

331

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

AGENDA
JANUARY 27, 2022
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- 5134 Beatline Road, Tax Parcel 0511J-03-033.006, Submitted by Beatline Road Mini Storage, LLC (owner) and Micah McNally (agent).
2. Short Term Rental- 18030 Allen Road, Tax Parcel 0611I-02-003.013, Submitted by Phillip Hoang (owner) and Mai Nguyen (property manager).

IV. ANNOUNCEMENTS

V. APPROVE MINUTES

1. January 13, 2022

VI. UNFINISHED BUSINESS

VII. NEW BUSINESS

1. Tree Removal- 0 Ray Road, Tax Parcel 0611J-01-047.000, Submitted by Sandra Cuevas.
2. Tree Removal- 112 East Azalea Drive, Tax Parcel 0712D-03-027.000, Submitted by Virginia Norton.
3. Tree Removal- 113 York Drive, Tax Parcel 0611N-03-025.000, Submitted by Kenneth Harshberger.
4. Short Term Rentals- Changes, Ordinance 598, Section 131: Short Term Rentals- Residential.

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 February 1, 2022.**

****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.**

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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Commissioner Sawyer Walters read the Opening Statement for the Planning and Development Commission.

At this time Commissioner Walters made motion, seconded by Commissioner Fields and unanimously carried to suspend the rules and add Medical Marijuana Dispensaries discussion to the agenda under New Business, item number 9.

Be it remembered that two (2) public hearings were heard before the Long Beach Planning and Development Commission, Long Beach, Mississippi, and begun at 5:30 o'clock p.m., Thursday, the 10th day of February 2022, in said City, and the same being the time, date and place fixed for holding said public hearings.

There were present and in attendance on said Commission and at the Public Hearings the following named persons: Chairman Frank Olaivar, Commissioners Sawyer Walters, Justin Shaw, Michael Levens, Chris Fields, and Marcia Kruse, City Advisor Bill Hessell, Building Official Mike Gundlach, Building Official Ryan Ladner and Minutes Clerk Tina M. Dahl.

Absent the Public Hearings were Vice Chairman Shawn Barlow and Commissioner Jennifer Glenn.

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

The first public hearing to consider a Zone Change Request for property located at Tax Parcels 0611F-01-009.000, 0511F-01-009.003 and 0511K-01-001.000, submitted by JTS Capital Realty BB, LLC (owner) and David Holman (agent), as follows:

**MINUTES OF FEBRUARY 10, 2022
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	1-3-22
Zoning	R-4
Agenda Date	2-10-22
Check Number	Cash

- I. TYPE OF CASE: ZONE CHANGE REQUEST
- II. Advalorem Tax Parcel Number(s): 0511F-01-009.000, 0511F-01-009.003, 0511K-01-001.000
- III. Address of Property Involved: East of Beatline Road, North and Adjacent to Canal Number Three
- IV. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
Request to re-zone property from R-4 to C-2 for the allowed use of boat and RV storage

V. **REQUIRED ATTACHMENTS:**

- A. **Interest and Ownership.** The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.
- B. **Survey and Site Plan.** If the proposed amendment would require a change in the Zoning Map, 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. **Development schedule.** The time schedule for the beginning and completion of development planned by the applicant in the area, if the development is planned in stages; the time schedule shall indicate the successive stages and the development planned for each stage.
- D. **Effect of Amendment.** A report giving the nature, description and effect of the proposed amendment, if the proposed amendment would require a change in the Zoning Map, description of the probable effect on the surrounding land uses and properties.
- E. **Error.** The error in the Ordinance that would be corrected by the proposed amendment, if the intent is to correct an error.
- F. **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.
- G. **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.**

VI. **OWNERSHIP AND CERTIFICATION:**

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

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

JTS Capital Realty BB, LLC
Name of Rightful Owner (PRINT)
3208 Greenleaf Drive
Owner's Mailing Address
Waco, TX 76710
City State Zip
(254) 313-1003
Phone

Signature of Rightful Owner Date

David Holman
Name of Agent (PRINT)
408 Hancock Street
Agent's Mailing Address
Bay St. Louis, MS 39520
City State Zip
(228) 342-6680
Phone
David Holman 12/28/21
Signature of Agent Date

MINUTES OF FEBRUARY 10, 2022
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1st Judicial District
Instrument 2018 4897 D -J1
Filed/Recorded 8/6/2018 08:15 P
Total Fees \$ 15.00
6 Pages Recorded

Space Above Line For Official Use Only

Instrument Prepared By and Return To: John Galloway, MSB 4385 Butler Snow LLP 1300 25th Avenue, Ste. 204 Gulfport, MS 39501 (228) 575-3000	Grantor: Beach Community Bank PO Box 4400 Fort Walton Beach, FL 32549 (850) 244-9900	Grantee: JTS Capital Realty BB, LLC 3208 Greenleaf Drive Waco, TX 76710 (254) 313-1003
Indexing Instructions: To the Chancery Clerk of Harrison County, Mississippi: Parcel 1: Block 8 and Block 9, Andrew's Land Company's Subdivision and Lot 50, Henderson, Shipman, Hewes Partition, Harrison County, Mississippi. Parcels 2 and 3: Block 8 and Block 10, Andrew's Land Company's Subdivision, Harrison County, Mississippi.		

STATE OF MISSISSIPPI
COUNTY OF HARRISON

SPECIAL WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, the undersigned Beach Community Bank ("Grantor") does hereby grant, bargain, sell, convey and specially warrant, subject to the exceptions and reservations set forth below, unto JTS Capital Realty BB, LLC, a Texas limited liability company, its successors and/or assigns, ("Grantee") the real property lying and being situated in Harrison County, Mississippi, and being more particularly described as follows:

[SEE EXHIBIT A]

together with all improvements situated thereon and appurtenances thereunto belonging.

ButlerSnow 15003180v1

AND THE SAID Grantor will only warrant and forever defend the right and title to the above described Property unto the said Grantee against the claims of those persons claiming by, through or under Grantor, but not otherwise.

The warranty of this conveyance is made expressly subject to all zoning ordinances, land use regulations, restrictive covenants, rights of way, and easements for streets, roads, alleys, electric power lines, water, and sewage lines or other easements affecting the above described real property, or which would be shown by an accurate survey.

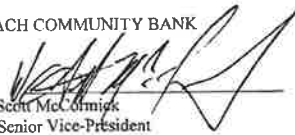
This conveyance is made expressly subject to all oil, gas, and other mineral reservations and/or conveyances of record affecting the above described real property, together with rights of ingress and egress for the purpose of exploring for and mining the same.

The taxes for the current year, which are not yet due and payable, have been pro-rated on an estimated basis by the Grantor and the Grantee as of June 30, 2018, and Grantee assumes and agrees to pay the same when they become due and payable. If actual taxes differ from the estimate, Grantor and Grantee agree to adjust the pro-ration and the party owing taxes shall pay such amount to the other party.

The term "Grantor" and "Grantee" are used for singular or plural, as context requires, and include the respective heirs, personal representatives, successors, and assigns of the parties.

IN WITNESS WHEREOF, Grantor has signed and delivered this Special Warranty Deed on this the 23 day of July, 2018.

BEACH COMMUNITY BANK

By: 
W. Scott McCormick
Its: Senior Vice-President

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LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

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STATE OF FLORIDA

COUNTY OF ESCAMBIA

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said County and State, on this the 23 day of July 2018, within my jurisdiction, the within named **W. Scott McCormick**, who acknowledged that he/she is the Senior Vice-President of BEACH COMMUNITY BANK, and that for and on behalf of said company, and as its act and deed, he/she executed the above and foregoing instrument on the day and year therein stated, after first having been duly authorized by said company so to do.

My Commission Expires:
10/5/2019


Notary Public
Matthew C. Hoffman



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EXHIBIT "A"

PARCEL 1:
ALL THAT CERTAIN PARCEL OF LAND SITUATED IN BLOCK 8 AND BLOCK 9, ANDREW'S LAND COMPANY'S SUBDIVISION AND LOT 50, HENDERSON, SHIPMAN, HEWES PARTITION, COUNTY OF HARRISON, STATE OF MISSISSIPPI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 10 OF SAID ANDREW'S LAND COMPANY'S SUBDIVISION (PLAT BOOK 9, PAGE 11); THENCE ALONG THE SOUTH LINE OF SAID BLOCK, EAST 454.55 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EAST 827.47 FEET TO THE WESTERLY RIGHT-OF-WAY OF BEATLINE ROAD; THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 00 DEGREES 04 MINUTES 26 SECONDS EAST 3.79 FEET TO THE NORTHERLY LINE OF CANAL NO 3; THENCE ALONG SAID CANAL, SOUTH 66 DEGREES 45 MINUTES WEST 739.55 FEET; THENCE NORTH 26 DEGREES 35 MINUTES WEST 330.68 FEET TO THE POINT OF BEGINNING. CONTAINING 2.84 ACRES, MORE OR LESS.

SUBJECT TO A RIGHT-OF-WAY FOR PRATTWOOD LANE OVER THE NORTH 30 FEET THEREOF.

PARCEL 2:
ALL THAT CERTAIN PARCEL OF LAND SITUATED IN BLOCK 8 AND BLOCK 10, ANDREW'S LAND COMPANY'S SUBDIVISION, COUNTY OF HARRISON, STATE OF MISSISSIPPI, AS RECORDED IN PLAT BOOK 9, PAGE 11, IN THE OFFICE OF THE CHANCERY CLERK OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND PIPE AT THE SOUTHWEST CORNER OF SAID BLOCK 10, THENCE ALONG THE SOUTH LINE OF SAID BLOCK, EAST 454.55 FEET TO THE POINT OF BEGINNING; THENCE NORTH 75.00 FEET; THENCE EAST 827.37 FEET TO THE WESTERLY RIGHT-OF-WAY OF BEATLINE ROAD; THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 00 DEGREES 04 MINUTES 26 SECONDS EAST 75.00 FEET TO THE SOUTH LINE OF SAID BLOCK 8, THENCE ALONG SAID LINE, WEST 827.47 FEET TO THE POINT OF BEGINNING.

PARCEL 3:
ALL THAT CERTAIN PARCEL OF LAND SITUATED IN BLOCK 8 AND BLOCK 10, ANDREW'S LAND COMPANY'S SUBDIVISION, COUNTY OF HARRISON, STATE OF MISSISSIPPI, AS RECORDED IN PLAT BOOK 9, PAGE 11, IN THE OFFICE OF THE CHANCERY CLERK OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A FOUND PIPE AT THE SOUTHWEST CORNER OF SAID BLOCK 10; THENCE ALONG THE WEST LINE OF SAID BLOCK, NORTH 00 DEGREES 14 MINUTES WEST 330.24 FEET; THENCE EAST 1,282.94 FEET TO A FOUND 1" PIPE ON THE WESTERLY RIGHT-OF-WAY OF BEATLINE ROAD; THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 00 DEGREES 04 MINUTES 26 SECONDS EAST 255.24 FEET TO A FOUND 1/2" REBAR; THENCE WEST 827.37 FEET TO A FOUND 1/2" REBAR; THENCE SOUTH 75.00 FEET TO A FOUND 1/2" REBAR ON THE SOUTH LINE OF SAID BLOCK 10; THENCE ALONG SAID LINE, WEST 454.55 FEET TO THE POINT OF BEGINNING. CONTAINING 8.30 ACRES, MORE OR LESS.

ALL THAT CERTAIN PARCEL OF LAND SITUATED IN BLOCK 8, BLOCK 9 AND BLOCK 10, ANDREW'S LAND COMPANY'S SUBDIVISION AND LOT 50, HENDERSON, SHIPMAN, HEWES PARTITION, COUNTY OF HARRISON, STATE OF MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF BLOCK 10 OF SAID ANDREW'S LAND COMPANY SUBDIVISION (PLAT BOOK 9, PAGE 11) THENCE ALONG THE WEST LINE OF SAID BLOCK, NORTH 00 DEGREES 14 MINUTES WEST 330 FEET; THENCE EAST 1286.5 FEET TO THE WESTERLY RIGHT OF WAY OF BEATLINE ROAD; THENCE ALONG SAID RIGHT OF WAY, SOUTH 00 DEGREES 04 MINUTES 26 SECONDS EAST 385 FEET TO THE NORTHERLY LINE OF CANAL NO 3; THENCE ALONG SAID LINE, SOUTH 66 DEGREES 45 MINUTES WEST 738 FEET; THENCE NORTH 26 DEGREES 35 MINUTES WEST 399.5 FEET TO THE SOUTH LINE OF SAID BLOCK 10; THENCE ALONG SAID LINE, WEST 500 FEET TO THE POINT OF

BEGINNING.
IT BEING THE INTENT OF GRANTORS HEREIN TO CONVEY UNTO THE GRANTEE ALL PROPERTY OWNED BY THE GRANTORS IN THE ANDREW'S LAND COMPANY SUBDIVISION AND IN THE HENDERSON SHIPMAN, HEWES PARTITION, COUNTY OF HARRISON, STATE OF MISSISSIPPI.

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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

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SCRIVENER'S AFFIDAVIT


BEFORE ME, the undersigned authority, on this 19th day of July, 2018, personally appeared **Patrick A. Sheehan**, known to me to be a credible person and of lawful age, who being by me duly sworn on oath, deposes and says:

1. That I am over the age of 18 and make this affidavit of my own personal knowledge.
2. That I am an attorney licensed to practice law in the State of Mississippi.
3. That I prepared that certain Warranty Deed from Charles W. Branaman and Carrie A. Branaman (the "Branamans") to Timothy James Gansert and Adriana Leticia Gansert recorded in **Deed Book 1640, Page 49**, in the office of the Chancery Clerk of Harrison County, Mississippi, and a subsequent Corrected Warranty Deed between said parties recorded with **Instrument Number 2004 2421D** in the office of the Chancery Clerk of Harrison County, Mississippi (collectively, the "Deeds").
4. That due to a scrivener's error, the legal description of Parcel 2 as described in the Deeds failed to include the point of commencement for said parcel, as more fully described in the prior Warranty Deed recorded in **Deed Book 1088, Page 234**, in the office of the Chancery Clerk of Harrison County, Mississippi, whereby the Branamans took title to said Parcel 2.
5. That the legal description in the Deeds should have included the point of commencement of said Parcel 2, said Parcel 2 being fully and correctly described as follows:

PARCEL 2

Being a part of Henderson, Shipman & Hewes Partition and that part of Block 9, Andrews Land Company's Sub-division, described as:

Beginning at the Southwest Corner of Block 8, Andrews Land Company's Subdivision and thence run East 56.3 feet to the point of beginning; thence run East 386.95 feet to the edge of Bayou Portage; thence run Southwesterly along said Bayou 450 feet, more or less to a point being South 210 feet, more or less, from the point of beginning; thence run North 210 feet, more or less, back to the point of beginning.

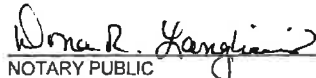

Patrick A. Sheehan

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STATE OF MISSISSIPPI

COUNTY OF JACKSON

The foregoing Scrivener's Affidavit was sworn to, subscribed before me on this 19th day of July, 2018, by Patrick A. Sheehan.


NOTARY PUBLIC

Name: Dona R. Langlais

My Commission Expires: 1-29-22



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**MINUTES OF FEBRUARY 10, 2022
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION
Zone Request Change Required Attachments**

JTS Capital Realty BB, LLC

Interest and Ownership

Owner: JTS Capital Realty BB, LLC
3208 Greenleaf Drive
Waco, TX 76710

Agent: David Holman
408 Hancock Street
Bay St. Louis, MS 39520

Adjacent Property Owners

North:

0511F-01-009.001 R W Day Development, LLC 4005 Nicholson Dr, Baton Rouge LA 70808

South:

0511K-01-002.000 Cain Robert L/E 1229 24th St, Gulfport MS 39501
0511K-02-001.000 Mander Annette S L/E 4325 Beatline Road, Long Beach MS 39560

East:

0511G-02-007.002 Beech Jerry H & Zola M 245 King Bee Road, Wiggins MS 39577

West:

0511K-01-002.000 Cain Robert L/E 1229 24th St, Gulfport MS 39501
0511F-02-010.000 R W Day Development, LLC 4005 Nicholson Dr, Baton Rouge LA 70808

Development Schedule

Engineering/Approvals for Construction – 01/2022 to 04/2022
Construction – 04/2022 to 10/2022

Effect of Amendment

The subject property consists of three tax parcels totaling approximately 14.5 acres. zoning of this property to C-2 will match the zoning of the property in this area. In of the property within the City of Long Beach and fronting on Beatline Road that is

Canal Number Three is zoned C-2. Also, the majority of the property lying outside the City along Beatline has been zoned C-2 by Harrison County.

The requested amendment will not adversely effect other property in the area. The property north of Canal Three is zoned C-2 and the property to the south is buffered by Canal Three.

**JTS Capital Realty BB LLC
P.O. Box 21505
Waco, Texas 76702**

December 08, 2021

RE: Agent Authorization

JTS Capital Realty BB LLC authorizes David Holman to act as my agent for the development of the property listed below in regard to zoning, permitting, application, etc. as required by the Ordinances of the City of Long Beach.

Tax Parcel #1 – 0511K-01-001-000

Tax Parcel #2 – 0511F-01-009.003

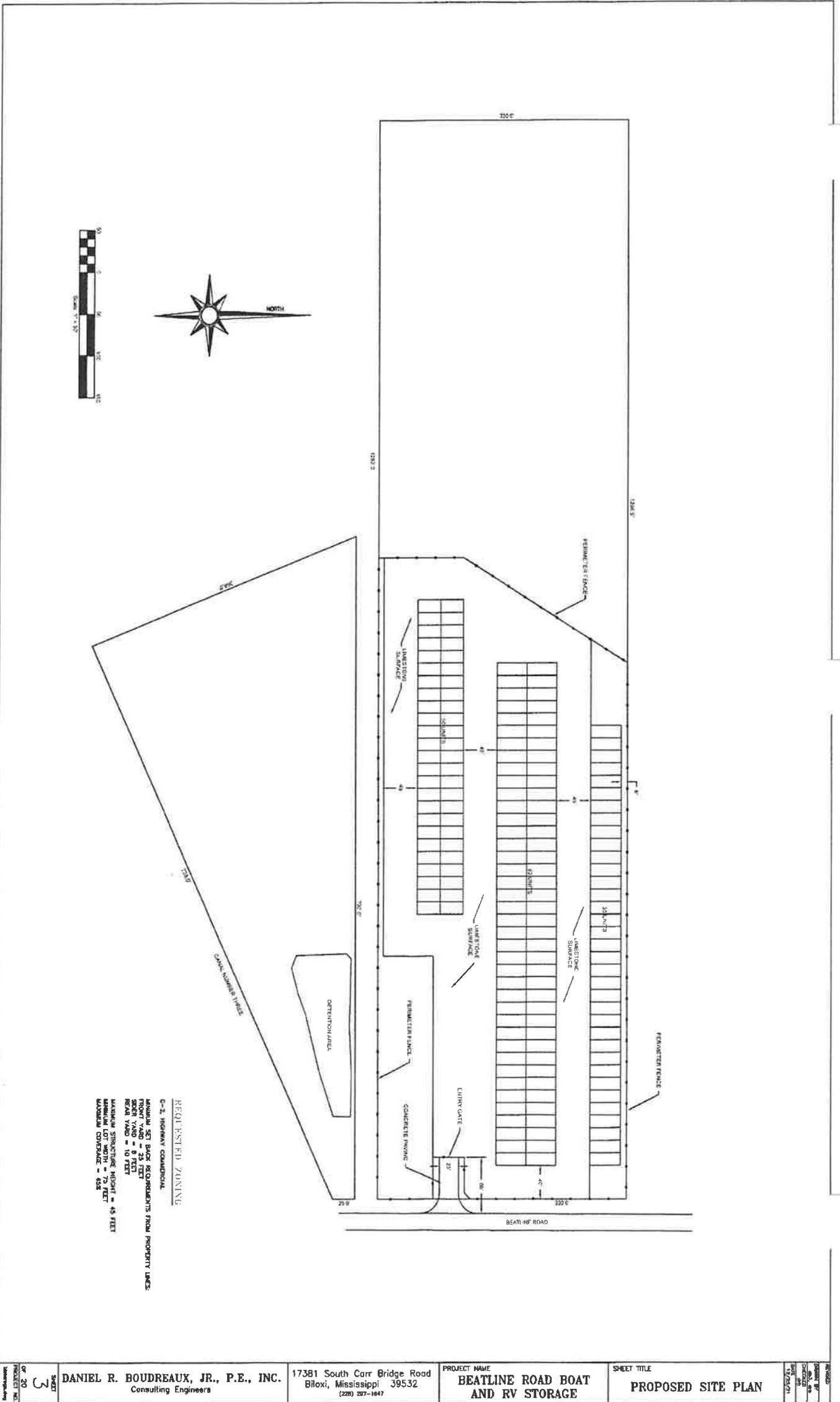
Tax Parcel #3 - 0511F-01-009.000

If any additional information is required, please advise.

Sincerely,

Emily Nulph, Vice President

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



SHEET 3 OF 20 PROJECT NO. 17381	DANIEL R. BOUDREAUX, JR., P.E., INC. Consulting Engineers	17381 South Carr Bridge Road Biloxi, Mississippi 39532 (228) 287-1647	PROJECT NAME BEATLINE ROAD BOAT AND RV STORAGE	SHEET TITLE PROPOSED SITE PLAN
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**MINUTES OF FEBRUARY 10, 2022
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

The Clerk reported that twelve (12) 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



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 and Development Commission for the City of Long Beach will hold a public hearing for the purpose of considering a **ZONING MAP CHANGE**.

JTS Capital Realty BB, LLC, 3208 Greenleaf Drive, Waco, TX, 76710, (owner) and David Holman, 408 Hancock Street, Bay St. Louis, MS, 39520, (agent), have filed an application for a Zone Map Change in accordance with the Comprehensive Long Beach Unified Land Ordinance. The applicant is requesting to change the zoning classification from R-4, Residential Farm, to a C-2, General Commercial, for the purpose of constructing and operating Boat and RV Storage. The Tax Parcel Numbers are 0511F-01-009.000, 0511F-01-009.003, 0511K-01-001.000. The legal descriptions are as follows:

4.1 AC ON N MAR OF A 20' NO NAME RD& W MAR OF BEAT LINE RD IN N 1/2 OF NE 1/4 OF NE 1/4 SEC 9-8-12

1.4 AC(C) BEG 454.6 FT E OF SW COR OF BLK 10 ANDREW'S LAND CO SUBD N 75 FT E 827.4 FT TO W MAR OF BEAT- LINE RD S ALONG RD 75 FT W 827.5 FT TO POB BEING PART OF BLKS 8 & 10 ANDREW'S LAND CO SUBD SEC 4-8-12

8.3 AC BEG AT SW COR OF BLK 10 ANDREWS LAND COMPANY SUBD N 330 FT E 1282.9 FT S 255.2 FT W 827.4 FT S 75 FT W 454.6 FT TO POB BEING PART OF LOTS 8 AND 10 ANDREWS LAND CO INSE 1/4 OF SE 1/4 OF SEC 4-8-12

A public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi, 39560, Thursday, February 10, 2022, at 5:30 p.m., in the Long Beach City Hall located on 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 FEBRUARY 10, 2022
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LONG BEACH PLANNING and DEVELOPMENT COMMISSION

AVERY 5160
R W Day Development LLC
4005 Nicholson Drive
2nd Floor
Baton Rouge, LA 70808

Easy Peel Address Labels
Bend along line to expose Pop-up edge
Bactad Ma'Asuncion A
6061 Beatline Road
Long Beach, MS 39560

Go to avery.com/templ
Use Avery Template
Beech Jerry H and Zola M
245 King Bee Road
Wiggins, MS 39577

Suber, Gravis Arnell and Tracey M
5206 Beatline Road
Long Beach, MS 39560

Suber, Darrell D and Deanna D
5192 Beatline Road
Long Beach, MS 39560

Maxwell Fay Suber and Dennis
20220 Lovers Lane
Long Beach, MS 39560

Mander Gary Alfred and Annette S
4325 Beatline Road
Long Beach, MS 39560

McCaleb, Robin M
5501 Beatline Road
Long Beach, MS 39560

Smith Patricia A
5191 Beatline Road
Long Beach, MS 39560

Cain Robert Dean -L/E-
1229 24th Street
Gulfport, MS 39501

Joyner Gary T and Helen B
108 Shady Court
Long Beach, MS 39560

Sheard David A and Heather J
105 Shady Court
Long Beach, MS 39560

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the undersigned 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') 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 January 18, 2022, she did cause to be mailed, Notice of Public Hearing, a copy of which is attached hereto, to twelve (12) property owners within 160' of 0 Beatline Road, Tax Parcels 0511F-01-009.000, 0511F-01-009.003, and 0511K-01-001.000, notifying them that a public meeting will be held, February 10, 2022, to consider an application for a Zone Map Change filed by JTS Capital Realty BB, LLC (owner) and David Holman (agent).

Given under my hand this the 18th of January 2022.


STACEY DAHL, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 18th day of January 2022.


NOTARY PUBLIC

-My Commission Expires-



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

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Proof of Publication



STATE OF MISSISSIPPI
COUNTY OF HARRISON

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

In accordance with Article XXX of the Comprehensive Long Beach Unified Land Ordinance (SBE) of the City of Long Beach, Mississippi (2019) as amended, notice is hereby given advising that the Planning and Development Commission for the City of Long Beach will hold a public hearing for the purpose of considering a ZONING MAP CHANGE.

175 Capital Realty 88, LLC, 8108 Oriole Drive, Waco, TX 76710, (owner) and David Holman, 406 Hancock Street, Bay St. Louis, MS, 39520, (agent), have filed an application for a Zone Map Change in accordance with the Comprehensive Long Beach Unified Land Ordinance. The applicant is requesting to change the zoning classification from R-4, Residential Farm, to a C-2, General Commercial, for the purpose of constructing and operating Boat and RV Storage. The Tax Parcel Numbers are 0511F-01-009.000, 0511F-01-009.003, 0511A-05-001.000. The legal descriptions are as follows:

- 1. AC ON N MAR OF A 20' NO NAME RD & W MAR OF BEAT LINE RD IN N 1/2 OF NE 1/4 OF SEC 4 R 12
- 1/4 AC SEC 4 R 12 E 1/2 OF SW COR OF BLK 10 ANDREWS LAND CO SUBQ N 75 FT E 827.4 FT TO W MAR OF BEAT LINE RD S ALONG RD 75 FT W 827.5 FT TO POB BEING PART OF BLS 4 & 10 ANDREWS LAND CO SUBQ 4 R 12
- 1/4 AC SEC 4 R 12 SW COR OF BLK 10 ANDREWS LAND COMPANY SUBQ N 330 FT E 1262.9 FT S 255.2 FT W 827.4 FT S 75 FT W 414.6 FT TO POB BEING PART OF LOTS 6 AND 10 ANDREWS LAND CO SUBQ 1/4 OF SE 1/4 OF SEC 4 R 12

A public hearing to consider the above zoning map change will be held in the City of Long Beach, Mississippi, 39560, Thursday, February 10, 2022, at 3:30 p.m., in the Long Beach City Hall located on 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



- 1. No. _____ dated _____ day of _____, 20__
- 1. No. _____ dated _____ day of _____, 20__
- 1. No. _____ dated _____ day of _____, 20__
- 1. No. _____ dated _____ day of _____, 20__

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

[Signature]
Publisher

born to and subscribed before me this 34 day of JANUARY A.D. 2022

[Signature]
Notary Public



Commissioner Chairman asked for any one speaking in favor or opposition and no one came forward.

Commissioner Walters made motion seconded by Commissioner Shaw and unanimously carried to close the public hearing.

After considerable discussion, Commissioner Walters made motion, seconded by Commissioner Levens and unanimously carried recommending to approve the zone change request application as submitted.

The second public hearing to consider a Short-Term Rental for property located at 839 East Beach Boulevard, Tax Parcel 0712D-03-018.000, submitted by Bobby Wayne Mooney (owner) and Darryl Mitchell (property manager), as follows:

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

CITY OF LONG BEACH, MISSISSIPPI							
APPLICATION FOR SHORT-TERM RENTAL							
PHYSICAL ADDRESS: 201 JEFF DAVIS AVENUE LONG BEACH, MS 39560	PHONE: (228) 863-1554 FAX: (228) 863-1558	MAILING ADDRESS: POST OFFICE BOX 929 LONG BEACH, MS 39560					
PROPERTY INFORMATION:							
ADDRESS: <u>839 East Beach Blvd</u>		Tax Parcel # <u>07120-0308.00</u>					
(Location of Short-Term Rental)							
OWNER'S INFORMATION:							
Property Owner's Name: <u>Bobby Wayne Mooney</u>							
Property Owner's Address: <u>60 Wayne Lane</u>							
Property Owner's Mailing Address, if different from above:							
		<u>Collins MS</u>	<u>39428</u>				
		City	State				
		Zip					
Property Owner's Phone No. <u>(601) 517-6581</u>		Email Address: <u>judgebmooney@yahoo.com</u>					
Is there a homeowner's association for the neighborhood? _____ If so, please provide written statement of support of short term rental?							
PROPERTY MANAGER INFORMATION:							
Property Manager's Name: <u>Barry Mitchell</u> <u>Vicki Mooney</u>							
Property Manager's Address: (Must be a local contact)							
<u>217 Clark</u>		<u>Pasc Christian</u>					
		City	State,				
		Zip					
Property Manager's Phone No. <u>(228) 224-5271</u>		Email Address: <u>sharondarry1@hotmail.com</u>					
PLEASE PROVIDE THE FOLLOWING:							
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Mississippi Sales Tax ID # <u>NA AirBnB</u> <input type="checkbox"/> Recorded Warranty Deed <input checked="" type="checkbox"/> Parking Rules & Plan <input checked="" type="checkbox"/> Trash Management Plan <input checked="" type="checkbox"/> Copy of Proposed Rental Agreement <input type="checkbox"/> Proof of Liability Insurance, which included <u>short term rental</u> coverage 							
ADDITIONAL INFORMATION:							
<ul style="list-style-type: none"> • OWNERSHIP: Please provide a recorded warranty deed • FEES: \$200. nonrefundable application fee. plus mailing cost. \$100. yearly renewable fee. Checks should be made payable to the City of Long Beach. • LICENSE: A Privilege Tax License must be applied and paid for after approval (\$20/yearly fee). • INCOMPLETE APPLICATIONS will not be processed. 							
AFFIDAVIT							
I HEREBY CERTIFY THAT I HAVE READ THIS APPLICATION AND THAT ALL INFORMATION CONTAINED HEREIN TRUE AND CORRECT; I ACKNOWLEDGE RECEIPT OF AND AGREE TO COMPLY WITH THE RULES & REGULATIONS OF SHORT TERM RENTALS (Ord 622). ALL APPLICABLE CODES, ORDINANCES AND STATE LAWS. VIOLATION OF ANY CODES OR REGULATIONS SHALL RESULT IN THE SUSPENSION OR REVOCATION OF THE PERMIT.							
PRINT NAME: <u>Bobby Wayne Mooney</u>		SIGNATURE: <u>Bobby Wayne Mooney</u>					
		DATE: <u>12-30-21</u>					
BELOW IS FOR OFFICE USE ONLY							
Maximum Occupancy:	Maximum Vehicles allowed:	Number of bedrooms:	Number of people home can accommodate:				
<u>10</u>	<u>5</u>	<u>5</u>	<u>10</u>				
I AFFIRM THAT THE APPLICANT IS IN COMPLIANCE WITH ALL APPLICABLE ZONING REQUIREMENTS, BUILDING & FIRE CODES; AND THAT ALL APPLICABLE TAXES, FEES AND OTHER CHARGES HAVE BEEN PAID.							
Building Official Signature: _____		Date: _____					
Fire Inspector Signature: <u>Janetty Dand</u>		Date: <u>1/18/2022</u>					
COMMENTS: _____							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Date Received: <u>1-18-22</u></td> </tr> <tr> <td>Agenda Date: <u>2-10-22</u></td> </tr> <tr> <td>Amount Due/Paid: <u>200.00</u></td> </tr> <tr> <td>Check #: <u>2029</u></td> </tr> </table>				Date Received: <u>1-18-22</u>	Agenda Date: <u>2-10-22</u>	Amount Due/Paid: <u>200.00</u>	Check #: <u>2029</u>
Date Received: <u>1-18-22</u>							
Agenda Date: <u>2-10-22</u>							
Amount Due/Paid: <u>200.00</u>							
Check #: <u>2029</u>							

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**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

DEC 29 2021
Amber LaCuesta

Prepared by:
John Alan Buffington
Attorney at Law
P.O. Box 477
Prentiss, MS 39474
(601) 792-4554
MSB# 103918

Return to:
The Law Office of
B. Scott Buffington
P.O. Box 477
Prentiss, MS 39474
(601) 792-4554

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

INDEXING INSTRUCTIONS: LOT 1 & 1-A
AZALEA HOMES SUBDIVISION

WARRANTY DEED

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS (\$10.00), cash in hand paid and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, WE

LAPLAYA, LLC
A Mississippi Limited Liability Company
P.O. Box 1225
Long Beach, MS 39560
(228) 216-1490

do hereby sell, convey and warrant to

BOBBY WAYNE MOONEY
60 Wayne Lane
Collins, MS 39428
(601) 517-6581

the following described real property together with all and singular the improvements thereon and appurtenances thereunto belonging, lying and being situated in the **FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, Mississippi**, more particularly described as follows:

Lot 1, Azalea Homes Subdivision and Lot 1-A, South of Seawall, Azalea Homes Subdivision, as per 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 20 at Page 34.

THE SELLER agrees that they will be responsible for paying the 2021 property taxes.

THIS CONVEYANCE 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.

WITNESS THE SIGNATURE OF THE GRANTOR, on this the 29th day of December, 2021.

LAPLAYA, LLC

BY: Mary E. Henry
Signature

Mary E. Henry/Member
Print Name & Title *Corporate Secretary*

STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally came and appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named, Mary E. Henry, who acknowledges that ^{she} he is the member / corporate secretary of LAPLAYA, LLC, and that for and on behalf of said corporation, and as its act and deed, he executed and delivered the above and foregoing Warranty Deed on the day and year therein stated and after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, on this the 29th day of December, 2021.

Amber LaCuesta
NOTARY PUBLIC

MY COMMISSION EXPIRES:



MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
RESOLUTION

The Officers/Trustees of LAPLAYA, LLC, having met and determined it would be in the best interest of the LLC to sell that certain property owned by the LLC, described as Exhibit "A" attached hereto.

The LLC having decided to sell said property to Bobby Wayne Mooney, has nominated Mary E. Henry, member of said LLC to be authorized execute said Warranty Deed.

It was duly resolved that Mary E. Henry be authorized by LAPLAYA, LLC Officers/Trustees to execute said Warranty Deed.

This the 28th day of December, 2021.

S. GAY HENRY
NOTARY PUBLIC
ID NO. 45126
LIFE EXPIRES
S. Gay Henry

STATE OF MS COUNTY OF Harrison
Signed before me on this 29 day of
December, 2021 the within named
by Mary E. Henry
Notary Public Thomas M. Hebert
My Commission Expires: 6-24-23

[Signature]
Signature - Officer/Trustee
Thomas M. Hebert, President
Print
Mary E. Henry
Signature - Officer/Trustee
Mary E. Henry
Print

Signature - Officer/Trustee

Print

Short Term Rental Application

Mississippi Sales Tax ID #- Airbnb

Recorded Warranty Deed-copy attached

Parking Rules & Plan-There is parking for 4 vehicles; 2 vehicles under the house and 2 vehicles in the driveway.

Trash Management Plan-Trash pickup will be provided by the City of Long Beach. Trash cans have been provided by ~~Waste Management~~ HCUA

Rental Agreement-copy attached

Proof of Liability Insurance-copy attached

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
SHORT TERM RENTAL AGREEMENT

1. The Parties

This agreement made this _____ day of _____, 20____ between _____ [name of tenant] of _____ [address of tenant] Hereinafter referred to as "Tenant", and _____ [name of landlord] of _____ [address of landlord] Hereinafter referred to as "Landlord".

2. The Property

Property Location: 839 West Beach Blvd, Long Beach, MS

3. Period and Guests

Total people in renting party consists of _____ Adults, _____ Children, _____, and not to exceed 10.

Rental period begins at 4:00 AM PM (local time) on the _____ day of _____, 20____ and ends at 10:00 AM PM on the day of _____, 20____.

4. Rental Amount

Total rental amount for the period is _____ Dollars (\$) or equal to _____ Dollars (\$) per night.

5. Fees, Taxes, and Deposit

- Cleaning Fee: \$ 200.00
- Security Deposit: \$ 250.00
- Taxes: \$ _____
- Other _____: \$ _____

Total Deposit and Fees Due with Signed Agreement: \$ _____

6. Termination

The Landlord has the right to inspect the premises and complete necessary repairs with prior notice as stated with the applicable laws. Should the Tenant violate any of the terms of this agreement, the rental period shall be terminated immediately in accordance with applicable law. The Tenants waive all rights to process if they fail to vacate the premises upon termination of the rental period. The Tenants shall vacate the premises at the expiration time and date of this agreement.

7. Maintenance and Repairs

The Tenants shall maintain the premises in a good, clean, and ready to rent condition, and use the premises only in a careful and lawful manner. Tenants shall pay for maintenance and repairs should the premises be left in a lesser condition. The tenants agree that the Landlord shall deduct costs of said services from the security deposit prior to refund if tenants cause damage to the premises or its furnishings.

8. House Rules.

Tenant agrees to abide by the House Rules attached as Exhibit A at all times while at the property and shall cause all members of the rental party and anyone else Tenant permits on the property to abide by such rules rules at all times while at the property.

9. Trash

The Tenants shall dispose of all waste material generated during the rental period in the designated garbage and recycling area.

10. Subletting

The Tenant shall not have the right to sublet the property.

11. Quiet Enjoyment

The Tenants shall behave in a civilized manner and shall be good neighbors respecting the rights of the surrounding property owners. The Tenants shall not create noise or disturbances likely to disturb or annoy the surrounding property owners. Creating a disturbance of the above nature shall be grounds for immediate termination of this agreement and Tenants shall then immediately vacate the premises.

12. Essentials

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

Landlord shall provide the Tenant with towels, linens, cups, knives, forks, spoons and dishes. It is the responsibility to the Tenant to clean the forgoing during the tenancy.

13. Landlord's Liability

The Tenants and Tenants' Guests shall hereby indemnify and hold harmless the Landlord against any and all claims of personal injury or property damage or loss arising from use of the premises regardless of the nature of the accident, injury or loss. Tenants expressly recognize that any insurance for property damage or loss which the Landlord may maintain on the property does not cover the personal property of Tenants, and that Tenants should purchase their own insurance for Tenants and Guests if such coverage is desired.

14. Rental Deposit

Amount is fully refundable up to _____ prior to the beginning of the rental period. After said period prior to the rental start date the Landlord shall have the right to retain the initial Rental Deposit at the Landlord's discretion.

15. Attorney's Fees

Tenants agree to pay all reasonable costs, attorney's fees and expenses that shall be made or incurred by Landlord enforcing this agreement.

16. Use of Property

Tenants expressly acknowledge and agree that this Agreement is for transient occupancy of the Property, and that Tenants do not intend to make the property a residence or household nor will it be used for commercial purposes.

17. Shortened Stays and Conditions

There shall be no refunds of rents due to shortened stays or ruined expectations because of weather conditions.

18. Showings

If the property should go on the MARKET FOR SALE, it may be shown to qualified buyers during the Tenant's stay. Every effort will be made to schedule the showing at a convenient time and not interrupt the Tenant's term. Tenant shall allow reasonable viewings of the home between 9 am and 8 PM (local time) whether they may be present or not.

19. Firearms and Hazardous Materials

Firearms shall not be allowed on the premises. Tenant agrees that Fireworks and other hazardous materials shall not be used in or around the property.

20. Illegal Use

Tenant shall use the property for legal purposes only and other use, such as but not limited to, illegal drug use, abuse of any person, harboring fugitives, etc. shall cause termination of this agreement with no refund of rents or deposits. No Tenant shall grow any Marijuana, Cannabis or similar plant in any part of the premises.

21. Possessions

Valuable items left behind by tenant will be held for the tenant and every reasonable effort will be made to contact the tenant for return. If items are not claimed for longer than 15 days they shall become the property of the Landlord. The Landlord shall not be held liable for condition of said items.

22. Cable TV

~~Cable TV is provided and service level has been chosen by the Landlord. No refund of rents shall be given for outages, content, lack of content, or personal preferences with regard to cable TV service.~~

23. Internet

High speed wireless internet is provided as a convenience only and is not integral to the agreement. No refund of rents shall be given for outages, content, lack of content, speed, access problems, lack of knowledge of use, or personal preferences with regard to internet service.

24. Manager/Landlord Contact

Landlord/Manager's Name: Darryl Mitchell

Landlord/Manager's Telephone: (228) 224-5271

Landlord/Manager's E-Mail: _____

Landlord/Manager's Address: 217 Clark, Boss Christian

25. Governing Law

This agreement is governed under the laws of Mississippi.

26. Other Agreements

In addition to the language stated in this agreement the parties, Landlord and Tenant, agree to the following:

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

Landlord and Tenant agree to the above conditions on this ____ day of _____, 20____ and hereby swear that the information provided is accurate and true:

Tenant's Signature _____ Date _____

Print Name _____

Tenant's Signature _____ Date _____

Print Name _____

Landlord's Signature _____ Date _____

Print Name _____

Exhibit A

House Rules

- No pets
- No smoking
- Check at/after 4 p.m. and check out at 10 a.m.
- Self check in using keypad
- Guests under 21 must be accompanied by an adult
- Be respectful of neighbors and reduce noise between 10 PM and 8 AM
- Trash pickup is on Monday mornings. Cans are to be beside the road on Sunday evening.
- No parking in the streets.
- Enjoy the beautiful Mississippi Gulf Coast!

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

THIS DECLARATION PAGE IS ATTACHED TO AND FORMS PART OF CERTIFICATE PROVISIONS																													
Expiring Policy #: New	Policy Number: 20UAMS04S2196599-00																												
AUTHORITY REF:																													
1. NAME AND ADDRESS OF THE INSURED: Bobby Mooney 839 Beach Boulevard East Biloxi, MS, 39530	INSURED LOCATION/RESIDENCE PREMISES: 839 Beach Boulevard East, Biloxi, MS, 39530																												
2. POLICY PERIOD: EFFECTIVE FROM 01/05/2022 TO 01/05/2023 BOTH DAYS AT 12:01A.M. LOCAL STANDARD TIME																													
3. COVERAGES-INSURANCE IS EFFECTIVE WITH: Accredited Specialty Insurance Company																													
Limits:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td>Coverage A</td> <td>Dwelling</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">300,000.00</td> </tr> <tr> <td>Coverage B</td> <td>Other Structures</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">10,000.00</td> </tr> <tr> <td>Coverage C</td> <td>Personal Property</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">10,000.00</td> </tr> <tr> <td>Coverage D</td> <td>Fair Rental Value</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">30,000.00</td> </tr> <tr> <td>Coverage L</td> <td>Personal Liability</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">500,000.00</td> </tr> <tr> <td>Coverage M</td> <td>Medical Payments</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">5,000.00</td> </tr> <tr> <td>Loss Assessment</td> <td></td> <td style="text-align: right;">\$</td> <td style="text-align: right;">1,000.00</td> </tr> </table>	Coverage A	Dwelling	\$	300,000.00	Coverage B	Other Structures	\$	10,000.00	Coverage C	Personal Property	\$	10,000.00	Coverage D	Fair Rental Value	\$	30,000.00	Coverage L	Personal Liability	\$	500,000.00	Coverage M	Medical Payments	\$	5,000.00	Loss Assessment		\$	1,000.00
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Coverage M	Medical Payments	\$	5,000.00																										
Loss Assessment		\$	1,000.00																										
Deductibles:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td>All Other Perils</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">2,500</td> </tr> <tr> <td>Windstorm & Hail</td> <td style="text-align: right;">\$</td> <td style="text-align: right;">3%(\$9,000.00)</td> </tr> </table>	All Other Perils	\$	2,500	Windstorm & Hail	\$	3%(\$9,000.00)																						
All Other Perils	\$	2,500																											
Windstorm & Hail	\$	3%(\$9,000.00)																											
*25% Minimum Earned Premium Applies																													
4. PREMIUMS AND OTHER CHARGES:																													
Base Premium	\$2,097.43																												
Mechanical Breakdown Premium	\$35.00																												
Policy Fee	\$100.00																												
Inspection Fee	\$225.00																												
State Tax	\$124.08																												
Stamping Fee	\$7.76																												
MWUA Fee	\$93.06																												
Other Coverage Premium	\$644.57																												
TOTAL	\$3,326.90																												
5. COVERAGE FORMS: See Schedule of Forms & Endorsements Attached THE TERMS, CONDITIONS, LIMITATIONS AND EXCLUSIONS TO COVERAGE ARE DETERMINED BY THE CONTRACT OF INSURANCE SUPPLIED WITH THIS DECLARATION.																													
6. SERVICE OF SUIT MAY BE MADE UPON: SEE POLICY FORM																													
7. MORTGAGEE(S)																													
8. ADDITIONAL INTEREST(S)																													
9. ADDITIONAL INSURED(S)																													
10. IN THE EVENT OF A CLAIM - PLEASE NOTIFY THE FOLLOWING AGENT GlobalGreen Insurance Agency - MS105 6204 Washington Avenue Ocean Springs MS 39564 228-215-0484	PRODUCING AGENT Ronald Terzer PRODUCER LICENSE #: 10752733																												
THIS DECLARATION PAGE WITH POLICY PROVISIONS AND ENDORSEMENTS, IF ANY, ISSUED TO FORM A PART, THERE OF, COMPLETES THE ABOVE NUMBERED POLICY.																													
SURPLUS LINES AGENT: Orchid Underwriters Agency LLC 1201 19th Place Suite A110, Vero Beach FL 32960 License: 15015264	DATE ISSUED: 01/05/2022 AUTHORIZED REPRESENTATIVE: Ronald Terzer 10752733																												

SCHEDULE OF FORMS AND ENDORSEMENTS

The following policy forms and endorsements are attached and apply to this policy:

Form Number Form Name

- FACEPAGE - Policy Face Page
- OU CLM ASIC 07 2021 - What to do in the Event of a Claim
- IL-MS-N-0001 (10-21) - Mississippi Department of Insurance Informational Notice
- OU23660119 - Special Notice - Law and Ordinance and Flood Insurance
- MSPBOR0818 (10-18) - Policyholder Bill of Rights - Mississippi
- MSPPOC3411 (10-18) - Outline of Coverage and Comprehensive Policy Checklist
- IL P 001 01 04 - U.S Treasury Department's Office of Foreign Assets Control (OFAC)
- DECPAGE - Policy Declarations Page
- SCHEDFORMS - Schedule of Forms & Endorsements
- DP 00 03 07 14 - Dwelling Property 3 Special Form
- OU DP SP MS 09 21 - Special Provisions - Mississippi
- DP 03 12 07 14 - Windstorm or Hail Percentage Deductible
- OU0030717 - Dwelling Wind Driven Rain
- OU0090318 - Rental Endorsement - Personal Liability**
- OU DP 04 71 09 21 - Ordinance or Law Coverage
- DP 04 63 07 14 - Loss Assessment Property Coverage
- DP 04 22 07 14 - Limited Fungi, Wet or Dry Rot, or Bacteria Coverage
- DL 24 71 12 02 - Limited Fungi, Wet or Dry Rot, or Bacteria Coverage
- OU004950521- Water Back-Up and Sump Discharge or Overflow
- OU SOL ACV 07 21 - Solar Panels Covered at Actual Cash Value
- OU0500717 - Personal Liability
- OU0060318 - Personal Liability - Premises Only
- OU0090717 - Personal Property Replacement Cost Loss Settlement
- OU DP EB 07 21 - Equipment Breakdown Endorsement
- OU0DF5012010 - Additional Dwelling Property 3 - Special Form Exclusions
- OU DL POOL EX 07 21 - Swimming Pool Liability Exclusion
- OU0130717 - Existing Damage Exclusion Endorsement
- OU CYBEX 07 21 - Cyber Exclusion
- OU0CMLPT2021 - Policyholder Complaint Notice
- OU0140621 - Firearms Liability Exclusion
- OU0170114 - Minimum Earned Premium
- ASIC-SOS-202106 - Service of Suit Endorsement
- RQACC-PN-202107 - Privacy Notice

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**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

DWELLING PROPERTY
OUDP0090318

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

RENTAL ENDORSEMENT – PERSONAL LIABILITY

This endorsement modifies insurance provided under the following:

PERSONAL LIABILITY – OU0500717

I. DEFINITIONS

Paragraph B.6. "Insured location" is deleted and replaced by the following:

6. "Insured location" means:

- a. The "residence premises"; and
- b. The part of other premises, other structures and grounds used as a residence; which is shown as the "insured location" in the Declarations.

Paragraph B.11. "Residence premises" is deleted and replaced by the following:

11. "Residence premises" means the one, two, three or four family dwelling shown as the "insured location" in the Declarations. "Residence premises" also includes other structures and grounds at that location.

II. EXCLUSIONS

Paragraph E.2.b(1) is deleted and replaced by the following:

(1) The rental or holding for rental of an "insured location".

All other provisions of this Policy apply.

OUDP0090318

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Page 1 of 1

DWELLING PROPERTY
OU0030717

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**WIND DRIVEN RAIN ENDORSEMENT
FORM DP 00 03 ONLY**

PERILS INSURED AGAINST

B. Coverage C – Personal Property

2. Windstorm Or Hail

- a. Property contained in a building caused by rain, snow, sleet, sand or dust unless the direct force of wind or hail damages the building causing an opening in a roof or wall and the rain, snow, sleet, sand or dust enters through this opening;

is hereby deleted.

OU0030717

Includes copyrighted material of Insurance Services Office, Inc., with its permission.

Page 1 of 1

MINUTES OF FEBRUARY 10, 2022 REGULAR MEETING LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Host Liability Insurance Program Summary - Airbnb Help Center

<https://www.airbnb.com/help/article/3145/host-liability-insurance-pro...>

 Help Center

Q

Legal terms - Guest

Host Liability Insurance Program Summary

Last updated: January 12, 2022

About Host liability insurance

Host Protection Insurance is now Host liability insurance. Host liability insurance is a key component of AirCover, which is top-to-bottom protection for Airbnb Hosts.

The Host liability insurance program ("HLI program") insures Hosts, in certain countries, for their legal liability for bodily injury or property damage to guests or others resulting from an event that happens during a guest's Airbnb Stay at the Host's Accommodation, subject to the terms, conditions, and exclusions of the Host liability insurance policy. There is no cost to Hosts for them to be insured under the HLI program.

The HLI program does not insure Hosts for damage or loss to their own property or Accommodation. For damage to a Host's property, learn about [Airbnb's Host damage protection program](#).

Subject to the policy's terms, insurance coverage under the HLI program provides Hosts with primary liability insurance while hosting guests. The Host has the option to make a claim first under the HLI program instead of their own insurance policy as long as the Host's own insurance policy allows them to do so. Hosts or their insurance advisers should check the terms and conditions of their own insurance policy. For information about the claims process, please see the claims section of this document.

Disclaimer

This HLI program summary does not contain the full terms, conditions, and exclusions. In the United States, in certain instances, the HLI program is underwritten by a non-admitted insurer and may not be subject to your state's insurance laws and regulations and is not protected by the insolvency guaranty fund. The insurance

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Host Liability Insurance Program Summary - Airbnb Help Center

<https://www.airbnb.com/help/article/3145/host-liability-insurance-pro...>

provided through the HLI program does not apply to Hosts who offer accommodations through Airbnb Travel, LLC or Hosts of Experiences.

Insurance providers and countries included

The HLI program currently extends to Hosts globally, except for jurisdictions subject to applicable sanctions laws. The HLI program does not apply to Hosts who offer accommodations through Airbnb Travel, LLC.

In the majority of jurisdictions, the HLI program provides insurance through a policy issued by Zurich Insurance plc, one of the world's most reputable insurance providers. In some jurisdictions, where a locally issued policy is required by local laws or regulations, coverage may be provided by a Zurich Insurance plc partner company.

The HLI program provides insurance through policies issued by different insurance companies in the United States, Japan and China and is placed by Airbnb UK Services Limited in the United Kingdom, an appointed representative of Aon UK Limited as more fully set out as follows:

- In the United Kingdom, the HLI program has been arranged and concluded for the benefit of United Kingdom Hosts by Airbnb UK Services Limited, an appointed representative of Aon UK Limited¹.
- In the United States, coverage is provided under policies issued by Generali US Branch or Assicurazioni Generali SpA.
- In Japan, coverage is provided under a policy issued by Sompo Japan Nipponkoa Insurance Inc. [Learn more about coverage in Japan](#)
- In China, coverage is provided under a policy issued by the People's Insurance Company of China as part of the China Host Protection Plan. [Learn more about coverage in China](#)

Note that different coverage limits and terms may apply depending on the jurisdiction.

Insurance policy period

The current term of the HLI program is December 31, 2021 to December 31, 2022.

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MINUTES OF FEBRUARY 10, 2022 REGULAR MEETING LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Host Liability Insurance Program Summary - Airbnb Help Center

<https://www.airbnb.com/help/article/3145/host-liability-insurance-pro...>

Coverage eligibility

Hosts of Accommodations are covered under the HLI program. As described above, The HLI program covers Hosts for incidents that result in the Host's legal liability resulting from a bodily injury or a property damage claim arising during a guest's Airbnb Stay at the Host's Airbnb Accommodation. The incident must also occur during the Airbnb Stay and the Stay arranged using Airbnb's Platform.

1. **Accommodation:** Accommodation is a residential or other property location that is owned or controlled by a Host, listed on the Airbnb Platform, and booked by a third party using the Airbnb Platform who has consented to the Airbnb Terms of Service (available at <https://www.airbnb.com/terms> Platform: Airbnb Platform refers to airbnb.com and luxuryretreats.com online platforms, and mobile applications associated with each.
2. **Host:** Host is a person or entity who has completed the Airbnb account registration process, including consenting to the Airbnb Terms of Service and lists their Accommodation on the Airbnb Platform, Host also includes a person providing Host-related services on behalf of the Host, including full or part time domestic staff, family members, and roommates. Anyone otherwise living at the Accommodation is included as an additional insured to the extent of claims brought against the Host. The Host's landlord, homeowners association or condo-owners association, or any other similar entity of which the Host is a member, is also an insured, but only with respect to liability arising out of the ownership, maintenance, or use of that part of the Host's Accommodation, including related common areas, during an Airbnb Stay.
3. **Airbnb Stay:** An Airbnb Stay begins on the guest's check-in date and ends on the checkout date from the Host's Accommodation as shown in the Airbnb Platform. There must be an actual Airbnb Stay in order for the coverage to apply; canceled Airbnb Stays and no-show situations are not entitled to coverage.

Covered locations

Covered locations are Accommodations as described above.

Accommodations can include mobile homes, buses, air streams, watercrafts, tree houses, and other such unique locations that are parked and used as an Accommodation. Additionally, Accommodations include treehouses, yurts, and other

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Host Liability Insurance Program Summary - Airbnb Help Center

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such unique locations.

Liability limits

\$1,000,000 USD each occurrence with a total limit available per Host property of USD 1,000,000 during the HLI program policy term (generally an annual term).

Coverages

The HLI program provides insurance that covers Hosts for their legal liability to a guest or third party for bodily injury or property damage due to an incident that occurs during a guest's Airbnb Stay at the Host's Accommodation. If the HLI program applies to the claim, the insurance includes coverage for claim investigation costs and expenses, as well as costs of defending a formal complaint such as a lawsuit.

Exclusions

The HLI program excludes from coverage:

- **Aircraft, Auto, and Mobile Equipment:** injury or damage connected in any way to aircraft, autos, and mobile equipment, except where these are listed on Airbnb and being used as Accommodations, or where the auto is used by the Host in connection with their Host-related services during a relevant Airbnb Stay, of which coverage is contingent.

To be an Accommodation, the Aircraft, Auto, or Mobile equipment must be parked.

- **Assault and Battery:** any loss or expense caused by, arising out of, or resulting directly or indirectly, in any way from assault and/or battery of any person committed by or alleged to have been committed by any insured under the policy.
- **Chinese Drywall:** injury or damage arising from or connected in any way to drywall, plasterboard, sheetrock, gypsum board, or any materials used in the manufacture of drywall used in the construction of interior walls, that were manufactured in, originated from, or exported from China or incorporated any component parts or materials made in, originated from, or exported from China.

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**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

Host Liability Insurance Program Summary - Airbnb Help Center

<https://www.airbnb.com/help/article/3145/host-liability-insurance-pro...>

- **Communicable Disease:** any bodily injury, property damage, or other loss arising out of the actual or alleged transmission of a communicable disease.
- **Contractual Liability:** liability for bodily injury or property damage where the insured is obligated to pay damages they have assumed in a contract or agreement. This exclusion doesn't include legal liability the insured would have without a contract or agreement.
- **Cross Suits:** any claims brought by one insured against another insured.
- **Distribution of Material in Violation of Statutes:** bodily injury or property damage arising directly or indirectly out of any action or omission that violates or is alleged to violate any statute, ordinance, or regulation that prohibits or limits the sending, transmitting, communicating, or distributing of material or information.
- **Electronic Data:** damages arising out of the loss of, loss of use of, damage to, corruption of, inability to access, or inability to manipulate electronic data.
- **Employment Related Practices:** bodily injury arising out of refusal to employ a person; termination of a person's employment; or employment-related practices, policies, acts or omissions, such as coercion, demotion, evaluation, reassignment, discipline, defamation, harassment, humiliation, discrimination or malicious prosecution directed at that person. This exclusion applies whether the injury-causing event occurs before employment, during employment, or after employment of that person, and whether the insured may be liable as an employer or in any other capacity.
- **Expected or Intended Injury:** bodily injury or property damage the insured intended to happen, or should have expected to happen. For example, if a Host were to deliberately destroy property of a guest, this coverage wouldn't apply, even if the Host were legally responsible for that damage.
- **Exterior Insulation and Insulation Systems:** bodily injury or property damage related in any way to "exterior insulation and finish systems" or any part of them, including the application or use of conditioners, primers, accessories, flashings, coatings, caulking, or sealants in connection with such a system.
- **Fungi or Bacteria:** bodily injury or property damage arising from or connected to inhalation of, ingestion of, contact with, exposure to, existence of, or presence of, any fungi or bacteria on or within a building or structure, including its contents. This exclusion does not apply to any fungi or bacteria that are, are

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Host Liability Insurance Program Summary - Airbnb Help Center

<https://www.airbnb.com/help/article/3145/host-liability-insurance-pro...>

on, or are contained in a good or product intended for consumption.

- **Liquor Liability:** injury or damage for which any insured may be held liable because they:
 - Caused or contributed to the intoxication of any person
 - Provided alcoholic beverages to a person under the legal drinking age or under the influence of alcohol
 - Violated any statute, ordinance, or regulation relating to the sale, gift, distribution, or use of alcoholic beverages.

This exclusion only applies if you are in the business of manufacturing, distributing, selling, serving, or furnishing alcoholic beverages.

- **Loss of, or Damage to, Certain Property:** property damage to:
 - Property you own, rent, or occupy
 - Property loaned to you
- **Damage to Property, Impaired Property, and Your Product:** certain types of losses that would normally only be covered if you make products or work as a contractor at a location. These excluded losses involve property damage to:
 - The exact part of any real property that you, or any contractors or subcontractors are working on, if the property damage arises from that work
 - The exact part of any property that must be restored, repaired, or replaced, because your work was incorrectly performed on it
 - Impaired property or property that has not been physically injured but is still less useful, arising from a defect, deficiency, inadequacy, or dangerous condition in your product or your work
 - Impaired property or property that has not been physically injured but is still less useful, arising from a delay or failure by you or anyone acting on your behalf to perform a contract or agreement in accordance with its terms
 - Your product, including losses arising out of your product or any part of it or your work, including losses arising out of it or any part of it
- **Nuclear Risks:** any loss or damage resulting from the hazardous properties of

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MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Host Liability Insurance Program Summary - Airbnb Help Center

<https://www.airbnb.com/help/article/3145/host-liability-insurance-pro...>

nuclear material.

- **Personal and Advertising Injury:** losses, including consequential bodily injury that arise out of claims, such as:
 - False arrest, detention, or imprisonment
 - Malicious prosecution
 - Wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that a person occupies, committed by or on behalf of its owner, landlord, or lessor
 - Oral or written publication, in any manner, of material that slanders or libels a person or organization, or disparages a person's or organization's goods, products, or services
 - Oral or written publication, in any manner, of material that violates a person's right of privacy
 - Use of another's advertising idea in your advertisement
 - Infringing upon another's copyright, trade dress, or slogan in your "advertisement"
- **Pollution:** bodily injury or property damage arising from pollutants of any kind. There is an exception for losses originating from equipment that is used to heat, cool or dehumidify the building, or equipment used to heat water, for personal use, by the building's occupants or their guests. There is also an exception for injury or damage arising out of a fire that escapes its normal location (hostile fire).
- **Products and Completed Operations:** bodily injury or property damage occurring away from premises you own or rent and arising out of any goods or products, other than real property, manufactured, sold, handled, distributed, or disposed of by you or other trading under your name.
- **Products Recall:** damages claimed for any loss, cost or expense incurred by you or others for the loss of use, withdrawal, recall, inspection, repair, replacement, adjustment, removal, or disposal of your product, your product, work, or impaired property. Impaired property means tangible property that cannot be used or is less useful because it incorporates your product or work and such product or work is thought to be defective, deficient, inadequate or dangerous.

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Host Liability Insurance Program Summary - Airbnb Help Center

<https://www.airbnb.com/help/article/3145/host-liability-insurance-pro...>

- **Punitive or Exemplary Damages:** punitive or exemplary damages, fines, or penalties, except where such damages are insurable by law.
- **Recording of Material or Information:** damages related to bodily injury or property damage arising out of actual or alleged recording, printing, dissemination, disposal, collecting, sending, transmitting, communicating, or distribution of any material or information by a camera that is:
 1. Not previously disclosed by a Host in the Airbnb listing, including the specific location whether recording occurs during the reservation, or
 2. placed in or observing the interior of private spaces such as a bathroom, bedroom, or sleeping area, or
 3. not concealed.
- **Sexual Assault:** any loss or expense caused by, arising out of, or resulting directly or indirectly, in any way from sexual abuse or molestation of any person committed by or alleged to have been committed by any insured.
- **Silica, Silica Dust, Lead, and Asbestos:** bodily injury or property damage arising from or connected in any way to asbestos, lead, silica, or silica dust.
- **Watercraft:** injury or damage connected in any way to watercraft, with a few exceptions:
 1. Watercraft listed on Airbnb and while being used as Accommodation and is docked or on a mooring
 2. Watercraft under 26 feet in length
 3. Watercraft which is an Accommodation while being used within inland or coastal waters, but any separate insurance coverage maintained by the Host or anyone else that's applicable to the loss will apply first
- **War:** bodily injury or property damage arising, directly, or indirectly, out of:
 - War, including undeclared or civil war
 - Warlike action by a military force, including action in hindering or defending against an actual or expected attack, by any government, sovereign, or other authority using military personnel or other agents
 - Insurrection, rebellion, revolution, usurped power, or action taken by governmental authority in hindering or defending against any of these.

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MINUTES OF FEBRUARY 10, 2022 REGULAR MEETING LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Host Liability Insurance Program Summary - Airbnb Help Center <https://www.airbnb.com/help/article/3145/host-liability-insurance-pro...>

- **Workers Compensation and Employers Liability:** any obligation of the insured under a workers' compensation, disability benefits, or unemployment compensation law or any similar law. Bodily injury to any employees of the insured (or any of their family members) arising out of their employment by an insured or performing duties related to the conduct of an insured's business. This exclusion applies whether the insured may be liable as an employer or in any other capacity.

Claims

Please inform Airbnb immediately by submitting the [liability insurance intake form](#) if you become aware of any bodily injury or property damage that may be a subject to coverage under the HLI program. After the intake form is completed, a third-party claims adjuster appointed by the insurer will get in touch with you to discuss the claim and gather information. The adjuster will then settle the claim in accordance with the terms of the HLI program, and applicable laws and regulations in the applicable jurisdiction.

Questions

Please visit airbnb-host-protection-insurance.com/inquiry if you have questions regarding the coverage made available under this program.

Complaints

In the United Kingdom, if you or another insured under the policy wishes to raise a complaint, you can do so by contacting the address below, and a member of the team will ensure that your complaint is referred to an appropriate person:

- Aon UK Limited, Central Complaints Team
- Briarcliff House, Kingsmead, Farnborough, GU14 7TE
- By phone: Telephone 01252 768662
- By e-mail: Central.Complaints@aon.co.uk

Copies of our complaint handling procedures are available on request.

If you cannot settle your complaint with us, you may be entitled to refer it to the

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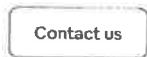
Host Liability Insurance Program Summary - Airbnb Help Center <https://www.airbnb.com/help/article/3145/host-liability-insurance-pro...>

Financial Ombudsman Service. Visit [this site](#) for further details or contact them at: The Financial Ombudsman Service, Exchange Tower, London, E14 9SR, telephone 0800 023 4567.

Alternatively, if you are based outside of the United Kingdom, you can register your complaint on the Online Dispute Resolution (ODR) Platform [here](#).

Contact Superhost support

Our dedicated Superhost support team is here to help Hosts like you.



You can also [give us feedback](#).

Support

- Help Center
- Safety information
- Cancellation options
- Our COVID-19 Response
- Supporting people with disabilities
- Report a neighborhood concern

Community

- Airbnb.org: disaster relief housing
- Support Afghan refugees
- Celebrating diversity & belonging
- Combating discrimination

Hosting

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MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Host | Airbnb | Insurance | Program | Support | Airbnb | Help | Contact | <https://www.airbnb.com/help/landlord/1145/what-is-airbnb-reasonable-guests>

Try hosting
AirCover: protection for hosts
Explore hosting resources
Visit our community forum
How to host responsibly

About
Newsroom
Learn about new features
Letter from our founders
Careers
Investors
Airbnb Luxe

English (US) | \$ USD
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[Privacy](#) | [Terms](#) | [Support](#)

The Clerk reported that seven (7) notices of public hearing were sent by regular mail to property owners within two hundred feet (200') 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 **Short-Term Rental**.

Bobby Wayne Mooney, 60 Wayne Lane, Collins, MS, 39428, (owner) and Darryl Mitchell, 217 Clark Avenue, Pass Christian, MS, 39571, (property manager), have filed an application for a short-term rental in accordance with the Comprehensive Long Beach Unified Land Ordinance, Section 131: Short-Term Rentals-Residential (Ordinance 622). The location of the requested short-term rental is 839 East Beach Blvd, Long Beach, Mississippi 39560, Tax Parcel Number 07121D-03-018.000. The legal description is as follows:

LOT 1 ALSO LOT 1 A S OF SEAWALL AZALEA HOMES SUBD

A public hearing to consider the above short-term rental will be held in the City of Long Beach, Mississippi 39560, Thursday, February 10, 2022, at 5:30 p.m., in the Long Beach City Hall Meeting Room located at 201 Jeff Davis Avenue. The city encourages all residents, groups and organizations to contact the city if they have any questions concerning the petition.

/s/ signed
Chairman
Planning Commission

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



Dantin Mary Vic
4 Portofino Drive
Pensacola, FL 32561

Caldwell Lina B
132 English Village Drive
Long Beach, MS 39560

Leggett Properties LLC
5 Mossy Oak Lane
Long Beach, MS 39560

Cantin Patricia W
13016 Cypress Gold Drive
St. Amant, LA 70774

Orange Grove Utilities Inc
110 South Wilson Blvd
Gulfport, MS 39503

Benoit Evelyn B
4227 Canal Street
New Orleans, LA 70119

Benoit Maurice G and Evelyn B
PO Box 13727
New Orleans, LA 70185

AFFIDAVIT

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

BEFORE ME, the undersigned 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 Two Hundred Feet (200') 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 January 18, 2022, she did cause to be mailed, Notice of Public Hearing, a copy of which is attached hereto, to seven (7) property owners within 200' of 839 East Beach Blvd, Tax Parcel 0712D-03-018.000, notifying them that a public meeting will be held, February 10, 2022, to consider an application for a Short Term Rental filed by Bobby Wayne Moody (owner) and Darryl Mitchell (property manager).

Given under my hand this the 18th of January 2022.

Stacey Dahl
STACEY DAHL, AFFIANT

SWORN TO AND SUBSCRIBED before me on this the 18th day of January 2022.

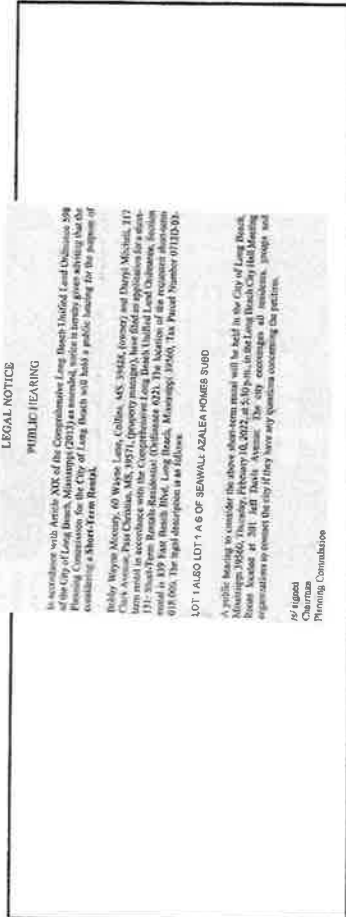
Kini Gonsoulin
NOTARY PUBLIC

-My Commission Expires-



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

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
Proof of Publication**



STATE OF MISSISSIPPI
COUNTY OF HARRISON

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

- Vol. ~~XVI~~ No. 3 dated 21 day of January, 2022
- Vol. ~~XVI~~ No. 3 dated 21 day of January, 2022
- 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.

[Signature]
Publisher

Sworn to and subscribed before me this 21 day of January, A.D. 2022

[Signature]
Notary Public



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

Commissioner Walters made motion, seconded by Commissioner Shaw and unanimously carried to close the Public Hearing.

After considerable discussion, Commissioner Walters made motion, seconded by Commissioner Shaw and unanimously carried recommending to approve the Short-Term Rental in accordance with Ordinance 622, as submitted.

Be it remembered that a Regular Meeting before the Long Beach Planning and Development Commission, Long Beach, Mississippi, was begun at 5:30 o'clock p.m., Thursday, the 10th day of February 2022, 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, Sawyer Walters, Justin Shaw, Michael Levens, Chris Fields, and Marcia Kruse, City Advisor Bill Hessell, Building Officials Mike Gundlach, Building Official Ryan Ladner and Minutes Clerk Tina M. Dahl.

