

# Gautier Planning Commission

## Regular Meeting Agenda

August 2, 2012

### **VII. NEW BUSINESS**

#### **A. QUASI-JUDICIAL**

1. REQUEST FOR HOME OCCUPATION PERMIT, HOME OFFICE FOR INTERNET SALES OF FASHION JEWELRY AND MEN'S T-SHIRTS, 2417 HERITAGE DRIVE (ANDREA MURRAY, OWNER) (GPC CASE #12-11-HO)

*Synopsis: This request is before the Planning Commission because a citizen objection was received at Staff level. Staff finds the application meets all applicable code requirements and recommends approval.*

## QUASI-JUDICIAL PROCEDURES

1. Announcement of Matter. Read the matter title to be considered.
2. Swear the Witnesses. All witnesses, parties, citizen participants and City Staff who plan to speak at the hearing shall collectively be sworn at the beginning of the hearing by the City Attorney
3. Ex Parte Disclosure. All members must disclose on the record any ex parte communications, to include any physical inspections of the subject property. The disclosure should include with whom any communication has taken place, a summary of the substance of the communication, and the date of the site visit, if any. If anyone has received written communications, the writing must be presented, read into record or a copy provided to all participants, and made a part of the official record.
4. Applicant Presentation.
5. Questions directed to Applicant. The applicant should answer any questions by the public, the Council, or others.
6. Staff Presentation. This includes presentation of the staff report into the official record.
7. Objections from Applicant. Confirm whether there are objections from the applicant regarding the staff report or development order.
8. Questions directed to Staff. The staff answers any questions by the public, the Council, or others.
9. Public Comments. Members of the public should be allowed to make comments regarding the application.
10. Applicant rebuttal/final comments
11. Staff rebuttal/final comments
12. Call for final questions.
13. Close public portion of the hearing.
14. Motion & Deliberation. Council makes a motion, and debates and deliberates regarding the application and development order.
15. Vote.
16. Close the quasi-judicial proceeding.

**CITY OF GAUTIER  
STAFF REPORT**

**To:** Chairman and Members, Planning Commission

**From:** Babs Logan, Planning Technician

**Through:** Eric Meyer, Planning and Economic Development Director

**Date:** July 23, 2012

**Subject:** Home Occupation Permit for Andrea Murray for home office for internet sales of fashion jewelry and men's t-shirts at 2417 Heritage Drive (GPC Case No. 12-11-HO)

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**REQUEST:**

The Economic Development/Planning Department received a request from Ms. Andrea Murray for a Home Occupation Permit for a home office for internet sales of fashion jewelry and men's t-shirts at 2417 Heritage Drive. The application fee of \$100 was paid on June 7, 2012. All public notice requirements have been met.

**BACKGROUND:**

The request property is zoned R-1 Low Density Single Family Residential. Home Occupations are allowed in R-1 zoning districts in accordance with Article VI, Unified Development Ordinance.

The request property is a single-family home located at 2417 Heritage Drive, PID #87340106.000.

A Home Occupation can be approved by the Economic Development/Planning Director after an in-house hearing if no written objections are received. If written objections are received to any Home Occupation request, the application will then be brought before the Planning Commission at a duly announced time and place. (Unified Development Ordinance, Article IV, Section 4.21). Staff has received one written objection on this request.

General Features:

Square Footage of Lot: approximately 11,500 sq. ft.  
Square Footage of Residence: approximately 1170 sq. ft.

Zoning and Land Use:

Current Zoning - R-1 Low Density Single-Family Residential

Surrounding Zoning – R-1 Low Density Single-Family Residential to the north, south, east and west

Surrounding Land Use – low density residential to the north, south, east and west

Comprehensive Plan Future Land Use Designation – Low Density Residential

**APPLICABLE ORDINANCES:**

Rules and regulations appropriate to the request are thus:

**SECTION 4.21: Home Occupation Permit**

Applications for Home Occupation Permits shall be filed on the appropriate form available from the Economic Development Department. Applications shall supply all information required and be accompanied by the appropriate fees. The following information is required to accompany the application:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits
- B. Street address
- C. Copy of Protective covenants or deed restrictions, if any
- D. Copies of approval, or requests for approval from other agencies such as, but not limited to the Mississippi State Department of Health, U. S. Army Corp of Engineers, Mississippi Department of Environmental Quality and Department of Marine Resources
- E. A Detailed Project Narrative
- F. Any other information requested by the ED Director and/or members of the Technical Review Committee

**4.21.1 In-House Hearings**

The ED Director will conduct an in-house hearing on Applications for Home Occupations no sooner than ten (10) days following notices and letters to adjoining property owners. If there are no objections received in writing, the Director may grant a permit for the Home Occupation provided the applicant has met all of the requirements as given in this Ordinance.

Should there be objections to any Home Occupation request, the application will then be brought before the Planning Commission at a duly announced time and place.

## SECTION 6.7 Regulations for Home Occupations

### 6.7.1 General Regulations

A home occupation is a gainful occupation conducted in a dwelling unit, for which an annual privilege license must be issued and that:

- A. No stock in trade or commodity shall be sold on the premises.
- B. There shall be no employment of help other than members of the resident family.
- C. Not more than twenty (20) percent of the heated and cooled square footage area of the dwelling unit not to exceed five hundred (500) square feet shall be used in conducting the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, no outdoor storage of anything, or any other visible evidence of the conduct of such home occupation other than one sign in accordance with regulations of Article not exceeding one non-illuminated sign no larger than one (1) square foot, mounted flush against the principal building.
- E. No home occupation shall be conducted in any accessory building.
- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the street and other than in the required front yard.
- G. No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference to adjoining properties.
- H. The ED Director shall periodically examine all businesses operating under a home occupation permit to determine if they are maintained in compliance with regulations set forth herein. The ED Director of is authorized to notify any business found to not be in compliance to cease operations and to revoke said permits.
- I.

### 6.7.2 Home Occupations Permitted

The following occupations, subject to the requirements of the above section, may be permitted as home occupations:

- A. Artist, sculptor, author
- B. Catering Service when they are a part of operator's residence
- C. Computer programming and word processing
- D. Cooking and preserving
- E. Dressmaker, seamstress, tailor, interior decorator
- F. Home office

- G. Instructional Studio, Private. Teaching, including tutoring, musical instruction or dancing, but limited to one pupil per teacher at any given time
- H. Private Professional Office
- I. Telephone answering service
- J. Any other similar use which the ED Director determines is compatible. The ED Director may elect to take any Home Occupation request to the Planning Commission for consideration.

### 6.7.3 Prohibited Home Occupations

The following are not permitted as home occupations:

- A. Animal hospitals or animal rescue operations
- B. Child Care Facilities including kindergartens
- C. Convalescent homes
- D. Repair Shops requiring outside or major repair to equipment and/or vehicles
- E. Coffee Shops, restaurants or any facility serving beverages or food to the public.
- F. Boarding House

### **DISCUSSION:**

Neighborhood Services has visited the request site and witnessed no code violations relevant to the home occupation. The applicant has been made aware that any code violation on the property could result in suspension of the home occupation.

Home offices are allowed as home occupations subject to the requirements of Section 6.7.1 of the Unified Development Ordinance. If during review of a home occupation Staff finds that the applicant is not compliant with the general regulations set forth in the Unified Development Ordinance, Article 6, Section 6.7.1, the applicant's home occupation permit can be rescinded.

### **RECOMMENDATION:**

Staff finds that the proposed home occupation meets the requirements for a home occupation as set forth in the Unified Development Ordinance and recommends approval.

### **ATTACHMENTS:**

- Applicant's Exhibit 1 – Application
- City's Exhibit A – Copy of Objection Letter
- City's Exhibit B - Maps

ECONOMIC DEVELOPMENT/PLANNING DEPARTMENT  
GAUTIER, MISSISSIPPI

HOME OCCUPATION APPLICATION

Hearing Number

12-11-110

<b>TYPE OF REQUEST:</b>		<b>FEE:</b>
Home Occupation	<input checked="" type="checkbox"/>	\$100.00

Name of Applicant: Andrea Murray

Name of Business: Touch of Fashion

Address: 2417 Heritage Dr. Gautier MS Mailing Address (if different): W/A

Email Address: murrayandrea85@gmail.com

Phone: (228) 990-1704 Cell Phone: same

Reason for request, location and intended use of Property: Internet business  
Selling fashion jewelry & men's t-shirts PID # 87340106.000

ATTACHMENTS REQUIRED AS APPLICABLE:

- \_\_\_\_\_ 1. Diagram showing dimensions of home and dimensions of area to be used for home occupation.
- \_\_\_\_\_ 2. Legal description and street address.
- \_\_\_\_\_ 3. A detailed project narrative.
- \_\_\_\_\_ 4. Copy of protective covenants or deed restrictions, if any.
- \_\_\_\_\_ 5. Any other information requested by the Economic Development/Planning Director.
- \_\_\_\_\_ 6. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Andrea Murray

