



*Victor Gray-Lewis*  
*Director*

CITY OF VICKSBURG  
*Community Development Division*

**Zoning / Historic Preservation / Privilege License**

819 South Street      Vicksburg, MS 39180  
(601) 634-4528      Fax (601) 638-4229

April 13, 2018

Mr. Michael Randall Stewart  
815 Clark Street  
Vicksburg, MS 39180

Dear Mr. Stewart:

The purpose of this letter is to respectfully inform you that in the Zoning Board of Appeals meeting held April 10, 2018 your request for a variance to Section 407.1-1(6)g from eight parking spaces to one (1) parking space for the purpose of operating a boarding house at 702 Mattingly Street did not pass with a majority vote of four (4) members.

Please be advised that you may appeal to the Mayor and Aldermen within ten (10) days from the date of the decision by the Zoning Board of Appeals by filing with the City Clerk a written appeal specifying the grounds thereof.

Should you have any questions, please feel free to contact Dalton McCarty at 634-4528.

Sincerely,

Paula Wright  
Zoning Board of Appeals  
Secretary



*Victor Gray-Lewis*  
*Director*

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March 13, 2007

Mayor and Aldermen  
P. O. Box 150  
Vicksburg, MS 39181-0150

Dear Mayor and Aldermen:

The purpose of this letter is to respectfully inform you that in the Zoning Board of Appeals meeting held April 10, 2018, Mr. Michael Randal Stewart's request for a variance to Section 407.1-1(6)g from eight parking spaces to one (1) parking space for the purpose of operating a boarding house at 702 Mattingly Street did not pass with a majority vote of four (4) members.

Should you have any questions, please feel free to contact Dalton McCarty at 634-4528.

Sincerely,

Paula Wright  
Zoning Board of Appeals  
Secretary



Victor Gray-Lewis  
Director

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April 13, 2018

Sports Fields, Inc.  
Mr. Chris Carnahan  
3760 Sixes Road, Ste. 126-331  
Canton, GA 30114

Dear Mr. Carnahan:

The purpose of this letter is to respectfully inform you that in a meeting held on April 10, 2018 the Zoning Board of Appeals of the City of Vicksburg granted a special exception to develop a sports complex at 255 Fisher Ferry Road.

If you have any questions, please call Dalton McCarty at 634-4528.

Sincerely,

Paula Wright  
Zoning Board of Appeals  
Secretary

cc: Mayor and Aldermen  
Victor Gray-Lewis, Director of Building Inspections



Victor Gray-Lewis  
Director

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*Community Development Division*  
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April 13, 2018

Mayor and Aldermen  
P. O. Box 150  
Vicksburg, MS 39181-0150

Dear Mayor and Aldermen:

The purpose of this letter is to respectfully inform you that in a meeting held on April 10, 2018 the Zoning Board of Appeals of the City of Vicksburg granted a special exception to Sports Fields, Inc. to develop a sports complex at 255 Fisher Ferry Road.

If you have any questions, please feel free to contact me at 634-4528.

Sincerely,

Paula Wright  
Zoning Board of Appeals  
Secretary



*Victor Gray-Lewis*  
*Director*

**CITY OF VICKSBURG**  
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April 13, 2018

Mayor and Aldermen  
City of Vicksburg  
Post Office Box 150  
Vicksburg, MS 39181

Dear Mayor and Aldermen:

The purpose of this letter is to respectfully inform you that the Zoning Board of Appeals of the City of Vicksburg, in a regular meeting held April 10, 2018 voted unanimously to recommend to you a request to rezone the following properties: 169 Magnolia Road, owned by HHG, LLC, Deed Book 1606 Page 652 (PPIN 11563) from C-PUD to L-2 Heavy Industrial, 3577 Hwy 61 South, owned by Jeffrey K. Burnett, Deed Book 1216 Page 46 (PPIN 27013) from C-PUD to MX-1 Mixed Use Residential and three (3) parcels owned by Ronald S. Muirhead, Deed Book 1542 Page 848 (PPIN 11565, 11310 and 11335) from C-PUD to L-2 Heavy Industrial as provided by Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg, as amended.

Should you have questions, please feel free to call Dalton McCarty, Zoning Administrator at 601-634-4528.

Sincerely,

Paula Wright  
Zoning Board of Appeals  
Secretary

April 10, 2018  
City Hall Annex Building  
5:00 p.m.

MM \_\_\_\_\_  
GP \_\_\_\_\_  
AM \_\_\_\_\_  
APR 24 2018

## MINUTES

### **Zoning Board Members Present:**

Fred Katzenmeyer  
David Sessums  
Anita Collins  
Robert Clingan  
Steven Jones

### **Absent:**

Warren Jones  
Tom Sturgis

### **Others Present:**

Dalton McCarty, Zoning Administrator  
Nancy Thomas, City Attorney

The following appeals were presented to the Board:

The meeting was called to order by Fred Katzenmeyer. Mr. Katzenmeyer announced that a quorum was present.

Mr. Katzenmeyer asked that everyone sign in.

Mr. Katzenmeyer stated that cases before the board today were:

1. **Michael Randall Stewart** - requesting a variance to Section 407.1-1(6)g from eight (8) parking spaces to one (1) parking space for the purpose of operating a boarding house at 702 Mattingly Street;
2. **Sports Fields, Inc.** - requesting a special exception to develop a sports complex at 255 Fisher Ferry Road which is zoned R-1 Single-Family Residential, as provided by Section 404.5 of the Zoning Ordinance, Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg, as amended;
3. **City of Vicksburg** - requesting to rezone the following properties: 169 Magnolia Road, owned by HHG, LLC, Deed Book 1606 Page 652 (PPIN 11563) from C-PUD to L-2 Heavy Industrial, 3577 Hwy 61 South, owned by Jeffrey K. Burnett, Deed Book 1216 Page 46 (PPIN 27013) from C-PUD to MX-1 Mixed Use Residential and three (3) parcels owned by Ronald S. Muirhead, Deed Book 1542 Page 848 (PPIN 11565, 11310 and 11335) from C-PUD to L-2 Heavy Industrial as provided by Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg, as amended.

Mr. Katzenmeyer stated that the hearing would be video and tape recorded to record all testimony and statements.

Mr. Katzenmeyer also stated that if an appeal to The Mayor and Aldermen was desired after a decision by the Zoning Board of Appeals, the person desiring the appeal must notify the City Clerk in writing within ten (10) days after the decision of the Zoning Board of Appeals was rendered.

Mr. Katzenmeyer asked that all cell phones to be turned off. Mr. Katzenmeyer stated that all proofs of publications had been published and recorded.

Mr. Katzenmeyer asked Dalton McCarty to present the case for Mr. Stewart.

Mr. McCarty, City of Vicksburg Zoning Administrator, stated that Mr. Stewart was requesting a variance to Section 407.1-1(6)g from eight (8) parking spaces to one (1) parking space to operate a boarding house at 702 Mattingly Street. He stated that he had met with Mr. Stewart and most of his tenants did not have cars. This property is zoned C-4 General Commercial and boarding houses are permitted uses. Mr. McCarty stated that Mr. Stewart had a letter from a neighbor that would let him park next door on his property. The ordinance allows on-site parking and Mr. Stewart can accommodate one parking space in the driveway. There are some building code issues that Mr. Stewart is dealing with.

Mr. Clingan asked how many boarders he had. Mr. McCarty stated that he could have up to eight (8).

Mr. Clingan asked if the parking requirements depended on how many boarders. Mr. McCarty stated that one (1) space per bed was required.

Mr. Sessums asked what type of building code issues were there. Mr. McCarty stated that when you changed uses from single-family to multi-family there were certain requirements necessary to meet the building codes and those were being addresses.

Mr. Stewart stated that there was a business on the corner of Washington Street and Mattingly Street which stored old X-ray film so there were no customers using the parking lot and he could use the entire parking lot if needed. He stated that there were six (6) people living there and only two of them drove and usually one car was in the driveway and one was on the street. He stated that if they had visitors or if any other resident drove they could use the parking lot.

Mr. Katzenmeyer asked if David Longmire would give him permission to park there. Mr. Stewart stated that he had a letter from Mr. Longmire giving him permission to park there.



Mr. McCarty stated that he had a copy of the letter from Mr. Longmire (Attachment 1).

Mr. Stewart stated that they were addressing the building code issues and would be installing the sprinkler system.

Mr. Katzenmeyer stated that it looked like people were parking in the yard now. Mr. Stewart stated that the contractors were parking in the yard.

Mr. McCarty stated that he had a letter from Mr. Walter T. Sheriff (Attachment 2) that had been sent to the Mayor. Mr. Sessums asked if this letter was from someone that did not bother coming to the meeting. Mr. McCarty stated that he had not met Mr. Sheriff and he lived on Security Street. Mr. Sessums stated that if it was not worth Mr. Sheriff's time to come to the meeting to address or answer questions from the board then they did not need to have the letter read.

Mr. McCarty stated that the neighborhood was not single-family as stated in the letter it was CBR-4 Commercial, Business and Multi-family Residential and C-4 General Commercial.

