

Date: April 26, 2026

TO: Jeremy Burke, Zoning Administrator; Members of the Planning & Zoning Commission; BSL City Council Members; Mayor Mike Favre; and Caitlin Thompson Bourgeois, Clerk of Council

From: Kathleen C. Monti, 105 Sycamore Street, Bay St. Louis, MS

RE: **312 DeMontluzin Avenue – John Robin application for a Special Exception to allow an Accessory Dwelling on a lot under 15,000 square feet**

This application for a Special Exception to allow an Accessory Dwelling at 312 DeMontluzin must be denied outright by the Planning & Zoning Commission and the City Council because according to the **Article X, 1002.6.B.- Accessory Dwelling Section (p. 144)** of the current Bay St. Louis Zoning Ordinance, **an Accessory Dwelling is only allowed on lots of more than 15,000 square feet.** This lot is only 11,639 square feet and does not meet this critical requirement. Lots under 15,000 square feet simply do not qualify according to our Zoning Ordinance as further evidenced throughout the zoning document.

As shown on the **Chart of Uses (Section 623 & Note 2 on pages 77 & 88)**, Accessory Dwellings are NOT allowed BY RIGHT even if a parcel of land is over 15,000 square feet. All applications for Accessory Dwellings on lots over 15,000 square feet are still required to apply for approval through the Special Exception application process.

Additionally, **Section 623.2 (p. 77)** states that “**Special Exceptions must meet the criteria defined in Section 1305.2 to be approved.**”

The criteria defined in **Section 1305.2.B.5 (p. 207)** states “**The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.**” The 312 DeMontluzin parcel does not satisfy the space requirements for an Accessory Dwelling.

The applicant is not entitled to ask for a variance to reduce the square footage requirement of an Accessory Dwelling because it is prohibited by **Section 1305.3.H -Variances (p.209)** which states: “**The variance is not a request to permit a use of land, building, or structure which is not permitted by right or by special exception in the district involved.**”

Although several neighbors have signed letters of support for Mr. Robin, this effort does not add validity to his request for an Accessory Dwelling because it is still in direct violation of our **lawful** current Zoning Ordinance.

In Mr. Robin's plan, his existing garage structure would be converted to a garage with a living area of 356 square feet. On paper, there is no difference in the square footage of this structure, and one could argue that there is no difference in density to his neighborhood if his request for an Accessory Dwelling is allowed.

However, the meaning of density is becomes radically different when the USE OF THE STRUCTURE changes from a garage to an Accessory Dwelling. Now the meaning of density changes from mere square footage to include the meaning in terms of additional people on the property, more cars parked at the parcel, and additional traffic on State Street and DeMontluzin. And this is the type of density that the residents and property owners have been rallying against over the past several months at different Ward Town Hall meetings held in Bay St. Louis.

Prohibiting Accessory Dwellings on lots under 15,000 square feet in size was intentionally restricted in our current Zoning Ordinance to avoid the increasing issues of density and overpopulation of our neighborhoods. It needs to remain in our proposed zoning ordinance as well.

Please vote to deny this application. Thank you for your consideration.



Kathleen Monti

- I. Where an industrial property abuts a residential property, the accessory structure shall be no closer than twenty-five (25) feet from the side or rear property line abutting the residential district, and there shall be placed an opaque fence eight (8) feet in height to buffer the accessory structure from the residential property.

#### **1002.4 LOT COVERAGE**

- A. Accessory structures shall not exceed the primary structure in height in residential zones, and in no case shall exceed twenty-five (25) feet in height total.
- B. Accessory structures shall be included in determining lot coverage by the principal building or buildings.
- C. The following shall be exceptions:
  1. Swimming pools.
  2. Not more than one and one-half (1 ½) story accessory structure which occupies five hundred (500) square feet or less of the rear yard area, per site. The five hundred (500) square feet limitation does not apply to accessory dwelling units which are subject to a size limitation of twenty-five per cent (25%) of the principal structure when all other accessory structure requirements have been met.
- D. Maximum lot coverage of all accessory structures shall not exceed fifty (50) percent of the total area of the side and rear yards.

#### **1002.5 HEIGHT**

The height of an accessory structure shall not exceed the primary structure in height in residential zones, and in no case shall exceed twenty-five feet. The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

#### **1002.6 ACCESSORY DWELLING**

- A. **Applicability**  
Section 1002.6 applies to any accessory dwelling unit that is located in a building that is not attached to the principal dwelling.
- B. **Number Permitted**  
Only one (1) accessory dwelling unit is permitted per lot in districts where allowed on lots of more than 15,000 square feet. The accessory dwelling shall not contain more than two (2) bedrooms, and shall be limited to less than fifty (50) percent of the floor area of the principal structure.

**SECTION 623: CHART OF USES FOR ALL ZONING DISTRICTS**

**623.1 USES PERMITTED BY RIGHT**

Uses allowed by right are specified in the Chart of Uses by an “R” in the Chart.

**623.2 USES REQUIRING SPECIAL EXCEPTIONS**

Uses listed in the chart may be permitted upon approval by the City Council after a recommendation from the Planning Commission. These uses may be allowed as Special Exceptions and are designated in the Chart of Uses by an “S”. Special Exceptions must meet the criteria defined in Section 1305.2 to be approved.

**623.3 USES NOT ALLOWED**

Uses designated with a blank box in the Chart of Uses are not allowed within the specified zoning district.

Chart of Uses																		
(R) Allowed by Right																		
(S) May be allowed by Special Exception with Approval of City Council																		
( ) or blank Not Allowed																		
Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Single Family Dwelling	R	R	R	R	R			R	R	R	R				S	R	R	
Duplex or Two-plex		S	R (1)	R				R	R	R	S				S	R	R	
Multi-Family Dwelling				R				R	R	R	S					S	S	
Condominiums				R				R	R	R				R	R	R	R	
Townhome or Row House		S	S (1)	S				R	R	R	S			R	R	R	R	
Zero Lot Line Subdivision not infill		S	S (1)	S				R	R	R	S					R	R	
Manufactured Home Park										S								
Assisted Living or Skilled Nursing Services				S				S	S	S	S							
Transitional Home								S	S	S	S							
Accessory structures	R	R	R	R	R			R		R	R	S	S	R	R	R	R	
Accessory Dwelling Unit/ Detached	S (2)	S (2)	S (2)	S (2)	S (2)			S (2)	S (2)	S (2)	S (2)					R	R	

Chart of Uses																		
<b>(R) Allowed by Right</b>																		
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Use/ Activity	R-1	R-1 A	R-2	R-3	R-4	R-5	R-5A	C-1	C-2	C-3	OC	I-1	I-2	CD	RD	W-1	W-2	W-3
Towing and Road Service										R			S					
Trade School								S	S	R	S		S	S				
Trailer Sales										R			S					
Veterinary Hospitals (Large Animal)										R			S					
Video Rental								R	R	R	R	S	S	R	R	R	R	
Water Park-Commercial										S				S	S		S <sup>(9)</sup>	
Wine and Liquor Store (Off premise Consumption of Alcohol)								R	S	R	R			R	R	S	R	

**CHART OF USES NOTES:**

(1) Only two units under one roof are allowed per parcel.

(2) A single family dwelling unit is the principal use, and one accessory detached dwelling unit is allowed for each lot over 15,000 square feet.

(3) All operations shall be (a) conducted within an enclosed building, (b) provided further that if the building is located within fifty (50) feet of a lot in a residential zone with no intervening street, the wall of the building nearest such zone shall have no openings other than doors or stationary windows; and (c) that such doors shall be permitted only if the building is adjacent to any alley and they may be opened only at intervals necessary for ingress and egress,

(4) Subject to specific regulations in Article XI, Site Plan Review.

(5) Not to allow painting of automobiles or boats on site.

(6) Computer and other electronic hardware/software establishments, research and development establishments, provided no operations are obnoxious, offensive, or detrimental to neighboring property by reason of dust, smoke, vibrations, noise, odor, or effluents.

### 1305.2 SPECIAL EXCEPTIONS

To hear and recommend action to the City Council on this Ordinance; to consider such questions that are involved in determining whether special exceptions should be granted with such conditions and safeguards as are appropriate under this Ordinance.

A special exception shall not be recommended unless:

- A. The owner of the property for which the special exception is sought or his agent shall be notified by mail at least fifteen (15) days in advance of a public hearing. A notice shall be mailed not less than fifteen (15) days prior to the date of such hearing, to the owner of all properties within a radius of three hundred (300) feet of the external boundaries of the property described in the application for the special exception, using for this purpose the last known address as shown on the tax rolls. Hearing notice shall be posted on the property in question at the City Hall, and in one other public place at least fifteen (15) days prior to the public hearing, and data pertinent to the exception being sought shall be given in a local newspaper with general circulation in the community at least fifteen (15) days before the hearing.
- B. The Commission shall make a finding that the granting of the special exception will not adversely affect the public interest.
  1. The special exception shall be oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
  2. The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
  3. The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.
  4. The proposed use will not be affected adversely by the existing uses.
  5. The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of said use.
  6. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use such facility, vehicular movement, noise, or fume generation or type of physical activity.
  7. Utilities and fire protection services with reference to the location and the use shall be available and adequate.
- C. The Planning and Zoning Commission may direct the Building Official to inspect the site and report to the Planning and Zoning Commission as to the existing conditions.

- G. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.
- H. The variance is not a request to permit a use of land, building, or structure which is not permitted by right or by special exception in the district involved.
- I. Notice of public hearing shall be given as in Section 1305.2(A).
- J. The variance can't be transferred to a subsequent owner of the property, if the variance is unused.
- K. The grant of a variance shall expire if the variance has not been activated within twelve (12) months of final approval. "Activation" shall mean obtaining a building permit for the required or necessary construction. In addition, the activation shall not be effective unless the construction is completed within twelve (12) months of obtaining the building permit. On good cause shown, the Bay St. Louis City Council may extend the above stated time limits for up to a maximum of twelve (12) months.

**1305.4 HEAR AND MAKE A RECOMMENDATION ON AMENDMENTS TO THE ZONING ORDINANCE**

To hear and to make a recommendation on such amendments to the Zoning Ordinance, including the zoning map. Notice of public hearing shall be given as in Section 1305.2(A) and the Planning Commission shall study, hear and make a recommendation on the proposed changes and submit this recommendation to the City Council.

**1305.5 INTERPRETATION OF USES**

For any use not specifically listed, the Planning and Zoning Commission shall make a determination of the district or districts in which said use shall be permitted either by right or on a conditional basis. Any such determination shall be based on the subject's uses similarity in nature, intensity of land use, impact and general character to other uses listed in the various districts.

**1305.6 SITE PLAN REVIEW**

The Planning and Zoning Commission shall be responsible for reviewing and making a decision on minor site plans, as defined in Section 1102.2.

**SECTION 1306: DECISIONS OF THE PLANNING AND ZONING COMMISSION**

In exercising the above mentioned powers, the Planning and Zoning Commission by a concurring vote of a majority of its members present and voting may recommend that the City Council reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from; and make such order, requirement, decision, or determination as ought to be made. Decisions shall be recommended to the City Council for final action.