

Gautier Planning Commission

Regular Meeting Agenda

April 4, 2013

VII. NEW BUSINESS

A. QUASI-JUDICIAL

1. REQUEST FOR A 25' VARIANCE TO FRONT YARD SETBACK REQUIREMENTS FOR A CARPORT ADDITION IN A R-1; 5200 APOLLO DRIVE (TONY F. TAYLOR, OWNER) (GPC 13-10-VAR)

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/Economic Development Director

Date: March 28, 2013

Subject: Twenty-five (25) Foot Variance to Front Yard Setback Requirements for a Carport Addition in an R-1 Zoning District at 5200 Apollo Drive, Tony F. Taylor, Owner (GPC Case No. 13-10-VAR)

REQUEST:

The Economic Development/Planning Department has received a request from Mr. Tony F. Taylor for twenty-five (25) foot variance to front yard setback requirements for a carport addition in an R-1 zoning district at 5200 Apollo Drive, PID #87340037.000. The application fee of \$100 was paid on March 13, 2013. All public notice requirements have been met.

BACKGROUND:

The request property is zoned R-1 Low Density Single-Family Residential. Front setbacks, and side setbacks for corner lots, are twenty-five (25) feet in an R-1 zoning district in accordance with Article V, Unified Development Ordinance. All setbacks are measured from the property line.

General Features:

Location: 5200 Apollo Drive
Gross Acreage: approximately .24 acres
Principal Arterial: Gautier-Vancleave Road

The Building and Zoning Administrator, Zack Duke, has determined that the carport structure has a zero (0) setback from the property line. Setbacks were not inspected prior to the construction of the addition because it was built without a permit.

DISCUSSION:

The following addresses the review criteria for a Variance outlined in Section 4.18.4 of the UDO.

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?

Applicant Response:

- a) *Carport entrance on Greenway is on a dead end street*
- b) *2.1 acres of undeveloped property at dead end of Greenway*
- c) *Vacant lot across the street from carport located on Greenway Drive is owned by Tony & Mary Taylor, Lot #56*
- d) *Vacant Lot #55 is undeveloped and over grown with trees and brush*
- e) *Bayou is at the end of 2.1 acres of undeveloped property approximately 380 feet from the end of Greenway Drive*
- f) *5200 Apollo Drive is a corner lot*

Staff Finding: There are no special circumstances that are peculiar to this site that are not applicable to other sites in the same district.

2. Are these special conditions and circumstances a result of your actions? Explain.

Applicant Response: No. These properties are undeveloped and owned by myself and neighbor plus one other owner of Lot #55.

Staff Finding: There are no special conditions or circumstances.

3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.

Applicant Response: Carport would not be allowed and have to be deconstructed.

Staff Finding: Literal interpretation of the provisions of this Ordinance will not deprive the applicant of rights commonly enjoyed by other properties in the same district.

4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

Applicant Response: No response

Staff Finding: The granting of the Variance requested will give the applicant special privileges that are denied by this Ordinance to other similar sites.

DETERMINATION OF APPLICABLE LAW:

SECTION 4.18: Variance

In certain circumstances, a Variance from the dimensional requirements (i.e. height, setbacks, square footage) of this ordinance may be granted if the applicant can prove that because of physical constraints of the property involved, he is not able to build the same type of structure that other persons with the same zoning classification can build. Variances for uses permitted will not be considered in as much as “use Variances” are not legal in the State of Mississippi.

Most Variances must be granted by the Planning Commission; however, certain minor Variances may be granted by the Economic Development Director in accordance with *Section 4.18.3* below.

4.18.1 Who May Initiate

A request for a Variance may be initiated by the property owner or agent of the owner provided that said property has not been denied a previous request for a Variance for the same property or portion of property within the past twelve (12) months.

4.18.2 Application for Variance

Applications for a Variance (from dimensional requirements) may be filed on the “*Public Hearing Application*” available from the Economic Development/Planning Department and shall contain:

- A. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- B. Legal descriptions and 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 MS State Department of Health, Mississippi DEQ, Corp of Engineers, and Department of Marine Resources
- E. A Detailed Project Narrative
- F. Any other information requested by the Economic Development Director and/or members of the Technical Review Committee

4.18.3 Administrative Variances

Within the COR, Corridor Overlay District, applicants shall be required to mitigate a requested dimensional variance in accordance with the Tier Land Use Provisions in Section 5.11. The

following dimensional variances may be granted by the Economic Development Director at his/her discretion:

- A. 30% of required off-street parking spaces and/or
- B. 30% of required setbacks from property lines

4.18.4 Criteria for Approval

The Variance application shall demonstrate the following:

- A. That special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels) or structures or buildings in the same district;
- B. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance;
- C. That the special conditions and circumstances do not result from actions of the applicant; and
- D. That granting the Variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other similar sites (lots or parcels) structures or buildings in the same district.

RECOMMENDATION:

Staff finds that the applicant does not meet the criteria for approval and recommends denial of the variance.

ATTACHMENTS:

1. Applicant's Exhibit 1 – Application
2. City's Exhibit A – Location Map
3. City's Exhibit B – Existing Zoning Map
4. City's Exhibit C – Existing Land Use Map
5. City's Exhibit D – Future Land Use Map

VARIANCE HEARING APPLICATION

Hearing Number

GPC-13-10-VAR

TYPE OF REQUEST:		FEE:
Variance		\$100.00

Name of Applicant: Tony F Taylor

Name of Business: _____

Address: 5200 APOLLO DR Mailing Address (if different): _____

Email Address: taylor57@cableone.net, tophsc@yahoo.com

Phone: 228-327-0858 Cell Phone: 228-235-5673

Reason for request, location and intended use of Property: VARIANCE TO SET BACK REQUIREMENTS
PID # 89340037.000

ATTACHMENTS REQUIRED AS APPLICABLE:

- _____ 1. Diagram of intended use, showing dimensions and distances of property, building with setbacks, parking spaces, entrances and exits.
- _____ 2. Legal descriptions and street address.
- _____ 3. A detailed project narrative that also addresses the questions on the "Criteria for Approval" page of this application.
- _____ 4. Copy of protective covenants or deed restrictions, if any.
- _____ 5. Copies of approvals, 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.
- _____ 6. Any other information requested by the Economic Development/Planning Director and/or members of the Technical Review Committee.
- _____ 7. Owner's Consent form, if anyone other than 100% sole owner makes application (see attached).