Date of Application: 6/7/12

<b>FOR OFFICE USE ONLY</b>	
Date Received <u>6/7/12</u>	Verify as Complete <u>BR</u>
Fee Amount Received <u>100.00</u>	
Initials of Employee Receiving Application <u>BR</u>	

## TOUCH OF FASHION

My home base web internet business will provide the convenience of shopping for fashion jewelry and men big and tall tee shirts. My website will display pictures of earrings, bracelets, rings, necklaces, anklets, pins, and hair and nail accessories to be purchase online. Additionally, customers will be able to view and purchased a variety of men tee shirts in multiple colors and sizes. Stated merchandise will be sold from my home via internet with the method of payment by money order, check or credit card payment. Merchandise will be mailed to customers at their specified address.

Back  
Patio

Kitchen

Master  
Bedroom

Dinning  
Room

Bedroom

Bathroom

Garage

Living Room

Bedroom  
where I  
will have  
my business

Garage

Front  
Door

9x11



Prepared by and Return to:  
Magnolia Land & Title, LLC  
Deborah A. Bowden  
MS Bar No. 9045  
Post Office Box 2289  
Escatawpa, MS 39552  
(228) 588-2431

STATE OF MISSISSIPPI  
COUNTY OF JACKSON

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 and sufficiency of all of which is hereby acknowledged, the undersigned, SMITH HOMES, INC., a Mississippi Corporation, whose address is P.O. Box 819, Gautier, MS 39553, phone # ~~228-497-1800~~ (the "Grantor"), does hereby sell, convey and warrant unto ANDREA N. MURRAY, whose address is 2417 Heritage Drive, Gautier, MS 39553, MS 39452 , phone # 228-990-6743 (the "Grantee"), the following described land and property located and being situated in Jackson County, State of Mississippi and being more particularly described as follows, to-wit:

Lot 106, Westgate Estates, Part 1, in the Northeast Quarter of Northeast Quarter of Section 26, Township 7 South, Range 7 West, Jackson County, Mississippi, as per plat thereof recorded in Plat Book 13, Pages 19 - 20, Records of Plats of Jackson County, Mississippi.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights of way, easements and the prior reservation of any oil, gas and other minerals.

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 this date is incorrect, then the Grantors agree to pay to the Grantees, or their assigns, any deficit on an actual proration, and likewise, the Grantees agree to pay to the Grantors or Grantors'

assigns, any amount overpaid by Grantors.

WITNESS THE SIGNATURE of the above Grantor this the 24<sup>th</sup> day of Sept, 2009.

SMITH HOMES, INC.

By: Kenny O. Smith  
Title: President

STATE OF MISSISSIPPI  
COUNTY OF JACKSON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24<sup>th</sup> of September, 2009, within my jurisdiction, the within named Kenny O. Smith as President of SMITH HOMES, INC. who acknowledged that he executed the above and foregoing instrument first being authorized so to do.

Audrey B. SL  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

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Indexing: Lot 6, Westgate Estates, Part 1, Jackson County, MS



June 15, 2012

Economic Development Dept.  
P.O. Box 670  
Gautier, MS 39553

RE: GPC #12-11-HO

Dear Sir/Madam:

Please allow me to "object" in this cause. The following reasons are listed below.

1. Increase of noisy delivery trucks to deliver supplies and products. Delivery trucks also upset dogs in the neighborhood when passing by.
2. I have resided in my home under the protection of zoning and planning as a single dwelling residence for 31 years and I do not wish to begin to have commercializing now nor in the future in our neighborhood.
3. To allow commercial activity would also bring an increase threat to theft, traffic, parking and other unsuitable activity.
4. Our city has many vacate commercial buildings available and suitable for her business interest.

Please allow our neighborhood to remain a safe and quiet place to reside.

