

TO: Mayor and Board of Aldermen  
City of Vicksburg

2.12.2019 10:27 am  
Joshua W. Jordan  
Deputy CITY CLERK  
CITY OF VICKSBURG, MISS

FROM: Riley G. Summers, III  
R. G. Summers Trucking

DATE: February 10, 2019

RE: Appeal Request Held on February 5, 2019

I, Riley G. Summers, III, appeared before the zoning board on the above date. The Zoning Board denied my request to park at my residence, 2721 Alma Street, Vicksburg, MS.

I feel this meeting was unfair and impartial because I was not given a chance to speak after Gertrude Young pled her case.

I am asking for an appeal to meet before you to present my case.

I can be reached at (601) 529-0047 to schedule an appeal date.

Thanking you in advance for your consideration.

Riley G. Summers, III  
R. G. Summers, III  
Owner, R. G. Summers Trucking

~~2721~~ 2721 Alma Street

601-529-0047

636-0368 - Home



*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

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February 12, 2019

Mr. Riley G. Summers, III  
2721 Alma Street  
Vicksburg, MS 39180

Dear Mr. Summers:

The purpose of this letter is to respectfully inform you that in the Zoning Board of Appeals meeting held February 5, 2019, your request for a variance to park two commercial dump trucks on the Mt. Caramel MB Church parking lot on Alma Street was denied.

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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*Community Development Division*

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February 12, 2019

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

Dear Mayor and Aldermen:

The purpose of this letter is to advise you that on February 5, 2019 the Zoning Board of Appeals denied the variance request of Riley G. Summers, III to park two commercial dump trucks on the Mt. Caramel MB Church parking lot on Alma Street.

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

Sincerely,

Paula Wright  
Zoning Board of Appeals  
Secretary

February 5, 2019  
Robert M. Walker Annex Building  
5:00 p.m.

## **MINUTES**

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

Steven Jones  
David Sessums  
Fred Katzenmeyer  
Anita Collins  
Warren Jones

### **Absent:**

Robert Clingan  
Thomas Sturgis

### **Others Present:**

Dalton McCarty, Zoning Administrator  
Julie Decker, City Attorney

The following appeals were presented to the Board:

The meeting was called to order by David Sessums. Mr. Sessums announced that a quorum was present.

Mr. Sessums asked that everyone sign in (Exhibit 1).

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

1. Riley G. Summers, III - requesting a variance to park two commercial dump trucks on the Mt. Caramel MB Church parking lot on Alma Street;
2. R-12 Recovery Ministries – requesting a special exception to operate a Group Care Support Facility at 1104 Openwood Street which is zoned C-4 General Commercial, as provided by Section 406.3-1.1(2) of the Zoning Ordinance, Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg, as amended. The applicant is also asking for a variance to Section 406.3-1.1(2)(a) Minimum size of parcel from two (2) acres to 11,464 square feet.
3. Kenneth Jackson - requesting a special exception to operate a nightclub at 1800 Clay Street which is zoned C-4 General Commercial, as provided by Section 406.10-2(5) of the Zoning Ordinance, Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg, as amended.

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

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

Mr. Sessums asked Dalton McCarty to give his comments on the first case for Mr. Summers.

Dalton McCarty, City of Vicksburg Zoning Administrator, stated that Riley G. Summers was requesting a variance to park two (2) commercial dump trucks on the Mt. Caramel MB Church parking lot on Alma Street. He stated that Mr. Summers lived at 2721 Alma Street. Mr. McCarty stated this violation of the Zoning Ordinance was brought to his attention on October 23, 2018. He stated that Mr. Summers was operating a commercial trucking business from his home at 2721 Alma Street. He stated that he had sent Mr. Summers a letter notifying him of the violation.

Mr. Sessums asked Mr. McCarty if there were any recommendations from the Zoning Department.

Mr. McCarty stated that the property was zone R-3 Two-Family Residential and did not allow this use.

Mr. Sessums asked Mr. Summers to present his case.

