

BEFORE THE BOARD OF SUPERVISORS OF  
MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE REZONING  
APPLICATION OF LINDA UPTON

NOTICE OF APPEAL

COMES NOW Linda Upton, Applicant for rezoning in the above-mentioned matter, acting by and through her undersigned attorneys, and hereby appeals to the Madison County Board of Supervisors, the negative recommendation made by the Madison County Planning and Zoning Commission in this matter.

On June 13, 2013, the Madison County Planning Commission, on a split of vote of one in favor and three opposed, recommended that the Application to rezone a 2.30-acre tract of land located in the Southwest Quarter (SW 1/4) of Section 34, Township 18 North, Range 1 West, Madison County, Mississippi, from a classification of A-1 Agricultural District to a classification of C-2 Highway Commercial District be denied.

Linda Upton, the Applicant, is aggrieved by that recommendation and submits this Notice of Appeal in accordance with Section 2613.02 of the Madison County Zoning Ordinance. In filing this Notice of Appeal, the Applicant requests a public hearing before the Madison County Board of Supervisors with due notice thereof being published at least 15 days in advance of the

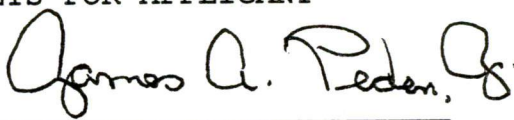
public hearing, in the manner prescribed by law. The Applicant requests such other and general relief as to which she may be entitled.

THIS is the 20th day of June, 2013.

Respectfully submitted,

LINDA UPTON, APPLICANT

STENNETT, WILKINSON & PEDEN,  
ATTORNEYS FOR APPLICANT

BY: 

JAMES A. PEDEN, JR.

JAMES A. PEDEN, JR., MB NO. 4086  
STENNETT, WILKINSON & PEDEN  
Post Office Box 13308  
Jackson, Mississippi 39236-3308  
Telephone: 601/206-1816

REQUEST FOR REZONING

The subject property consists of 2.30 acres fronting Highway 49 just north of the Hinds/Madison County line. The property is now zoned A-1.

The property on the north side is zoned A-1, the property on the south side is zoned C-2, the property on the west side is bordered by U.S. Highway 49 and the east side is A-1.

The adjacent property owner(s) on the south is Lauren McGraw d/b / Gotta Go, on the north is Charlie and Tupper England, on the west is Minnie Bozeman and on the east is (myself) Linda Upton.

The proposed use of the property is to operate an antique resale business which will produce jobs and generate taxes to Madison County. There is a sixty (60) foot easement on both sides of the subject property to access the remaining 11.5 ± at the rear of the property where we plan to build our home.

The proposed site is on a high point with natural drainage to the west, north and east.

The North Hinds Water Association line runs across on the west side of the property and is serving us now. A treatment plant is installed and has been inspected by the County Health Department.

Thank you,

*Linda Upton*  
Linda Upton 3-18-2013

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

IN THE MATTER OF REZONING OF  
CERTAIN LAND SITUATED IN SECTION 34,  
TOWNSHIP 8 NORTH, RANGE 1 WEST,  
MADISON COUNTY, MS

NO.

PETITIONER:  
LINDA UPTON

**PETITION TO REZONE AND RECLASSIFY REAL PROPERTY**

COMES NOW, Linda Upton, 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 34, Township 8 N, Range 1 W, Madison County, Mississippi, more particularly described as follows, to-wit:

SEE EXHIBIT "A"

From its present Zoning District Classification of A1 District to a C2 highway commercial District, in support thereof would respectfully show as follows, to-wit:

1. The subject property consists of 2.30 acres.
2. The zoning proposed 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:

SEE EXHIBIT "B"

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 highway commercial zoning, and reclassifying this property from its present A1 District classification to a C2 District.

Respectfully Submitted, this the 18 day of March, 2013.