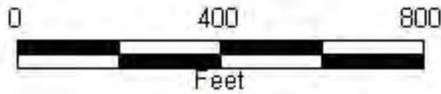
Sincerely yours,

*Buford Tolbert*

*Rec'd  
6/22/12  
BR*

# Existing Zoning Map

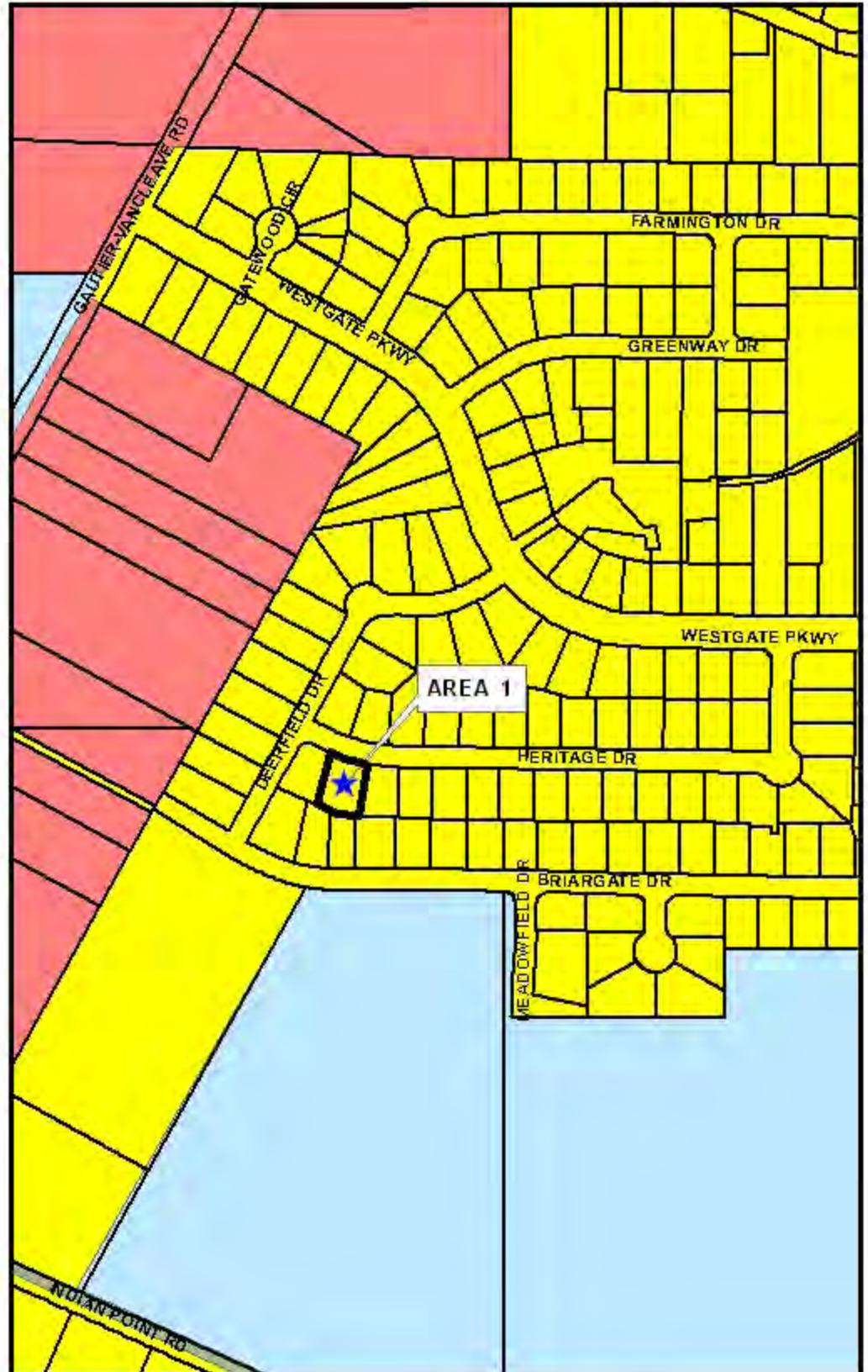
City Of Gautier  
Economic Development/Planning



Prepared by the  
City of Gautier  
GIS Division

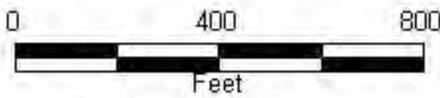
## Legend

- AG Agricultural
- PL Public/Semi-Public
- PUD Planned Unit Development
- R-1 Low Density Residential
- R-2 Multi-Family Residential
- R-3 Mobile Home District
- MUM
- TC
- MURC-1
- MURC-2
- MURC-MW
- C-1 Neighborhood Commercial
- C-2 Community Commercial
- C-3 Highway Commercial
- I-2 Industrial

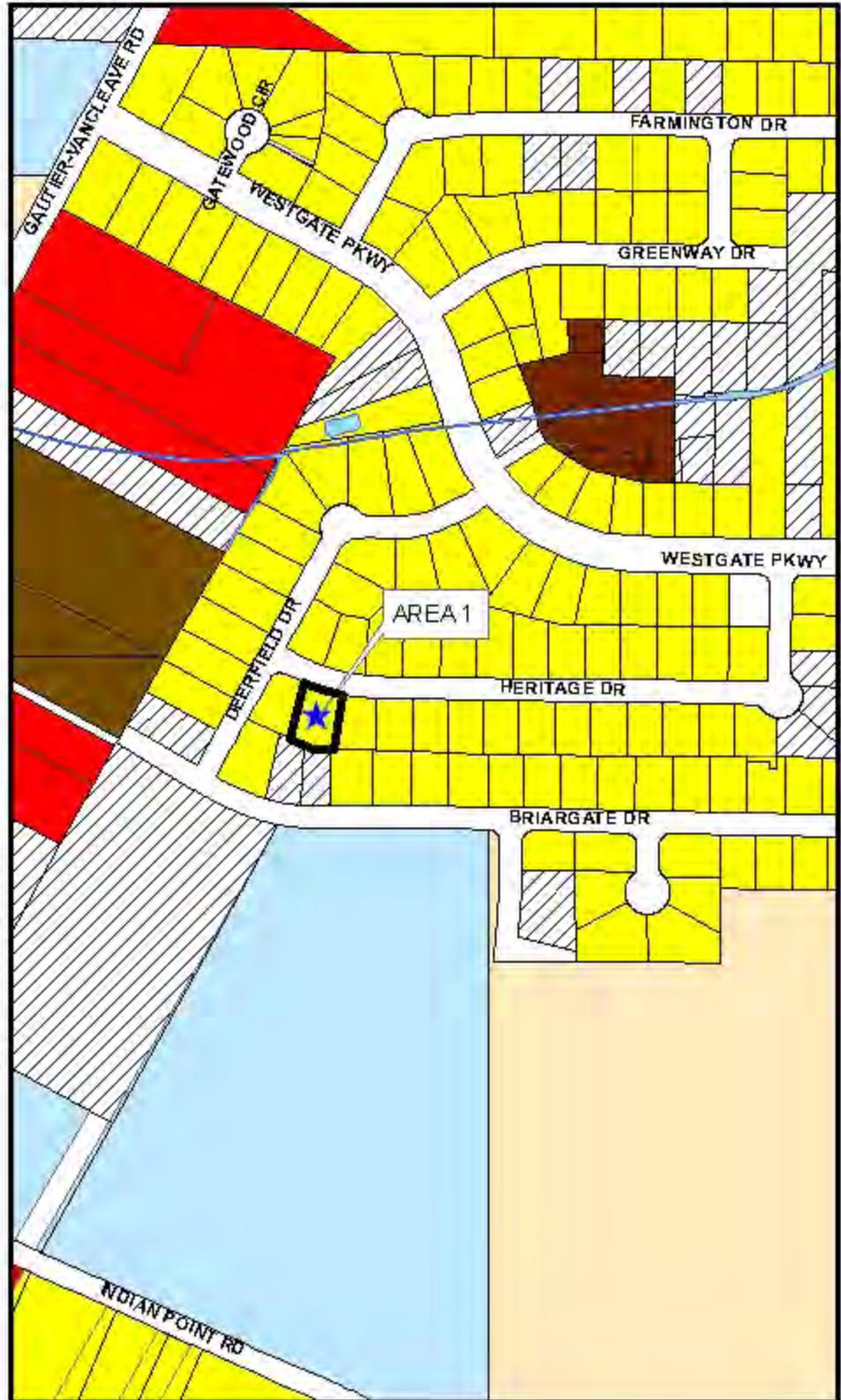


# Existing Land Use Map

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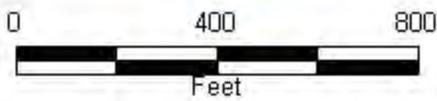
## Legend

### EXISTING LAND USE

- Commercial-Retail
- Conservation
- Civic
- Industrial
- Marina/Fish Camps
- High Density Residential
- Mobile Home
- Mobile Home Park
- Medium Density Residential
- Office
- Recreation
- Very Low to Low Density Residential
- Utility
- Vacant

