

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: Toni & Ray Tyndall

ADDRESS: 306 N. Toulmy
Metairie, LA 70003

PHONE: 504-701-7177

ADDRESS OF PROPERTY IN QUESTION IF DIFFERENT FROM
ADDRESS STATED ABOVE

306 N. Toulme St

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

The south 69 feet of lot 25. Carroll Subdivision
First ward, City of Bay St Louis, Hancock County

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

149F-0-29-129.000

3. Present Zoning: R2

4. Present use of building/property: Home

5. Application fee of \$²⁵⁰~~100~~ (Residential): #00546022

Application fee of \$²⁵⁰~~200~~ (Commercial): _____

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

See attached

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.

ARTICLE XIII RESPONSES

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.

- *Lot width of 69' is 6' below the R-2 minimum of 75'.*
- *Lot area of 6830 sq ft is 5670 sq ft below the R-2 minimum of 10,500.*

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.

- *Most lots in the immediate vicinity (historic residential district) are non-conforming and have been built to historic setbacks rather than current.*

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.

- *See above*

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.

- *What's being asked for is typical of the vicinity, in character with neighborhood.*

E. The special circumstances are not the result of the actions of the applicant.

- *Applicant did not create the expectational conditions of lot.*

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.

- *A lot sized to the R-2 minimum of 75' w' 8' side setbacks would allow for a house width of 59'. What is being requested is a house width of only 55'-2".*

G. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

- *We tried to work within the setbacks but an addition simply wasn't possible with the limited available area. The room being added on the west side is only 11'-4" wide, without a variance adding a room of only 8'-4" isn't practical for any sort of furniture layout.*
- *We exercised restraint in not requesting a variance for the setback on the east side of the house, it would be nice to have a few extra feet in the master wing, but we were able to fit a usable master suite onto this side of the house so variance is not being requested for this side.*

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.

- *Will be used a house that will be primary residence for homeowner*

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 Single family residence
2. The use for which a variance is sought _____

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

25' Front yard setback requirement
19' 00" Proposed distance remaining to the property line
6' Total front yard setback variance needed

8' Side yard setback requirement
5' Proposed distance remaining to the property line
3' Total side yard setback variance needed

20' Rear yard setback requirement
10' Proposed distance remaining to the property line
10' 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. Other type(s) of variance needed:

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

7/31/25
Date

FOR OFFICE USE ONLY

Date of Application received: _____