

**MINUTES OF JULY 12, 2018**  
**REGULAR MEETING**  
**LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

**AGENDA**  
**JULY 12, 2018**  
**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**

**IV. ANNOUNCEMENTS**

**V. APPROVE MINUTES**

1. June 28, 2018 Regular

**VI. UNFINISHED BUSINESS**

1. Discussion - Public Streets and Private Roads in subdivisions (referred back for further refinement).

**VII. NEW BUSINESS**

1. Tree Removal (2-Live Oak Trees)- Property located at 133 Destiny Oaks Drive, Tax Parcel 0512J-01-035.032- Submitted by David and Lynda Youmans.
2. Tree Removal (2-Live Oak Trees)- Property located at 329 East Fifth Street, Tax Parcel 0612A-03-054.000- Submitted by Kelly and Rhonda deBautte.

**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 July 17, 2018.

\*\*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.

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 12 of July 2018, 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 public hearing.

There were present and in attendance on said Commission the following named persons: Commission Chairman Frank Olaivar, Jeff Hansen, Judy Wood, Eddie Seal, Mark McMillan, Building Official Mike Gundlach, and minutes Clerk Tina M. Dahl.

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Absent the regular meeting were Commissioners Chris Carrubba, Randy Fischer, Shawn Barlow and Consultant/Advisor Bill Hessel.

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

\*\*\*\*\*

Commissioner Seal made motion, seconded by Commissioner McMillan and unanimously carried to Suspend the Rules to add a Variance Request located at property 6548 Simmons Drive, Tax Parcel 0611B-01-005.000, submitted by Robert Gales, as item number three under New Business.

\*\*\*\*\*

Commissioner Hansen made motion, seconded by Commissioner Seal and unanimously carried to approve the regular minutes of June 28, 2018, as submitted.

\*\*\*\*\*

No action was taken regarding Public Streets and Private Roads in Subdivisions.

\*\*\*\*\*

It came for discussion under New Business a Tree Removal Request for (2) Live Oaks on property located at 133 Destiny Oaks Drive, Tax Parcel Number 0512J-01-035.032, submitted by David and Lynda Youmans, as follows:

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**LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



CITY OF LONG BEACH, MISSISSIPPI  
201 Jeff Davis Avenue  
P.O. Box 929  
Long Beach, MS 39560  
(228) 863-1554  
(228) 863-1558 fax

OFFICE USE ONLY  
Date Received 6-27-18  
Zoning \_\_\_\_\_  
Agenda Date 7-12-18  
Check Number 1852

APPLICATION FOR TREE PERMIT

(Initial on the line that you've read each)

       Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your and the tree protection.

       Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a 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.

  X   Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

TODAY'S DATE: June 26, 2018

PROPERTY INFORMATION

TAX PARCEL # 05125-01-035-032

Address of Property Involved: 133 DESTINY OAKS DRIVE

Property owner name: DAVID & LYNDA YOUNG  
Are you the legal owner of the above property? Yes  No  If No, written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property.

Property owner address: 133 DESTINY OAKS DRIVE

Phone No. (228) 868-0223

CONTRACTOR OR APPLICANT INFORMATION

Company Name: \_\_\_\_\_

Phone No. \_\_\_\_\_ Fax: \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

PERMIT INFORMATION

Permit for: Removal  Trimming \_\_\_\_\_ Pruning \_\_\_\_\_

What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc.:

SEE ATTACHMENT (use separate sheet if needed)

Number of Trees: \_\_\_\_\_

2 live oaks Courtesy: Mississippi

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

(Initial on the line that you've read each)

  X   TREE SITE PLAN: Please provide a 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. Please include the following: 1) location of all trees on the property, their size and species 2) Designate which are disease/or damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.

  X   PHOTOGRAPH: You must attach a photograph of the tree to be removed, the photo must show any damage the tree is causing.

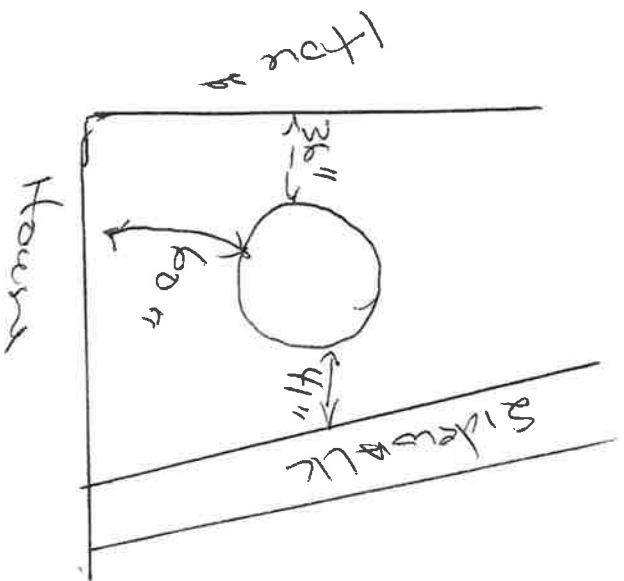
  X   OWNERSHIP: Please provide a recorded warranty deed.

  X   PERMIT FEES: Upon issuance of a Tree Removal Permit, the permit fee will be as follows: For removal of a tree or trees where such removal of 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. For removal of all other trees, a fee of \$45.00 per tree permitted to be removed. As per City of Long Beach Tree Ordinance (#364) 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 sentenced to pay a fine not less than \$500.00 nor more than \$1000.00. 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.

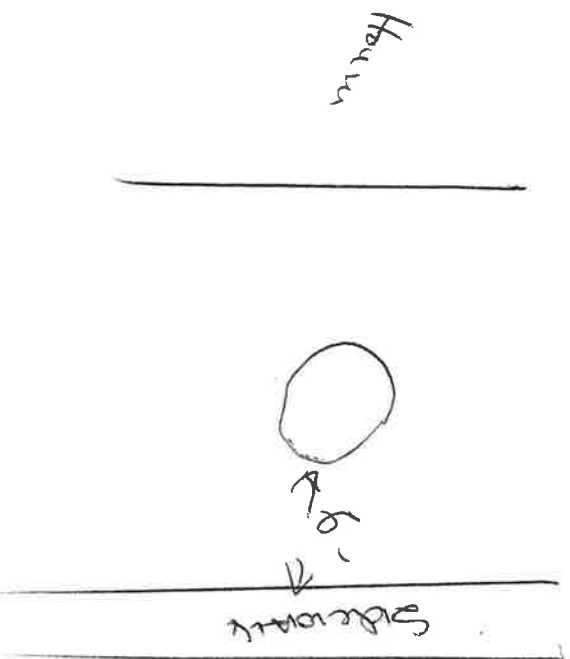
       REPLANTING: As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may

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Tree # 1



Tree # 2



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Tree Removal Request

David and Lynda Youmans  
133 Destiny Oaks Drive  
Tax Parcel # 0512J-01-035.032  
850-450-4896

Represented by Joe Loftus  
Loftus Tree Service  
Long Beach  
228-363-2563

Tree#1 Live Oak

8 Feet in Diameter  
36 inches from house on west side of tree  
60 inches from house on south side of tree  
40 inches from sidewalk on east side of tree

Major limbs within 6 inches of house on west side of tree

Roots are currently interfering with foundation. Sidewalk and driveway.

Tree #2 Live Oak

We planted tree approximately 5 years ago  
Growth has been rapid.  
It has gone from 8 inches in diameter to 3 ½ feet on diameter in 5 years.

It is 6 feet from sidewalk and root system is interfering with sidewalk.

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**WARRANTY DEED**

David A. Youmans and  
Lynda S. Youmans, Trustees of  
and under the Youmans Family  
Trust dated March 2, 2005  
133 Destiny Oaks Drive  
Long Beach, MS 39560

TO

David A. Youmans and  
Lynda S. Youmans, Trustee of  
and under the Youmans Family  
Trust dated March 5, 2005  
133 Destiny Oaks Drive  
Long Beach, MS 39560

228-

228-

For and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, We, David A. Youmans and Lynda S. Youmans, Trustees of and under the Youmans Family Revocable Trust created pursuant to Agreement dated March 2, 2005, do hereby sell, convey, and warrant to David A. Youmans and Lynda S. Youmans, Trustees of and under the Youmans Family Revocable Trust created pursuant to Agreement dated March 5, 2005, the following described property:

**SEE ATTACHED EXHIBIT "A"**

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

LSI ORDER NO 11655245

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**Tina Dahl**

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**From:** Kimberly Lentz <krlentz@gmail.com>  
**Sent:** Tuesday, July 10, 2018 12:23 PM  
**To:** tina@cityoflongbeachs.com  
**Subject:** Tree Removal Applications - Tree Board

133 Destiny Oaks - No objection under the circumstances stated in the Application.

329 5th St - No objection due to Joe Loftus' opinion.

Tree Board - Kimberly Lentz



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After discussion, and upon the City of Long Beach Tree Board's recommendation in accordance with the City of Long Beach Tree Ordinance, Commissioner Wood made motion, seconded by Commissioner Hansen and unanimously carried recommending to only remove Tree 1. Permission was not granted to remove Tree 2.

\*\*\*\*\*

It came for consideration a tree Removal Request for two (2) Live Oak Trees on property located at 329 East Fifth Street, Tax Parcel 0612A-03-054.000, submitted by Kelly and Rhonda deBautte, as follows:

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CITY OF LONG BEACH, MISSISSIPPI  
201 Jeff Davis Avenue  
P.O. Box 929  
Long Beach, MS 39560  
(228) 863-1554  
(228) 863-1558 fax

**APPLICATION FOR TREE PERMIT**

<b>OFFICE USE ONLY</b>	
Date Received	<u>7-5-18</u>
Zoning	
Agenda Date	<u>7-12-18</u>
Check Number	<u>1031</u>

(Initial on the line that you've read each)

           Routine trimming does not require a permit. The reason for pruning may include, but are not limited to, reducing risk, maintaining or improving tree health and structure, improving aesthetics, or satisfying a specific need. The City of Long Beach does recommend you obtain a licensed Arborist for your and the tree protection.

           Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a 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 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown.

           Any person desiring a permit for removal of any Live Oak or Magnolia tree, shall submit this application and a filing fee of \$25.00 per parcel of land to which such application pertains.

TODAY'S DATE: 7-3-18

**PROPERTY INFORMATION**

TAX PARCEL # 377168 D612A-030541.000

**ADDITIONAL INFORMATION REQUIRED  
FROM APPLICANT**  
(Initial on the line that you've read each)

Address of Property Involved: 329 E. 5th St

RD TREE SITE PLAN: Please provide a 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. Please include the following: 1) Location of all trees on the property, their size and species 2) Designate which are disease/damaged, 3) designate which are endangering any roadway, pavement, or utility line, 4) any proposed grade changes that might adversely affect or endanger any trees on the site and specify how to maintain them 5) designate the trees to be removed and the trees to be maintained, and 5) location of existing and/or proposed structures.

Property owner name: Kelly Rhonda DeBaulte  
Are you the legal owner of the above property? Yes  No  If No, written consent from the owner is needed. Please provide a statement that no person, not listed on this application, has any interest in the title in or to the property.

Property owner address: P.O. Box 396 Long Beach

Phone No. 985 570-4693

**CONTRACTOR OR APPLICANT INFORMATION**

Company Name: Ganta Brown

Phone No. 228 2065599 Fax:           

Name Charlie Grant or Craig Brown  
Address           

**PERMIT INFORMATION**

Permit for: Removal  Trimming  Pruning

What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc.:           

Tree 1 Termites approx (use separate sheet if needed)  
Rec. to be taken out.  
Tree 2 Termites or pest  
rec. to be taken out

Number of Trees: 2

2 Live Oak            Southern Magnolia

I hereby certify that I have read this application and that all information contained herein is true and correct; that I agree to comply with all applicable codes, ordinances and state laws regulation construction; that I am the owner or authorized to act as the owner's agent for the herein described work.

Phyllis Baulte 7-3-18  
Signature Date

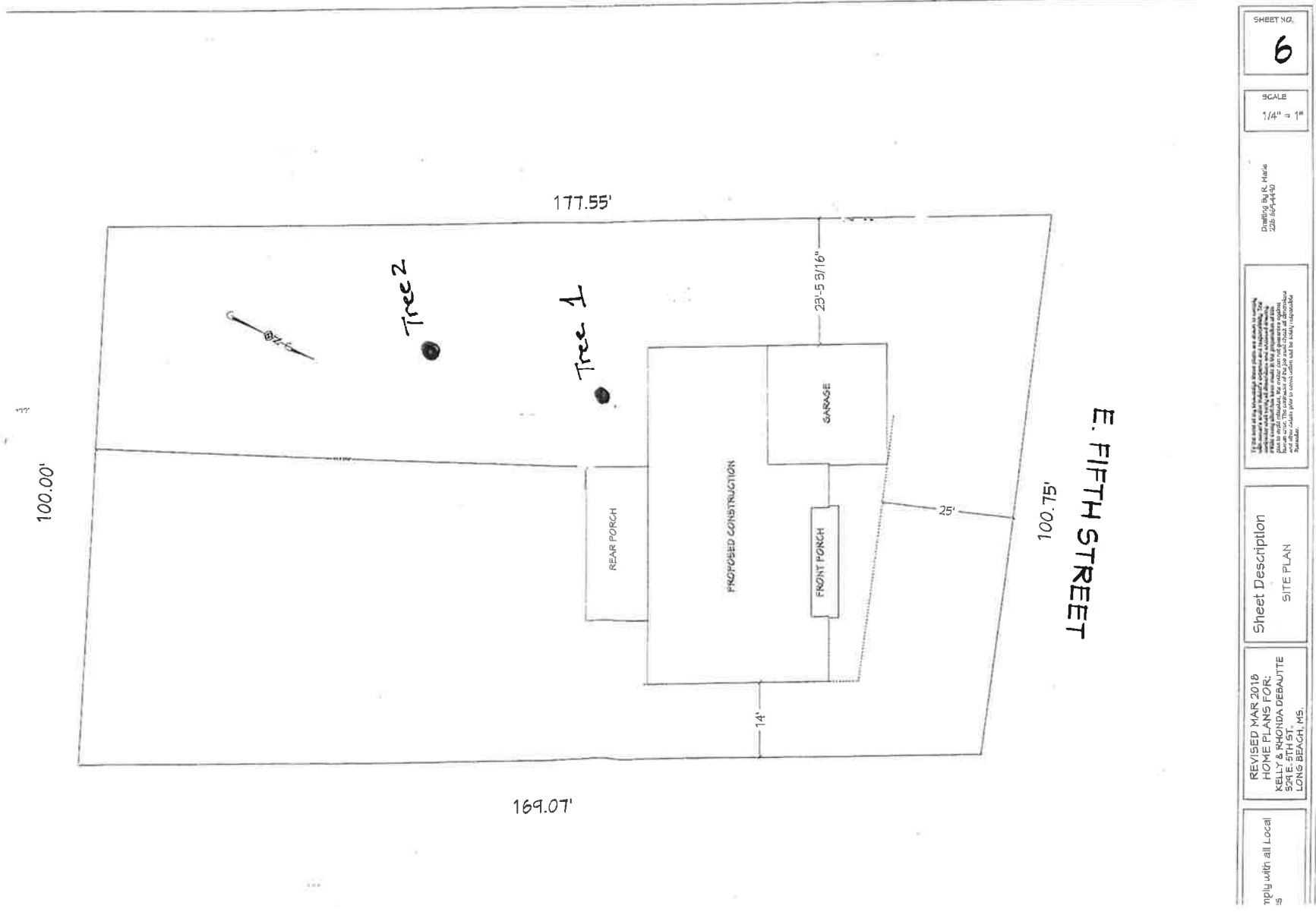
RD PHOTOGRAPH: You must attach a photograph of the tree to be removed, the photo must show any damage the tree is causing.  
RD OWNERSHIP: Please provide a recorded warranty deed.

