes, III
MS Bar No. 5242
Estes and Estes, P.A.
P. O. Box 88
Gulfport, MS, 39502
(228) 863-5582

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the undersigned,

AL R. COSSEY and JEANNETTE M. COSSEY, husband and wife
302 St. Charles Avenue
Long Beach, Mississippi 39560
(228) 326-2687

do hereby SELL, CONVEY and WARRANT unto

MARY M. GARDNER
6310 Windy Meadow Drive
Reno, Nevada 89519
(775)527-0968

the following described land together with all improvements thereon located in the First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

The East 95 feet of Lot 1, Block 6, QUARLES ADDITION, being a subdivision as per the official map or plat thereof on file and of record in the

FAX NO. :

Jan. 01 1999 12:02PM P1

Index: East 95 feet of Lot 1
Block 6, Quarles Addition

Prepared by and return to:
George E. Estes, III
MS Bar No. 5242
Estes and Estes, P.A.
P. O. Box 88
Gulfport, MS, 39502
(228) 863-5582

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the undersigned,

AL R. COSSEY and JEANNETTE M. COSSEY, husband and wife
302 St. Charles Avenue
Long Beach, Mississippi 39560
(228) 326-2687

do hereby SELL, CONVEY and WARRANT unto

MARY M. GARDNER
6310 Windy Meadow Drive
Reno, Nevada 89519
(775)527-0968

the following described land together with all improvements thereon located in the First Judicial District of Harrison County, Mississippi, more particularly described as follows, to-wit:

The East 95 feet of Lot 1, Block 6, QUARLES ADDITION, being a subdivision as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

THIS CONVEYANCE is subject to any and all easements, restrictive or protective covenants, rights-of-way, zoning ordinances and reservations affecting said property of record.

TAXES for 2015 are hereby prorated and the same are hereby assumed by the Grantee

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING**

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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

The Clerk reported that nineteen (19) notices of Public Hearing were sent by regular mail to property owners within one hundred sixty feet (160') of the subject property. Notices were also posted on the bulletin boards at City Hall, the Building Official's Office and the Water Department, 201 Jeff Davis Avenue and at the Long Beach Public Library, 209 Jeff Davis Avenue; said notice was ordered as part of these proceedings:

City of Long Beach



LEGAL NOTICE

PUBLIC HEARING

In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 598 of the City of Long Beach, Mississippi (2013) as amended, notice is hereby given advising that the Planning Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **Variance**.

Mary M. Gardner, 302 St Charles Avenue, Long Beach, MS, 39560, and agent, Kevin Sampson, 302 St Charles Avenue, Long Beach, MS, 39560, have filed an application for a Variance in accordance with the Comprehensive Long Beach Unified Land Ordinance. **The applicants are requesting a 6 feet side yard Variance to construct a 14'X20' carport on the west side of existing home. The City's requirement is 8 feet from side property line.** The address is 302 St Charles Avenue, Tax Parcel Number is 0612F-01-017.000. The legal description is as follows:

E 95 FT OF LOT 1 BLK 6 QUARLES ADD SEC 14-8-12

A Public Hearing to consider the above Variance will be held in the City of Long Beach, Mississippi 39560, Thursday, October 8, 2020 at 5:30 p.m., in the Long Beach City Hall Meeting Room located at 201 Jeff Davis Avenue. The City encourages all residents, groups and organizations to contact the City if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the under signed legal authority authorized to administer oaths in and for the jurisdiction aforesaid, on this day personally appeared before me, TINA M DAHL, known to me to be the Minutes Clerk of the City of Long Beach, Mississippi, Planning and Development Commission, who being by me first duly sworn, deposes and says on oath as follows, to-wit:

1. That she is the duly appointed and acting Minutes Clerk of the City of Long Beach, Mississippi, Planning and Development Commission;

2. That in such capacity, she is responsible for mailing Notices of Public Hearing for the purpose of notifying property owners within One Hundred Sixty Feet (160'), excluding public right of ways, of the subject property, when applications for zoning map changes, variances, appeals, etc., are filed, all as stipulated in The Zoning Ordinance Number 598 of the City of Long Beach; and other matters pertaining to such Public Hearings and the business of the Planning and Development Commission in and for the City of Long Beach;

3. That on September 17, 2020, she did cause to be mailed, Notice of Public Hearing, a copy of which is attached hereto, to 19 (nineteen) property owners within One Hundred Sixty Feet (160'), excluding public right of ways, of, Tax Parcel 0612E-01-017.000, notifying them that a Public Hearing will be held, October 8, 2020 to consider an application for a Variance.

Given under my hand this the 17th day of September 2020.

Stacey Dahl
STACEY DAHL, AFFIRANT

SWORN TO AND SUBSCRIBED before me on this the 17th day of September 2020.

Michelle B. McMATH
NOTARY PUBLIC

-My Commission Expires-



Juneau, Rene Marie and Burt Anthony
313 Oak Street
Long Beach, MS 39560

Maimone, Philip T II
314 Magnolia Street
Long Beach, MS 39560

Borison, Robert Edgar and Alison S
218 Magnolia Street
Long Beach, MS 39560

Davenport, Bridgette M
303 St Charles Avenue
Long Beach, MS 39560

Pettis, Naomi
206 St Charles Avenue
Long Beach, MS 39560

Cospelich, Deidre Marie
PO Box 1705
Gulfport, MS 39502

Rishel, Savannah Jane
129 Beach Park Place
Long Beach, MS 39560



Tanoury, John Abraham
315 Oak Street
Long Beach, MS 39560

Notter, Richard I and Barbar J
312 Magnolia Street
Long Beach, MS 39560

Daughdrill, Christine S
214 Magnolia Street
Long Beach, MS 39560

Blakeney, Linda J
222 Oak Street
Long Beach, MS 39560

Gilligan, Michael J
308 Oak Street
Long Beach, MS 39560

Welsh, James E and Katherine L C
219 Magnolia Street
Long Beach, MS 39560



Friar, Janice
3026 Trentwood Drive
Ocean Springs, MS 39564

Nguyen, Dinh N and Hoang Lang T
310 Magnolia Street
Long Beach, MS 39560

Ladnier, Shannon Rachel
215 Oak Street
Long Beach, MS 39560

Niolet, Veronica A
302 Oak Street
Long Beach, MS 39560

Meece, Lola M -EST-
310 Oak Street
Long Beach, MS 39560

Wink, Robert S and Mi Sun
221 Magnolia Street
Long Beach, MS 39560

The Clerk reported that she did cause to be published in the Gazebo Gazette, a newspaper with general circulation in the City of Long Beach, and published in Harrison County, Legal Notice of Public Hearing, as evidenced by the Publisher's Proof of Publication as follows:

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
Proof of Publication**



STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY appeared before me the undersigned notary in and for said County and State, HUNTER DAWKINS, publisher of THE GAZEBO GAZETTE, a newspaper printed and published in Harrison County, who being duly sworn, deposes and says the publication of this notice hereunto attached has been made to the said publication _____ weeks in the following numbers and on the following dates of such paper:

- Vol. XV No. 38 dated 18 day of September, 2020
- Vol. ___ No. ___ dated ___ day of ___, 20__
- Vol. ___ No. ___ dated ___ day of ___, 20__
- Vol. ___ No. ___ dated ___ day of ___, 20__
- Vol. ___ No. ___ dated ___ day of ___, 20__
- Vol. ___ No. ___ dated ___ day of ___, 20__
- Vol. ___ No. ___ dated ___ day of ___, 20__
- Vol. ___ No. ___ dated ___ day of ___, 20__

Affiant further states on oath that said newspaper has been established and published continuously in said county for period of more than twelve months prior to the first publication of said notice.

Hunter Dawkins

Publisher

Sworn to and subscribed before me this 27 day of Sept, A.D. 20__.

Debbie A. Orr

Notary Public



Commission Chairman Olaiwar asked for anyone speaking in favor or opposition of the request and no one came forward.

Commissioner McKenzie made motion, seconded by Commissioner Ward and unanimously carried to close the Public Hearing.

After considerable discussion, Commissioner McKenzie made motion, seconded by Commissioner Kruse and unanimously carried recommending the approval of the Variance as submitted.

Be it remembered that a Regular Meeting before the Long Beach Planning and Development Commission, Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 8th day of October 2020, in the Long Beach City Hall Meeting Room, 201 Jeff Davis Avenue, in said City, and the same being the time, date and place fixed for holding said Regular Meeting.

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

There were present and in attendance on said Commission and at the meeting the following named persons: Commission Chairman Frank Olaivar, Commissioners Mark McMillan, Eddie Seal, Larry Ward, Kevin McKenzie, and Junior Husband, Marcia Kruse, City Consultant Bill Hessel, and Minutes Clerk Tina M. Dahl.

Absent the Regular Meeting were Commissioners Shawn Barlow, Jeff Hansen and Building Official Mike Gundlach.

There being a quorum present and sufficient to transact the business of this regular meeting, the following proceedings were had and done.

Commissioner McKenzie made motion, seconded by Commissioner McMillan and unanimously carried to approve the Regular Meeting minutes of September 10, 2020, as submitted.

Commissioner McKenzie made motion, seconded by Commissioner McMillan and unanimously carried to approve the Work Session Meeting minutes of September 10, 2020, as submitted.

Commissioner McMillan made motion, seconded by Commissioner Seal and unanimously carried to approve the Regular Meeting minutes of September 24, 2020, as submitted.

It came on for discussion under Unfinished Business, the Revitalization of Nonconforming Properties, as follows:

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

After considerable discussion, no action was taken.

It came for discussion under Unfinished Business, Tree Ordinances 364, 490 and 491, as follows:

After considerable discussion, Commissioner Seal made motion, seconded by Commissioner Ward and unanimously carried to acknowledge and make the following documents part of the record, as submitted:

ORDINANCE 364: CONSOLIDATED with Ordinance No. 490 and 491

ORDINANCE 364

AN

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REGULATING THE PLANING AND REMOVAL OF STREET TREES AND TREES ON PRIVATE PROPERTY WITHN SAID CITY, REQUIRING A PERMIT FOR THE REMOVAL OF CERTAIN TREES FROM PRIVAGE PROPERTY, PROVIDING FOR THE PROTECTION OF TREES FROM ABUSE AND MUTILATION, PROVIDING FOR PENALTIES FOR ANY VIOLATION OF ANY PROVISION OF THEIS ORDINANCE, AND FOR RELATED PURPOSES.

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSSSIPPI, AS FOLLOWS:

SECTION 1. Short Title

This Ordinance shall be known, and may be cited, as "The Tree Preservation and Protection Ordinance of the City of Long Beach, Mississippi.

Section 2. Intent and purpose

The intent and purpose of this Ordinance is, through the preservation and planting of trees and removal thereof, to: aid in the stabilization of soil by the prevention of erosion and sedimentation; reduce storm water runoff and the costs associated therewith and replenish ground water supplies; aid in the removal of carbon dioxide and generation of oxygen in the atmosphere; provide a buffer and screen against noise pollution; provide protection against sever weather; aid in the control of drainage and restoration of denuded soil subsequent to-construction or grading; provide a haven for birds which in turn assist in the control of insects; protect and increase property values; conserve and enhance the City's physical and aesthetic environment; and generally protect and enhance the quality of life and the general welfare of the City.

Section 3. Definitions

- (a) In addition to any words and terms or phrases elsewhere defined herein, the following words, terms and phrases shall have the following meanings, unless some other meaning is plainly intended

"Caliper" shall mean the diameter of any tree trunk six (6) inches above ground level.

"City" shall mean the City of Long Beach, Mississippi.

"Governing Body" shall mean the Mayor and Board of Aldermen of the city of Long Beach Mississippi.

"Mayor" shall mean the Mayor of the City,

"Building Official" shall mean the building Official of the City

"Person" shall mean an individual, partnership, corporation, society, trust or any unincorporated organization, association, or other combination of individuals whether legal or natural , and any agency, department or subdivision of the City.

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

“Planning Commission” shall mean the Planning and Development Commission of the City.

“Public Works Department” shall mean the Public Works Department of the City’

“Removal “ shall mean the ultimate destruction or removal of any shrub, or tree through cutting, land fill, drainage, poison, fire, explosion, damaging , or any other direct or indirect action resulting in the death of such, shrubs, tree or trees.

“Street tree” or “street shrub” shall mean any tree or shrub in a public place.

“Tree Worthy of Preservation” Shall mean any tree which can reasonable be determined by the Planning and Development Commission of the City to have a remaining life span equal to or greater than that of a proposed structure included in a site plan or subdivision plat, or any tree which is unique by reason of age, size, rarity or status as a landmark or species specimen, or other outstanding quality.

SECTION 4. STREET TREES/STREET SHRUBS—JURISDICTION.

- (a) “The Planning and Development Commission” subject to the approval of the Governing Body of the City, shall have exclusive jurisdiction and supervision over all trees, shrubs and grassy areas planted or growing in public places. The Public Works Department of the City, with the direction of the Planning and Development Commission, shall have the duty to plant, trim, spray, treat, preserve, remove trees, shrubs and grassy areas in public places to insure safety or preserve the symmetry and beauty of such public places
- (b) It shall be unlawful for any person to hinder, prevent, delay or interfere with the Planning and Development Commission , the Public Works Department, of any agent or employee thereof,, in the exercise of the powers and duties in the carrying out of the provisions hereof. This section shall not be construed to prohibit the pursuit of any legal or equitable remedy in a court of competent jurisdiction for the protection of personal or property rights by any property owner in the City of Long Beach, Mississippi.
- (c) There is excluded from the provisions of this section, public places in the median of U,S, Highway 90 within jurisdiction of the Harrison County Park Commission
- (d) All action of the Planning and Development Commission and/or the Public Works Department in carrying out the provision of this Section are subject to the prior approval of the Governing Body of the City which may provide for such actions, in the discretion, to be carried out by contract with private persons.

SECTION 5. PERMIT REQUIRED FOR REMOVAL OF TREE FROM PRIVATE POROPERTY.

- (a) It shall be unlawful for any person to remove or cause or assist in the removal of any live Oak or Magnolia tree within the City of Long Beach, Mississippi, without first having obtained a valid tree removal permit. For the purpose of this Section, a tree is any self-supporting Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one –half (4 ½) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown.
- (b) Any person desiring a permit for removal of any Live Oak or Magnolia tree as required by this Ordinance shall submit a written application together with a filing fee of \$25.00 (Amended Ordinance No, 490 October 21, 2003) per parcel of land to which such application pertains. The application, together with

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

the filing fee, shall be submitted to the Zoning Enforcement Officer of the City, and shall include the following information:

- (1) Name and address of the applicant and status of legal entity
 - (2) Status of applicant with respect to the land upon which such tree or tree is or are located
 - (3) Written consent of the owner and mortgagee of the land if the applicant is not the owner
 - (4) Map or diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area
 - (5) Name address of the person preparing any map, drawing or diagram submitted with the application
 - (6) Location of the property, including a street number and address and lot number as shown on the official assessor's map of the City
 - (7) A true copy of the deed or other muniment of title evidencing ownership of the subject property
 - (8) Location of all Protected and large shade trees on the property, their size and species (updated by Planning and Development Commission during meeting)
 - (9) Designation of all disease and/or damaged trees
 - (10) Designation of any trees endangering any roadway, pavement, or utility line
 - (11) Any proposed grade changes that might adversely affect or endanger any trees on the site and specifications of how to maintain them
 - (12) Designation of trees to be removed and trees to be maintained
 - (13) Purpose of tree removal (construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc.)
 - (14) Location of existing and/or proposed structures
 - (15) A statement of the applicant that no person, not a party to the application, has any interest in the title in or to the property
- (c) The Zoning Enforcement officer, in addition may require the applicant to furnish, and the applicant shall thereupon supply any of the following documentation
- (1) A site plan specifying the methods to be used to preserve all remaining trees and their root system and the means of providing water and nutrient in their root systems
 - (2) A topographical survey of the land if development, construction, or subdivision will result in change in elevation, or if the land is more than one acre in area
 - (3) Plat or survey of the land drawn to scale by registered land surveyor or professional engineer
 - (4) Location of all existing and proposed utilities
 - (5) Grading and drainage requirements
 - (6) The extent, description and time frame which will be used by the applicant and/or owner to replenish the flora of occasioned by the removal of any Live Oak and/or Magnolia trees
 - (7) Location and description of all existing or proposed structures, improvements and site uses, properly dimensioned and referenced to property lines, drawn to scale"

SECTION 6. PLANNING AND DEVELOPMENT COMMISSION REVIEW OF PERMIT APPLICATION.

The Zoning Enforcement Officer shall refer the application for tree removal permit and supporting documents to the Planning and Development Commission of the City for review and determination whether the permit should be granted or denied and appropriate recommendation to the Governing Body of the City for final action. In determining whether or not a Tree Removal Permit should be granted and making its recommendation to the Governing Body of the City, the Planning and Development Commission shall consider the following:

MINUTES OF OCTOBER 8, 2020
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- (a) The condition of the tree or trees proposed to be removed with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.
- (b) The necessity of removing the tree or trees in order to construct the proposed improvements or structures to all reasonable economic use of the property.
- (c) The effect of removal on erosion, soil moisture retention, flow of surface waters and coordination with the drainage system plan of the City of Long Beach, Mississippi.
- (d) The number and density of trees in the area and the effect of tree removal on property values of the neighborhood and other existing vegetation.
- (e) Whether any tree proposed to be removed is worthy of preservation.
- (f) Impact upon the urban and natural environment, including:
 - (1) Whether tree removal would substantially alter the water table or affect the stability of ground and surface water.
 - (2) Whether tree removal would affect water quality and aquifer recharge by reducing the natural assimilation of nutrients, chemical pollutants, heavy metals and other substances from ground and surface waters during the movement of water towards an aquifer or natural stream.
 - (3) Whether tree removal would have an adverse impact upon existing biological and ecological systems.
 - (4) Whether tree removal would affect noise pollution by increasing sounds noise levels to such a degree that a public nuisance or violation of noise control would occur.
 - (5) Whether tree removal will affect air movement by significantly reducing the ability of existing vegetation to reduce wind velocities.
 - (6) Whether tree removal will affect air quality by significantly affecting the natural cleansing of the atmosphere by vegetation.
 - (7) Whether tree removal will affect wildlife habitat by significantly reducing the habitat available for wildlife existence and reproduction or causing the emigration of wildlife from adjacent or associated ecosystems.
- (g) The ease with which the applicant can alter or revise the proposed development of improvement to accommodate existing trees.
- (h) The economic hardship that would be imposed upon the applicant were the permit denied.
- (i) The heightened desirability of preserving tree cover in densely developed or densely populated areas.
- (j) The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.
- (k) Whether the continued presence of the tree or trees is likely to cause danger to a person or property.
- (l) Whether the topography of the area in which the tree or trees is located is of such a nature to be damaging or injurious to trees.
- (m) Whether the removal of the trees is for the purpose of thinning a heavily wooded area where some trees will remain.
- (n) These provisions shall not apply to:
 - (a) The removal of trees from commercial or horticultural properties such as farms, nurseries, or commercial forests. This exception shall not be interpreted to include lumber harvesting incidental to imminent development or public rights-of-ways.
 - (b) The removal of trees on public rights-of-ways conducted by or on behalf of a Federal, State, County, Municipal, or other governmental agency in pursuance of its lawful activities or functions in the construction or improvement of public right-of-ways.
 - (c) The removal of a tree which has become or that threatens to become a danger to human life or property.
 - (o) In submitting its recommendations to the Governing Body of the City, the Planning and Development Commission shall state its reasons for either a recommendation for granting or denying the application for the Tree Removal Permit.

**MINUTES OF OCTOBER 8, 2020
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

SECTION 2 Section 7 of said Ordinance No 364 of the City of Long Beach, Mississippi, be and is hereby amended to read as follows:

SECTION 7. FINAL APPROVAL OF GOVERNING BODY REQUIRED FOR TREE REMOVAL PERMIT

- (a) And its next regular meeting following the receipt of the recommendations of the Planning and Development Commission concerning an application for Tree Removal permit, or at such meeting to which the same may be recessed or adjourned, the Mayor and the Governing Body of the City shall take final action in granting or denying the application for Tree Removal Permit. The underlying facts and circumstances for granting or denying the application shall be spread upon the minutes of the Mayor and Governing Body. Any person feeling aggrieved at the finding and decisions of the Mayor and Governing Body of the City shall have the right to appeal by bill of exceptions to the Circuit Court in and for the First Judicial District of Harrison County, Mississippi, in the manner provided by the Laws of the State of Mississippi.
- (b) And a condition of granting the Tree Removal Permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of live oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees
- (c) Upon issuance of a Tree Removal Permit, the permit fees will be as follows: **(As amended Ordinance No. 491 March 18 2004)**
 - (1) For Removal of a tree or trees where such removal of such tree or trees is necessitated by material damage cause by such tree or trees to permanent improvements or improvements on the parcel where such tree or trees are situated a fee of \$1.00 per tree permitted to be removed.
 - (2) For Removal of all other trees, a fee of \$45,00 per tree permitted to be removed"

SECTION 8. REMOVAL OF TREE, PENALTIES.

- (a) Any person removing any Live oak or Magnolia tree within the City of Long Beach, Mississippi, without a valid Tree Removal Permit, shall be guilty of a misdemeanor; and upon conviction thereof shall be sentence to pay a fine of not less than \$500.00 nor more than \$ 1,000.00. The removal of each tree without having first secured a valid Tree Removal Permit shall constitute a separate offense and shall be punishable as such.
- (b) If any person shall remove any Live Oak or Magnolia tree from any property within the City of Long Beach, Mississippi, without first having obtained a valid Tree Removal Permit, and have any permit granted for the construction, remodeling or demolition of any building, improvement or structure on such property or for the subdivision of such property, such person shall be in violation of the provisions of this Ordinance; and upon such finding of such violation of this Ordinance, the Governing Body of the City shall revoke such permit for construction, remodeling or demolition of any building, improvement or structure on such property or for the subdivision of such property, such person so violating the provisions of this ordinance shall not be granted any new permit for the, remodeling or demolition of any building, improvement or structure on such property or for the subdivision of such property or for the subdivision of such property for a period of not less than six (6) months nor more than nine (9) months from the date of such revocation of such permit. This penalty is in addition to the penalties set forth in subsection (a) of this section above.

SECTION 9. Headings catch phrases.

The headings and catch phrases of each section of this Ordinance or for easy reference and research and shall not be construed to affect the meaning of any of such sections.

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

SECTION 10. EMERGENCIES.

In the event of emergencies involving, but not limited to, hurricanes, windstorms, floods, freezes or other civil disasters, the requirements of this Ordinance may be temporarily waived or suspended by proclamation of the Mayor of the City of Long Beach, Mississippi, filed with the City Clerk or said City.

SECTION 11. SEPARABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstance, shall be held invalid, or unconstitutional, by any court of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions or the applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application; and to that end, the provisions of this ordinance, and each section, subsection, sentence, clause or phrase are here by declared to be severable.

