

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF MADISON
STATE OF MISSISSIPPI

IN THE MATTER OF REZONING OF
CERTAIN LAND SITUATED IN SECTION --
TOWNSHIP 8 NORTH, RANGE 2 EAST/~~WEST~~
MADISON COUNTY, MISSISSIPPI

PETITIONER: *Charlie and Perry Waggener*

PETITION TO REZONE AND RECLASSIFY REAL PROPERTY

Comes now *Charlie & Perry Waggener*, owner of the hereinafter described land and property, and files this petition with the Board of Supervisors of Madison County, Mississippi, to rezone and reclassify a tract or parcel of land situated in Section ~~35~~ Township 8 N, Range 2 E Madison County, Mississippi, more particularly described as follows, to-wit:

SEE EXHIBIT A

from its present Zoning District Classification of *R-1* District to a *RIA* District, in support thereof would respectfully show as follows, to-wit:

1. The subject property consists of *34.24* acres.
2. The zoning proposed ~~(is)~~ *(is not)* in compliance with the adopted Land Use and Transportation Plan of Madison County, but is the highest and best use.
3. List of changes or conditions that support rezoning:
influx of people building down Clarkdale rd.
SEE EXHIBIT B

1. *No Mobile homes*
2. *3/4 to 1 acre lots.*

No conditional uses except for Section 702 (D) provided adequate property for such animals

WHEREFORE, PREMISES CONSIDERED, Petitioners respectfully request that this petition be received, and after due consideration, the Board of Supervisors of Madison County will enter an order amending the land use plan to reflect ~~R-1~~ *R-1-A* zoning, and reclassifying this property from its present ~~R-1~~ District classification to a ~~R-1A~~ District.

Respectfully submitted, this the *12* day of *November*, 2015.

Charles Weyerer, Petitioner

MADISON COUNTY PLANNING AND ZONING

Petitions for Rezoning, Special Exceptions, and Variances

All applications for Rezoning, Special Exceptions, and Variances shall contain the following information:

1. Proof of ownership in the form of a recorded deed.
2. If the applicant is not the owner, a legal document authorizing the applicant to submit the petition.
3. Verification of the availability of necessary utilities.
4. A legal description of the subject property, in a digital format *Word Format*
5. A survey of the subject property, with flood hazard areas shown, if necessary.
6. The current and proposed zoning of the subject property. *R-1 current*
7. Specific use of subject property if rezoned. *Single family residential*
8. Site plan, if applicable. (See Article 26, Section 2609)
9. Notification to any municipality if within 1 mile.

See Article 4, Section 403 for dimensional requirements for Public/Quasi-Public Facilities

THE INFORMATION LISTED ABOVE SHALL BE FURNISHED BY THE PETITIONER.

ARTICLE VIII

MODERATE DENSITY RESIDENTIAL DISTRICT (R-1B)

SECTION 800 - PURPOSE OF THIS DISTRICT

The purpose of this district is to offer a development option for moderate density residential subdivisions in areas served by public sewer at a net density of approximately 2.17 units per acre.

SECTION 801 - LAND USES PERMITTED

- A. Single-family detached dwellings with only one principal dwelling per lot.
- B. Accessory uses and structures associated with the use of the land for residential purposes.
- C. Home occupations in compliance with Section 405 of this Ordinance.
- D. Common open space or recreational facilities approved as part of the subdivision approval process, excluding country clubs and the like which shall be regulated as public/quasi public facilities and utilities subject to the provisions of Section 402 of this Ordinance. All lakes associated with this or any other usage shall comply with the Madison County Subdivision Regulations.
- E. Horticultural uses (including farming) not involving the sale of produce on the premises.
- F. Public roads and highways, excluding Federal Interstate highways and scenic parkways, which are regulated as special uses in SU-1 districts.

SECTION 802 - CONDITIONAL USES AND STRUCTURES AS PROVIDED IN SECTION 2605

- A. Public or quasi-public facilities and utilities in conformance with Section 402 and other regulations of this Ordinance.
- B. Child care facilities.
- C. Public recreational or open space facilities.

