

1 City of Pass Christian  
2 Municipal Complex Auditorium  
3 105 Hiern Avenue

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5 **Planning Commission**  
6 **Meeting Minutes**  
7 **Tuesday, February 26, 2019, 6pm**  
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10 **CALL TO ORDER**

11 Chairman Tom Phares called the meeting to order at 6:00 PM. In attendance were Commissioners Lisa  
12 Smith, Adam Pace, Michael Lizana, Ken Austin, Rebecca O’Dwyer, Lisea Johnson and Margaret Jean Kalif.  
13 Commissioner Steve Hunter was not in attendance.  
14

15 Also in attendance was the City Planner, Danit Simon.  
16

17 **ADOPTION OF MINUTES**

18 The first order of business was the adoption of the minutes from the monthly Planning Commission  
19 meeting held on January 29, 2019. A *Motion* by Commissioner Austin, seconded by Commissioner  
20 Johnson, was made to adopt the minutes with two corrections pointed out by Commissioners Kalif and  
21 Smith (a grammatical error on line 230 and a name correction on line 275). The motion passed  
22 unanimously.  
23

24 **NEW BUSINESS**

25 ○ *Begin Public Hearing*

26 Chairman Phares explained that new language will be used for Public Hearings, transitioning from  
27 “Open and Close” to “Begin and End.” And, I make a *Motion* to amend all past minutes to read  
28 Begin and End in lieu of “Open and Close.” Furthermore, I must emphasize that this Commission has  
29 NEVER gone into ANY version of an executive session, closed or private meeting, at ANY of our  
30 meetings.  
31

32 A *Motion* by Commissioner Pace, seconded by Commissioner Kalif, was made to amend the Public  
33 Hearing language for all past and future meetings, and to begin today’s public hearing. The motion  
34 passed unanimously.  
35

36 ○ *Application PD-5-2019, Darell Samuels, 3 Japonica Drive, #0412P-04-012.000, Conditional Use Permit*  
37 *for a shed (non-dwelling outbuilding) on a lot without a Principal Structure, in the T3R Single-Family*  
38 *Residential Zone.*  
39

40 Chairman Phares introduced the application.  
41

42 The City Planner, Danit Simon, briefed the Planning Commission on the application: Before we get  
43 started, if anyone is here for the applications at 531 Espy Avenue or 503 Church Avenue, the applicants  
44 have withdrawn those applications and they will not be reviewed tonight. If and when they return to  
45 this Commission for review, the projects will be re-advertised and you will receive another letter in the  
46 mail.  
47

48 Back to 3 Japonica Drive, the applicant is requesting to place an eight by four foot shed on an  
49 undeveloped lot to store landscape equipment to maintain the property. This small 32 square foot shed  
50 will be located at the rear of the property, meeting the required five-foot side and rear setbacks. You  
51 might remember when we updated the SmartCode to prohibit the process for mother-in-law cottages to

52 be built prior to the Principal Structure. *Tonight's application is entirely different from that.* The  
53 Conditional Use Permit for non-dwelling outbuildings such as this was designed for small sheds, not  
54 elaborate garages with living quarters, but small sheds that provide the owner with the ability to store  
55 equipment needed to maintain the property.

56  
57 The Conditional Use Permit has several conditions that the applicant has already agreed to, including:  
58 One, the shed may not have electricity, water or sewer hook ups. Two, the shed must meet the setback  
59 requirements and be located with sufficient space for the future primary building. Three, the owner  
60 must sign an agreement to maintain the outbuilding and the vacant lot, not allowing for overgrown  
61 vegetation, trash, vehicles, boats, etc. to accumulate on the property, and to meet all other  
62 requirements of the Property Maintenance Code. Failure to meet these requirements or rectify the  
63 violations upon notification by the City results in the loss of the Conditional Use Permit and the shed  
64 must be removed. These requirements are legally enforceable. Again, the applicant is amenable to all  
65 of these conditions, and understands that the storage is only allowed in the shed itself, additional  
66 outdoor storage or parking of any kind is strictly prohibited.