Signature of Applicant: Tony F Taylor

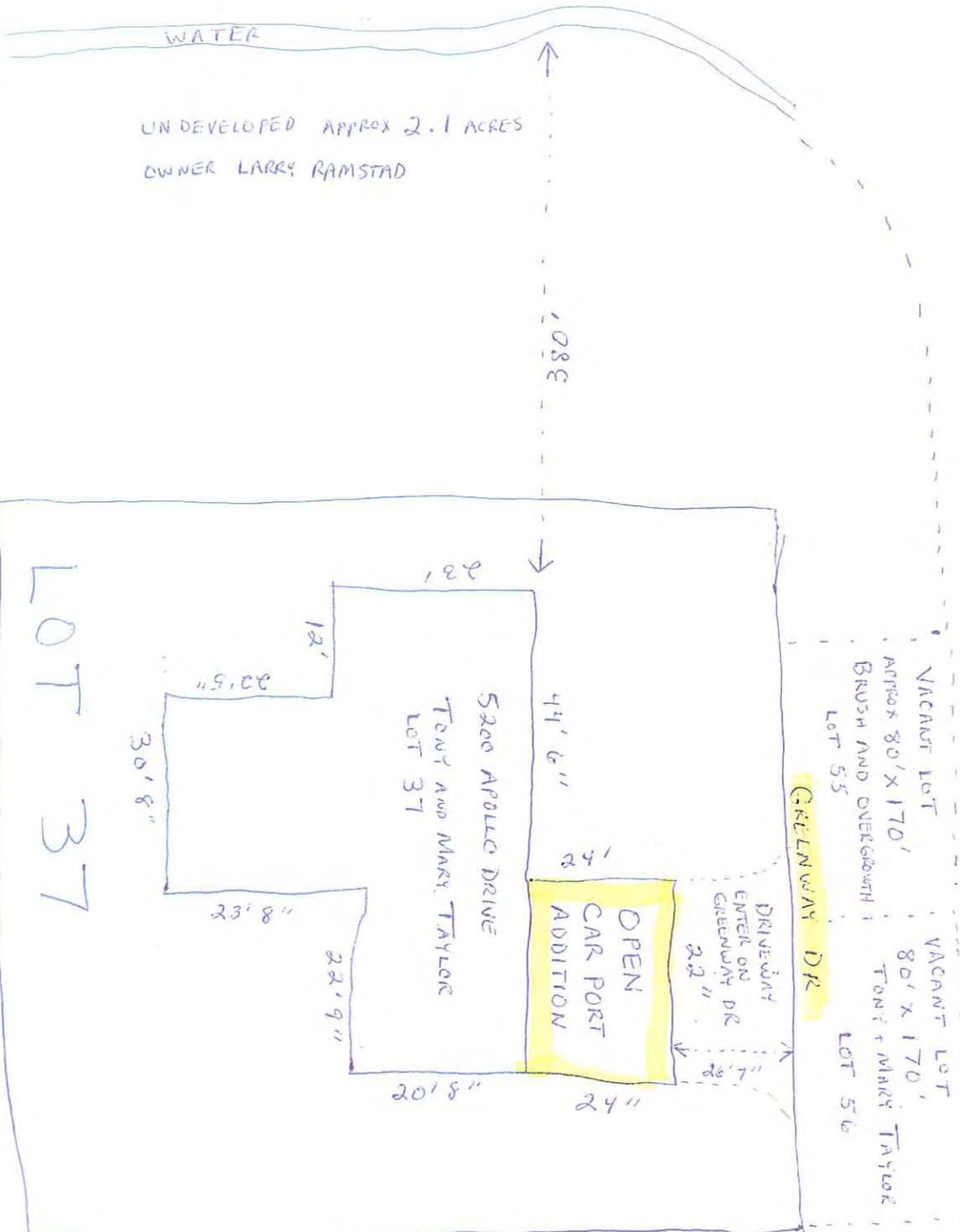
Date of Application: 3/13/13

FOR OFFICE USE ONLY

Date Received 3/13/13 Verify as Complete

Fee Amount Received 100.00

Initials of Employee Receiving Application BL



UN DEVELOPED APPROX 2.1 ACRES
OWNER LARRY RAMSTAD

380'

LOT 37



VACANT LOT
APPROX 80' X 170'
BRUSH AND OVERGROWTH
LOT 55

VACANT LOT
80' X 170'
TONY + MARY TAYLOR
LOT 56

GREENWAY DR

~~APOLLO DR~~
5200 APOLLO DR

LOT SIZE 94' X 130'
TONY AND MARY TAYLOR

PROJECT NARRATIVE: 24' x 22' OPEN CAR PORT ADDITION
ADDED TO HOME PROPERTY LOCATED AT 5200 APOLLO DR
CAUTIER, M S WEST GATE ESTATES. ENTRANCE TO
CARPORT IS ON GREENWAY DRIVE THAT IS A DEAD END.

VARIANCE

Criteria for Approval

1. What special conditions and circumstances exist which are peculiar to this particular site (lot or parcel), structure or building involved and which are not applicable to other sites (lots or parcels), or structures or buildings in the same district?
2. Are these special conditions and circumstances a result of your actions? Explain.
3. How will the literal interpretation of the provisions of this Ordinance deprive you of rights commonly enjoyed by other properties in the same district under the provisions of this Ordinance? Explain.
4. Will the granting of the Variance requested confer upon you any special privilege that is denied by this Ordinance to other similar sites (lots or parcels), structures or buildings in the same district? Explain.

① - CARPORT ENTRANCE ON GREENWAY IS ON A DEAD END STREET

- 2.1 ACRES OF UNDEVELOPED PROPERTY AT DEAD END OF GREENWAY
- VACANT LOT ACROSS THE STREET FROM CARPORT LOCATED ON GREENWAY DR IS OWNED BY TONY + MARY TAYLOR LOT # 56
- VACANT LOTT # 55 IS UNDEVELOPED AND OVER GROWN WITH TREES AND BRUSH
- BAYOU IS AT THE END OF 2.1 ACRES OF UNDEVELOPED PROPERTY APPROX 380' FROM THE END OF GREENWAY DRIVE
- 5200 APOLLO DRIVE IS A CORNER LOT

② NO, THESE PROPERTIES ARE UNDEVELOPED AND OWNED BY MYSELF AND NEIGHBOR PLUS ONE OTHER OWNER OF LOT # 55. LOT

③ CAR PORT WOULD NOT BE ALLOWED AND HAVE TO BE DECONSTRUCTED

④ —

Parcel Information

PIDN: 87340037.000
GISP: 776.24-03-0085.00

Owner Information

Name: ODOM MARY D Percent of Ownership: 100
Name2:
Mailing Address: 5200 APOLLO DR Physical Address: 5200 APOLLO DR GAUTIER
GAUTIER MS 39553

Land Information

Section, Township, Range: 24 7S 7W Acreage: 0.23999999
Street Name: APOLLO DR

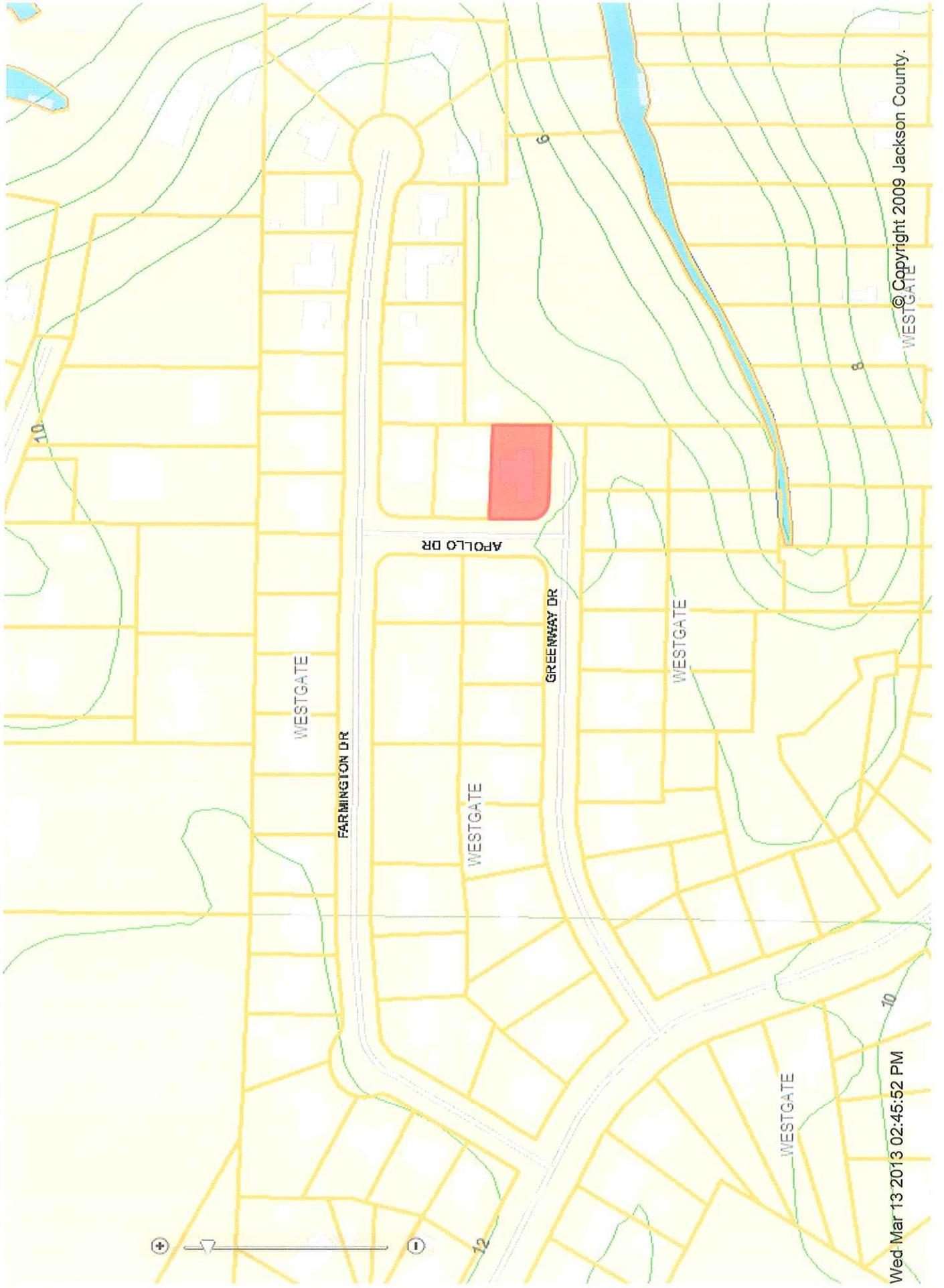
Value and Tax Information

Total Assessed Value: 7833 Total Appraised Value: 78330
Improvement Value: 66290 Land Value: 12040
Tax Amount: 717 SQ. FT: 1739 Year Built: 1973