Riley Summers stated that he bought the truck when Robert Walker was in office and he has had the truck for 20 years. He stated that he had never had a problem with any other administration with having the truck. Mr. Summers stated that he figured that since he had been there that long he should be grandfathered in. Mr. Summers stated that if he had been in violation when he purchased the truck he would have found somewhere else for the truck and he would not be driving it. He stated that they wanted him to go somewhere where he will have to spend money to park his truck and hope that somebody does not vandalize it. Mr. Summers stated that he was asking the board to grant his request so he could stay in a safe place. He stated that the truck was across from his property and he had cameras to see his vehicles. He stated that the only time he used the truck was going out in the morning when he left and when he came back in the evening. Mr. Summers stated that he had a contract with Vicksburg Redi-Mix. He

stated that he knew people who had to move their trucks from their property and their trucks have been vandalized and had things stolen out of them and he hasn't had any problem where he was at.

Mr. Sessums asked for questions from the board.

Warren Jones asked Mr. Summers whose property he was parking on.

Mr. Summers stated he had property beside his house that he could park his truck.

Mr. Jones asked if he was parking on the church property.

Mr. Summers stated that it was the church and they had given him the right-of-way to park on their property. He stated that he was not obstructing traffic.

Mr. Katzenmeyer asked Mr. Summers what time he started the trucks in the morning.

Mr. Summers stated that he left at 5:30 in the morning.

Mr. Katzenmeyer asked Mr. Summers if he had neighbors on each side of him.

Mr. Summers stated yes. He stated that he brought a petition and everyone in the neighborhood except two (2) people signed the petition for him.

Mr. Sessums asked Mr. Summers to present the petition (Exhibit 2) to the board for the record.

Mr. Sessums asked if anyone else would like to speak.

Ms. Gertrude Young stated that she was here today in protest against Mr. Summers who is going against the City's ordinance that there are not supposed to be any commercial trucks in the neighborhood. She stated that the Zoning Board had ruled against this in several other communities in the city. Ms. Young presented photos (Exhibit 3) showing disrepair of the streets in the neighborhood and a petition (Exhibit 4) for the record.

Mr. Sessums stated that for the record this board was not for or against anybody they were here to enforce the City's rules.

Mr. Sessums asked if anyone else would like to speak, there was no one.

Mr. Sessums called for a motion.

Mr. Steven Jones asked Mr. Summers to clarify if there was one truck or two because the application said there were two trucks.

Mr. Summers stated that he owned and operated one truck and the other truck was not running and he was going to sell it.

Warren Jones moved that the Board finds that it is empowered under Ordinance 71-8 of the Zoning Ordinance of Vicksburg, MS as described in the application submitted by Riley G. Summers III to deny the variance, to park two commercial dump trucks on the Mt. Caramel MB Church parking lot on Alma Street which is R-3 Two-Family Residential, 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. Mr. Katzenmeyer seconded the motion.

With no further discussion, the following vote was taken:

David Sessums voted aye  
Anita Collins voted aye  
Steven Jones voted aye  
Warren Jones voted aye  
Fred Katzenmeyer voted aye



Mr. Sessums stated that the next case was for R-12 Recovery Ministries requesting a special exception to operate a Group Care Support Facility at 1104 Openwood Street which is zoned C-4 General Commercial, as provided by Section 406.3-1.1(2) of the Zoning Ordinance, Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg, as amended and they were also requesting a variance to Section 406.3-1.1(2)(a) Minimum size of parcel from two (2) acres to 11,464 square feet.

Mr. Sessums asked Mr. McCarty to give his comments for this case.

Mr. McCarty stated that R-12 Recovery Ministries was requesting a special exception to operate a Group Care Support Facility at 1104 Openwood Street which was zoned C-4 General Commercial per Section 406.3-1.1(2) of the Zoning Ordinance. He stated that they were also requesting a variance to Section 406.3-1.1(2)(a) to the minimum lot requirement of two (2) acres to 11,464 square feet. He stated that the use was already in operation when it was brought to his attention in December 2018 when he met with Mr. Daniel Edney. Mr. McCarty stated that the building had seven (7) rooms that could be used for sleeping if needed and there were only five (5) shown on the submitted floor plan. He stated that this building had space at the back of the building for additional parking and they needed a total of seven (7) required parking spaces.