SECTION 12. EFFECTIVE DATES AS FOLLOWS:

Ordinance No. 364 The Tree Preservation and Protection Ordinance of the City of Long Beach, Mississippi.
Adopted October 21, 1986

Ordinance No. 490 Amending: Ordinance 364 on October 21 2003
Section 5. (b) updated application fee to \$25.00
Section 7. (c) Added (c) Tree Removal Permit fee of \$45.00 per tree to be removed

Ordinance No. 491 Amending: Ordinance No. 364 February 17, 2004
Section 7. (c) Adding Tree Removal (1) Permit fee of \$1.00 for trees damaging or threatening property
and (2) \$45.00 per tree for all other trees to be removed

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING**

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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Larry Ward

Ordinance No 364 as Amended by Ordinances 490 and 491

Sep 24, 2020 at 9:31:04 AM

larry2508@att.net

Let's be clear Ordinance 364 as Amended requires all "Persons" including developers to follow the provisions of the City of Long Beach Tree Preservation and Protection Ordinance No 364 as Amended by Ordinances No 490 and 491. Also City of Long Beach Ordinance No 598 which Amended Ordinance No 344 The City, Zoning Ordinance. Specifically, Article XVIII Shading specifically requires every development to conform to City Tree Ordinance

The following lists specific sites in these Ordinances:

City of Long Beach Ordinance 364 as Amended

1. Every person including developers shall obtain a "Valid" Tree Removal Permit prior to removing any Live Oak and Magnolia Tree
2. Section 5 (a) It SHALL be unlawful for any "Person" to remove or cause or assist in the removal of any Live Oak or Magnolia Tree within the City of Long Beach, Mississippi without first having obtained a valid Tree Removal Permit.
3. Section 8 Removal of Tree Penalties. (a) Any person removing any Live Oak or Magnolia Tree within the City of Long Beach, Mississippi without a VALID Tree Removal Permit Shall be guilty if a misdemeanor and upon conviction there of shall be sentenced to pay a fine not less than \$500.00 nor more than \$1,000.00. The removal of each tree without having first secured a valid tree removal shall constitute a separate offense and shall be punishable as such.
4. (b) If any person shall remove any Live Oak or Magnolia Tree from property within Long Beach, Mississippi without first having obtained a Valid Tree Removal Permit and have any Permit granted for construction remodeling or

**MINUTES OF OCTOBER 8, 2020
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

demolition of any building improvements or structure on such property or for the subdivision of such property

Such Person SHALL be in violation of the Provisions of this Ordinance and upon such finding of such violation of this Ordinance The Governing Body of this Ordinance SHALL revoke such Permits for any construction.... for a period of not less than six (6) months....

Ordinances No 490 (October 21, 2003) Amended Ordinance 364 as follows

Section 7 (c) Upon Issuance The Permit Fee will be as follows

\$45.00 per tree to be removed

Ordinance No 491 (March 17, 20⁰~~0~~4) Amended Ordinance 364 as follows

Upon issuance of Tree Removal Permit Ordinance No 491 Section 7 (c) (1)

Section 7 (c) (1) For Removal of a tree or where such Removal of a such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees are situated a fee of \$1.00 per tree permitted to be removed.

(2) For Removal of all other trees a fee of \$45.00 per tree permitted to be removed

Ordinance No 598 Amended Ordinance No 344 City of Long Beach, Mississippi Zoning Ordinance Article XVIII Shading Section 212

Ordinance No 598 Article XVIII states following

**MINUTES OF OCTOBER 8, 2020
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Section 212: Retention and Protection of Large Trees

(a) Every Development SHALL Conform to the City's Tree Ordinance

(b) Every Development shall make every effort to retain all existing trees over 18 inches in diameter

Hence it is clear that Developers are required to pay \$45.00 per permitted tree to be removed. This is clear in Ordinance No 364 as Amended by Ordinances 490 and 491. Also Ordinance No 598 Amended Ordinance 344 and clearly requires Developers to Conform to Ordinance 364.

Further since a "Valid" Tree Removal Permit is required prior to removal of permitted trees and a fee of \$45.00 is required for "Each Tree Permitted To Be Removed" failure to pay the fee prior to removal of any permitted tree would logically result in removal of trees without a "VALID" Tree Removal Permit.

Sent from my iPhone

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

Larry Ward

Available Provisions to inform applicants of required Ordinance
within the city of Long Beach

Sep 24, 2020 at 9:54:47 AM

larry2508@att.net

I have been advised that the only mechanism available to commission members to inform persons and/or developers of required Ordinances or omissions in applications is to file a City of Long Beach, Mississippi Property Complaint Form. See attached form.

In this instance I was reluctant due to sensitivity and importance of subject developments in Long Beach and opted to simply inform the developers of their omissions and allow them the opportunity to correct their omissions.

I did call two developers on August 11-12 and recalled 26 days later when they did not follow through on their assurances to follow up with city or return my call.

This recall was also motivated by additional clearing of the two subject developments. Especially since one obviously included covered trees under Ordinance No 364.

Sent from my iPhone

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
CITY OF LONG BEACH, MISSISSIPPI

PROPERTY COMPLAINT FORM		
PHYSICAL ADDRESS: 201 JEFF DAVIS AVENUE LONG BEACH, MS 39560	PHONE: (228) 863-1554 FAX: (228) 863-1558	MAILING ADDRESS POST OFFICE BOX 929 LONG BEACH, MS 39560

PLEASE PRINT LEGIBLY

TO: BUILDING DEPARTMENT
CODE ENFORCEMENT

NAME: _____ (Your request will be reviewed and a copy of the action taken will be forwarded to you. Please limit your request to one topic per statement)

ADDRESS: _____

PHONE: () _____

NOTE: The information you supply for this complaint will be used for substantiating the complaint, purposes of investigation and if necessary, to pursue legal action. The information you provide is voluntary and you are not required to provide any information. If the case proceeds to court the data may be accessed per a judge ruling. The purpose of collecting this information will enable us to contact you when additional information is required. During investigation and legal action, data related to the case may be shared with other City employees or other agencies so that the complaint may be corrected or abated or other legal action may be taken. Keep in mind that we may not be able to adequately investigate the complaint without complete and accurate information.

ADDRESS OF VIOLATION: _____

NAME OF PROPERTY OWNER (IF KNOWN): _____ Tax Parcel No. _____

DESCRIPTION OF VIOLATION: (use separate sheet of paper if needed) _____

FOR OFFICE USE ONLY

Received by: _____ office email fax mail
Signature Date

Inspected by: _____
Signature Date

Action taken: _____

Send Letter _____
Reference Code, Ordinance and Section, etc.

Close Complaint

It came for discussion under New Business, a Certificate of Resubdivision for property located at 0 North Lang Avenue, Tax Parcels 0512H-01-005.000 and 0512H-01-004.000, submitted by Thor Goldsmith, as follows:

MINUTES OF OCTOBER 8, 2020
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CITY OF LONG BEACH
PLANNING DEPARTMENT
201 JEFF DAVIS AVENUE
PO BOX 929
LONG BEACH, MS 39560
(228) 863-1554
(228) 863-1558 FAX

Office use only
Date Received 9-17-20
Zoning R-1
Agenda Date 10-8-20
Check Number 166171 2225

APPLICATION FOR CERTIFICATE OF RESUBDIVISION

- I. TYPE OF CASE: CERTIFICATE OF RESUBDIVISION
- II. ADVALOREM TAX PARCEL NUMBER(S): 0512H-01-005.000 , 0512H-01-004.000
- III. GENERAL LOCATION OF PROPERTY INVOLVED: LOTS 4-6, BLOCK 10, HARBOR VIEW SOUTH OF CHURCH ST., EAST OF LANG AVE., NORTH OF RAILROAD ST.
- IV. ADDRESS OF PROPERTY INVOLVED: LANG AVENUE
- V. GENERAL DESCRIPTION OF REQUEST: Resubdivision of TWO PARCELS
Into ONE PARCEL

VI. REQUIRED ATTACHMENTS:

- A. Resubdivision Survey and Certificate (see attached example) on no less than 11" X 17" paper.
- B. Cash or Check payable to the City of Long Beach in the amount of \$250.00
- C. Proof of ownership (copy of recorded warranty deed), if applicable proof of authority to act as agent for owner.

*****NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.**

VII. OWNERSHIP AND CERTIFICATION:

READ BEFORE EXECUTING, the applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application, the completed application with all necessary documents and payments must be returned to the Planning office not later than fifteen (15) days before the 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

Ownership: I the undersigned due hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

Thor Goldsmith
Name of Rightful Owner (PRINT)

24015 SE 261ST PL
Owner's Mailing Address

MAPLE VALLEY WA 98038
City State Zip

425 358 0980
Phone

Thor Goldsmith Sept 9, 2020
Signature of Rightful Owner Date

Name of Agent (PRINT)

Agent's Mailing Address

City State Zip

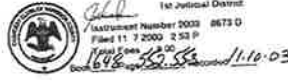
Phone

Signature of Applicant Date

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**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT



WARRANTY DEED

For and in consideration of the sum of \$10.00 cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, James M. Goldsmith and Genevieve Lyons do hereby sell, convey and warrant unto Thor C. Goldsmith, a single person, property being located in the First Judicial District of Harrison County, Mississippi, to-wit:

Lots 5 and 6, Block 10, Harbor View Addition, City of Long Beach, a subdivision, according to a map or plat thereof which is on file and of record in the office of the Chancery Clerk of Harrison County, Mississippi, First Judicial District, in Copy Plat Book 2A, Page 172.

The above described property is subject to any easements, Restrictive Covenants and prior oil, gas and mineral reservations or conveyances of record. The above described real property is no part the Homestead of the Grantor nor is it adjacent or contiguous thereto.

This conveyance is also subject to any encroachments and easements shown by a survey on the subject property by E. Patrick Cassidy & Associates, Inc., dated August 23, 1996.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis and are assumed by the Grantee. When said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to pay on the basis of an actual proration.

WITNESS the signature of the company on this 10th day of November, 2020.

JAMES M. GOLDSMITH

GENEVIEVE LYONS

BK 1648PG0553

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 7th day of November, 2020, within my jurisdiction, the within named James M. Goldsmith and Genevieve Lyons, who acknowledged that they executed the above and foregoing instrument, after first having been duly authorized to do so.

My Commission Expires:

NOTARY PUBLIC



Grantor's Address:
203 A N. Lang Avenue
Long Beach, MS 39560
(228) 864-0251

Grantee's Address:
203 A. N. Lang Avenue
Long Beach, MS 39560
(228) 864-0251

This instrument prepared by:
JOHN H. RICE
Attorney at Law
1418 20th Avenue
Gulfport, MS 39501
(228) 863-0904



Prepared by and Return to:
JOSEPH P. HUDSON
Attorney-at-Law
P. O. Box 908
Gulfport, MS 39502
228-863-3095

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

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 all of which is hereby acknowledged, we, the undersigned,

**JAMES M. GOLDSMITH and GENEVIEVE GOLDSMITH fls
GENEVIEVE LYONS, husband and wife
203A North Lang Avenue
Long Beach, MS 39560
(228) 313-1414**

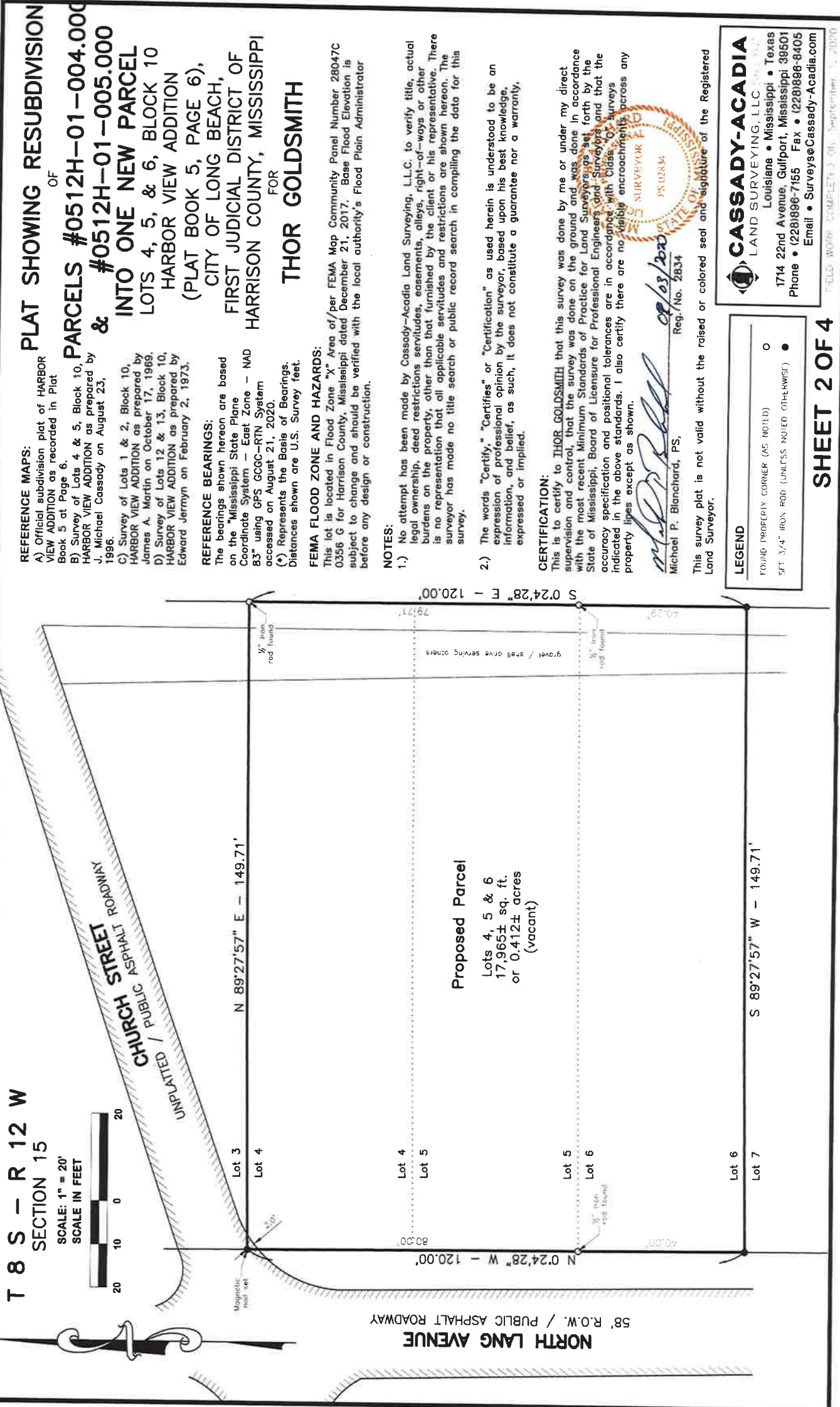
do hereby sell, convey and warrant unto:

**THOR GOLDSMITH
203A North Lang Avenue
Long Beach, MS 39560
(228) 313-1414**

the following described land and real property being located in the First Judicial District of Harrison County, Mississippi, together with all improvements thereon situated and being more particularly described as follows:

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION



REFERENCE MAPS:
A) Official subdivision plat of HARBOR VIEW ADDITION as recorded in Plat Book 5 at Page 6.
B) Survey of Lots 4 & 5, Block 10, HARBOR VIEW ADDITION as prepared by J. Michael Cassidy on August 23, 1996.
C) Survey of Lots 1 & 2, Block 10, HARBOR VIEW ADDITION as prepared by James A. Martin on October 17, 1969.
D) Survey of Lots 12 & 13, Block 10, HARBOR VIEW ADDITION as prepared by Edward Jermyn on February 2, 1973.

REFERENCE BEARINGS:
The bearings shown hereon are based on the "Mississippi State Plane Coordinate System - East Zone - NAD 83" using GPS GCGC-RTN System accessed on August 21, 2020.
(*) Represents the Basis of Bearings. Distances shown are U.S. Survey feet.

FEMA FLOOD ZONE AND HAZARDS:
This lot is located in Flood Zone "X" Area of per FEMA Map Community Panel Number 28047C 0356 G for Harrison County, Mississippi dated December 21, 2017. Base Flood Elevation is subject to change and should be verified with the local authority's Flood Plain Administrator before any design or construction.

NOTES:
1.) No attempt has been made by Cassidy-Acadia Land Surveying, L.L.C. to verify title, actual legal ownership, deed restrictions servitudes, easements, alleys, right-of-ways or other burdens on the property, other than that furnished by the client or his representative. There is no representation that all applicable servitudes and restrictions are shown hereon. The surveyor has made no title search or public record search in compiling the data for this survey.
2.) The words "Certify", "Certifies" or "Certification" as used herein is understood to be an expression of professional opinion by the surveyor, based upon his best knowledge, information, and belief, as such, it does not constitute a guarantee nor a warranty, expressed or implied.

CERTIFICATION:
This is to certify to THOR GOLDSMITH that this survey was done by me or under my direct supervision and control, that the survey was done on the ground and was done in accordance with the most recent Minimum Standards of Practice for Land Surveyors set forth by the State of Mississippi, Board of Licensure for Professional Engineers and Surveyors and that the accuracy specification and positional tolerances are in accordance with Class "C" surveys indicated in the above standards. I also certify there are no visible encroachments across any property lines except as shown.

Michael P. Blanchard
Michael P. Blanchard, PS,
Reg. No. 2834

This survey plat is not valid without the raised or colored seal and signature of the Registered Land Surveyor.



CASSADY-ACADIA
LAND SURVEYING, LLC
Louisiana • Mississippi • Texas
1714 22nd Avenue, Gulfport, Mississippi 39501
Phone • (228)896-7155 Fax • (228)896-8405
Email • Surveys@Cassady-Acadia.com

LEGEND
FOUND PROPERTY CORNER (AS NOTED) ○
SET 3/4" IRON ROD (UNLESS NOTED OTHERWISE) ●

SHEET 2 OF 4

MINUTES OF OCTOBER 8, 2020
REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

PLAT SHOWING RESUBDIVISION
OF
PARCELS #0512H-01-004.000
& #0512H-01-005.000
INTO ONE NEW PARCEL
LOTS 4, 5, & 6, BLOCK 10
HARBOR VIEW ADDITION
(PLAT BOOK 5, PAGE 6),
CITY OF LONG BEACH,
FIRST JUDICIAL DISTRICT OF
HARRISON COUNTY, MISSISSIPPI
FOR
THOR GOLDSMITH

CERTIFICATE OF RESUBDIVISION

In accordance with Article II, Section 3 of the Code of Ordinance (Subdivision Regulations) of the City of Long Beach as amended, it is hereby certified that the Long Beach Planning Commission Chairman and Long Beach Mayor and Board of Aldermen have reviewed and approved the attached Final Plat. The following property has been subdivided from Harrison County ad valorem tax parcel numbers 0512H-01-004.000 and 0512H-01-005.000 into One new parcel. The subject properties are generally described as being located adjacent to North Long Avenue and Church Street.

LEGAL DESCRIPTION OF LAND PRIOR TO THIS RESUBDIVISION:
PARCEL #0512H-01-004.000
(Instrument No. 2020-43-D-J1)

Lot 4, Block 10, HARBOR VIEW ADDITION (Plat Book 5, Page 6), City of Long Beach, First Judicial District of Harrison County, Mississippi.
Containing 5,988 square feet or 0.137 acres, more or less.


PARCEL #0512H-01-005.000
(Instrument No. 2003-8673-D-J1)

Lots 5 and 6, Block 10, HARBOR VIEW ADDITION (Plat Book 5, Page 6), City of Long Beach, First Judicial District of Harrison County, Mississippi.
Containing 11,977 square feet or 0.275 acres, more or less.

LEGAL DESCRIPTIONS OF THE NEW PARCEL READS AS FOLLOWS:

LEGAL DESCRIPTION OF NEW PARCEL:

Lots 4, 5, & 6, Block 10, HARBOR VIEW ADDITION (Plat Book 5, Page 6), City of Long Beach, First Judicial District of Harrison County, Mississippi.
Containing 17,965 square feet or 0.412 acres, more or less.



CASSADY-ACADIA
LAND SURVEYING, LLC
Louisiana • Mississippi • Texas
1714 22nd Avenue, Gulfport, Mississippi 39501
Phone • (228)896-7155 Fax • (228)896-8405
Email • Surveyse@Cassady-Acadia.com

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

CERTIFICATE OF APPROVAL:

I hereby certify that the Minor Subdivision shown on this plat does not involve the creation of new public streets, or any change in existing public streets, the extension of public water or sewer system or the installation of drainage improvements through one or more lots to serve one or more lots. That the subdivision shown is in all respects in compliance with the City ordinances of Long Beach and that therefore this plat has been approved by the administrator subject to its being recorded in the Harrison County Courthouse within sixty (60) days of the date below.

Administrator _____ Date: _____

PLANNING COMMISSION:

Submitted to and approved by the City of Long Beach Planning Commission at the regularly scheduled meeting on the _____ day of _____, 2020.

Planning Commission Chairman _____

APPROVAL:

Submitted to and accepted by the City of Long Beach, Board of Aldermen, at the regular meeting of said Board of Aldermen held on the _____ day of _____, 2020.

ATTEST: _____ ADOPT: _____

City Clerk _____ Mayor _____

Prepared by:
City of Long Beach
Planning Commission
201 Jeff Davis Avenue
Long Beach, MS 39560
228-863-1554

CASSADY-ACADIA
LAND SURVEYING, LLC
Louisiana • Mississippi • Texas
1714 22nd Avenue, Gulfport, Mississippi 39501
Phone • (228)896-7155 Fax • (228)896-8405
Email • Surveys@Cassady-Acadia.com

CERTIFICATE OF OWNERSHIP:

I hereby certify that, Thor C. Goldsmith is the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the City of Long Beach, and that I freely adopt this plan of subdivision.

Thor C. Goldsmith
Thor C. Goldsmith, Owner
Date: Sept 9, 2020

Subscribed and sworn to before me, in my presence this 9 day of September, 2020, a Notary Public in and for the County of WALSH State of MISSISSIPPI



NOTARY PUBLIC
My Commission Expires: 12/20/2021

CERTIFICATE OF SURVEY AND ACCURACY:

I hereby certify that this map drawn by me or drawn under my supervision from actual survey made by me or actual survey made under my supervision and was prepared in accordance with all applicable codes and ordinances. Witness my original signature, registration number and seal this the 3rd day of September, 2020.



Michael P. Blanchard
Michael P. Blanchard, PS
Registration No. 2834

Subscribed and sworn to before me, in my presence this 3rd day of September, 2020, a Notary Public in and for the Parish of Lafourche, State of Louisiana.

James C. Jones III
NOTARY PUBLIC James C. Jones III 3953 Z
My Commission Expires: at death

PLAT SHOWING RESUBDIVISION
OF
PARCELS #0512H-01-004.000
& **#0512H-01-005.000**
INTO ONE NEW PARCEL
LOTS 4, 5, & 6, BLOCK 10
HARBOR VIEW ADDITION
(PLAT BOOK 5, PAGE 6),
CITY OF LONG BEACH,
FIRST JUDICIAL DISTRICT OF
HARRISON COUNTY, MISSISSIPPI
FOR
THOR GOLDSMITH

**MINUTES OF OCTOBER 8, 2020
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

Commissioner Ward made motion, seconded by Commissioner Seal and unanimously carried recommending approval of the resubdivision in accordance with the Subdivision Regulation, Article II. MINOR AND MAJOR SUBDIVISION GENERAL REGULATIONS.

There being no further business to come before the Planning and Development Commission at this time, Commissioner Seal made motion, seconded by Commissioner Husband and unanimously carried to adjourn the meeting until the next regular scheduled meeting in due course.

APPROVED:

Commission Chairman Frank Olaiivar

DATE: _____

ATTEST:

Tina M. Dahl, Minutes Clerk