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**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

**AGENDA
MAY 13, 2021
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- 100 Runnels Avenue, Tax Parcel 0612E-03-040.000, Submitted by Enzie Marlene Majoria (owner) and Heinrich and Associates (agent).

IV. ANNOUNCEMENTS

V. APPROVE MINUTES

1. April 22, 2021

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. Tree Removal- 117 Buena Vista Drive, Tax Parcel 0512H-02-078.000, Submitted by Glynn Illich.
2. Tree Removal- 10 Barbara Court, Tax Parcel 0512A-01-032.000, Submitted by Isiah Edwards Jr. and Nellie M. Edwards.
3. Tree Removal- 115 Belle Terre Court, Tax Parcel 0511L-01-034.000, Submitted by William A. Hansen, Jr.
4. Final Plat Approval- Castine Pointe, Phase IV, Submitted by Castine Pointe, LLC, Jared Riecke (owner) and Steve Drown (agent).
5. Final Plat Approval- Castine Pointe, Phase V, Submitted by Castine Pointe, LLC, Jared Riecke (owner) and Steve Drown (agent).

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 May 18, 2021.**

****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 MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

Commissioner Barlow read the Opening Statement for the Planning and Development Commission.

Be it remembered that one (1) Public Hearing was heard before the Long Beach Planning and Development Commission, Long Beach, Mississippi, and begun at 5:30 o'clock p.m., Thursday, the 13TH day of May 2021, 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 and at the Public Hearing the following named persons: Chairman Frank Olaivar, Commissioners Shawn Barlow, Jeff Hansen, Larry Ward, Kevin McKenzie, and Marcia Kruse, Building Official Mike Gundlach and Minutes Clerk Tina M. Dahl.

Absent the Public Hearing were Commissioners Mark McMillan, Junior Husband, Jennifer Glenn and City Advisor Bill Hessel.

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

The public hearing to consider a Variance for property located at 100 Runnels Avenue, Tax Parcel 0612E-03-040.000, submitted by Enzie Marlen Majoria (owner) and Heinrich and Associates (Agent), as follows:

MINUTES OF MAY 13, 2021
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	4-15-21
Zoning	R-1
Agenda Date	5-13-21
Check Number	8754

VARIANCE REQUEST

I. Tax Parcel Number(s): 0612E-03-040.000

II. Address of Property Involved: 100 RUNNELS AVE.

III. Statement clearly explaining the request being made. (Attach supplemental pages if necessary.)
REQUESTING A 5' FRONT YARD SETBACK VARIANCE WHERE 25' IS REQ'D. MAKING THE FRONT YARD SETBACK 20' TO ALLOW THE FRONT STAIRS TO BE CONSTRUCTED.

****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? DUE TO THE IRREGULAR CONFIGURATION OF THE LOT AND THE SHALLOW DEPTH OF THE LOT, THE DESIGN OF THE HOME IS HINDERED TO FIT STAIRS FRONT/REAR PORCHES WITHIN THE 25' SETBACK. THE BUILDING STRUCTURE ITSELF IS NOT EFFECTED; ONLY THE FRONT STAIRS.
- 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. DUE TO THE FACT THAT THE HOME WILL BE 14' +/- OFF THE GROUND DUE TO THE CURRENT BFE, THE LONG RUN OF STAIRS AND CHARACTER OF THE HOME WILL MAKE THE APPEARANCE UNATTRACTIVE.
- 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 HARDSHIP IS TO CONSTRUCT A LARGER HOME THAT WILL FACE RUNNELS AVE. AND TO ELEVATE THE HOME TO MEET THE CURRENT BFE. THE RESULT WOULD BE TO FACE THE HOME TO THE SOUTH AND NOT LOOK APPEALING TO THE SITE. DENIAL WOULD RESULT A SMALLER HOME.
- 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. AS STATED ABOVE, THE PERIMETER OF THE HOME FITS WITHIN THE CURRENT SETBACKS. THE STAIRS WOULD ONLY EXTEND INTO THE SETBACK.

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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 street 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 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.

ENZIE MARLENE MAJORA

Name of Rightful Owner (PRINT)

302 SANTA CRUZ CT.

Owner's Mailing Address

LULING LA 70070

City State Zip

504-231-8335

Phone

Enzie Marlene Majora

Signature of Rightful Owner Date

HEINRICH'S ASSOC.

Name of Agent (PRINT)

1806 23RD AVE. STE. B.

Agent's Mailing Address

GULFPORT MS 39501

City State Zip

228-896-6768

Phone

[Signature]

Signature of Applicant

Date

4-14-21

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**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

CERTIFIED COPY

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

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

FILE NUMBER- 20-2405-MS

Indexing Instructions: EXEMPT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
1ST JUDICIAL DISTRICT

CONSERVATOR'S DEED

For and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged,

Christy Pickering, Conservator in the Matter of the Conservatorship of
Joseph Anthony Jefferson, a/k/a Joseph Jefferson, an unmarried man (Grantor)

*2112 Bienville Blvd Ste P
Ocean Springs, MS 39564
228-374-0300*

do hereby sell, convey, bargain and warrant to:

Enzie Marlene Majoria, a married woman (Grantee)
302 Santa Cruz Court
Luling, LA 70070
(504) 231-8335

Page 1 of 3

the following described real property situated and located in the First Judicial District of Harrison County, State of Mississippi, more particularly and certainly described as:

Lot 2, KAISER'S BEACHVIEW SUBDIVISION, a subdivision of the City of Long Beach, Harrison County, First Judicial District, Mississippi, as per the official map or plat thereof on file and of record in the office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in anywise appertaining.

The property is being conveyed as authorized by the Agreed Order Approving Sale of Real Property filed on January 6, 2021, in the Chancery Court of the First Judicial District of Harrison County, Case No: 24CH1:20-cv-02183-JP, a copy of which is attached hereto.

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

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

The parties agree that the Ad Valorem taxes for 2021 tax year are being prorated as of this date and are assumed by the Grantees herein.

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**MINUTES OF MAY 13, 2021
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WITNESS my signature, this the 13th day of January, 2020.

GRANTOR:

Christy Pickering, Conservator in the Matter of the Conservatorship of Joseph Anthony Jefferson, a/k/a Joseph Jefferson

Christy Pickering
By: Christy Pickering, Conservator

State of Mississippi
County of Hancock

Personally appeared before me, the undersigned authority in and for said county and state, on this 13th day of January, 2021, within my jurisdiction, the within named Christy Pickering, who acknowledged that she is Conservator in the Matter of the Conservatorship of Joseph Anthony Jefferson, a/k/a Joseph Jefferson and that for and on behalf of Joseph Anthony Jefferson, a/k/a Joseph Jefferson, and as his act and deed, she executed the above and foregoing instrument, after first having been duly authorized so to do.

Melissa Reso
Notary Public

My Commission Expires:

10/23/24



TAX NOTICES: Grantee is responsible for the property taxes.

Page 3 of 3

Case: 24CH1:20-cv-02183-JP Document #: 36 Filed: 01/06/2021 Page 1 of 5

FILED
JAN - 6 2021

IN THE CHANCERY COURT OF HARRISON COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

IN THE MATTER OF THE CONSERVATORSHIP
OF JOSEPH ANTHONY JEFFERSON

Judge: Melissa Reso Clerk
CASE NO. 20-2183(J) D.C.

ANDREW LABAS

PETITIONER

AGREED ORDER APPROVING SALE OF REAL PROPERTY

CAME ON THIS DAY, Petitioner's Petition for Approval of Sale of Real Property [Doc.

34] and the Court finds as follows:

1. Christy Pickering was duly and properly appointed Conservators in this cause and Letters of Conservatorship were issued to her.

Background Facts

2. The Ward, Joseph Anthony Jefferson, owns certain real property located in Harrison County, Mississippi (100 Runnels Avenue, Long Beach, Mississippi, 39560).

3. A sale of said real property to Ezzie Marlene Majoria has been proposed in the amount of seventy-five thousand dollars and zero cents (\$75,000.00) for the aforementioned real property. A draft of the proposed contract is attached to the Petition as Exhibit A.

4. Petitioners believe it would be in the Ward's best interest to sell the real property.

5. The real property contemplated by this order is not the Ward's primary dwelling.

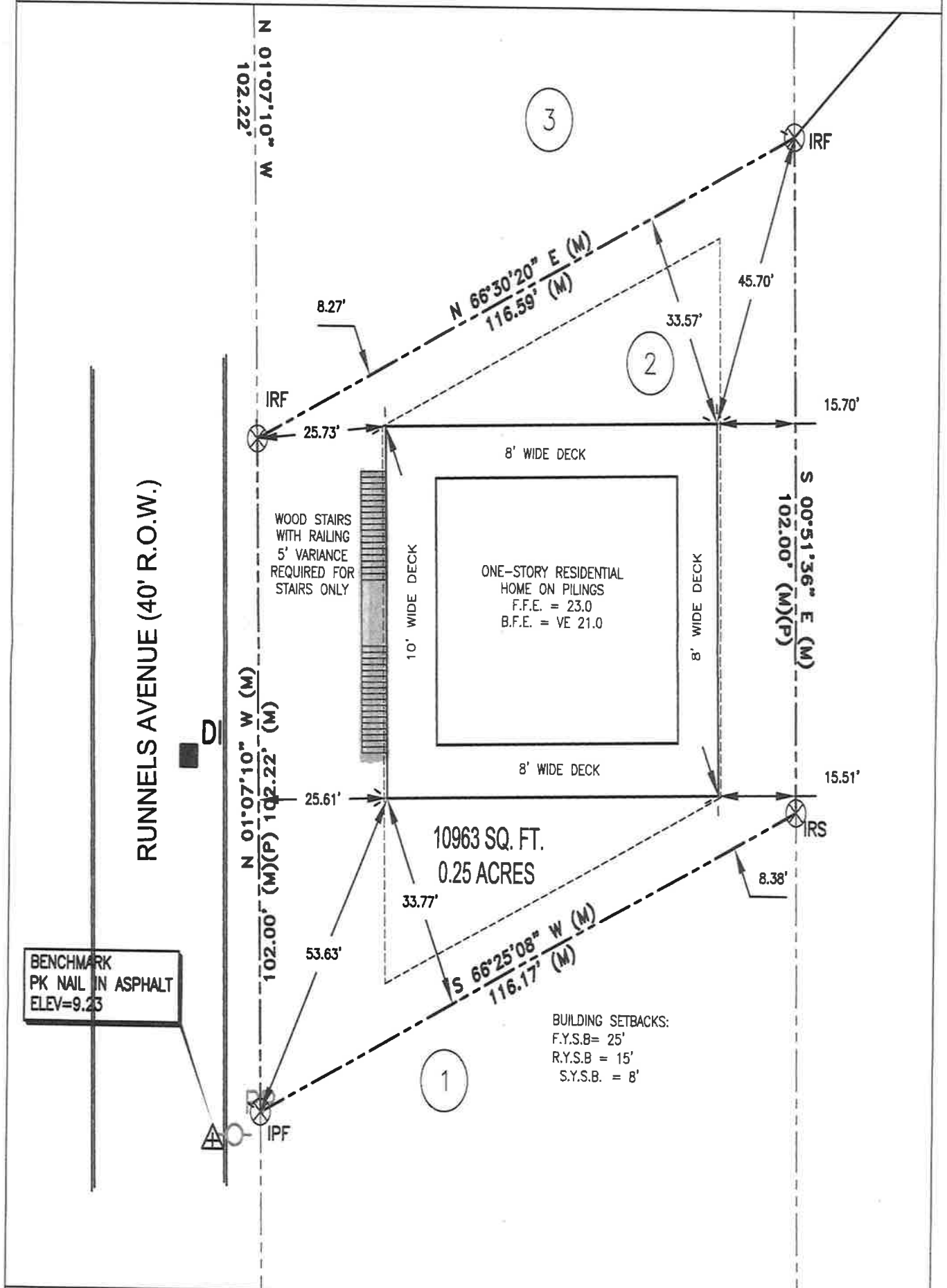
6. The Ward is not married and does not have adult children.

Applicable Law

7. Miss. Code Ann. § 93-20-414 states:

(1) Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice under Section 93-20-41(5) and receive specific authorization by the court before the conservator may

PLOT PLAN



BENCHMARK
PK NAIL IN ASPHALT
ELEV=9.23

100 RUNNELS AVE.
LONG BEACH, MISSISSIPPI
Parcel #0612E-03-040.000

NORTH
SCALE: 1"=20'-0"

**MINUTES OF MAY 13, 2021
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The Clerk reported that fifteen (15) 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**.