Mr. Sessums asked Mr. McCarty if there were any recommendations from the Zoning Department.

Mr. McCarty stated that this was a permitted use by special exception.

Mr. Sessums asked if anyone would like to speak on the behalf of R-12 Recovery Ministry.

Daniel Edney, representing R-12 Recovery Ministry, stated they were a 501c3 and their purpose was to provide treatment, housing and clean living for men with addictions. He stated that this would be a primary residential treatment center. Mr. Edney stated this was right across the street from a carwash where the men worked to raise money for their program. He stated that they did have a pad behind the building that they could use for parking. He stated most of the men did not have vehicles they were transported via van to their meetings. Mr. Edney asked that the board grant their request because they were trying to better the community and have more beds for people with addiction so they could get off the streets and get back to sober living and back to being productive members of society.

Mr. Sessums asked if anyone else would like to speak, there were none.

Mr. Sessums called for a motion.

Fred Katzenmeyer moved that the Board find that it is empowered under section 406.3-1.1(2) of the Zoning Ordinance of the City of Vicksburg, Mississippi as described in the application submitted by R-12 Recovery Ministries to grant the special exception to operate a Group Care Support Facility at 1104 Openwood Street, and that the granting of the special exception will not adversely affect the public interest. The Board shall give the applicant six (6) months to begin the actions necessary for which the special exception was granted. Failure to begin such action within this time limit shall void the special exception. The special exception will expire on August 5, 2019. Ms. Collins seconded the motion.

With no further discussion, the following vote was taken:

David Sessums voted aye  
Anita Collins voted aye  
Steven Jones voted aye  
Warren Jones voted aye  
Fred Katzenmeyer voted aye

Mr. Katzenmeyer moved that the Board finds that it is empowered under Ordinance 71-8 of the Zoning Ordinance of Vicksburg, MS as described in the application submitted by R-12 Recovery Ministries to grant the variance, to Section 406.3-1.1(2)(a) Minimum size of parcel from two (2) acres to 11,464 square feet at 1104 Openwood 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. Warren Jones seconded the motion.

With no further discussion, the following vote was taken:

David Sessums voted aye  
Anita Collins voted aye  
Steven Jones voted aye  
Warren Jones voted aye  
Fred Katzenmeyer voted aye

Mr. Sessums stated that the next case was for Mr. Kenneth Jackson requesting a special exception to operate a nightclub at 1800 Clay Street which is zoned C-4 General Commercial, as provided by Section 406.10-2(5) of the Zoning Ordinance, Ordinance 71-8 of the Code of Ordinances of the City of Vicksburg, as amended.

Mr. Sessums asked Mr. McCarty to give his comments for this case.

Mr. McCarty stated that Mr. Kenneth Jackson was requesting a special exception to operate a nightclub at 1800 Clay Street which was zoned C-4 General Commercial as provided by Section 406.10-2(5) of the Zoning Ordinance. Mr. McCarty stated that the nightclub definition stated that any bar, tavern, lounge or club where food was incidental that had a cover charge at the door, a live band or have amplified music, pool tables, served wine, beer or alcohol or had setups must have Zoning Board approval. Mr. McCarty stated that he had not received a

site plan or floor plan for the property to verify the parking. Mr. McCarty stated that he would recommend tabling this application until we get more information.

Mr. Katzenmeyer asked how many parking spaces were required.

Mr. McCarty stated 1 space for every 50 square feet.

Mr. Sessums stated that you are telling me this is premature.

Mr. McCarty stated that at this point it was he stated that he was under the impression that he would have a site plan before the meeting tonight.

