# JUN 1 3 2017

HARRISON COUNTY ZONING ADMINISTRATION 15309-C COMMUNITY ROAD, GULFPORT, MS 39503 228-831-3367

# **ZONING MAP AMENDMENT APPLICATION**

I. ADVALOREM TAX PARCEL NUMBER: <u>0107-31-005.003 (4-acre parcel)</u> and <u>0107-31-005.004 (2.3-acre parcel)</u>.

(Parcel numbers are available from the Harrison County Tax Assessors at 865-4044)

II. GENERAL LOCATION OF PROPERTY INVOLVED: (Give nearby roads)

/

### Edwin Ladner Road

Address of subject property: No 911 address has been requested at this time

III. GENERAL DESCRIPTION OF REQUEST (What are you asking?): Requesting to re-zone two parcels from Agricultural to E-1 (4-acre parcel) and R-1 (2.3-acre parcel).

### IV. REQUIRED ATTACHMENTS:

- A. Supplemental Application (instructions within packet)
- B. Current Deed and Recent Tax Receipt (2 cleds)
- C. Covenants and Easements attached to the property \* (ovenants attached)
- D. Site Plan (Must include: Streets, location of property lines, dimensions of property, location of all buildings their distance from each property line, easements, and flood zones.)
- E. Cash or check payable to Harrison County \$50.00
- V. OWNERSHIP AND CERTIFICATION: I hereby certify that I have read and understand the information contained within the application and that all the answers are true and correct. I certify that, as it pertains to this application, I am in compliance with all applicable Federal, State and local statutes and ordinances. Further, I certify that I agree to allow the Zoning Officer access to my property during normal working hours with or without my presence for any reasonable inspection as it relates to this application. Finally, I certify that I am the owner or one of the owners, of the property that is the subject of this application (each owner must be listed, use a separate sheet as necessary).

Cary L A Chery I A Bennett Name of Owner(s)	Cheryl A. Bennett
Name of Owner(s)	Name of Preparer or Applicant for Permit
POBOX460 NOTIBINADA	POBOXYLO 17071 B'inch Dr.
Address	Address
Pearlington, MS 39572	Pearlington, MS 39572
City State Zip Code	City State Zip Code
BA8-342-7348	821-342-7348
Phone	Phone
Signature of Owner (s) (Required)	Signature of Preparer or Applicant

# Supplemental Application

Please complete the following application. Your reply may exceed the space provided; attach additional sheets as needed. If you wish, you may use a computer to prepare the application; simply recreate the outline and submit the computer generated form with answers in place of the handwritten form provided.

1. Introduction: Gary L and Cheryl A Bennett currently own two parcels of property in Harrison County that are zoned Agricultural and are requesting to re-zone to E-1 and R-1. The property was reclassified at Tax Assessor's office during the filing of the deeds but never done at the Zoning Commission. The two parcels will be sold and the new owners plan to build a home. At that time they may opt to combine the two properties into one parcel.

### 2. Reason for Amendment: 1407.02 thru 1407.02.07

Change in condition is the reason for the amendment. This site is was never re-zoned from A-1 to E-1/R-1 at the Zoning Commission when purchased originally from the then owners. The property was reclassified at the Tax Assessors office when the deeds were filled at the act of sale.

### 3. Findings of the Planning Commission:

1407.04.05(a) The consistency of the proposed amendment with the goals and objectives of the County's Comprehensive Plan.

This request is in keeping with the comprehensive plan of Harrison County. The area will change from Agricultural to Residential to allow selling of the two parcels. The new owners intend to build a residence.

1407.04.05(b) Existing uses of property within the general area of the property in question.

There are existing residences and vacant land. There is a mixture of homes as well.

1407.04.05(c) The zoning classification of property within the general area of the property in question.

### The surrounding properties are E-1 and R-1 and a large block of A-1 that is underdeveloped.

1407.04.05(d) The suitability of the property in question for the uses permitted under the existing zoning classification.

### The E-1 re-zoning is for the 4-acre parcel and the R-1 is for the 2.3 acre parcel.

1407.04.05(e) The trend of development, if any, in the general area of the property in question, including changes, which have taken place in its zoning classification.

The trend is toward creating home site of 1 acre or larger. A trademark of the R-1 (Low Density Residential). Most of the R-1 and R-2 lots in the area exist because of similar splits.

# BEFORE YOU TURN IN YOUR APPLICATION, PLEASE MAKE SURE THAT THE FOLLOWING INFORMATION IS INCLUDED WITH YOUR APPLICATION

1.	In your own words tell us why you are making this application? (What do you want to do on your own or someone else's property?)		
	2.3 ac		ltural to E-1/R-1, there are two parcels (4-acre and ied at the original act of sale but never re-zoned mission.
2.	Is the subject property the same size as tax parcel number and deed? (The subject property is the land that you want to use and It's called a <b>Building Lot or Site.</b> The County does have minimum standards for lot sizes.)		
	X	YES	$\square$ NO
3.	Have all the people named on the most recent deed given you permission by letter to make this application? (Even married couples have to both sign the application or letter giving you permission to make the application.)		
	X	YES	□ NO
4.	Does your Building Lot site plan show all improvements on the property?  (Improvements are any houses, manufactured homes, barns, sheds, pools, ponds that are currently on the Building Lot.)  • The Zoning Office will provide you with the basic site plan, if a survey isn't		
		available. Surveys are preferr	
		YES	NO Doungrount will budow / National.
5.	Is the applicant the owner of the property? (The applicant can be the user of the property, future owner of the property or an agen helpling the property owner with the application.)		
	△	YES	□ NO

1 in = 400 ft



# **REQUEST TO SPLIT PROPERTY**

Subject property: XXXXX EDWIN LADNER PD.
Tax Parcel # 107 - 31 - 005.001, 0107 - 31 - 005.003 \$ 0107 - 31-005  Nearest intersection: EDWIN LADNER \$ ELWIN LADNER PD
Property Owner: 6 ary " Chery   Bennett  Person making request: Chery   Bennett  Address: P.O. Box 460, Pearlington 3812 Phone: 342. 1348  What is currently on property? Want
REQUEST: SPUT 4 Acres for Parcel 1 = 2.3 acres for Parcel 2 from 10+1- acres, Sput Acreamy Done in TAX ASSESSORS OFFICE
TAX ASSESSORS OFFICE  Decision: Approved - Neeps to Be REZONED. PARCEL  I from A-1 to E-1 and parcel 2 from A-1 to R-1
*Are there any existing surveys, covenants, wetland delineations or deeds?*



STATE OF MISSISSIPPI COUNTY OF HARRISON FIRST JUDICIAL DISTRICT Taxparce1# 0107-31-005.003 (4 ALRES)

The Instrument Prepared By & Return To: WOOTEN LAW FIRM, PLLC P. O. DRAWER 640 GULFPORT, MS 39502 228-214-1281

### WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of ten dollars, cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

DESMOND W. HODA and FREDA L. HODA 4308 Park Ten Drive Diamondhead, MS 39525 Phone: 228-255-5328

do hereby sell, convey and warrant unto

GARY L. BENNETT and CHERYL A. BENNETT P. O. Box 460 Pearlington, MS 39572 Phone: 228-533-7348

the following described real property, together with all improvements thereon, located in the First Judicial District of Harrison County, State of Mississippi, to-wit:

SEE ATTACHED EXHIBIT "A"

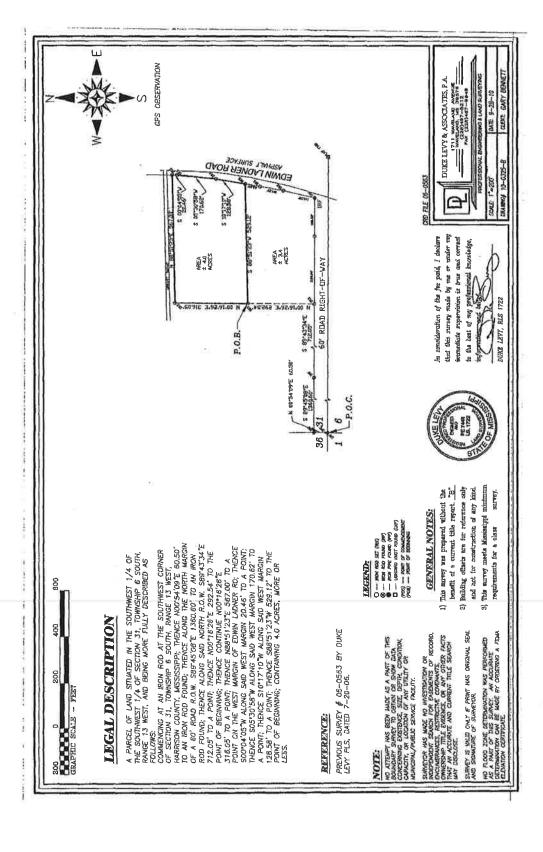
This conveyance is subject to all restrictions, reservations and easements affecting said property on file and of record in the Office of the Chancery Clerk of the First Judicial District, Harrison County, Mississippi.

Witness my signatures on this \_\_\_\_\_\_

\_ day of October, 2010.

Desmond W. Hoda

Freda L. Hoda







Taxparcel# 0107-31-005-004 (2.3 ACRES)

STATE OF MISSISSIPPI COUNTY OF HARRISON FIRST JUDICIAL DISTRICT The Instrument Prepared By & Return To: WOOTEN LAW FIRM, PLLC P. O. DRAWER 640 GULFPORT, MS 39502 228-214-1281

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Pearlington, MS 39572
Phone: 228-533-7348

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SEE ATTACHED EXHIBIT "A"

This conveyance is subject to all restrictions, reservations and easements affecting said property on file and of record in the Office of the Chancery Clerk of the First Judicial District, Harrison County, Mississippi.

Witness my signatures on this 22

\_day of Jane, 2011.

XIII

Desmond W. Hoda

Freda L. Hoda

### STATE OF MISSISSIPPI

### **COUNTY OF HARRISON**

Personally appeared before me, the undersigned authority in and for the said county and state, on this the \_\_\_\_\_\_ day of June, 2011, within my jurisdiction, the within named Desmond W. Hoda and Freda L. Hoda, who acknowledged that they executed the above and foregoing instrument of their own free will and voluntary act.

GIVEN UNDER MY HAND and official seal of office, this

day of June, 2011.

NOTARY PUBLIC

My commission expires:

OF MISS DRY PUS ID # 5912 C ERIC D. WOOTEN Commission Expires December 21, 2012 A parcel of land situated in the Southwest ¼ of the Southwest ¼ of Section 31, Township 6 South, Range 13 West, First Judicial District of Harrison County, Mississippi, and being more fully described as follows:

Commencing at an iron rod at the Southwest Corner of Section 31, Township 6 South, Range 13 West, First Judicial District of Harrison County, Mississippi; thence N00°54'09"E 60.50' to an iron rod found, being a point on the north margin of a 60' R.O.W.; thence along said R.O.W. S89°45'08"E a distance of 1360.60' to an iron rod found; thence along said R.O.W. S89°43'34"E a distance of 712.05 to a point on said R.O.W.; thence N00°16'26"E a distance of 92' to a point, being the POINT OF BEGINNING; thence S89°43'34"E a distance of 467.36, more or less to a point on the West margin of Edwin Ladner Road; thence northerly along said West margin 219.74', more or less, to the Southeast corner of the property previously conveyed by the Grantors to the Grantees by Warranty Deed, being filed in the Office of the Chancery Clerk of this County, Instrument No. 2010-0006987-D-J1; thence along the South boundary of the property of Bennett N88°51'23"E a distance of 529.12' to a point, being the Southwest corner of the property of Bennett; thence S00°16'26"W to the POINT OF BEGINNING.

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# EXHIBIT "&" RESTRICTIVE COVENANTS

As partial consideration for the conveyance of the real property described in this Warranty Deed, the Grantors, and their successors in interest, have made such real property subject to these restrictive covenants; and that the Grantee, and his successors in interests, agrees that the real property conveyed herein shall be subject to the following restrictive covenants:

- 1. The real property being conveyed shall be used for residential and recreational purposes only.
- 2. The real property shall not be subdivided.
- 3. No mobile home or manufactured home shall be allowed on the real property; and any home constructed on the real property shall have a minimum of 1,250 square feet of heating/cooled area. The exterior of the home shall be properly maintained and kept in good repair.
- 4. The real property shall remain free of trash, debris, junk and or other material. No inoperable motor vehicles shall be stored on the property. The real property may be fenced, but the fence and any other improvements to the real property shall be properly maintained at all times.
- Individual sewage disposal systems (septic tanks) shall be installed in accordance with the Mississippi State Board of Health Regulations.
- No commercial fowl, swine or goats shall be permitted on this property. A reasonable number
  of canines and felines may be kept on the real property, but shall not be allowed to leave the
  real property, unless on a leash.
- 7. No noxious, immoral, illegal or offensive activity shall be carried on upon the real property nor shall anything be done thereon which may be or become an annoyance or nuisance to the public.
- 8. These covenants shall run with the land and shall remain in full force for thirty-five years. Should owner of the real property lease the real property, the owner shall remain responsible for compliance with these covenants and shall have a duty to assure that his/her tenant remains in compliance. Should any of these covenants be violated and should such violation not be cured within 15 days after written notice from the Grantor, the Grantor shall have the right to take legal action against Grantee to enforce the terms of these covenants and Grantee shall be required to reimburse Grantor for all costs, damages and attorneys' fees incurred as a result of such violation.

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BOOK 1589PAGE 324

Remonally appeared before me, the undersigned authority in sud for the said county and state, on this scale in the solid memoral Deana it. Sorte, who sectioned size of the state is a monther of force Property Management, LLC, a Missispipi Limited Company, and that for and on behalf of said company, she executed the above and force going instrument after having been authorized by said company; she of the

GIVEN UNDER MY HAND and official seal of office, this 200

THIS INSTRUMENT PREPARED BY:
Dickinson, Ros, Wooten, Esmuson, P.L.L.C.
2301 14<sup>th</sup> Street, Suite 600
Guilport, MS 39501
(228) 863-8861

STATE OF MISSISSIPPI

COUNTY OF HARRISON

My comnission expires:

Grantox/Grantors' Address: Wo 2300 23<sup>rd</sup> Avenue Galfport, MS 39501 Phone #(228)863-5521

This conveyance is subject to all restrictions, reservations and easements afferting said

SEE ATTACHED EXHIBIT "A"

property on file and of record in the Office of the Chancery Clerk of the First Judicial District

PAVRE PROPERTY MANAGRADINT, LLC

Witness my signatures on this At day of June, 2002.

of Harrison County, Mississippi.

real property, together with all improvements thereon, located in the First Judicial District of

Harrison County, State of Mississippi, to-wit:

As joint tenants with rights of survivorahip, not as tenants in common, the following described

DESMOND W. HODA and FREDA L. HODA

do hereby sell, convey and warrant unito

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ENDEXING INSTRUCTIONS:

and other good and valuable considerations, the receipt and sufficiency of which is hereby

FAVRE PROPERTY MANAGEMENT, LLC, a Mississippi Corporation,

acknowledged, the undersigned,

FOR AND IN CONSIDERATION of the sum of ten dollars, eash in hand paid,

WARRANTY DEED

STATE OF MISSISSIPPI COUNTY OF HARRISON

A SEE PROBLEM READERS

Carried Comments

211-20 ACT CARENT ROURT & ASSOCIATES, INC.

GARY A. BURT & ASSOCIATES, INC.

927 Solle A. HWY SE Weel, Poplaville, u.S. 28970 A SURVEY FOR FAVRE ENTERPRISES 001 SCYFE SE Conter of SW 1/4
SEC. 31, 765, R13W
(Highler wood stake) (.d.A.q.) W.24.12.01 2 48.004 has seed 18.24.1 T. 26.24.01 2 tence poet 2 00'22'36" E 80,00 dores 3 402.03 W-CC-4C-10 2 3-E212'06 H NEIN SAT, 18, sec. 9 ham)

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EXHIBIT "A"

INDEXING INSTRUCTIONS:

STATE OF MISSISSIPPI COUNTY OF HARRISON Iss Judicial District

Instrument Number 2002 4910 D

Filed ? 2 2002 413 P

Yoral Foos 8.00

Book/559 Page 32 3-316 Recorded 7-122

#### ENTERED OH COMPUTER

### WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of ten dollars, cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

FAVRE PROPERTY MANAGEMENT, LLC, a Mississippi Corporation, do hereby sell, convey and warrant unto

DESMOND W. HODA and FREDA L. HODA

As joint tenants with rights of survivorship, not as tenants in common, the following described real property, together with all improvements thereon, located in the First Judicial District of Harrison County, State of Mississippi, to-wit:

#### SEE ATTACHED EXHIBIT "A"

This conveyance is subject to all restrictions, reservations and easements affecting said property on file and of record in the Office of the Chancery Clerk of the First Judicial District of Harrison County, Mississippi.

Witness my signatures on this 2 day of June, 2002.

FAVRE PROPERTY MANAGEMENT, LLC

Deanna T. Favre, Member

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STATE OF MISSISSIPPI

COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in said for the said county and state, on this the day of June, 2002 within my jurisdiction, the within named Deanna T. Favre, who acknowledged that she is a member of Favre Property Management, LLC, a Mississippi Limited Company, and that for and on behalf of said company, she executed the above and foregoing instrument after having been authorized by said company so to do. to do.

GIVEN UNDER MY HAND and official seal of office, his 2-1 day of fune, 2002,

NOTARY PUBLIC

My commission expires:

Grantor/Grantors' Address: c/o 2300 23<sup>rd</sup> Avenue Gulfport, MS 39501 Phone #(228)863-5521

Grantee/Grantees' Address: P.D. Prox 10188 Dioxidopad NS

THIS INSTRUMENT PREPARED BY: Dickinson, Ros, Wooten & Samson, P.L.L.C. 2301 14th Street, Suite 600 Gulfport, MS 39501 (228) 863-8861

ission Expires: 5/5/04

EXHIBIT "A"

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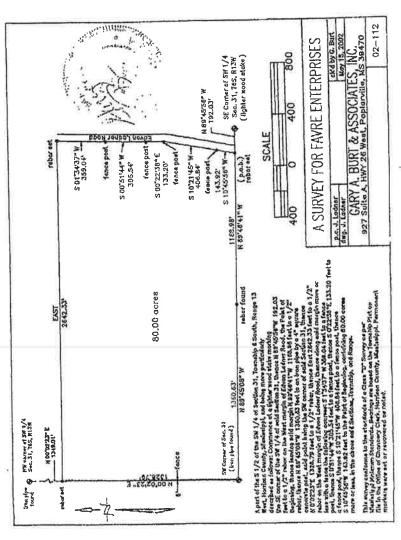
A part of the S 1/2 of the SW 1/4 of Section 31, Township 6 South, Range 13 West, Harrison County, Mississippi, and being more particularly described as follows: Contrnence at a lighter wood states marking described as follows: Contrnence at a lighter wood states marking the SE corner of the SW 1/4 of sold Section 31, thence N 87 45568"W 192.03 feet to a 1/2" rebor on the West margin of Edvan Ladher Raad, the Point of Section 11, 2" rebor, thence N 87 45708"W 1360.35 feet to an Iron pipe by a 4" acquire concrate poxt, sold point being the SW corner of soid Section 31, thence concrate poxt, sold point being the SW corner of soid Section 31, thence concrate poxt, sold point being the SW corner of soid Section 31, thence concrate in 12" rebor to a 1/2" rebor, thence East 2542.33 feat to a 1/2" rebor to the West margin of Edvan Ladher Road, thence closed aftergin more or less with a tence the following courses: S 1'3475" W 358.04 feet to a fence poxt, thence S 0'51'44"W 303.34 feet to a fence poxt, thence S 0'51'44"W 303.34 feet to a fence poxt, thence S 10"45'58"W 143.92 feet to the Point of Beginning, containing \$0.00 cores more or less, in the above sold Sections, Township, and Runge.

This survey conforms to the standards of a Class "D" Survey as per Missionlps Mainmen Standards. Bearings are based as the Tosnetia Plat ap file in the Office of Chancery Clerk, Harrison County, Mississippl. Permanent markers were set or recovered as noted.

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880K T2889PAGE - 326

RECEIPT NUMBER 11.000 YEAR 11/30/2016 US LOSTATES DELINQUENT AT 1% PER MONTH AFTER FEB. 1.

NOT RESPONSIBLE FOR PAYMENTS LOST IN MAIL.

DESCRIPTION 60594 01-07-15-205. 003 219 39503 0006987-D-J1 1071972010-WD 3 2072 FT E & 353 FT N OF 8EC 31 N 316 FT N 88 D9 E 2010-0006987-D-J1 (4 AC) BEG SW COR OF SEC 31 N 567 FT TO W MAR OF SA7 FT TO W MAR OF EDWIN LADNER RD S 20.5 FT 8 5 DG W 170.6 FT 8 10 DG W 128.4 FT 8 88 DG W 529.1 FT TO POE PART OF SW 1/4 OF SEC EDWIN LADNER RD 31-6-13 TOTAL TRUE 13 MCO ASSESSED IMPROVED 2488R TOTAL TAXES DUE COUNTY SCHOOL 374.73 BENNETT GARY L & CHERYL A PO BOX 460 PEARLINGTON MS 37572

եսիդրդվբեցըսիքիայլ[իչ#/իլուս|կլի#[իիս/II]ի

RECEIPT NUMBER Haclor PPIN YEAR 11/30/2016 139577 US POSTAGE DELINQUENT AT 1% PER 60595 MONTH AFTER FEB. 1, 1 0107 -01-005. 094 39503 4301-D-J1 07/01/2011-WD 152.5 FT N & 2072.7 FT DF SEC 31-4-13 E 467.4 DR: 2011-000430 (2.3 AC) BEG 15 E OF SW COR DF FT TO W MAR OF 0004301-D-JI TO W MAR OF EDWIN LADNER RD NLY ALONG RD 219.7 FT N 88 DG W 529.1 FT 8 188 FT M/L TO POB PART OF SE 1/4 OF SW 1/4 OF SEC 31-6-13 \$/T/R 31-06 -13 TOTAL TRUE ASSESSED IMPROVED TOTAL TAXES DUE SCHOOL 234 129 42

BENNETT GARY L & CHERYL A

PO BOX 460 PEARLINGTON

MS 39572

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