# Future Land Use Map

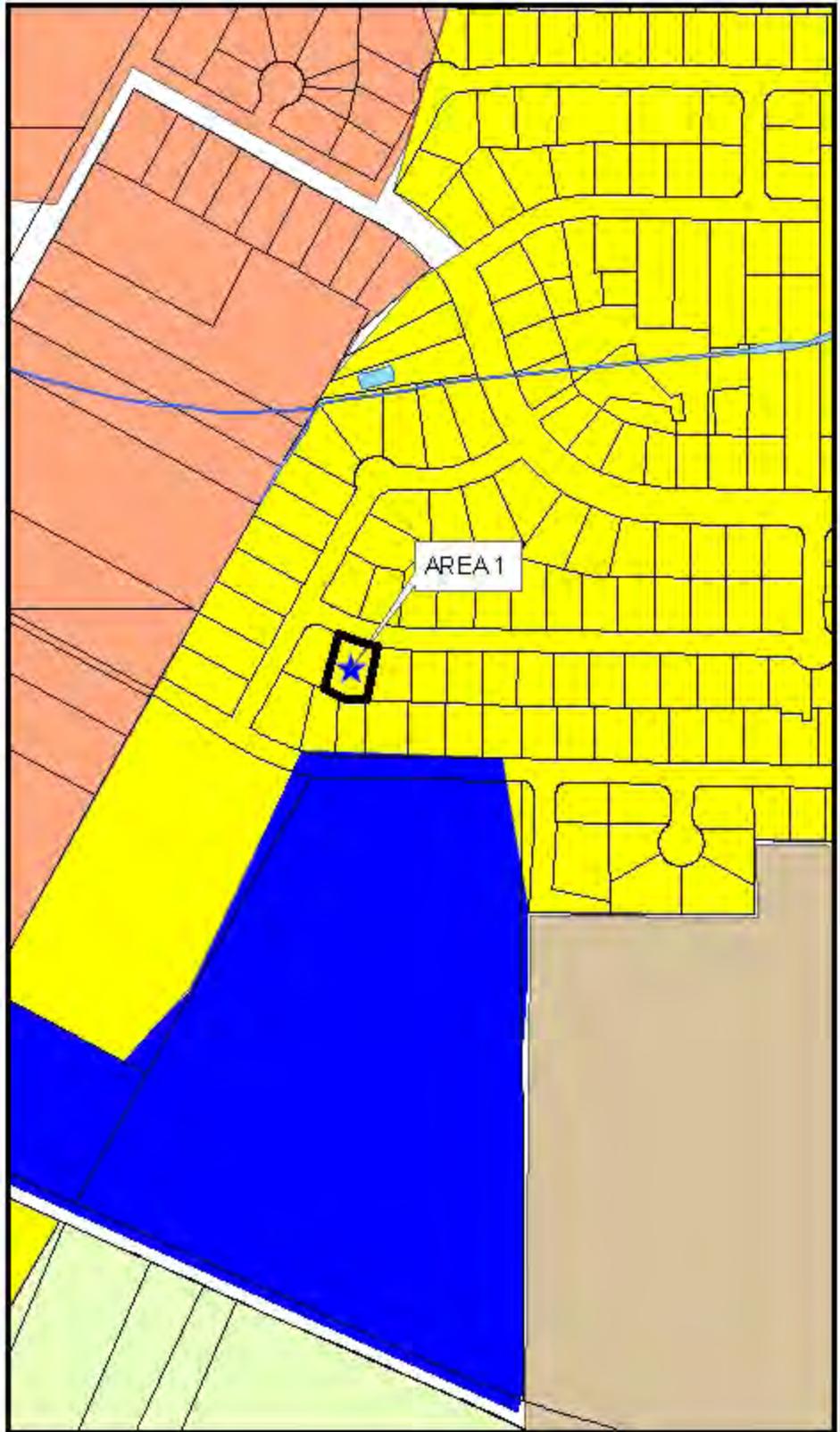
City Of Gautier  
Economic Development/Planning



Prepared by the  
City of Gautier  
GIS Division

## Legend

- Civic
- High Impact Commercial
- Conservation
- High Density Residential
- Industrial
- Low Density Residential
- Medium Density Residential
- Mobile Home Residential
- Low Impact Commercial
- Recreational
- Recreational Commercial
- Regional Scale Commercial
- Mixed Use Residential
- Town Center
- Very Low Density Residential

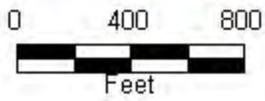


# Location Map

## 2417 HERITAGE DRIVE

### HOME OCCUPATION

City Of Gautier  
Economic Development/Planning



Prepared by the  
City of Gautier  
GIS Division