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Absent the Regular Meeting were Vice Chairman Shawn Barlow and Commissioner Jennifer Glenn.

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

Commissioner Walters made motion, seconded by Commissioner Kruse and unanimously carried to approve the Regular Meeting minutes of January 13, 2022, as submitted.

Commissioner Walters made motion, seconded by Commissioner Shaw and unanimously carried to approve the Regular Meeting minutes of January 27, 2022, as submitted.

It came for discussion under New Business, a Tree Removal Permit Application for the property located at 0 Ray Road, Tax Parcel 0611J-01-047.000, submitted by Sandra Cuevas, as follows:

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION



*25.00
+ 45.00*

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	<u>1-18-22</u>
Zoning	<u>R-1</u>
Agenda Date	<u>2-10-22</u>
Check Number	<u>4802</u>

*Read by
Jan. 20th
27th meet*

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

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

Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown.

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

TODAY'S DATE: 1/12/2022

PROPERTY INFORMATION

TAX PARCEL # 0611 J - 01 - 047.000

Address of Property Involved: No Home yet

Property owner name: Sandra Cuevas

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: 5610 W. Yellowstone Ave.

Phone No. Kennewick WA 99336
309 430-5643

CONTRACTOR OR APPLICANT INFORMATION

Company Name: "Residential Designs by Wayne O'Neal"

Phone No. 228-669-0056 Fax: 228-832-0056

Name: Wayne O'Neal

Address: 11020 Dauro Rd. Gpt.

39503

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.:

Diseased, New Home Court, Hangover, Drive way.

Number of Trees:

6 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.

Wayne O'Neal
Signature

1/12/2022
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.

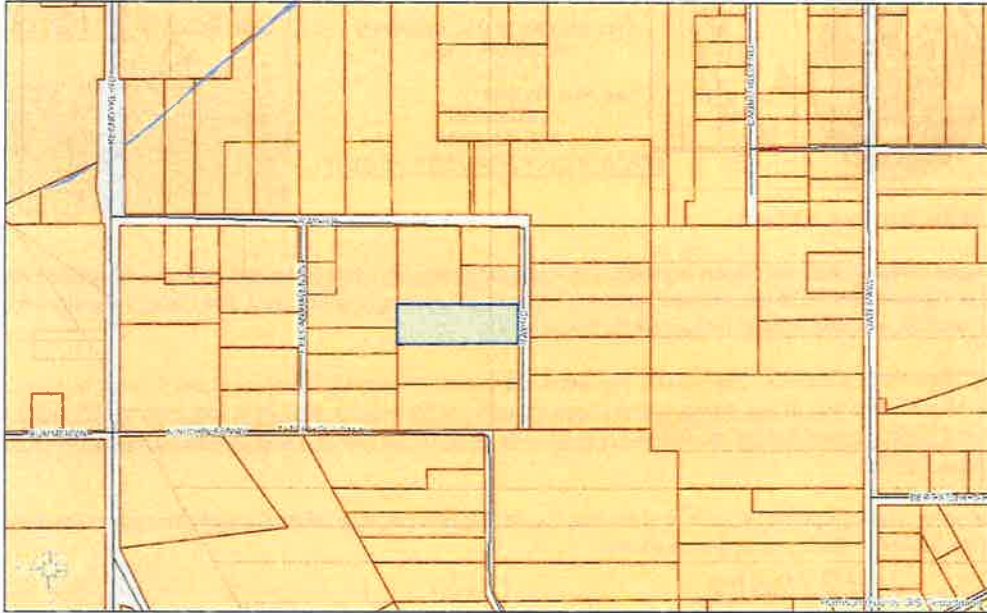
PERMIT FEES: Upon issuance of a Tree Removal Permit, the permit fee will be as follows: For removal of a tree or trees where such removal of such tree or trees is necessitated by material damage caused by such tree or trees to permanent improvement or improvements on the parcel where such tree or trees 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.

MINUTES OF FEBRUARY 10, 2022 REGULAR MEETING LONG BEACH PLANNING and DEVELOPMENT COMMISSION

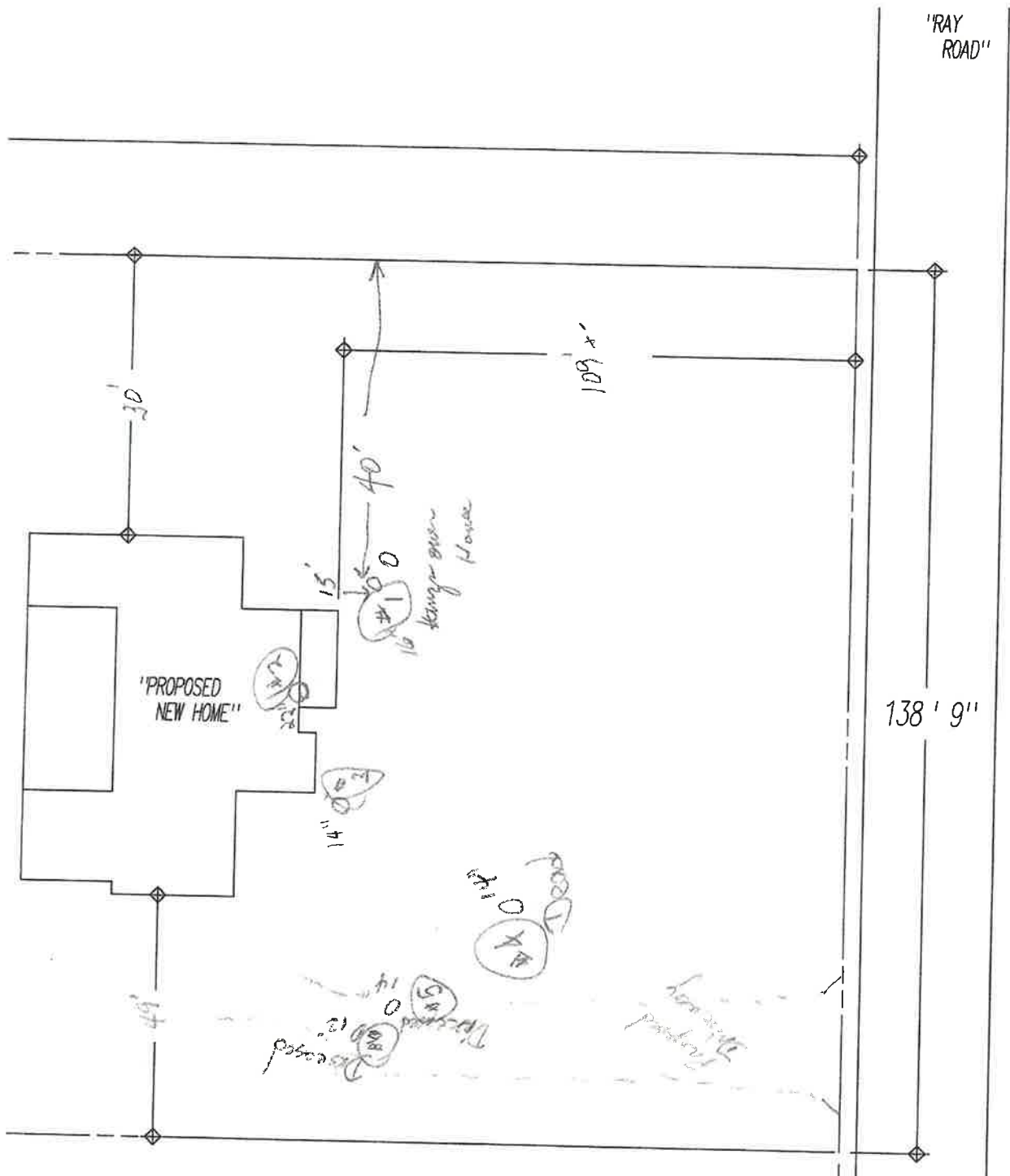
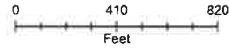
0 Ray Road



HARRISON COUNTY, MISSISSIPPI

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

MAP DATE: January 19, 2022



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

STATE OF MISSISSIPPI BKX 801 PAGE 007
COUNTY OF HARRISON

MARRANTY DEED

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, I, EDNA S. RAY, do hereby sell, convey and warrant unto SANDRA DENZA CUTVAŠ the following described real property, being located and situated in the First Judicial District of Harrison County, Mississippi, and more particularly described as follows, to-wit:

That certain parcel of land located in and a part of Section 23, Township 8 South, Range 11 West in Harrison County, Mississippi, to-wit:

That certain parcel of land described as COMPTON to the Northwest corner of Lot 27, Cox Sub-division of said Section 19 and run West 287.6 Feet; thence North 202.19 feet to the South of NEIGHBOR; thence almost complete North 138.6 Feet; thence West 443.2 Feet; thence South 135.6 feet; thence West 287.6 feet to the POINT OF BEGINNING.

This conveyance is subject to any and all restrictive covenants, easements, and prior oil, gas and mineral reservations of record.

Grantee herein as a part of the consideration for this conveyance, hereby assumes and agrees to pay City and County taxes for the year 1979.

WITNESS MY SIGNATURE this the 2nd day of March, 1979.

Edna S. Ray
EDNA S. RAY

STATE OF MISSISSIPPI BKX 801 PAGE 008
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority, in and for the aforesaid jurisdiction, EDNA S. RAY, who acknowledged that she signed, executed and delivered the above and foregoing instrument on the day of its date and for the purposes therein stated,

Edna S. Ray
EDNA S. RAY

Sworn to and subscribed before me this the 2nd day of March, 1979.

Kathleen...
NOTARY PUBLIC

My Commission expires: JANUARY 3, 1980

1999
STATE OF MISSISSIPPI
COUNTY OF HARRISON

Notary Public
My Commission Expires: 1999

STATE OF MISSISSIPPI, COUNTY OF HARRISON, FIRST JUDICIAL DISTRICT

I hereby certify that this instrument was acknowledged before me on this day of March, 1979, and recorded in Book 801 Page 007 of the Public Records of said County.

[Signature]
Notary Public

MEMORANDUM

Date: January 25, 2022
To: City of Long Beach Planning Commission
From: Long Beach Tree Board
Re: Tree Removal Application – 0 Ray Road

The Long Beach Tree Ordinance allows the removal of protected trees to accommodate new construction. However, Section 6(g) requires the Planning Commission to consider whether the proposed improvements could be revised to accommodate existing trees.

The Tree Board believes the plan proposed by the developer is reasonable, however, the removal should be contingent upon the project being otherwise approved and the applicable permits being issued.

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

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

It came for discussion under New Business, a Tree Removal Application for the property located at 112 East Azalea Drive, Tax Parcel 0712D-03-027.000, submitted by Virginia Norton, as follows:

**MINUTES OF FEBRUARY 10, 2022
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	2-10-22
Zoning	R-1
Agenda Date	1-27-22
Check Number	CASH

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

VM 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.

VM Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown.

VM 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: _____

PROPERTY INFORMATION

TAX PARCEL # 0712 D-03-027,000

Address of Property Involved: 112 E. AZALEA DR.

Property owner name: VIRGINIA NORTON

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: 108 W. AZALEA DR. LB.

Phone No: 903 244-6994

CONTRACTOR OR APPLICANT INFORMATION

Company Name: _____

Phone No: _____ Fax: _____

Name: _____

Address: _____

PERMIT INFORMATION

Permit for: Removal Trimming _____ Pruning _____

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

The tree has grown into the eave and foundation of the house. Multiple foundation repairs have been done as well as underground plumbing. A new root is to be put in after removal.

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.

Virginia Norton 1/3/21
 Signature Date

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

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

VM 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.

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

VM OWNERSHIP: Please provide a recorded warranty deed.

VM 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.

VM 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.

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

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

January, 3, 2022

To Whom It May Concern:

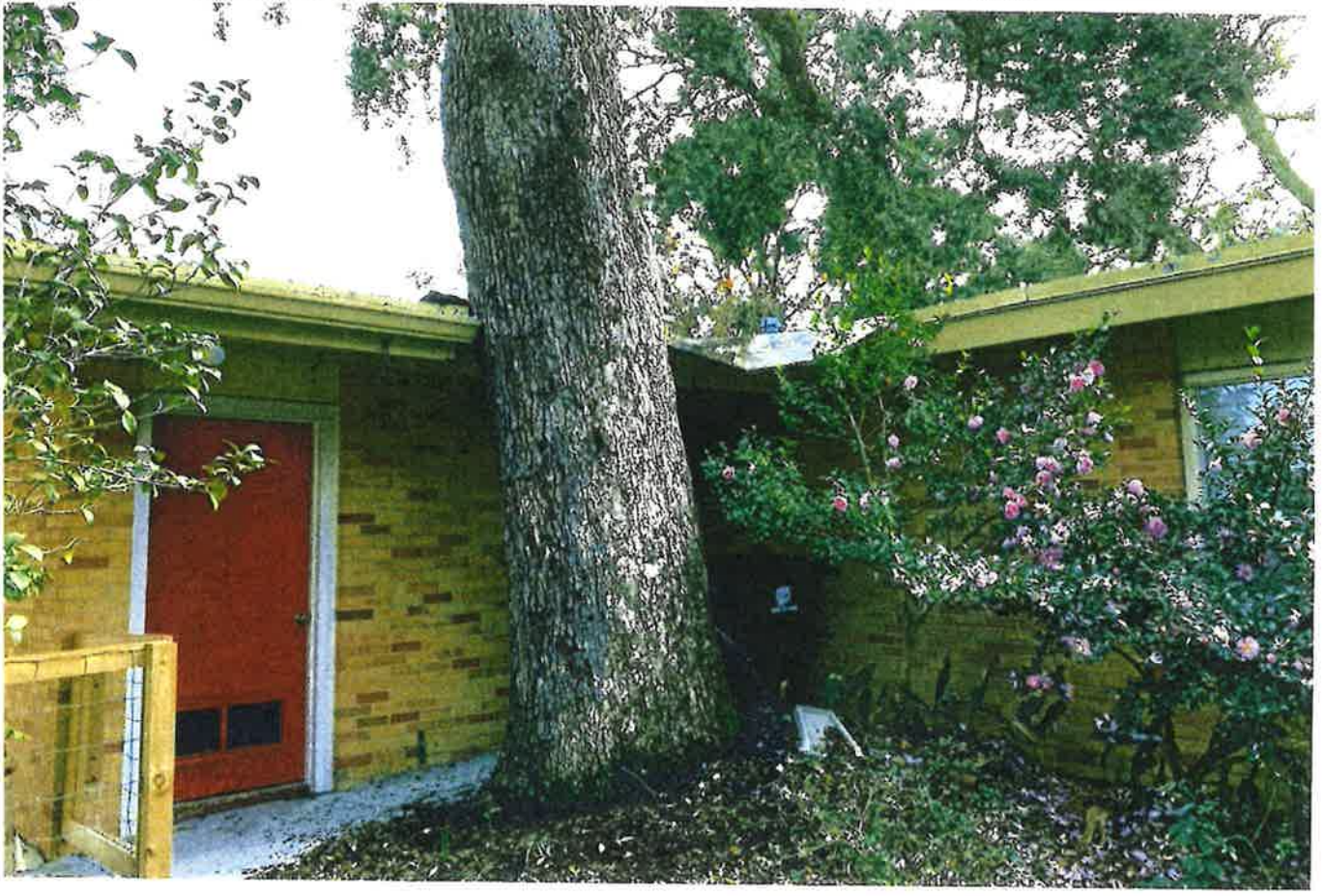
The live oak tree in the center west of the lot, marked with a Z, is the oak I am asking to have removed. The reasons are stated in my application. The site of the old water oak, which was knocked down by Zeta, in the northeast corner of the lot and marked with an X, is where I will plant a new live oak tree.

Respectfully,

Virginia Norton



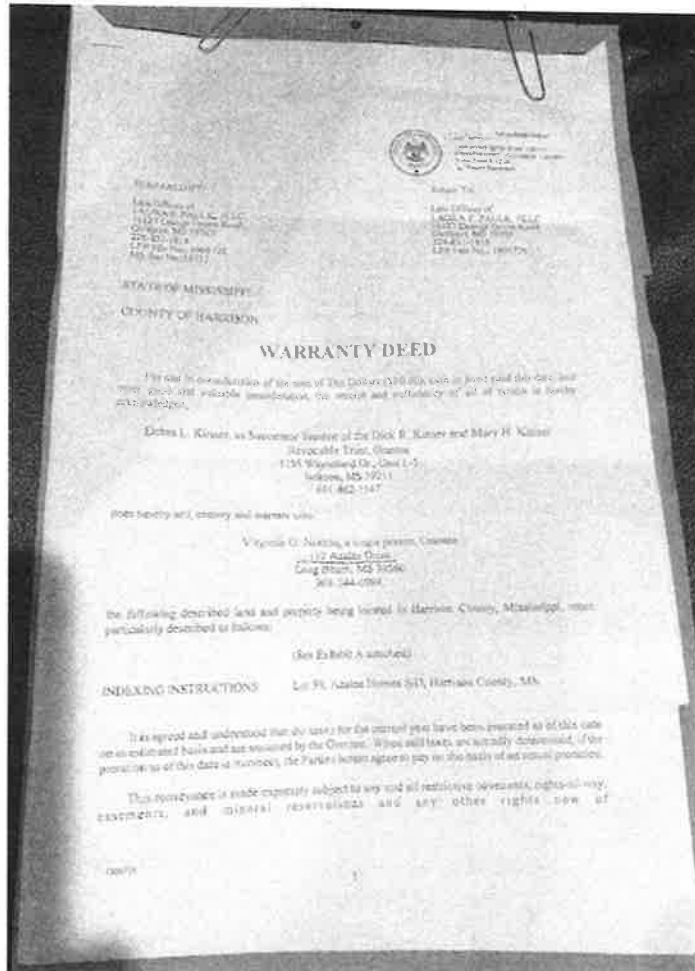
**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



MEMORANDUM

Date: January 6, 2022

To: City of Long Beach Planning Commission

From: Long Beach Tree Board

Re: Tree Removal Application – 112 E Azalea

.....
The Live Oak tree is causing severe damage to the house and should be removed.

After considerable discussion and upon the recommendation of the letter submitted by the Tree Board, Commissioner Shaw made motion, seconded by Commissioner Walters and unanimously carried to approve the removal of the 1 Live Oak Tree, as submitted.

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

It came for discussion under New Business, a Tree Removal Application for the property located at 113 York Drive, Tax Parcel 0611N-03-025.000, submitted by Kenneth Harshberger, 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 1-4-22
Zoning R-1
Agenda Date 2-10-22
Check Number CASH

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

KH 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.

KH 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.

KH 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: 1-4-2022

PROPERTY INFORMATION

TAX PARCEL # 0611N-03-025.000

Address of Property Involved: 113 York DR

Property owner name: Kenneth Harshberger

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: 113 York DR

Phone No. 228 860-8135

CONTRACTOR OR APPLICANT INFORMATION

Company Name: _____

Phone No. 228-860-8135 Fax: _____

Name Ken Harshberger

Address 113 York DR

PERMIT INFORMATION

Permit for: Removal Trimming Pruning

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

Tree is damaging house by lifting also driveway & neighbors driveway
(use separate sheet if needed)

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.

Kenneth Harshberger 01/04/22
Signature Date

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

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

KH 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.

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

KH OWNERSHIP: Please provide a recorded warranty deed.

KH 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.

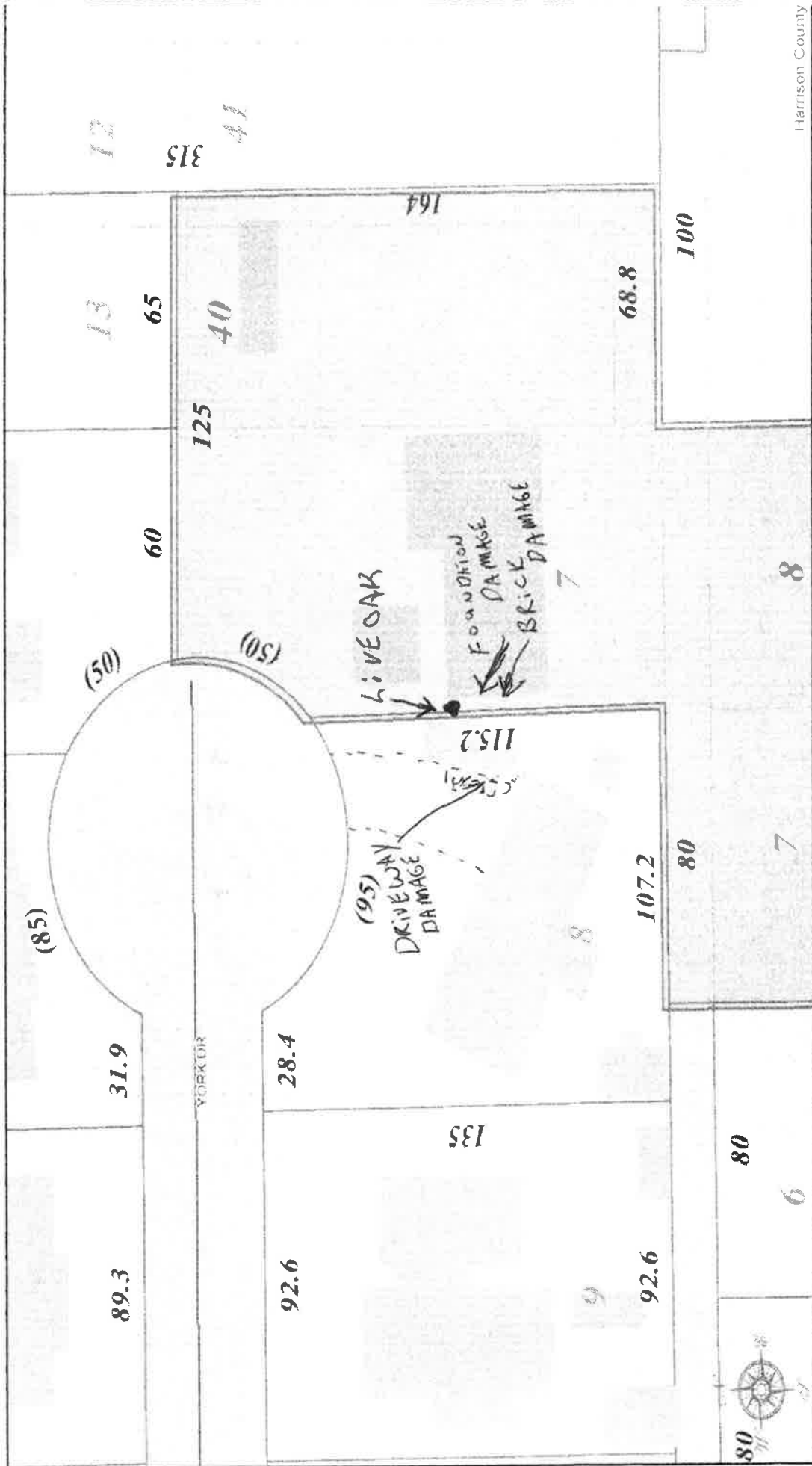
KH REPLANTING: As a condition of granting the tree removal permit, the City, acting by and through its Mayor and Board of Aldermen, may require the applicant to relocate or replace trees, but may not require the replacement of trees in a number greater than the number of Live Oak or Magnolia trees removed;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

