

ORDER

WHEREAS, Karen Shea has applied with the City of Laurel for a variance from the Comprehensive Zoning Ordinance, specifically from 601.07 of the Laurel Zoning Code, which prohibits the parking or storing of “major recreational equipment” in the front yard of “any lot in any residential district”.

WHEREAS, said variance was requested due to the fact that her property contour/grade to the side and the rear of the residence prohibits parking on the side or the rear of the home.

WHEREAS, the variance was sought on property described as:

Gen Desc 30-9-11 Beg at the NWC of SW of SW Run E 294.06' Run S 5 Deg 00' W 146.79' to POB Run E 277.91' Run S 5 Deg 00' W 90.38' Run W 277.91' Run N 5 Deg 00' E 90.38' to POB in [desc ends] (City of Laurel/Jones County Parcel No. 134G-30-05-018.00 PPIN 15572. Also known as 2023 Briarwood Dr)

WHEREAS, said request for a variance was heard by the Planning Commission in a regularly scheduled meeting on July 12, 2018 after some discussion and the one person in opposition to it was heard; after examination of the bills to store the vehicle were presented and discussion with the home owner the Commission found that it was within its rights to grant the variance.

WHEREAS, the Planning Commission recommends to the City Council that Karen Shea be granted a variance for the purpose as outlined above.

IT IS HEREBY ORDERED by the City Council of Laurel, Mississippi that Karen Shea be and is hereby granted a variance consistent with the recommendations of the Laurel Planning Commission as set forth above.

Motion was made by Councilperson Wheat, seconded by Councilperson T. Comegys, that the recommendation of the Planning Commission be approved and the foregoing Order be adopted.

Upon roll call vote, the results were as follows:

YEAS: Wheat, Thaxton, S. Comegys, T. Comegys, Page

NAYS: None

ABSTAINING: None

ABSENT: Capers, Carmichael

The President thereupon declared the Order adopted, this the 7th day of August, A. D., 2018.

PRESIDENT OF THE COUNCIL

ATTESTED AND SUBMITTED TO THE MAYOR BY THE CLERK OF THE COUNCIL ON

_____.

CLERK OF THE COUNCIL

APPROVED () DATE _____

VETO () DATE _____

MAYOR

ATTEST:

MUNICIPAL CLERK

* * * * *

Min. of: 08/07/18; Bk. No: 101; Pg. No: _____; Agn. Itm. No: 40

Planning Commission Public Hearing
July 12, 2018

BE IT REMEMBERED that a public hearing of the Planning Commission of the City of Laurel was held on Thursday, July 12, 2018 at 5:30 PM in the Council Chambers of the Laurel City Hall.

Haile Gaddy, chairman, called the meeting to order at approximately 5:30 PM. The secretary checked the roll and found the following members present: Rev. Jimmy Bunch; Bruce Gavin; Brad Kent; Dr. John Wallace; Sandy Holifield (ex-officio); Faye Jackson (ex-officio); Susan Boone Vincent; Lew Yoder; and Mr. Gaddy. Excused absences were granted to Satish Amin. Also present were the petitioners; Karen Shea; Jim & Mallorie Rasberry; Mary Cary (Sally), adjoining property owners; and Judy Denham, Planning and Zoning Coordinator, who serves as secretary to the Commission; Harold Russell, Inspection Department Superintendent.

A motion was made by Mr. Lew Yoder to amend the Agenda by tabling Docket No. SPE-18-02 and Docket No. SPE-18-04, a second was made by Bruce Gavin, all members present gave ascent.

Purpose of the meeting was to consider the following in public hearing (complete legal description may be found in the petition file):

- 1. Variance Docket No. V-18-02, styled Karen Shea, 2023 Briarwood Dr, Laurel MS 39440, requesting a variance from Section 601.07 of the Comprehensive Zoning Ordinance which prohibits the parking or storing of “major recreational equipment” in the front yard of “any lot in any residential district”. Petitioner desires to park a recreational vehicle in the driveway in the front yard of property.**
2. Special Exception Docket No. SPE-18-02, styled Mallorie and Jim Rasberry, 1118 N 6th Ave, Laurel, MS 39440, requesting a special exception to use a 2018 International Airstream rental on Airbnb.com. The RV will be located behind residence where it cannot be seen from the street.
3. Special Exception Petition Docket No. SPE-18-03, styled Amanda Janaskie, 726 N 4th Ave, Laurel MS 39440, requesting a special exception to operate a bed and breakfast in the guest house on the property, this property previously held a special exception for the same.
4. Special Exception Docket No. SPE-18-04, styled Mary Randolph Cary, 1007 N 6th Ave, Laurel, MS 39440, requesting a special exception to have a bed and breakfast in a residence which is owned by the petitioner but is not her primary residence. This property is located in R-1, Low Density Residential District, which allows bed and breakfast facilities in a “primary residence” but does not allow them in a second residence in which the owner does not reside. The regulations also state that there cannot be two bed and breakfast facilities in the same block and the petitioner owns another bed and breakfast across the street. Special exception is requested to use 2nd house on Airbnb.com.

First item to be considered was the petition from Ms. Shea,

Speaking against the petition was Sarah Entrekin, who resides at 2020 Briarwood. She was concerned that allowing this would set a precedent. Also, that it was a safety hazard impeding the backing out of vehicles. She also spoke how the RV extends into the power lines.

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There followed testimony from the petitioner. Ms. Shea stated that the parking was not ideal but was their only option, she didn't feel it was practical to have to put out money to house the RV when she could park it on her concreted drive. Ms. Vincent asked if there were anywhere else she could park it. Ms. Shea stated there was nothing in Laurel and the closest (Big Creek) was not taking any right now. Also, that it would cost over \$600.00 to put it in a RV park and that was unreasonable given the actual cost of the vehicle. Mr. Gavin questioned if there were any storage facilities where it could be stored; petitioner replied that there was none that would store it. Also speaking in ascent to the parking was Peggy Powell of 2019 Briarwood Drive, Ms. Powell stated that she has children and feels comfortable with the vehicle being parked there, also that there is very little traffic on that road and it is a dead end, she believes the vehicle is safely parked.

After the brief discussion, Mr. Gavin moved with a second by Mr. Yoder to approve the request. The motion carried by a majority vote: Yea: Mr. Yoder, Mr. Wallace, Mr. Kent, and Mr. Gavin; Nay: Mrs. Vincent, Rev. Bunch.

Second item to be considered was the petition from Amanda Janaskie,

This petition was only to renew a previous Special Exception on the property listed as 726 N 4th Ave, the petitioner was absent due to prior obligations, the secretary read a letter submitted by neighbors Cruz & Chasity Gray, stating they were in agreement with the special exception. There was no other discussion, Mr. Kent moved with a second by Mr. Yoder to approve the request. The motion carried by a majority vote: Yea: Mr. Yoder, Mr. Kent, Mr. Gavin, Mr. Wallace, Mrs. Vincent; Nay: Rev. Bunch

As stated above the other two special exceptions were tabled by the Commission with no date set as to when they will be heard. However, Mr. Gaddy did open the floor for discussion on regulating Airbnb's. Following is the opinion of the attendees:

Tim Sensin, who is the owner of rental properties on 6th Ave & Hill Drive. Mr. Sensin stated that he appreciates the Commission going forward with a way to regulate the Airbnb's also he would like them to think about long or short-term rentals, parking, also RV regulations and what they do for one they must do for all. Rev. Bunch also stated a question about opening it to Health Department inspections and that right now they do not fit under our current Bed & Breakfast ordinance, also he agreed that they would have to put regulations on RV's. The next to speak was Mr. George Jackson, of 6th Ave. Mr. Jackson also agreed with the need to regulate these Airbnb's as short-term rentals, he said there should be clarification on what is a city block. Also, he stated that Mr. Raspberry's Airstream should be used as a model. He is not for shutting this movement down but thinks it does need to be regulated. Mary Cary, of 1007 W 6th Ave, she lives at 1010 N 6th Ave, she welcomed the City to come up with guidelines and would like to be an active part of the inception of guidelines. Mrs. Sullivan a 6th Ave neighbor to Cary said that there needs to be regulation for people to rent. She doesn't think you should have more than one in a block. Also, that the number of people renting should be regulated. Rev. Bunch stated they are not able to control people. Joe Watkins, Sweet Something Bakery, suggested that the Commission get familiar with the Airbnb platform so they may see it is overseen responsibly, he agreed they did not need one in

every other building. Dr. Wallace stated that the Commission was concerned about protecting the neighborhoods. Bonnie McConkey, 25 Pineview Dr., stated that Airbnb is safe and provided many choices.

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She has had nothing but great guests and she would be upset if they were not allowed to continue it. She considered it her ministry. Erin Napier, 7th Ave, stated she did not own an Airbnb, but that having them offered a great experience for people coming into the City, also that people having a nice place to stay will spend money locally. Mallory Rasberry, 1118 N 6th Ave, said that they should not even be at this point because there are no codes or ordinances that prevent it. Also, that the market is going to drive what happens not the codes and ordinances. She said they have about 14 Airbnb and that they provide a great service for the upper-middle class. Mr. Brown, 1025 N 6th Ave, he is not happy about the Airbnb and sarcastically stated he enjoyed the noise provided by them. Tom, 1018 N 6th Ave, stated he had lived in his home for 24 years and is concerned about the integrity of the neighborhood and many are opposed to it, he also stated that two of the people doing the Airbnb are new to the city and are not long-time residents. Becky Jackson, 1819 N 6th Ave, brought up the fact there was an incident at the 1007 N 6th Ave property where police were called and there were numerous people staying there and that the owner was not there to check them in or to check on them. Mary Cary, stated that was one incident and misinformation had been spread by rumor, she does not rent both properties at one time usually but there was a scheduling conflict where she was out of town. She did go to meet them but they were not there at the time. Also, that police were called and she was ok with that, she did note that police have been called to that neighborhood for other reasons also. She noted that the renters at the time were local people.

There being no other matters before the Commission the meeting was adjourned by mutual consent at 7:30 PM.

Respectfully submitted,

Haile Gaddy, Chairman

Judy Denham, Planning and Zoning Coordinator/Secretary to the Commission

/jd

