

TO: Planning and Zoning Commission
City of Bay St. Louis
RE: 240 Bay Oaks Drive
161B-1-01-006.000
37, 39, 41, PT 43 BLK 3 BAY OAKS

HEARING DATE: October 14, 2026

I have reviewed the variance application submitted by Elizabeth and Adolfo Lopez. The applicants are requesting to reconfigure an existing parcel so that the primary dwelling and the accessory dwelling can be placed on separate lots. The property lies within the R-1 Residential Single-Family zoning district, which requires a minimum lot area of 12,000 sq ft, a minimum lot width of 100 feet, and an 8-foot side yard setback.

The property currently contains a primary dwelling and an accessory dwelling. In 2018, the applicants were granted a special exception by the Bay St. Louis City Council to construct the accessory dwelling. The proposed subdivision would not change the use of either structure. It would place the accessory dwelling on its own parcel before the accessory dwelling will become a primary dwelling and the primary dwelling on the remainder, and it would require side yard setback where the new lot line is drawn between the two existing buildings.

The variance requests for the proposed parcels are as follows:

Parcel A (Accessory Dwelling; becomes the primary dwelling on the new lot):

Minimum Lot Area: 12,000 sq ft
Proposed Lot Area: 7,220 sq ft
Variance Needed: 4,780 sq ft

Minimum Lot Width: 100 ft
Proposed Lot Width: 59.70 ft
Variance Needed: 40.3 ft

Side Yard Setback:
Required: 8 ft
Proposed: 6 ft
Variance Needed: 2 ft

Parcel B (primary dwelling):

Lot area and lot width will meet the R-1 minimums.

Side Yard Setback:
Required: 8 ft
Proposed: 3 ft
Variance Needed: 5 ft

The administration recommends approving the variance and reconfiguration:

- Both dwellings already exist. The request does not add a new use; it reconfigures the parcel lines around structures already approved and built.
- The City Council granted a 2018 special exception for an accessory dwelling on this property, under which the accessory dwelling was constructed.
- After the split, Parcel B will contain only the primary dwelling and will meet the minimum lot area and lot width. Parcel A will turn the current accessory dwelling to a primary dwelling.
- Bay Oaks was originally developed with 50-foot-wide lots. A substantial number of lots on Bay Oaks Drive remain below the current 100-foot width and 12,000 sq ft area requirements, including improved and unimproved parcels.
- The applicants' original lot was 50 feet by 120 feet. After Hurricane Katrina they acquired the adjoining lot, built the primary residence in 2008, and later acquired approximately 60 feet from the neighboring parcels at 244 Bay Oaks Drive in order to construct the cottage.
- The side yard variances are limited to the setbacks created by placing a new lot line between the two existing dwellings.

- Jeremy Burke