

# 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: Marlin Landry & Ava Hingle

ADDRESS: 346 Demontluzin Ave.  
BSL, MS

PHONE: ML-504-912-3272

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:

26 3 Pt 27 Blk S Perkins SUB

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

1419 E -0-29-207.000

3. Present Zoning: R-2

4. Present use of building/property: personal residence

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

Application fee of \$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**

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.



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 704.3-5
2. The use for which a variance is sought Increase to current  
Living area.

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

25' Front yard setback requirement  
10' Proposed distance remaining to the property line  
15' Total front yard setback variance needed

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

20' Rear yard setback requirement  
5.5' Proposed distance remaining to the property line  
14.5' 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:

X

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? Yes

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

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.

Celt 2  
Applicant's Signature

7-15-24  
Date

FOR OFFICE USE ONLY

Date of Application received: