

**JACKSON COUNTY PLANNING DEPARTMENT**  
**2915 Canty Street, Suite Q**  
**Pascagoula, Mississippi 39567**  
**(228) 769-3406**

**PUBLIC HEARING APPLICATION**

**Number:** \_\_\_\_\_

**Hearing Date:** \_\_\_\_\_

**Notification: Property Owners within 500 feet**

**Notification: Adjacent Property Owners**

Change in Zoning District (\$100.00)

Variance (\$75.00)

Use Permit (\$75.00)

Parking Space Exception (\$75.00)

Special Exception (\$75.00)

Name of Applicant\* \_\_\_\_\_ Phone \_\_\_\_\_

Name of Property Owner \_\_\_\_\_

Mailing Address of Applicant \_\_\_\_\_

Address of site, if applicable \_\_\_\_\_

Applicant E-mail Address \_\_\_\_\_

Reason for request and intended use of property \_\_\_\_\_

**ATTACHMENTS REQUIRED:**

\_\_\_\_\_ Accurate survey of property, legal description included, showing dimensions and distances of property, buildings and their setbacks, parking spaces, entrances and exits.

\_\_\_\_\_ Legal descriptions (Proof of ownership by way of a Warranty Deed or Deed of Trust), including survey of parcel of land to be advertised for the public hearing.

\_\_\_\_\_ Application Fee. Amount \$ \_\_\_\_\_.

\_\_\_\_\_ Copies of approvals or requests of approval from other agencies, such as: Health Department, Miss Air and Water Pollution Control Commission, Corps of Engineers, Miss Marine Resources Council, etc.

\* \_\_\_\_\_ Signed lease or purchase agreement if applicant is not the property owner.

**COMPLETE THE FOLLOWING:**

A. Explain present use of property and condition of any existing structures: \_\_\_\_\_

B. What are past uses? \_\_\_\_\_

C. Lot Area (acres): \_\_\_\_\_ PIDN: \_\_\_\_\_

D. List use of adjoining properties: (Ex. Residence, Mobile Home, Commercial, Vacant, Etc.)

NORTH \_\_\_\_\_ EAST \_\_\_\_\_

SOUTH \_\_\_\_\_ WEST \_\_\_\_\_

E. Will there be any discharge of air, liquid or solids? \_\_\_\_\_ Explain \_\_\_\_\_

**ALL OF THE ABOVE INFORMATION MUST BE COMPLETE, WITH ATTACHMENTS AND FEES, IN ORDER FOR THE APPLICATION TO BE ACCEPTED AND PROCESSED!**

**NO ACTION CAN BE TAKEN UNTIL THE BOARD OF SUPERVISORS MEET ON THE FIRST MONDAY OF THE FOLLOWING MONTH! ONCE AN APPROVAL HAS BEEN RATIFIED BY THE BOARD, THE APPLICANT MUST FILE FOR ANY REQUIRED PERMITS!**

Signature of Applicant \_\_\_\_\_

Date \_\_\_\_\_

**\* BY SIGNING THIS, YOU ARE GIVING PERMISSION TO THE PLANNING DEPARTMENT TO ENTER PROPERTY TO MAKE AN INSPECTION OR TAKE PICTURES, IF NECESSARY.**

<b>FOR OFFICE USE ONLY</b>	
Zoning Classification _____	Attested by _____
Flood Zone Verification _____	Attested by _____
Date Received _____	Verify as Complete _____
Fee Amount Received _____	Initials _____

**Jackson County Planning Department**  
Post Office Box 998  
2915 Canty Street, Suite Q  
Pascagoula, Mississippi 39568  
Phone: 228-769-3115 Fax: 228-769-3312

**APPLICANTS ACKNOWLEDGEMENT OF BURDEN OF PROOF**

Please note that it is the applicant who bears the legal burden and will be required to present evidence and establish that he meets the factors necessary before the Planning Commission can recommend granting a Special Exception, Use Permit, Variance or Zone Change, as the case may be.

The necessary factors which must be proven are as follows:

For **Special Exception**, the Applicant has the burden of proving by a preponderance of the evidence that:

- 1) A literal interpretation of the provision of the Jackson County Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located, and that literal interpretation of this ordinance would work an unnecessary hardship upon the applicant;
- 2) That the requested exception will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or the general welfare; and
- 3) That the special circumstances are not the result of actions of the applicant.
- 4) It should be noted that the existence of a nonconforming use of the neighboring land, building, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the required exception.

For **Use Permits**, the Applicant has the burden of providing by a preponderance of the evidence that:

- 1) The requested use is in harmony with the Principal Permitted Uses of the Zone;
- 2) The special circumstances are not the result of the actions of the applicant.
- 3) It should be noted that the existence of a nonconforming use of the neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the required exception.

For **Variances**, the Applicant has the burden of proving by a preponderance of the evidence that: a modification of the literal provisions of the ordinance is needed because strict enforcement of said provisions would cause undue hardship (such hardship cannot be self created or of an economic nature) owing to circumstances unique to the individual property on which the variance is sought.

For a **Zone Change**, the applicant likewise has the burden to establish that such a change is warranted. However, there is a higher burden of proof upon the applicant in that he must establish by clear and convincing evidence that EITHER

- 1) There was a mistake in the original zoning OR
- 2) The character of the neighborhood has changed to such an extent to justify rezoning:
- 3) In addition to either 1 or 2 above, that a public need exists for rezoning.

**ACKNOWLEDGEMENT**

I/We have received the copy of the factors necessary to be granted and exception to the zoning ordinance or for a zone change. I/We understand that it is my/our responsibility and burden to present the necessary proof to the Jackson County Planning Commission regarding these factors before they can make a recommendation to the Jackson County Board of Supervisors to grant the specific zoning request.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

**THIS IS REQUIRED TO BE SUBMITTED WITH THE PUBLIC HEARING PACKET**

**MEMORANDUM TO PUBLIC HEARING APPLICANT(S)**

**To:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**For:** \_\_\_\_\_

ENCLOSED YOU WILL FIND THE PUBLIC HEARING APPLICATION OUTLINING THE REQUIRED ITEMS THAT MUST BE SUBMITTED ALONG WITH THE APPLICATION FEE OF \$ \_\_\_\_\_. THIS APPLICATION AND ALL ATTACHMENTS MUST BE ON FILE IN OUR OFFICE NO LATER THAN 5:00 P.M. ON \_\_\_\_\_, 2014, TO BE ELIGIBLE FOR THE NEXT PUBLIC HEARING TO BE HELD AT 9:00 A.M., WEDNESDAY, \_\_\_\_\_, 2014. THE APPLICATION MUST BE IN THE CURRENT PROPERTY OWNER'S NAME OR A SIGNED LEASE OR PURCHASE AGREEMENT MUST ALSO BE SUBMITTED IN ORDER FOR THE APPLICATION TO BE IN YOUR NAME. IT IS A MUST THAT ALL DOCUMENTS BE SUBMITTED AS OUTLINED IN THIS APPLICATION INCLUDING THE ORIGINAL APPLICATION. THE PLANNING DEPARTMENT STAFF WILL OBTAIN THE NAMES AND ADDRESSES OF THE PROPERTY OWNERS THAT MUST BE NOTIFIED AS OUTLINED IN THE ZONING ORDINANCE, USING THE LAST KNOWN NAME AND ADDRESS SHOWN ON THE TAX ROLLS OF JACKSON COUNTY. THE STAFF WILL NOTIFY THEM BY MAIL.

NO ACTION CAN BE TAKEN UNTIL THE BOARD OF SUPERVISORS MEET ON THE FIRST MONDAY OF THE MONTH FOLLOWING THE PUBLIC HEARING. BOARD APPROVAL DATE \_\_\_\_\_, 2014.

PLEASE CONTACT OUR OFFICE AT (228) 769-3406 IF YOU HAVE ANY QUESTIONS CONCERNING THE ENCLOSED APPLICATION OR THE HEARING PROCESS.

THE APPLICANT MUST BE PRESENT AT THE PUBLIC HEARING ON BEHALF OF THE APPLICATION. IF APPLICANT IS UNABLE TO ATTEND THE PUBLIC HEARING SOMEONE MUST BE PRESENT ON APPLICANT'S BEHALF AND PRESENT WRITTEN PERMISSION TO REPRESENT THE APPLICANT AND APPLICATION.

ALL PUBLIC HEARING APPLICATIONS, FEES AND REQUIRED ATTACHMENTS MUST BE HAND DELIVERED IN ORDER TO INSURE ALL NECESSARY DOCUMENTS ARE RECEIVED IN ORDER TO PROCESS THE APPLICATION IN A TIMELY MANNER.

**KATHY BEAUGEZ, ZONING ADMINISTRATOR  
JANICE WELSH, ZONING OFFICER**