Mr. Jones asked how long Mr. Stewart had owned the property. Mr. Stewart stated since August 2017.

Mr. Katzenmeyer asked if Mr. Stewart would live there. Mr. Stewart stated that he would not live there but his brother would. Mr. Stewart stated that he lived in the neighborhood on Clark Street.

Mr. Katzenmeyer called for a motion.

Mr. Sessums moved that the Board finds that it was empowered under Ordinance 71-8 of the Zoning Ordinance of Vicksburg, MS as described in the application submitted by Michael Randall Stewart to grant the variance to Section 407.1-1(6)g from eight (8) parking spaces to one (1) parking space for the purpose of operating a boarding house at 702 Mattingly Street, and that

the granting of the variance will not be contrary to the public interest, because, owing to special conditions a literal enforcement of this ordinance would result in an unnecessary hardship.

With no further discussion, the following vote was taken:

Fred Katzenmeyer vote nay  
David Sessums vote aye  
Anita Collins vote aye  
Robert Clingan vote nay  
Steven Jones vote aye

The vote was 3 to 2 and did not pass with a majority vote of four (4) members.

Mr. Jones stated that they needed to explain to Mr. Stewart what the vote meant.

Mr. McCarty stated that four (4) votes were needed for a majority ruling and there was only three (3) and the next step would be for Mr. Stewart to appeal to the Mayor and Aldermen.

Mr. Katzenmeyer asked Mr. McCarty to present the next case for Sports Field, Inc.

Mr. McCarty stated that was requesting a special exception to develop a sports complex at 255 Fisher Ferry Road which is zoned R-1 Single-Family Residential, as provided by Section 404.5 of the Zoning Ordinance, Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg, as amended.

Rob Ryan stated that they were asking for a special exception to allow a public/quasi-public facility at 255 Fisher Ferry Road. Mr. Ryan presented a rendering on an easel at the front of the room of the sports complex. He stated that the property was zoned residential. He stated that they were asking for the special exception to allow the development of the sports complex. He stated that the complex was on an existing site that had already been cleared and graded many years ago. We are developing just that portion of the site that had been cleared and graded and we are not expanding it. There will be a single point of entry off of Fisher Ferry Road and a central parking lot to serve the project. There will be an entry building that will be used for

administrative purposes. There will be a total of eleven (11) synthetic turf sports fields. There will be a secondary central hub further back in the project, shade shelters around the park, drinking fountains and various sitting areas around the complex.

Mr. Clingan stated that they were not here to talk about the planning of the complex but he did have a question. He stated that he was handicapped and that it was a long walk from the parking lot to the back fields and asked if there had been any thought to put parking on the other end of the complex.

Mr. Ryan stated that it would be difficult to get parking in the back without doing a lot of site disturbance because of the way the project had been graded and the wetlands that surrounded it. As the operator of the park we realize that it is a long walking distance and we will provide shuttle services when the facility is in use.

Mr. Katzenmeyer asked if this was the complex being built for the city or was this a privately run complex.

Chris Carnahan with Sports Fields, Inc. stated the City owns the land and Sports Fields, Inc. will lease it from the City to develop, design, build and operate the sports complex. The lease agreement is for ten (10) years with two five (5) years renewals so it is a 20 year commitment on our behalf.

Mr. Clingan asked if this had always been zoned residential. Mr. McCarty stated that this property was annexed in 1996 and was zoned residential.

Mr. Sessums stated that the application stated that there were restrictive covenants but they were not attached. Nancy Thomas stated that the restrictive covenants were only for the wetlands and we did wetlands covenants with DEQ.

Mr. Sessums asked if the complied with ADA. Mr. Ryan stated yes, everything would be in conformance with ADA.

Mr. Katzenmeyer called for a motion.

Mr. Katzenmeyer moved that the Board find that it was empowered under section 404.5 of the Zoning Ordinance of the City of Vicksburg, Mississippi as described in the application submitted by Sports Fields, Inc. to grant the special exception to develop a sports complex at 255 Fisher Ferry Road, and that the granting of the special exception will not adversely affect the public interest.

With no further discussion, the following vote was taken:

Fred Katzenmeyer vote aye  
David Sessums vote aye  
Anita Collins vote aye  
Robert Clingan vote aye  
Steven Jones vote aye

Mr. Katzenmeyer asked Mr. McCarty to present the last case for the City of Vicksburg.

