

**MINUTES**  
**WAVELAND PLANNING & ZONING COMMISSION**  
**MARCH 27, 2017**

A regular meeting of the Waveland Planning & Zoning Commission was held at 6:00 p.m. on Monday, March 27, 2017 at the Waveland City Hall, located at 301 Coleman Avenue, Waveland, Mississippi.

Chairman Roger Estopinal called the meeting to order at 6:00 p.m. Present were City Attorney Rachel P. Yarborough, Commissioners Mike Adams, Judy Boudoin, Charlotte Watson, Zoning Official Christine Gallagher, and Belinda Thomas, assistant for Building and Zoning Department. Commissioner Clarence Harris was absent. Chairman Roger Estopinal established there was a quorum present.

Chairman Roger Estopinal called for a motion to accept the minutes from the Special Meeting of March 2, 2017. Commissioner Judy Boudoin moved, seconded by Commissioner Mike Adams to accept the minutes as written. Commissioners Mike Adams and Judy Boudoin voted for the motion. Commissioner Charlotte Watson abstained since she was absent from the meeting of February 27, 2017. Chairman Roger Estopinal vote yes to adopt the minutes and declared the motion carried.

**Tabled** request from **Karen Brown** for a variance from the required lot frontage and lot square footage in order to divide her property into two equal sized lots. The existing parcel is 172' x 120', 20,640 square feet. She would like to divide the parcel into two 86' x 120' lots, each having 10,320 square feet. Therefore needing a variance of 1,680 square feet from the required lot size and a variance of 14' from the required lot frontage on each proposed new lot. This property is located at 134 Oak Blvd. Legal description: Block 1, lots 13-15 & E. 22' of 16, Waveland Beach Estates, City of Waveland, Hancock County, Mississippi was remanded back from the Board of Mayor and Aldermen at their meeting February 7, 2017 for more information.

Chairman Roger Estopinal called for a motion to **table** this request in order to give the applicant additional time to submit the required information. Commissioner Charlotte Watson moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **table** the applicant's request to divide parcel 162R-0-10-009.000 in two 86' x 120' lots. Therefore needing a variance of 1,680 square feet from the required lot size and a variance of 14' from the required lot frontage on each proposed new lot. This property is located at 134 Oak Blvd. Legal description: Block 1, lots 13-15 & E. 22' of 16, Waveland Beach Estates, City of Waveland, Hancock County, Mississippi. After a unanimous vote by all members present, Chairman Roger Estopinal declared the motion carried.

**Pulin & Natasha Shah** appeared before the Commissioner with their request for a conditional use to construct a 1272 square foot Garage/Raised pool house and a 1280 square foot guest cottage on their property located at 823 North Beach Blvd. Legal

description: PT 11 A First Ward Waveland City of Waveland, Hancock County Mississippi.

Chairman Roger Estopinal asked if there was anyone present to speak for Pulin and Natasha Shah. Leah Watters of Watters Architecture, Pulin and Natashia Shah were present. Chairman Roger Estopinal asked Leah Waters to explain the nature of the request. Leah Watters said that there's a minor change in the location of the guest house. She said that the parcel is two acres and they are seeking a variance for a guest cottage, a combined garage and pool house and a home. She said that the lot is about three times the area required for a variance to be approved.

Chairman Roger Estopinal asked if there was anyone in the audience to comment. City Attorney Rachel Yarborough said that this is not actually a request for a variance, it's a request for conditional use. City Attorney Rachel Yarborough asked Christine Gallagher if this is a request for several conditional uses, one for the pool house and one for the garage. Christine Gallagher stated yes. City Attorney Rachel Yarborough asked Christine Gallagher would each by themselves require a separate conditional use. Christine Gallagher said that they both are over the allowed square footage. City Attorney Rachel Yarborough asked Christine Gallagher if the ordinance is silent as to requesting two conditional uses on one parcel. Christine Gallagher stated no. City Attorney Rachel Yarborough asked not that you are aware of? Christine Gallagher said not that she is aware of. City Attorney Rachel Yarborough asked if there were any conditional requirements. City Attorney Rachel Yarborough said that really what the Commissioners would need to consider are the requirements to meet a conditional use. City Attorney Rachel Yarborough asked what zone the property is in. Christine Gallagher said that it's R1.

Chairman Roger Estopinal asked if there was anyone here with concerns. Jacques Maraist, 140 Bay Oaks Drive, Bay St. Louis, came forward. Jacques Maraist said that you all have copies of letters from the neighborhood that was presented at the previous meeting. Chairman Roger Estopinal said that he got a copy of the Jacques Maraist's letter from February 27, 2017. Commissioner Judy Boudoin read the names of the persons who sent letters, Brigadier General Richard W. Averitt, Earl Marlowe, and Don Brandin. Jacques Maraist said that those letters were in opposition to the driveway. He said that he is not in opposition to construction at all. He said that his opposition is putting in a driveway that would fill in a canal. Jacques Maraist asked the Commissioners permission to read his letter. Commissioners allowed him to read his letter (attached).

Chairman Roger Estopinal asked if there was any one else to comment on this request.

Leah Watters asked if the nature of this meeting was to approve drainage or to approve ingress or egress compared to the permission for the conditional use for the Cottage and Pool house. City Attorney Rachel Yarborough said that it would be a factor that can be taken into consideration. City Attorney Rachel Yarborough said that it can also be stated that it can be more appropriate for a subdivision with so many uses on one property; would certainly address ingress and egress. City Attorney Rachel Yarborough said that it

is a factor that we would have to take the application as a whole and designate it on what is submitted to the Commissioners. City Attorney Rachel Yarborough said that for the record, if there is a conditional approval by Commissioners and the Board of Alderman it would not necessarily be granting you the right to ingress and egress from that particular spot, because you would still need a development permit. Leah Watters said that from her understanding that the public cul-de-sac gives a person the opportunity to ingress and egress to their property at that particular location. City Attorney Rachel Yarborough said that not if it is private property. Leah Watters said that she understood that a cul-de-sac would be a public cul-de-sac. Natasha Shah said that it is a public cul-de-sac. Leah Watters came forth with the plot plan showing the cul-de-sac. Leah Watters said that the cul-de-sac is where the previous owner stated that there's fifteen feet of access on the cul-de-sac. Leah Watters said that it is more than enough for the twelve feet of driveway which will narrow down to eight feet. Natasha Shah said that there is currently an entrance there. City Attorney Rachel Yarborough said that the plot plan that was submitted to the Commissioners and you have not shown that you're affecting any of the drainage. Leah Watters said that they are not here to address drainage to the Commission at all other than using public access. City Attorney Rachel Yarborough said that her question was that what you submitted to the Commission does not show an effect on any drainage as you show it planned and plotted. Leah Watters stated that was correct. City Attorney Rachel Yarborough asked if the Commissioners know where the canal is located. City Attorney Rachel Yarborough asked Leah Watters as to how she knows that this will not affect the drainage. Chairman Roger Estopinal asked Jacques Maraist to come forward. Chairman Roger Estopinal asked Jacques Maraist if he knew where the canal is located. Jacques Maraist stated yes and showed the Commissioners on the plot plan. Chairman Roger Estopinal asked Jacques Maraist if he knew if this is City's property. Jacques Maraist stated yes its City's property because he located the pins and he showed on the plot plan the location of his property. He said that the only access to this property is dead center of the canal. Jacques Maraist said that the canal is a good four feet deep and maybe fifteen feet across. Leah Watters said that the canal is on the left side of the property, but it would be in the front (inaudible from someone coughing) where they can access it and there are engineer's system to maintain it. City Attorney Rachel Yarborough said that can certainly be taken into consideration, but she don't think that alternately in accordance with our ordinances in place for fill and flood zones. City Attorney Rachel Yarborough said that will have to be alternately determined by an engineer what would affect it eventually. City Attorney Rachel Yarborough said that there's a safety net in place alternately that would determine rather the ingress and egress would have effect on the property. Jacques Maraist said that the canal is the only area that drains all of the surrounding properties and that is the only way the water has to get out. Natasha Shah said that when they bought the property, they walked it with the realtor who sold it to them and the realtor said that he had spoken to the previous owner. She said that they went to the back of the property because they were told they could use the rear of the property as an exit as well. She said that the previous owner used the rear of the property as an exit before. Natasha Shah said that all they want to do is take the same path that existed before it became overgrown and abandoned after Katrina. She said that what they had was a natural path that was not paved and that the previous owner used the front driveway. Natasha Shah said that they thought it would look nicer environmentally,

if there were no cars parked in front. She said that they would like to park their cars and use bikes or something to use to get around town. She also said that this would be their second home, but she thinks that one day they would retire and they would be too old to walk anywhere and would be happy in the back yard. Natasha Shah said that the purpose of not putting a driveway in the front of their home was because they are not going to go in and out on a daily basis. She said they definitely don't want to interfere with drainage and they are willing to get an engineer or someone to look at it and make sure this driveway does not interfere with the drainage or if something additionally has to be built for that drainage to be re-routed. City Attorney Rachel Yarborough said that for the records there are multiple objections written and sent to the Planning and Zoning Department that can be submitted as part of the minutes. Jacques Maraist said that there has never been a driveway there, because he cut the grass from his property to the beach, which was one time a road that curved and did not come through the canal it came through his property. Jacques Maraist said that he can show the Commissioners and then pointed out the location of what he was describing. Linda Maraist, spouse of Jacques Maraist, said that they are not just talking about the respect of not having cars parked at the Shah's house. She said that they are talking about flooding a street where there's several homes. She said that they have a boathouse that has several thousand dollars of boats and equipment. She said that they have a small building for their yard equipment, a green house, and they have their home; which they fought to put back with their own hands after Katrina. Linda Maraist said that this is where they live full time. She said that if the Commissioners would take into consideration an aesthetic decision versus flooding something they have worked very hard for all their life and she said that this is their retirement home. City Attorney Rachel Yarborough said that this certainly is not a determination of where the ingress or egress will be on the property by no means. City Attorney Rachel Yarborough said that if you look at an application in the whole they would have to submit if they propose to fill in dirt, any drainage, or add any fill to their property they are going to have to apply for the appropriate permits and have them stamped by an engineer that they're in compliance with all of our ordinances. City Attorney Rachel Yarborough said that it will be cost effective and generally a better idea to take the path of least resistance and go around the canal if in fact it does cause an issue. City Attorney Rachel Yarborough said that if it is determined that it will affect the drainage on their property or the adjacent properties; they would have to present an engineer stamped plan on how to retain all that drainage on their property or the adjacent property and keep it as a drainage canal. City Attorney Rachel Yarborough said that so she finds some comfort in (1) a hearing exactly about the ingress and egress (2) there are safety nets and procedures in place to make sure that property owners are not affected by any development on any adjacent properties. Dr. Pulin Shah, the property owner, said that he wants to make sure that they do everything as required and necessary from a general stand point of view to make sure everything they do will not cause any kind of flooding problem. Dr. Pulin Shah said that they will do whatever is required of them and they are there to get permission to build a guest house in back for his parents. Dr. Pulin Shah said that the ingress and egress thing for sure will be addressed when it comes up. Dr. Pulin Shah said that if it is required for them to build a bridge they will build a bridge, that it is not a problem.

Chairman Roger Estopinal said that they are here to make a recommendation to the Mayor and Board of Alderman and they can make the final decision. He said that this is to protect you as well as the people that are already there. Dr. Pulin Shah said that he understands, but again they are going to do everything so that everybody around them is happy. Commissioner Mike Adams told the Shah's that he was glad that they chose Waveland to retire. Commissioner Mike Adams said that he was not sure of what we were talking about. Commissioner Mike Adams said that he has no opposition to the building whatsoever but he said that there is a huge issue obviously with the drainage. Commissioner Mike Adams said that he doesn't think he is qualified to make a decision. City Attorney Rachel Yarborough said that it is a good point because there's fairly not enough information beside the general objection that there is a fear that the ingress and egress as proposed on this preliminary drawing will affect the near property owners. City Attorney Rachel Yarborough said that reading what this Commission is considering an isolation in whether this property would be allowed two conditional uses one for a Cottage and one for a Pool house. City Attorney Rachel Yarborough said that now in the large scope of things you are certainly entitled to take into consideration any of these factors that may weigh in whether the conditional uses should be granted. City Attorney Rachel Yarborough said that Commissioners certainly have the authority under the ordinance as a commission to put a condition on that they should be in compliance with all of our ordinances. City Attorney Rachel Yarborough said that the Commissioners could make a condition that they avoid to the extent necessary any adjustment to the drainage for ingress and egress. City Attorney Rachel Yarborough said that the Commissioners can put conditions that is the point of conditional use, that you put conditions on granting it to make sure that the interest of the City as a whole is protected. City Attorney Rachel Yarborough said that is the point of conditional use. City Attorney Rachel Yarborough said that if you look at what is required, the Commissioners are required to investigate and make final factor under the Zoning Ordinance 349 Section 906.3. City Attorney Rachel Yarborough read Section 906.3 on conditional uses. She said that is the overall finding that the City will benefit from the overview and the surrounding areas will not be forever affected. City Attorney Rachel Yarborough said that if the Commissioners make that finding it would be appropriated to recommend to the Board. Chairman Roger Estopinal asked if it was R1. Christine Gallaghersaid that it's R1. Chairman Roger Estopinal asked the applicant if they checked with the power company to see how power will be generated to the cottage. Chairman Roger Estopinal said that the power company will not give two meters because they're only going to give one meter for R-1 single family. Leah Watters said that they will address that with the power company. Commissioner Mike Adams asked who is responsible for this drainage. Commissioner Mike Adams said that he visited the property and he has seen the concrete convert that is just in incomplete disrepair. Commissioner Mike Adams asked what happens at this point. City Attorney Rachel Yarborough said that in this situation she said that she has no idea really how this project would affect the neighbor's properties and what it would look like and there's a lot of ifs. City Attorney Rachel Yarborough said that we don't have the expert knowledge to make that special knowledge of a determination. City Attorney Rachel Yarborough said that we would need the City's Engineer to go out and review or for them to submit plans to certify that it would not affect the adjacent property owners. City Attorney Rachel Yarborough said that the owner by ordinance states that

the person developing not affect the adjacent property owners. City Attorney Rachel Yarborough said that if they would submit a plan or permit for their proposed development on the two acres and if it is in a flood zone and plan to put in fill then they submit their plan with engineered stamped plans certifying how they are going to build it up, so it would drain on their property, or that it would not affect adjacent property, or downward property that received drainage. City Attorney Rachel Yarborough said that the person doing the development should retain their water shed on their property as it is now. City Attorney Rachel Yarborough said that it is not necessary within the Commission with possibility at this point, to really take in consideration any drainage affect because we don't necessarily know from an expert point of view what this effect will be. City Attorney Rachel Yarborough said that you can say that there is generally a concern that there's natural drainage that runs through this property; and that the preliminary drawings would show that they propose to either put a fill or a road over it that may affect the adjacent property owners. City Attorney Rachel Yarborough said that generally you can take that into consideration, but to treat it separately at this point would be premature to make any definitive or affirmative ruling on drainage, it's really premature. Commissioner Judy Boudoin asked if they should table it and get the City engineer to look at it and then come back. City Attorney Rachel Yarborough said that would come under their building plans. City Attorney Rachel Yarborough said that when they submit their formal building plans, they would submit an application under our Floodplain Ordinance for development permit and at that point they would have to certify all the requirements. Commissioner Charlotte Watson said that at this point she sees all the letters and she take it from a stand point she carefully review all the complaints turned in for the Commissioners to consider. Commissioner Charlotte Watson said that each and every complaint submitted has to do with the drainage, so at this point as a Commissioner and you as an Attorney, should I ignore the complaints, since their only concerns are only with the flooding. City Attorney Rachel Yarborough said that is not necessary because every application is unique and that is somewhat the point of a conditional use. City Attorney Rachel Yarborough said that if the overwhelming majority of complaints are about drainage then you can try to address that with conditions; you can put the conditions that they may not have access from Shirley Drive (now known as Petite Drive) or that they not affect the natural drainage. She said that this is not a use that is allowed by right. City Attorney Rachel Yarborough said that if somebody is requesting a conditional use, there's usually a reason and there usually should be some conditions attached. City Attorney Rachel Yarborough said that is up to your discretion and take comfort in the fact that you need to attach a condition, but alternately there will be two engineers who review these specifications and say yes or no. City Attorney Rachel Yarborough said that they will certify them with their stamps and the stamp represents an expertise that she is not well versed in. Leah Watters said that they have not applied for a building permit and they handle many construction projects on the gulf coast and all of which is in the floodplain and they had zero complaints about flood matters, thereafter she don't believe it in the interest of the Shah's to create drainage problems because they too would also have to deal with at this point. Leah Watters said that they are asking the commission to consider only conditional uses of the other buildings on the property and they will address all city requirements. Commissioner Mike Adams said that he does not want to stop progress, but he is not ready to make a decision. He said that he feels that

we need to hear from people about the drainage issues before he could make a decision. Commissioner Judy Boudoin said that she agreed with Commissioner Mike Adams, it's hard to make a decision on approving the request and she is leaning on not putting the road in the back based on the complaints. Commissioner Judy Boudoin said that the Alderman voted on a previous request to deny having ingress and egress from the cul-de-sac because of drainage issues and that she leaning in that direction. Commissioner Judy Boudoin said that she has questions about the 2090 square footage of the house. Commissioner Judy Boudoin asked if the covered deck and porch in the rear of the house is included in the square footage or is additional square footage. Leah Watters said that it is included. Commissioner Judy Boudoin asked what the raised platform behind the house would be used for. Leah Watters said that it is the patio. Commissioner Charlotte Watson said that she is looking at the number of buildings, there's no request at all for a variance so that is very appreciative. Commissioner Charlotte Watson asked that as far as the future, will there be any additional buildings that they would be looking to put on the property. Natasha Shah said that she don't think so. Commissioner Charlotte Watson said that she doesn't see other than one garage, she doesn't see a facility for storage for a boat and the commissioner's constantly sees requests coming in for storage for boats/equipment. Commissioner Charlotte Watson asked if as we stand right today, with the best of your knowledge, you're very pleased with these building, these structures. Natasha Shah said that she is satisfied and she grew up with having a boat and it's a lot of work and they are not buying a boat. Commissioner Charlotte Watson asked if there would need storage for yard equipment. Natasha Shah said that the equipment will be stored in the garage. Natasha Shah said that she would probably hire someone to do their lawn. Commissioner Charlotte Watson asked that if the driveway is not approved, where would stand at that point. Natasha Shah said that they would make the entrance from the front of the property. Commissioner Charlotte Watson said that then this is not a do or die. Natasha Pulin said that they're not there for the driveway. Natasha Shah said that they are there just for the building so that will not change any of the buildings on the plan or the locations. Natasha Shah said that it will be a driveway from the front and her mother-in-law house would be located a little behind the main house and so she will have to drive a little farther.

Chairman Roger Estopinal called for a motion on the request for conditional use. Commissioner Charlotte Watson moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **approve** the conditional use to construct a 1272 square foot Garage/Raised pool house and a 1280 square foot guest cottage on their property located at 823 North Beach Blvd. Legal description: PT 11 A First Ward Waveland City of Waveland, Hancock County Mississippi.

After a unanimous vote by all members present in favor of the motion, Chairman Roger Estopinal declared the motion carried.

**Tabled** request from **Jeffery P. Naquin** for the request to remove the Live Oak Tree on his property located at 122 South Beach Blvd. Legal description: PT 67 B Second Ward Waveland City of Waveland, Hancock County Mississippi.

Chairman Roger Estopinal asked if Jeffery Naquin was present. Chairman Roger Estopinal stated that Jeffery Naquin was not present and asked if Christine Gallagher had anything to say. Christine Gallagher said that she received an email that the Naquin's decided to remove the two branches that overhangs their house, because the insurance company was pressing them and if they decide to go forward with their request to remove the tree, they will reapply. Chairman Roger Estopinal said that they just want to withdraw the request. Christine Gallagher said that they decided to just cut the two branches. City Attorney Rachel Yarborough said that because it was tabled, a motion is required.

Chairman Roger Estopinal called for a motion to this request. Commissioner Charlotte Watson moved, seconded by Commissioner Mike Adams to recommend that the Board of Mayor and Aldermen **remove and withdraw** the applicant's request for permission to remove a Live Oak Tree on his property located at 122 South Beach Blvd. Legal description: PT 67 B Second Ward Waveland City of Waveland, Hancock County Mississippi. After a unanimous vote by all members present in favor of the motion, Chairman Roger Estopinal declared the motion carried.

**John and Michelle Bezou** appeared before the commission with a request for a variance of 5' from the required side yard setback on the east side and a variance of 3' from the required setback on the west side. They are also requesting a variance of 22' from the required rear yard setback in order to construct a new residence. This property is located at 315 Hoffman Lane. Legal description: Lot 28 – Block 6 E W Ulman Subdivision City of Waveland, Hancock County Mississippi.

Chairman Roger Estopinal asked John Bezou to explain the nature of the request. John Bezou, 515 Third Street, Bay St. Louis, said that they purchased the property to build a home to sell. John Bezou said that in general, when they build a home to sell or if they live in it, in every case they try to accommodate special handicapped individuals. John Bezou said that a part of what they do is to look at the property and decide what they can do to maximize the lot. John Bezou said that this is a maximum foot print, this is not the footprint of the final house, and it's a conceptual at best right now. John Bezou said that they just purchased the property and they are trying to get it to the next project. John Bezou said that it shows the variance in place as requested. He said that what they requested to do in the rear is for a covered carport and would not be enclosed. John Bezou said that it would be covered to accommodate access into the house. He said that it would be raised to the proper elevation so that one would be able to drive up without having any ramps imposing anywhere else. John Bezou said that this will allow one to drive in at the same level at the back of the house and enter from a covered carport. He said that the lot is only a hundred feet long. John Bezou said that they did not request a front variance which is twenty-five feet, letting the front yard be large enough. He said that the rear covered carport will act as an area in the back yard for entertaining and be covered out of the weather. John Bezou said that this is the reason for the request for the rear variance. John Bezou said that the right side variance is for three feet which to cover the driveway to get the twelve feet minimum. John Bezou said that they constructed the porches on the house to give some open air appeal to the summer home



purchaser. He said that on the other side they are requesting just a ten feet setback as opposed to fifteen feet, so they can maximize the size of the home. Chairman Roger Estopinal asked if notices were sent out and if there had been any objection. Christine Gallagher said that no notices returned. Chairman Roger Estopinal asked if there was anyone in the audience to comment. Chairman Roger Estopinal said that no one was present to object and let it show on record. City Attorney Rachel Yarborough said that for the record the Commission will be considering two variances in terms of the City's Zoning Ordinance that this application may not be contracted in public interest where, owing to special conditions, literal enforcement of the provisions of this Zoning Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be recommended in such case of unnecessary hardship upon a finding by the Planning and Zoning Commission that all of the following conditions exist numbers one through eight:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of size, shape or topography that are not applicable to other lands or structures in the same district.
2. A literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
3. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
4. The requested variance will be in harmony with the purpose and intent of this Zoning Ordinance and will not be injurious to the neighborhood or to the general welfare.
5. The special circumstances are not the result of the actions of the applicant.
6. The existence of a non-conforming use of neighboring land, buildings or structures in the same district, or non-conforming uses in other districts shall not constitute a reason for the requested variance.
7. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
8. The variance is not a request to permit a use of land, building or structures which are not permitted by right or by conditional use in the district involved.

Chairman Roger Estopinal asked if the commissioners had any questions. Commissioner Mike Adams said that there was no oppositions, he has no problem with it. Commissioner Judy Boudoin asked if they were building the house for themselves. John Bezou said that when they build a house to sell, we actually build it for ourselves if we chose to live in it. He said that they are looking to retire and they lived in their home for thirty-seven years and moved into a small condo, but when they build this house, they may have to move into the house. Commissioner Judy Boudoin asked if there is anyone in the back of this property. She asked Christine Gallagher if there were any complaints received.

Christine Gallagher stated none had been received. Commissioner Charlotte Watson asked if the entire front of your property and to the back street is all wooded, overgrown, and undeveloped. John Bezou said that Nicholson is overgrown to the back of their property. Commissioner Charlotte Watson said that her concern is that the back variance is only three feet. She said that it looks like a very small amount and why wouldn't you be able to move the front of the house up a little closer. John Bezou said that is a variance request and they did not request that variance. He said that they only requested the back because of the setback. Commissioner Charlotte Watson said that she sees a lot of constructing of homes going on right now. Commissioner Charlotte Watson said that there is a chance the people that would be your back fence neighbors would want to do a building within three feet of the property line. Commissioner Charlotte Watson said that she can see that there could be a potential problem developing and that property would not be ever developed because your property is too close. She said that is the only problem that she sees with this request. John Bezou said that is the reason that they would never enclose that open carport it will not have any walls to ingress or egress if there was fire in the rear. John Bezou said that the ordinance said that a detached garage has to be at least twelve feet away from the house and there's no way other than a single garage, and it would still need a variance to get up against the fence. John Bezou said that he is inhibited by the length of the property, other than if the variance is amended and move the house forward. He said that there's a big oak tree in the front yard. John Bezou said that if they move the house they would have to cut the tree limbs, so for insurance purposes and don't know how far the drip line of that tree is, or if it would damage that tree. Commissioner Charlotte Watson said that she was not looking at the possibility that there was a tree there and because she was focusing on the back of the house. John Bezou said that there is nothing there, but it's a matter of drainage and they will address the fact that they cannot drain on other people's property.

Chairman Roger Estopinal called for a motion on the request. Commissioner Mike Adams moved, seconded by Commissioner Judy Boudoin to recommend that the Board of Mayor and Aldermen **approve** the request for a variance of 5' from the required side yard setback on the east side and a variance of 3' from the required setback on the west side. They are also requesting a variance of 22' from the required rear yard setback in order to construct a new residence. This property is located at 315 Hoffman Lane. Legal description: Lot 28 – Block 6 E W Ulman Subdivision City of Waveland, Hancock County Mississippi.

After a unanimous vote by all members present in favor of the motion, Chairman Roger Estopinal declared the motion carried.

**Le Plaza** is requesting a variance of 1' from the required freeboard requirement in the City of Waveland's Flood Damage Prevention Ordinance #342 on their property located at 301 Hwy 90. Legal description: PT SE ¼ 34-8-14 City of Waveland, Hancock County Mississippi.

Chairman Roger Estopinal asked Stacy Coe to explain the nature of the request. Stacy Coe, with Millennium Construction, read out loud the letter of request for the variance.

(attached) City Attorney Rachel Yarborough said that since Brent Anderson is our Floodplain Administrator and there is some history with this, of course by the definition of the Ordinance, the Floodplain Administrator should be here to submit any evidence or comments he would have as to the history of application to the Board. City Attorney Rachel Yarborough said that Brent Anderson was not able to be here until Monday, which is April 3<sup>rd</sup>. She said that she would suggest that we not necessarily take any evidence outside of what has been submitted in their application and allow the City and the Floodplain Administrator to be present, so we can fully consider all elements of the application. City Attorney Rachel Yarborough said that she knows this was publicized, however this actually requires a variance under Flood Prevention Ordinance which does not require a public hearing. She said that her concern is delaying them for another seventeen days one way or another. City Attorney Rachel Yarborough said that she suggest that we table this request and recess this meeting until a date and time that everyone can be present. She said that Brent Anderson said that he would be back on Monday and he will be available any time Monday, so based on everyone's schedule, we have a resumption of a recessed meeting and take your application from there. City Attorney Rachel Yarborough said that we need both parties to be there for an arcuate record, so we can consider all the relevant information. She said that at this point that her recommendation to the Commissioners would be to table and recess the meeting.

Chairman Roger Estopinal called for a motion on the request. Commissioner Charlotte Watson moved, seconded by Commissioner Judy Boudoin to **table and recess** until Monday April 3<sup>rd</sup> at 5p.m. the request from Le Plaza for a variance of 1' from the required freeboard requirement in the City of Waveland's Flood Damage Prevention Ordinance #342 on their property located at 301 Hwy 90. Legal description: PT SE ¼ 34-8-14 City of Waveland, Hancock County Mississippi.

The date of the next regularly-scheduled meeting will be April 24, 2017.  
Chairman Estopinal called for a motion to adjourn the meeting.

Commissioner Charlotte Watson moved, seconded by Commissioner Judy Boudoin to **Recess** the meeting. After a unanimous vote by all members present, in favor of the motion, Chairman Roger Estopinal declared the motion carried and the meeting recessed at 7p.m.

Respectfully submitted,

Christine Gallagher, Zoning Official