- C. Manufactured homes or mobile homes, provided that the persons proposing to place a manufactured/ mobile home in an R-1 district shall demonstrate a genuine hardship to the Planning Commission and Board of Supervisors. A genuine hardship shall only consist of:
 - (a) The need to place a manufactured/ mobile home on a lot as a temporary dwelling while a site-built residence that was destroyed by fire, tornado or other disaster is being rebuilt or repaired.
 - (b) Medical hardship which requires the person to live near a relative in order that the relative can assist in meeting the needs of the person having a medical hardship. A physician's statement confirming such hardship shall accompany the application for a conditional use permit.
- D. Breeding, raising, and feeding of grazing livestock (i.e., horses, cattle, sheep, goats, mules, etc.), provided that each such animal herein defined as "grazing livestock" shall be kept on a tract or lot of one acre of land or greater. Barns, pens, corrals, and other buildings or enclosures for the keeping of grazing livestock are permitted accessory uses, provided that such buildings or enclosures (excluding open pastures) are located no closer than 50 feet from any adjoining property lines or street right of way lines.
- E. Child care facilities.
- F. Public recreational or open space facilities.

SECTION 703 - DIMENSIONAL REQUIREMENTS

703.01 Maximum Building Height: 40 feet or 2 ½ stories.

703.02 Minimum Lot Area: 30,500 square feet.

703.03 Minimum Lot Width: 100 feet.

703.04 Minimum Yards:

- (a) Front yard: 50 feet from the street or road right-of-way line to the building setback line. See Section 401.02 regarding double-frontage and corner lots.
- (b) Side yards: 15 feet.
- (c) Rear yard: 25 feet.

STATE OF MISSISSIPPI
COUNTY OF HINDS
CITY OF JACKSON

CERTIFICATE OF SURVEY

THIS IS TO CERTIFY THAT, H D Lang and Associates, Inc. of the City of Jackson, Mississippi, has this day completed a survey standing in the name of Perry Waggener located at _____, in the _____ County of Madison aforesaid, being further described as follows, to-wit:

Parcel B

A certain parcel of land being situated in the Southwest ¼ of Section 35, T8N-R2E, Madison County, Mississippi, and being more particularly described as follows:

Commence at an existing pk nail marking the Southeast corner of the aforesaid Section 35, T8N-R2E and run thence West for a distance of 2,711.82 feet to a point; run thence North for a distance of 445.66 feet to the Southeast corner of Denson Farms, a subdivision according to the map or plat thereof, on file and of record in the office of the Chancery Clerk of Madison County at Canton, Mississippi, as now recorded in Plat Cabinet D at Slide 155; run thence North 89 degrees 54 minutes 51 seconds West along the South line of said Denson Farms for a distance of 948.66 feet to a existing ½" iron pin; run thence North 89 degrees 55 minutes 01 seconds West along said South line of Denson Farms for a distance of 13.69 feet to an existing ½" iron pin marking the Southwest corner thereof; said point also being the POINT OF BEGINNING of the parcel of land herein described; from said POINT OF BEGINNING, run thence South 89 degrees 57 minutes 04 seconds West for a distance of 480.37 feet to a set ½" iron pin; run thence North 00 degrees 04 minutes 06 seconds West for a distance of 1,553.77 feet to a set ½" iron pin; run thence South 89 degrees 10 minutes 51 seconds East for a distance of 482.27 feet to an existing pipe on the West line of the aforesaid Denson Farms; run thence South along said West line of Denson Farms for a

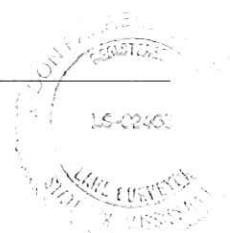
AND I ALSO CERTIFY, that there are no visible encroachments by the buildings of the adjacent property owners upon the surveyed premises. see fences as indicated on plat of survey

AND I FURTHER CERTIFY that all the buildings and visible improvements located on the above described property are within the boundaries of said property, subject to the exceptions shown below, if any, and that the plat hereto attached is a correct representation of the conditions as they exist on this date.

Witness my signature this the 4th day of November, 2015.

H D LANG AND ASSOCIATES, INC.

By: Don F. Garner, PS



distance of 1,546.46 feet to the POINT OF BEGINNING,
containing 17.13 acres, more or less.

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CERTIFICATE OF SURVEY

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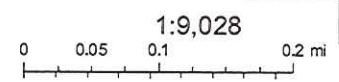
By: Don F. Garner, PS



distance of 480.03 feet to a set 1/2" iron pin; run thence South 00 degrees 04 minutes 06 seconds East for a distance of 1,553.77 feet to the POINT OF BEGINNING, containing 17.13 acres, more or less.