Enzie Marlene Majoria (owner) and Heinrich and Associates (agent) have filed an application for a Variance in accordance with the Comprehensive Long Beach Unified Land Ordinance. **The applicant is requesting a 5 foot variance to allow the front stairs to be constructed on a new residential home. The City's required setback is 25 feet from the front property line.** The location of the request is 100 Runnels Avenue, Long Beach, Mississippi, 39560, Tax Parcel Number 0612E-03-040.000. The legal description is as follows:

LOT 2 KAISERS BEACH VIEW SUBD

A Public Hearing to consider the above variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, May 13, 2021, 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 and Development Commission

**MINUTES OF MAY 13, 2021
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Joseph Jefferson
7433 Live Oak Way
Pass Christian, MS 39571

Tommy McCormick
c/o Elliott Homes
1403 Pass Road
Gulfport, MS 39501

Beau Clair Condos
4455 Thomas Court
Beaumont, TX 77706

Roger and Faye Femrite
548 West Beach Blvd
Unit 134
Long Beach, MS 39560

Ladner, Billy M and Patricia A
548 West Beach Blvd
Unit 137
Long Beach, MS 39560

Upon the Rock Rentals LLC
1530 Haddenham Drive
Cumming, GA 30041-9363

Hallwood, Timothy and Gardner,
Victoria
1503 Thompson Road
Bad Axe, MI 48413

Caro, VJ JR
1315 Valhi Blvd
Houma, LA 70360

JCF, LLC
452 Daneco Court
Houma, LA 70360

DARP Properties, LLC
254 Waterplant Road
Schriever, LA 70395

Bob's Contracting Services, Inc
Kenyon Homes Inc.
4851 Falcon Drive
Frederick, CO 80504

Magnolia Breeze Properties, LLC
19015 Shaw Road
Saucier, MS 39574

Hulsey, Lonnie F and Dorrie D
356 NW Sunview Way
Port Saint Lucie, FL 34986

Miller, Jimmie J
611 Briarwood Drive
Long Beach, MS 39560

Smith, Clare
105 Runnels Avenue
Long Beach, MS 39560

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 April 19, 2021, she did cause to be mailed, Notice of Public Hearing, a copy of which is attached hereto, to 15 (fifteen) property owners within One Hundred Sixty Feet (160'), excluding public right of ways, of, Tax Parcel 0612E-03-040.000, notifying them that a Public Hearing will be held, May 13, 2021 to consider an application for a Variance.

Given under my hand this the 19th day of April 2021.

Stacey Dahl
STACEY DAHL, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 19th day of April 2021.

Kini Gonsoulin
NOTARY PUBLIC

-My Commission Expires-



MINUTES OF MAY 13, 2021
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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:

Proof of Publication

**LEGAL NOTICE
PUBLIC HEARING**

In accordance with Article XIX of the Comprehensive Long Beach Unified Land Ordinance 508 of the City of Long Beach, Ordinance 2003 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

Variances in accordance with the Comprehensive Long Beach Unified Land Ordinance. The applicant is requesting a 5 foot variance from the minimum setback requirements for a new residential home. The City's required setback is 25 feet from the front property line. The location of the request is 100 Fremont Avenue, Long Beach, Mississippi, 39465, lot #100400000. The legal description is as follows:

LOT 2 KARBERS BEACH VIEW SUBD

A public hearing to consider the above variance will be held in the City of Long Beach, Mississippi, 39465, Thursday, May 13, 2021, at 5:30 p.m. in the Long Beach Civic 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.

OLAivar
Chairman
Planning and Development Commission

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. ~~XVI~~ No. 17 dated 23 day of April, 2021

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 26 day of April, A.D. 2021.

W. Bowers
Notary Public



Commission Chairman Olaivar asked for anyone speaking in favor or opposition of the request and Christian Strickland, ESQ came forward to represent his client, Christy Pickering, Conservator for the Estate of Joseph Jefferson ("Client"). Mr. Strickland stated his client objects to granting the variance due to the fact it would be detrimental to his client's property value.

- Noted for record:

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LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

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MAY/11/2021/TUE 12:20 PM

FAX No.

P. 002

SCHWARTZ, ORGLER & JORDAN
Attorneys at Law PLLC

ROBERT T. SCHWARTZ

2355 Pass Road
Biloxi, MS 39531
telephone 228.388.7441 • fax 228.388.7442
robert@sojlaw.net

Mailing Address:
P.O. Box 4682
Biloxi, MS 39535

May 11, 2021

File No. B20-1109

Long Beach Planning and Development Commission
P.O. Box 929
Long Beach, MS 39560

Via Facsimile
228-863-1558

Steve Simpson, Esq.
City Attorney for the City of Long Beach
229 Debuys Road
Gulfport, MS 39507

Via E-Mail

Re: Objection to Proposed Variance for 100 Runnels Avenue Long Beach, MS 39560, Tax Parcel No. 0612E-03-040.000

Dear Members of the Commission:

Our law firm represents Christy Pickering, Conservator for the Estate of Joseph Jefferson ("Client"), owner of certain real property which is adjacent to 100 Runnels Avenue Long Beach, MS 39560, Tax Parcel No. 0612E-03-040.000 ("subject property"). Our firm is in receipt of the Notice of Public Hearing attached herewith as Exhibit "A" regarding a proposed Variance for the subject property, as applied by Enzie Marlene Majoria (owner) and Heinrich and Associates (agent), specifically for a five (5) foot variance to "allow the front stairs to be constructed on a new residential home" ("proposed variance").

Please accept this letter as our Client's objection to the proposed variance, as the same is in violation of municipal law and state law. "A city must follow its ordinance when granting an exception or variance to a zoning regulation." 9 MS Prac. Encyclopedia MS Law § 79:12 (2d ed.) (Citing *Robinson v. Indianola Mun. Separate School Dist.*, 467 So. 2d 911, 24 Ed. Law Rep. 1077 (Miss. 1985)). "A variance or exception, when granted, must be in harmony with the spirit, intent and purpose of the ordinance." *Id.* (citing *Mayor and Bd. of Aldermen of City of Pontotoc v. White*, 230 Miss. 698, 93 So. 2d 852 (1957)). "Mere convenience of a landowner is not sufficient enough reason to approve such a zoning variance." *Id.* (citing *Caver v. Jackson County Bd. of Supervisors*, 947 So. 2d 351 (Miss. Ct. App. 2007); *Westminster Presbyterian Church v. City of Jackson*, 253 Miss. 495, 176 So. 2d 267 (1965) ("A variance ... should not be granted merely because such use of the property will be more convenient or profitable to the

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MAY/11/2021/TUE 12:20 PM

FAX No.

P. 003

Variance Objection

May 11, 2021

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owner, or because he will suffer some financial disadvantage or hardship if denied such use; it is **essential that applicant should suffer some unusual hardship from the literal enforcement of the regulation different from, and greater than, that suffered by other property owners in the district.**") (emphasis added). "Because 'conditional use permits are adjudicative in nature,' an applicant wishing to obtain a special exception must prove by a **preponderance of the evidence** that the applicant has met the factors essential to obtaining the permit." *Id.* (citing *Hinds v. City of Ocean Springs*, 883 So. 2d 111 (Miss. Ct. App. 2004) (quoting *City of Olive Branch Bd. of Aldermen v. Bunker*, 733 So. 2d 842, 844 (Miss. Ct. App. 1998)).

Article II of Section 598 of the Zoning Ordinances of the City of Long Beach provides and defines a "Variance" as follows, to-wit:

An adjustment of terms in this ordinance where such variances will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the ordinance would result in **unnecessary and undue hardship**. As used in this ordinance, a variance is authorized only for height and size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance or be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Article II of Section 598 of the Zoning Ordinances of the City of Long Beach, Definition No. 249, at Page 173 (Attached as Exhibit "B") (emphasis added); See also Article V, Section 61 (Attached as Exhibit "C").

The Mississippi Supreme Court has enumerated the relevant factors that must be proven to show "*unnecessary hardship*" for purposes of attempts to apply and secure a variance:

[T]he record must show that (1) the land in question cannot yield a reasonable return if used only for a purpose allowed in that zone; (2) that the plight of the owner is due to unique circumstances [of the land for which the variance is sought] and not to the general conditions in the neighborhood which may reflect the unreasonableness of the zoning ordinance itself; **and** (3) that the use to be authorized by the variance will not alter the essential character of the locality.

9 MS Prac. Encyclopedia MS Law § 79:12 (2d ed.) (Citing *Harrison v. Mayor and Board of Alderman of City of Batesville*, 73 So. 3d 1145 (Miss. 2011) (footnote omitted) (Further noting that whether the purported hardship was self-created and whether the party requesting the variance had actual or constructive knowledge about how the land was originally zoned are also relevant to the zoning board's determination).

Our Client objects that the proposed variance does not and will not meet the necessary elements necessary to lawfully obtain a variance in this case, and any improper approval of the same will be subject to appeal to the appropriate administrative body or court of law. Approval

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MAY/11/2021/TUE 12:20 PM

FAX No.

P. 004

Variance Objection
May 11, 2021
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of the same in violation of applicable law will further prejudice and do violence to our Client's due process and constitutional rights guaranteed by the State and Federal Constitutions. The proposed five (5) foot variance to "allow the front stairs to be constructed on a new residential home" clearly does not meet the requirements set forth by the applicable ordinances for the City of Long Beach and the elements set forth by the Mississippi Supreme Court, and is insufficient as a matter of law.

Our Client reserves the right to make such other objections and arguments on the record, on any relevant appeal, and otherwise preserved by this letter, which our Client further reserves the right to supplement.

Thank you for your attention to this matter. I remain,

Sincerely,
SCHWARTZ, ORGLER & JORDAN, PLLC

ROBERT T. SCHWARTZ, For the Firm

/vb
enclosures

**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

MAY/11/2021/TUE 12:20 PM

FAX No.

P. 005

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.

Enzie Marlene Majoria (owner) and Heinrich and Associates (agent) have filed an application for a Variance in accordance with the Comprehensive Long Beach Unified Land Ordinance. **The applicant is requesting a 5 foot variance to allow the front stairs to be constructed on a new residential home.** The City's required setback is 25 feet from the front property line. The location of the request is 100 Runnels Avenue, Long Beach, Mississippi, 39560, Tax Parcel Number 0612E-03-040.000. The legal description is as follows:

LOT 2 KAISERS BEACH VIEW SUBD

A Public Hearing to consider the above variance will be held in the City of Long Beach, Mississippi, 39560, Thursday, May 13, 2021, 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 and Development Commission



201 Jeff Davis • P.O. Box 929 • Long Beach, MS 39560 • 863-1554 • FAX 863-1558

MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

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- designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term trailer includes the terms "camp trailer," and similar terms, except when the latter falls within the definition of "manufactured housing or mobile home." Trailers are considered structures for the purpose of this ordinance when they are used as temporary places for human habitation, offices, warehouses, or for storage. Trailers are characteristic for a variety of temporary or intermittent types of use whereas manufactured housing or mobile home is intended for full time use as a residence.
- (241) Trailer Park or Court. See Recreational Vehicle Camp
 - (242) Trailer Camping. See Recreational Vehicle
 - (243) Transient Vacation Rentals. Rentals in a dwelling, hotel, motel, apartment hotel, condominium, motor lodge, boardinghouse, roominghouse, lodginghouse, tourist court, tourist home or other similar
 - (244) Travel Trailer. See Recreational Vehicle
 - (245) Truck Camper. See Recreational Vehicle
 - (246) University or College. An institute of high learning, publicly or privately owned, for the education of student in grades about the 12th. The term does not include business or trade schools.
 - (247) Unobstructed Open Space. An area of land upon which no structure may be erected.
 - (248) Use, Conditional. A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the designated authority that under the particular circumstances present and subject to specific conditions, is in harmony with the permitted uses of the zone. Allowable Planning Commission Approvals are listed under the district regulations. Uses not so listed shall not be allowed as Planning Commission Approvals.
 - (249) Variance. An adjustment of terms in this ordinance where such variances will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height and size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance or be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.
 - (250) Wall. Any structure or device forming a physical barrier, which is so constructed that fifty (50%) percent or more of the vertical surface is closed to prevent the passage of light, air, and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood, or other materials that are solids and are so assembled as to form a solid barrier.
 - (251) Work-live Unit. A mixed use of commercial and residential uses. It typically has a substantial commercial component with incidental residential use.
 - (252) Yard. An open space at existing ground level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided in this ordinance. For the purpose of determining yard measurements, the least horizontal distance between the lot line and the maximum permissible main building shall be used.
 - (253) Yard Sale/Garage Sale. A temporary sale of personal belongings and merchandise, which is held on, the premises of a residential use either individually or jointly with a neighboring residential use.
 - (254) Yard, Front. That area of yards which extends along the entire length of the front line of a lot, within the two sidelines and the minimum horizontal distance between the street right of way and the front building setback.
 - (255) Yard, Rear. A yard extending across the rear of a lot between the side lot lines, and being the required minimum horizontal distance between the rear lot line and the rear of the maximum permissible main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.