RD PERMIT FEES: Upon issuance of a Tree Removal Permit, the permit fee will be as follows: For removal of a tree or trees where such removal of 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. For removal of all other trees, a fee of \$45.00 per tree permitted to be removed. As per City of Long Beach Tree Ordinance (#364) 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 sentenced to pay a fine not less than \$500.00 nor more than \$1000.00. 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.

RD REPLANTING: As 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.

RD MEETING: You must attend the Planning Commission meeting, not attending may cause your permit for tree removal to be denied or withheld.

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Copy with all Local as	REVISED MAR 2018 HOME PLANS FOR: KELLY & RHONDA DEBAUTTE 529 E. 5TH ST. LONG BEACH, MS.	Sheet Description SITE PLAN	SHEET NO. <div style="font-size: 2em; font-weight: bold; text-align: center;">6</div>
Drafting by R. Hask 228 265-3140		SCALE 1/4" = 1'	
The use of any trademark, trade name or other similar designation on these plans is not intended to constitute an endorsement or approval of the product or service by the Commission. The Commission is not responsible for any errors or omissions on these plans. The user of these plans shall be solely responsible for obtaining all necessary permits and for complying with all applicable laws, codes and regulations.			

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**Tina Dahl**

---

**From:** Rhonda Debautte <rdebautte@gmail.com>  
**Sent:** Thursday, July 5, 2018 9:25 AM  
**To:** tina@cityoflongbeachms.com  
**Subject:** Fwd: live oaks

Sent from my iPhone

Begin forwarded message:

**From:** Joe Loftus <[backyardlumber@hotmail.com](mailto:backyardlumber@hotmail.com)>  
**Date:** July 3, 2018 at 10:40:08 PM CDT  
**To:** "[rdebautte@gmail.com](mailto:rdebautte@gmail.com)" <[rdebautte@gmail.com](mailto:rdebautte@gmail.com)>  
**Subject:** live oaks

Rhonda

July 3, 2018

Live oak South side of house: The large live oak's tree protection zone has been compromised by not allowing enough root system to remain. The majority of the roots on the North side have been damaged due to construction of the new house. In the months and years to come you will begin to have die back in the tips of the branches of the trees. This is called a spiral decline an example would be the large live oaks in the town green on Jeff Davis ave. Two of the largest live oaks on that property are showing a decline, they need help. This means that the roots on the North side of your tree will die due to lack of air, water, and nutrient uptake. This will eventually make the tree structurally unsound. Future concern would be a South wind blowing off the water in a squall or storm and up rooting the tree since the roots have been compromised and your house being the target.

When assessing the tree I also found active termites and power post beetle holes in the big wound on the East side of tree. These are other factors that will cause structural damage in the tree. Now with your new house being built it as just become a target by this tree that is leaning over your house.

