

## APPLICATION FOR VARIANCE TO THE ZONING ORDINANCE

Please complete this form in its entirety; failure to do so may cause a delay in the submittal of your application to the Planning and Zoning Commission.

The following information is required before this application will be submitted to the Planning and Zoning Commission for consideration.

OWNER: CORBITT NICAUD, LLC

ADDRESS: 105 N. BEACH BLVD.

BAY ST. LOUIS, MS 39520

PHONE: 228-493-5587

ADDRESS OF PROPERTY IN QUESTION IF DIFFERENT FROM  
ADDRESS STATED ABOVE

105 N. BEACH BLVD.

1. Legal description of property to be considered for variance as described in the  
Hancock County tax rolls:

LEGAL DISTRICT PT S12 1<sup>ST</sup> WARD BSL

2. Parcel number(s) as described in the Hancock County tax rolls:

149 L - 0 - 29 - 035.000

149 L - 0 - 29 - 036.000

3. Present Zoning: C-1

4. Present use of building/property: Building (will be demo)

5. Application fee of \$<sup>350</sup>~~100~~ (Residential): \_\_\_\_\_

Application fee of \$<sup>350</sup>~~200~~ (Commercial): 00541189

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 six (6) 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 six (6) 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 six (6) months.

Please submit the following documentation with your application:

1. What is the specific provision of the ordinance involved \_\_\_\_\_

2. The use for which a variance is sought variance to require  
off-street parking, but on a nearby parcel.

3. If request is for a setback variance, please answer the following: N/A.

\_\_\_\_\_ Front yard setback requirement  
\_\_\_\_\_ Proposed distance remaining to the property line  
\_\_\_\_\_ Total front yard setback variance needed

\_\_\_\_\_ Side yard setback requirement  
\_\_\_\_\_ Proposed distance remaining to the property line  
\_\_\_\_\_ Total side yard setback variance needed

\_\_\_\_\_ Rear yard setback requirement  
\_\_\_\_\_ Proposed distance remaining to the property line  
\_\_\_\_\_ Total rear yard setback variance needed

4. If request is for a variance other than setback, please answer the following:

\_\_\_\_\_ Required total square footage of lot  
\_\_\_\_\_ Proposed square footage of lot  
\_\_\_\_\_ Total square footage needed to lot

\_\_\_\_\_ Required minimum width of lot  
\_\_\_\_\_ Proposed minimum width of lot  
\_\_\_\_\_ Total variance to minimum lot width needed

\_\_\_\_\_ Required fence height  
\_\_\_\_\_ Proposed fence height  
\_\_\_\_\_ Total fence height variance needed

5. Parking variance: to require off-street parking  
of 4 spaces, but allow those off-street  
parking spots to be located on a parcel within  
close proximity to the subject property.

### Article XIII

#### 1303 APPEALS, HEARING AND NOTICE

Every appeal or application shall refer to the specific provision of the ordinance involved and shall set forth the interpretation that is claimed, the use for which a special exception is sought, or the details of the variance that is applied for and the case may be, and accompanied by a plat or plan, drawn to scale, showing the actual dimensions of the parcel of land to be built upon and used, the size of any building to be erected, and the location of the building upon the lot, the materials to be used and other such information as may be deemed necessary to provide full information regarding intended use. The Municipal Clerk shall forthwith transmit the appeal or application to the Commission together with all papers constituting the record upon which the action appealed from was taken.

### Article XIII

#### 1305.3 VARIANCES

To recommend such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Ordinance will in an individual case result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice be done. Such variance may be granted in such case of unnecessary hardship upon a finding by the City Council that all of the following conditions exist:

- A. There are extraordinary and exceptional conditions which pertain to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- B. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- C. 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.
- D. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- E. The special circumstances are not the result of the actions of the applicant.
- F. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.
- 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.

5. Other type(s) of variance needed:

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6. A plat or plan, drawn to scale, showing the actual dimensions of the parcel of land to be built upon.

7. Size of any building to be erected, and the location of the building upon the lot.

8. Materials to be used (Exterior Finish) and other such information as may be deemed necessary to provide full information regarding intended use.

9. Is the property in question in a sub-division? \_\_\_\_\_

10. If the property in question is within a sub-division, is there an existing covenant running with the land? \_\_\_\_\_

11. If the answer to question 9 is yes, please state the book and page numbers where the stated restrictive covenants are filed in the Chancery Clerks Office of Hancock County.

Book Number \_\_\_\_\_

Page Number \_\_\_\_\_

It is warranted in good faith by the owners whose name is signed hereto that all of the above facts are true and correct.

  
Applicant's Signature

6/2/2025  
Date

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FOR OFFICE USE ONLY

Date of Application received: \_\_\_\_\_

- D. In recommending any special exception, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards under which the special exception is granted. The Planning and Zoning Commission shall recommend a prescribed time limit within which the action for which the special exception is required shall be begun or completed or both.
- E. The grant of a special exception shall expire if the special exception has not been activated within ~~(6)~~ (12) months of final approval. "Activation" shall mean commencement of the use or obtaining a building permit if construction is necessary or required before commencement of the use. In addition, the activation shall not be effective unless the construction is completed within six ~~(6)~~ (12) months of obtaining the building permit.
- F. On good cause shown, the Bay St. Louis City Council may extend the above stated time limits for up to a maximum of ~~(6)~~-(12)-months. As such, special exceptions are not intended to run with the land.

### 1305.3 VARIANCES

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- A. There are extraordinary and exceptional conditions which pertain to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- B. The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- C. 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.
- D. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- E. The special circumstances are not the result of the actions of the applicant.
- F. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance.
- 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 six ~~(6)~~(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 ~~(6)~~ (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 ~~(6)~~(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**