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

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

113 York Drive Long Beach, MS



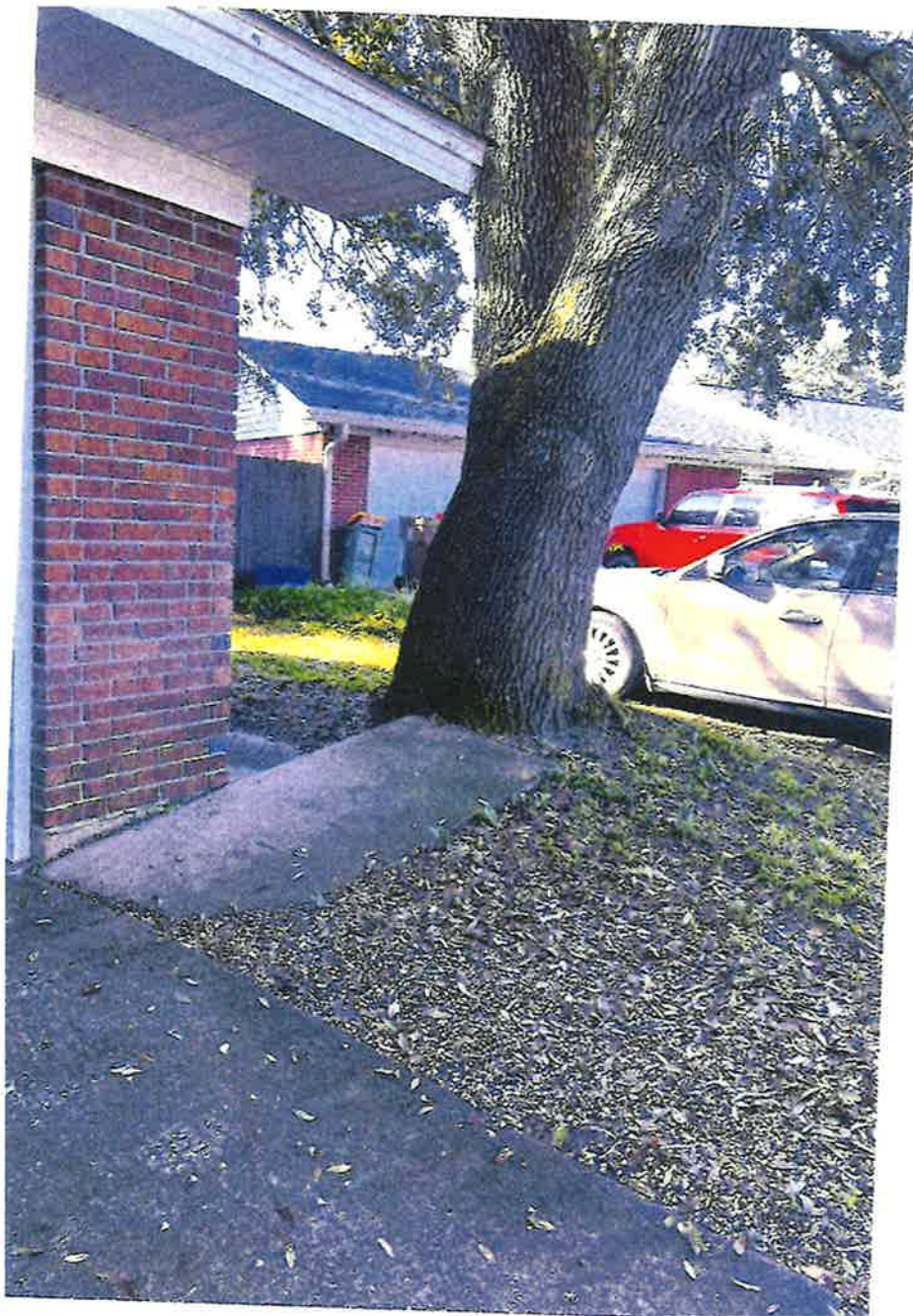
HARRISON COUNTY, MISSISSIPPI

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: January 4, 2022

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



377

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



SCANNED



1st Judicial District
Instrument 2016-0277 D - 31
Filed/Recorded 10/21/2016 02:21 P
Total Fees \$ 25.00
5 Pages Recorded

Prepared by and after recording
return to:
J. William Williams, MBN 99709
Williams & Nichols, PA
Post Office Box 60
Gulfport, Mississippi 39502-0060
Telephone No. (228) 265-8200
Facsimile: (228) 265-8050

Trust Name, Address & Telephone Number:
THE HERSHBERGER TRUST
113 York Drive
Long Beach, Mississippi 39560
(228) 860-8135

Trustee's Name, Address & Telephone Number:
KENNETH RAY HERSHBERGER, Trustee
113 York Drive
Long Beach, Mississippi 39560
(228) 860-8135

Indexing Instructions:

- Parcel 1: City of Long Beach, Block 14. Lot bounded on the North by property conveyed to F. F. Platts, Jr.; bounded on the South by 4th Street; and
- Parcel 2: Lot 7, Sunny Acres Subdivision; and
- Parcel 3: Part of lots 12, 13, 40 and 41, Block 3, Caraways Subdivision; and
- Parcel 4: Lots 6 and 7, Block 2, Dearman Subdivision; and
- Parcel 5: Lot 8, Block 2, Dearman Subdivision; and
- Parcel 6: Lots 7 and 8, Eastwood Village Subdivision; and
- Parcel 7: Third Street between Sunny Acres and Eastwood Village Subdivision; and
- Parcel 8: SE 1/4 of SW 1/4 of Section 3, Township 8 South, Range 12 West, Harrison County, Mississippi.

STATE OF MISSISSIPPI
COUNTY OF HARRISON

AMENDED MEMORANDUM OF TRUST

Pursuant to Mississippi Code Annotated § 91-8407(b)(2), KENNETH RAY HERSHBERGER, Trustee of THE HERSHBERGER TRUST, dated July 15, 2005, hereby files this Memorandum of Trust Agreement in lieu of the entire trust agreement. In furtherance thereof, the Trustee states as follows.

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

The name of the Trust is THE HERSHBERGER TRUST dated July 15, 2003.

The Trust's street and mailing address is as follows:

113 York Drive
Long Beach, Mississippi 39560

The Grantor's name(s) and street and mailing address is as follows:

DONNA M. HERSHBERGER
113 York Drive
Long Beach, Mississippi 39560

The Trustee's name and street and mailing address are as follows:

KENNETH RAY HERSHBERGER
(as Successor to DONNA M. HERSHBERGER)
113 York Drive
Long Beach, Mississippi 39560

The interest and/or real property more particularly described in Exhibit "A," which is hereby incorporated by reference, is owned by the Trust.

The anticipated date of termination of the Trust is unknown, but in any event, it will be terminated within twenty-one (21) years of the death of the last surviving beneficiary who was in life on the date the Trust was created (i.e., the Grantor's date of death).

The Trustee shall have all the powers afforded trustees generally under Mississippi law in addition to the broad powers granted to the Trustee pursuant to the terms of the Trust Agreement.

WITNESS, the Trustee caused this instrument to be executed, this the 28th day of October, 2016.

THE HERSHBERGER TRUST

By: *Kenneth Ray Hershberger*
Name: Kenneth Ray Hershberger
Title: Trustee

MEMORANDUM

Date: January 6, 2022
To: City of Long Beach Planning Commission
From: Long Beach Tree Board
Re: Tree Removal 113 York

The subject Live Oak tree is clearing causing damage to the structure of the home. The Tree Board has no objection to its removal.

After considerable discussion and upon the recommendation of the letter submitted by the Tree Board, Commissioner Walters made motion, seconded by Commissioner Shaw and unanimously carried to approve the removal of the 1 Live Oak Tree, as submitted.

It came for discussion under New Business, a Tree Removal Application for the property located at 402 East Beach Boulevard, Tax Parcel 0612A-03-027.000, submitted by Barry Wilson, as follows:

**MINUTES OF FEBRUARY 10, 2022
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	<u>1-25-22</u>
Zoning	<u>R-1</u>
Agenda Date	<u>2-10-22</u>
Check Number	

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

JT 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.

JT Any single-family Residential, Multi-Family Residential, Commercial or Industrial Zoned areas need a permit to remove a Live Oak or Magnolia tree with its root system, growing upon the earth usually with one trunk or at least eighteen (18) inches in circumference or larger, measured four and one-half (4 1/2) feet above the surface of the ground, or a multi-stemmed trunk system with a definitely formed crown.

JT 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: 1/25/2022

PROPERTY INFORMATION

TAX PARCEL # 0612A-03-027.000

Address of Property Involved: 402 E. Beach, Long Beach

Property owner name: Barry Wilson

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 file in or to the property.

Property owner address: 105 Beach View Drive, Long Beach

Phone No. (504) 914-5914

CONTRACTOR OR APPLICANT INFORMATION

Company Name: Thornhill Construction, LLC

Phone No. 228-424-7773 Fax: N/A

Name Jason Thornhill

Address 703-A Dunbar Ave., Bay St. Louis, MS 39520

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.:

Dead tree, close to a highway and close to a new home. (use separate sheet if needed)

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.

Jason Thornhill 1/25/2022
Signature Date

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

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

JT 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.

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

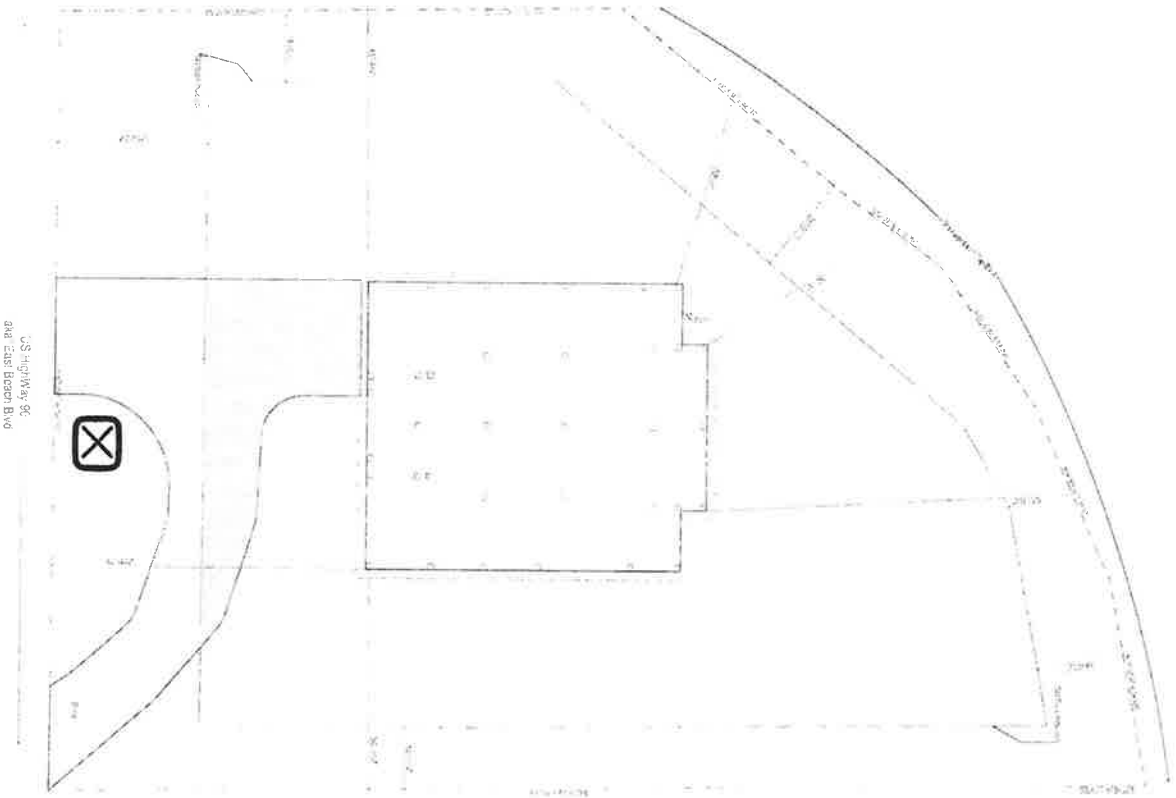
JT OWNERSHIP: Please provide a recorded warranty deed.

JT 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.

JT 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.

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

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



Live Oak Tree Removal Permit
Reason: Dead Tree

Parcel #: 0612A-03-027.000
402 E. Beach Blvd.
Long Beach, MS

 <p>Thornhill Construction 27210 2nd St Bryceville, MS 38842 336.332.0910</p>	<p>Plot Plan</p>	<p>Thornhill Spec-1</p>	<p>SCALE: 1" = 10'-0" DRAWN BY: VHD DATE: Tuesday July 21, 2020</p>	<p>PAGE: 11/12</p>
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MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



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

Grantor:
Ki Suk Free
2308 Mullinax Dr.
Anderson, SC 29625
Telephone: (864) 221-8449

Return To:
David B. Pilger
Attorney at Law
1406 Bienville Blvd., Suite 101
Ocean Springs, MS 39564
(228) 215-0011
File No. Z165407S

Grantee:
Barry Craig Wilson
2500 Elm Lawn Dr.
Marrero, LA 70072
Telephone: (504) 914-5914

INDEXING INSTRUCTIONS: Pt of Lots 10 & 11, Plat of Original Long Beach, Harrison County, MS

STATE OF MISSISSIPPI
COUNTY OF HARRISON

WARRANTY DEED

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, I, **Ki Suk Free**, do hereby sell, convey and warrant unto **Barry Craig Wilson**, all of that certain tract, piece or parcel of land situated in the First Judicial District of Harrison County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

This being the same property as that conveyed to Ki Suk Free, by Warranty Deed filed as Instrument No. 2009 639D-J1, Land Deed Records of Harrison County, Mississippi.

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

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

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

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

WITNESS MY SIGNATURE, on this the 28 day of December, 2016.

Ki Suk Free
KI Suk Free

ACKNOWLEDGEMENT

STATE OF SC
COUNTY OF Anderson

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, **Ki Suk Free**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 28 day of December, 2016.

(AFFIX SEAL)

Marguerite W. Blackwell
NOTARY PUBLIC

My commission expires: July 29, 2025

DEED ACCEPTED BY:

Barry Craig Wilson, Grantee

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

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

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

WITNESS MY SIGNATURE, on this the ___ day of December, 2016.

Ki Suk Free

ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, **Ki Suk Free**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the ___ day of December, 2016.

(AFFIX SEAL)

NOTARY PUBLIC

My commission expires: _____

DEED ACCEPTED BY:

Barry Craig Wilson
Barry Craig Wilson, Grantee

Affixing to Barry Craig Wilson signature only.



JAMES COOLEY
NOTARY PUBLIC NO. 143436
STATE OF LOUISIANA
PARISH OF JEFFERSON
Commission is for Life

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
Exhibit "A"
Legal Description

COMMENCING at the Southwest corner of Lot 1, Gulf View Court Addition, Long Beach, Harrison County, Mississippi and run South 28 degrees East along the East margin of Douglas Avenue 233.6 feet to the North margin of U.S. Highway 90; thence North 61 degrees 56 minutes East along said North margin 60.0 feet to the Point of Beginning of the property herein described; from said Point of Beginning run thence North 28 degrees West a distance of 95.0 feet to the center-line of a drainage ditch; thence North 07 degrees 58 minutes 57 seconds East along said center-line 53.75 feet; thence North 22 degrees 16 minutes 19 seconds East along said center-line 38.91 feet; thence in a general northeasterly direction along a curve in said center-line 73.3 feet to the East line of Lot 11; thence South 28 degrees East along the East line of Lot 11 to the South margin of U.S. Highway 90 and the Southeast corner of said Lot 11; thence South 61 degrees 56 minutes West along said North margin a distance of 130.45 feet, more or less, to the Point of Beginning. Being part of Lots 10 and 11, Plat of Original Long Beach and Tax Parcel No. 0612A-03-027.000.

MEMORANDUM

Date: January 27, 2022

To: City of Long Beach Planning Commission

From: Long Beach Tree Board

Re: Tree Removal Application – 402 East Beach Blvd



No objection. Tree is dead and should be removed.

After considerable discussion and upon the recommendation of the letter submitted by the Tree Board, Commissioner Walters made motion, seconded by Commissioner Shaw and unanimously carried to approve the removal of the 1 Live Oak Tree, as submitted.

It came for discussion under New Business, a Tree Removal Application for the property located at 216 Alverado Drive, Tax Parcel 0611E-02-063.000, submitted by Maranda M. Smith, as follows:

**MINUTES OF FEBRUARY 10, 2022
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	<u>2-1-22</u>
Zoning	<u>R-1</u>
Agenda Date	<u>2-10-22</u>
Check Number	<u>2015</u>

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

MS 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.

MS 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.

MS 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: 1/31/22

PROPERTY INFORMATION

TAX PARCEL # 0611 E-02 - 063,000

Address of Property Involved: 216 Alverado Dr.

Property owner name: Maranda M. Smith

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: 216 Alverado Dr.

Phone No. (228) 234-3354

CONTRACTOR OR APPLICANT INFORMATION

Company Name: Quality Tree Services

Phone No. 607-438-6070 Fax: _____

Name David Brown

Address 11243 State Line Rd

PERMIT INFORMATION

Permit for: Removal Trimming _____ Pruning _____

What is the reason the tree needs to be removed? Be specific ex. Construction, street or roadway, recreational area, patio, parking lot, diseased tree not worthy of preservation, etc.:
See following pages
(use separate sheet if needed)

See following pages

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.

Maranda M. Smith 1/31/22
Signature Date

ADDITIONAL INFORMATION REQUIRED FROM APPLICANT

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

MS 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.

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

MS OWNERSHIP: Please provide a recorded warranty deed.

MS 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.

MS 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.

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

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

To Whom it may concern:

1/31/22

I am requesting a permit to remove one Live Oak tree from the front yard of my property. The said tree has caused over \$3,000.00 in damages to sewer line from home to street (see receipt attached). The tree has many dead branches and most of the tree hangs over my home. Said tree is also leaning heavily towards my home (see pictures attached).

After having the sewer line dug and replaced the roots of the Live Oak are considerably damaged and with the already obvious dead branches, I am afraid the tree will rot and fall on my home. I do already have numerous limbs falling onto roof during thunderstorms and do not wish to attempt hurricane season with this tree looming over my home in the condition it is currently in.

I have attached 16 pictures from different angles as well as the sewer line that was dug up and replaced. In some of the closeup pictures you can see that the tree has many dead branches and that the trunk of the tree along with some branches seem to be diseased or something unhealthy. The arborist that I have hired believes this tree is hollow but not testing has been done at this time.

Thank you



Maranda M. Smith

Attachments: Application for permit, 16 photos, A Royal Flush Receipt, Google Earth Image from 2007 and 2019, Warranty Deed.

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION



A Royal Flush Plumbing Inc

Remit to:
PO Box 2808
Gulfport MS 39505
Phone: (228) 867-9944
Fax: (228) 328-6075
aroyalflushinc@yahoo.com
aroyalflushinc.com

Service Information	
Miranda Smith 216 Alverado Dr	
Long Beach MS 39560-2606	
Contact:	Miranda Smith
Phone:	(228) 234-3354 Fax:
Alt Contact:	Alt Phone
E-Mail:	MCsmith10.2019@gmail.com

Invoice

20002012622

Billing Information			
Miranda Smith 216 Alverado Dr			
Long Beach MS 39560-2606			

Marketing Campaign			
Sales Rep	Terms	Type	Class
	Net 30		
Route	Scheduled	Start	End
Danny	1/26/2022	08:00 AM	08:30 AM

Job Name	<input type="checkbox"/> Call Ahead	<input type="checkbox"/> Confirmed
McLemore, Miranda - 216 Alverado - 23160		

Job Type	PO #

Item	Quantity	Rate	Amount
LABOR - Replaced sewer from cleanout by home, around tree and into city tap. Installed cleanout at tap	1	\$2,900.0000	\$2,900.00
		Job Subtotal:	\$2,900.00
		MS Tax	\$203.00
		Payment Total:	\$3,103.00

Total Due: \$0.00

Job Notes and Instructions

Estimate to replace sewer \$2900
811 Locate Confirm #22012514341470

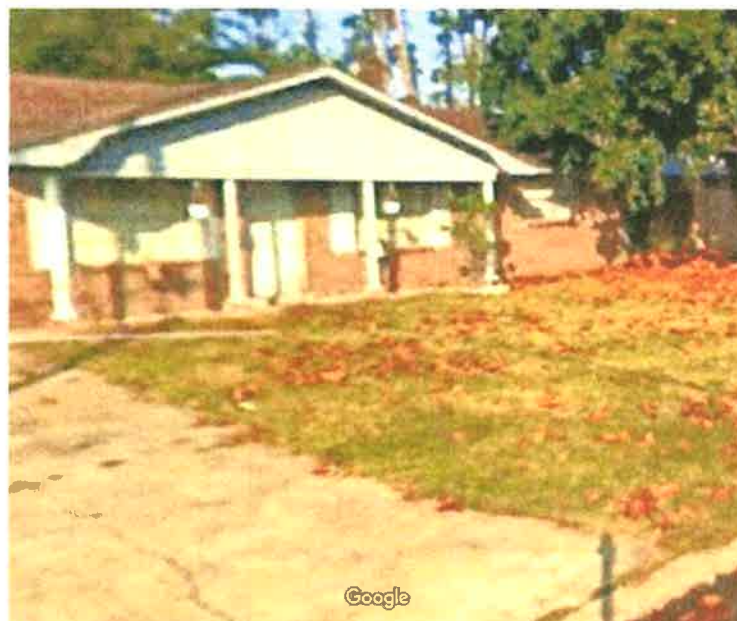
Thank you for your business! God bless you and yours. Please notice the PAY NOW button for your convenience.

Payment due upon completion. Please notice the PAY HERE button, or Please remit all payments to PO BOX 2808 Gulfport MS 39505.

1/31/22, 11:35 AM

216 Alverado Dr - Google Maps

Google Maps 216 Alverado Dr



Google

Image captured: Dec 2007 © 2022 Google

Long Beach, Mississippi

Google

Street View - Dec 2007

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

1/31/22, 11:35 AM

216 Alverado Dr - Google Maps

Google Maps 216 Alverado Dr



Image capture: Jun 2019 © 2022 Google

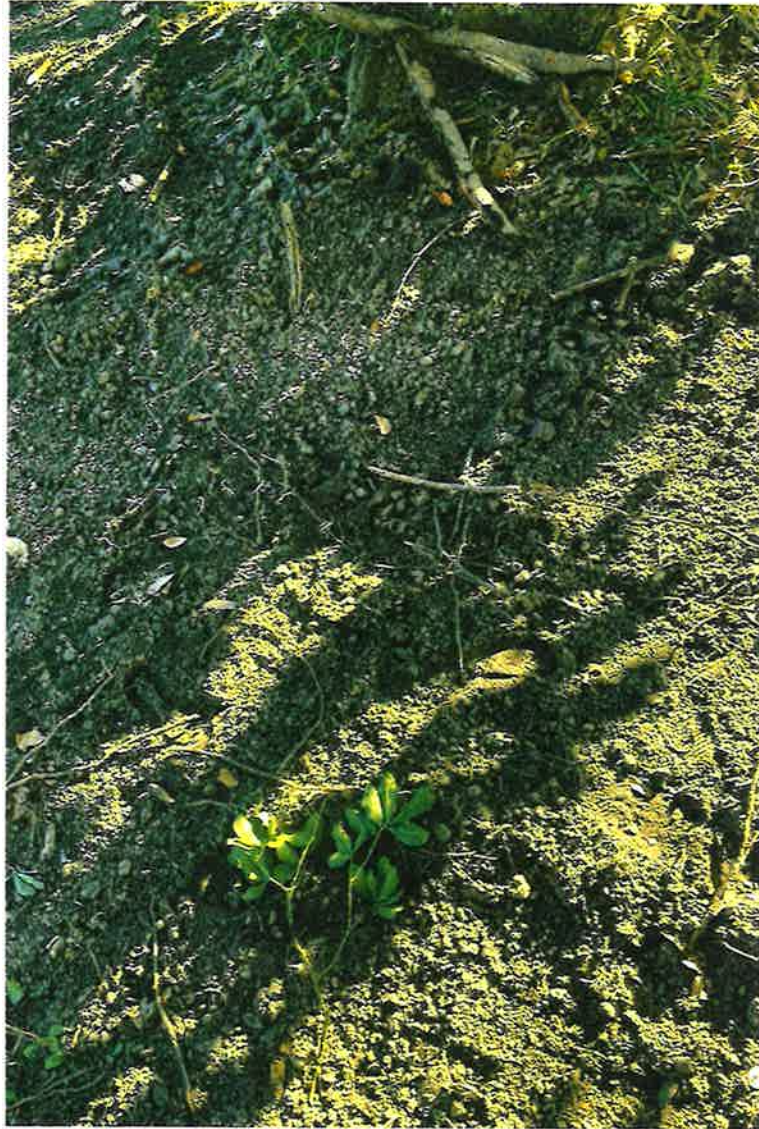
Long Beach, Mississippi

Google

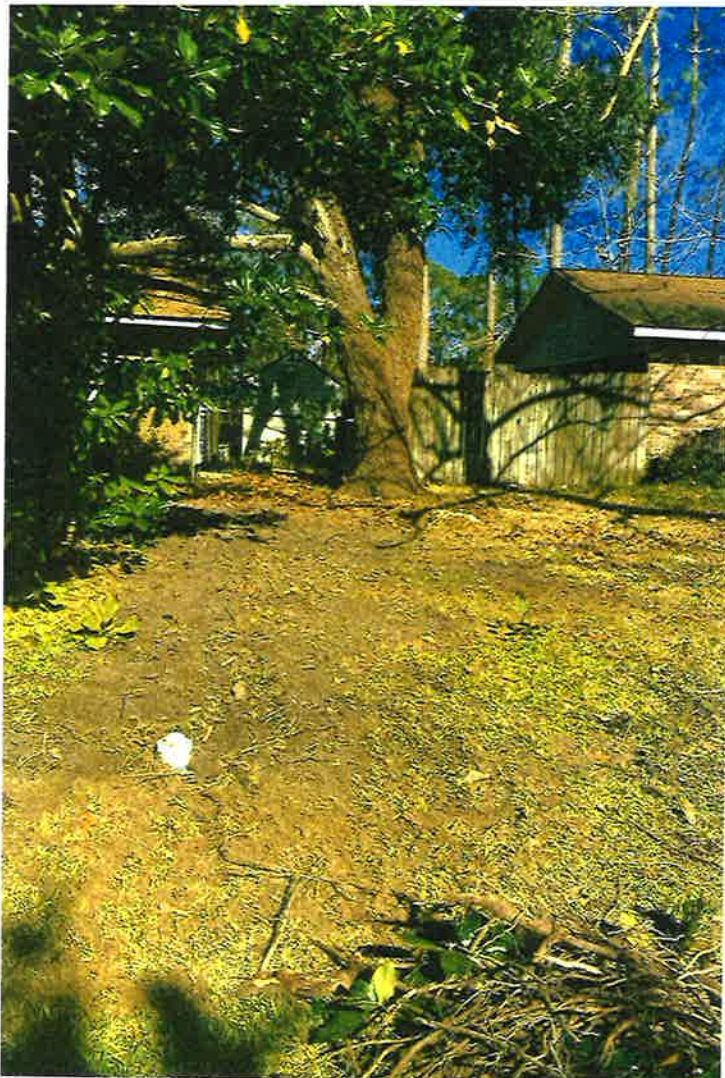
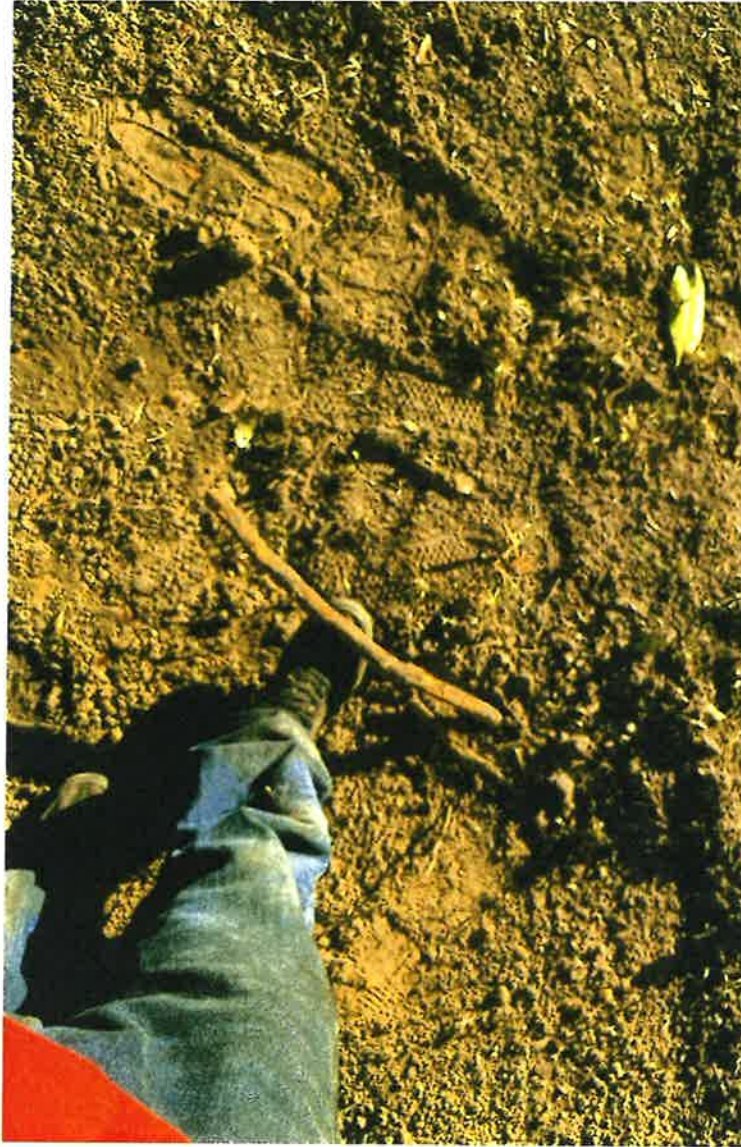
Street View - Jun 2019



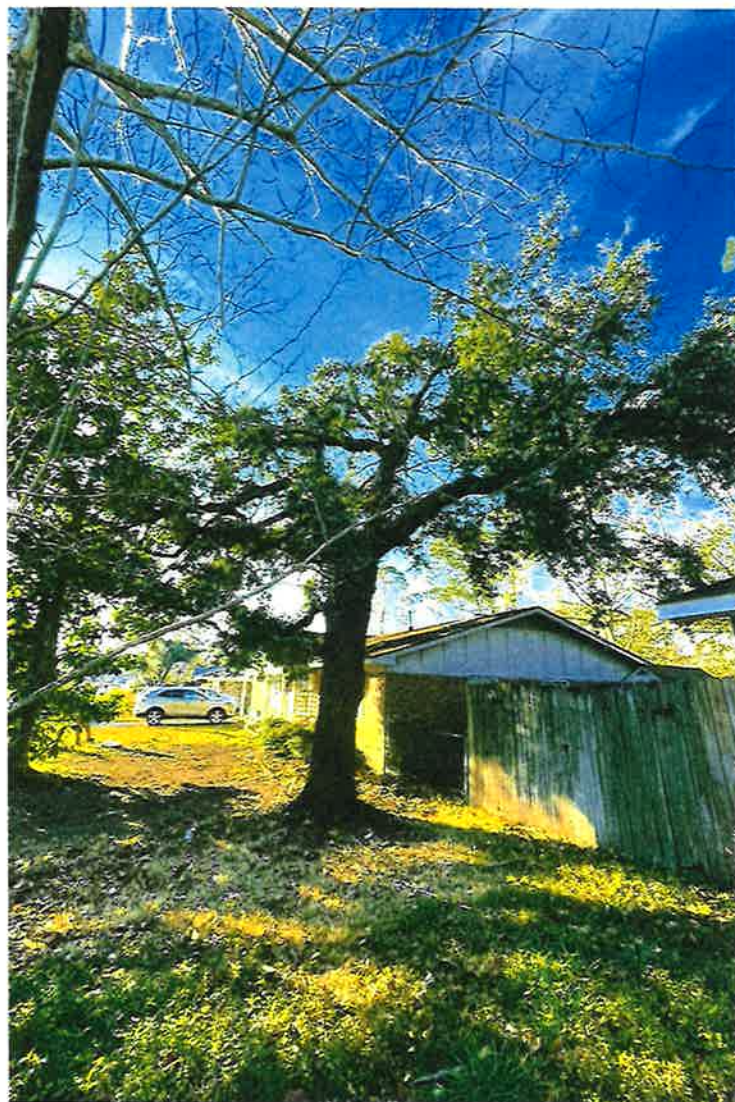
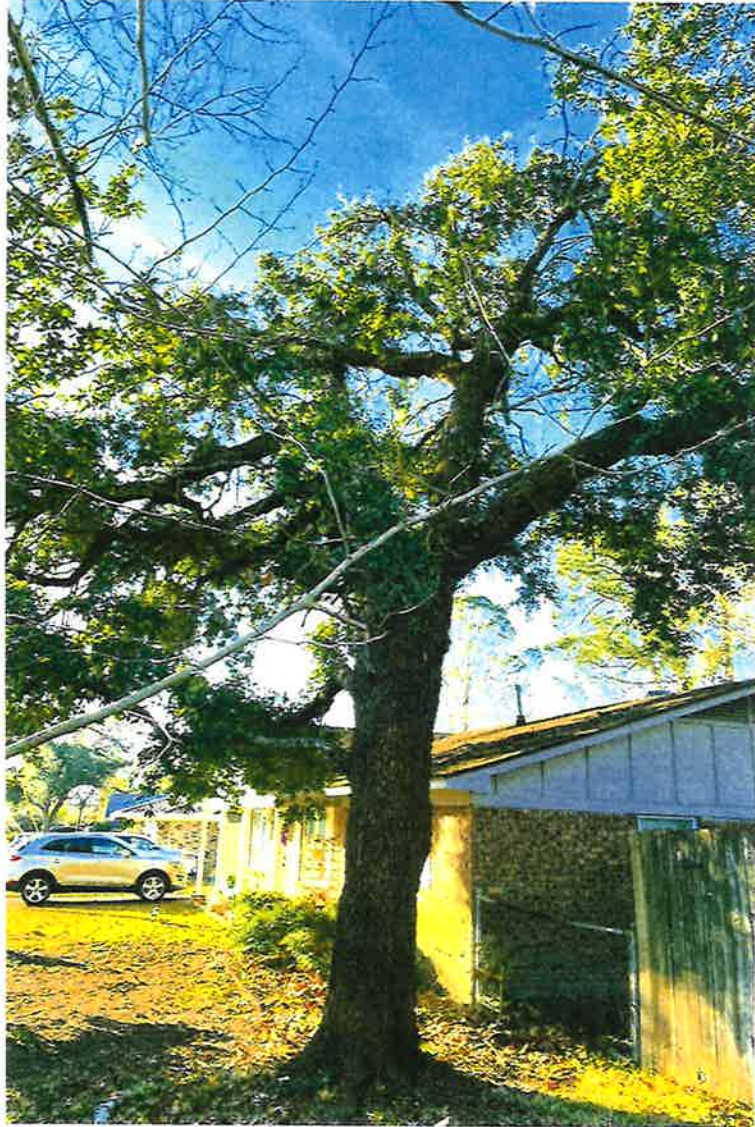
**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



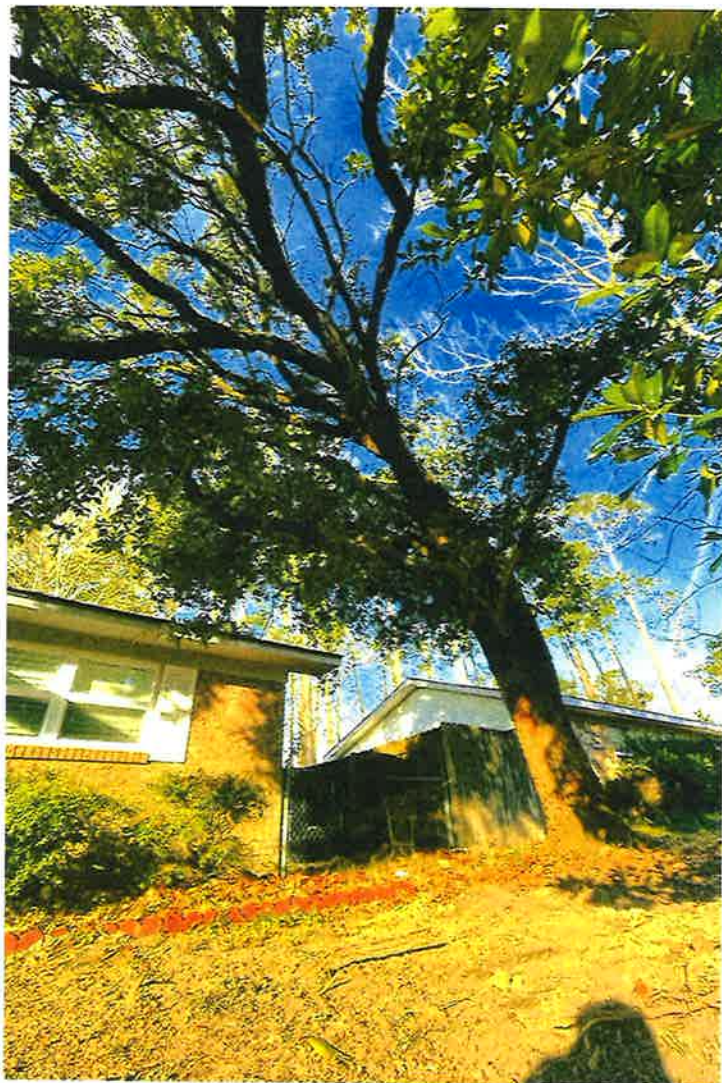
**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



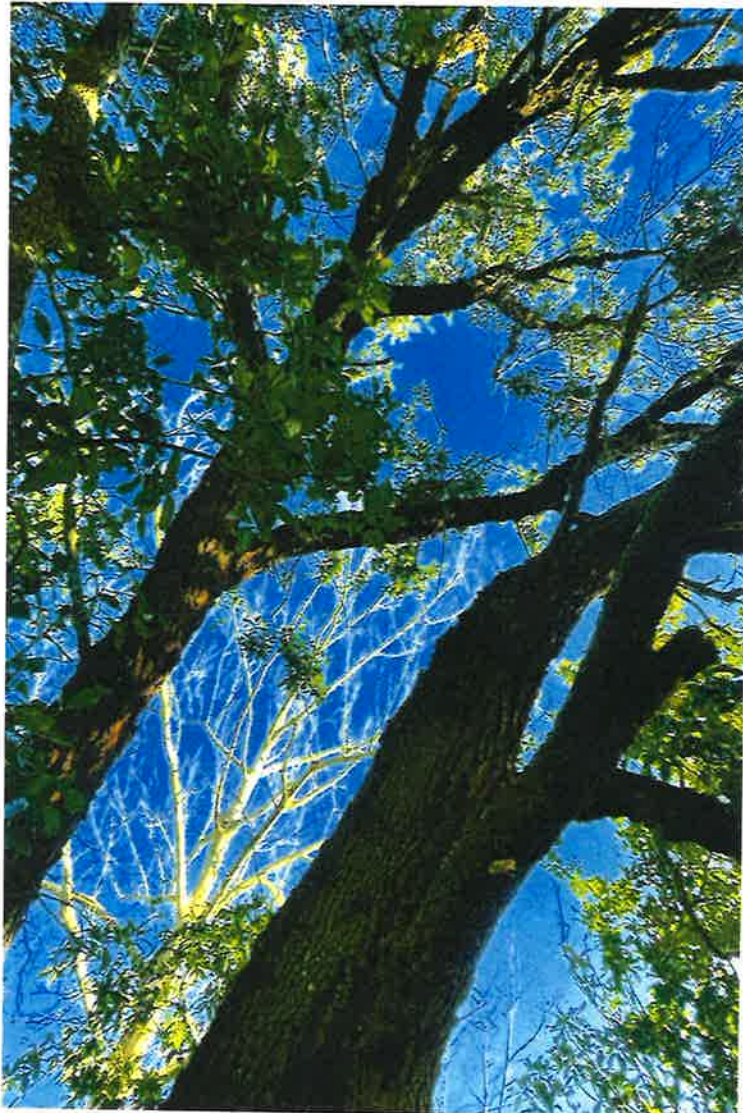
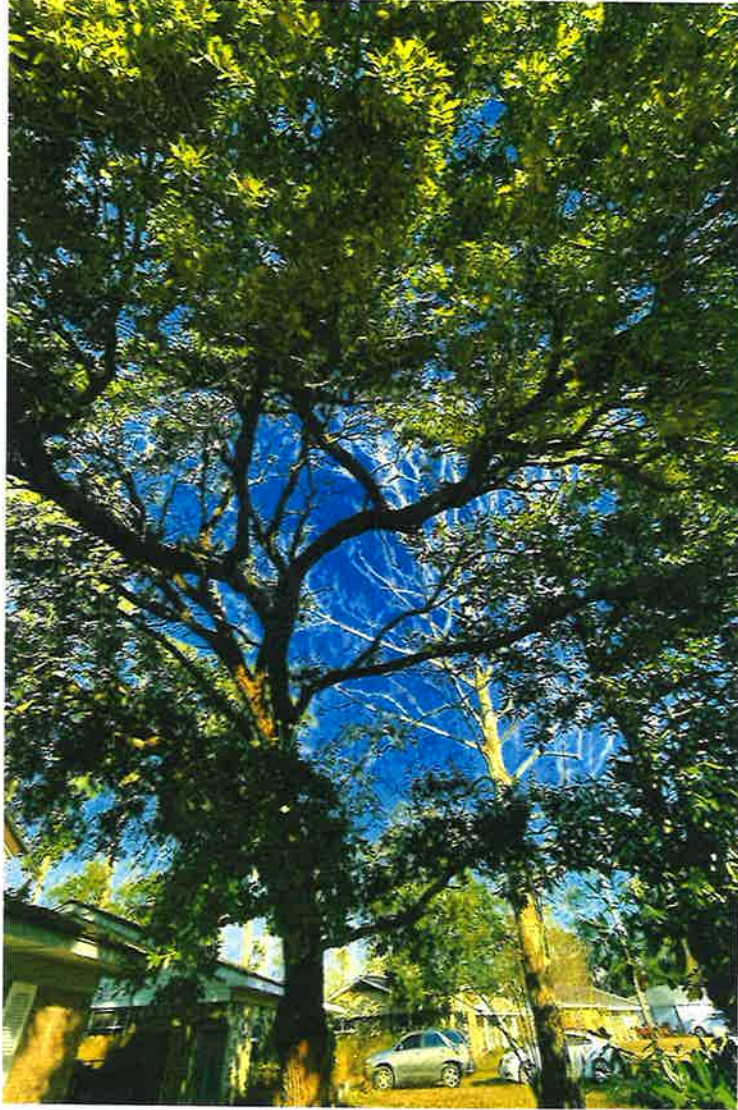
**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



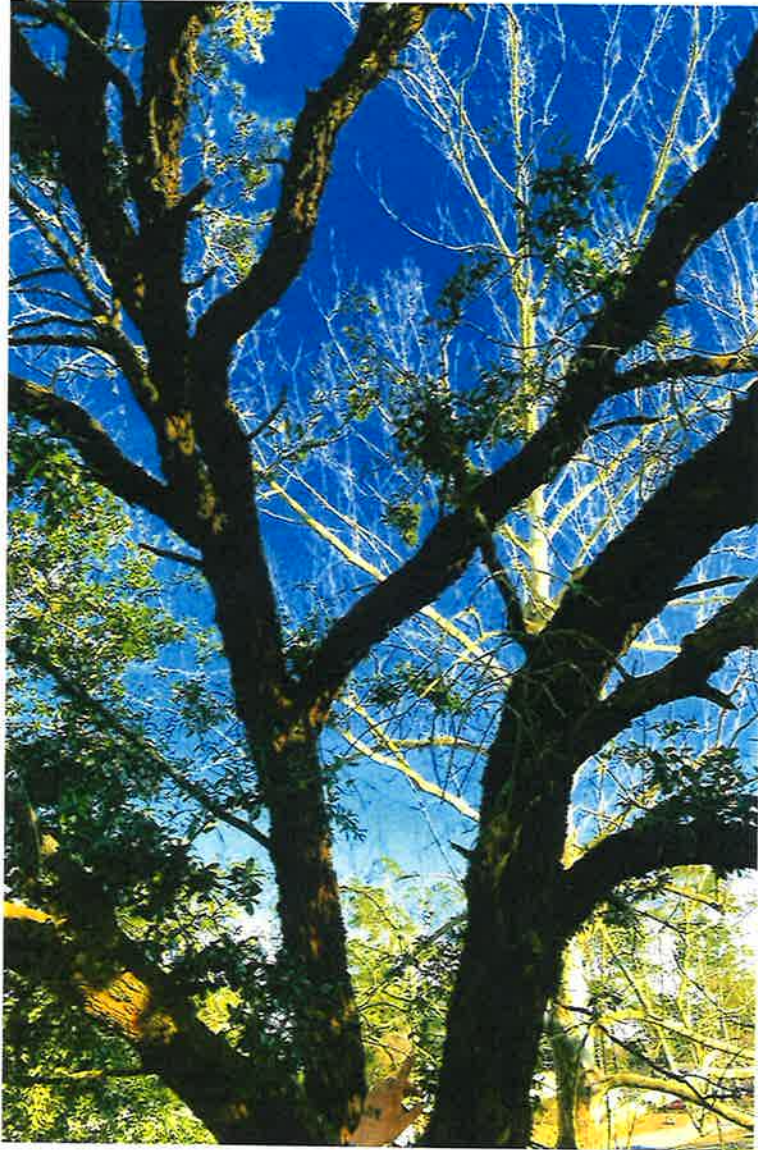
**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**



MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



UNRECORDED



Andrew Marion
1st Judicial District
Instrument 2018 8860 D - J1
Filed/Recorded 6/20/2018 04:03 P
Total Fees \$ 12.00
3 Pages Recorded

Prepared by:
Andrew Marion, PLLC
Attorney-at-Law
1919 23rd Ave.
P.O. Box 863
Gulfport, MS 39502
(228)-865-9047
MS Bar # 1866

Return to:
Andrew Marion, PLLC
Attorney-at-Law
1919 23rd Ave.
P.O. Box 863
Gulfport, MS 39502
(228)-865-9047
File # 18-131

STATE OF MISSISSIPPI
HARRISON COUNTY
FIRST JUDICIAL DISTRICT

WARRANTY DEED

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

Corey L. Neyland and Audriana L. Neyland
P.O. Box 1004
Long Beach, MS 39560
(228)-239-8065

do hereby sell, convey and warrant unto

Maranda McLomere
216 Alverado Drive
Long Beach, MS 39560
(228)-234-3354

that certain tract, piece or parcel of land situated and being located in First Judicial District of Harrison County, State of Mississippi, more particularly described as follows, to-wit:

(See Exhibit A attached, Page 3)

INDEXING INSTRUCTIONS: Exempt

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**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

THIS CONVEYANCE is subject to any prior reservation or conveyance of oil, gas or other mineral rights and subject to all easement restrictions, reservations and covenants of record.

IT IS AGREED and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis. When said taxes are actually determined, if the proration as of the date is incorrect, then the Grantor(s) agrees to pay the Grantee(s), or its assigns, any deficit on an actual proration, and likewise, the Grantor(s) agrees to pay the Grantor(s), or its assigns, any amount overpaid by it.

