

**ORDER APPROVING AND GRANTING AND ALLOWING  
A DIMENSIONAL VARIANCE ON APPLICATION OF SAM AND MARY SAMPLE  
FOR PROPERTY LOCATED AT 188 CHURCH ROAD  
AND BEING IDENTIFIED AS PARCEL NO. 082E-21-004/02.02  
IN THE CITY OF GLUCKSTADT, MADISON COUNTY, MISSISSIPPI**

THERE CAME ON for consideration by Applicants Sam and Mary Sample the issue of whether a Dimensional Variance in a district zoned R-1 in the City of Gluckstadt, Mississippi, should be permitted. The Mayor and Board of Aldermen hereby find as follows:

WHEREAS, Applicants now request the governing authorities of City of Gluckstadt, Mississippi, to grant a Dimensional Variance as permitted by Section 804 et seq. for the property described herein, which property is located in a R-1 Residential Estate District, under the City of Gluckstadt's Official Zoning Ordinance of December 16, 2021, to Applicants Sam and Mary Sample for a reduction in lot size requirement from 2 acres to 1.49 acres on the certain real property located at 188 Church Road and being identified as Parcel No. 082E-21-004/02.02, in the City of Gluckstadt, Madison County, Mississippi; and,

WHEREAS, the Mayor and Board of Aldermen referred the Application to the Planning and Zoning Commission of the City of Gluckstadt, which Commission scheduled a hearing on said Application for August 23, 2022, at 6:00 o'clock p.m.; and,

WHEREAS, the Planning and Zoning Commission upon conclusion of its August 23, 2022, meeting recommended in writing approval by the Board of Aldermen of the request for a Dimensional Variance, and that the recommendation be forwarded to the next meeting of the Mayor and Board of Aldermen for their consideration; and,

WHEREAS, all notice requirements of the Zoning Ordinance of the City of Gluckstadt were accomplished – the City Clerk did cause notice of the August 23, 2022, hearing to be

published in the Madison County Journal, a newspaper of general circulation in the City of Gluckstadt, Madison County, Mississippi, in the manner and for the time required by law, and the Zoning Administrator did post notice of same inside City Hall and upon the affected property in the manner and for the time required by law; and,

WHEREAS, at the time, date and place specified in the notice, the Planning and Zoning Commission did conduct a full and complete public hearing on the Application, and received comments and heard evidence presented by the Applicant and all others who appeared at said hearing and thereafter forwarded its recommendation thereon to the Mayor and Board of Aldermen; and,

WHEREAS, the Mayor and Board of Aldermen are fully familiar with the request and the property and existing land uses within the City of Gluckstadt and in the area of the City where the property is located, and in acting on this Order, have duly considered the matters and facts within their personal knowledge as same affect the land uses requested in the Application.

BE IT HEREBY ORDERED by the Mayor and Board of Aldermen of the City of Gluckstadt, Mississippi, that the request of Applicants Sam and Mary Sample to grant a Dimensional Variance for real property located at 188 Church Road and being identified as Tax Parcel No. 082E-21-004/02.02, in the City of Gluckstadt, Madison County, Mississippi, is hereby granted, namely the reduction in the lot size requirement from 2 acres to 1.49 acres; such action is taken pursuant to the findings of fact set out as follows:

1. The Mayor and Board of Aldermen of the City of Gluckstadt, Mississippi, have the final authority with regard to all matters involving the Zoning Ordinance.

2. The written recommendation of the Planning and Zoning Commission is advisory in nature.
3. The Mayor and Board of Aldermen have knowledge of the area involved and are aware of the need for the Dimensional Variance.
4. The requested designation meets the definitions of a Dimensional Variance of the Zoning Ordinance.
5. The subject property described herein, below, is within a zoning district zoned C-3:  
  
188 Church Road and identified as Parcel No. 082E-21-004/02.02, in the City of Gluckstadt, Madison County, Mississippi.
6. The strict application of this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional hardship upon the owner of the property at issue, and granting the Variance request will not adversely affect the public interest or adjacent property. Future projects within the designation area will remain subject to the Zoning Ordinance and approval of site plans or other matter will allow the City to continue to monitor the area.
7. The reasons set forth in the Application justify the granting of the variance, and the variance constitutes the minimum allowable deviation from the dimensional regulations of the Zoning Ordinance in order to make possible the responsible use of the land, building or structures. Further, the granting of the Dimensional Variance will be in harmony with the general purpose and intent of this Ordinance, and the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

8. The Mayor and Board of Aldermen find that all portions of Section 804 et seq. of the Zoning Ordinance have also been complied with and that all requirements of Section 804 et seq. of the Zoning Ordinances are satisfied based upon the presentation of the Applicant and all documents presented to the Planning and Zoning Commission and to the Mayor and Board of Aldermen.
9. The granting of this Dimensional Variance does not relieve the requested use from compliance with any applicable law, court order, covenants, or contracts.
10. The Dimensional Variance is granted.

ORDERED, ADOPTED AND APPROVED by the Mayor and Board of Aldermen of the City of Gluckstadt, Madison County, Mississippi, at a regular meeting thereof held on the 8 day of September, 2022.

The foregoing Order, having been reduced to writing, Alderman Powell moved that said Order be adopted. Alderman Bates seconded. The vote was as follows:

Alderman Miya Warfield-Bates voted:

Aye

Alderman Jayce Powell voted:

Aye

Alderman Richard Wesley Slay voted:

Aye

Alderman John Taylor voted:

Aye

Alderman Lisa Williams voted:

Aye

Whereupon, the Mayor declared the Motion carried and the Order approved and adopted.

SO ORDERED, this the 8 day of September, 2022.

CITY OF GLUCKSTADT, MISSISSIPPI

BY: Walter Morrison  
WALTER C. MORRISON, IV, MAYOR

ATTEST:

BY: Lindsay Kellum  
LINDSAY KELLUM, CITY CLERK

