

## APPLICATION FOR SPECIAL EXCEPTION 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: Donald Robertson

ADDRESS: 223 Leonhard Ave. & 214 Thomas St.

Bay St. Louis, MS

PHONE: 972-689-3910

ADDRESS OF PROPERTY IN QUESTION IF DIFFERENT FROM  
ADDRESS STATED ABOVE

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

Lots 9 & 10 BLK 4 Leonhard Subdivision and

PT 106 1st Ward

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

144N-0-19-065 & 144N-0-19-040 .000

3. Present Zoning: Residential

4. Present use of building/property: Residential and backyard for 223 Leonhard Ave.

5. Application fee of <sup>250</sup>~~\$100~~ (Residential): \$250 # 00515969

<sup>250</sup>  
Application fee of ~~\$200~~ (Commercial):

Please submit the following documentation with your application:

### 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.

#### 1305.2 SPECIAL EXCEPTIONS

A special exception shall not be recommended unless:

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.

1. The use for which a Special Exception is sought \_\_\_\_\_

We would like to hire a licenced contractor to build a 15 x 20 pergola on a concrete slab located on our 214 Thomas St. lot. We will add lancaeping and seating for a relaxation area for our family.

2. Grounds upon which it is claimed that the Special Exception shall be granted:

One lot is listed as Leonhard Subdivision and the other is a 1st Ward lot. This is preventing us from moving forward with the building permit.

~~We have recently cleaned up the fence line & remove old vines and growth. This~~ new structure and landscaping will add more improvement and beauty to the lot and street.

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

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

15x20 Pergola (open area no rooms)

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

cedar wood and posts

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

Leonhard is a subdivision - 1st ward is not.

8. If the property in question is within a sub-division, is there an existing covenant running with the land? No

9. If the answer to question 8 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 owner whose name is signed hereto that all of the above facts are true and correct.

Donald P. Patten  
Applicant's Signature

October 2, 2024  
Date

---

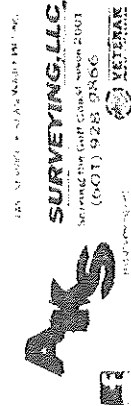
FOR OFFICE USE ONLY

Date of Application received:

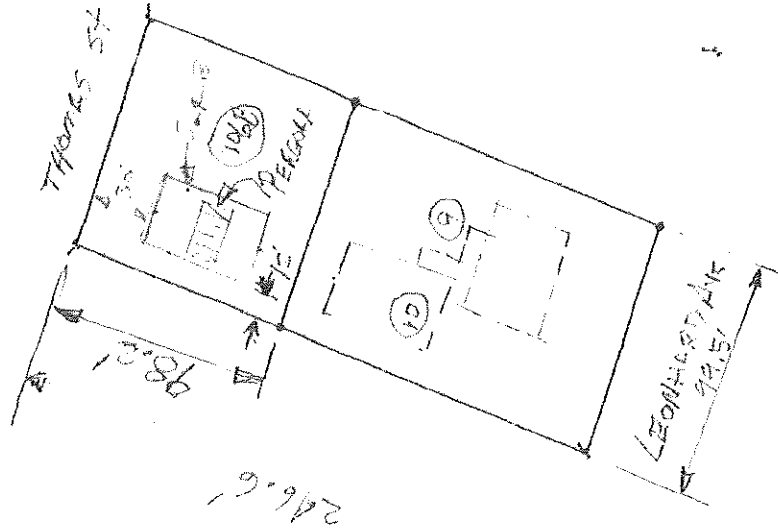
**Plat of Survey for John & Renee McCarthy**  
**Lots 9.10 & 106B, Leonhard Subdivision**  
**Hancock Co.**  
**Thomas Street, Bay St Louis, MS 39520**

Scale: 1"=145'  
 Date of survey: 7-14-22 by Voda & Enriquez  
 Drawn by O'Steen: 7-19-22  
 Bearings based on GPS, Grid North NAD 83  
 Class B Survey  
 Reference Material  
 1) Hancock Co. Tax Map  
 2) Aerial Photographs  
 3) Official Plat of Leonhard Subdivision

- Ø = Diameter
- = set 2" diameter rebar with a plastic cap bearing the name & license number of surveyor
- N/F = New or formerly owned by
- rd = found
- POC = Point of Commencement
- POB = Point of Beginning
- (S) = Measurement as determined by survey
- (M) = Measurement according to Record
- = Powerline
- = Chain Link Fenceline
- = Land hook - same owner on both sides
- = Line graphically shortened to fit (not to scale)



Shawn E. O'Steen, PLS 2851  
 78 KP Boiling Rd - Perkinston, MS 39573



Proj. No. 220708  
 Sheet 1 of 1

Hancock County  
 I certify this instrument was filed on  
 07-22-2022 04:51:10 PM  
 and recorded in Deed Book  
 2022 at pages 11498 - 11501  
 Timothy A Keller

**144N-0-19-040.000**



Parcel Number: 144N-0-19-040.000

Owner Name: MCCARTHY JOHN ETUX

Owner Address: 4422 CLAYCUT RD

Owner City, State ZIP: BATON ROUGE, LA 70806

Physical Address: 0

Improvement Type:

Year Built:0

Base Area:0

Adjusted Area:0

Actual Total Value:12600

Taxable Total Value:0

Estimated Tax:219.88

Homestead Exemption: No

Deed Book: 2022

Deed Page: 19957

Legal Description 1: PT 106 1ST WARD; BAY ST LOUIS

Legal Description 2:

Legal Description 3:

Legal Description 4:

Legal Description 5:

Legal Description 6:

Longitude:0

Latitude:0

Square Footage:9447.26

Parcel Number: 144N-0-19-065.000  
Owner Name: MCCARTHY JOHN ETUX  
Owner Address: 4422 CLAYCUT RD  
Owner City, State ZIP: BATON ROUGE, LA 70806  
Physical Address: 223 LEONHARD AVE  
Improvement Type:  
Year Built:0  
Base Area:0  
Adjusted Area:0  
Actual Total Value:29700  
Taxable Total Value:0  
Estimated Tax:518.29  
Homestead Exemption: No  
Deed Book: 2022  
Deed Page: 19957  
Legal Description 1: 9 & 10 BLK 4 LEONARD SUBD  
Legal Description 2:  
Legal Description 3:  
Legal Description 4:  
Legal Description 5:  
Legal Description 6:  
Longitude:0  
Latitude:0  
Square Footage:14359.62

2024 12250  
Recorded in the Above  
Deed Book & Page  
08-23-2024 11:33:54 AM  
Tiffany Lee Cowman  
Hancock County

**PREPARED BY AND RETURN TO:**

Coastline Title & Escrow, LLC  
5405 Indian Hill Blvd  
Diamondhead, MS 39525  
Phone: 228-220-4349  
Fax: 228-678-2215  
File #: 2024-123

**Indexing Instructions: Lot 106B, Block 4 of the Leonhard Subdivision in Hancock County, Mississippi**

**WARRANTY DEED**

**STATE OF MISSISSIPPI  
COUNTY OF HANCOCK**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, we,

**John McCarthy and wife, Renee McCarthy (Grantors)**  
4422 Claycut Road  
Baton Rouge, LA 70806  
(225) 229-5100

does hereby sell, convey and warrant to

**Donald Robertson and Lesli Robertson (Grantees)**  
2733 Woodson Dr  
McKinney, TX 75072  
(972) 689-3910

As joint tenants with full rights of survivorship and not as tenants in common, the following described real property situated and located in Hancock County, State of Mississippi, more

particularly described as follows, to-wit:

**Commence at a found 1/2-inch diameter rebar capped by Chiniche at the West right of way of B Street and the North right of way of Leonhard Avenue, thence run along the North right of way of Leonhard Avenue North 70 degrees 02 minutes 20 seconds West for 399.64 feet to a set 1/2-inch diameter rebar capped by O'Steen at the Southeast corner of Lot 9, Block 4 of Leonhard Subdivision, thence leaving said right of way, run along the East line of said Lot 9 North 20 Degrees 03 minutes 46 seconds East for 148.11 feet to a set 1/2-inch diameter rebar capped by O'Steen at the Point of Beginning, said point being the Northeast corner of Lot 9 and on the South line of Lot 106;**

**Thence run North 20 degrees 03 minutes 46 seconds East for 98.79 feet to a chain link fence corner on the South right of way of Thomas Street;**

**Thence run along said South right of way North 70 degrees 12 minutes 17 seconds West for 99.84 feet to a chain link fence corner also on the South right of way of Thomas Street;**

**Thence, leaving said right of way, run South 19 degrees 58 minutes 05 seconds West for 98.18 feet to a set 1/2-inch diameter rebar capped by O'Steen;**

**Thence run South 69 degrees 51 minutes 18 seconds East 99.68 feet back to the Point of Beginning;**

**Said parcel containing 0.23 acres more or less and located in Lot 106B, Block 4 of the Leonhard Subdivision in Hancock County, Mississippi;**

**The reference meridian for bearings is based on Grid North by GPS observation.**

**The property is reflected on the survey by AKS Surveying, LLC, dated July 14, 2022, attached hereto.**

**Being the property obtained by Grantors under Warranty Deed filed for record on December 29, 2022, in the office of the Chancery Clerk of Hancock County, in Deed Book 2022 at Page 19957.**

The conveyance herein is subject to all easements, roadways, servitudes, restrictive covenants and oil, gas and other mineral reservations, exceptions, conveyances, and leases of record or obvious on reasonable inspection of the subject property.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetland as defined in the Mississippi Coastal



Wetlands Protection Act and this conveyance includes any natural accretion and is subject to erosion due to the action of the elements.

The parties agree that the taxes for the current year have been prorated as of this date based on an estimated basis and are hereby assumed by the Grantees herein.

WITNESS OUR SIGNATURES, on this 13<sup>th</sup> day of August, 2024.

**GRANTORS:**

John McCarthy  
John McCarthy  
Renee McCarthy  
Renee McCarthy

STATE OF Mississippi  
COUNTY OF Hancock

Personally appeared before me, the undersigned authority in and for the said County and State, on this 13<sup>th</sup> day of August, 2024, within my jurisdiction, the within named **John McCarthy and Renee McCarthy** acknowledged that they executed the above foregoing instrument on the day and year herein indicated.

Melissa Nunley Reso  
Notary Public  
My Commission expires: 10/23/24



**TAX NOTICES** to be sent to Grantees.

PREPARED BY:

Law Offices of  
LAURA F. PAULK, PLLC  
16127 Orange Grove Road  
Gulfport, MS 39503  
228-831-1818  
LFP File No.: 2308012  
MS Bar No.: 10733

Return To:

Law Offices of  
LAURA F. PAULK, PLLC  
16127 Orange Grove Road  
Gulfport, MS 39503  
228-831-1818  
LFP File No.: 2308012

STATE OF MISSISSIPPI

COUNTY OF HANCOCK

## WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid this date, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged,

Marion C. Toledano, Grantor  
8335 Makiki Dr.  
Diamondhead, MS 39525  
228-342-4595

does hereby sell, convey and warrant unto

Donald Robertson and spouse, Lesli Robertson, Grantees  
223 Leonhard Ave.  
Bay St. Louis, MS 39520  
972-689-3910

as joint tenants with full rights of survivorship and not as tenants in common, the following described land and property being located in HANCOCK County, Mississippi, more particularly described as follows:

(See Exhibit A attached)

INDEXING INSTRUCTIONS: Lots 9 & 10, Block 4, Leonhard S/D  
Hancock Co., MS

Said property is no part of the homestead of the Grantor.

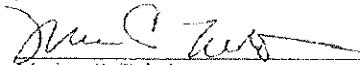
A copy of the Certificate of Death for James E. Toledano, Sr. also known as James Edward Toledano, is attached hereto and incorporated herein.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis and are assumed by the Grantees. When said taxes are actually determined,

If the proration as of this date is incorrect, the Parties hereto agree to pay on the basis of an actual proration.

This conveyance is made expressly subject to any and all restrictive covenants, rights-of-way, easements, and mineral reservations and any other rights now of record which effect the above described property.

WITNESS MY SIGNATURE, this the 30th day of March, 2023.

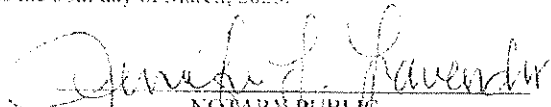
  
Marion C. Toledano

STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned Notary Public in and for the above named jurisdiction, the within named, Marion C. Toledano, who (severally) acknowledged that he/she/they signed and delivered the foregoing instrument on the day and year therein stated.

Given under my hand and seal, this the 30th day of March, 2023.


  
NOTARY PUBLIC

My Commission Expires:



**Donnie Robertson**

9:49 AM (4 hours ago)

to Ron, me 

Dear Jeremy,

I hope this message finds you well. I recently reached out to the Tax Office regarding the consolidation of my two adjacent lots at 223 Leonhard and 214 Thomas, as we had discussed. Unfortunately, I was informed that they do not qualify for consolidation due to being in different subdivisions—one is part of the Leonhard Subdivision, and the other is categorized as a Ward lot.

In light of this, I plan to submit a special exemption request and will be preparing the necessary paperwork to complete the process. Our objective is to have a licensed contractor build a 20x15 pergola on a slab at the back of the 214 Thomas St. lot. We envision creating an outdoor sitting area behind our home on Leonhard Ave., complemented by landscaping and flowers to enhance the space's aesthetic.

Once I have the paperwork ready, I will pick up the required forms from your office to move forward with this request. I am copying my father as he is helping me with gathering the necessary paperwork. Thank you in advance for your assistance.

Best regards!

Donald and Lesli Robertson  
2733 Woodson Dr.  
McKinney, TX 75072  
DonnieRobertson@gmail.com  
(972) 689-3910  
September 30, 2024

Planning and Zoning Committee  
688 Highway 90  
Bay St Louis, MS 39520

Dear Members of the Planning and Zoning Committee,

I hope this letter finds you well. I am writing to formally request a Special Variance for the installation of a pergola in our backyard. We are in the process of building our new home at 223 Leonhard Ave. We have also acquired the adjacent lot, which directly connects to our backyard. We would like to construct a 15-foot by 20-foot pergola on a concrete slab on the adjacent lot. However, we have been informed by the Bay St. Louis permit office that to obtain the necessary building permit for the pergola, we must first obtain a variance from the Planning and Zoning Committee.

By incorporating the adjacent lot into our backyard, we will not only enhance our family's living space but also contribute positively to the aesthetics and cohesion of our neighborhood by improving and maintaining this vacant lot. We believe that this consolidation aligns with the goals of the Planning and Zoning Committee to promote thoughtful development in our community.

Attached you will find an application for special exception to the zoning ordinance, a survey plat of the two lots and copies of our ownership deeds.

We kindly ask for your consideration of our request and look forward to your support in this matter. Please let us know if there are any additional forms or information you require to proceed with this consolidation.

Thank you for your attention to this request. We appreciate your assistance and look forward to your positive response.

Sincerely,



Donald Robertson

attachments