Mr. Sessums stated that if the application process was not followed then it was premature for this board to go forward notwithstanding that all these board members have taken time out of their schedule to be here but all of you folks in the audience have taken time out of your schedule to be here. Mr. Sessums stated that the application was not ready to go forward and there was no point in wasting everyone's time because regardless of how this board votes, procedures have not been followed and we are going to have a void vote. He stated with that in mind is there a motion to table the application until proper procedure has been followed.

Steven Jones made a motion to table the application for Kenneth Jackson for further information is received by the Zoning Department. Mr. Katzenmeyer seconded the motion.

With no further discussion, the following vote was taken:

David Sessums voted aye  
Anita Collins voted aye  
Steven Jones voted aye  
Warren Jones voted aye  
Fred Katzenmeyer voted aye

Mr. Sessums thanked everyone for attending the meeting and stated that nobody was more disappointed than the members of this board. He stated that we can tell that everyone here pro or con has some strong opinions about this and we would like to proceed but if we do we

proceed at legal peril and it would be a total waste of everyone's time. Mr. Sessums stated that the City would republish when the information was received by the Zoning Department.

Mr. McCarty stated that if he received the information in time it could be heard in April.

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

I, Paula Wright do hereby certify that the minutes of the hearing held February 5, 2019 are true and correct to the best of my ability.

  
\_\_\_\_\_  
Paula Wright, Zoning Board Secretary

## PETITION

My name is Riley G. Summers, III. I reside at 2721 Alma Street, Vicksburg, MS. I have lived at my residence for nearly 30 years. I am owner of R. G. Summers, Trucking, operating an 18-wheeler for approximately 16 years. I conduct my business from my residence and have been parking my work vehicle, which is a 1999 International Eagle at my residence ever since I went into business. The City of Vicksburg is in the process of prohibiting large trucks such as mine from parking in residential areas. I am preparing this petition because I want to continue to park my work vehicle at my residence where I conduct my business and also due to safety and security measures.

I am asking for signatures of residents in the nearby community where I reside to sign this petition if my truck has not caused any problems (i.e., noise, loud horn blowing, pulling off, or riding down through residential streets) with me parking at my residence.