Legal Description

Description: LOT 37 WESTGATE EST S/D PT 1 DB 951-391 DB 993-779 DB 1116-824 (85 MAP776.24-03)

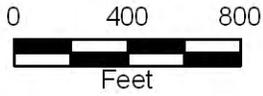
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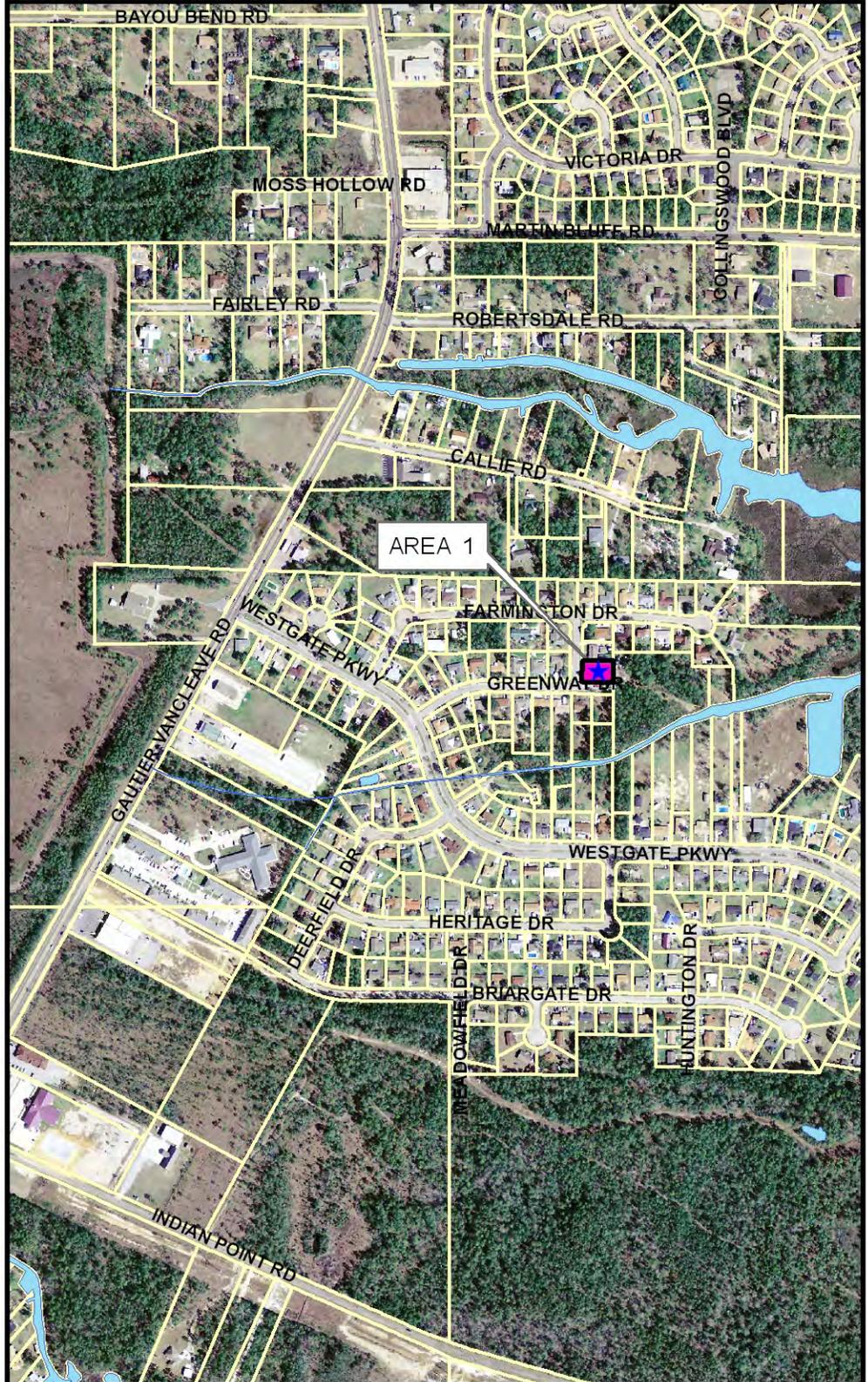
Location Map