67  
68 The shed is eight by four feet, and eight feet in height, with cedar siding and a cedar shake shingle roof.  
69 Please see the rendering in your packet, and Simon then handed out the rendering to the public. The only  
70 deviation from the architectural standards is the request for a mono-pitched roof with a 3:12 slope. The  
71 code standard is for either a flat roof or gabled roof with a 5:12 minimum slope. The mono-pitched roof  
72 and 3:12 slope is typical of smaller sheds such as this, and the Building Code Official has confirmed that  
73 it meets the building code standards.

74 Regarding the size of the lot, while it is narrower than the T3R Zone Standards, it is a legal non-  
75 conforming lot. The lot is approximately 9,000 square feet, and there is sufficient space to build a house  
76 on the lot without needing any variances. And if the applicant wanted any variances, he will have to go  
77 through the application process.

78  
79 The shed will have a nominal impact on the surrounding area, while allowing the owner to store the  
80 equipment needed for the continual maintenance of the property. The Conditional Use Permit meets  
81 the Standards for Planning Commission Approval and will be in harmony with the character of the  
82 neighborhood in which it is located. This concludes my report and the applicant is here to answer  
83 questions.

84  
85 Chairman Phares stated that while the lot is small, it was platted at this size some time ago, it wasn't  
86 created recently or since the SmartCode was adopted.

87  
88 Simon added that while it is narrower than the T3R Zone's 60-foot minimum it is over 9,000 square feet,  
89 which exceeds the zone's 7,260 square foot minimum. There is ample room for the required 1,000  
90 square foot house.

91  
92 Commissioner Pace asked if the applicant is amenable to the conditions that the Commission has  
93 approved with other similar applications.

94  
95 Simon responded that she couldn't recall an applicant that utilized the Conditional Use Permit section of  
96 the code. But the conditions are listed in the code and the applicant is one hundred percent  
97 comfortable and willing to comply with them.

98  
99 Commissioner Austin added that there might have been a similar application on Clarence Avenue but  
100 the shed might not have been built in the end.

101 Nonnie DeBardelben, 11 Japonica Drive, stated that allowing a shed on the vacant lot is inconsistent  
102 with the neighborhood, there is sound reasoning in the code requiring a primary structure to be built  
103 first, and there is no primary structure even proposed for the lot. There are a lot of vacant lots in the  
104 neighborhood, some along the highway, and this would set an adverse precedent and allow for other  
105 vacant lots to have sheds on them. There is no other place in the area with a shed at the rear of an  
106 empty lot. There is a regulation that allows for the parking of RVs and campers on a lot once there is a  
107 structure on the lot...

108  
109 Commissioner Austin corrected DeBardelben, stating that this particular conditional approval prohibits  
110 any parking on the property. No RV's, campers, boats, cars, and trailers can be parked on the lot after  
111 the shed is installed. And no outdoor storage of any kind can be located on the lot after the shed is  
112 installed.

113  
114 James Hardwick, 1025 E Beach Boulevard, owner of the southern adjacent property, stated that the  
115 shed will compromise the integrity of the neighborhood. The primary residence should be built first, I've  
116 spoken to several neighbors that couldn't make tonight's meeting, that are frightened that the harmony  
117 of the neighborhood will be interrupted by having a shed without a primary residence. I don't know  
118 what the shed will be used for, you don't need a large shed to store lawn maintenance equipment...

119  
120 Chairman Phares pointed out that the shed is not large, at four by eight feet in size.

121  
122 Hardwick continued that this approval opens the door for other storage facilities to be built on the lots  
123 along the beach, which compromises the integrity of the whole area, to have storage facilities built on  
124 individual lots. Whose to say you couldn't buy a lot and put a boat and a storage facility...

125  
126 Several Commissioners responded that a boat and storage facility is prohibited.

127  
128 Ashley Hardwick, 1025 E Beach Boulevard, stated that it was our understanding that a primary residence  
129 should be build before a shed. Another adjacent neighbor, Mr. Alexander, couldn't make it, but I spoke  
130 to him and he is also not happy with the shed. This is one of the prettiest areas of Pass Christian, and  
131 the shed will really compromise the integrity of the neighborhood. The homes in the area are lovely,  
132 well cared for and manicured and the neighborhood does not want to pass by a shed sitting on a vacant  
133 lot. This will open the door for sheds on the other vacant lots in the neighborhood. We oppose the  
134 application.

135  
136 Commissioner Kalif stated that this is not a storage unit or facility, as seems to be envisioned by the  
137 opposition of the applicant tonight. The proposed shed is the size of sheet of plywood, big enough for a  
138 lawn mower and maybe a pair of clippers. This is a nice looking shed and a very small shed, which will  
139 be located at the very back of the property. If this were next door to me, I would be glad that my  
140 neighbor was maintaining his property rather than let the grass grow up. If you ride around town you  
141 will see plenty of neglected lots with overgrown grass. This is a nonintrusive shed, which the SmartCode  
142 allows for in this instance with specific conditions.

143  
144 Commissioner Austin asked what the depth of the lot is.

145  
146 Simon answered that the lot is over 200-feet deep.

147

148 Commissioner Austin stated that the four by eight foot shed, the size of a sheet of plywood, will be  
149 located over 200-feet back from the street, and there are some trees and vegetation that will block at  
150 least part of the view of the shed.

151  
152 Chairman Phares asked Simon to confirm that anyone who wants to make a similar request will have to  
153 make an application to be reviewed by the Planning Commission, they all come to us for review? And  
154 we would look at the location, how it will be used, the size, design, exterior materials? And the same  
155 conditions would apply, including no parking or outdoor storage, no electricity, water or sewer, etc.?  
156 The Planning Commission would review all of those details anytime someone wanted a shed on a vacant  
157 lot? And, if they built the house first, the shed would be allowed after? This isn't a situation where they  
158 are trying to get approval for a shed that isn't allowed to the rear of a house?

159  
160 Simon answered that in absolutely every situation the owner will have to make the application, and the  
161 Planning Commission will review the particular details and circumstances to determine approval or  
162 denial of the Conditional Use Permit. And, with this property, after a house is built the shed would be  
163 allowed by right.

164  
165 Commissioner Johnson asked who will police the conditions of the approval to ensure that vehicles or  
166 outdoor storage doesn't accumulate on the lot?

167  
168 Chairman Phares responded that the neighbors will police this, and if they call in a complaint, the  
169 Building Codes Office has the authority to enforce the conditions of approval to fix the situation or have  
170 the shed removed, in addition to daily fines.

171  
172 A member of the public asked if he plans to build a house.

173  
174 Commissioner Pace answered that the promise of a house is not a requirement of this Conditional Use  
175 Permit.

176  
177 The applicant, Darell Samuels, volunteered that he met with Watters Architecture earlier today and  
178 plans to move in to his house by December 2019.

179  
180 A *Motion* by Commissioner Austin seconded by Commissioner Pace, was made to approve Conditional  
181 Use Permit for an eight by four foot shed with the conditions as listed in Section 5.14.1 of the  
182 SmartCode. The motion passed unanimously.

183  
184 ○ *End Public Hearing*

185 A *Motion* by Commissioner Austin seconded by Commissioner Kalif, was made to end the public hearing.  
186 The motion passed unanimously.

187  
188 **OLD BUSINESS**

189 N/A

190  
191 **OTHER BUSINESS/PUBLIC COMMENT**

192 N/A

193  
194 **ADJOURN**

195 A *Motion* by Commissioner Pace, seconded by Commissioner Smith, was made to adjourn the meeting  
196 at 6:20 P.M. The motion passed unanimously.