

December 5, 2025

Bay St. Louis Planning and Zoning Commission
598 Main Street
Bay St Louis, Mississippi

**Re: Opposition to Variance Application (Application No. 00555957) for
104 Washington Street, Bay St. Louis, MS 39520**

Members of the Planning and Zoning Commission:

We are writing to express our formal opposition to the Variance Application (Application No. 00555957) submitted by Joseph and Lillian Miceli for their proposed residence at 104 Washington Street, Bay St. Louis, MS 39520 (the "Property"). Specifically, we oppose their request for a variance to the front yard setback requirements, which would allow for a 12-foot setback instead of the minimum required by the zoning ordinance.

Granting this variance would not satisfy the criteria for hardship as outlined in the Bay St. Louis Zoning Ordinance, which states that a variance may be granted if a literal enforcement of the ordinance would result in unnecessary hardship. In this case, no unnecessary hardship exists. The Micelis were fully aware of the setback requirements and the flood zone restrictions at the Property when purchasing the Property. Therefore, they cannot claim that they are being unduly burdened by the existing zoning regulations.

Moreover, the Bay St. Louis Zoning Ordinance states that, in order for a variance to be granted, all of the following conditions must 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.
- 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 twelve (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 twelve (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 twelve (12) months

None of the substantive conditions set forth in sections (a) through (h) are present here – let alone **all** conditions, although these conditions **must** be satisfied before approval of the variance. It is clear from the face of the Variance Application that the Property is not subject to any extraordinary or exceptional conditions that justify granting the variance. In fact, the application makes clear that the only "special circumstance" here, i.e., the Micelis' intention to build a garage on the rear of the Property, is a circumstance unilaterally created by the Micelis' own construction plans. A literal interpretation of the setback requirements would not deprive the Micelis of any right to the use or enjoyment of their Property.

Importantly, granting this variance could set a concerning precedent for future requests of a similar nature in the neighborhood. Reducing setbacks could lead to overcrowding, diminished property values, and a general alteration of the neighborhood's character. Our community has been carefully developed with the goal of maintaining spacious, aesthetically pleasing properties that provide a sense of privacy and tranquility. Allowing a variance that decreases the setback would place the proposed structure closer to my property on Washington Street, as well as the

properties of our neighbors, which could significantly reduce privacy, especially in outdoor spaces.

The current zoning regulations were established to ensure the orderly development of our neighborhood and to promote the welfare of all residents. These regulations help maintain an appropriate distance between properties, prevent overcrowding, and safeguard the aesthetic appeal of the area. Granting this variance would undermine those important objectives.

For these reasons, we respectfully request that the Planning and Zoning Commission deny the variance request for 104 Washington Street. We believe that upholding the current minimum setback requirement is essential to preserving the integrity of our neighborhood and ensuring that all residents can continue to enjoy the benefits of living in a well-planned and harmonious community.

Thank you for your attention to this matter. We appreciate your consideration. Please do not hesitate to contact us if you have any questions or need any additional information.

Sincerely,



MIRIAM JONES

RESIDENT OF 107 WASHINGTON
STREET, BAY ST. LOUIS, MS 39520



BRAD JONES

RESIDENT OF 107 WASHINGTON
STREET, BAY ST. LOUIS, MS 39520

cc: Jeremy Burke, Director of Planning (via email jburke@baystlouis-ms.gov) and cthompson@baystlouis-ms.gov