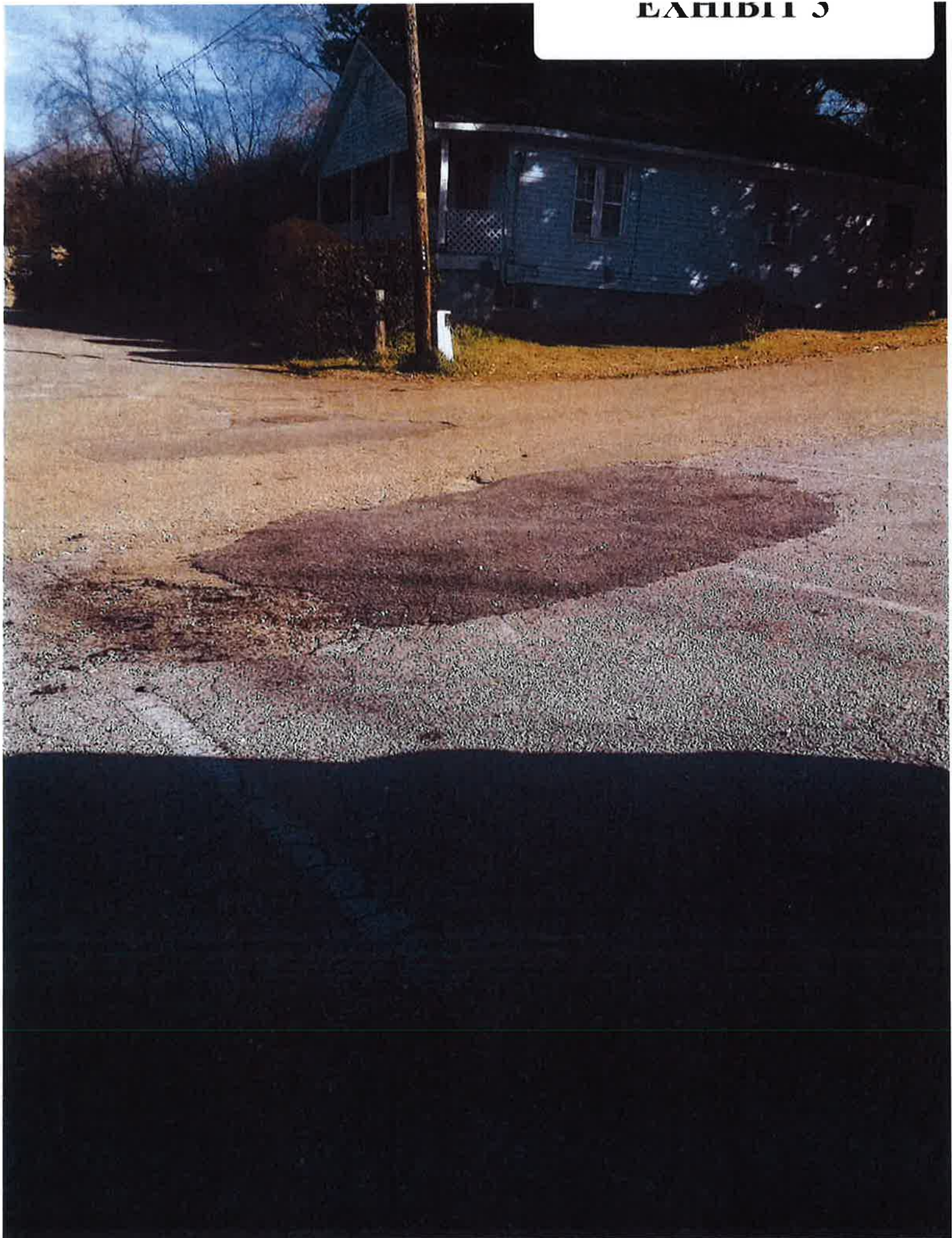
Thank you for your signatures.

Name	Address
1. Robert Thomas	1401 Locust Alley
2. Michael Goetz	1535 Marcus
3. Reg Brown	1510 1/2 Marcus St
4. Jesse Lomax	1713 N. S. Dr.
5. Luther Washington	1512 Marie St
6. Ed Lauer	420 Elmwood St
7. Rukya Dison	45 Reed Wilm Rd
8. E. J. Williams	1345 East Ave
9. Wesley Stewart	1523 Sky from Ave Apt B
10. Sedrick Perkins	2811 Konkary Ave
11. Adrian Perkins (AP)	2 3517 Oak St
12. James Gibbs	1301 1/2 Military Ave
13. Augustus Chambers	2860 Grange Hall Rd
14. Joe Rushing	1517 1/2 North Street
15. Mrs. Rachel Smith	1412 Coccard's Alley
16. Mrs. Rosalyn M. Field	1412 Coccard's Alley
17. Davis R. Smith	1412 Coccard's Alley
18. Nathaniel Williams	5015 Rollingwood Estate Drive
19. John L. Clark Sr	1403 Coccard's Alley
20. Eric Chiplin	1408 Smith Alley
21. John M. Thomas	1405 Smith Alley
22. Willie Thomas	1405 Smith Alley
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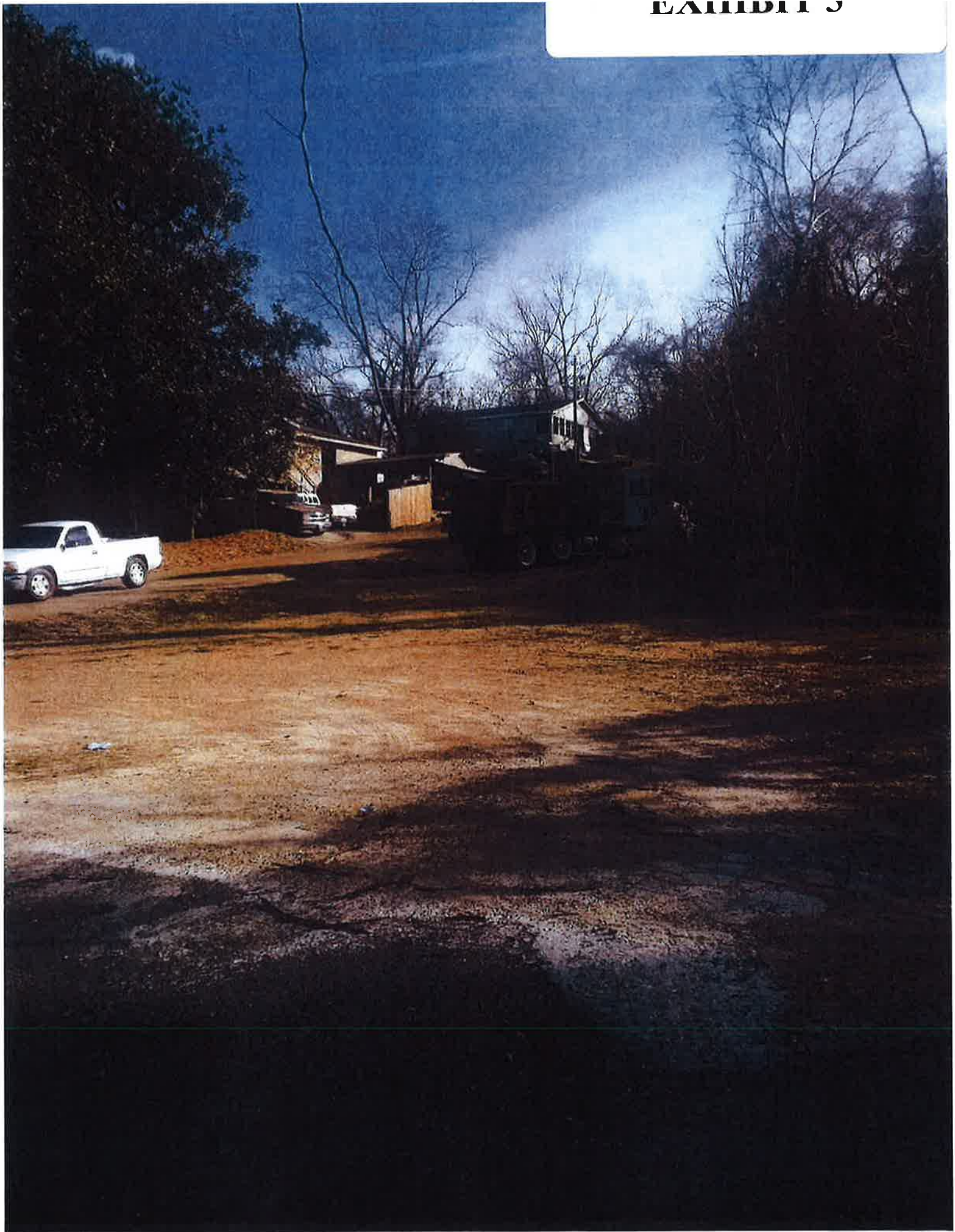












**PETITION AGAINST COMMERCIAL TRUCKS DRIVING AND PARKING IN  
COCCARO ALLEY RESIDENTIAL NEIGHBORHOOD**

We the residents of Coccaro's Alley would like for the City of Vicksburg's Zoning Board to adhere to its ordinance of not allowing Commercial trucks, such as Mr. Riley Summer's commercial dump truck and 18 wheeler cab, be allowed to drive through our street and park in our residential neighborhood. We are elderly at the ages of late 60s' to 96 and Mr. Summers disturbs our rest early in the morning when he drives out and when he comes back in the evening. We would like to see this ordinance enforced as they have done in other neighborhoods.

Name

Address

Betty J. Tallmer 1407 Coccaro's St.

Justina Tallmer 1402 Coccaro's St.

Lera Huggin 1411 Coccaro's St