5200 APOLLO DR. FRONT SETBACK VARIANCE

City Of Gautier
Economic Development/Planning

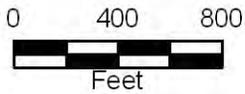


Prepared by the
City of Gautier
GIS Division



Existing Zoning Map

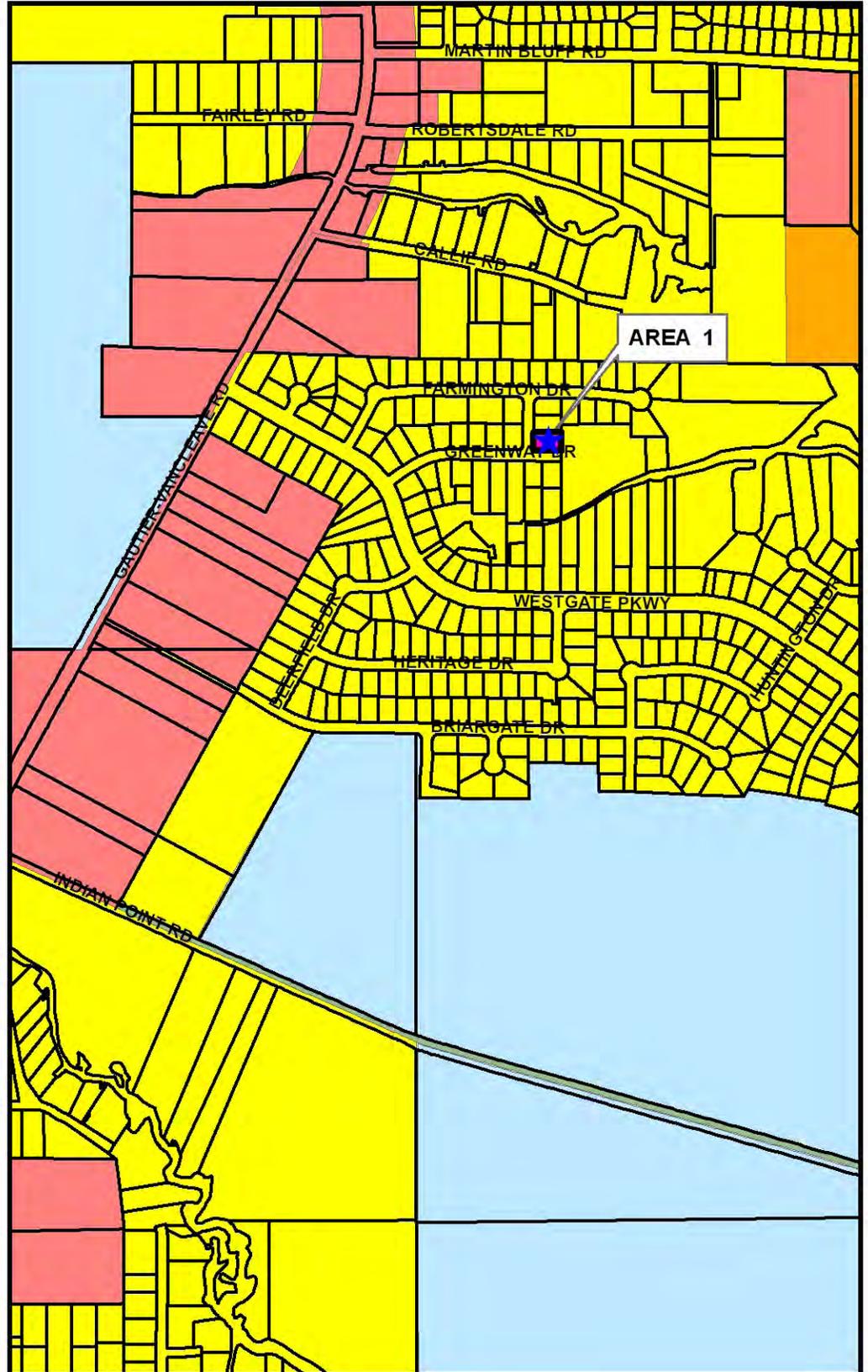
City Of Gautier
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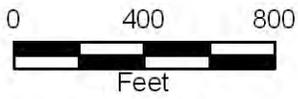
Legend

- 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

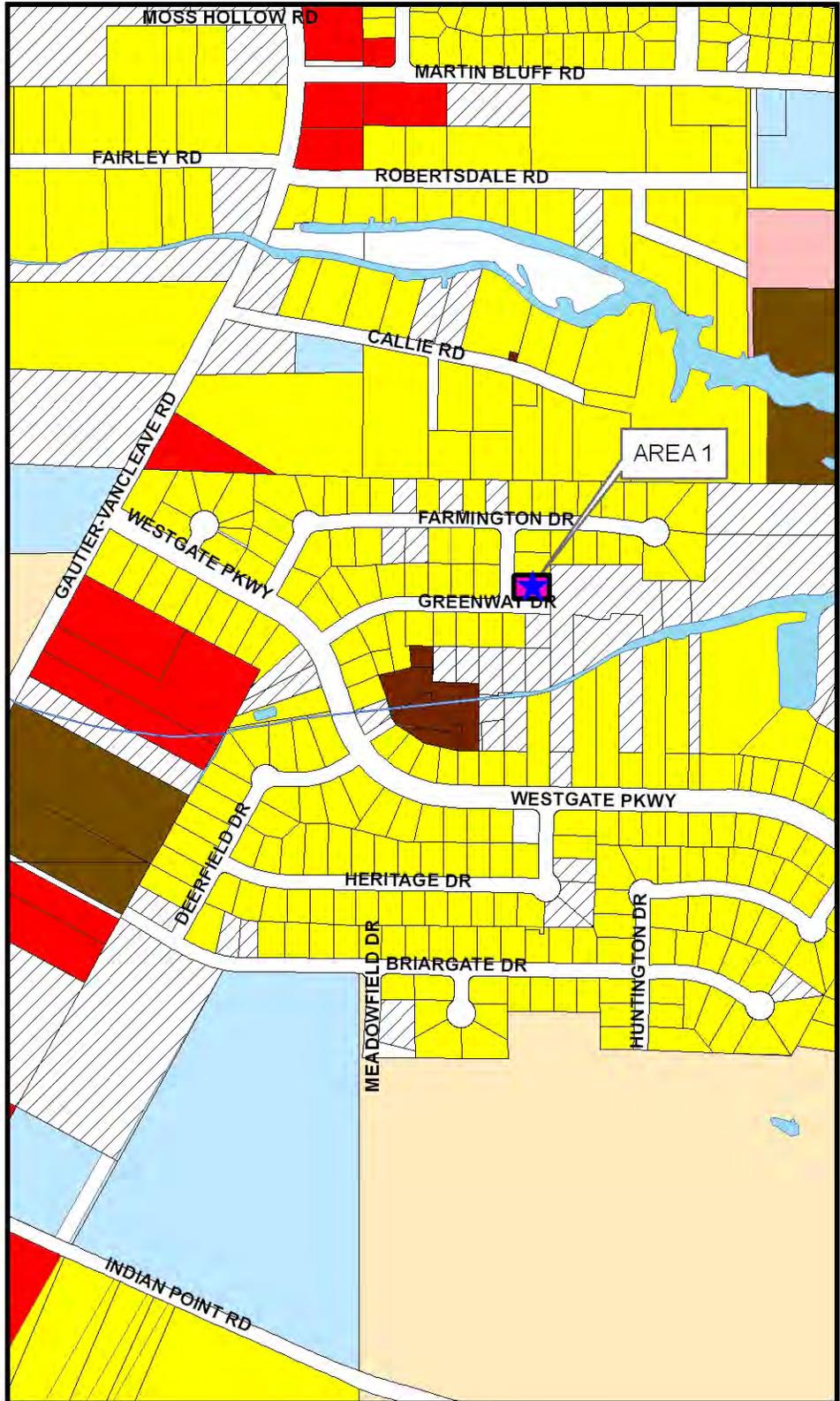


Existing Land Use Map

City Of Gautier
Economic Development/Planning



Prepared by the
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GIS Division



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



0 400 800



Feet



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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

