

**Regular Meeting of the Hancock  
County Planning Commission held on  
February 1, 2024**

**Those Present: Koenig, Mays, Crawford, Ladner and Farve**

**Gary Yarborough County Attorney**

**Anthony Cuevas Director of Planning & Zoning**

**Minutes of Previous Meeting: The minutes of the January 18, 2024 Regular Meeting were unanimously adopted on the motion of Commissioner Farve.**

**David Dreher d/b/a DCD Development-Zoning Change-Public Hearing**

The Commission considered the application of David Dreher d/b/a DCD Developments requesting a zoning change from A-1 General Agricultural to C-1 Neighborhood Commercial. The property area is located 350 feet west of and along Kapalama Rd. from the centerline of Ed Faye Rd. to the intersection of Kiln Delisle Rd. west down the centerline of Kiln Delisle Rd. to Rotten Bayou then east along the bank of Rotten Bayou to the Hancock /Harrison County line and south along the Hancock/Harrison County line to the city limits of Diamondhead and then north along the centerline of Ed Faye Rd 350 feet to point of beginning.

The application was submitted pursuant to Section 910 of the Zoning Ordinance. The Commission explained that it was the applicant's burden to meet all of the requirements of Section 910 by clear and convincing evidence pursuant to the teachings of *Edwards v. Harrison County Board of Supervisors*, 22 So.3d 268 (Miss. 2009), and the obligation to demonstrate either: (1) a mistake in the original zoning occurred; or (2) a change occurred in the character of the neighborhood to justify rezoning and a public need. (*Id.* at 274).

Mr. Dreher was present at the meeting and explained to the Commission that he and numerous Commercial Business Owners along Kapalama Dr. would like to request the zoning be changed from A-1 General Agricultural to C-1 Neighborhood Commercial. Mr. Dreher explained to the Commission that the numerous commercial businesses along Kapalama Dr. support the neighborhood by the various services that they offer to the community.

Several people attended the meeting from the public.

Bill Lawler spoke for the zoning change with a letter from Joe Floyd who owns property in the zoning change area that is totally in favor of the zoning change.

David Depreo spoke for the zoning change stating that all the people in the area use the commercial businesses some time or another. He stated that there are 35 businesses and five homes in the zoning change area and that it already looks like a Commercial Corridor.

Jack Waldrop spoke for the zoning change stating that he resides in the zoning change area.

Matthew Faul spoke against the zoning change stating that he doesn't understand how someone can change their property zoning and take their property use away.

Kelly Faul spoke against the zoning change stating that its family property and no one should be able to change the zoning on their property.

Kirk Mauffray spoke against the zoning change stating that there is no water and sewer available to the area to promote growth and Mr. Dreher should not be able to dictate to them what they can do on their land.

Brent Garriga spoke against the zoning change stating that his property abuts the property where Mr. Dreher is currently in the process of finishing two buildings that are preventing his property from having proper drainage and is causing his property to become and stay wet all the time.

Glenda Morgan spoke against the zoning change stating that her children and grandchildren will inherit her property and she does not want the zoning change.

Aaron Faye spoke against the zoning change stating that he and his elderly dad both don't want the zoning change due to it putting stress and higher taxes on them.

Breezy Bice spoke against the zoning change stating that the area off Ed Faye Rd is all family land.

Sandra Wicktom spoke against the zoning change stating that all the property around her is family land.

Ann Mauffray spoke against the zoning change stating that lights shine in her house and illuminate the inside of her house at night from the existing commercial buildings across the street from her.

James Troy Wicktom spoke against the zoning change and stated that the line is not correct as depicted by the measurement on the paper. Mr. Wicktom also said that the zoning change is restricting his right of use on his property.

Kristen Wicktom spoke against the zoning change stating why change from A-1 to C-1 when things can be done under the current A-1 Zoning.

Greg Ratcliff spoke against the zoning change stating that the traffic is his concern that he can not get his mail out of the mailbox without being concerned about safety.

Carol Faul spoke against the zoning change stating that the change is not justified.

After discussion on the matter it was motioned by Commissioner Farve to recommend denying the Zoning Change with Commissioner Koenig, Commissioner Crawford and Commissioner Mays agreeing to recommend denial of the Zoning Change with Commissioner Ladner in favor of recommending approval of the Zoning Change. The motion was approved for recommending the denial of the Zoning Change with majority in favor. With the vote, the Commission approved and adopted the following findings of facts considering the existing conditions, the conservation of property values, the direction of building development to take best advantage of the entire community, and the uses to which property is devoted at the time of the adoption of the proposed amendment, also considering the 2009 Comprehensive Plan.

First, there was no evidence submitted of an error in the ordinance, and the Commission finds as fact there is none as relates to the properties at question. Second, considering whether there are changes in condition of the area to warrant a change, the commission notes that while there was additional commercial development in the area since 2009, the development was for uses already allowed under the present A-1 zone, and a change to a C-1 would limit the allowed uses already existing in the area, which would include barns, agricultural uses. This worked against the amendment. As to the issue of the needs for sites, there are still undeveloped sites in the area, which would allow more development, both consistent with the A-1 uses, or under the A-1 allowed, though commercial in type, recent uses. The commission found that elements four and 5 are inapplicable.

Following the conclusion of the public hearing, the Commission further makes findings as follows: (1) As to section 910.02-06.01, the Comprehensive Plan presently does not contemplate expanded commercial activity in this area, weighing against amendment; (2) as to section 910.02-06.02, the existing uses in the area are all consistent with the present zoning of A-1, being single family residences, agricultural uses, or commercial type uses that are mostly recent, applied for and developed

under the A-1 zone, meaning they are consistent with A-1 use; (3) as to 910.02-06.03, the zoning classification in the area is consistent with the uses of A-1; (4) as to 910.02-06.04, the properties in question are permitted under the zoning classification; and (5) as to 910.02-06.05, though there have been additional commercial type uses, they are all workable under the present zoning classification, A-1.

The Commission thereby approved the vote to deny the application, and the findings of facts above. Further, the Commission notified at the conclusion of the public hearing that the applicant or others aggrieved or alleged to have been aggrieved had the right to appeal within ten days. No appeal has been submitted.

#### **Chandler Residential Company-Preliminary Subdivision Plan-Public Hearing**

The Commission considered the application of Chandler Residential Company requesting a Preliminary Plan Review for a new 14 Lot Subdivision. The property is located south of Nicola Rd., west of Jordan Bluff Dr. Kiln, MS 39556. The parcel number for the property is 133 -0-23-001.000. The property is currently zoned A-1 General Agricultural.

After discussion on the matter it was unanimously tabled on the motion of Commissioner Koenig to have the developer include the requirements of the Hancock County Subdivision Regulations Section II Part B. subsection 4. b and f which includes the names of all owners of all adjoining lots and tracts of land, as well as contour intervals and building lines.

The General Public was made aware and informed the application would be re-publized for a new hearing.

#### **Jonathan Sims-Mini Subdivision**

The Commission considered the application of Jonathan Sims requesting to divide a 3-acre parcel of property into 2 separate parcels. The property is located on Rd 432 Kiln, MS 39556. The parcel number for the property is 069D-0-30-012.000. The property is currently zoned A-1 General Agricultural.

Mr. Sims was not present at the meeting and after discussion on the matter it was unanimously adopted to table the application due to Mr. Sims not being present.

#### **Sumerjit Sing d/b/a Pure Country 4-Conditional Use**

The Commission considered the application of Sumerjit Sing d/b/a Pure Country 4 requesting to operate a Liquor Store in an existing suite of a Commercial Business Building. The property is located at 16598 Hwy 603 Kiln, MS 39556. The parcel number for the property is 069D-0-30-056.001. The property is currently zoned C-1 Neighborhood Commercial.

Mrs. Sing was present and explained to the Commission that they would like to open and operate a Liquor Store in an existing suite of the Commercial Building. Mrs. Sing stated that they would have signage on the entrance door and on the building itself.

After discussion on the matter it was unanimously adopted on the motion of Commissioner Koenig to recommend the Conditional Use to operate a Liquor Store at the existing suite of the Commercial Building.

Meeting adjourned at 7:22p.m.

  
Chairman