

CITY OF WAVELAND  
PLANNING & ZONING COMMISSION  
MINUTES  
SEPTEMBER 21ST, 2020 6:00 PM  
**HELD VIA CONFERENCE CALL**

1. Call to Order / Roll Call  
Chairman Meggett opened the meeting at 6:05 PM. Commissioners present; Mike Adams, Ward 1, Clarence Harris, Ward 2, Charlotte Watson, Ward 4 and Chairman Jim Meggett. Commissioner July Boudoin Ward 3, was absent. Chairman Meggett declared that there was a quorum present. David Draz, Zoning Official and Mickey Lagasse, City Clerk and Malcolm Jones, City Attorney were also present.
2. Approval of the Minutes for the August 17<sup>th</sup>, 2020 regular meeting.  
Commissioner Adams made a motion, seconded by Commissioner Harris, to approve the minutes with a minor change on one item. Commissioners Adams, Harris Watson voted in favor of the motion. Chairman Meggett declared the minutes approved.
3. Shane Bernard, owner of the property commonly known as 119 Market Street; Legal Description: Lot 100C, Parcel 108, Third Ward, Waveland, Mississippi, is requesting variances from Section 701.3 – Minimum Front Yard – Twenty-five (25) foot, Section, Section 701.4 – Minimum Side Yard - Fifteen (15) feet and Section 701.5 Minimum Rear Yard – Twenty-five (25) feet. The applicant is requesting a five (5) foot variance from the front yard requirement resulting in a twenty (20) foot front yard. The applicant is requesting a five (5) foot variance from the Rear Yard requirement resulting in a twenty (20) foot rear yard. The applicant is requesting a five (5) foot variance from each side yard resulting in ten (10) foot side yards.

The Applicant was not on the conference call yet so the Commission hold the item until Mr. Bernard got on the call. City Attorney, Malcolm Jones, City Attorney requested holding the item until the applicant was on the call. He provided a briefing on the issue of the ambiguity in the first public notice and he had recommended that the applicant re-apply for the requested variances. The applicant got on the call and the case was heard after the Commission heard the case under Item #4 below.

Chairman Meggett asked that the applicant to explain their request for the requested variances. Shane Bernard explained his request to the Commission and said he understood that there was an error in his first application. He also stated although the house plans are not complete that his original request for the yard setback was based on the initial footprint he was considering. The Commissioners and Chair asked questions regarding the request. The applicant responded to the questions.

Chairman Meggett asked if anyone was present who would like to speak for or against the request. No one came forward. Chairman Meggett asked staff if anyone had contacted the zoning office or sent any letters. Staff indicated that there were no letters or calls from adjacent property owners.

**After discussing the requested Conditional Use, Commissioner Adams made a motion, seconded by Commissioner Harris, to recommend approval of the requested variances and that the Commission finds that the criteria for a variance as listed in Section 906.1 of the current Zoning Ordinance had been met. Commissioner’s Adams, Harris and Watson voted in favor of the motion. Chairman Meggett declared the motion approved.**

- 4) Brian Alexander, current owner of the property commonly known as 1200 Henderson Street, Legal Description; Lot 2B, and Part of Lot 5, 4<sup>th</sup> Ward, Waveland, Mississippi is requested a Conditional Use for an Accessory Structure over Five-Hundred (500) square feet as required by Section 601.1(K) of the current Zoning Ordinance. The applicant is requesting to build an Accessory Structure (Pole Barn) of One-Thousand, Three-Hundred and Fifty (1,350) square feet.

Chairman Meggett asked that the applicant to explain the request for the variances. Brian Alexander explained his request for a Conditional Use for a proposed accessory structure of One-thousand, three hundred and fifty (1,350) square feet. He stated, as shown in the exhibits with his application, this would be an open sided pole barn for a cover over his RV and boat. He clarified that his building permit application for the house on the same property had not been submitted yet and said he understood from staff that the permit for the accessory structure could not be submitted until his plans for the house had been approved and the slab was complete. He was anticipating a longer time frame for the Conditional Use approval but he wanted to get it into place

The Commission asked questions of the applicant and held discussion regarding the case. The Chairman asked if anyone was present to speak for or against the request. No one came forward.

**Commissioner Watson made a motion, seconded by Commissioner Adams, to recommend approval of the requested Conditional Use for an accessory structure (pole barn) of one-thousand, three hundred and fifty (1,350) square feet and that the criteria for a Conditional Use as stated in Section 906.3. Commissioners Adams, Harris and Watson voted in favor of the motion. The Chairman stated that the recommendation had been approved.**

5. Terie Capella & Julie Schuster, current owners of the property commonly known as 311 Waveland Avenue, Legal Description; South ½ of Lot 13 and All of Lot 14, Finks Subdivision Waveland, Mississippi are requesting variances from the current Zoning Ordinance, Section 701.2, Minimum Lot Width for both proposed “Parcel A” and “Parcel B”. The Applicants are requesting a variance of twenty-five feet for both proposed lots. The purpose of the request is to allow the owners to split the current parcel in to two lots for the purposes of Single Family residences on both lots.

Chairman Meggett asked the representative for the owners, as verified by a letter in the application exhibits that stated that they gave their permission for Mr. Dane Doucet to represent their case. Mr. Doucet explained the request for the frontage variance for each of the two proposed lots. Both lots had over Eighteen thousand (18,000) square feet.

Chairman Meggett asked if there was anyone present who would like to comment for or against the requested variances. Shane Bernard, owner of a property near this property received the notice sent to adjacent property owners, stated that he had no objection to the requested variances. No one else came forward. The Commission asked some questions of the applicant. The applicant and staff responded to the questions.

**Commissioner Watson made a motion, seconded by Commissioner Harris to recommend approval of the requested variances and that the criteria for a variances as stated in Section 906.1 of the current Zoning Ordinance had been met. Commissioners Adams, Harris and Watson voted in favor of the motion. The Chairman declared the recommendation was approved.**

6. Marion Langdon, current owner of the property on St Anthony Street (not yet addressed), legal description; Lots 3 &4, Block 2, Audrey Place subdivision is requesting a variance from the Lot Area to bring the parcel into compliance and allow construction of a single-family residence. The parcel requires a variance from the overall lot area requirement for Single Family Residential (R1) of 12,000 square feet per Section 701.1 – Minimum Lot Area. The proposed parcel would have an area of 8,750 square feet. The variance request would be 3,250 square feet for the parcel.

Chairman Meggett asked the applicant to present their case. Marion Langdon, owner of the property spoke to the request and explained the exhibits she had included with her application. The Chairman asked staff if any letters or calls had been received from adjacent property owners. Staff said that there were no calls or letters received but that there were several neighbors who were on the call and would want to comment.

At this point the Zoning Official lost audio and was not available until he re-set his computer. The connection was not fully restored until near the end of the meeting.

Prima Luke, 338 Jeff Davis Avenue spoke first. She discussed various issues related to this item including providing history on the discussed sale and responded to some of the comments that the owner had made in her presentation. She also stated that the City should enforce the regulations regarding lot size in R-1 – Single Family Residential District. Finally she stated that she objected to the request for a variance from the lot frontage requirement.

K.G. Breisacher, 506 St. Anthony Street stated that he objected to the variance and saw no reason to grant it. He indicated that there was a house on the street that was “to large” for the lot and it created parking problems. He did not want to see more of these problems created.

Elizabeth Stahler, owner of the property at 509 St. Anthony Street and lives at 513 Jeff Davis Avenue, asked whether a person who received the variance could either build or sell the property. She also asked if the variance ran with the land. The Chairman and Mickey Lagasse both confirmed that the property could either be built on or sold by the current owner and that the variance ran with the property. She discussed various neighborhood issues and Sections of the Zoning Ordinance. She stated her objection to the variance request.

Tim Sutherland, 502 St. Anthony Street, stated that he objected to the variance request. He lives across the street from this property and sees nothing but parking problems if a house were to be built on such a small lot resulting in increasing parking problems on the street.

Helene Giles, a realtor that was involved in the sale of the two lots conveyed from Marion Langdon to Elizabeth Stahler. She provided the history surrounding the sale. She stated that she had visited the Zoning Office and that the Zoning Official said there would be no problem with the sale. City Attorney, Malcolm Jones indicated that he had reviewed the deeds and stated the dates of the original purchase by the current owner occurred in 2012 and the sale of the lots to Elizabeth Stahler occurred in 2018. He asked Helene Giles if she had anything in writing from the Zoning Official. She indicated that she did not. The City Attorney asked the Zoning Official if he recalled the meeting she referred to and whether or not he had stated what she said. The Zoning Official had lost audio connection to the meeting and was working on restoring the connection. Consequently, the Zoning Official could not respond at that point.

Martha Chambers, 511 St. Anthony Street, stated that she lives on the same block and does not understand why this variance is not approved. She said that if owner could just sell her property the lack of harmony and peace in the neighborhood would not go away. She stated that she was in favor of the variance.

Elizabeth Stahler, 509 St. Anthony Street asked to speak. She stated that she thought she was buying just one small ‘postage size lot with the house on it’, but that when she walked the property with the realtor that she was informed that the other lot went with the lot and was part of the sale.

Marion Langdon, the property owner requested to respond to some of the comments. She gave some history and re-iterated that she did not understand why this was necessary and why she could not get the variance and sell her property.

**Commissioner Adams made a motion, seconded by Commissioner Watson, to recommend approval of the requested variance and that the Commission finds that the criteria for a variance as stated in Section 906.1 of the Zoning Ordinance had been met. Commissioners Adams, Harris and Watson voted in favor of the motion. The Chairman stated the recommendation had been approved.**

7. Beach Walk Development, LLC has made application for a Conditional Use for an R-1 Single Family Zoning District per Section 601.2(G) of the current Zoning Ordinance. The purpose of the Conditional Use application is to allow the development of a Residential Planned-Development Project pursuant to Section 401.8 of the current Zoning Ordinance. The property consists of the following Parcels, "Parcel#1) 161F-0-02-022.008, "Parcel#2) 161F-0-02-017.000 and "Parcel #3) 161C-0-02-139.000. Legal Descriptions of Parcels; Parcel #1 – Part of Lot 14, 2<sup>nd</sup> Ward, City of Waveland, MS. Parcel #2 – Parcel#2 – Lot 12A, 2<sup>nd</sup> Ward, City of Waveland, MS. Parcel#3 – Lots 27A & 26B, Grosvenor Place Subdivision.

**The City Attorney explained that the applicants had agreed to postpone the case until the October 19<sup>th</sup>, 2020 meeting. No action was taken.**

8. Beach Walk Development, LLC has made application for a Preliminary Subdivision Plat for an R-1 Single Family Zoning District Conditional Use – Residential Planned-Development Project pursuant to Section 305 – Procedure for Approval of Preliminary Plat, City of Waveland Subdivision Ordinance. Please see Parcel Descriptions and Legal Descriptions of said Parcels above.

**The City Attorney explained that the applicants had agreed to postpone the case until the October 19<sup>th</sup>, 2020 meeting. No action was taken.**

9. Any requests to address the Commission. No one came forward.
10. Reports from Chair, Commissioners and Staff. Chairman Meggett reported that the Board of Alderman approved both recommendations for the two items that had been forwarded to them for final action.
11. Set the date for the next regularly scheduled meeting, Monday, October 19th, 2020 at 6PM. Commissioner Harris made a motion, seconded by Commissioner Adams, to approve the meeting date. All Commissioners present voted in favor of the motion.
12. Adjourn. Commissioner Harris made a motion, seconded by Commissioner Adams to adjourn the meeting. All Commissioners present voted in favor of the motion. The meeting adjourned at 7:39 PM.