

CITY OF WAVELAND
PLANNING & ZONING COMMISSION
MINUTES
NOVEMBER 23RD, 2020 – 6:00 PM
VIA CONFERENCE CALL ONLY

1. Call to Order / Roll Call.
Chairman Meggett called the meeting to order at 6:02. Commissioner's Adams, Harris & Frater were present. Also present were Chairman Meggett and Zoning Official, David Draz. Commissioner Watson was absent.
2. Approval of the Minutes for the October 19th, 2020 regular monthly meeting.
Chairman Meggett read the item. The Chairman also asked staff about the changes and corrections he had proposed. Staff noted that several of his changes and corrections had been made to the minutes. With the changes and corrections, Chairman Meggett asked for a motion to approve the minutes with the minor changes and corrections.

Commissioner Adams made a motion, Seconded by Commissioner Harris, to approve the minutes with the minor changes and corrections. Commissioner's Adams, Harris and Frater voted in favor of the motion. Chairman Meggett declared the motion approved.

3. Michael Leger, current owner of the property, to be known as 125 Market Street (not yet addressed. Legal Description; Parcel "B", from the recently approved Resubdivision of Tax Parcel 162R-0-10-106.000, is requesting a variance from the Rear Yard Setback Requirement of twenty-five (25) feet per Section 701.5 of the current Zoning Ordinance. The applicant is requesting a variance from the Rear Yard Setback to allow a twenty (20) foot Rear Yard Setback, requiring a variance of five (5) feet. The request is to allow the construction of a Single-Family Residence.

Chairman Meggett read the item and asked the applicant to explain his request for the Rear Yard Setback variance. Michael Leger, owner of the property explained his request and stated that he had adjusted to house plans so they utilized the width of the available buildable area. Chairman Meggett asked the Commissioners if they had any questions. They had no questions. Chairman Meggett asked about the Live Oak Trees and whether the applicant was going to be able to avoid putting anything under the drip line of the trees. The applicant stated that his house plans purposely avoided the Live Oaks and their drip lines. Chairman Meggett asked if there was anyone present who would like to comment for or against the requested variance. No one responded. The Chairman asked if any letters or call had been received. Staff stated that no letters or calls had been received.

Commissioner Harris made a motion, seconded by Commissioner Adams to recommend approval of the variance of five-feet from the Rear Yard Setback Requirement in R-1 resulting in a Rear Yard Setback of twenty (20) feet. The Commission also found that the criteria for a variance as stated in Section 906.1 had been met. Commissioners Adams, Harris and Frater voted in favor of the motion. Chairman Meggett declared the motion approved.

4. Kearny Robert, owners of the property commonly known as 404 S. Beach Blvd; Legal Description; Part of Lot 42, 3rd Ward, City of Waveland, Hancock County, Mississippi; are requesting a Conditional Use as provided for in Section 302.16 and Section 906.3 of the current Zoning Ordinance. An accessory structure over five-hundred (500) square feet is considered a Conditional Use in R-1 Single Family Zoning District. The purpose of the request is to allow the applicant to construct an accessory structure of a One-thousand and fifty (1,050) square feet. The accessory structure will be used for storage of vehicles and yard equipment.

Chairman Meggett read the item and asked the applicant to explain his request for a Conditional Use for and accessory structure of One-thousand and fifty (1,050) square feet. The applicant presented his case and stated that the structure would be used for a garage, storage of vehicles, a boat and other

yard items currently scattered around his lot as well as general storage. He stated that he had heard some complaints from neighbors about the vehicles and yard equipment currently spread around his lot. He also stated that there was a previous structure in this location that was destroyed in Katrina that measured over eleven-hundred (1,110) square feet.

The Chairman asked if any of the Commissioners had questions for the applicant. Commissioner Frater stated that he was a neighbor to this property and that Kearny Robert was his nephew so he was going to recuse himself from voting on this case. Chairman Meggett asked the applicant if there was a driveway to his proposed structure. The applicant explained that there was a previous driveway coming off of Farrar Lane and that he would be using that drive to access the proposed accessory structure after he had reconstructed it. The Chairman also asked if this was a metal building. The applicant said that it was however he had selected lap siding to make it look like other houses and structures in the area.

Mary Brackman, 97 Farrar Lane, questioned the need for a structure this large. She also asked about drainage. Staff explained that if his Conditional Use for this Accessory Structure was approved that part of the Building Permit Application and review would require the submission of details on the drainage around the structure to make sure it was not draining onto any adjacent private property.

Mike Terrell, owner of the property at 136 Farrar Lane, had some questions about the size and that it was one story. After his questions, Mr. Terrell stated that he had no objection to the request.

Jack Morgan, 118 Farrar Lane said first of all that Kearny was a great neighbor. He expressed concerns about the cubicle volume of the proposed garage/ accessory structure. He also said that a metal building required maintenance. He also said that he knows why the applicant is going with a metal building because the engineers design the building and stamp the plans. He said he was not objecting to the requested accessory structure, he just had concerns about the overall space in the proposed structure.

The applicant responded that the mean roof height was twelve and a half (12'6"). And he has tried to keep building in character with other houses and structures in the area.

Patty Goodwin, 129 Farrar Lane, felt that the proposed structure was right up against the property and she stated she was a realtor who worked out of her home and been doing numerous things to her property to make it look better and to increase the value of the property. She expressed concerns about how the proposed structure would decrease property values to all properties in the immediate area.

Chairman Meggett asked for a motion. Commissioner Harris made a motion, seconded by Commissioner Adams to recommend approval of the Conditional Use for an Accessory Structure of one-thousand and fifty (1,050) square feet and that the requested Conditional Use meet the criteria for a Conditional Use as stated in Section 906.3 in the current Zoning Ordinance. Commissioners Adams and Harris voted in favor of the motion, Commissioner Frater, as he previously stated was recusing himself from this case (see above for the reasons), Chairman Meggett also voted in favor of the motion. The motion was declared approved.

5. Brent and Christie Morreale, owners of the property commonly known as 732 Faith Street, Parcel #137M-2-35-068.000; Legal Description: Lots 15 – 20, Block 92, BSL Land & Improvement Subdivision; are requesting a Re-Zoning from R-1 to R-2 for the subject property as required by Section 905 of the current Zoning Ordinance. Section 602.1(C) requires that Two-Family dwellings require eight thousand five hundred (8,500) square feet per unit per lot. Each lot has ten thousand and sixteen (10,016) square feet thus allowing one duplex on each lot if the re-zoning is approved. A recently approved Parcel Split with variances requires that the applicant request rezoning of both Parcel "1" and Parcel "2" (please see attached survey showing Parcel "1" and Parcel "2"). The purpose the requested Re-Zoning is to allow the applicant to construct one duplex (two-family dwelling) on each of the lots.

Chairman Meggett read the case description and asked the applicants to come forward and present their case. Brent and Christie Morreale, 723 Faith Street and owners of the property in this case discussed their existing floor plan for the current house at 732 Faith Street was only currently lived in by one lessee and that half of the space of the building would be empty and would accommodate the buildout of a second separate living area and the cubicle contents would not be changed. They stated that the building is about 2,400 square feet. The other lot involved in this requested re-zoning would have one duplex of approximately the same total square footage.

The Chairman asked the Commissioner's if they had any questions for the applicant. Commissioner Frater asked the applicants to explain the diagram and what space was occupied and if the diagram was the space being leased was proposed. The applicant explained that the L-shaped portion of the building was occupied and the area showing the detail was the proposed second living unit in the duplex. They stated that this proposed duplex would have only 2 bedrooms in each living unit. The also said the other proposed duplex on the lot next door would also be designed as 2 bedroom living units and no more. They said that they lived across the street and wanted to limit it to two bedroom living units.

Chairman Meggett said that when he first looked at this case that he was not particularly in favor of the 2 duplexes, but after looking at the zoning exhibit of the area he noted there several other properties zoned R-2 along with a C-1 zoned property and lots of C-3 just north and west of the property and that removed his initial objection.

Chairman Meggett asked staff if any letters or phone calls about this case had been received. Staff also reminded the Commission that in a re-zoning case, every property owner within three-hundred feet of the property. Brent Morreale said that one of the neighbors who lived at the end of Faith Street had contacted him and asked what he was doing. After Brent explained, that there were currently only two houses located at the end of the street and the neighbor had no issues with what the applicants were proposing.

Chairman Meggett asked for a motion. Commissioner Harris made a motion, seconded by Commissioner Frater. Commissioner Adams voted no. Commissioner's Harris and Frater voted yes. The Chairman stated that the motion had carried.

6. At their meeting on October 21st, 2020, the Mayor and Board of Alderman sent the proposed new Tree Preservation Resolution developed by Keep Waveland Beautiful amending the current section of the Zoning Ordinance, Section 408.1 of the current Zoning Ordinance (#349) to the Planning and Zoning Commission for review and recommendation. The proposed resolution proposes a number of changes to strengthen the regulations, procedures and processes involved in making an application for removal of a Protected Tree.

Chairman Meggett read the item description and gave some background on this item. He stated that Keep Waveland Beautiful went before the Mayor and Board of Alderman on October 9th, 2018 and offered to help re-write the current regulations that came from Ordinance NO. 193 which went into effect on July 22nd, 1983. He noted that KWB had noticed that people were cutting down trees and that the ordinance was pretty weak. When Jim and Bernie Cullen came to the Board of Alderman that they voted unanimously to have KWB work on re-writing the regulations. Chairman Meggett said that KWB formed a committee to gather information from other cities including Waveland, Bay St. Louis, Diamond Head, Pass Christian and Ocean Springs. After they had identified portions of those regulations, Jim worked with the Zoning Official to put the information together in a proposed resolution to amend Section 408 of the current Zoning Ordinance.

The Commission held a lengthy discussion, including going through the proposed changes. The review copy showed the additions in Green and were highlighted. The items being proposed for removal were shown as struck through. Staff also provided the Commission with a summary document "cheat sheet" that highlighted the main proposed changes to the current Tree Preservation regulations.

After the lengthy discussion the Commission decided to table the item until their January meeting.

Commissioner Harris made a motion, seconded by Commissioner Adams, to table this item until their January 18th, 2021 regular monthly meeting. Commissioners Adams, Harris and Frater voted in favor of the motion. Chairman Meggett declared the motion approved.

7. Any requests to address the Commission. No one addressed the Commission
8. Reports from Chair, Commissioners and Staff. Chairman Meggett reported on the P&Z items that were acted on at the November 3rd, 2020 Mayor and Board of Alderman meeting. They approved two of the three items and denied the third. He noted that the denied item was being reconsidered by the BOA at their December 16th, 2020 meeting.
9. Set the date for the next regularly scheduled meeting, Monday, December 21st, 2020 at 6PM. Commissioner Adams made a motion, seconded by Commissioner Harris to approve the date for the next regular P&Z meeting. All Commissioners present voted in favor of the motion.
10. Adjourn
Commissioner Adams made a motion, seconded by Commissioner Frater to adjourn the meeting. All Commissioners present voted in favor of the motion. The meeting was adjourned at 7:59 PM.