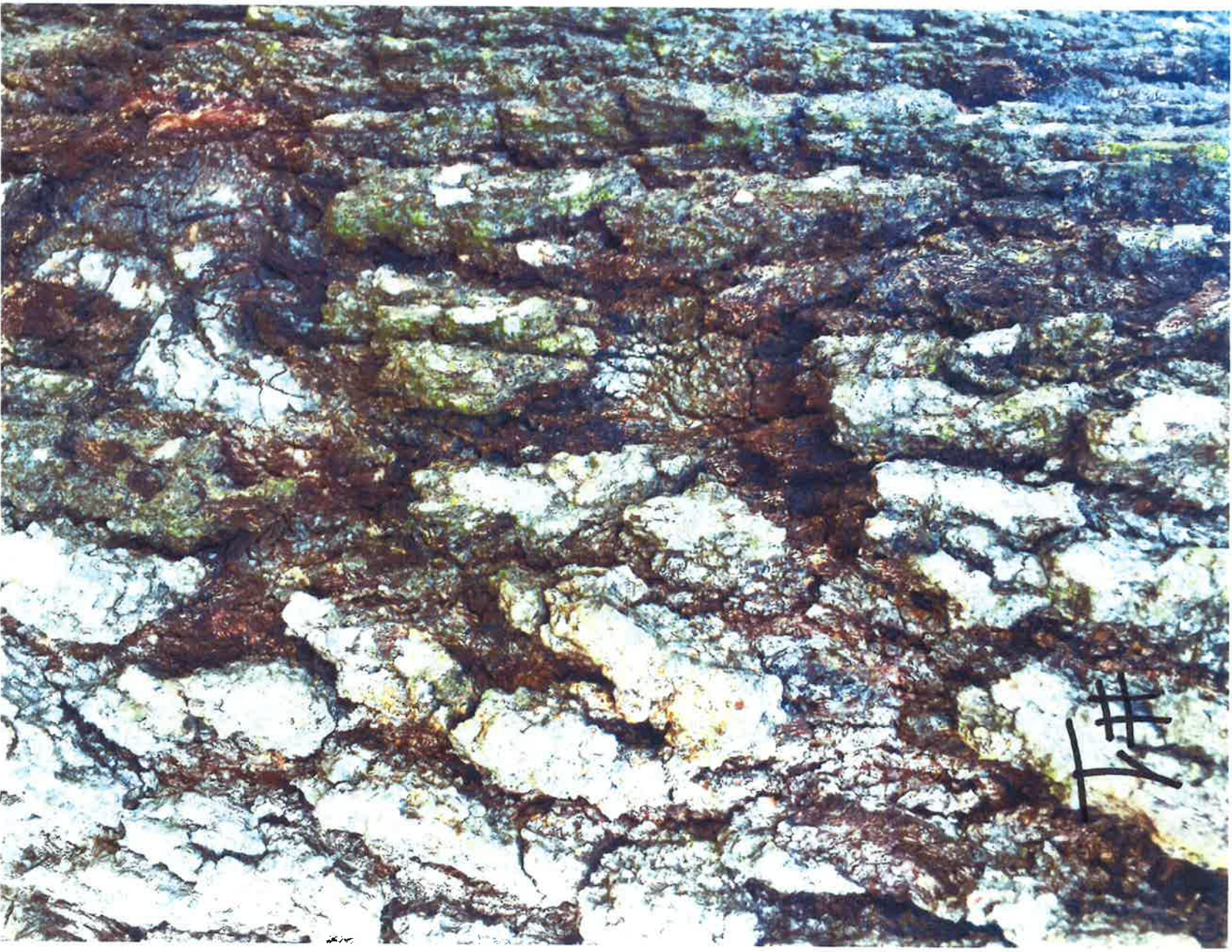
Second Tree: This tree looks like it was damaged in Katrina, possibly a double trunk tree with one of the trunks removed from the storm leaving a big wound about 6-7 feet on the remaining trunk. This is not a pretty tree do to damage and the other large live oak South of it, is shading it out not allowing a good canopy to form. With out a good canopy forming the tree will not be able to develop enough sugar and starch through photosynthesis to allow the the tree to compartmentalize(heal) the large wound. Decay in the tree is moving faster than the tree can compartmentalize to have a healthy tree. It has been 13 years since Katrina and this tree has not bounced back like some of the others.

In my assessment of these two trees I would recommend removing these two trees due to the facts that I have stated above. You have a total of about 7 live oaks on your property. One live oak can grow to fifty feet tall and have a drip line of fifty feet or more. that covers a lot of area. When taking these two out you will still have plenty of trees on your property plus the other water oak and laurel oaks that will add to our urban forest in Long Beach.

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SCANNED



*Shelley*  
1st Judicial District  
Instrument 2017 5628 D - J1  
Filed/Recorded 8/17/2017 12:30 N  
Total Fees \$ 12.00  
4 Pages Recorded

Prepared by:  
David B. Pilger  
Attorney at Law  
1406 Bienville Blvd., Suite 101  
Ocean Springs, MS 39564  
(228) 215-0011

Grantor:  
Big Guys Development, LLC  
111 Locust Lane  
Pass Christian, MS 39571  
Telephone: (337) 280-0446



Return To:  
David B. Pilger  
Attorney at Law  
1406 Bienville Blvd., Suite 101  
Ocean Springs, MS 39564  
(228) 215-0011  
File No. Z175887S

Grantees:  
Kelly P. deBautte  
Rhonda S. deBautte  
114 Wisner Street  
Paradis, LA 70080  
Telephone: (985) 570-4963

**INDEXING INSTRUCTIONS:** Block 19, Original Long Beach, S by Fleming; E by Matthews; N by 5<sup>th</sup>; W by Kerr, Harrison County, MS

**STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
FIRST JUDICIAL DISTRICT**

**WARRANTY DEED**

FOR AND IN CONSIDERATION OF the price and 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, **Big Guys Development, LLC**, a Mississippi Limited Liability Company, does hereby sell, convey and warrant unto **Kelly P. deBautte and Rhonda S. deBautte**, as joint tenants with right of survivorship and not as tenants in common, all of that certain tract, piece or parcel of land situated in Harrison County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

**SEE EXHIBIT "A" ATTACHED**

This being the same property as that conveyed to Big Guys Development, LLC, by Warranty Deed filed as Instrument No. 2015-8909D-J1, Land Deed Records of Harrison County, Mississippi.

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If this property is bounded by water, this conveyance includes any natural accretion, and is subject to any erosion due to the action of the elements. Such riparian and littoral rights as exist are conveyed herewith but without warranty as to their nature or extent. If any portion of the property is below the mean high tide watermark, or is coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act it is conveyed by quitclaim only.

This conveyance is subject to any and all covenants, rights of way, easements, restrictions and reservations of record in the office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

It is agreed and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to make all necessary adjustments on the basis of an actual proration.

Grantor(s) quitclaim any and all oil, gas, and other minerals owned, if any, to Grantee(s). No mineral search was requested or performed by preparer.

WITNESS MY SIGNATURE, on this the 11th day of August, 2017.

**Big Guys Development, LLC**

By: *Kevin McKay* ~~Managing Member~~

**A C K N O W L E D G E M E N T**

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, the within named **Kevin McKay**, who acknowledged that he is **the Managing Member of Big Guys Development, LLC, a Mississippi Limited Liability Company**, and that for and on behalf of the said entity, and as its act and deed they executed the above and foregoing instrument, after first having been duly authorized by said entity so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 11th day of August, 2017.

(AFFIX SEAL)



*Pamela A. Jacobson*  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_

DEED ACCEPTED BY:

*Kelly P. deBautte*

**Kelly P. deBautte, Grantee**

*Rhonda S. deBautte*

**Rhonda S. deBautte, Grantee**

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Harrison County, Mississippi, and the North 10 feet of the property which was conveyed by Leon C. Buras, Sr., to Mrs. Clara W. Fennell, Grantor herein, said deed found at Deed Book 454, Pages 457-58, Harrison County, Mississippi, having been conveyed by the Grantor herein to Williams G. Fennell and Dolores B. Fennell by that certain Warranty Deed found at deed Book 573, Pages 33-34, Harrison County, Mississippi; it being the intention of Mrs. Clara W. Fennell to convey to Gerald O. Taylor and Jerry E. Rouse the South 113 feet of the original described property, together with all appurtenances situated thereon or in anywise appertaining thereto.

LESS AND EXCEPT the South 75 feet of the above parcels conveyed to Paul Fleming and Betty Fleming in that certain Warranty Deed dated 12/6/72 and recorded in Deed Book 956 at Page 67.

**Exhibit "A"**  
**Legal Description**

The North 120 feet of that certain lot or parcel of land described as beginning at a point which is the SW corner of the property formerly of Miss Eloise Douglas (which point is 328 feet North 62 degrees East as measured along the South line of Fifth Street from the East line of Cleveland Avenue and which point is 243 feet South 28 degrees East from the South line of Fifth Street from the East line of Cleveland Avenue and which point is 243 feet South 28 degrees East from the South line of said Fifth Street all in said City of Long Beach, Harrison County, Mississippi, and from said pint of beginning running thence North 28 degrees West a distance of 243 feet, more or less, to the South line of said Fifth Street; running thence in a Westerly direction along the South line of said Fifth Street a distance of 100 feet; running thence South 28 degrees East a distance of 243 feet, more or less; running thence North 62 degrees East a distance of 100 feet to the point of beginning. Being the North 120 feet of that same property acquired by Leon C. Buras, Sr., from Mrs. Blanche B Edwards by Warranty Deed dated April 3, 1953, recorded in Book 366 at Page 435 of the Deed Records in Harrison County, Mississippi.

AND TOGETHER WITH:

Also: Commencing at a point which is the SW corner of the property formerly owned by Miss Eloise Douglas (which point is 328 feet North 62 degrees East as measured along the South line of Fifth Street from the East line of Cleveland Avenue and which point is 243 feet South 28 degrees East from the South line of said Fifth Street, all in said City of Long Beach, Harrison County, Mississippi) and from said point running thence North 28 degrees West a distance of 123 feet, more or less, to the SE corner of property now owned by W.G. Fennell and wife, and as said point of beginning running thence in a westerly direction parallel with the South line of Fifth Street; a distance of 100 feet; running thence South 28 degrees East a distance of 10 feet; thence running in an easterly direction parallel with the South line of Fifth Street a distance of 100 feet; more or less, to the point of beginning. It being the purpose of this deed to convey to the grantees herein a strip of land 10 feet wide off the northern end of the property conveyed to Mrs. Clara M. Fennell by Leon C. Buras, Sr., by Warranty Deed dated October 3, 1959, and recorded in Book 454 at Page 457 of the Deed Records of Harrison County, Mississippi.

AND TOGETHER WITH:

The South 123 feet of that certain lot or parcel of land described as beginning at a point which is the Southwest Corner of the property formerly of Mrs. Eloise Douglas (which point is 328 feet North 62 degrees East as measured along the South line of Fifth Street from the East line of Cleveland Avenue and which point is 243 feet South 28 degrees East from the South line of said Fifth Street, all in said City of Long Beach, Harrison County, First Judicial District, Mississippi) and from said point of beginning running thence North 28 degrees West a distance of 243 feet more or less, to the South line of said Fifth Street; running thence in a Westerly direction along the South line of said Fifth Street a distance of 100 feet, running thence South 28 degrees East a distance of 243 feet, more or less; running thence North 62 degrees East a distance of 100 feet to the point of beginning, being the South 113 feet of that same property acquired by Leon C. Buras, Sr., from Mrs. Blanche B. Edwards by Warranty Deed dated April 3, 1953, recorded in Book 366, page 435, of the Records of Deeds to Lands, Harrison County, Mississippi, the North 120 feet of said property having been heretofore conveyed by Leon C. Buras, Sr., to W.G. Fennell and Dolores M. Fennell by Deed dated September 19, 1955, recorded in Deed Book 400, Pages 115-116,

**MINUTES OF JULY 12, 2018  
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

**Tina Dahl**

---

**From:** Kimberly Lentz <krleutz@gmail.com>  
**Sent:** Tuesday, July 10, 2018 12:23 PM  
**To:** tina@cityoflongbeachms.com  
**Subject:** Tree Removal Applications - Tree Board

133 Destiny Oaks - No objection under the circumstances stated in the Application.

329 5th St - No objection due to Joe Loftus' opinion.

Tree Board - Kimberly Lentz

After discussion, and upon the City of Long Beach Tree Board's recommendation in accordance with the City of Long Beach Tree Ordinance, Commissioner Hansen made motion, seconded by Commissioner McMillan and unanimously carried recommending the removal of two (2) Live Oak Trees.

\*\*\*\*\*

It came for consideration under New Business a Variance Request for property located at 6548 Simmons Drive, Tax Parcel 0611B-01-005.000, submitted by Robert Gales, as follows:

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

VARIANCE REQUEST

Office use only  
Date Received 7-11-18  
Zoning R-2  
Agenda Date 7-12-18  
Check Number 1038

I. Tax Parcel Number(s):

0611B-01-005 000

II. Address of Property Involved:

6548 Simmons Dr,

III.

Statement clearly explaining the request being made. (Attach supplemental pages if necessary.)

Variance not to build new sidewalk  
AT NEW construction

**\*\*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?

All no special conditions  
on this dead end street  
Have no sidewalks

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.

These are large lots of 3 ac or more  
This street will not be required to build sidewalks for 20 yrs

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? I have

wooded property to the ditch. There is also a low  
area. The extra cost to put in a sidewalk could  
exceed \$8000 The sidewalk would be worthless because  
no sidewalk would have to it for the foreseeable future

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. There are no sidewalks  
on this dead end, lightly traveled road.

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**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 2<sup>nd</sup> or 4<sup>th</sup> 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.

Robert and Willetta Gales  
Name of Rightful Owner (PRINT)

\_\_\_\_\_  
Name of Agent (PRINT)

6548 Simmons Dr  
Owner's Mailing Address

\_\_\_\_\_  
Agent's Mailing Address

Long Beach, MS 39560  
City State Zip

\_\_\_\_\_  
City State Zip

229 493-9944  
Phone

\_\_\_\_\_  
Phone

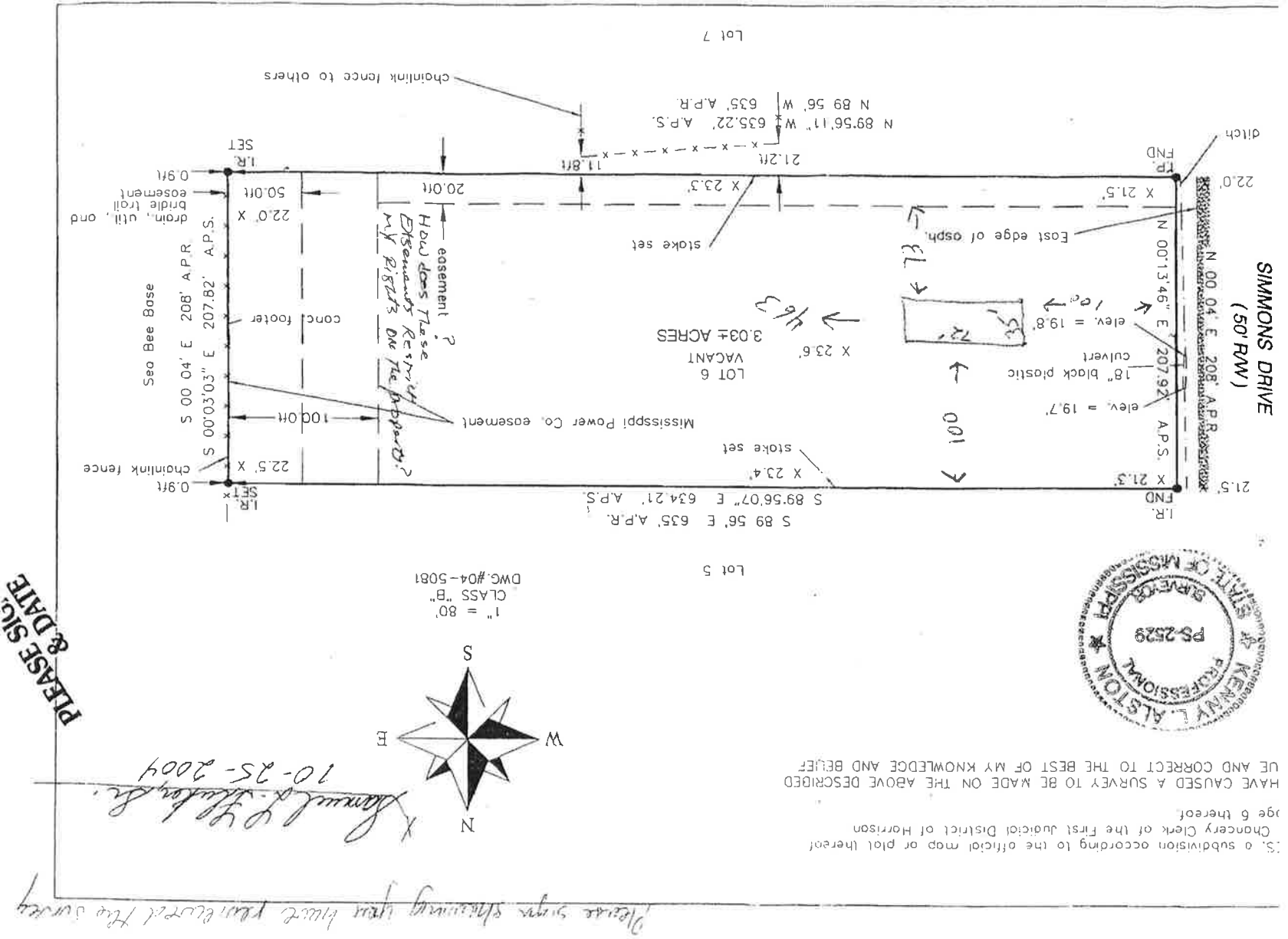
Robert Gales  
Signature of Rightful Owner

\_\_\_\_\_  
Signature of Applicant

6-21-18  
Date

\_\_\_\_\_  
Date

**MINUTES OF JULY 12, 2018**  
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is a subdivision according to the official map or plat hereof  
 Chancery Clerk of the First Judicial District of Harrison  
 HAVE CAUSED A SURVEY TO BE MADE ON THE ABOVE DESCRIBED  
 UE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF  
 ge 6 thereof.



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PHONE: 228-311-0000 FAX: 228-311-0000 MAIL: MAIL@LAWOFFICESOFFICE.COM



Instrument 2016 9258 D -J1  
Filed/Recorded 12/14/2016 11:39 A  
Total Fees \$ 12.00  
3 Pages Recorded

**PREPARED BY:**

Law Offices of  
LAURA F. PAULK, PLLC  
16127 Orange Grove Road  
Gulfport, MS 39503  
228-831-1818  
LFP File No.: 1605921  
MS Bar No.: 10733

**Return To:**

Law Offices of  
LAURA F. PAULK, PLLC  
16127 Orange Grove Road  
Gulfport, MS 39503  
228-831-1818  
LFP File No.: 1605921



STATE OF MISSISSIPPI  
COUNTY OF HARRISON

**WARRANTY DEED**

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid this date, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged,

Samuel L. Fluker, Sr.  
10102 Jersey Court  
Mobile, AL 36695  
1-510-612-8696

does hereby sell, convey and warrant unto

Robert Gales and Willetta Gales  
117 Mount Bass  
Long Beach, MS 39560  
1-228-493-9944,

as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property being located in Harrison County, Mississippi, more particularly described as follows:

(See Exhibit A attached)

INDEXING INSTRUCTIONS: Lot 6, Royal Pines Estates, Harrison Co., MS

It is agreed and understood that the taxes for the current year have been prorated as of this date

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This conveyance is made expressly subject to any and all restrictive covenants, rights-of-way, easements, and mineral reservations and any other rights now of record which effect the above described property.

WITNESS MY SIGNATURE, this the 7th day of December, 2016.

  
\_\_\_\_\_  
Samuel L. Fluker, Sr.

STATE OF MISSISSIPPI  
COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public in and for the above named jurisdiction, the within named, Samuel L. Fluker, Sr., who acknowledged that he signed and delivered the foregoing instrument on the day and year therein stated.

Given under my hand and seal, this the 7th day of December, 2016.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:



**EXHIBIT A**

**LEGAL DESCRIPTION**

Lot Six (6), Royal Pines Estates, 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 Judicial District of Harrison County, Mississippi, in Plat Book 32 at Page 6 thereof.

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After considerable discussion, Commissioner Seal made motion, seconded by Commissioner McMillan and unanimously carried recommending approval of the Sidewalk Variance Request.

\*\*\*\*\*

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

APPROVED:

\_\_\_\_\_  
Commission Chairman, Frank Olaivar

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Tina M. Dahl, Minutes Clerk

