Consideration of an application for Conditional Use Permit request for Billy Weems for 5452 Warner Drive (Lot 2 Hammons Estates).

The applicant is requesting approval to construct a secondary detached dwelling unit on the property.

**4.4.2.7 Secondary Attached/Detached Dwelling Unit:**

Please see below for the responses pertaining to the requirements for a secondary detached dwelling unit. Please see the applicants written statement and exhibits in the application for additional information concerning the request (attached).

i. Definition: An attached or detached dwelling unit created on a lot with a principle dwelling unit. The secondary dwelling unit is created auxiliary to, and is smaller than, the main dwelling. Secondary dwelling units can be created in a variety of ways, including conversion of a portion of an existing house, addition to an existing house, or the construction of an entirely new building. Secondary dwelling units shall not be utilized for short term rentals or for transient lodgings (See Bed and Breakfast). Examples of secondary dwelling units are: granny flats, in-law units/suites, etc.

Response: The proposed secondary detached dwelling unit will be located on the same lot as the principle dwelling unit and will be smaller than the main dwelling. It will be utilized as a shop/pool house as well as provide a place for the owners mother to stay when she is in town.

ii. Districts permitted: Conditional Use in RR, R-12, VMU, PUD, TND

Response: The property is zoned RR (see ‘Zoning Map’).

iii. Parking: One space per unit.
Response: A minimum of one parking space will be provided either in the shop/garage or in the driveway.

iv. Loading: This use has no loading requirements

v. Additional Standards:
• The principle single-family dwelling must be owner occupied and not a rented or leased dwelling unit. If, at any time, the principle dwelling is not owner-occupied, then the secondary attached/detached structure shall not be occupied as a secondary dwelling unit.

Response: The principle single-family dwelling is owned by the applicant and is not rented.

• Secondary attached/detached dwellings shall be an extension of the principle single-family dwelling and shall only be occupied by the same single-family unit.

Response: The proposed detached dwelling unit will be occupied on occasion by the applicants mother.

• Secondary detached dwellings shall only be permitted on lots with a (1) acre minimum.

Response: The property is 2.036 acres.

• Secondary attached dwellings shall only be permitted on lots with a one-half (1/2) acre minimum.

Response: N/A. The dwelling unit will be detached.

• The setback/minimum yard requirements for the secondary detached dwelling shall be the same as the principle dwelling.

Response: The secondary detached dwelling will meet the setback requirements for structures located in the RR district. It will be located 8’ from the side property line and well over 30’ from the rear property line.

• Secondary attached/detached dwellings shall not have separate street addresses from the principle dwelling.

Response: The secondary detached dwelling will not have a separate address from the principle dwelling unit.

• Secondary attached/detached dwellings shall utilize the same driveway as the principle dwelling.

Response: The secondary detached dwelling will utilize the same driveway as the principle dwelling.

• Secondary attached/detached dwellings shall be architecturally compatible with the principle dwelling.
Response: The secondary detached dwelling will be constructed to match the main dwelling.

- Secondary attached/detached dwellings shall be limited to 30% of the total square footage of the heated/cooled space of the principle dwelling.

Response: The heated/cooled area of the secondary detached dwelling unit will be 682 sf. The principle dwelling unit has 2868 sf of heated/cooled space. The secondary detached dwelling unit will be under 24% of the principle dwelling which is below the allowable sf requirement.

- Secondary attached/detached dwellings shall be limited to one per principle dwelling.

Response: The applicant is only proposing one secondary detached dwelling unit.

- Secondary detached dwellings shall be a min. of 10 feet from the principle dwelling or other accessory structures.

Response: The secondary detached dwelling will be located 20’ from the principle dwelling.

Section 9.7 Conditional Uses

Please see below for the responses pertaining to the requirements for the granting of a conditional use permit. Please see the applicants written statement and exhibits in the application for additional information concerning the request (attached).

9.7.2 Requirements for granting a conditional use or conditional use permit:

The Mayor and Board of Aldermen shall not grant a conditional use unless satisfactory provision and arrangement has been made concerning all of the following:

a. Ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Response: Single driveway. No more traffic than normally expected in a residential area.

b. Off-street parking and loading areas.

Response: Driveway and parking areas are more than adequate to accommodate parking for the main house as well as parking for the secondary detached dwelling unit.

c. Refuse and service areas.

Response: No refuse or service area is needed or requested for this use.

d. Utilities, with reference to locations, availability, and compatibility.
Response: Utility connections are already in place.

e. Screening and buffering with reference to type, dimensions, and character.
   Response: No screening will be necessary for this use. The majority of the lot is wooded.

f. Required yards and other open space.
   Response: The structure/use complies with the RR zoning district requirements as well as the
   requirements for a detached secondary dwelling unit.

g. General compatibility with adjacent properties and other property in the district.
   Response: All of the surrounding properties are zoned RR Rural Residential. This use will be
   compatible with the surrounding properties. The proposed secondary detached dwelling unit
   will be constructed to match the existing home and will be used as a garage and pool house the
   majority of the time. The owner’s mother will stay in the dwelling unit when she is in town.

h. Any other provisions deemed applicable by the Mayor and Board of Aldermen.

Planning Commission Recommendation:

Case Number 20-022: Consideration of a conditional use application request for Billy Weems (5452 Warner Drive, Lot 2 Hammons Estates). David Stevens made a motion to recommend approval of the conditional use request pursuant to the staff report. The motion was seconded by Jim Broocks and carried by a vote of 4/0.

Staff Recommendation:

Adjoining Property Owners Notified:

<table>
<thead>
<tr>
<th>PPIN</th>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>59038</td>
<td>Linda J Hong</td>
<td>208 Lapis Circle</td>
<td>Flowood</td>
<td>MS</td>
<td>39232</td>
</tr>
<tr>
<td>69369</td>
<td>Paul Robert Reihle</td>
<td>5445 Warner Drive</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
<tr>
<td>54161</td>
<td>Larry L &amp; Annette C Watts</td>
<td>5555 Warner Drive</td>
<td>Brandon</td>
<td>MS</td>
<td>39042</td>
</tr>
</tbody>
</table>

Exhibits:
   A) Location and Zoning Map
   B) Adjacent Owners Map
   C) Conditional Use Application
   D) Planning Commission Minutes – August 24, 2020
   E) Proof of Publication

Notice Filed in Paper: September 2, 2020

Report Prepared By: Matthew Dodd, Community Development Director
# Community Development
Conditional Use Permit Application

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Current Zoning Classification</th>
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<tbody>
<tr>
<td>5452 Warner Dr</td>
<td>Residential</td>
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**Current or Previous Use of the Property**
Proposed Use of the Property

- Mother in Law apartment to start new town, Pool House and shop.

**Applicant**

<table>
<thead>
<tr>
<th>Name</th>
<th>Contact Name</th>
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<tbody>
<tr>
<td>Billy Weems</td>
<td>Billy Weems</td>
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</table>

**Street Address**

| Brandon | MS | 39042 |

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
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<tr>
<th>Contact Telephone</th>
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<tbody>
<tr>
<td>601-750-3904</td>
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**Email**

<table>
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<tr>
<th>Email</th>
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<tbody>
<tr>
<td><a href="mailto:cowboycontractors@comcast.com">cowboycontractors@comcast.com</a></td>
</tr>
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</table>

**Owner(s), if different from applicant**

<table>
<thead>
<tr>
<th>Contact Name</th>
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**Street Address**

<table>
<thead>
<tr>
<th>Primary Telephone</th>
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**City State Zip Code**

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<tr>
<th>Email</th>
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The following items are required for consideration of a conditional use*:

- **Completed Application and Non-Refundable $275 Fee**
- **Ownership Verification Letter**
  - If the applicant is not the owner, a letter signed and dated by the owner certifying their ownership of the property and authorizing the applicant to represent the person, organization, or business that owns the property.
- **Legal Written Description of the Property**
  - If not platted, a metes and bounds legal description of the property.
- **Written Statement**
  - A written statement documenting the reason for the conditional use, including evidence that the request complies with the requirements of a conditional use.
- **Site Plan**
  - All conditional use permit applications must be accompanied by a fully dimensioned site plan locating all easements and restricted use areas, north arrow, all structure-to-property line setback dimensions, location of all property lines, names of all adjacent streets, parking plan, grade elevations at property line corners, proposed and existing utility meters, public sewer connections, private sewage disposal systems and fire hydrant locations.

*Note that additional items may be required depending on the proposed use. Contact the Community Development Department at 601-824-4580.

**Applicant's Signature**

zoning@brandonnms.org

**Date:** 8-7-2000

**Revised:** 07/18/2017
The applicant agrees to:

- If determined by the City Planner or other city officials that a detailed site plan is necessary to review a request to rezone property, a site plan shall be submitted by the applicant in accordance with the Zoning Ordinance of the city and all expenses of the zoning variance review shall be paid by the applicant.

- By signing the application, it is understood and agreed that permission is given to the Department of Community Development to place a sign(s) on said property, giving notice to the public that said property is being considered for zoning action. It is further understood by the applicant that the removal of the sign before the hearing will constitute a withdrawal of the application and the case will not be heard at the next scheduled hearing.

- It is further understood and agreed by the applicant, and permission is hereby granted to the city for inspections, investigations, and/or evaluation reports by the proper departments, pertaining to said property. In the event such investigations, etc., disclose this property does not meet the requirements for the proposed use, then this request will be held in abeyance until such time as those requirements are met and/or evidence of such is submitted.

- The application fee for this request is non-refundable regardless of the outcome.

The applicant agrees to attend the official development review meetings listed below:

- Planning Commission Meeting: [Aug 24, 2020]
- Board of Aldermen Public Hearing: [Sept 21, 2020]

Both meetings are held in the Board Room of the Brandon Municipal Complex, located at 1000 Municipal Drive in Brandon, Mississippi at 6 o'clock in the evening.

The above information is true, correct, and complete to the best of my knowledge, and I acknowledge the stipulations listed herein.

Applicant: [Signature] Date: 8-7-2020
Owner: [Signature] Date: 8-7-2020

Notary: [Signature] Date: [Signature]

State of Mississippi
County of Rankin
Sworn to and subscribed before me,

Revised: 07/18/2017
To Whom It May Concern:

We are wanting to add a shop/pool house with living quarters at 5452 Warner dr. This is lot 2/track B of Hammons Estates. This will serve as a pool house and shop a majority of the time and owner Billy Weems mother will stay in it when she is in town.

This detached dwelling will be:
- On more than 1/2 acre
- Meet setback requirements
- Will not have a separate address
- Will use existing house driveway
- Will be architecturally compatible with existing house
- Shall be less than 30% of existing house square footage
- Will be over 10 feet from existing house

Thank You
Billy weems
Dewayne Hammons
Hammons Contractors Inc
601-750-9095
INDEXING INSTRUCTIONS: LOT 2, HAMMONS ESTATES, RANKIN COUNTY, MISSISSIPPI

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged that,

HAMMONS CONTRACTORS, INC.,
a Mississippi Corporation
5622 Warner Drive
Brandon, MS 39042
(601) 750-9095

does hereby grant, bargain, sell, convey and warrant to

BILLY JACK WEEMS and spouse,
ASHLEY WALLACE WEEMS
5452 Warner Drive
Brandon, MS 39042
(601) 951-2360

as tenants by the entirety with full rights of survivorship and not as tenants in common the following described property situated in Rankin County, Mississippi, to-wit:

See attached EXHIBIT "A"

This conveyance is subject to all zoning ordinances, protective covenants, building restrictions, mineral reservations and conveyances, and rights-of-way or easements of record affecting said said property.
It is understood and agreed that ad valorem property taxes for the current year have been prorated as of the date of this conveyance on an estimated basis. When said taxes are actually determined, if the proration is incorrect, then Grantor agrees to pay to Grantees or their successors any deficiency on an actual proration, and likewise Grantees agree to pay to Grantor or their successors any amount overpaid by them. Grantor by executing this deed and Grantees by accepting this deed, agree that if the proration of taxes, homeowners assessments, or the like are incorrect or omitted, then they agree to immediately reimburse the party to whom reimbursement is due outside of and after closing and without any assistance from the firm/attorney preparing this deed.

Grantees have been advised that if they desire to file for homestead exemption, then they should immediately contact the Rankin County Tax Assessor’s Office.

WITNESS MY SIGNATURE, this the 21st day of July, 2020

HAMMONS CONTRACTORS, INC.

By:

MICHAEL DEWAYNE HAMMONS,
PRESIDENT

JENNIFER ADCOCK HAMMONS
SECRETARY

STATE OF MISSISSIPPI
COUNTY OF RANKIN

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21st day of July, 2020, within my jurisdiction, the within named MICHAEL DEWAYNE HAMMONS, who acknowledged that he is President of HAMMONS CONTRACTORS, INC., a Mississippi Corporation, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said company so to do.

KATIE WILLIAMS
NOTARY PUBLIC
TRACT - B LEGAL DESCRIPTION

A parcel of land containing 2.036 acres or 8869.47 sq. ft., more or less, situated in the NW 1/4 of the NW 1/4 of Section 4, Township 5 North, Range 3 East, Rankin County, Mississippi and being more particularly described as follows, to wit:

Commencing at a found 2" iron Rod marking the NE corner of Section 4, Township 5 North, Range 3 East, Rankin County, Mississippi; thence proceed N 90° 00' 00" W for a distance of 4609.45 feet to a point; thence S 00° 00' 00" E for a distance of 512.76 feet to a found 1/2" rebar on the South Right-of-Way line of Warner Road, a paved public road, as now laid out and in use this date (August 2019); thence continue along said South Right-of-Way line with a curve to the left with an arc length of 272.10 feet, a radius of 691.20 feet, a chord bearing of N 82° 24' 21" W, and a chord length of 270.34 feet (N 82° 27' 36" W for 270.36 feet – Record, DB-2014, PG-14206) to a found 1/2" rebar; thence S 86° 11' 43" W a distance of 144.58 feet (S 86° 15' 12" W – Record, DB-2014, PG-14206) to a set 1/2" x 18" rebar and The Point of Beginning of the following described parcel of land; thence bearing said Right-of-Way line, run S 00° 00' 05" W a distance of 711.80 feet to a set 1/2" x 18" rebar; thence N 89° 58' 39" W a distance of 125.34 feet (N 90° 00' 00" W – Record, DB-2014, PG-14206) to a set 1/2" x 18" rebar; thence N 00° 00' 03" E a distance of 703.41 feet to a set 1/2" x 18" rebar on the aforementioned South Right-of-Way line of Warner Road; thence continue along said South Right-of-Way line N 86° 11' 43" E a distance of 125.62 feet (N 86° 15' 12" E – Record, DB-2014, PG-14206) back to The Point of Beginning of the above described parcel of land containing 2.036 acres or 8869.47 sq. ft., more or less.

ALSO described as:

LOT 2, HAMMONS ESTATE, a subdivision according to the map or plat thereof which is on file and of record in the office of the Chancery Clerk of Rankin County at Brandon, Mississippi in Plat Cabinet E at Slot 226, reference to which is hereby made in aid of and as a part of this description.