--- County Boundary



Scott Weeks

From: Perry Waggener <alfa5@aol.com>
Sent: Friday, April 08, 2016 10:17 AM
To: Scott Weeks
Cc: Charlie Waggener; Debbie Waggener
Subject: Waggener Rezoning Request

Mr. Weeks,

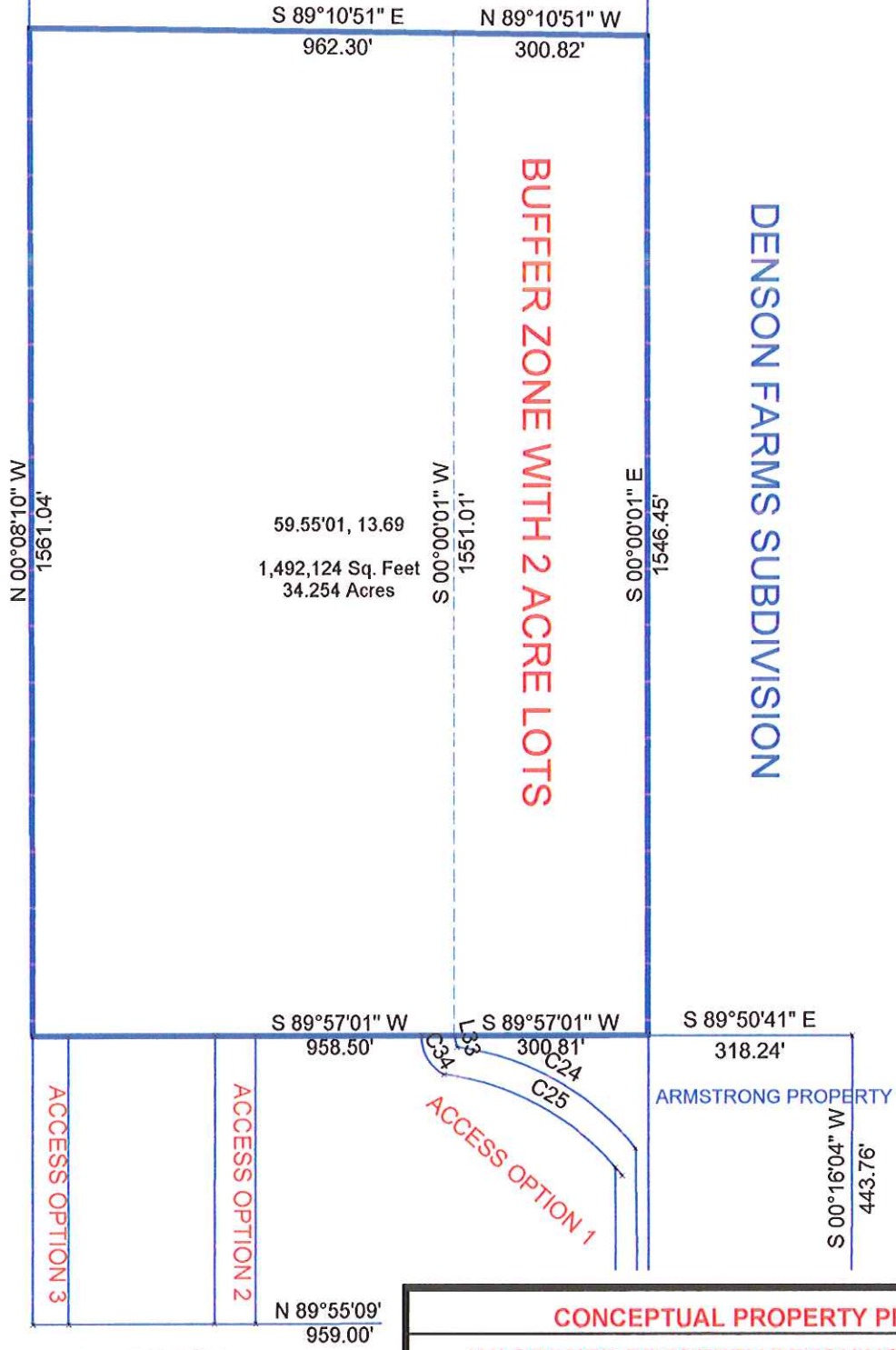
Please place our request to rezone our farm back on the agenda for the April Meeting. We have met with the HOA and was informed today they will remove their objection. We do have one resident to our knowledge that still objects but we don't feel that a resolution is possible in that instance.

Please advise me if you need anything further from my brother and I in advance of the meeting.

Perry Waggener



Additional Waggener Property



OLD CANTON ROAD

CONCEPTUAL PROPERTY PLAT		
WAGGENER PROPERTY REZONING PETITION		
NOTE: Map not to scale		
DATE: 4/13/2016	SCALE: 1" = 271'	DRAWN BY: