

Tree Permit Application & Appeal

403 S. Necaise Ave, Bay Saint Louis

Will Raines

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Dear City Council Members,

We own the lot at 403 S. Necaize Avenue in Bay Saint Louis which is located in the Historic District. We are hoping to find a mitigation plan for the tree removal issue at hand and proceed with building a second family home. Thank you for your consideration on this matter.

Sincerely,

Will Raines

Summary of Events

Date	Event
Winter 2023- Feb 2025	Will Raines noticed this overgrown abandoned lot and made contact with the partial owner to purchase the property. After agreeing to sell, the title search revealed there were 12 heirs and cloudy title. Will hired a local attorney to cure title by Quieting Title through the court system. Will went through the timely and extraneous process of filing probates, working with all 12 heirs to sell their shares, and title was quieted in February 2025. Property was surveyed on 07/09/2024.
March, 25	The property was reviewed by 1 local BSL Architect, another Louisiana Architect, and an Arborist report was performed. These studies concluded there was no feasible buildable area left and building around the tree would cause the tree to die quickly.
April 21, 25	A Tree work permit and packet of research was filed and received by the Building Department via Fedex.
May 30 th , 25	Denial of the permit was submitted to Will via email.
June 13 th , 25	Appeal was filed and received by the Building Department.
June 17 th , 25	On a phone call, a representative from the Building Department told Will Raines, there was confusion and the Tree Protection Advisor thought he owned a second large adjoining open lot to the South. This very well could have played a part into the Tree Advisor and the Building Official's decision into denying the permit. Another company owns this lot. The lot is surveyed with all corners and midpoints marked, but there is significant overgrowth from shrubbery on the majority of the lot.
August 13 th , 25	Planning and Zoning reviewed our agenda item and made a motion to approve with a 4 to 1 vote.
August 19 th , 25	This agenda item was brought before the City Council, presented, and the Council voted to table the issue.

PLANNING AND ZONING COMMISSION
CITY OF BAY ST LOUIS

WILL RAINES

APPLICANT

APPEAL FROM THE DENIAL OF TREE REMOVAL PERMIT

- i. On the 21st day of April, Will Raines, pursuant to Section 22-117 made application to the Tree Protection Advisor and the City of Bay St. Louis pursuant to Bay St. Louis Code of Ordinance Section 22-118 (2) Criteria of Issuance, to remove a tree out of necessity in order to construct a single family residence on site. Code Section 22-118 asks whether removal of the tree is necessary in order to construct the proposed improvements and allow the proposed improvements on the property. (See Section 22-118 that the Tree Protection Advisor shall consider 2) the necessity of removing the tree or trees in order to construct the proposed improvements or structures to allow reasonable economic use of the property). In this case, removal of the existing tree is absolutely necessary to construct the proposed improvements on this property and to allow reasonable economic use of the property. In fact, the existing tree reduces the buildable area of the subject lot from 45.10 feet by 70 feet to only 18.5 feet by 50 feet. The only way for the property to be utilized to build a single family residence is by removal of the tree. Therefore Will Raines should have been granted a tree removal permit out of necessity according to Section 22-118. It is for this reason he appeals from the denial to allow for tree removal. Absent removal of the tree the property has no reasonable economic use whatsoever. It is according to this Will Raines requests from the Planning and Zoning Commission a variance to allow for tree removal to render the property economically useful (so that he may build a single family residence).
- ii. Will Raines also, in his application, cited Section 22-118 (7) regarding the ease of which the proposed development can accommodate the existing trees. In this case, taking into account the lot setbacks and the drip line of the existing tree the buildable width is only 18 feet. This causes the total footprint available with the tree to be reduced to only 925 square feet. The proposed development for a single family residence is 3,382.50 square feet thus frustrating the entire purpose of the development of the land for its intended purpose. Thus according to Section 22-118 in this case the proposed development cannot accommodate the existing tree. It is according to this Will Raines requests from the Planning and Zoning Commission a variance to allow for tree removal to allow for economic use of the property as there is no way for the proposed development to accommodate the existing tree. Due to the tree he can only build a 925 square foot house, not the proposed 2,382 square foot house.

- a. Further a narrow house that would fit in a space of 18.5 feet would not conform with the historic requirements of the City of Bay St Louis so there is no ease by which the proposed development can accommodate the existing tree but it is rather impossible to accommodate the existing tree. See Bay St. Louis Code of Ordinance Section 2-257 (b) which discusses height and width of the facade requiring new builds to be comparable with existing homes in the vicinity. A narrow house that would fit in a space of 18.5 feet would, most assuredly, not be “comparable with existing homes in the vicinity.”
 - 1. Pursuant to Section 22-118(8) the economic hardship that would be imposed upon the applicant were the permit denied should have been considered and the permit should have been granted. The economic hardship is great in this case as the land has no economic value absent removal of the tree. No single family residence can be built upon the property absent removal of the tree rendering Mr. Raines’ land completely useless. It is thus for this reason further that Mr. Raines requests from the Planning and Zoning Commission a variance to allow for tree removal.
- iii. The Planning and Zoning Commission must, in accordance with Section 22-116(b) move for approval of the tree removal permit. Will Raines submitted his letter of application and accompanying documentation to the City in accordance with all requirements of the ordinance on the 21st day of April, 2025. His request for removal of the tree was denied in writing by the City on May 27, 2025.
 - a. Section 22-116(b) states: Site plans for development or redevelopment. A site plan for the development or redevelopment of any tract of land located in the city shall be submitted to the city, along with the application for a building permit, prior to the removal of any tree as herein defined. No building permit shall be issued until the tree site plan has been reviewed and approved in writing by the tree protection advisor, and a permit as provided is issued or denied within seven working days of submittal. Reasons for denial shall also be reported to the applicant in writing. If the applicant is not notified of approval or disapproval within seven working days, such plans shall be considered approved, and such permit shall be considered issued by the tree protection advisor through the building official.
 - 1. Will Raines made application on April 21st. He was denied in writing on May 27, 2025.
 - 2. Because Will Raines was not approved or denied in writing within seven working days of submittal, then according to Section 22-116(b) his plans shall be considered approved and such permit shall be issued by the tree protection advisor through the building official.
 - 3. Will Raines therefore respectfully requests that, in accordance with Section 22-116(b) and its mandate of “shall” that the tree protection advisor accordingly issue his tree removal permit through the building

official and that the Planning and Zoning Commission formally make this recommendation on the record as all appeals must be filed with the Planning and Zoning Commission.

4. Will Raines formally requests that the Planning and Zoning Commission in accordance with Section 22-116(b) consider his April 21st application for tree removal approved and recommended that such permit shall issue.

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Wrong Person Issued Denial on Permit

Tree Point #1. The **Tree Protection Advisor** has the only authority per the ordinance, not the Building Official to grant or deny applications for tree permits pursuant to Bay St. Louis Code of Ordinances below.

- i. On May 30th, 2025, Will Raines received denial notice via email through the Planning and Zoning Administrator. The tree removal permit was initialed and written on by Ricky Ladner, the Building Official, and was dated for May 23rd, 2025.

Ordinance- Sec. 22-92. Creation of tree protection advisor

- (a) The position of tree protection advisor is hereby created, who shall direct, regulate and control the care and necessary removal of all trees existing now and hereafter in the city.
- (b) The tree protection advisor shall be an arborist or horticulturist. **The arborist/horticulturist** shall take active steps to process and render decisions granting or denying applications for permits under this article.

(Code 1996, § 42-131; Ord. No. 338, pt. 1(25-2), 2-20-1991)

- ii. As the ordinance above states on Section 22-92 (b), a Tree Advisor never communicated with Will Raines once throughout the process nor were any active steps shown to be taken into the decision of granting or denying the application for tree removal permit. Will Raines requests from the City Council a proper consideration of a tree removal and tree mitigation solution due to the fact that a Tree Protection Advisor appeared to never be engaged in the process pursuant to this Bay St. Louis Code of Ordinances listed below:

Ordinance- Sec. 22-94. Variances and appeals from decision of advisor.

- (b) The planning and zoning commission shall hear any complaints of such person; and, after a full and complete hearing, the commission shall render its recommendation to the city council for final action, affirming, overruling or modifying the decision of the tree protection advisor, based upon the criteria set forth in section 22-117

(Code 1996, § 42-133; Ord. No. 338, pt. 1(25-17), 2-20-1991)

- iii. It appears a Tree Protection Advisor never reviewed the tree site plan nor reviewed the tree permit. It only appears the Building Official assumed the role of the Tree Protection Advisor. The Building Official only has the authority to **inspect** any work for the purpose of ensuring compliance (such as recommendations from the Tree Advisor for pruning and planting). The Building Official is never granted the authority to review, deny, or grant tree permit applications pursuant to the Bay St. Louis Code of Ordinances listed below:

Ordinance- Sec. 22-116. Required.

(b) No building permit shall be issued until the tree site plan has been reviewed and approved in writing by the **Tree Protection Advisor**, and a permit as provided is issued or denied within seven working days of submittal. Reasons for denial shall also be reported to the applicant in writing. If the applicant is not notified of approval or disapproval within seven working days, such plans shall be considered approved, and such permit shall be considered issued by the tree protection advisor through the building official.

(6) . The tree protection advisor shall specify the work to be done and may inspect the work in progress and make a final inspection upon the completion of the work as necessary.

(Code 1996, § 42-151; Ord. No. 338, pt. 1(25-5), 2-20-1991)

Tree Point #2. The applicant was not denied nor notified within 7 working days as provided in the ordinance of 22-116(b) listed above.

-Per the records provided in pages 39-44 of this document, the applicant provided his application via FedEx. The application was received and signed for by the Building Department on April 21st, 2025. He was denied via email by the Building Department on May 30th, 2025.

Mitigation Asked For

Tree Point #3. The ordinance below offers mitigation plans to applicants yet none was offered or discussed with Will Raines. The original permit requested mitigation yet while multiple phone calls and emails were made to the building official Ricky Ladner, in hopes to discuss a mitigation plan no phone calls, communications, or alternatives were offered. (see permit records on page 39-44 and mitigation plan on page 10)

Ordinance- Sec. 22-119. Tree relocation or replacement.

- (2) To replace those protected trees which will be destroyed with suitable replacement trees elsewhere within the site.

(Code 1996, § 42-154; Ord. No. 338, pt. 1(25-8), 2-20-1991)

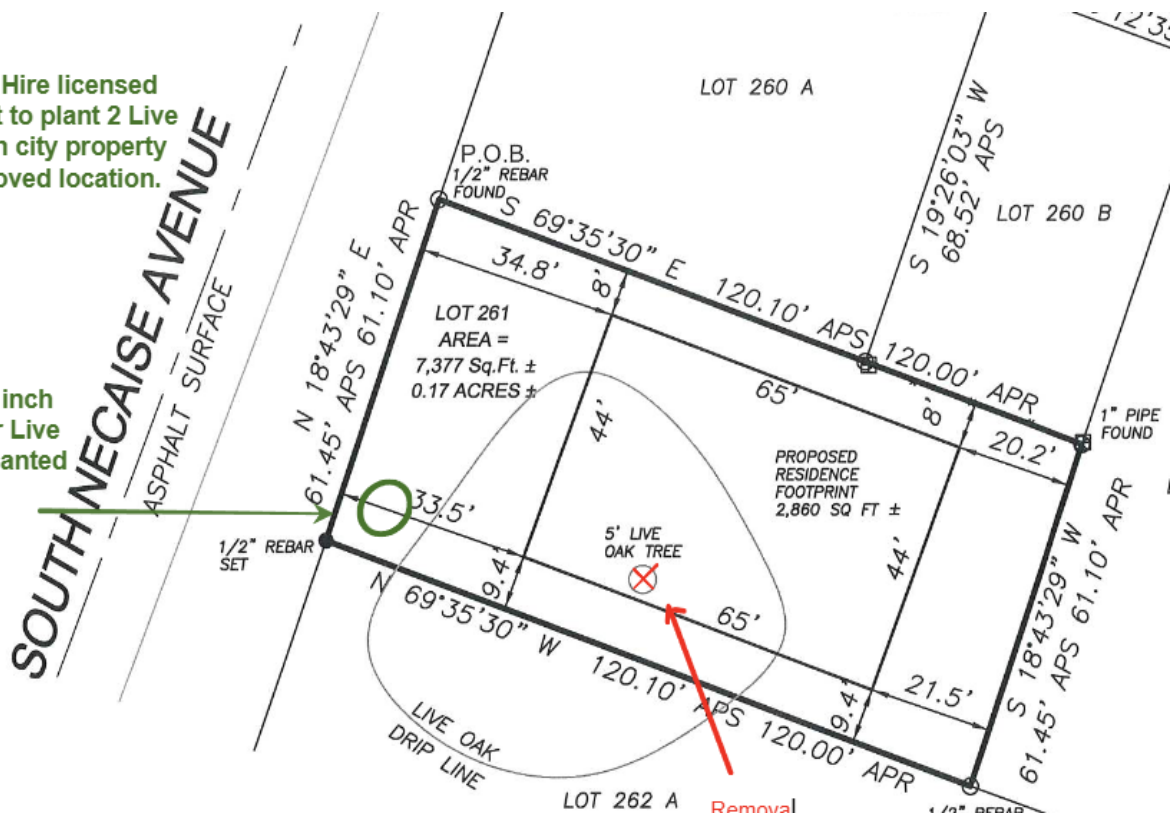
Site Area (square feet)	Number of Required Trees
0 to 10,000, per 1,000	1
10,000 to 110,000:	
First 10,000	10
Plus, per each 2,500 square feet over 10,000	1
Over 110,000:	
First 110,000	50
Plus, per each 5,000 square feet over 110,000	1

(Code 1996, § 42-154; Ord. No. 338, pt. 1(25-8), 2-20-1991)

Tree Site Mitigation Plan

Notes: Hire licensed arborist to plant 2 Live Oaks on city property in approved location.

New 3 inch caliper Live Oak Planted



Tree Point #4. * The applicant would like to offer **Three** Live Oaks to replace the one live oak tree. This would **triple** the recommended replacement as outlined in the ordinance cited on page 9 on this document.

Initial Letter Sent with Tree Permit

Dear Tree Protection Advisor and City of Bay St. Louis,

I appreciate the you taking the time to review our application and letter. While taking into careful consideration the Bay St. Louis Code of Ordinances, the Bay St. Louis Historic Preservation Commission's new construction criteria, the tree site plan survey by a Licensed Professional Surveyor, buildable width diagram on the survey, tree report by a licensed ISA Arborist, and consultation with a licensed Architect it is with regret we humbly request permission to remove the existing live oak tree on our 0.17 Acre homesite located at Lot 261 Second Ward on South Necaize Avenue, Bay Saint Louis, MS 39520. We intend to develop a single-family residence on this homesite and have thoroughly reviewed the following reasons that would cause an extreme hardship if the permit were to be denied:

1. Per Bay St. Louis Code of Ordinances Sec. 22-118. - Criteria for issuance (2) The necessity of removing the tree or trees in order to construct the proposed improvements or structures to allow reasonable economic use of the property:
 - In order to construct a new single-family residence on the site, there is a constraint of building within the 61.10 feet by 120 feet (7,332 sqft) lot from the setbacks and the existing tree which reduces the buildable area from 45.10 feet by 75 feet (3,382.50 sqft) to only +/- 18.5 feet by +/- 50 feet (+/- 925 sqft) which is not viable for a typical residence. By removing the existing tree, it allows for practical development of the property.

2. Per Bay St. Louis Code of Ordinances Sec. 22-118. - Criteria for issuance (7) The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees:

Taking into account the lot setbacks and the drip line of the existing tree, the apparent buildable width is only +/- 18.5 feet for the proposed new residence. In accordance with the Bay Saint Louis Historic Preservation Commission's new construction criteria, under Bay St. Louis Code of Ordinances Sec. 2-257. (b) The following aspects of new construction shall be **visually compatible** with the buildings and environment with which the new construction is visually related, including but not limited to, the height, the gross volume, the proportion between width and height of the façade. And per Bay St. Louis Code of Ordinances Sec. 12-126. - Design regulation plan. "To be harmoniously and aesthetically attractive to the terrain and to existing structure(s) Design features and position of exterior features, such as doors,

windows, entry steps, porches, storage rooms, sheds, garages, shall be compatible with existing homes within the vicinity.”

- A narrow width home would not conform to the existing Historic District characteristics and proportions of southern architecture with broad front porches typically 30 feet or wider. The proposed development is not able to accommodate the existing tree while meeting the Bay St. Louis Code of Ordinances’ design regulations and the Bay St. Louis Historic Preservation Commission’s new construction criteria because a home built with a narrow front elevation width would be devoid of the surrounding architectural styles and compatibility.
3. Per Bay St. Louis Code of Ordinances Sec. 22-118. - Criteria for issuance (8) The economic hardship that would be imposed upon the applicant were the permit denied:
- A typical single-family residence has an average width of around 25 feet to 40 feet with this narrow floorplan only +/- 18.5 feet wide, limit the overall footprint of the house, leading to limited layout options and resulting in smaller rooms which would render the home unpractical, deprives reasonable use, and negatively affect its value. The total footprint area available is only +/-925 sqft, which the typical single-family residence has an average of +/-2,500 sqft and removing the tree would allow for a buildable area of 3,382.50 sqft. It would not be economically viable or financially feasible to develop a home with the existing tree on the property, so we request that you take into consideration the practical difficulties of the site and unreasonable **economic hardship** that would be imposed if the tree work permit were to be denied.
4. Per Bay St. Louis Code of Ordinances Sec. 22-118. - Criteria for issuance (11) Whether the continued presence of the tree or trees is likely to cause danger to a person or property:
- If a structure were to be built near the drip line it would be both a risk with the new building’s foundation along with **affecting the existing tree’s health**. The active root zone, especially on Live Oaks is shallow and wide, often 1.5 times the spread of the canopy, and occupying only the top few feet of soil. With an ever-growing canopy and root system, the foundation could be damaged by the tree absorbing moisture and creating volumetric changes in the soil that is supporting the foundation which would potentially leading to cracks, shifts, and structural issues. As well as the tree canopies growth negatively affecting the home’s roof by causing moisture retention due to debris accumulation and potential physical damage due to branches rubbing or falling which would ultimately lead to

issues like mold, rot, or structural damage. The existing tree would also be impacted significantly by the new structure constructed on the site by limiting the future growth and ability of the root area to absorb water and nutrients from the soil along with affecting the physical health of the tree and its aesthetics with proposed pruning of the canopy.

With the proposed removal of the existing tree, we intend to plant additional trees per the proposed tree replacement program referenced in the Bay St. Louis Code of Ordinances Sec. 22-116 (5) and are open to your advisement and recommendations on the ideal plan of action for tree replacement for this lot along with remitting fees towards enhancing the beauty of Bay St. Louis as stated in paragraph 4.2 of the Tree Protection and Mitigation Ordinance.

Thank you for your consideration, please contact me should further documentation or additional information be required.

Sincerely,

William Raines

Arborist Report

(see following pages for Arborist Report)

Arborist Report



Date: 4-16-25

Date of Inspection: 4-10-25

Arborist: Vanessa Benson

ISA Certified Arborist SO-11008A

ISA TRAQ Tree Risk Assessment Qualification

Licensed Tree Surgeon TSL 46241

Louisiana Licensed Arborist # 186198

1395 Kiln Dellsle Rd

Pass Christian Ms 39571

Hancock County

O: 228-547-3861

Client: William Raines

Address: Parcel Number 149M-1-29-051.000

Tree Species: *Quercus virginiana* (Live Oak) Age: mature Health: Fair-good

Request: Mr.Raines would like to remove the Live Oak Located almost in the center of his property. His concern is that the location of this tree is too close in proximity to the new house he will be building.

Health categories

Very Good

Good

Fair

Poor

Very Poor

Arborist Level 2 Assessment: Based on my observation this tree is in fair to good health. It has natural lion tailing due to too much shade. Underside of the crown has dead branches due to too much shade. The foliage appears to be of good color and density. Two main leaders are Codominant with a narrow u shape union. U shape unions are known to have included bark. Included bark is a weak union that could split more easily than a wide U or L shape. The amount of dead wood and foliage adds weight on this tree and can cause this type of union to fail.

According to Best Management Practices, Root Management second edition, The Tree Protection Zone (TPZ) is the area which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction or development.

In my opinion, barriers should be place around the drip line.

Construction under this crown should be prohibited from trunk to drip line. Root cutting and pruning should also be prohibited to maintain the health of the tree.

In my observation, the stakes in the ground marking the four corners of where the house will be located, according to those markings, construction in that area, will kill the tree. I was also able to observe from the ground that the tree had a branch with a fungi. More may be seen using an aerial lift.

Recommendations and Mitigation options:

To retain-

Pruning: Reduction out pruning of no more than 15-20 % live tissue, cuts no bigger than 2-3 inches in diameter around perimeter of tree.. Prune dead wood. This will reduce weight on unions and allow sun to get to branches to encourage sprouts. Prune diseased and crossing branches. If larger cuts are needed they should be inspected by an ISA Certified Arborist before hand.

Restrictions: My observation was done through a visual inspection only, from the ground.

If retaining

No Lion tail pruning. No cuts larger than 2-3 in in diameter until approved by arborist. No interior live tissue to be pruned.

RCX: Root Crown excavation using a high powered air spade to keep from causing damage to the roots.

Fertilization. Spring and Fall:

Treat for Wood Destroying Insects: Call an exterminator with experience of how to treat for WDI without causing harm to the tree.

Removal

My observation was limited to visual inspection only, from the ground.

Trees should be assessed by an ISA Certified Arborist annually.

Know and follow all instructions of the Tree Ordinance and laws that apply to trees in your local area.

Trees that are to remain should be protected during construction. Fencing and signage with verbiage warning people to keep out of Tree Protection Zone/ Critical Root Zone should be put in place at drip line to protect remaining trees. Random inspections should be performed by an ISA Certified arborist, documented, and turned in to the person overseeing the project.

Time Frame 1 year

Disclaimer: Trees can be managed, but they cannot be controlled. To live near a tree is to accept some degree of risk. The only way to eliminate all risks is to eliminate all trees. Arborists and urban foresters are tree specialists who use their education, knowledge, training and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Vanessa Benson, Stump N Grind LLC, Tree Specialist Arborist Group, LLC, and its arborists do not certify the safety or health of any tree for any period of time. Clients may choose to accept or disregard the opinions of the arborist or seek additional advice. Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that may fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe, or fail for that matter, under all circumstances, or for a given period of time. Construction activities are hazardous to trees and cause many short and long-term injuries, which can cause trees to die or fail. Even when every tree is inspected, inspections involve sampling; therefore, some areas of decay or weakness may be missed. Weather, winds and the magnitude and direction of storms are not predictable, and some failures may still occur despite the best application of high professional standards. Likewise, remedial treatments, like any medicine, cannot be guaranteed. Treatments, pruning and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, sight lines, disputes between neighbors, landlord-tenant matters, etc. Arborists cannot take such issues into account unless complete and accurate information is given to the arborist. The person hiring the arborist accepts full responsibility for authorizing the recommended treatment or remedial measures. All Mitigation options are up to the tree owner to decide which options they will choose according to the level of risk they are willing to accept. Tree and site conditions are current conditions and are subject to change any time due to trees being exposed to nature and outdoor elements. This report reflects current condition of tree only. The assessment and recommendations are subjective and reports are based on arborist opinions.

Please see following pages for pictures.





Critical Root Zone Explanation from Mississippi State University

Table 2. Critical root radius and critical root area based on stem diameter (Coder 1996).

Tree Stem Diameter (in)	Critical Root Radius (ft)	Critical Root Area (ft ²)
2	2.5	19
4	5	78
6	7.5	176
8	10	314
10	12.5	490
12	15	706
14	17.5	962
16	20	1,256
18	22.5	1,590
20	25	1,963
22	27.5	2,375
24	30	2,827
26	32.5	3,318
28	35	3,818
30	37.5	4,417
32	40	5,026
34	42.5	5,674
36	45	6,361
38	47.5	7,088
40	50	7,853



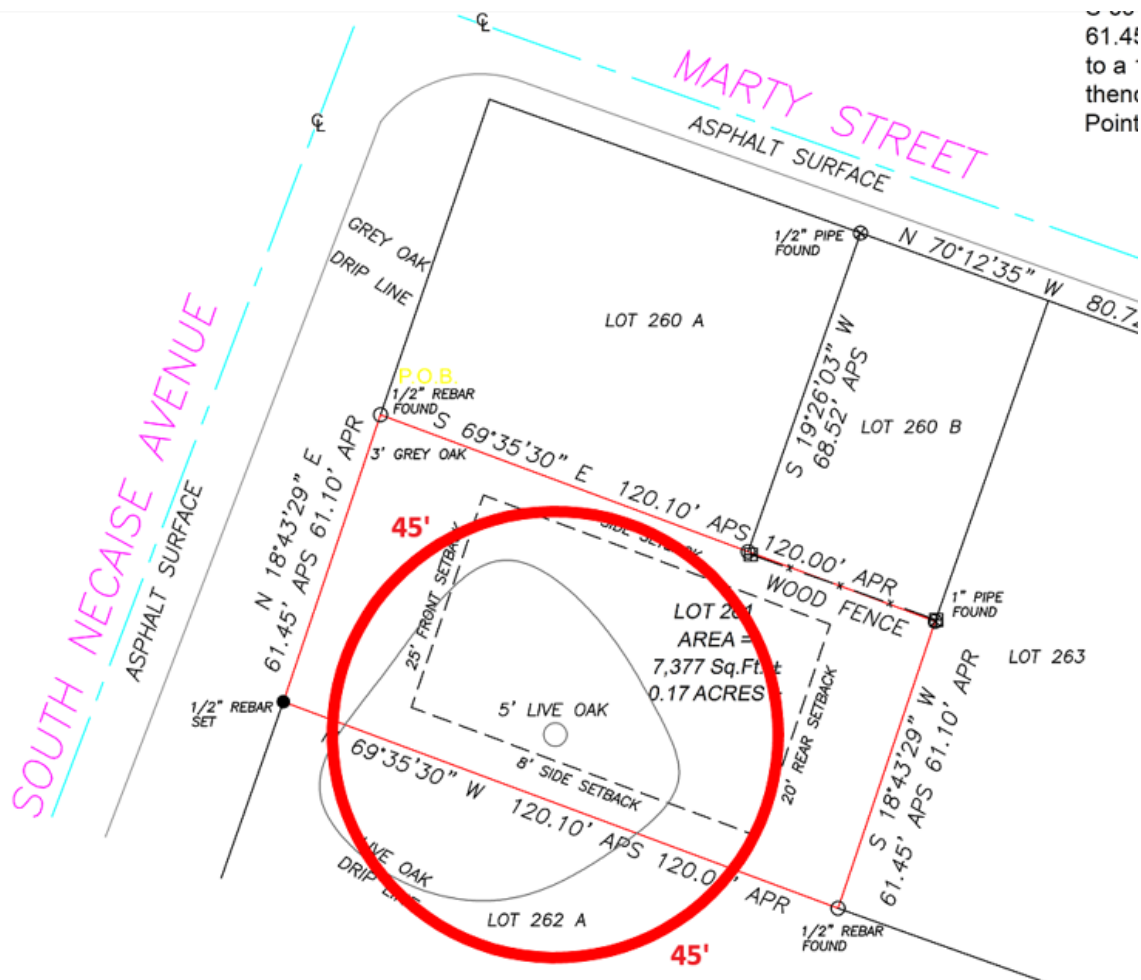
According to the Mississippi State University Extension, **the critical root zone is the zone “1.25 feet in radial distance away from a tree for every inch in stem diameter.”** Thus the table above includes the precise CRZ for each tree, based on its DBH.

See Reference [HERE](#), or <http://extension.msstate.edu/publications/publications/preservingtrees-construction-sites>

**CRZ stands for Critical Root Zone and DBH stands for Diameter Breast Height.

Current Critical Root Zone Assessment on Tree

-Per MS State University, for this **36 inch** Stem Diameter at Breast Height tree, the Critical Root Zone is **45 feet** in radial distance from the trunk. (Sample Calculation: $36'' \times 1.25' = 45'$)



*According to the Mississippi State University Extension, “A tree would be recommended for removal if the tree protection zone is only 40 percent or less of the critical root area. Survival is unlikely for trees with so much of their critical roots unprotected.”

See Reference [HERE](#), or <http://extension.msstate.edu/publications/publications/preservingtrees-construction-sites>

Tree Point # 5. *Once a driveway and home side are built around the tree and through its Critical Root Zone there is a high chance the tree will not survive as a minimum of 40% or more of the root system will be destroyed and severed from the build process. The true safe buildable area is outside of the CRZ strongly correlates to the MS State University recommendations above (see chart on page 20) and the city ordinance listed on page 26.

Tree Protection Advisor

Will Raines was told from the Bay St. Louis building department that an individual named, “John Adams”, was the Tree Protection Advisor for the city of Bay Saint Louis and would be advising/consulting on the tree removal and mitigation request for the tree work permit.

Tree Point #6. It appears an unlicensed individual possibly breaking the MS state laws listed below is the city’s “Tree Protection Advisor”. The tree situation at 403 S. Necaise was never properly and fairly evaluated by a qualified professional as listed below in the city’s ordinance and Will Raines requests a fair evaluation.

*Upon reviewing this individual’s credentials, it appears he has never held a license for Horticulture or as an Arborist in the states of Louisiana and Mississippi. Records were checked from the Mississippi Bureau of Plant Industry and the Louisiana Department of Agriculture & Forestry. (See city code below & research)

Ordinance: Sec. 22-92. Creation of tree protection advisor.

- (a) The position of tree protection advisor is hereby created, who shall direct, regulate and control the care and necessary removal of all trees existing now and hereafter in the city.
- (b) **The tree protection advisor shall be an arborist or horticulturist.** The arborist/horticulturist shall take active steps to process and render decisions granting or denying applications for permits under this article. Any decisions of the tree protection advisor, as authorized herein, shall be final unless an appeal is submitted to the city planning and zoning commission.

(Code 1996, § 42-131; Ord. No. 338, pt. 1(25-2), 2-20-1991)

Research on MS state laws and the individual’s credentials

-It appears not knowingly the city violated its own ordinance in Section 22-92 (a) & (b) by appointing someone who lacked the required active arborist or horticulturist credentials. Moreover, that individual’s advice amounted to practicing as a horticulturist without a valid license, breaching Mississippi’s licensing statutes (Miss. Code Ann. § 73-61-5 et seq.), which prohibits unlicensed practice and carries civil and criminal penalties. We would ask the city to follow the Mississippi’s Administrative Procedures Act and compel the city to follow Sec. 22-92’s mandate. Just as an engineer, architect, and doctors have licenses to ensure public safety, compliance with laws, and maintain quality standards of practice, an arborist or horticulturist have equal obligations to upkeep their licenses and certifications.

-The following "John Adams" are unrelated to the John Adams operating as the Tree Protection Advisor in Bay Saint Louis.

--For thorough measure, Will Raines, On September 19th, 2025 contacted the one currently Louisiana licensed horticulturist named "John C. Adams" operating in New Orleans, LA. This individual confirmed he is not and has never worked directly with the city of Bay Saint Louis on Tree Advisory services.

-As well, on September 19th, 2025, Will Raines contacted the second formerly horticulture licensed in MS in 2010, "John R. Adams" operating out of Petal, MS. He confirmed as well he is not and has never worked directly with the city of Bay Saint Louis. (see research below)



Will Raines <lafagent@gmail.com>

public records request

5 messages

Nathan Benson <Nathan@mdac.ms.gov>
 To: "lafagent@gmail.com" <lafagent@gmail.com>
 Cc: Rebecca Wilson <Rebecca@mdac.ms.gov>

Fri, Jun 6, 2025 at 12:07 PM

Mr. Raines,

This is in response to your Public Records Request submitted June 5, 2025, regarding John R. Adams' horticulturist license record. We found two documents responsive to your request, which I have attached along with a copy of your request. I have redacted Mr. Adams' home address, which constitutes personal information we are not allowed to release.

Also, it only took a few minutes to retrieve the documents, so there is no charge.


Thank you,


Nathan Benson


MDAC staff attorney

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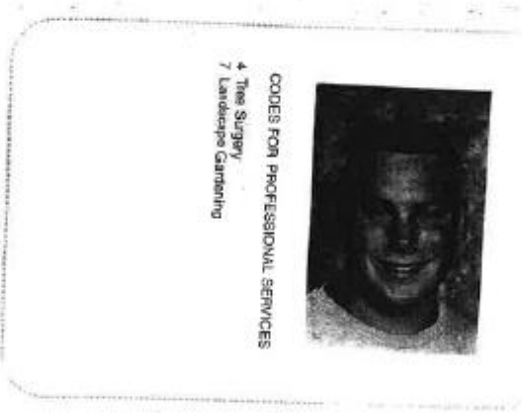
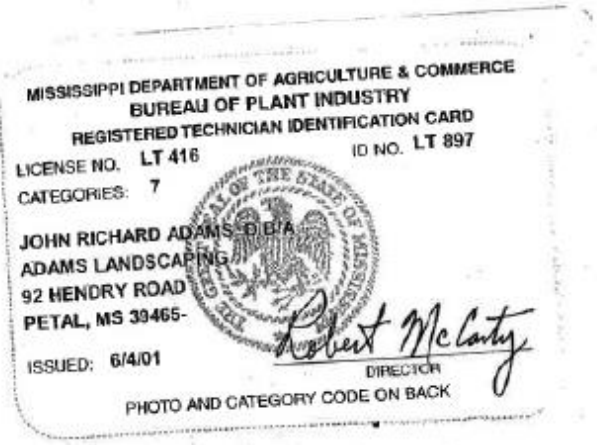
3 attachments

 **John R. Adams_cancelled_LS only_Redacted.pdf**
1318K

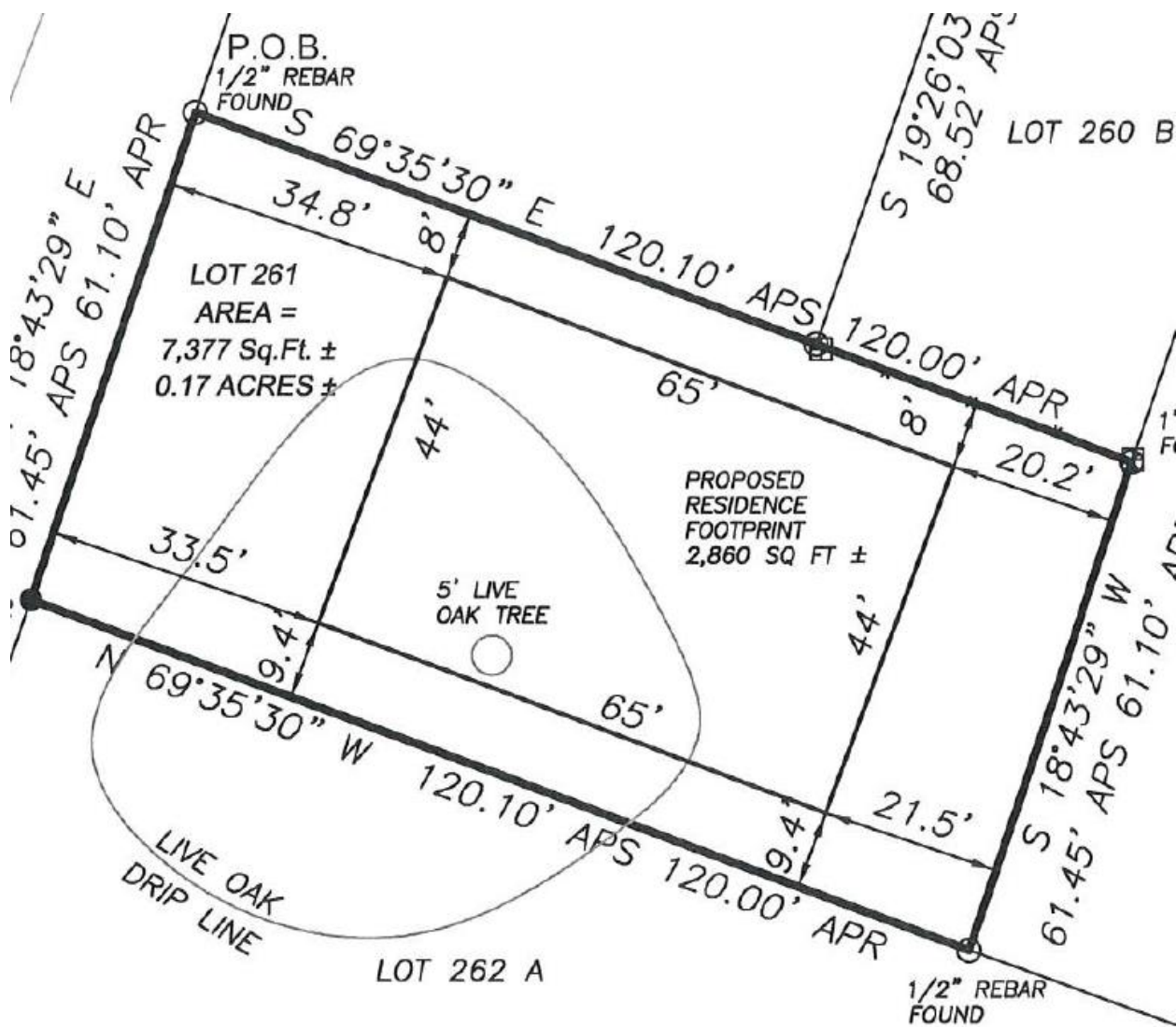
 **John Richard Adams database record_Redacted.pdf**
744K

 **Records Request (version 2).pdf**
176K

Company Name Adams Landscaping		D/B/A or Employee of D/B/A		License Type 1 Landscape Horticulturis		License Type 2	
Prefix Mr.	First Name John	Middle Name Richard	Last Name Adams	Suffix	License Number LT 416	License Issue Date 06/04/2001	Notarized Statemen Yes
Phone Number		Cell Number		Email Address			
Mailing Address							
[REDACTED]							
Mailing City Petal	Mailing State MS	Mailing Zip 39465-	County Forrest				
Physical Address							
[REDACTED]							
Physical City	Physical State	Physical Zip					
Notes Sent notification letter about bond cancellation letter on 07/11/2008. No response. Cancelled license on 03/31/2010 because of bond cancellation. KJ 03/31/2010							
License Reissue Date		License Inactive Date 03/31/2010					
Inactive <input checked="" type="checkbox"/>							
Bond Company Name STATE FARM FIRE CASUALTY COMPANY							
Bond Number 99-B9-9893-2F				Bond Amount \$1,000			
Bond Expiration Date 05/15/2002				Bond Cancelled Date 05/15/2008			
Work Guaranteed or Contract Services Yes							
Insurance Company Name							
[REDACTED]							
Insurance Number				Insurance Amount			
[REDACTED]							
Insurance Expiration Date				Insurance Cancelled Date			
[REDACTED]							

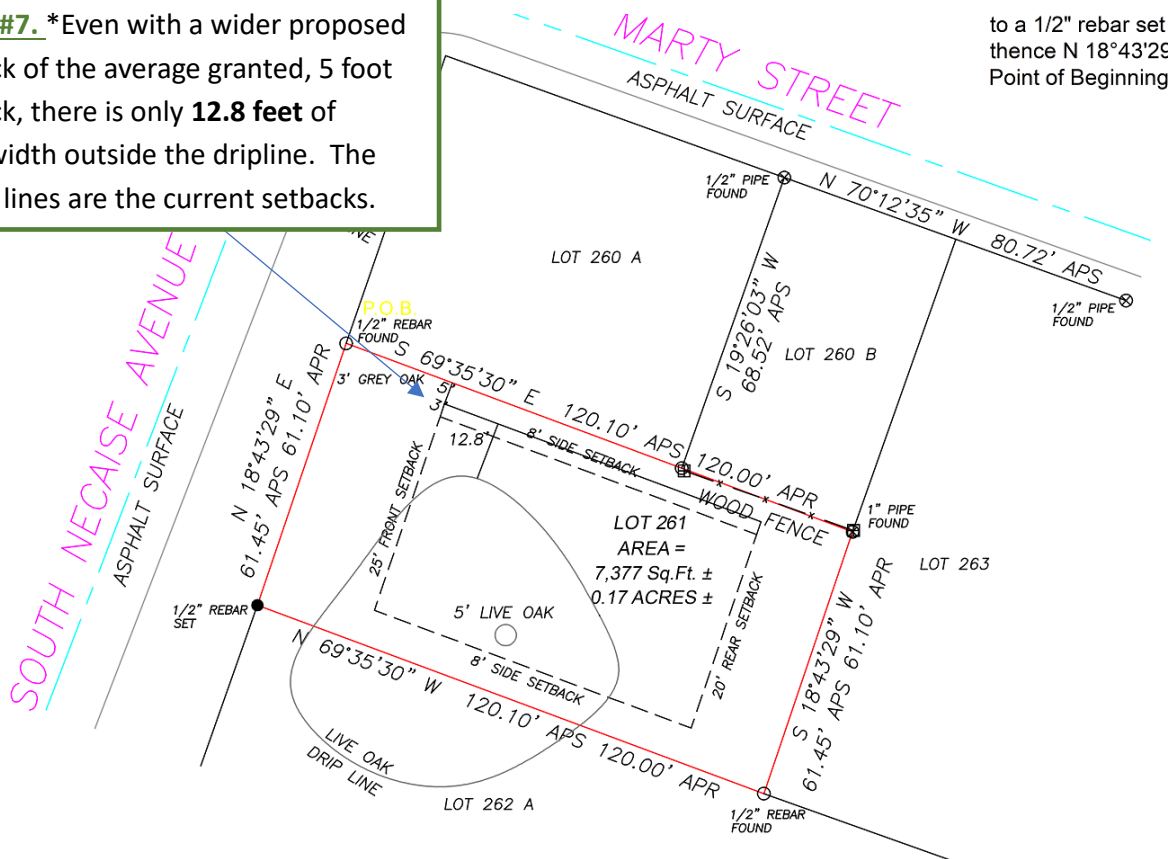


Proposed House Plot Plan & Tree Survey



Buildable Width & Depth outside of Drip Line

Tree Point #7. *Even with a wider proposed side setback of the average granted, 5 foot side setback, there is only **12.8 feet** of buildable width outside the dripline. The perforated lines are the current setbacks.



to a 1/2" rebar set
thence N 18°43'2E
Point of Beginning

-Upon further detailed measurement of the tree's canopy, a revised tree survey performed by Duke Levy & Associates shows there is only **12.8 feet** in buildable width from the tree's drip line to a future proposed side setback of 5 feet.

-Per the building code which says you cannot build within 5 feet of a protected species tree. Many licensed Arborists recommend not building within 1 foot the drip line, there is little to no buildable area left.

Ordinance- Sec. 22-67. Construction near trees.

During construction, the builder shall be required to erect suitable protective barriers around all such protected trees to be preserved. Excluding sidewalks and driveways, **no person shall pave with concrete**, asphalt or other impervious material **within five feet of the outside diameter of any tree**. If necessary, the tree protection advisor will require additional footage beyond the minimum requirement of five feet from the outside diameter of any protected tree to prohibit any impervious materials.

(Code 1996, § 42-107; Ord. No. 338, pt. 1(25-13), 2-20-1991)

*The ordinance above strongly correlates to the MS State Extension recommendation on page 20.

Tree Point #8. *If the tree were to remain, Will Raines would not be allowed reasonable economic use of the property as outlined in the ordinance below.

Ordinance- Sec. 22-118. Criteria for issuance.

After the application for a permit under this article is filed with the building department, the tree protection advisor shall consider the following criteria in the approval or denial of a tree permit for the removal, relocation or substantial alteration of a protected tree:

- (2) The necessity of removing the tree or trees in order to construct the proposed improvements or structures to allow reasonable economic use of the property.

(Code 1996, § 42-153; Ord. No. 338, pt. 1(25-7), 2-20-1991)

Tree Point #9. *If the tree were to remain, it would be quite difficult, cumbersome, and nearly impossible to build around the tree.

Ordinance- Sec. 22-118. Criteria for issuance.

- (7) The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.

Tree Point #10. *If the tree were to remain, an economic hardship would be imposed on Will Raines if this permit were denied. A home in size under 750 square feet of living would have to be built to accommodate the tree and cause the applicant a drastic decrease in lot and residential home value. Building a home this size would also violate another city ordinance to not construct homes under 750 living square feet.

Ordinance- Sec. 22-118. Criteria for issuance.

- (8) The economic hardship that would be imposed upon the applicant were the permit denied.

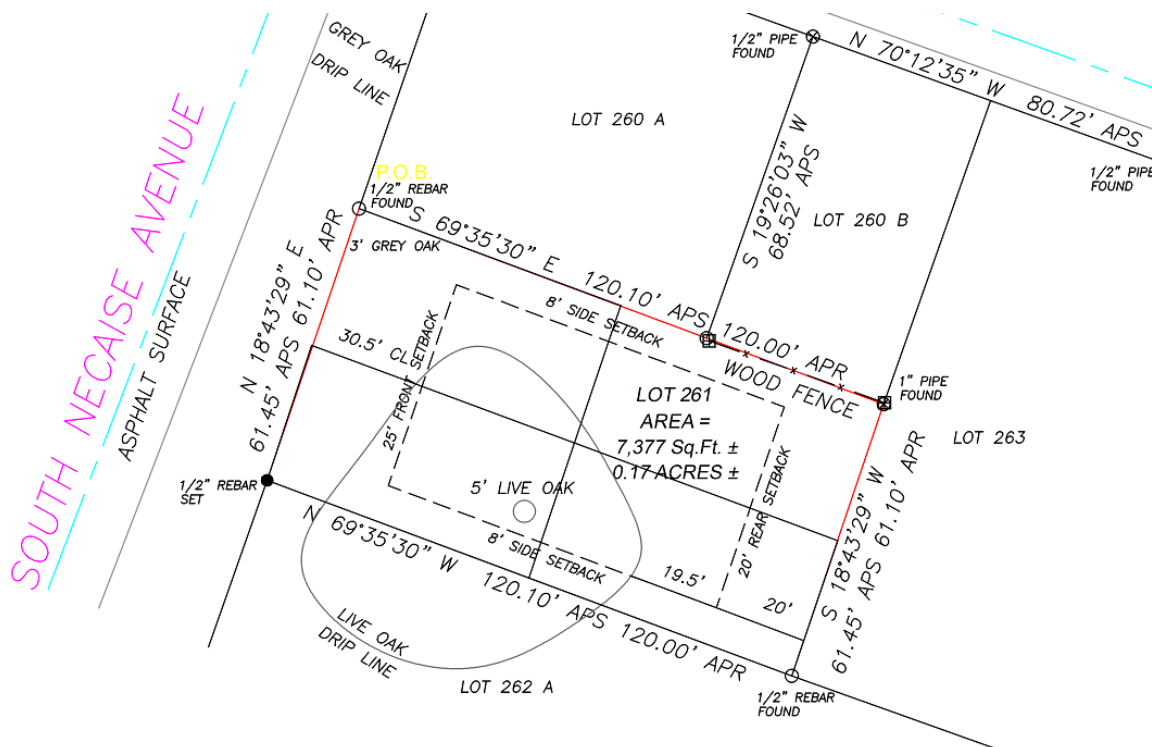
Tree Point #11. *If the tree were to remain, its presence could very likely cause bodily harm and injury to the applicant and his guests, cause foundation issues with the residential structure, potentially make the home uninsurable or raise costs, and unwarrantable by a builder/contractor.

Ordinance- Sec. 22-118. Criteria for issuance.

- (11) Whether the continued presence of the tree or trees is likely to cause danger to a person or property.

Lot Measurements around Tree

- 30.5' center line width.
- 19.5' from rear of tree dripline to 20' setback
- 20' setback



ient search for easements of
 ership title evidence, or any
 search may disclose. No
 rdary survey to obtain or

Inverse Condemnation

Inverse condemnation is when a government takes or damages a property for public use without having brought an eminent domain proceeding.

See reference here: [inverse condemnation | Wex | US Law | LII / Legal Information Institute](#)

Eminent domain is the right of the government or a private entity to take land away for a public purpose. The actual taking of the land is known as condemnation.

>MS Law - Mississippi Constitution, Art. 3, § 17, establishes the state's eminent domain law, requiring that private property taken or damaged for public use must be compensated with "due compensation" paid to the owner first.

Tree Point #12. Inverse condemnation is being applied by not allowing the tree removal due to significant loss of economic value and difficulty to insure a structure built close to the tree. Economic value is significantly impacted by no feasible building area left and the difficulty to insure any structure on this property. If an extremely narrow home were to be built the resale value would be significantly impacted due to lack of normal functionality.

>Case – Mississippi vs. Murphy.

[Mississippi v. Murphy :: 2016 :: Supreme Court of Mississippi Decisions :: Mississippi Case Law :: Mississippi Law :: U.S. Law :: Justia](#)

> **Mississippi v. Murphy (2016) – Case Summary**

Court: Mississippi Supreme Court

Citation: 2016-CA-00598-SCT

Issue: Ownership of Bay St. Louis tidelands and inverse condemnation

Background

The Murphy family owned waterfront land in Bay St. Louis. The State leased nearby tidelands to the city for a harbor project, but the Murphys claimed part of their private property was included and sued for **inverse condemnation**.

State's Position

Mississippi argued all land east of the **Old Seawall** was **public trust tidelands**, that the boundary was the **toe of the seawall**, and that the Murphys' claim was **time-barred** by the 1994 Tidelands Map.

Trial & Appeal

A Hancock County jury sided with the Murphys, awarding \$*****. The State appealed, but the **Supreme Court affirmed**, holding that:

- The tidelands boundary is the **mean high-water line**, not the seawall, unless the shoreline was artificially filled.
- The Murphys' suit was **timely** because the taking occurred when the harbor was built.
- The jury's damages award was supported by evidence.

Key Takeaways

- **Tidelands boundary:** Mean high-water mark unless artificially renourished.
 - **Inverse condemnation:** Claim begins when property is actually taken.
 - **1994 Tidelands Map:** Not conclusive of ownership.
 - **Outcome:** Verdict for Murphys upheld; \$***** compensation confirmed.
-

More Mississippi Case Law in Reference to to Trees

1. *City of Jackson v. Freeman-Howie, Inc.*, 239 So.3d 550 (Miss. 2018)

- **Background:** Developer sought site-work approval to remove significant vegetation (including trees) as part of a construction project.
- **Initial Denial:** City denied the permit, citing tree and landscaping preservation requirements.
- **Outcome:** On appeal, the **developer ultimately prevailed** on certain aspects, because the City's denial was found to be **unsupported by substantial evidence** as to some parcels.
- **Rule:** If the City's reason for denial is not backed by the administrative record, or if it fails to apply its ordinance standards consistently, the owner can obtain reversal and proceed with removal.

◆ **Key takeaway:** *A city cannot arbitrarily deny a tree-removal or site-alteration request if the applicant meets ordinance criteria and no substantial evidence supports the denial.*

2. *City of Ocean Springs v. Home Builders Ass'n of Mississippi*, 932 So.2d 44 (Miss. 2006)

- **Facts:** The City imposed landscaping and tree preservation requirements that significantly limited building and lot clearing.
- **Holding:** The Mississippi Supreme Court found parts of the ordinance **unconstitutionally vague and overbroad** as applied to certain private developments.
- **Result:** The ruling effectively allowed property owners and developers to **remove or alter vegetation** where the ordinance did not clearly define “protected trees” or removal criteria.

◆ **Key takeaway:** *A city ordinance that is vague or inconsistently enforced cannot be used to prohibit tree removal.*

3. *P & Z Comm'n of City of Ridgeland v. Hogg*, 791 So.2d 226 (Miss. Ct. App. 2001)

- **Facts:** A homeowner sought to remove vegetation (including large trees) to construct improvements inconsistent with landscape requirements.
- **Ruling:** The **court remanded** the matter for reconsideration because the Commission **failed to make findings supported by evidence** as required by ordinance.
- **Significance:** The court clarified that **owners are entitled to relief** when a city’s denial lacks factual justification or misapplies ordinance standards.

◆ **Key takeaway:** *Even protected tree denials can be overturned if the city’s process is flawed or lacks evidentiary support.*

Home Owner's Insurance Denied

Tree Point #13. * The proposed home site renders the property ineligible for homeowner's insurance.



To whom it may concern,

I am a licensed insurance broker, and I have been asked to provide guidance regarding property at 403 S Necaise Ave, Bay Saint Louis, Mississippi. The proposed home site is located directly beneath a large live oak tree.

From an insurance standpoint, this presents an extremely significant problem. Branches overhanging the roof must be trimmed and removed, and in many cases, trees positioned close enough to extend branches over the structure are required to be entirely removed, as they can render the property ineligible for homeowners' insurance. Without addressing this issue, the property will not qualify for standard insurance coverage.

For these reasons, it is my professional recommendation that the home be relocated on the lot, or the live oak tree be removed in order to make the property insurable.

Thank you for your time and consideration.

X JASON FRUGE
Jason Fruge' (License # 670858)
Owner/Broker
Compass Insurance Advisors

Historic District Map & Home Location



-The yellow X indicates the lot location.

Narrow Width Home Study in BSL Historic District

Tree Point #14. * If the applicant used the narrow buildable **width left of approximately 12.8 feet** depending on the allowable pruning of the live oak. This would be the narrowest future built home in the vicinity. A home this narrow would be visually non compatible with the historic district and virtually any neighborhood in the US. The average single wide mobile is between 14-18 feet. See study and photos below.

Narrow Width Homes in Historic District

Home Address	Approximate Measured Roofline Ft Width	Approximate Roofline Ft Length	Living/Heated SF from MLS or Tax Assessor	Year Built from Tax Assessor
107 Court St	22	55	699	2016
407 Hancock St.	18	63	1134	1999
121 Sycamore St	25	75	1305	1920
123 Washington St	19	45	544 SF	2007
229 Ballentine	18	82	914 SF	2009
231 Ballentine	15	43	420 SF	2009
247 Ballentine	20	63	881 SF	1970
219 sycamore	23	65	966	1996
308 union	24	37	630	1930
309 union	19	67	780	1935
204 Union	18	90	1320	1900
221 Union	23	70	1404	2020
349 State St	25	30	576	1950
317 State St	26	69	987	1950
111 McDonald	18	54	615	1945
313 Easterbrook	20	60	728	1960
334 Easterbrook	21	50	740	1935
504 Hancock St	23	50	1248	1970
224 Sycamore	19	60	720	1880
226 Sycamore	18	69	814	1970
251 Sycamore	21	64	833	1920
253 Sycamore	19	75	1051	1980
117 citizen st	19	59	696	2007
307 Saint George	20	83	912	1940

Most Narrow Home in the Historic District



15 feet Wide on 231 Ballentine

Setbacks granted from 2 years of Previous City Council Meeting Minutes

-The property at 403 S. Necaize resides in R-1 zoning and we ask that the council consider how the past 2 years of previous side set back variances were granted. It appears that a maximum of **5 feet** in **side setbacks** were granted to an existing variance in zone R-1 or R-2 **when new construction residences** were proposed. For constructing accessory dwellings or additions to follow setbacks closer side setbacks were allowed. (See study below - from September of 2023 through July of 2025)

City Council Meeting Minutes and Approved & Denied Setbacks Granted					
Approved (Setback Distances to Property Lines)					
Address	Date	Front	Rear	Side	Notes
401 S. Necaize	7/24/2025	7'8"	13'11"		construct new residence
259 Washington St	6/17/2025	10'			construct new residence
4137 Cardinal	5/20/2025	15'			construct new residence
5051 Georgia St	5/20/2025			11'	construct new residence
11080 New York St	4/23/2025	14'			construct carport
328 State	2/18/2025			3'	addition to dwelling and following current setback
1198 North Beach Blvd	12/17/2024			10'	construct a dwelling
218 Washington St	12/17/2024	18'10"	18'		construct a dwelling
3222 Fifteenth	11/19/2024	15'			construct an uncovered front porch
334 Gladstone	11/19/2024	15'			add addition to dwelling
412 Ulman	10/22/2024			6'	construct carport
302 St. John	10/22/2024		10'		construct porch
108 S. Toulme	10/22/2024		5'		home renovation
605 Spanish Acres	10/22/2024	0			construct carport
346 Demontluzin	8/20/2024	10'	5'6"	4'6"	expand living area to existing carport, reconstruct larger front porch
346 St. George	7/16/2024			7'	construct carport
500 South Beach Blvd	7/16/2024			8'2"	construct new resident
1350 North Beach Blvd	6/18/2024	20'	8'		construct accessory dwelling
218 Ballentine	5/21/2024			5'	construct new residence
102 Carroll Ave	5/21/2024	11'9"			renovate existing dwelling
336 State St	5/21/2024	20'	15'		construct dwelling
319 St. George	5/21/2024		10'		covered porch
11160 Manhattan	4/16/2024	20'			construct dwelling
528 State	3/19/2024		8'		? Minutes not recorded online
515 Genin St	3/19/2024	8'	3'		? Minutes not recorded online
211 Chartres	2/20/2024	20'	12'		construct new residence
408 St. George	1/16/2024		9'		construct new residence
102 Carroll Ave	1/16/2024		7'1"	6'3"	addition to dwelling
2224 Mole	1/16/2024			5'	construct dwelling
333 St. John	12/5/2023		17"	2'8"	Remodel <i>Existing Structures (dwelling & accessory)</i>
2002 N. Beach	11/7/2023	26'			construct deck
306 St. John	11/7/2023		3'	3'	construct accessory structure
126 Demontluzin	11/7/2023			2'9"	extension of <i>Existing</i> carport.
401 S. Necaize	10/3/2023	7'8"	13'11"		construct new residence
225 Caron	10/3/2023			5'	construct new residence
203 Union	9/5/2023		2'	0'	construct addition to dwelling. Person submitted was disabled
11056 Luzon	9/5/2023	20'			construct new dwelling
Denied					
Address	Date	Front	Rear	Side	Notes
339 State St	4/16/2024			3'	construct detached garage
251 Carre Ct	11/7/2024		15'	3'	construct new dwelling

Photoshop of Narrow Home on Lot



18 foot wide patio home photoshopped on existing lot photos. The actual buildable width outside of the drip line would only be **12.8 feet when measuring the canopy to a future proposed wider side setback of 5 feet.



Records of Emails, Receipts, & Correspondence

Delivery of Permit via FedEx – 04-21-2025



June 14, 2025

Dear Customer,

The following is the proof-of-delivery for tracking number: 880622787516

Delivery Information:

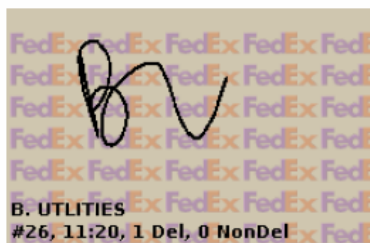
Status:	Delivered	Delivered To:	Shipping/Receiving
Signed for by:	B.UTLITIES	Delivery Location:	688 Highway 90
Service type:	FedEx 2Day		
Special Handling:	Deliver Weekday		BAY SAINT LOUIS, MS, 39520
		Delivery date:	Apr 21, 2025 11:18

Shipping Information:

Tracking number:	880622787516	Ship Date:	Apr 17, 2025
		Weight:	0.5 LB/0.23 KG

Recipient:
 Building Department - Attn: Ann,
 688 Highway 90
 BAY SAINT LOUIS, MS, US, 39520

Shipper:
 William Raines, CG2 Holdings
 822 HARDING ST, Ste. 305
 LAFAYETTE, LA, US, 70503



DELIVERED

Signed for by: B.UTLITIES

HOW WAS YOUR DELIVERY?



FROM

William Raines
 822 HARDING ST, Ste. 305
 LAFAYETTE, LA 70503 US
 Apr 17 at 9:02 AM

WE HAVE YOUR PACKAGE

LAFAYETTE, LA
 Apr 17 at 7:07 PM

ON THE WAY

GULFPORT, MS
 Apr 21 at 6:41 AM

OUT FOR DELIVERY

GULFPORT, MS
 Apr 21 at 7:02 AM

TO

Building Department - Attn: Ann
 688 Highway 90
 BAY SAINT LOUIS, MS 39520 US
 Apr 21 at 11:18 AM



Building Department - Attn: Ann
 880622787516

Denial Notification – 05-30-2025

Will Raines <lafagent@gmail.com>

Bay St Louis Tree Ordinance

6 messages


Jeremy Burke <jburke@baystlouis-ms.gov>
 To: "lafagent@gmail.com" <lafagent@gmail.com>
 Cc: Building and Zoning <permits@baystlouis-ms.gov>

Fri, May 30, 2025 at 10:54 AM

Bay St Louis Tree Ordinance attached

Jeremy Burke

Zoning Administrator/Historic Preservation Commission Coordinator/Community Affairs
 City of Bay St Louis
 228-466-5516

 **BSL Tree Ordinance.docx**
 63K

Will Raines, CCIM <lafagent@gmail.com>
 To: Jeremy Burke <jburke@baystlouis-ms.gov>

Fri, May 30, 2025 at 11:10 AM

Thank you

Will Raines, CCIM**Realtor**

C. 337-344-7173
 O. 337-889-5722
 E. lafagent@gmail.com
 A. 822 Harding Street, Suite 305,
 Lafayette, LA 70503
[Commercial | Hunco Real Estate](#)
[Will Raines, CCIM | LinkedIn](#)

[Quoted text hidden]

Will Raines, CCIM <lafagent@gmail.com>
 To: Jeremy Burke <jburke@baystlouis-ms.gov>
 Cc: Building and Zoning <permits@baystlouis-ms.gov>

Fri, May 30, 2025 at 11:10 AM

Thank you.

Can you please send me an appeal form?

Will Raines, CCIM**Realtor**

C. 337-344-7173
 O. 337-889-5722
 E. lafagent@gmail.com
 A. 822 Harding Street, Suite 305,
 Lafayette, LA 70503
[Commercial | Hunco Real Estate](#)
[Will Raines, CCIM | LinkedIn](#)

On Fri, May 30, 2025 at 10:54 AM Jeremy Burke <jburke@baystlouis-ms.gov> wrote:

[Quoted text hidden]

Jeremy Burke <jburke@baystlouis-ms.gov>
 To: "Will Raines, CCIM" <lafagent@gmail.com>
 Cc: Building and Zoning <permits@baystlouis-ms.gov>

Fri, May 30, 2025 at 11:18 AM

Bay St Louis does not have an application for appeal form.

[Quoted text hidden]

Will Raines, CCIM <lafagent@gmail.com>
 To: Jeremy Burke <jburke@baystlouis-ms.gov>
 Cc: Building and Zoning <permits@baystlouis-ms.gov>

Fri, May 30, 2025 at 11:22 AM

Ok how do I appeal the tree denial?

[Quoted text hidden]


[Quoted text hidden]

Jeremy Burke <jburke@baystlouis-ms.gov>
 To: "Will Raines, CCIM" <lafagent@gmail.com>
 Cc: Building and Zoning <permits@baystlouis-ms.gov>

Fri, May 30, 2025 at 1:15 PM

The denial of the tree removal permit is attached to this email.

[Quoted text hidden]

 **20250530142440964.pdf**
 371K



Building Department
688 Highway 90, Bay St. Louis, MS 39520
(228)469-0531 Office (228)466-5519 Fax

TREE WORK PERMIT

PERMIT NO 20241285

DATE 04/17/25

PERMIT FEE \$ 75

NAME OF APPLICANT William Roinis

ADDRESS OF APPLICANT Parcel No. 149M-1-29-051.00 (Next to 401 S. Necaize Ave) Bay Saint Louis

TELEPHONE NUMBER 337-344-7173 and lefagent@gmail.com

LOCATION OF WORK 403 S Necaize Ave

REQUEST TO: REMOVE PLANT TRIM OR PRUNE

**mitigation*

IN ACCORDANCE WITH BAY ST. LOUIS ORDINANCE #338 CHAPTER 25 TREE PRESERVATION; I HEREBY REQUEST PERMISSION TO REMOVE, PLANT OR PRUNE TREES ON PRIVATE PROPERTY.

SPECIES	NUMBER OF TREES	SIZE OF TREE
<input checked="" type="checkbox"/> LIVE OAK	<u>1</u>	_____
<input type="checkbox"/> MAGNOLIA	_____	_____

PERSON OR COMPANY PERFORMING THE WORK n/a

APPLIANT'S SIGNATURE WR Roinis

APPROVED WITH THE FOLLOWING CONDITIONS: _____

DENIED AND REASON: Denied 5/23/25 Healthy tree owner could ask for variances to save tree or possible new plan pf

Management - (View)

Edit Options Functions Help Chat

Project # 20241285 Description TREE PERMIT

Property 403 S NECAISE AVE Issued to RAINES, WILLIAM

General Segments Financial Property Info Information Comments History Footprint Conditions Description

Segments

TREE - TREE PERMIT

TREE - TREE PERMIT - Not Started

Status Not Started

Issued 5/05/2025 Expiration 11/04/2025

Estimated Value .00

Building Code 101 SINGLE FAMILY ATTACHED WA

Type Code 38

Financial

Fees	Payments	Balance
75.00	0.00	75.00 <input type="button" value="Print"/>

Contractor

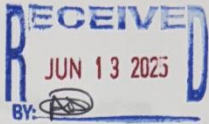
Owner Assigned

Edit This Record

New adaupin

Receipt of Appeal Delivery -06-13-25

PLANNING AND ZONING COMMISSION
CITY OF BAY ST LOUIS



WILL RAINES APPLICANT

APPEAL FROM THE DENIAL OF TREE REMOVAL PERMIT

i. On the 21st day of April, Will Raines, pursuant to Section 22-117 made application to the Tree Protection Advisor and the City of Bay St. Louis pursuant to Bay St. Louis Code of Ordinance Section 22-118 (2) Criteria of Issuance, to remove a tree out of necessity in order to construct a single family residence on site. Code Section 22-118 asks whether removal of the tree is necessary in order to construct the proposed improvements and allow the proposed improvements on the property. (See Section 22-118 that the Tree Protection Advisor shall consider 2) the necessity of removing the tree or trees in order to construct the proposed improvements or structures to allow reasonable economic use of the property). In this case, removal of the existing tree is absolutely necessary to construct the proposed improvements on this property and to allow reasonable economic use of the property. In fact, the existing tree reduces the buildable area of the subject lot from 45.10 feet by 70 feet to only 18.5 feet by 50 feet. The only way for the property to be utilized to build a single family residence is by removal of the tree. Therefore Will Raines should have been granted a tree removal permit out of necessity according to Section 22-118. It is for this reason he appeals from the denial to allow for tree removal. Absent removal of the tree the property has no reasonable economic use whatsoever. It is according to this Will Raines requests from the Planning and Zoning Commission a variance to allow for tree removal to render the property economically useful (so that he may build a single family residence).

ii. Will Raines also, in his application, cited Section 22-118 (7) regarding the ease of which the proposed development can accommodate the existing trees. In this case, taking into account the lot setbacks and the drip line of the existing tree the buildable width is only 18 feet. This causes the total footprint available with the tree to be reduced to only 925 square feet. The proposed development for a single family residence is 3,382.50 square feet thus frustrating the entire purpose of the development of the land for its intended purpose. Thus according to Section 22-118 in this case the proposed development cannot accommodate the existing tree. It is according to this Will Raines requests from the Planning and Zoning Commission a variance to allow for tree removal to allow for economic use of the property as there is no way for the proposed development to accommodate the existing tree. Due to the tree he can only build a 925 square foot house, not the proposed 2,382 square foot house.



Will Raines <lafagent@gmail.com>

Appeal from the Denial of Tree Removal

3 messages

Ann dauphin <adauphin@baystlouis-ms.gov> Fri, Jun 13, 2025 at 4:00 PM
 To: "lafagent@gmail.com" <lafagent@gmail.com>, Jeremy Burke <jburke@baystlouis-ms.gov>, Ricky Ladner <rladner@baystlouis-ms.gov>

At approximately 3pm today documents were delivered for an Appeal from the Denial of Tree Removal Permit for William Raines, property address 403 S Necaize Ave.

Mr. Raines was instructed by Mr. Jeremy Burke to have this document and payment in the office by today's date. I stamped and initialized the documents received and they are in Mr. Burke's Office.

Mr. Raines also gave me his Credit Card Information via telephone with an amount of \$50.00 to be charged. Since I am Not familiar with this Appeal process or procedure and am Not sure of how the charge goes through, I have locked the Credit Card Payment slip in a secure location in the Building Department to be given to Mr. Burke and processed correctly Monday.

--
 Ann Dauphin
 Permit Clerk
 Building Department
 City of Bay St. Louis
 228-469-0531

Will Raines, CCIM <lafagent@gmail.com> Fri, Jun 13, 2025 at 4:03 PM
 To: Ann dauphin <adauphin@baystlouis-ms.gov>, attorneytraxler@gmail.com
 Cc: Jeremy Burke <jburke@baystlouis-ms.gov>, Ricky Ladner <rladner@baystlouis-ms.gov>

Thank you Ann

Will Raines, CCIM



Realtor

C. 337-344-7173
 O. 337-889-5722
 E. lafagent@gmail.com
 A. 822 Harding Street, Suite 305,
 Lafayette, LA 70503
 Commercial | Hunco Real Estate
[Will Raines, CCIM | LinkedIn](#)

Front Elevation & Specs



1st Floor: **1935** sq.ft.
 Total Sq. Ft.: **1935'**
 Width: **46'**
 Length: **69'**

Bedrooms: **3**
 Bathrooms: **2**
 1/2 Bathroom: **No**
 Screened In Porch: **381 sq.ft.**
 Covered Porch: **301 sq.ft.**
 Deck: **100 sq.ft.**

Loft: **No**
 1st Flr. Master: **Yes**
 Basement: **No**
 Garage: **No**
 Elevated: **No**
 Two Masters: **No**

Mother In Law Suite: **No**
 Upside Down: **No**
 Elevator: **No**
 Tower: **No**

*For this 46 foot wide home to fit this lot without asking for a side setback variance, the plan is to have the architect reduce the size by ½ of foot on each side to meet the 8 foot per side setback. (Lot is 61 feet wide)

*Our goal is to build a second family home visually compatible with similar charm in the Historic District such as: 107 Sycamore, 123 Sycamore, 202 Citizen, & 344 Demontluzin. We hope our home improves the ongoing development in this area behind the St. Stanislaus football field, the Train Depot, and near 100 Men Hall.