WITNESS OUR SIGNATURES, this the 20th day of June, 2018.

Corey L. Neyland

Audriana L. Neyland

STATE OF MISSISSIPPI

COUNTY OF HARRISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the above stated jurisdiction, the within named Corey L. Neyland and Audriana L. Neyland who acknowledged that they signed and delivered the foregoing Warranty Deed on the day and year therein written as their own free and voluntary act and deed.

GIVEN under my hand and official seal on this the 20th day of June, 2018.

MY COMMISSION EXPIRES:

NOTARY PUBLIC



Page 2 of 3

3

Exhibit "A"

Lot 95, Daugherty Park, Part II, a subdivision according to a 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 25 at Page 28, reference to which is hereby made in aid of and as a part of this description.

Page 3 of 3

MINUTES OF FEBRUARY 10, 2022

REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

After considerable discussion Commissioner Walters made motion, seconded by Commissioner Shaw and unanimously carried to approve the removal of the 1 Live Oak Tree, as submitted.

It came for discussion under New Business, an application for Planning Commission Approval for property located at Lot 2 Mason Avenue, Biberon's Subdivision, Tax Parcel 0612G-02-029.000, submitted by Andrew Tims, as follows:

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

**CITY OF LONG BEACH, MISSISSIPPI
APPLICATION FOR CASE REVIEW**

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

I. TYPE OF CASE: PLANNING COMMISSION APPROVAL
 DECISION OF THE BUILDING OFFICIAL IS ALLEGED TO BE IN ERROR
 INTERPRETATION OF THE ZONING ORDINANCE

II. Address of Property Involved: Lot 2, Mason Ave, B. Baron's Subdivision 0025502-009-00
Tax Parcel Number

III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
allow for residential house to be built on G1 zoned property

- IV. REQUIRED ATTACHMENTS:
- A. Interest and Ownership. The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.
 - B. Survey and/or Site Plan. A site plan showing the land area which would be affected, if required a general layout drawing of the development, 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 \$50.00. 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 (IF REQUIRED) and/or meeting is mandatory; however, the applicant may designate a representative to attend the public hearing and/or meeting on their 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. 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 and/or meeting. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application. The completed application with all necessary documents and payments must be returned to the Planning office not later than 21 days before the 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

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

<u>Andrew Tims</u> Name of Rightful Owner (PRINT)	_____ Name of Agent (PRINT)
<u>628 Charleston Ln</u> Owner's Mailing Address	_____ Agent's Mailing Address
<u>Long Beach MS 39560</u> City State Zip	_____ City State Zip
<u>228-760-0657</u> Phone	_____ Phone
<u>andrew.tims@gmail.com</u> Email address	_____ Email Address
<u>[Signature]</u> <u>2/3/2022</u> Signature of Rightful Owner Date	_____ Signature of Agent Date

OFFICE USE ONLY

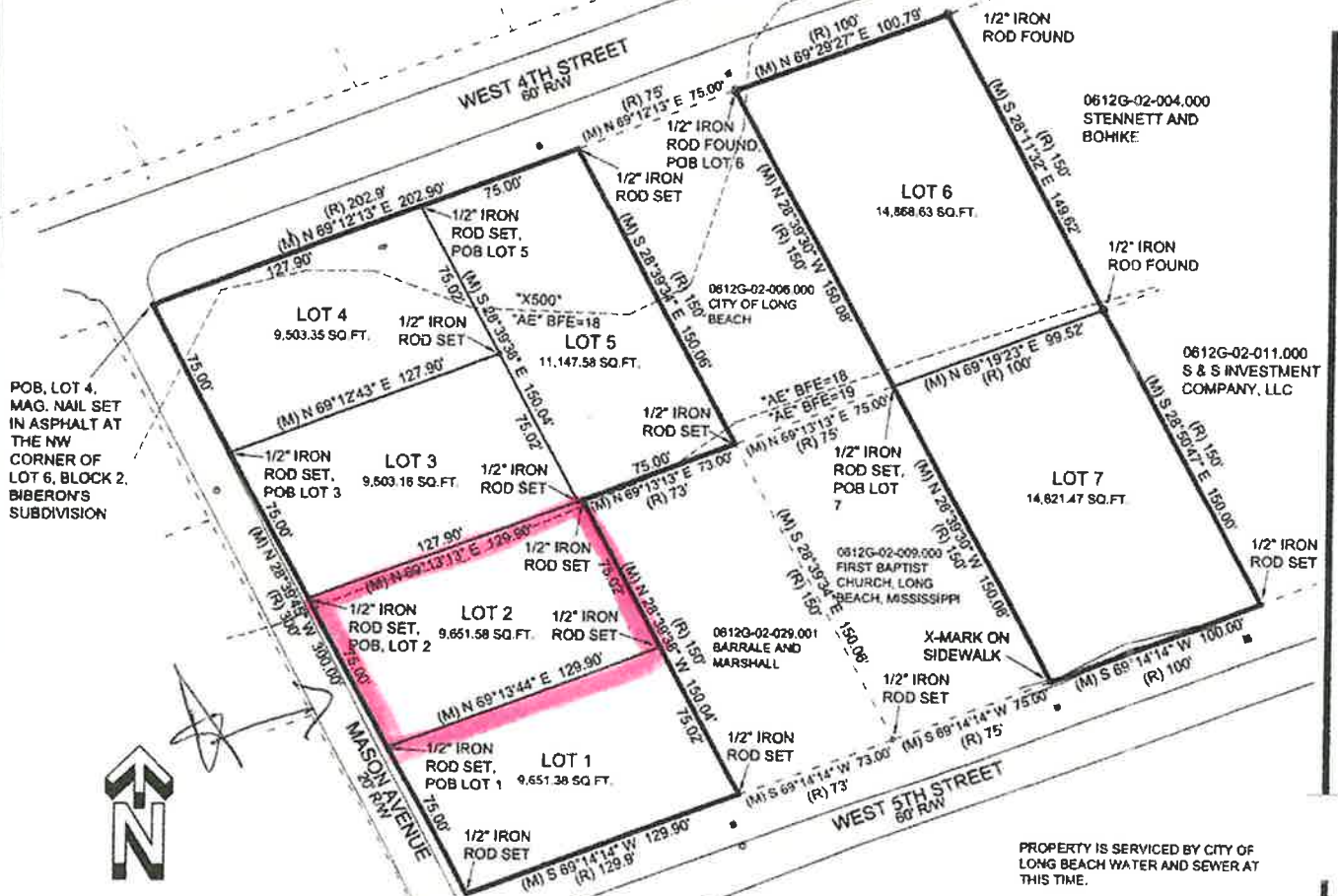
Date Received 2-3-22 Zoning M-1 Agenda Date 2-10-22 Check Number 150

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

A RESUBDIVISION OF THREE PARCELS INTO SEVEN LOTS IN THE CITY OF LONG BEACH, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI. SAID PARCELS BEING REFERRED TO AS TAX PARCEL NUMBERS 0612G-02-005.000, 0612G-02-010.000 AND 0612G-02-029.000

PROPOSED

SCALE 1" = 60'
REFERENCE: GRID NORTH BY GPS OBSERVATION (DATUM=NAD 83)



POB, LOT 4, MAG. NAIL SET IN ASPHALT AT THE NW CORNER OF LOT 6, BLOCK 2, BIBERON'S SUBDIVISION



MINIMUM BUILDING SETBACKS:
THIS PARCEL OF LAND IS LOCATED IN A ZONE C-1, CENTRAL BUSINESS DISTRICT AS PER CITY OF LONG BEACH ZONING MAP.

FRONT YARD - 0 FEET
SIDE YARD - 0 FEET
REAR YARD - 3 FEET



PROPERTY IS SERVICED BY CITY OF LONG BEACH WATER AND SEWER AT THIS TIME.

- LEGEND:**
- ⊗ -- IRON ROD FOUND
 - ⊙ -- IRON PIPE FOUND
 - -- IRON ROD SET
 - ⊕ -- SPIKE FOUND
 - △ -- SPIKE SET
 - ⊠ -- CONCRETE MONUMENT FOUND
 - -- CONCRETE MONUMENT SET
 - ◇ -- LIGHTARD MARK FOUND
 - APS -- AS PER SURVEY
 - APR -- AS PER RECORD
 - APP -- AS PER PLAT
 - RF -- IRON ROD FOUND
 - RS -- IRON ROD SET

GPS OBSERVATION NOTE

DATE OF FIELD WORK 1/8/2021
TOPCON VR RECEIVER WAS USED FOR GPS OBSERVATION, UTILIZING THE EARL DUDLEY, INC. REAL-TIME NETWORK

FLOOD ZONE NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN THE FLOOD ZONES "X500", "AE" BASE ELEVATION= 18 AND "AE" BASE ELEVATION= 19 ACCORDING TO MAP NUMBER 28047C0357G DATED JUNE 16, 2009. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING. THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.

- REFERENCE MATERIALS:**
- 1.) RECORDED PLAT OF BIBERON'S SUBDIVISION
 - 2.) HARRISON COUNTY TAX MAPS, CURRENT EDITION
 - 3.) PROPERTY LINK OF HARRISON COUNTY, MS (DELTA COMPUTER SYSTEMS, INC. WEBSITE)
 - 4.) LONG BEACH ZONING MAP AND ORDINANCE
 - 5.) DEED OF TRUST IN BOOK 1514, PAGE 85

CLIENT: FIRST BAPTIST CHURCH, LONG BEACH, MISSISSIPPI
DATE OF FIELD SURVEY: 1/8/2021
DRAWN BY: CAC
JOB NUMBER: 21004.dwg

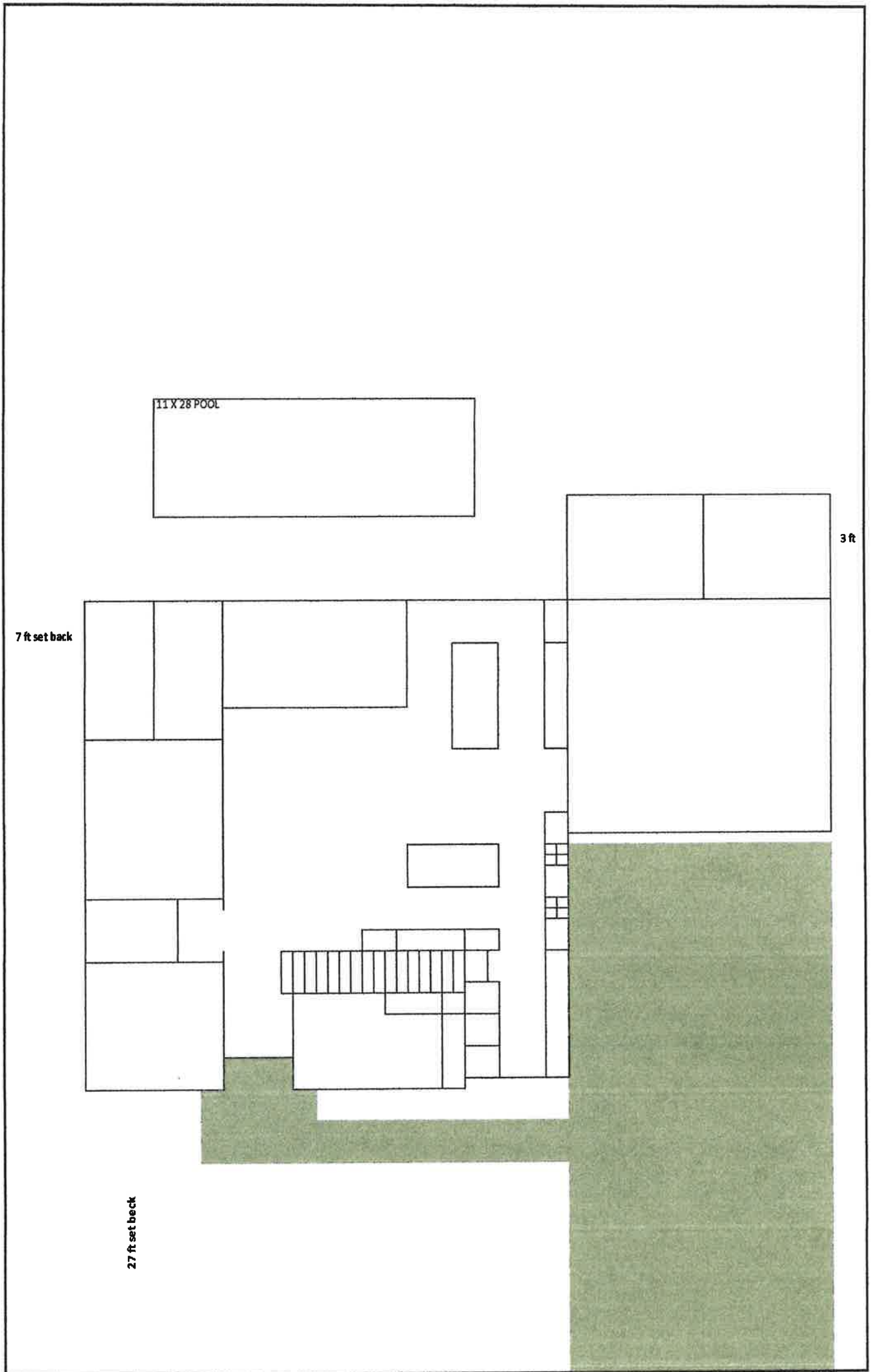
PREPARED BY:

CLIFFORD A. CROSBY, PLS
716 LIVE OAK DRIVE
BILOXI, MS 39532 PHONE: 228-234-1649

NOTES:

- 1.) FIELD SURVEY PERFORMED WITH A TOPCON VR GPS RECEIVER.
- 2.) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY GPS OBSERVATION UTILIZING THE EARL DUDLEY, INC. RTK NETWORK, AND ARE BASED ON SPC (2301 MS E).
- 3.) UNLESS OTHERWISE NOTED THIS SURVEY IS LIMITED TO ABOVE GROUND AND VISIBLE UTILITIES. A MISSISSIPPI ONE CALL SHOULD BE MADE BEFORE ANY DIGGING @ 1-800-277-8477.
- 4.) BUILDING SETBACKS, ELEVATIONS, WETLAND DETERMINATION AND ET CETERA TO BE PRESCRIBED BY APPROPRIATE GOVERNING BODIES.
- 5.) THIS IS A CLASS "B" SURVEY.
- 6.) BEARINGS SHOWN HEREON ARE DERIVED BY GRID NORTH BY GPS OBSERVATION, ALL LINES RELATIVE TO

SHEET 2 OF 5



75 ft

129 ft

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

Indexing: N 1/2 of Lots 1, 2 and 3, Block 2, Biberon's Subdivision in
SW 1/4 of S 13, T8S, R12W, City of Long Beach, Harrison County, MS

Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
1806 23rd Avenue, Suite A
Gulfport, MS 39501
(228)896-8962

File#3956

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

WARRANTY DEED

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

FIRST BAPTIST CHURCH, LONG BEACH MISSISSIPPI
300 North Cleveland Avenue
Long Beach, MS 39560
(228) 864-2584

does hereby **SELL, CONVEY** and **WARRANT** unto

ANDREW MARSHALL TIMS and wife, DIXIE TIMS
As joint tenants with full rights of survivorship and not as tenants in common
628 Charleston Lane
Long Beach, MS 39560
(228) 760-0657

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

SEE ATTACHED EXHIBIT "A"

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

THE ABOVE described property is no part of the homestead of the Grantors nor any part
thereof.

TAXES for the year 2022 are hereby prorated and the same are hereby assumed by the
Grantee herein. It is agreed and understood that the taxes for the current year have been
prorated as of this date on an estimated basis, and that when said taxes are actually determined, if
the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual
proration. All subsequent years' taxes are specifically assumed by Grantee herein.

WITNESS my signature on this the 21st day of January, 2022.

**FIRST BAPTIST CHURCH, LONG BEACH
MISSISSIPPI**

By: [Signature]
His: Pastor/President of Corporation

STATE OF Mississippi
COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and
state on this 21st day of January, 2022, within my jurisdiction, the within named DR.
LARUE STEPHENS who acknowledged that he is Prsident of FIRST BAPTIST CHURCH,
LONG BEACH MISSISSIPPI, and that for and on behalf of said corporation, and as its act and
deed he executed the above foregoing instrument, after first having been duly authorized by said
corporation so to do.

[Signature]
NOTARY PUBLIC

(SEAL)

My Commission Expires:



MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION
EXHIBIT A"

LOT 2

THE NORTH ONE-HALF OF LOTS 1, 2 AND 3, BLOCK 2, BIBERON'S SUBDIVISION, SITUATED IN THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 12 WEST, CITY OF LONG BEACH, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH (MS EAST ZONE 2301):
COMMENCING AT A MAG. NAIL SET AT THE NORTHWEST CORNER OF LOT 6, BLOCK 2, BIBERON'S SUBDIVISION; THENCE ALONG THE EAST MARGIN OF MASON AVENUE, S28°39'45"E 150.00' TO AN IRON ROD SET AT THE POINT OF BEGINNING; THENCE N69°13'13"E 129.90' TO AN IRON ROD SET; THENCE S28°39'38"E 75.02' TO AN IRON ROD SET; THENCE S69°13'44"W 129.90' TO AN IRON ROD SET ON THE EAST MARGIN OF MASON AVENUE; THENCE ALONG SAID EAST MARGIN, N28°39'45"W 75.00' TO THE POINT OF BEGINNING, CONTAINING 9,651.58 SQUARE FEET.

Noted for the record: Residential lot setbacks were discussed.

After considerable discussion, Commissioner Walters made motion, seconded by Commissioner Shaw and unanimously carried to approve the application as submitted.

It came for discussion under New Business, an application for Planning Commission Approval for property located at Lot 3 Mason Avenue, Biberon's Subdivision, Tax Parcel 0612G-02-029.000, submitted by Kenneth and Catherine Tims, as follows:

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION

CITY OF LONG BEACH, MISSISSIPPI
APPLICATION FOR CASE REVIEW

PHYSICAL ADDRESS: 201 JEFF DAVIS AVENUE LONG BEACH, MS 39560	PHONE: (228) 863-1554 FAX: (228) 863-1558	MAILING ADDRESS POST OFFICE BOX 929 LONG BEACH, MS 39560
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I. TYPE OF CASE: PLANNING COMMISSION APPROVAL
 DECISION OF THE BUILDING OFFICIAL IS ALLEGED TO BE IN ERROR
 INTERPRETATION OF THE ZONING ORDINANCE

II. Address of Property Involved: Lot 3 0612G-02-029.000
Tax Parcel Number

III. Statement clearly explaining the request being made for case review. (Attach supplemental pages if necessary.)
Build my personal home in a C-1 zone

IV. REQUIRED ATTACHMENTS:

A. Interest and Ownership. The applicant's name, address and interest of every person, firm or corporation represented by the applicant in the application, the name of the owner or owners and their respective addresses of the entire land area proposed to be changed in classification or to be included within the structures then existing thereon, and sufficient evidence to establish that the applicant has the right of possession to the land area and structures, the names and address of all owners of adjacent property (exclusive of the width of intervening streets, alleys, or bodies of water). Claims of support or "no objection" from owners of adjoining property should be substantiated in writing or by the appearance of such owner(s) at the hearing. Such support is usually considered material but not conclusive.

B. Survey and/or Site Plan. A site plan showing the land area which would be affected, if required a general layout drawing of the development, 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 (IF REQUIRED) and/or meeting is mandatory; however, the applicant may designate a representative to attend the public hearing and/or meeting on their 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. 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 and/or meeting. The applicant acknowledges that, in signing this application, all conditions and requirements inherent in the process have been fully explained and understood, including the timetable for processing the application. The completed application with all necessary documents and payments must be returned to the Planning office not later than 21 days before the 2nd or 4th Thursday of each month. Receipt of fee(s) does not constitute receipt of a completed application.

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

Kenneth & Catherine Tims

Name of Rightful Owner (PRINT) <u>164 Markham Dr</u>	Name of Agent (PRINT)
---	-----------------------

Owner's Mailing Address <u>Gulfport MS 39507</u>	Agent's Mailing Address
City State Zip	City State Zip

Phone <u>228-760-6497</u>	Phone
------------------------------	-------

Email address <u>Kenneth.Tims@gmail.com</u>	Email Address
--	---------------

Signature of Rightful Owner <u>Kenneth Catherine Tims</u>	Signature of Agent	Date <u>2/1/22</u>	Date
--	--------------------	-----------------------	------

OFFICE USE ONLY

Date Received 2-1-22 Zoning C-1 Agenda Date 2-10-22 Check Number 1607

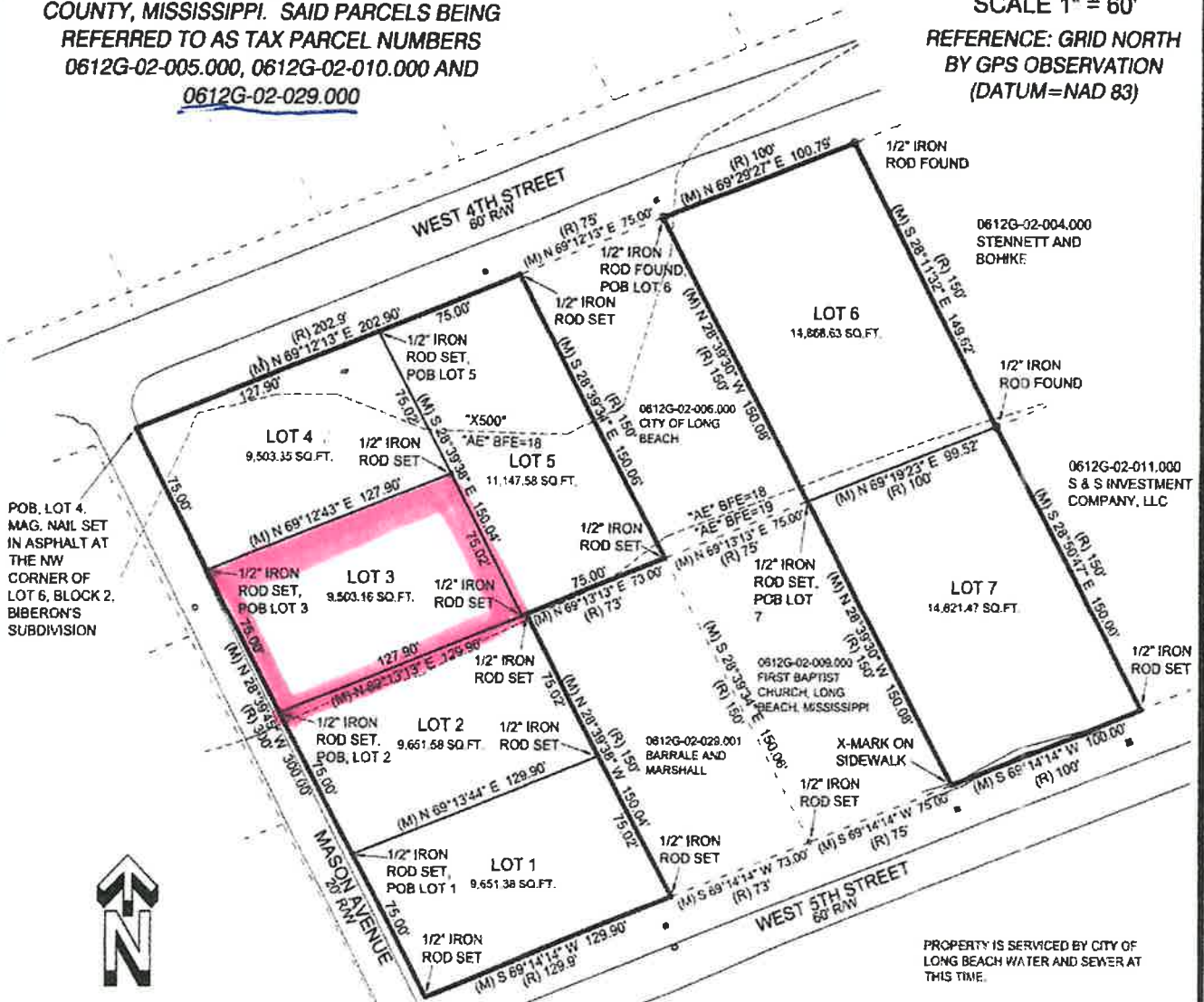
REGULAR MEETING

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

A RESUBDIVISION OF THREE PARCELS INTO SEVEN LOTS IN THE CITY OF LONG BEACH, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI. SAID PARCELS BEING REFERRED TO AS TAX PARCEL NUMBERS 0612G-02-005.000, 0612G-02-010.000 AND 0612G-02-029.000

PROPOSED

SCALE 1" = 60' REFERENCE: GRID NORTH BY GPS OBSERVATION (DATUM=NAD 83)



MINIMUM BUILDING SETBACKS: THIS PARCEL OF LAND IS LOCATED IN A ZONE C-1, CENTRAL BUSINESS DISTRICT AS PER CITY OF LONG BEACH ZONING MAP. FRONT YARD - 0 FEET, SIDE YARD - 0 FEET, REAR YARD - 3 FEET

GPS OBSERVATION NOTE: DATE OF FIELD WORK: 1/8/2021. TOPCON VR RECEIVER WAS USED FOR GPS OBSERVATION UTILIZING THE EARL DUDLEY, INC. REAL-TIME NETWORK.

FLOOD ZONE NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN THE FIRM ZONES "X500", "AE" BASE ELEVATION= 18 AND "AE" BASE ELEVATION= 19 ACCORDING TO MAP NUMBER 28047C0357G DATED JUNE 16, 2009. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND DOES NOT REPRESENT THE SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING. THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP.

- LEGEND: 1/2" IRON ROD FOUND, IRON PIPE FOUND, IRON ROD SET, SPIKE FOUND, SPIKE SET, CONCRETE MONUMENT FOUND, CONCRETE MONUMENT SET, LIGHTED NIGHT FOUND, AS PER SURVEY, AS PER RECORD, AS PER PLAN, IRON ROD FOUND, IRON ROD SET

- REFERENCE MATERIALS: 1.) RECORDED PLAT OF BIBERON'S SUBDIVISION, 2.) HARRISON COUNTY TAX MAPS, CURRENT EDITION, 3.) PROPERTY LINES OF HARRISON COUNTY, MS (DELTA COMPUTER SYSTEMS, INC. WEBSITE), 4.) LONG BEACH ZONING MAP AND ORDINANCE, 5.) DEED OF TRUST IN BOOK 1514, PAGE 85

CLIENT: FIRST BAPTIST CHURCH, LONG BEACH, MISSISSIPPI. DATE OF FIELD SURVEY: 1/8/2021. DRAWN BY: CAC. JOB NUMBER: 21004.dwg

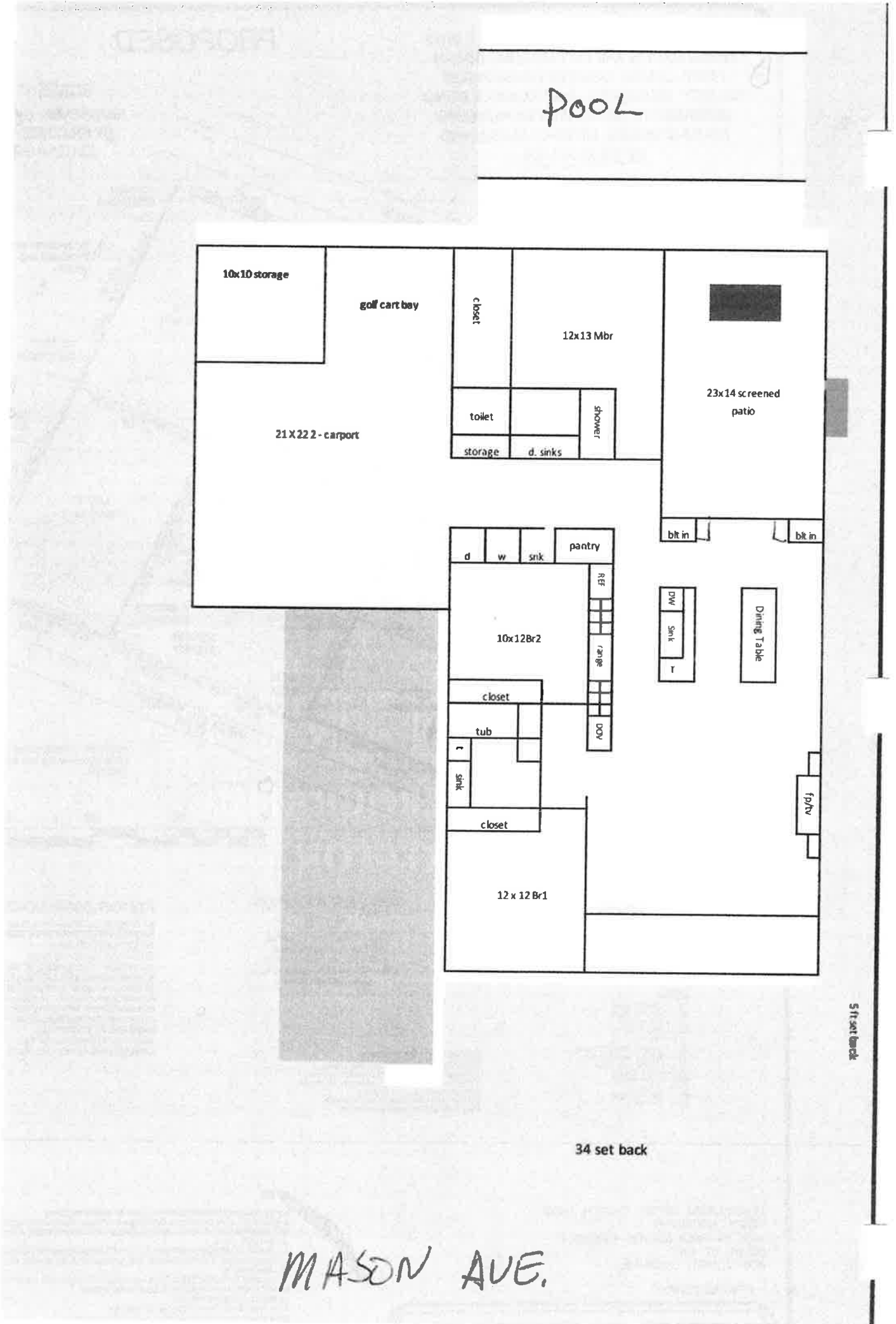
PREPARED BY:

CLIFFORD A. CROSBY, PLS. 716 LIVE OAK DRIVE, BILOXI, MS 39532. PHONE: 228-234-1649

NOTES

- 1.) FIELD SURVEY PERFORMED WITH A TOPCON VR GPS RECEIVER. 2.) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY GPS OBSERVATION UTILIZING THE EARL DUDLEY, INC. RTK NETWORK AND ARE BASED ON SPC (2001 NS E). 3.) UNLESS OTHERWISE NOTED THIS SURVEY IS LIMITED TO ABOVE GROUND AND VISIBLE UTILITIES. A MISSISSIPPI ONE CALL SHOULD BE MADE BEFORE ANY DIGGING @ 1-800-227-4477. 4.) BUILDING SETBACKS, ELEVATIONS, WETLAND DETERMINATION AND ET CETERA TO BE PRESCRIBED BY APPROPRIATE GOVERNING BODIES. 5.) THIS IS A CLASS "B" SURVEY. 6.) BEARINGS SHOWN HEREON ARE DERIVED BY GRID NORTH BY GPS OBSERVATION. ALL LINES RELATIVE TO

MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

Indexing: S 1/2 of Lots 5 & 6 and S 1/2 of W 41.3' of Lot 4, Block 2, Biberon's Subdivision in SW 1/4 of S 13, T8S, R12W, City of Long Beach, Harrison County, MS

STATE OF MISSISSIPPI
COUNTY OF HARRISON
FIRST JUDICIAL DISTRICT

Prepared by and return to:
David B. Estes
MS Bar No. 101404
Integrity Land Title, LLC
1806 23rd Avenue, Suite A
Gulfport, MS 39501
(228)896-8962

File#3975

WARRANTY DEED

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

FIRST BAPTIST CHURCH, LONG BEACH MISSISSIPPI
300 North Cleveland Avenue
Long Beach, MS 39560
(228) 864-2584

does hereby **SELL, CONVEY and WARRANT** unto

KENNETH TIMS and wife, CATHERINE TIMS
As joint tenants with full rights of survivorship and not as tenants in common
164 Markham Drive
Gulfport, MS 39507
(228) 760-6497

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

SEE ATTACHED EXHIBIT "A"

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

THE ABOVE described property is no part of the homestead of the Grantors nor any part thereof.

TAXES for the year 2022 are hereby prorated and the same are hereby assumed by the Grantee herein. It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years' taxes are specifically assumed by Grantee herein.

WITNESS my signature on this the 17 day of January, 2022.

**FIRST BAPTIST CHURCH, LONG BEACH
MISSISSIPPI**

By: [Signature]
Its: President of Corporation

STATE OF Mississippi
COUNTY OF Harrison

Personally appeared before me, the undersigned authority in and for the said county and state on this 17 day of January, 2022, within my jurisdiction, the within named DR. LARUE STEPHENS who acknowledged that he is Prsident of FIRST BAPTIST CHURCH, LONG BEACH MISSISSIPPI, and that for and on behalf of said corporation, and as its act and deed he executed the above foregoing instrument, after first having been duly authorized by said corporation so to do.

[Signature]
NOTARY PUBLIC

(SEAL)



**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING
LONG BEACH PLANNING and DEVELOPMENT COMMISSION**

EXHIBIT "A"

LOT 3

THE SOUTH ONE-HALF OF LOTS 5 AND 6 AND THE SOUTH ONE-HALF OF THE WEST 41.3 FEET OF LOT 4, BLOCK 2, BIBERON'S SUBDIVISION, SITUATED IN THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 8 SOUTH, RANGE 12 WEST, CITY OF LONG BEACH, FIRST JUDICIAL DISTRICT OF HARRISON COUNTY, MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS WITH THE BEARINGS BASED ON STATE PLANE GRID NORTH (MS EAST ZONE 2301):

COMMENCING AT A MAG. NAIL SET AT THE NORTHWEST CORNER OF LOT 8, BLOCK 2, BIBERON'S SUBDIVISION; THENCE ALONG THE EAST MARGIN OF MASON AVENUE, S28°39'45"E 75.00' TO AN IRON ROD SET AT THE POINT OF BEGINNING; THENCE N69°12'43"E 127.90' TO AN IRON ROD SET; THENCE S28°39'38"E 75.02' TO AN IRON ROD SET; THENCE S89°13'13"W 127.90' TO AN IRON ROD SET ON THE EAST MARGIN OF MASON AVENUE; THENCE ALONG SAID EAST MARGIN, N28°39'45"W 75.00' TO THE POINT OF BEGINNING, CONTAINING 9,503.16 SQUARE FEET.

After considerable discussion, Commissioner Walters made motion, seconded by Commissioner Shaw and unanimously carried to approve the application as submitted.

It came for discussion under new business, changes, Short-Term Rentals, Ordinance 598, Section 131: Short-Term Rentals, as follows:

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

Section 131: Short Term Rentals-Residential

(a) Definition

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section:

- (1) **Short Term Rental:** Short Term Rental means any dwelling or condominium or portion thereof that is available for use or is used for accommodations or lodging of guests, paying a fee or the compensation for a period of less than thirty (30) consecutive days. For the purpose of House Bill No. 1836 (1998) regarding a tax levy on lodging rentals, short-term rental "means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such". The term "Short-Term Rental does not include any hospital, convalescent or nursing home, shell houses, group homes, or sanitarium or any facility associated with a hospital providing rooms for medical patients and their families. The term "Short Term rental" shall also not include mobile homes, manufactured homes, group homes, travel trailers, tents, recreational vehicles, campers or other similar vehicles or structures nor does the term include a bed and breakfast permitted by City ordinances .
- (2) **Local Property Manager:** The person specifically named on the application and permits who is responsible for the day-to-day operation of the short term rental unit, and who may be contacted and available twenty-four (24) hours a day if there is a problem with the unit. The local property manager may be the owner or agent of the owner. The local property manager and owner shall be responsible for the management and upkeep of the rental unit in compliance with the provisions set forth herein. The name, address and telephone number of the owner and the local property manager shall be submitted at the time that the application is filed and said information shall be made available to the public. The owner shall be responsible for providing written notice of any change with respect to the name, address and telephone number of the local property manager to the City within five (5) days of any such change.

(b) Permit Required

It Is Unlawful To Conduct Or Operate A Short-Term Rental Without Having Obtained A Permit. Therefore:

- (1) A short-term rental permit and occupancy tax registration is required for each short-term rental unit.
- (2) The Planning Commission must review all permit requirements and grant Planning Commission Approval prior to a permit being issued.
- (3) The permit process requires an application completed in accordance with the following, which may be obtained at the City Building Department.
 - (A) Application shall contain such information as the Building Official shall from time to time require, including, but not limited to , the location/address of the short term rental, number of rooms therein contained, the number of persons the short term rental proposes to accommodate , the name of the property owner, the name of the local property manager, sales tax collection, and the name, address and telephone number of the local contact person who is available for contact, copy of the rental agreement, proposed parking plan (reviewed and determined upon signing and inspection by Building Official rules, and a plan for trash management, and a copy of the proposed rental agreement.
 - (B) It shall be the duty of the applicant to notify the City Building Department of any Homeowners Association, which may have jurisdiction over the applicant's property. It

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

shall be the further duty of the applicant to notify the affected Homeowner's Association of the application process and to provide the City Building Department with a written statement of support from the Homeowner's Association which approves the request of the applicant for use of the owner's property as a short term rental. Failure to notify the City Building Department of the existence of a Homeowner's Association shall result in the suspension or revocation of the permit.

- (C) It shall be the duty of the applicant to produce proof to the City Building Department of homeowner's liability insurance coverage, which does not exclude short-term rentals from coverage. Further, the applicant shall provide proof that the insurer has been notified of the insured's intent to use the property as a short-term rental.
 - (D) It shall be the duty of the applicant to produce proof of any mortgage or deed of trust, which may encumber the property and submit proof that the mortgage or deed of trust does not prohibit the use of the property as a short-term rental.
 - (E) The application shall include a statement from the applicant affirming that the applicant is in compliance with all applicable zoning requirements, building codes, deed restrictions and/or covenants, and has paid all applicable taxes, fees and other charges.
 - (F) The applicant shall execute a written statement acknowledging that a violation of the ordinances of the City of Long Beach shall result in the suspension or revocation of the permit.
 - (G) A non-refundable application fee of two hundred fifty dollars (\$250.00), plus mailing costs or the most recent fee established by the Board of Alderman shall be paid by the applicant at the time of filing the application. Said application fee is to offset the costs associated with the processing of the application.
 - (H) Upon the filing of an application in accordance with Subsections B (2), the Planning Commission shall consider the application for approval.
 - (1) Copy of the application shall be available at City Hall;
 - (I) The Planning Commission shall approve or disapprove the application and send its decision, along with the reason for its decision, to the Board of Aldermen.
 - (J) Any party aggrieved by the decision of Planning Commission may appeal the decision to the Board of Aldermen within ten (10) days from the time of the decision. Any aggrieved party shall file a written notice of appeal with the City Clerk. The City shall hold a hearing to hear the appeal as set forth in the code.
 - (K) In the event no appeal is filed, the decision of the Planning Commission shall be final and the permit shall be issued or denied based upon such after approval by the Mayor and Board of Aldermen. If an appeal is filed, the Board of Aldermen shall consider the appeal and render its decision with respect to the issuance or denial of the permit, setting forth its reasons for such.
- (4) The short-term rental unit is in accordance with all applicable fire and health codes as would apply if the unit was located within a commercial zone and designated as a commercial venture therein.
 - (5) Each short-term rental permit shall expire one (1) year from the date of issuance of the permit. If permit is not renewed by the expiration date on the permit, said permit shall be declared terminated. A grace period of 30 days from the termination date shall be allowed with a penalty of \$250.00. Any failure to renew the permit prior to the expiration date of the grace period shall require the applicant to apply for a new permit in accordance with this Section.
 - (6) Upon approval of a short-term rental permit, the annual permit fee shall be five hundred (\$500) dollars or an amount designated by the Board of Aldermen, payable through the City Building Department.

Permit renewal process will include staff review of City records and other documentation pertaining to complaints, if any, that have been received about the specific short-term rental unit under consideration. Filed complaints that are in violation of the zoning codes, building codes, property maintenance, codes and/or applicable laws or regulations will be considered

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

as part of the renewal process. Applicable local, State and Federal laws or regulations may be a basis for denying a permit renewal. If permit renewal is denied, the City Building Department shall provide notice as to the reason for denial and the landowner shall be allowed ten (10) days to correct any deficiencies itemized. At the expiration of ten (10) days, a landowner may appeal the denial of permit renewal to the Board of Aldermen. The appeal must be in writing and must be filed within ten (10) days following the expiration of the ten (10) day period within which to file correct deficiencies.

- (7) Approval of short-term permit does not legalize any non-permitted use or structure. Short-term rental units are not to be used to distribute retail products or personal services to invitees for marketing or similar purposes. The outdoor display of goods and merchandise for sale is prohibited.
- (8) Short-term rental permits are not transferable. Upon sale or any type of transfer of the property, any permit issued pursuant to the terms set forth herein, shall automatically expire. Any new owner(s) or transferee(s) shall be required to apply for a new permit in accordance with this article, except no hearing is required, only planning commission approval. The new permit shall be for a period of one year from date approved.
- (9) Any structure or unit that is deed restricted for affordable housing shall not be used as a short-term rental.
- (c) Occupancy
The maximum occupancy of each short-term rental shall be as determined by the Building Official and/or Fire Marshall based on the inspection of the premises and applicable laws, regulations and codes. Each permit shall specify the maximum number of occupants, which may be limited due to building or parking constraints.
- (d) Number of Vehicles
The maximum number of vehicles will be determined upon site inspection by the Building Department and should be compatible with the zoning. This number will be based on off street parking availability and on-street conditions. It will be preferred that the applicant/owner provide off-street parking. In certain circumstances where no off-street parking exists and on-street constraints exist, the Building Official may require that an off street parking space to be constructed or secured.
- (e) Registry of Guests
Each person granted a short-term rental permit shall keep or cause to be kept a registry of guests. Such registration or list shall be available for inspection upon ten (10) days written notice by the Building Official or his designee.
- (f) Noise
Property owners and local property managers shall insure that the occupants of the short-term rental are aware of City noise ordinances and State laws regarding disturbing the peace.
- (g) Premises and Garbage Management
It shall be the duty of every local property manager and/or owner to keep all of the rooms in connection with the short term rental provided for the use of guests, in clean and sanitary condition; and to provide each guest with affective protection against flies mosquitoes and other vermin. Garbage shall be disposed of in covered containers and placed in the scheduled pick-up location.
- (h) Posting of Rules
Short-term rental unit rules shall be posted inside the rental unit in a location readily visible to all tenants. The rules shall include: occupancy; parking limits; noise, rules and garbage management. A written copy of this Ordinance shall be posted within the unit and displayed at all times.

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

(i) Local Contact Person

All short-term rentals shall designate a local property manager who will respond to the questions or concerns of the City twenty-four (24) hours a day. The name, address and telephone number of the local contact person shall be submitted to the Planning Department, Building Department and City Police Department during the permitting process. The name, address and telephone number of the local contact person shall be posted permanently inside the short-term rental unit. The local contact person, property manager and/or property owner shall be considered the responsible person for violations of the Short Term Rental Ordinance.

(j) Complaints and Dispute Resolutions

Complaints regarding violation of this Ordinance must first be directed to the local contact person. If the local contact person is unable to resolve the issue and/or the issue relates to public safety, then the concerned party should contact the Building Department. The Long Beach Police Department shall have an updated list provided by the Building Department of all local contact persons for short-term rentals in case complaints are received after hours. Verified complaints concerning non-compliance with the terms of this Ordinance may be considered in determining whether or not a permit should be revoked.

(k) Denial or Revocation of a License

Conditions for denial of permit or revocation of permit to operate a Short Term Rental unit shall include but in no way limited to the following:

- (1) Property within a subdivision with an active homeowner's association with adopted covenants that do not allow short-term rentals will not be considered for a permit. A letter of acknowledgment and support will be required from the Homeowner's Association in order to continue in the pursuit of a permit. Failure of the applicant to notify the City that his/her property is a part of a Homeowner's Association shall result in denial of a permit or revocation of a permit.
- (2) The applicant failed to conform to the conditions set forth herein for the current or previous year.
- (3) Guests and/or users of the property were issued noise ordinance and/or disturbing the peace citations during the previous or current year.
- (4) Any other reasonable or rational factors or combination of factors, including, but not limited to inadequate lot size, inadequate street parking, lack of response from local property manager or contact person, filed complaints of violation of the zoning code, building code, property maintenance code and/or applicable laws or regulations (may be a basis for denying permit).
- (5) The Building Official is authorized to revoke permits. A permitted owner shall be provided with written notice of the reason(s) the permit is subject to revocation. The applicant shall be allowed ten (10) days from the date written notice is issued to correct defective conditions. If the condition is not corrected within ten (10) days to the satisfaction of the Building Official, permit shall be revoked by issuing such order. Upon receipt of such order by the owner or local property manager, the unit shall cease operation as a short-term rental. The owner may appeal the order revoking the permit. The owner's appeal must be in writing and filed with the Building Department within ten (10) days of entry of the order. The revocation shall remain in full force and effect during the pendency of the appeal. The appeal should be presented to the Mayor and Board of Aldermen at the next scheduled meeting following the filing of the appeal. The owner should be afforded notice and the opportunity to be heard.

(l) Violations

Any persons or users who allow such use of a residential property in violation of this Ordinance shall be guilty of a misdemeanor.

For purposes of prosecution of violations of this chapter, each day that any violation occurs (*rental without a permit*) is deemed to constitute a separate violation.

**MINUTES OF FEBRUARY 10, 2022
REGULAR MEETING**

LONG BEACH PLANNING and DEVELOPMENT COMMISSION

(m) Constitutionality

Should any portion, provision or section of this Ordinance be held void, unconstitutional or invalid, the remaining portion of the ordinance shall remain in full force and effect?

(n) Conflicts

It is hereby provided that the provisions of these regulations shall not be construed as being in conflict with the provisions of any of the regulations of Long Beach, Mississippi. In any case where the provisions in these regulations and the provisions of other regulations both apply, the provisions of this Ordinance shall govern for the purpose of short-term rentals of residential dwellings or condominiums.

(o) Review

The City shall review the Ordinance annually to evaluate the benefits recognized by the use of Short Term Rentals, as well as, any adverse impact the use of Short Term Rentals may have.

After considerable discussion, Commissioner Walters made motion, seconded by Commissioner Shaw and unanimously carried to approve the proposed changes and set a public hearing date for Thursday, March 24, 2022.

It came for discussion under New Business, Medical Marijuana Dispensaries. After considerable discussion, Commissioner Walters made motion seconded by Commissioner Shaw and unanimously carried to add this item under New Business at the regular scheduled meeting for Thursday, February 24, 2022.

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

APPROVED:

Chairman Frank Olaivar

DATE: _____

ATTEST: _____

Tina M. Dahl, Minutes Clerk