Mr. McCarty stated that the City of Vicksburg was requesting rezoning of the following properties: 169 Magnolia Road, owned by HHG, LLC, Deed Book 1606 Page 652 (PPIN 11563) from C-PUD to L-2 Heavy Industrial, 3577 Hwy 61 South, owned by Jeffery K. Burnett, Deed Book 1216 Page 46 (PPIN 27013) from C-PUD to MX-1 Mixed Use Residential and three (3) parcels owned by Ronald S. Muirhead, Deed Book 1542 Page 848 (PPIN 11565, 11310 and 11335) from C-PUD to L-2 Heavy Industrial as provided by Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg, as amended.

Mr. Sessums stated that Jeffery K. Burnett was part of this and Mr. Burnett was a close personal friend, business partner and client of his and he would recuse himself from this case.

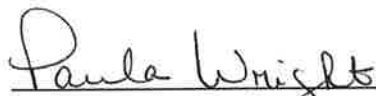
Mr. Clingan asked what a C-Pud was. Nancy Thomas stated that it is a Planned Unit Development and applied to properties that were three (3) acres or more and their uses didn't fit into a particular zone. They could have different setbacks or different uses and we did this for Lakes Gaming and we erroneously included these parcels in their PUD and they should not have been included.

Mr. Katzenmeyer called for a motion.

Mr. Katzenmeyer moved that the Zoning Board of appeals recommend to the Mayor and Aldermen the request to rezone the following properties 169 Magnolia Road, owned by HHG, LLC, Deed Book 1606 Page 652 (PPIN 11563) from C-PUD to L-2 Heavy Industrial, 3577 Hwy 61 South, owned by Jeffrey K. Burnett, Deed Book 1216 Page 46 (PPIN 27013) from C-PUD to MX-1 Mixed Use Residential and three (3) parcels owned by Ronald S. Muirhead, Deed Book 1542 Page 848 (PPIN 11565, 11310 and 11335) from C-PUD to L-2 Heavy Industrial submitted by the City of Vicksburg, as provided by Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg as amended.

With no further business before the Zoning Board of Appeals, the meeting was adjourned.

I, Paula Wright do hear by certify that the minutes of the hearing held April 10, 2018 are true and correct to the best of my ability.



Paula Wright, Zoning Board Secretary

03.04.18

I, property owner of 3601 Washington  
David Longmire  
Vicksburg, MS

Do grant permission to Michael Stewart  
property owner of 702 Mattingly  
Vicksburg MS

to allow vehicle parking permission

on this said property site.

This said permission may be  
revoked at any given time  
without reason.

David Longmire

March 28, 2018

From the desk of:  
Walter T. Sheriff  
3620 Security Street  
Vicksburg, MS 39180

Sir Director of Zoning:

This massive comes to address the posting of a sign which reads:

.. A Notification: An Application for rezoning purposes: 702 Mattingly Street (from a single family dwelling to multi-family living) [a boarding house]. This application may sit well in the neighborhood in which the owner lives, because he always keep his property well-manicured. Not this property, past or present for which said owner is applying for rezoning. For the property owner, past or present has neglected such care for many years. Why? This residential area is not suitable for such a setting (boarding house).

The following microscopic views should be given an empirical date search before the Zoning Board renders a decision for the above applicant:

- \* Recheck the maintenance of the property before the application was submitted for rezoning;
- \* Recheck the distribution of information informing residents of an applicant seeking a rezoning status of said area and the residents' voice for or against the rezoning;
- \* Recheck the maintenance of property by property owners who do not live in the Mattingly Street area;
- \* Recheck the maintenance of property by owners who live in the Mattingly Street community area;
- \* Recheck the migratory of occupants in the Boarding House "who come and go like Michelangelo;"
- \* Recheck the entire community for quality living in this area and the area throughout this section of the City.

How can a Boarding House increase the value of property that is well-maintained by those faithful property owners who that take pride in their domain. Moreover, having lived in this neighborhood for more than thirty years, I have witnessed the assertive effort of those who strive to beautify their landscape in the following ways: Cutting the grass, painting their houses, and keeping a watchful eye for the security of both property and personal safety for each other. How is this Neighborly Policy executed in your neighborhood? Do you have a Boarding House in your residential area?



**Sir Mayor, Sir Board of Aldermen, and Sir Community Development Director, please consider** the above showmanship of execution and render a decision that enhances the community in which we live, not only Mattingly Street, but also the whole community in this section of Vicksburg. For a multi-family dwelling (Boarding House) should not be established in this Community. Let us consider other areas that are suitable for such dwelling. (Commercial property).

A quality life: A peaceful neighborhood, a pleasant environment, and a people atmosphere in which residents share a common respect for life and their fellowman.

Appositionally Yours,



Walt

cc: Mayor George Flaggs  
Alderman Michael Mayfield  
Alderman Alex Monsour  
Victor Gray Lewis