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**Article V
APPEALS, VARIANCES, INTERPRETATIONS**

Section 60: Appeals

- (a) Any person aggrieved may take an appeal from any final order or decision of the administrator to the board of adjustment. An appeal is taken by filing with the administrator and the board of adjustment a written notice of appeal specifying the grounds therefor. A notice of appeal shall be considered filed with the administrator and the board of adjustment when delivered to the planning department, and the date and time of filing shall be entered on the notice by the planning staff.
- (b) An appeal must be taken within 15 days after the date of the decision or order appealed from.
- (c) Whenever an appeal is filed, the administrator shall forthwith transmit to the board of adjustment all the papers constituting the record relating to the action appealed from.
- (d) An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision appealed from, unless the administrator certifies to the board of adjustment that (because of facts stated in the certificate) a stay would, in the administrator's opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the board of adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrator.
- (e) The board of adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

Section 61: Variances

- (a) An application for a variance shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department. Applications shall be handled in the same manner as applications for special-use permits in conformity with the provisions of Sections 37, 38, and 45.
- (b) A variance may be granted by the board of adjustment if it concludes that strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
 - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district,
 - (2) A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located,
 - (3) The hardship relates to the applicant's land, rather than personal circumstances, such as economics,
 - (4) Granting the variance requested will not confer upon applicant any special privileges that are denied to other residents of the district in which the property is located,
 - (5) The hardship is not the result of the applicant's own actions,
 - (6) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare,
 - (7) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure, and
 - (8) The variance will neither result in the extension of a non-conforming situation in violation of Article VIII nor authorize the initiation of a non-conforming use of land.
- (c) In granting variances, the board of adjustment may impose such reasonable conditions as will

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ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

- (d) A variance may be issued for an indefinite duration or for a specified duration only.
- (e) The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.

Section 62: Interpretations

- (a) The board of adjustment is authorized to interpret the zoning map and to pass upon disputed questions of lot lines or district boundary lines and similar questions. If such questions arise in the context of an appeal from a decision of the zoning administrator, they shall be handled as provided in Section 60.
- (b) An application for a map interpretation shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department. The application shall contain sufficient information to enable the board to make the necessary interpretation.
- (c) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines,
 - (2) Boundaries indicated as approximately following lot lines, city limits or extraterritorial boundary lines, shall be construed as following such lines, limits or boundaries,
 - (3) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines,
 - (4) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurement, using the scale of the Official Zoning Map, and
 - (5) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

Section 63: Requests to be Heard Expediently

As provided in Section 56, the board of adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Article VI, and obtain the necessary information to make sound decisions.

Section 64: Burden of Proof in Appeals and Variances

- (a) When an appeal is taken to the board of adjustment in accordance with Section 69, the administrator shall have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion.
- (b) The burden of presenting evidence sufficient to allow the board of adjustment to reach the conclusions set forth in Subsection 70(b), as well as the burden of persuasion on those issues, remains with the applicant seeking the variance.

Section 65: Board Action on Appeals and Variances

- (a) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive a majority vote, then the appeal is automatically denied without further action.

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- (b) Before granting a variance, the board must vote affirmatively on the eight (8) required findings stated in Subsection 61(b). Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in Subsection 61(b) shall include a statement of the specific reasons or findings of fact supporting such motion.
 - (c) A motion to deny a variance may be made on the basis that anyone or more of the eight criteria set forth in Subsection 61(b) are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the board's decision if supported by a majority vote.

Sections 66 and 67: Reserved

**MINUTES OF MAY 13, 2021
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Lonnie F. & Dorrie D. Hulsey
356 NW Sunview Way
Port St. Lucie, FL 34986

May 6, 2021


City of Long Beach
Planning & Development Commission
Attn: Tina
PO Box 929
Long Beach, MS 39560

Subject: Legal Notice of Public Hearing on May 13, 2021, to Consider a Variance Request

To Whom It May Concern:


Enzie Marlene Majoria (owner) and Heinrich & Associates (agent) have filed an application for a Variance in accordance with the Comprehensive Long Beach Unified Land Ordinance. The applicant is requesting a 5 foot variance to allow the front stairs to be constructed on a new residential home. The location of the request is 100 Runnels Avenue, Long Beach, Mississippi 39560, Tax Parcel Number 0612E-03-040.000. The legal description is Lot 2 Kaisers Beach View Subdivision.

We, the below named owners of Lot 12 at 110 Beachview Circle, Long Beach, Mississippi 39560, Tax Parcel Number 0612E-03-067.000 herein submit our written objection to the Variance listed in the above paragraph.



Lonnie F. Hulsey
228-239-0290

MAY 6, 2021
Date



Dorrie D. Hulsey
228-239-0290

MAY 6, 2021
Date

Commissioner Barlow made motion, seconded by Commissioner Hansen and unanimously carried to close the Public Hearing.

**MINUTES OF MAY 13, 2021
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After considerable discussion, Commissioner Hansen made motion, seconded by Commissioner Kruse recommending to deny the Variance as submitted, the question being put to a roll call vote, the result was as follows:

Commissioner Barlow	Voted	Yay
Commissioner Hansen	Voted	Yay
Commissioner Ward	Voted	Nay
Commissioner McKenzie	Voted	Yay
Commissioner Kruse	Voted	Yay

The vote having received the affirmative vote of a majority of the Commissioners present and voting, Commission Chairman Frank Olaivar declared the motion carried.

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 13th day of May 2021, 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.

There were present and in attendance on said Commission and at the meeting the following named persons: Chairman Frank Olaivar, Commissioners Shawn Barlow, Jeff Hansen, and Marcia Kruse, Building Official Mike Gundlach and Minutes Clerk Tina M. Dahl.

Absent the Regular Meeting were Commissioners Mark McMillan, Junior Husband, Jennifer Glenn and City Advisor Bill Hessell.

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

Commissioner Hansen made motion, seconded by Commissioner McKenzie and unanimously carried to approve the Regular Meeting minutes of April 22, 2021, as submitted.

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**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

It came for discussion under New Business, a Tree Removal Permit Application for the property located at 117 Buena Vista Drive, Tax Parcel 0512H-02-078.000, submitted by Glynn Illich, as follows:



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

OFFICE USE ONLY	
Date Received	4-28-21
Zoning	R-1
Agenda Date	5-13-21
Check Number	Cash

(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 crowned.

 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: 4/27/21

PROPERTY INFORMATION

TAX PARCEL # 0512H-02-078.000
Address of Property Involved: 117 Buena Vista
Property owner name: Glynn Illich
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: POB 1612, LB MS
Phone No. () (228) 760.5455

CONTRACTOR OR APPLICANT INFORMATION

Company Name: Southern Paradise LLC
Phone No. (228) 760.5455 Fax: _____
Name Glynn Illich
Address POB 1612, LB MS

PERMIT INFORMATION

Permit for: Removal X 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.: _____
(use separate sheet if needed)

 Tree is located in the foundation of the dwelling

Number of Trees:
 1 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.

 Glynn Illich
Signature

 4/27/21
Date

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

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

 G 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 protected and large shade 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.

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

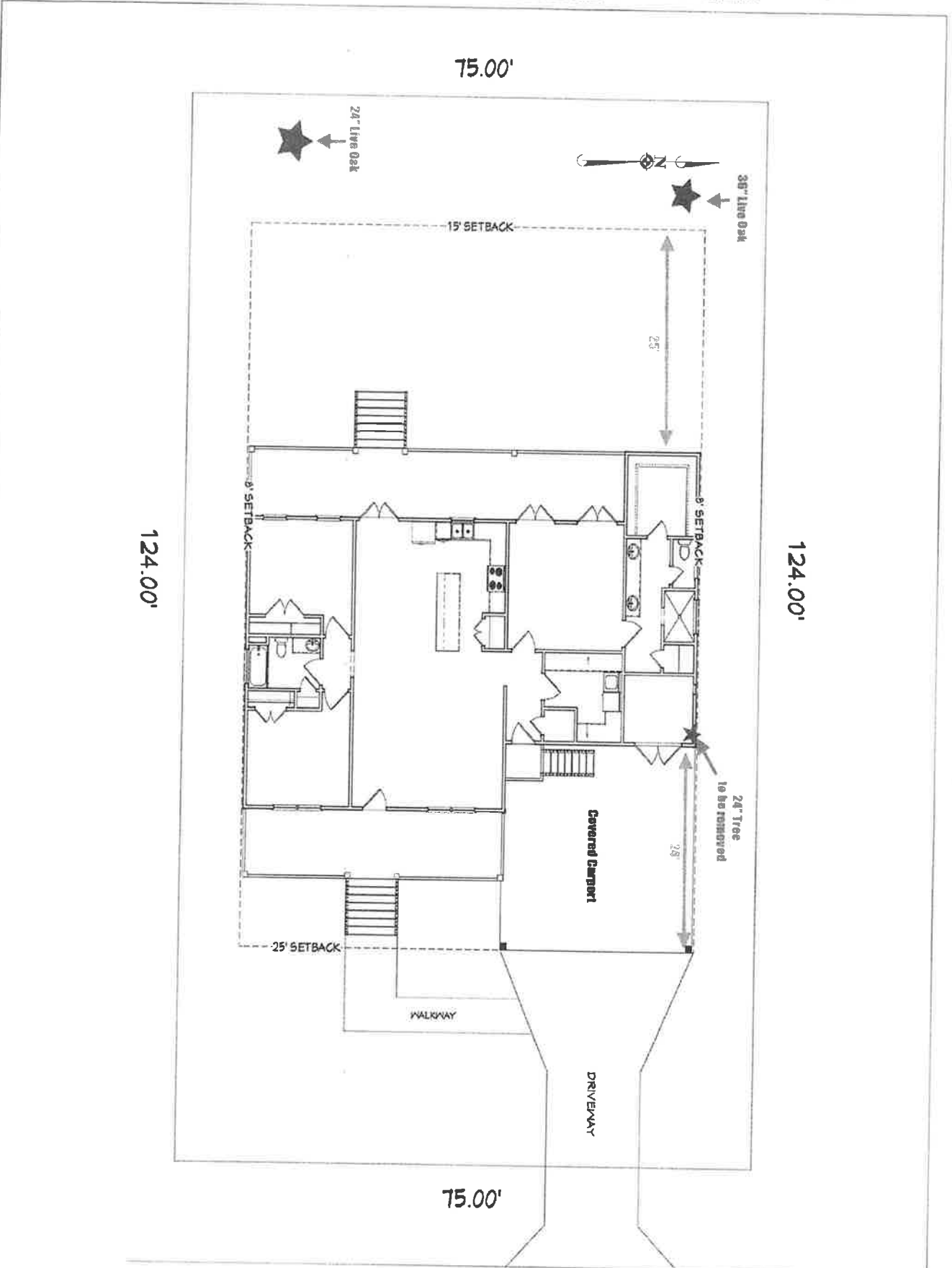
 G OWNERSHIP: Please provide a recorded warranty deed.

 G 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.

 G 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.

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

MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



BUENA VISTA DRIVE

THESE DRAWINGS ARE THE PROPERTY OF SOUTHERN PARADISE, LLC. ANY REUSE OR REPRODUCTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF SOUTHERN PARADISE, LLC IS PROHIBITED. SOUTHERN PARADISE, LLC IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS.

<p>Builder to comply with all Local building codes</p>	<p>HOME PLANS FOR: SOUTHERN PARADISE, LLC 117 BUENA VISTA</p>	<p>Sheet Description SITE PLAN</p>	<p>To the best of my knowledge these plans and specifications conform to all applicable codes, ordinances and regulations. The contractor shall verify all dimensions and enclosed drawings. While every effort has been made in the preparation of these plans to avoid errors, the maker assumes no liability for any errors or omissions. The architect of the job must check all dimensions and other details prior to construction and be solely responsible for the final plan.</p>	<p>Drawing By R. Hark 228-669-4490</p>	<p>SCALE NTS</p>	<p>SHEET NO. 1</p>
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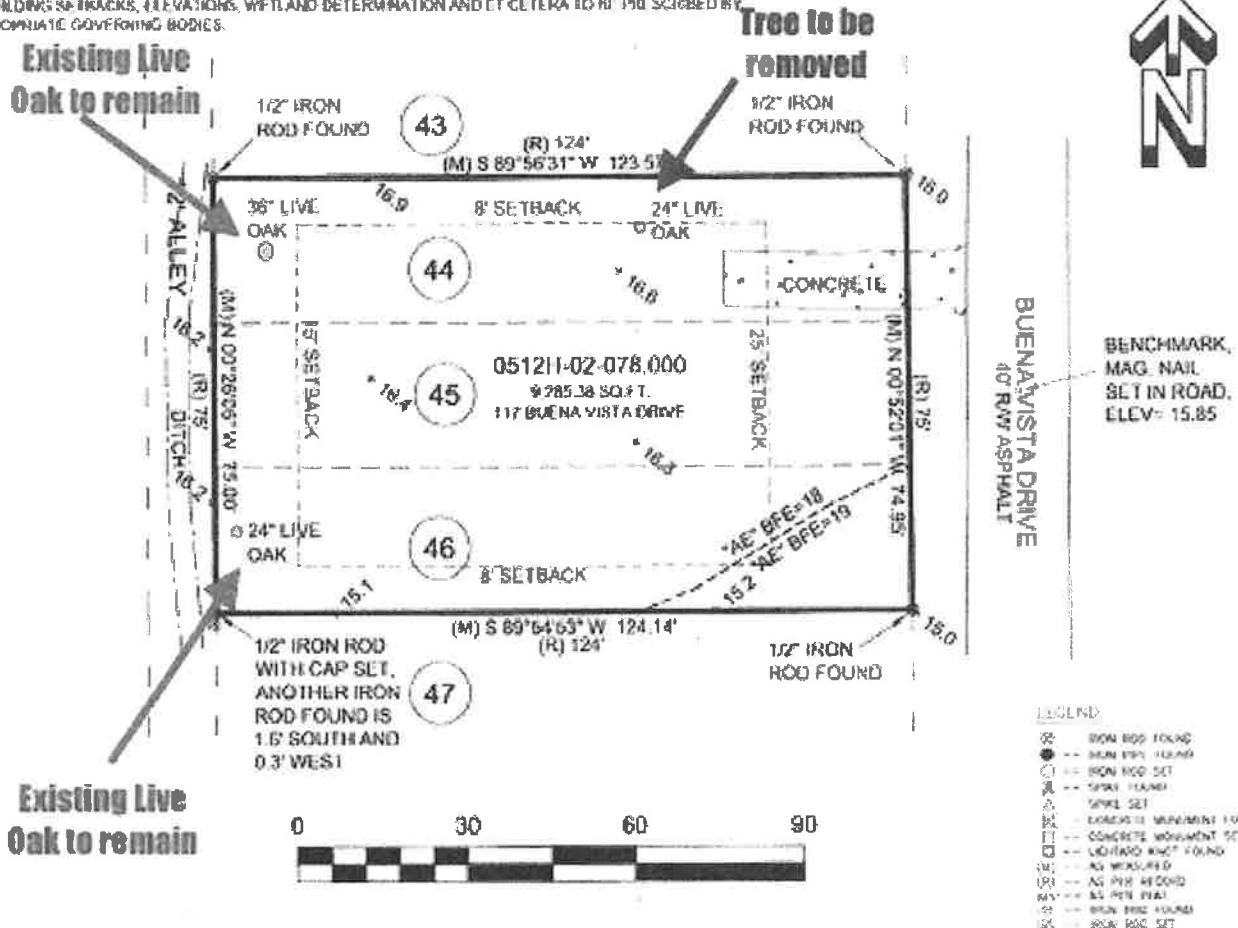
**MINUTES OF MAY 13, 2021
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

NOTES:

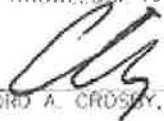
- 1.) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY COMBINATION OF GPS STATIC OBSERVATION AND EARL DUFFLY, INC. RTK MEASUREMENT, AND ARE BASED ON SPG (2301) MGS E.
- 2.) ELEVATIONS SHOWN ARE BASED ON NAVD83, GROUND SURFACE.
- 3.) THIS SURVEY HAS BEEN PREPARED BY INFORMATION PROVIDED BY CLIENT AND LIMITED RESEARCH IN COURTHOUSE, WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THIS SURVEY MAY NOT SHOW ALL EASEMENTS AND OTHER RESTRICTIONS OF RECORD. SURVEYOR WILL BE MADE AVAILABLE TO ADD SUCCEEDING FEATURES TO THIS SURVEY IF A CURRENT TITLE REPORT OR ABSTRACT OF TITLE IS PROVIDED TO HER BY PROPER AUTHORITY.
- 4.) UNLESS OTHERWISE NOTED THIS SURVEY IS LIMITED TO ABOVE GROUND AND VISIBLE UTILITIES. A MISSISSIPPI ONE CALL SHOULD BE MADE BEFORE ANY DIGGING AT 1-800-277-6477.
- 5.) BUILDING FOOTPRINTS, ELEVATIONS, WETLAND DETERMINATION AND UTILITIES TO BE LOCATED BY APPROPRIATE GOVERNING BODIES.

- REFERENCE MATERIALS:**
- 1.) RECORDED PLAT OF BUENA VISTA HEIGHTS
 - 2.) HARRISON COUNTY TAX MAPS




A SURVEY OF LOTS 44 THROUGH 46, BLOCK A, BUENA VISTA HEIGHTS SUBDIVISION, CITY OF LONG BEACH, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI.

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

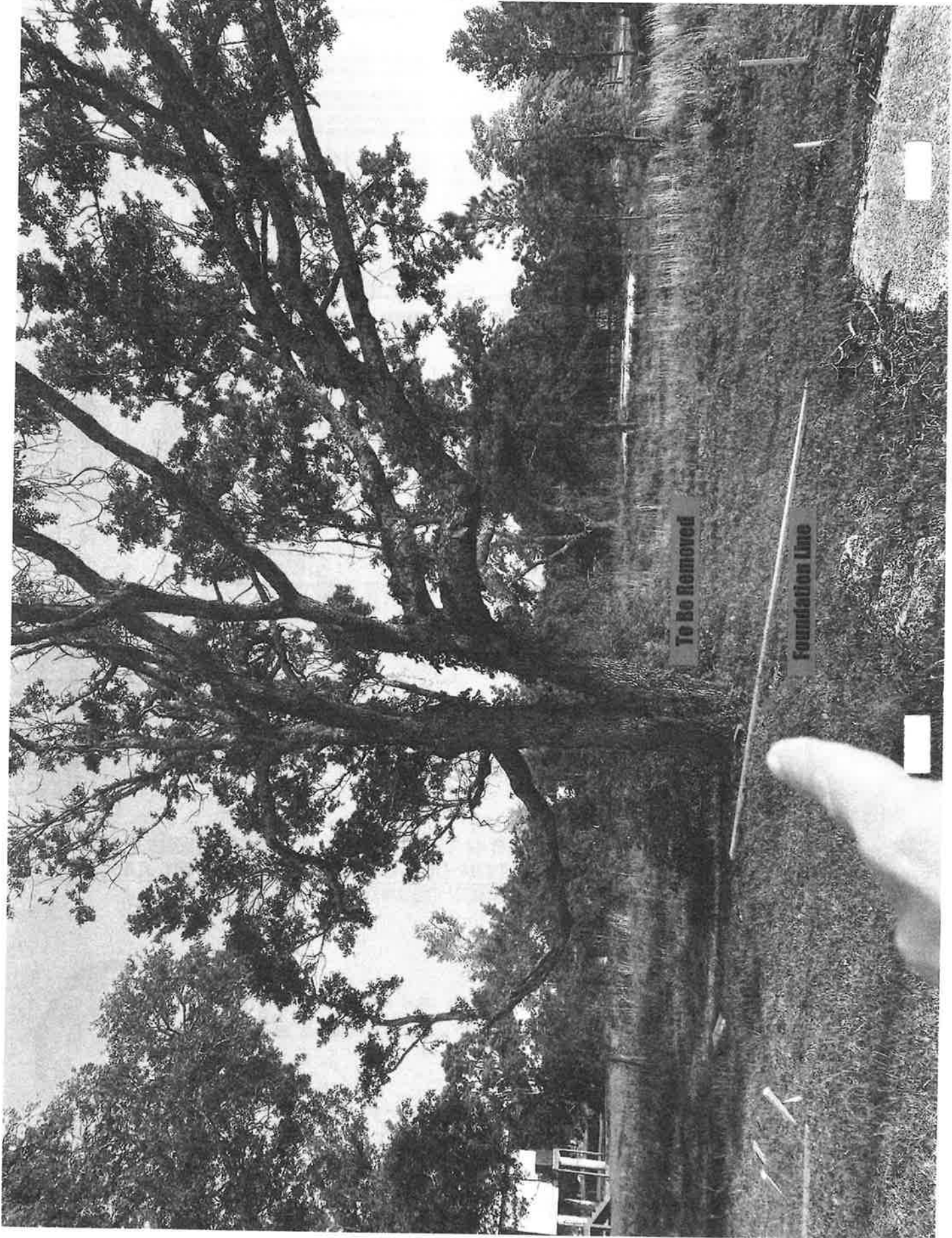

 CLIFFORD A. CROSBY, P.E.S. DATE 3/27/2021



THIS PROPERTY IS LOCATED IN I.R.M. ZONAS SHOWN HEREON ACCORDING TO MAP NUMBER 2604700358C DATED JUNE 16, 2009

SURVEY CLASS - "B"	FOR: SOUTHERN PARADISE, LLC	BEARINGS SHOWN HEREON ARE DERIVED BY: GPS OBSERVATION, STATE PLANE GRID, MGS EAST
SCALE: 1" = 30'	 <p align="center">CROSBY SURVEYING PROFESSIONAL LAND SURVEYING 716 LIVE OAK DRIVE BILOXI, MISSISSIPPI 39532 PHONE: 228-234-1649 EMAIL: cliffordcrosby@cabtnc.com</p>	DATE OF FIELD WORK: 5/19/2021
		PARTY CHIEF: CC
		INSTRUMENT MAN: CC
		RODMAN: CC
		DRAWN BY: CAC
		DRAWING NUMBER: 17005 117 BUENA
		REVISED:

**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



LONG BEACH PLANNING and DEVELOPMENT COMMISSION



**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

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

File#210462

Indexing Instructions:
Lots 44-46, Blk A, Buena Vista
Heights S/D, Harrison County, 1st
JD, MS

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

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,

JEFFREY D. CROMLEY and BONNIE K. CROMLEY
7964 CRANFORD STREET NW
MASSILLON, OH 44646
(330) 204-7716

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

SOUTHERN PARADISE, LLC
A Mississippi Limited Liability C
P.O. BOX 1612
LONG BEACH, MS 39560
(228) 760-5455

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:

**Lots Forty-Four (44), Forty-Five (45), and Forty-Six (46) (44-46 inclusive), Block
A, BUENA VISTA HEIGHTS 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 Judicial District of Harrison County, Mississippi, in Plat Book
12 at Page 26 (Copy Book 5 at Page 412) thereof, reference to which is hereby
made in aid of and as a part of this description. Being the same property
conveyed in Deed Book 657 at Page 580.**

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way
and easements applicable to subject property, and any prior recorded reservations, conveyances and
leases of oil, gas and minerals by previous owners of subject property.

Estimated county ad valorem taxes have been prorated between the parties as a part of the

consideration for this conveyance. In the event the estimates upon which such proration is based
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 SIGNATURES of the Grantors on this the 4th day of March, 2021.

Jeffrey D. Cromley
JEFFREY D. CROMLEY

Bonnie K. Cromley
BONNIE K. CROMLEY

STATE OF Ohio
COUNTY OF Spark

THIS DAY personally appeared before me, the undersigned authority in and for the
jurisdiction aforesaid, **JEFFREY D. CROMLEY and BONNIE K. CROMLEY**, who
acknowledged that they 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 5th day of March, 2021.

[Signature]
NOTARY PUBLIC

Commission Expires: 02/23/2022

MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
MEMORANDUM

Date: April 30, 2021

To: City of Long Beach Planning Commission

From: Kimberly Lentz, Long Beach Tree Board

Re: Tree Removal Application – 117 Buena Vista Drive

At least one tree must be removed to accommodate new construction. The proposal is reasonable.

The Tree Board has no objection.

After considerable discussion and upon the recommendation of the letter submitted by the Tree Board, Commissioner McKenzie made motion, seconded by Commissioner Hansen and unanimously carried to approve the removal of the Live Oak Tree.

It came for discussion under New Business, a Tree Removal Application for the property located at 10 Barbara Court, Tax Parcel 0512A-01-032.000, submitted by Isiah Edwards Jr. and Nellie M. Edwards, as follows:

MINUTES OF MAY 13, 2021
REGULAR MEETING
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
APPLICATION FOR TREE PERMIT

OFFICE USE ONLY
Date Received 4-19-21
Zoning R-1
Agenda Date 5-13-21
Check Number CASH

(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 crowned.
 - 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: 4/13/2021

PROPERTY INFORMATION

TAX PARCEL # 0512A-01-032,000
Address of Property Involved: 10 BARBARA CT. LONG BEACH, MS 39560
Property owner name: EDWARDS, ISIAH JR + NELLIE M.
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: 10 BARBARA CT. LONG BEACH, MS 39560
Phone No. (228) 863-4420

CONTRACTOR OR APPLICANT INFORMATION

Company Name: LOFTUS TREE SERVICE
Phone No. 228-363-2563 Fax: _____
Name JOE LOFTUS
Address LONG BEACH, MS 39560

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.:

AFTER LAST OCTOBER STORM "ZETA" (use separate sheet if needed)
TREE WAS SPLIT IN MIDDLE TRUNK - TREE
"PHOTO'S ENCLOSED," IS LEANING TOWARD
HOUSE

Number of Trees:
1 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.

[Signature] 4/13/2021
Signature Date

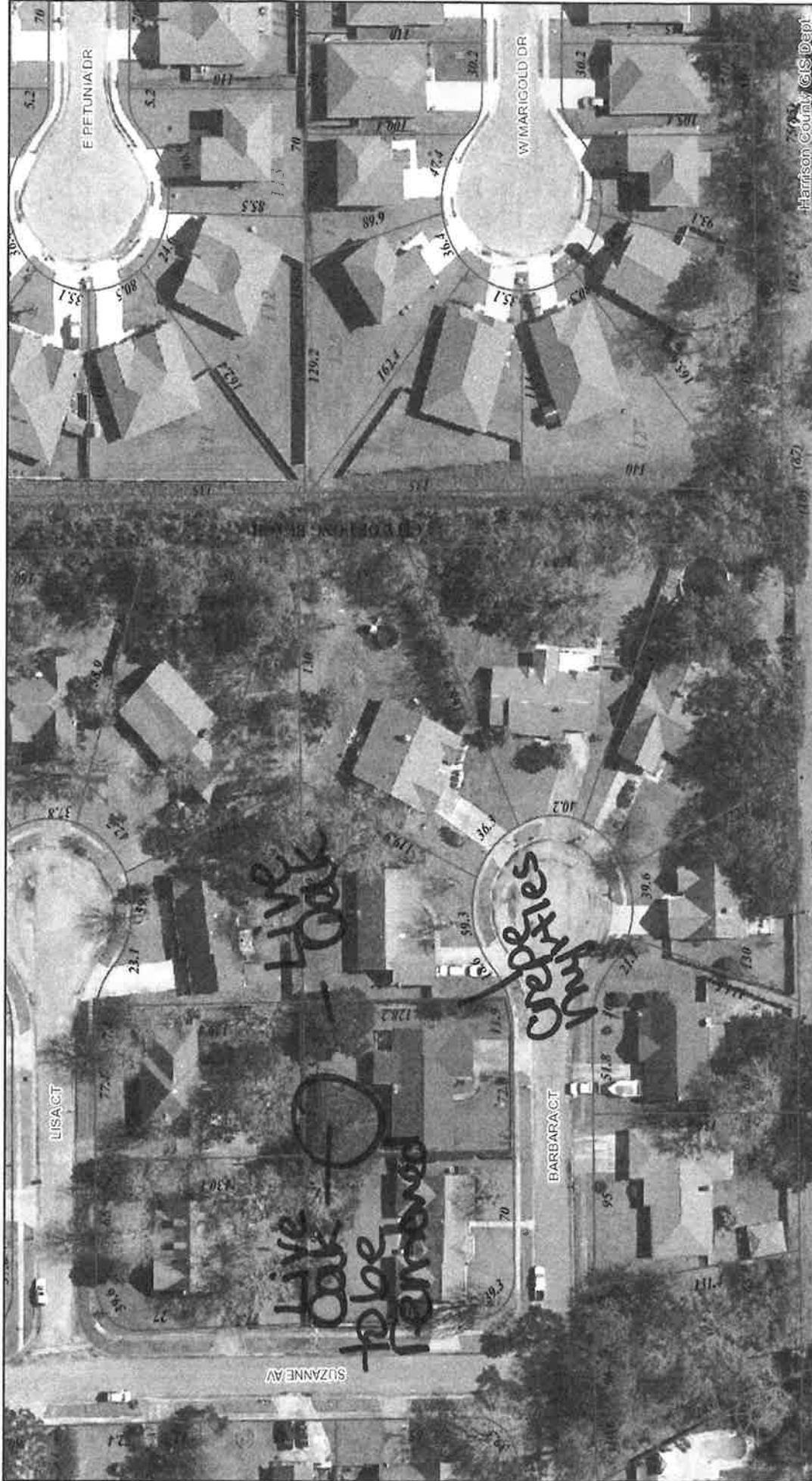
ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

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

- 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 protected and large shade 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.
- PHOTOGRAPH: You must attach a photograph of the tree to be removed, the photo must show any damage the tree is causing.
- OWNERSHIP: Please provide a recorded warranty deed.
- 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 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.
- MEETING: You must attend the Planning Commission meeting, not attending may cause your permit for tree removal to be denied or withheld.

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

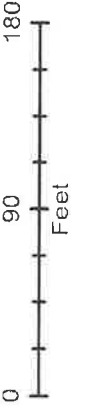
10 BARBARA COURT



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: April 19, 2021



**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



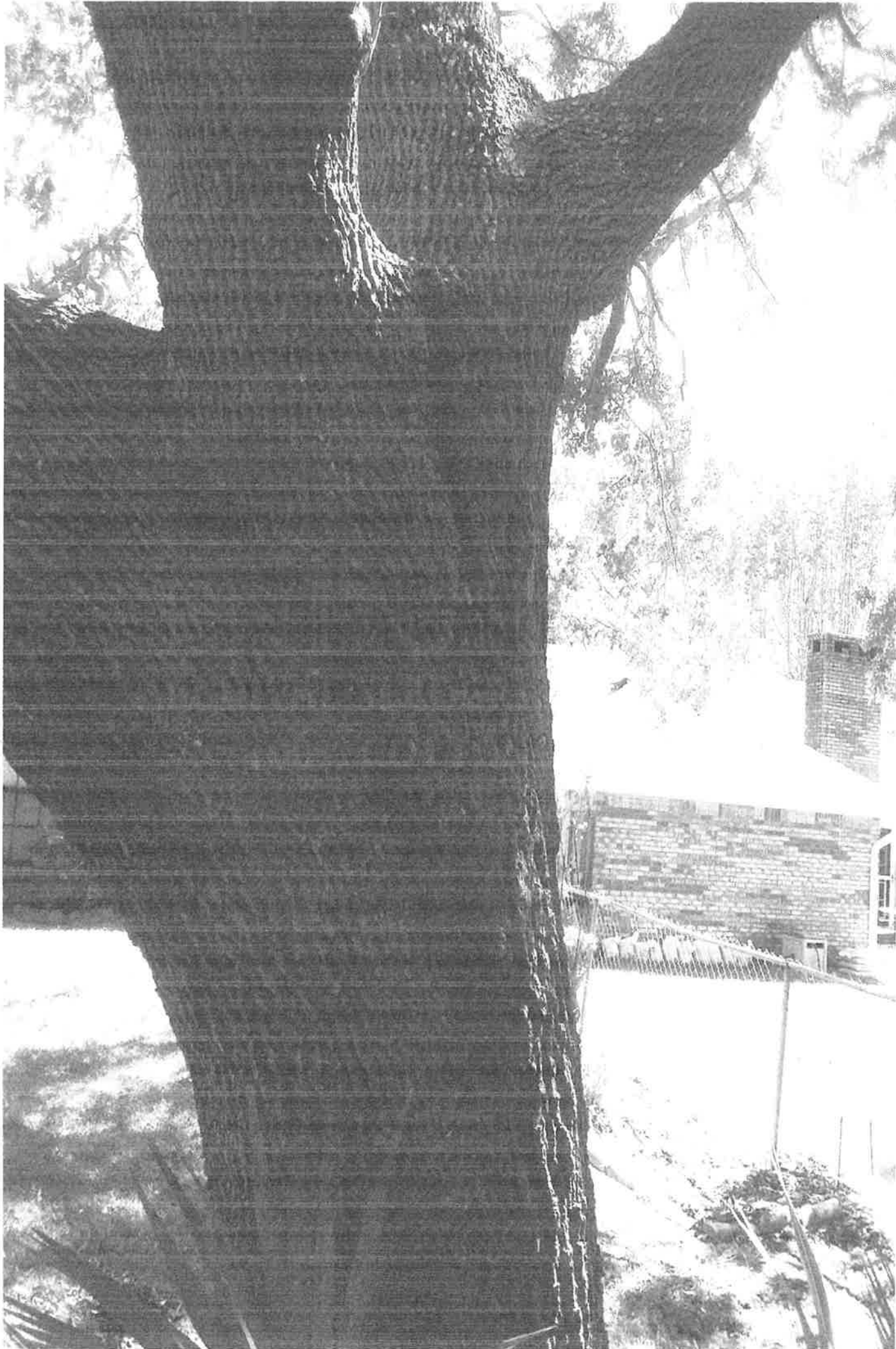
**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

WARRANTY DEED

BOOK 1008 PAGE 594

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, the undersigned JAMES G. VIAVANT does hereby sell, convey and warrant unto ISIAH EDWARDS, JR. and wife, NELLIE M. EDWARDS, as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property, lying and being situated in the County of Harrison, First Judicial District, State of Mississippi, and being more particularly described as follows, to-wit:

Lot 14, Block A, GREEN ACRES SUBDIVISION, Part III, being a subdivision as per 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, as per Plat Book 33 at Page 40 thereof.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, easements, rights of ways and mineral reservations applicable to subject property.

AD VALOREM TAXES for the current year are prorated and hereby assumed by the Grantees herein.

WITNESS THE SIGNATURE of the Grantor on this, the 17th day of April, A.D., 1985.

James G. Viavant
JAMES G. VIAVANT

STATE OF MISSISSIPPI
COUNTY OF HARRISON

PERSONALLY CAME and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named JAMES G. VIAVANT, who acknowledged to and before me that he signed, executed and delivered the above and foregoing instrument of writing on the date first above written as his voluntary act and deed.

SWORN TO and subscribed before me, a Notary Public on this, the 19th day of April, 1985.

My commission expires: 1/10/87

Louise Crawford
Notary Public

2175

STATEMENT OF FEES	
First Page	\$2.00
Add. Page at \$1.00	
Abstracting/Section at \$1.00	1.00
Marginal Entry at .50	
Other	
Total Fees	3.00

STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT:
I hereby certify that this instrument was received and filed for record at _____ o'clock and _____ minutes P. M. on _____ day of _____ A. D. 19____ and recorded _____ In Records of Deeds Book _____ Page _____
By *Darce Depet* Chancery Clerk

LRMINQ01
Library 2003
EDWARDS, ISIAH JR & WF
10 BARBARA CT

LAND ROLL MAINTENANCE

LRWINQ01/HC

Parcel 0512A-01-032.000 PPIN 82330
Alt Parcel 0512A-01-032.000
Exempt Code Tax District 3L
Subdivision 00758
GREEN ACRES SUBD PART 3
Neighborhood

C/S/Z	LONG BEACH	MS 39560	Sect/Twn/Rng	15 08 12	Blk 00A	St Addr	10 BARBARA CT	Cls	C-Acres	C-Value	U-Acres	U-Value	T-Acres	Improved	True	Assessed
1									15000					89898	104898	10490
2									15000					89898	104898	10490
Homestead Type 4 1=O65 2=DAV 3=DIS 4=Regular																
Mtg Regular 300.00 100																
New Value Added Eligible for Class 1 Y (Y/N)																
Drainage Code Benefit Price Total Deed Book 1008 Page 594																
Deed Date 4 / 17 / 1985																
Roll: Page Line Added																
County 3407 3 By																
City Changed 1 20 1997																
School By SS1																
Levee Benefits X .05 =																
F3-NEXT PARCEL, F5-LEGAL, F6-ADDENDUM, F7-DEEDS, F8-FLAGS, F9-OPTIONS																
F3 For next record																

MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
MEMORANDUM

Date: April 21, 2021

To: City of Long Beach Planning Commission

From: Kimberly Lentz, Long Beach Tree Board

Re: Tree Removal Application – 10 Barbara Ct.

.....

The tree is badly damaged and should be removed before it falls on the house.

After considerable discussion and upon the recommendation of the letter submitted by the Tree Board, Commissioner Hansen made motion, seconded by Commissioner Barlow and unanimously carried to approve the removal of the Southern Magnolia Tree.

It came for discussion under New Business, a Tree Removal Application for the property located at 115 Belle Terre Court, Tax Parcel 0511L-01-034.000, submitted by William A. Hansen, Jr., as follows:

MINUTES OF MAY 13, 2021
REGULAR MEETING
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

APPLICATION FOR TREE PERMIT

OFFICE USE ONLY
Date Received 5-3-21
Zoning R-1
Agenda Date 5-13-21
Check Number CASH

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

WJA 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.

WJA 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 definitely formed crowned.

WJA 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: 5-3-21

PROPERTY INFORMATION

TAX PARCEL # 05114-01-034-000
Address of Property Involved: 115 Belle Terre Ct

Property owner name: William A Hansen Jr
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: 115 Belle Terre Pt

Phone No. (228) 863-0503 Home
228 209-4771 Cell

CONTRACTOR OR APPLICANT INFORMATION

Company Name: Lottus Tree Service

Phone No. 228-963-2567 Fax: _____

Name Joe Lottus

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.:
(use separate sheet if needed)

Tree is damaged + split +
is a hazard to break off + hit

Someone walking or driving - very
bad lean + will fall with
wind.

Number of Trees: _____
 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.

WJA Hansen Jr 5/3/2021
Signature Date

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

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

WJA 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 protected and large shade 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.

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

WJA OWNERSHIP: Please provide a recorded warranty deed.

WJA 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.

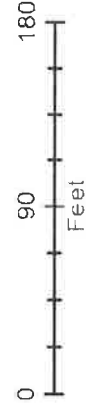
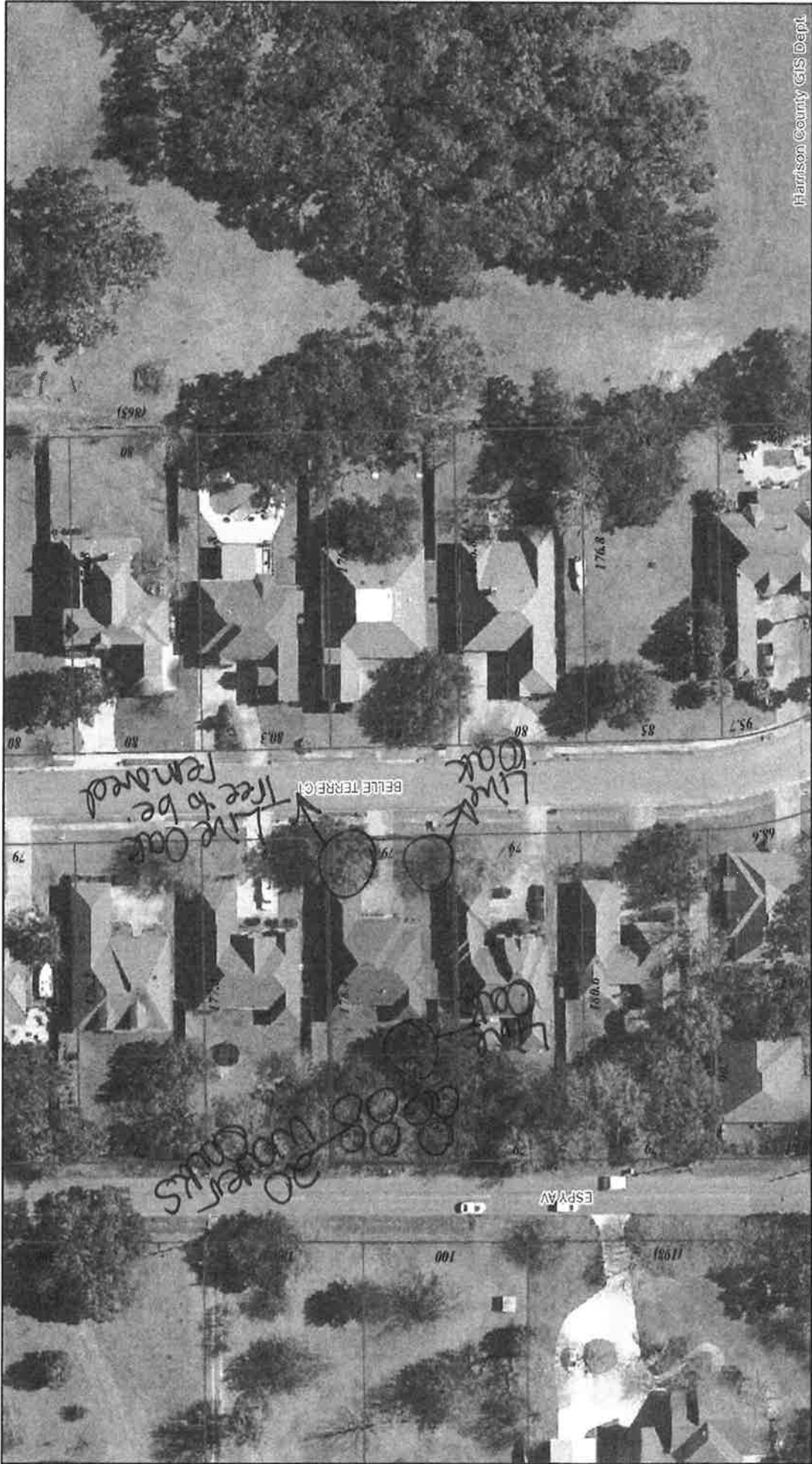
WJA REPLANTING: As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed; trees to be of Four (4) inches caliper deciduous trees or five (5) feet in height of evergreen or Live Oak or Magnolia trees.

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

MINUTES OF MAY 13, 2021
REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

115 BELLE TERRE COURT



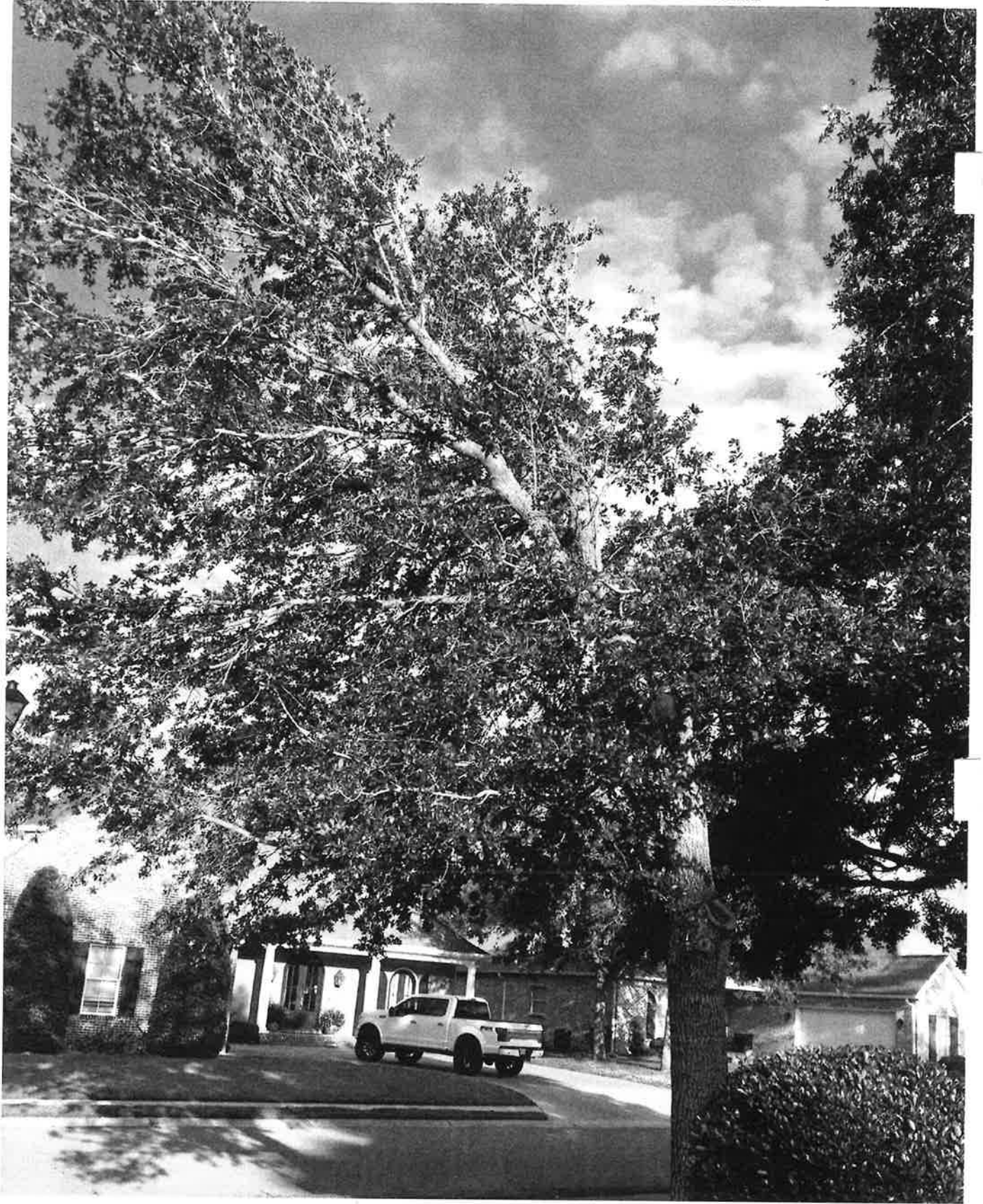
HARRISON COUNTY, MISSISSIPPI

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: May 3, 2021



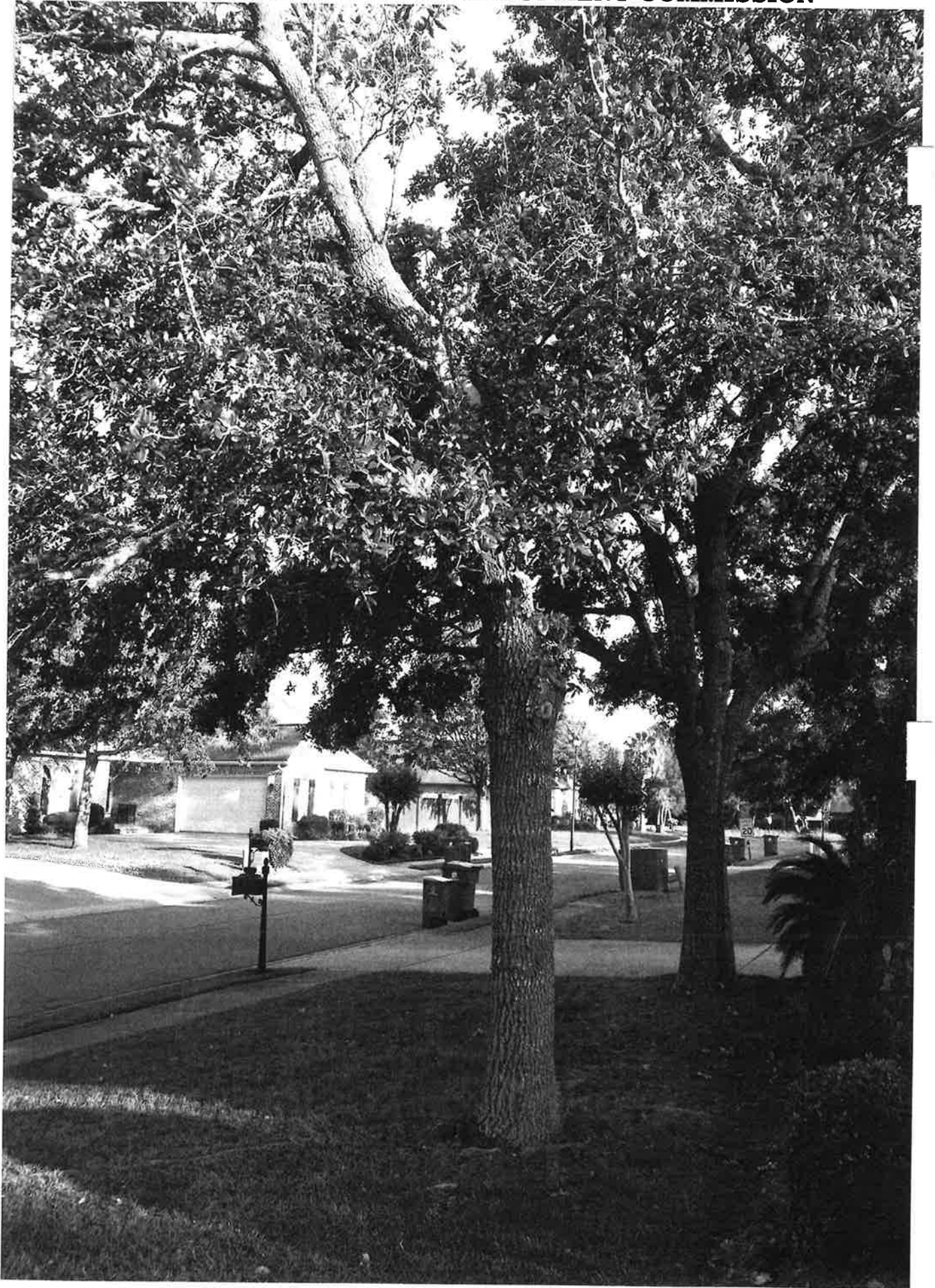
**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



41

**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



SCANNED

INDEXING INSTRUCTIONS:
EXEMPT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT



1st Judicial District
Instrument 2005 18863 D J1
Filed/Recorded 8 26 2005 10 50 A
Total Fees 12.00
2 Pages Recorded

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of ten dollars, cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

L J & L ENTERPRISES, INC.

does hereby sell, convey and warrant unto

WILLIAM A. HANSEN, JR. and JACQUELYN H. HANSEN

as joint tenants with rights of survivorship, not as tenants in common, the following described real property, together with all improvements thereon, located in the First Judicial District of Harrison County, State of Mississippi, to-wit:

Lot 25, BELLE TERRE ESTATES SUBDIVISION, a subdivision according to the plat of said Addition now on file in the office of the Chancery Clerk of Harrison County, First Judicial District, Mississippi.

This conveyance is subject to all restrictions, reservations and easements affecting said property on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Witness my signatures on this 22nd day of August, 2005.

L J & L ENTERPRISES, INC.

By: 
Randall J. Cofield, President

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this the 22nd day of August, 2005, within my jurisdiction, the within Randall J. Cofield, President of L J & L Enterprises, Inc., who acknowledged that he executed the above and foregoing instrument, after having been duly authorized by said corporation so to do.

GIVEN UNDER MY HAND and official seal of office, this 22nd day of August, 2005.




NOTARY PUBLIC

Grantor/Grantors' Address:
990 Highway 29
Wiggins, MS 39377
Phone#: 601-928-9442

Grantee/Grantees' Address:
5992 Beatline Rd.
Long Beach, MS 39560
Phone#) 228-563-0503

THIS INSTRUMENT PREPARED BY:
ALLEN, VAUGHN, COBB & HOOD, PA
One Hancock Plaza, 12th Floor
Gulfport, MS 39501
(228) 864-4011

**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
MEMORANDUM**

Date: May 10, 2021

To: City of Long Beach Planning Commission

From: Kimberly Lentz, Long Beach Tree Board

Re: Tree Removal Application – 115 Belle Terre Ct

.....
A large branch supporting one-half of the tree canopy was broken off during Hurricane Zeta leaving a large split in the center of the tree. The split trunk cannot support the weight of the remaining large branch. The Tree Board has no objection to the removal.

After considerable discussion and upon the recommendation of the letter submitted by the Tree Board, Commissioner Kruse made motion, seconded by Commissioner Barlow and unanimously carried to approve the removal of the Southern Magnolia Tree.

It came for discussion under New Business the Final Plat Approval for Castine Pointe, Phase IV, Submitted by Castine Pointe, LLC, Jared Riecke (owner) and Steve Drown (agent), as follows:

**MINUTES OF MAY 13, 2021
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	4-27-21
Zoning	R-1
Agenda Date	5-13-21
Check Number	433

I. TYPE OF CASE: FINAL PLAT APPROVAL

II. ADVALOREM TAX PARCEL NUMBER(S): 0611C - 01-002, 000

III. GENERAL LOCATION OF PROPERTY INVOLVED: Commission Road
Klondyke Road

IV. ADDRESS OF PROPERTY INVOLVED: Phase 4 Castine Pointe

V. GENERAL DESCRIPTION OF REQUEST: Subdivision of Castine Pointe
Into FINAL PLAT OF Phase 4

VI. The developer shall have all subdivision requirements completed and schedule the final engineering inspection so that it will be accomplished at least fifteen (15) working days prior to the regular monthly meeting of the planning commission. All administrative and construction requirements identified by the final inspection will be complete and all submittals made to the city at least seven (7) working days prior to the regular monthly meeting of the planning commission.

VII. **REQUIRED ATTACHMENTS:**

- A. Two (2) working days prior to the scheduled final engineering inspection, the following must be submitted to the city:
- a. One (1) blue-line copy of the construction drawing to include all items as they were constructed
 - b. One (1) blue-line print of the proposed plat to be recorded
 - c. Developer's performance or surety bond
 - d. The final plat shall be at a scale that is legible and functional on sheets of eighteen (18) by twenty-four (24) inches in size
****Please refer to the City of Long Beach Subdivision Regulations for additional information to be included on the plat.**
 - e. After satisfactorily passing the final engineering inspection, the developer shall provide the final construction contractor record as-built drawings to the city at least three (3) working days prior to the regular monthly meeting of the planning commission at which final plat will be considered. The copies of the final contractor as-built drawing shall be as follows:
 - i. One (1) mylar diazo film; or
 - ii. One (1) computer disc which contains all of the graphical information of these drawings as well as the final plat itself in a format compatible with the city engineer's computer system.
- B. Cash or Check payable to the City of Long Beach in the amount as follows:
- | | | |
|--------|------|----------|
| 2-3 | Lots | \$100.00 |
| 4-10 | Lots | \$150.00 |
| 11-50 | Lots | \$300.00 |
| 50-100 | Lots | \$400.00 |
| 100 + | Lots | \$500.00 |
- 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.**

VIII. **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.

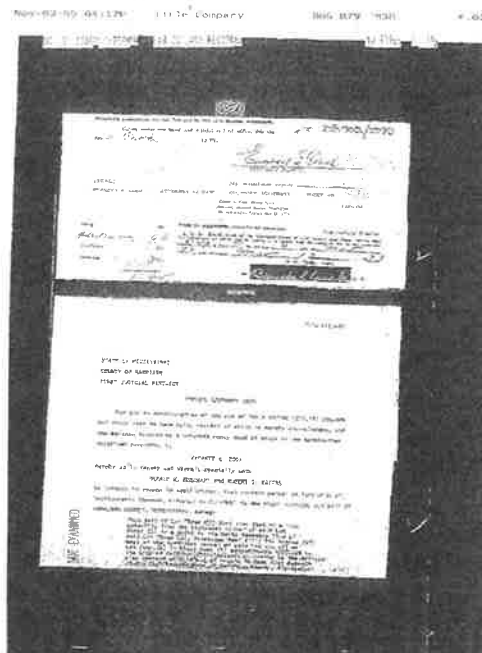
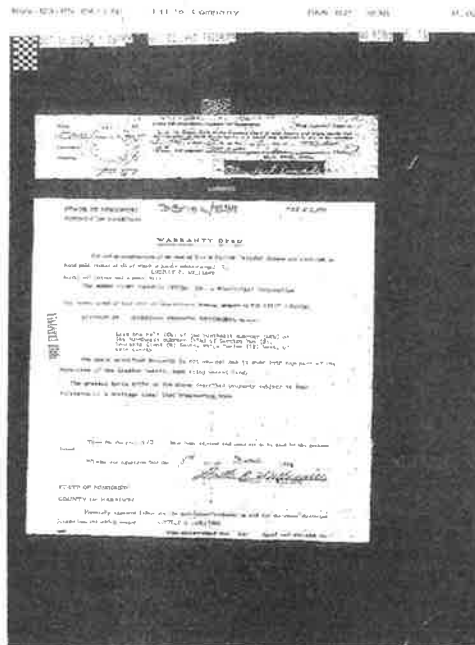
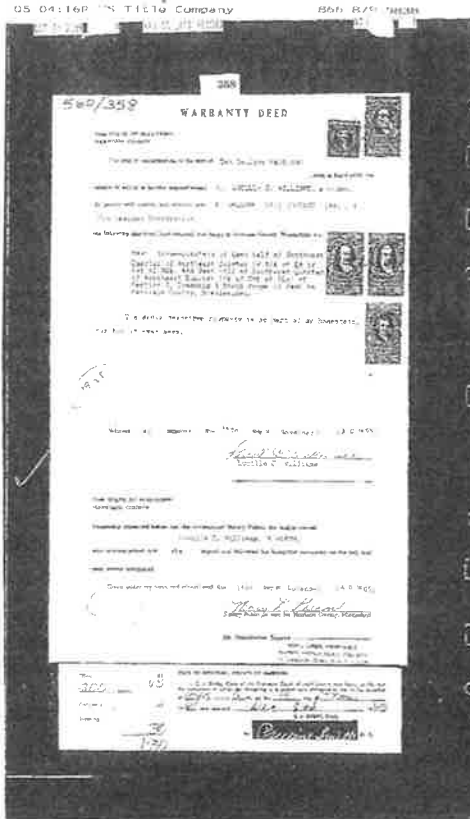
Ownership: I the undersigned do hereby agree to all the rules and regulations as set forth in the Long Beach Zoning Ordinance and also agree to pay all fees and charges as stated.

<u>Castine Pointe, LLC</u>	<u>Star Drawn</u>
Name of Rightful Owner (PRINT)	Name of Agent (PRINT)
<u>17940 Painters Row</u>	<u>P.O. Box 10109</u>
Owner's Mailing Address	Agent's Mailing Address
<u>Coungton, VA 70435</u>	<u>Gulfport MS 39505</u>
City State Zip	City State Zip
<u>985-893 8873</u>	<u>228 313 1063</u>
Phone	Phone
<u>Jay@RieckeAndAssoc.com</u>	<u>StarDrawn1@gmail.com</u>
Email address	Email address
Signature of Rightful Owner	Signature of Applicant
	<u>4-25-2021</u>
Date	Date

Jared Riecke

9 lots

MINUTES OF MAY 13, 2021 REGULAR MEETING LONG BEACH PLANNING and DEVELOPMENT COMMISSION



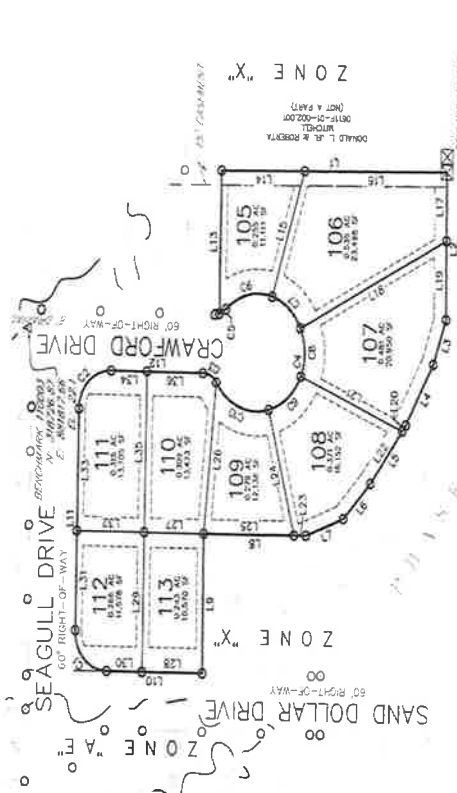
MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Project information including drawing title 'CASTINE POINTE PHASE IV SUBDIVISION PLAN', drawing number 'V-101', date 'SEPTEMBER 11, 2020', and client 'BPM CORPORATION LLC'.

CASTINE POINTE PHASE IV SUBDIVISION PLAN
CITY OF LONG BEACH
COUNTY OF HARRISON, MISSISSIPPI



VICINITY MAP
GRID NORTH
NORTH REFERENCED TO
MISSISSIPPI STATE PLANE
COORDINATE SYSTEM, EAST ZONE,
NADES



PHASE IV LEGAL DESCRIPTION
COMMENCING FROM A POINT BEING THE EAST 3/4 OF THE NORTH 1/2 OF THE NE 1/4 OF SECTION 2, T14N R14E S12E...

ENGINEER'S CERTIFICATION
THE PLANS OF THIS SUBDIVISION, WHICH ARE ON FILE FOR RECORDATION IN THE PUBLIC OFFICE OF THE CITY OF LONG BEACH...

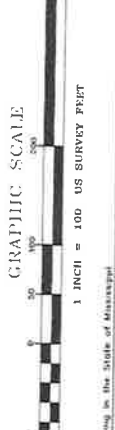
GENERAL NOTES
THE LOCATIONS OF UNDERGROUND AND OTHER UNASSUMABLE UTILITIES SHOWN HEREON HAVE BEEN DETERMINED FROM DATA OBTAINED FROM RECORDS AND AVAILABLE TO US BY THE SURFACE FEATURES OF LOCATION AND SURROUNDINGS...

ZONING INFORMATION
CONFORMS TO DESIGNATION: R-1, SINGLE FAMILY RESIDENTIAL FROM THE ZONING ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI.

LINE TABLE with columns for LINE, BEARING, and DISTANCE. Includes lines 1 through 118.

LINE TABLE with columns for LINE, BEARING, and DISTANCE. Includes lines 119 through 136.

CURVE TABLE with columns for CURVE, LENGTH, RADIUS, DELTA ANGLE, BEARING, and CHORD LENGTH. Includes curves C1 through C10.



- SURVEY LEGEND
- EXISTING RIGHT OF WAY
- SEAWALL
- BUILDING SETBACK
- SECTION CORNER FOUND
- PROPERTY CORNER FOUND
- QUAD BOUNDARY
- PROPERTY CORNER SET
- BENCHMARK SET

LONG BEACH PLANNING COMMISSION
THE LONG BEACH PLANNING COMMISSION HAS REVIEWED THIS PLAT AND FINDS THAT IT CONFORMS WITH ITS PROVISIONS FOR APPROVING THIS PLAT AND PLANS.

CERTIFICATE OF COMPARISON
WE THE UNDERSIGNED ENGINEERS HEREBY CERTIFY THAT WE HAVE COMPARED THIS PLAT AND THE MEASUREMENTS AND OTHER DATA INDICATED ARE CORRECT IN ALL RESPECTS AND BELIEVE THESE TO BE TRUE AND CORRECT.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS PLAT HAS BEEN PREPARED AND DRAWN IN ACCORDANCE WITH THE REQUIREMENTS AND OTHER DATA INDICATED AND BELIEVE THESE TO BE TRUE AND CORRECT.

ACKNOWLEDGMENT OF HARRISON
I, THE CLERK OF THE BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN FILED FOR RECORDATION AND IS NOW A PART OF THE PUBLIC RECORDS OF THIS CITY.

Small print at the bottom right corner of the page.

**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

- Noted for record, David Ball's, City Engineer, recommendation letter.

61 Lameuse St., Suite 203
Biloxi, MS 39530
228-967-7137



**OVERSTREET
& ASSOCIATES**
CONSULTING ENGINEERS

630 Delmas Ave., Suite E
Pascagoula, MS 39567
228-967-7137

May 13, 2021

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

RE: Castine Pointe Ph. 4

Ladies and Gentlemen:

We understand that the developer of the referenced subdivision is seeking final approval of the Record Plat for this subdivision. This subdivision is a portion of what was originally called Castine Pointe Ph. 2 but which was recently "replatted" by the developer through the City's preliminary plat/subdivision process. This new proposed phase of the Castine Pointe development consists of 9 lots, all of which front on right-of-way/improved street which is part of the Phase 5 subdivision.

Because the proposed subdivision lots only front on right-of-way/improved street being platted in another phase, there are no public improvements being dedicated to the City in this phase. Therefore, there should be no completion bond or warranty bond requirements. The subdivision plat itself appears to be correctly configured.

Therefore, we recommend acceptance of the final plat of the referenced subdivision. We further understand that while these lots are being platted now, that no building permits will be issued in this subdivision until the road connecting Castine Pointe to Klondyke Road is completed and functional. We recommend that condition be officially be made part of the City's approval of this subdivision.

Sincerely,


David Ball, P.E.

DB:539
Attachment

After considerable discussion, Hansen made motion, seconded by Commissioner Barlow and unanimously carried recommending the Final Plat Approval of Castine Pointe Phase IV contingent upon the aforesaid letter from City Engineer.

**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

It came for discussion under New Business the Final Plat Approval for Castine Pointe, Phase V, Submitted by Castine Pointe, LLC, Jared Riecke (owner) and Steve Drown (agent), as follows:

	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 <u>4-27-21</u> Zoning <u>R-1</u> Agenda Date <u>5-13-21</u> Check Number <u>1134</u>															
I. TYPE OF CASE: FINAL PLAT APPROVAL																	
II. ADVALOREM TAX PARCEL NUMBER(S): <u>0611C-01 002,000</u>																	
III. GENERAL LOCATION OF PROPERTY INVOLVED: <u>Commission Road</u> <u>Klon Dyke Road</u>																	
IV. ADDRESS OF PROPERTY INVOLVED: <u>Phase 5 Castine Pointe</u>																	
V. GENERAL DESCRIPTION OF REQUEST: Subdivision of <u>Final Plat Castine</u> into <u>Pointe</u> .																	
VI. The developer shall have all subdivision requirements completed and schedule the final engineering inspection so that it will be accomplished at least fifteen (15) working days prior to the regular monthly meeting of the planning commission. All administrative and construction requirements identified by the final inspection will be complete and all submittals made to the city at least seven (7) working days prior to the regular monthly meeting of the planning commission.																	
VII. REQUIRED ATTACHMENTS:																	
A. Two (2) working days prior to the scheduled final engineering inspection, the following must be submitted to the city: <ul style="list-style-type: none"> a. One (1) blue-line copy of the construction drawing to include all items as they were constructed b. One (1) blue-line print of the proposed plat to be recorded c. Developer's performance or surety bond d. The final plat shall be at a scale that is legible and functional on sheets of eighteen (18) by twenty-four (24) inches in size <u>**Please refer to the City of Long Beach Subdivision Regulations for additional information to be included on the plat.</u> e. After satisfactorily passing the final engineering inspection, the developer shall provide the final construction contractor record as-built drawings to the city at least three (3) working days prior to the regular monthly meeting of the planning commission at which final plat will be considered. The copies of the final contractor as-built drawing shall be as follows: <ul style="list-style-type: none"> i. One (1) mylar diazo film; or ii. One (1) computer disc which contains all of the graphical information of these drawings as well as the final plat itself in a format compatible with the city engineer's computer system. 																	
B. Cash or Check payable to the City of Long Beach in the amount as follows: <table border="0" style="width:100%; margin-left: 20px;"> <tr><td>2-3</td><td>Lots</td><td>\$100.00</td></tr> <tr><td>4-10</td><td>Lots</td><td>\$150.00</td></tr> <tr><td>11-50</td><td>Lots</td><td>\$300.00</td></tr> <tr><td>50-100</td><td>Lots</td><td>\$400.00</td></tr> <tr><td>100 +</td><td>Lots</td><td>\$500.00</td></tr> </table>			2-3	Lots	\$100.00	4-10	Lots	\$150.00	11-50	Lots	\$300.00	50-100	Lots	\$400.00	100 +	Lots	\$500.00
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4-10	Lots	\$150.00															
11-50	Lots	\$300.00															
50-100	Lots	\$400.00															
100 +	Lots	\$500.00															
C. Proof of ownership (copy of recorded warranty deed), if applicable proof of authority to act as agent for owner. <u>***NOTE*** APPLICATION WILL NOT BE ACCEPTED WITHOUT THE ABOVE LISTED DOCUMENTS.</u>																	
VIII. OWNERSHIP AND CERTIFICATION: <u>READ BEFORE EXECUTING,</u> 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 2 nd or 4 th 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.																	
<u>Castine Pointe, LLC</u> Name of Rightful Owner (PRINT) <u>17940 Painters Row</u> Owner's Mailing Address <u>Covington LA 70435</u> City State Zip <u>985 893 8873</u> Phone <u>Jay@RieckeandAssoc.com</u> Email address _____ Signature of Rightful Owner Date	<u>Steve Drown</u> Name of Agent (PRINT) <u>P.O. Box 10109</u> Agent's Mailing Address <u>606 Pkwy MS 39505</u> City State Zip <u>228 313 1063</u> Phone <u>Steve Drown JCA@gmail.com</u> Email address _____ Signature of Applicant Date																

Jay@RieckeandAssoc.com
Jared Riecke

39 lots

**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

- Noted for record, David Ball's, City Engineer, recommendation letter.

161 Lameuse St., Suite 203
Biloxi, MS 39530
228-967-7137



**OVERSTREET
& ASSOCIATES**
CONSULTING ENGINEERS

630 Delmas Ave., Suite B
Pascagoula, MS 39567
228-967-7137

May 13, 2021

City of Long Beach
P.O. Box 929
Long Beach, MS 39560

RE: Castine Pointe Ph. 5

Ladies and Gentlemen:

We understand that the developer of the referenced subdivision is seeking final approval of the Record Plat for this subdivision. This subdivision is a portion of what was originally called Castine Pointe Ph. 2 but which was recently "replatted" by the developer through the City's preliminary plat/subdivision process. This new proposed phase of the Castine Pointe development consists of 39 lots, together with the associated rights-of-way connecting to previous Castine Pointe phases.

In compliance with the City's subdivision ordinance, we have prepared and attached a worksheet for a completion bond in the amount of \$24,687.50 for the punchlist items which we believe have not yet been completed.

We have also received a statement from the developer regarding the actual cost of the public improvements constructed as part of this subdivision phase, which we accept. Based upon this value, the correct amount for the two-year warranty bond for this development would be 10% x ~\$803,896 = \$80,390.

In summary, we recommend acceptance of the final plat for the referenced subdivision, pending the developer's provision of an acceptable completion bond and warranty bond in the amounts approved by the City. As noted in the letter regarding the Phase 4 plat, we further understand that while these lots are being platted now, no building permits will be issued in this subdivision until the road connecting Castine Pointe to Klondyke Road is completed and functional. We recommend that condition be officially be made part of the City's approval of this subdivision.

Sincerely,

David Ball, P.E.

DB:539
Attachment

REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

LONG BEACH - CASTINE PH. 5 SUBDIVISION

COMPLETION BOND ESTIMATE - 5/13/2021

ITEM	QUANTITY	UNIT COST	EXTENSION
INSTALL STREET SIGNS	1 LS	\$ 2,000.00	\$ 2,000.00
ENSURE STAND OF GRASS/VEGETATIVE COVER IN RIGHTS-OF-WAY & COMMON/EASEMENT AREAS	1 LS	\$ 8,000.00	\$ 8,000.00
FINALIZE HARVEST LN. DITCH (STRAIGHTEN, RELOCATE UTILITIES, ESTABLISH GRASS, ETC.)	1 LS	\$ 3,000.00	\$ 3,000.00
REPAIR LEAK IN WATER SERVICE BOX @ LOT 84	1 LS	\$ 500.00	\$ 500.00
REPLACE CURB FROM LOT 84 - LOT 85	1 LS	\$ 2,500.00	\$ 2,500.00
REPAIR UTILITY AT SINKHOLE @ LOT 90	1 LS	\$ 500.00	\$ 500.00
REPAIR BROKEN WATER SERVICE & SEWER CLEANOUT @ LOT 91	1 LS	\$ 750.00	\$ 750.00
CLEAN TRASH IN EXIST. LARGE DRAINAGEWAY ALONG NORTH PROPERTY LINE	1 LS	\$ 1,000.00	\$ 1,000.00
MODIFY LARGE DRAINAGEWAY ALIGNMENT TO INTERCEPT OFFSITE DITCH FROM EAST	1 LS	\$ 1,500.00	\$ 1,500.00
TOTAL ESTIMATED CONSTRUCTION COST			\$ 19,750.00
ADMINISTRATIVE COSTS (25%)			\$ 4,937.50
REQUIRED COMPLETION BOND VALUE			\$ 24,687.50

After considerable discussion, Hansen made motion, seconded by Commissioner Barlow and unanimously carried recommending the Final Plat Approval of Castine Pointe Phase V contingent upon the aforesaid letter from City Engineer.

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

**MINUTES OF MAY 13, 2021
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

APPROVED:

Chairman Frank Olaivar

DATE: _____

ATTEST: _____

Tina M. Dahl, Minutes Clerk