

MEMO

To: Madison County Board of Supervisors
From: Brad Sellers
Subject: Mitchell Tyner
Date: June 11, 2013

Mr. Tyner owns a duplex at 114 Twin Circle, Twin Lakes Subdivision. This structure is a non-conforming use in the Planned Unit Development District. The Madison County Zoning Ordinance, in Section 2405, Paragraph D, states "When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for six consecutive months, the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

Mr. Tyner is requesting approval to resume use of this property as a duplex.



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June 5, 2013

Madison County Board of Supervisors
P.O. Box 608
Canton, MS 39046

RE: 114 Twin Circle
Canton, MS 39046
Zoning Variance

Dear Board:

In January of 2008 my wife and I purchased a duplex in Twin Lakes subdivision. It had been totally remodeled with new septic system, kitchen cabinets, bathrooms, central a/c and appliances. It is an investment property and contains 2 one bedroom units and sits on an acre of property. The structure was originally built as a duplex approximately 40 years ago and has remained a duplex to this day.

We also own the adjoining 1.6 acres where we have a convenience store.

Normally we have the power turned back on when tenants vacate the premises, but we had a tenant that left with major health issues and later passed away. His family had requested time to remove his belongings. We did not push them to get everything out right away.

Unfortunately, after the tenants departure, the power was turned off. We recently cleaned out all of the left over belongings and rented the apartment again. When the tenant called Entergy to have the power turned on, we were informed that we needed a permit since the power had been off for more than 6 months. (it had been off 183 days)

We approached Zoning and learned that well after the structure was built, Madison County adopted a regulation that no longer allowed multi family structures. The head of the zoning department, Mr. Brad Sellers and his assistant Mrs. Bobbie Richardson were very helpful and tried to assist us, but ultimately communicated that we would need a variance granted by the Board in order to be allowed to get the power returned to the duplex.

While the electricity was turned off, the water service was never interrupted. We never intended for the duplex to be vacant as long as it was, but did not want to be unkind to the Parker family who were grieving the untimely death of their family member. While there was a 6 month vacancy, the water

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remained connected and there was never any intent for the duplex to cease being an investment rental property.

The duplex is actually one of the more modern housing units in the neighborhood, since its remodeling in 2007.

We request that the Madison County Board of Supervisors authorize a variance to the multi-family moratorium and allow the duplex at 114 Twin Circle, Canton, MS to continue to be used as a duplex as grandfathered prior to electricity being terminated for 6 months.

We would also request that Mr. Brad Sellers be authorized to write a letter to Entergy advising them of the variance and allowing the power to be restored to the duplex immediately, without any further requirements or delay.

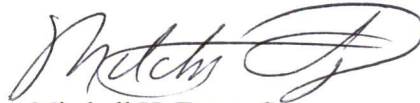
I'll be at the regularly scheduled board meeting on Monday June 17, 2013 to answer any questions or concerns you may have and you can also call me before that time if you have any questions. You can reach me directly at 601-957-1113 ext. 102.

Thank you for your assistance. .

I am,

Sincerely,

TYNER LAW FIRM, P.A.

A handwritten signature in cursive script, appearing to read "Mitchell H. Tyner, Sr.", written in dark ink.

Mitchell H. Tyner, Sr.

083E-15C-017/00.00
POARCH MICHAEL W & JENNIFER B
130 DEBBIE DR

083E-15C-016/00.00
KRAFT E A JR & AGNES G
122 DEBBIE DR

083E-15C-077/00.00
FIDELITY NATIONAL TITLE INSURANCE C
0

083E-15C-014/00.00
TURNER ALBERT
116 DEBBIE DR

DEBBIE DR

083E-15C-012/00.00
CROWE'S NEST LLC
0

R2

083E-15C-011/00.00
PEVEY ROSELLA KOLODEY
0

083E-15C-075/01.00
SMITH JACK & CAROLYN H
0

083E-15C-060/00.00
BANK OF AMERICA NA
152 TWIN LAKES DR

083E-15C-013/00.00
STEEN JOHN L & ALBERT R TURNER
774 HWY 43 S

TWIN CIR

083E-15C-007/00.00
COUCH WILLIE E JR
0

083E-15C-010/00.00
PEVEY CARLTON E ET UX
0

083E-15C-059/00.00
FEDORAK M P & BETTY
0

083E-15C-006/00.00
LAVENDER W L JR
122 DEBBIE DR

083E-15C-008/00.00
GILMER SHARON M
102 TWIN CIR

PUD

Subject Property

083E-15C-058/00.00
FEDORAK M P & BETTY
0

TWIN LAKES

083E-15C-009/00.00
TYNER SLOANE
114 TWIN CIR

083E-15C-005/00.00
COUCH WILLIE E JR
0

083E-15C-004/00.00
COUCH WILLIE JR
0

083E-15C-053/00.00
20/20 INVESTMENTS LLC
0

083E-15C-055/00.00
HAMIL JAMES B
0

083E-15C-056/00.00
CROUCH NANCY L
0

083E-15C-003/00.00
LOVELACE ROBERT B
0

C2

083E-15C-054/00.00
CHENEY CHARLEY JR & CATHERINE M
0

HWY 43