Linda Upton, Petitioner  
LINDA UPTON

MAY 16<sup>th</sup> - Tabled - PC  
JUNE 13<sup>th</sup> - Denied P.C. (Appealed)



2.30 Acres To be rezoned C-2

**DESCRIPTION**

A parcel or tract of land, containing **2.30 acres**, more or less, lying and being situated in the SW ¼ of Section 34, T8N-R1W, Madison County, Mississippi, being a part of the Linda Upton property as described in Deed Book 2681 at Page 982 of the Records of the Office of the Chancery Clerk of said Madison County, at Canton, Mississippi, and being more particularly described as follows:

**COMMENCING** at the SW corner of Section 34, T8N-R1W, Madison County, Mississippi; run thence

East for a distance of 1,045.20 feet to the Easterly Right-Of-Way of U.S. Highway No. 49; thence

North 23 degrees 29 minutes 00 seconds West along the Easterly Right-Of-Way of said U.S. Highway No. 49 for a distance of 362.50 feet; thence

Continue North 23 degrees 59 minutes 00 seconds West along the Easterly Right-Of-Way of said U.S. Highway No. 49 for a distance of 10.05 feet to the **POINT OF BEGINNING** of the herein described property; thence

Continue North 23 degrees 59 minutes 00 seconds West along the Easterly Right-Of-Way of said U.S. Highway No. 49 for a distance of 376.96 feet; thence

Leaving the Easterly Right-Of-Way of said U.S. Highway No. 49, run North 65 degrees 55 minutes 00 seconds East for a distance of 250.00 feet; thence

South 23 degrees 59 minutes 00 seconds East for a distance of 425.16 feet, more or less, to the Southerly boundary of the above referenced Linda Upton property; thence

South 76 degrees 50 minutes 00 seconds West along the Southerly boundary of said Linda Upton property for a distance of 254.52 feet to the **POINT OF BEGINNING** of the above described parcel or tract of land.

**RECORD AND RETURN TO:**

First Guaranty Title, Inc.  
1 Woodgreen Place, Ste 200  
Madison, Mississippi 39110  
Telephone: (601)605-6626  
File No. 11226

327-12  
E

STATE OF MISSISSIPPI  
COUNTY OF MADISON

WARRANTY DEED

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS (\$10.00) and other good and valuable consideration, cash in hand paid to the undersigned, the receipt and sufficiency of which is hereby acknowledged, the undersigned,

**THOMAS W. BOBBITT, Grantor**  
220 Hickory Road  
Ridgeland, Mississippi 39157  
Telephone: (601) 209-0195

do hereby sell, convey, bargain and warrant unto

**LINDA UPTON, Grantee**  
160 Highway 49 North  
Jackson, Mississippi 39209  
Telephone: (601) 879-3655

the following described real property situated and located in Madison County, State of Mississippi, more particularly described as follows, to wit ("Subject Property"):

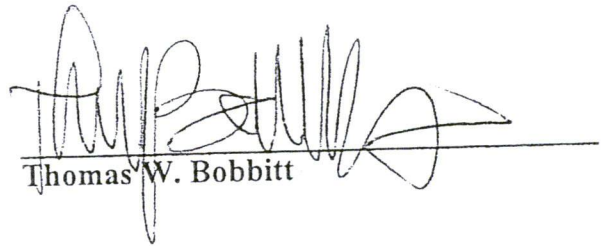
**EXHIBIT "A" ATTACHED**

**INDEXING INSTRUCTIONS:** 13.8023 acres +/- in the SW ¼ of Section 34. T8N, R1W,  
Madison County, MS

IT IS AGREED AND UNDERSTOOD that the taxes for the current year have been prorated as of this date on an estimated basis and when said taxes are actually determined, if the proration is incorrect, then Grantors agree to pay to said Grantees or their assigns any deficit on an actual proration.

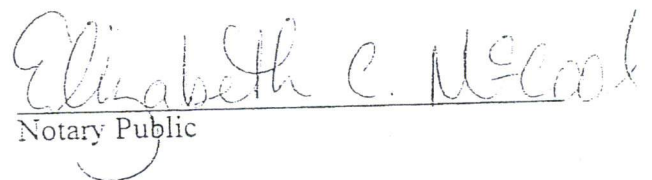
THIS CONVEYANCE is subject to any and all recorded reservations or conveyances of minerals, building restrictions, right of ways, easements and restrictive covenants applicable to the above described property.

WITNESS the respective hand and signature of the undersigned Grantors hereto affixed on this the 24<sup>th</sup> day of June 2011.

  
Thomas W. Bobbitt

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state on this the 24<sup>th</sup> day of June 2011, within my jurisdiction, the within named Thomas W. Bobbitt, who acknowledged that he executed the above and foregoing instrument.

  
Notary Public

My commission expires:





EXHIBIT "A"INDEXING INSTRUCTIONS: SW 1/4, Section 34, T8N, R1W, Madison Co.

A certain parcel of land being situated in the Southwest 1/4 of Section 34, T8N- R1W, Madison County, Mississippi and being more particularly described as follows:

Commencing at the Southwest corner of said Section 34; run thence East along the South section line a distance of 1045.2 feet to a point on the East right of way line of U.S. Highway Number 49; run thence North 23 degrees 29 minutes West along said East U.S. Highway 49 right of way and an old fence line a distance of 362.5 feet to a concrete right of way marker; continuing thence along aforementioned East U.S. Highway 49 right of way and an old fence, North 23 degrees 59 minutes West a distance of 10.05 feet to the POINT OF BEGINNING; run thence North 23 degrees 59 minutes West along said U.S. Highway 49 East right of way line and old fence a distance of 376.96 feet to a point intersecting a second old fence line; run thence North 65 degrees 55 minutes East along said old fence line a distance of 1207.45 feet to a point intersecting the West right of way line of Y. & M.V. Railroad; run thence along a curve in the West right of way line of aforementioned Y. & M.V. Railroad right of way line the following bearings and chord distances; South 28 degrees 11 minutes East 120.85 feet; thence South 26 degrees 36 minutes East 98.82 feet; thence South 24 degrees 25 minutes East 98.85 feet; thence South 22 degrees 35 minutes East 99.22 feet; thence South 20 degrees 48 minutes East 98.44 feet; thence South 19 degrees 33 minutes East 94.30 feet; thence leaving said Y. & M.V. Railroad right of way run thence South 76 degrees 50 minutes West a distance of 1228.60 feet to the POINT OF BEGINNING containing 13.8023 acres.

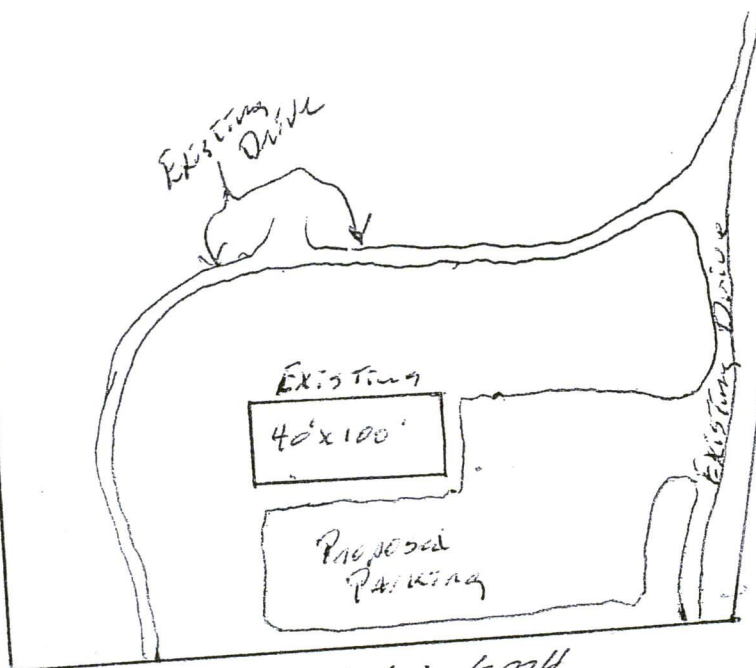
The above described property is the same land and property described in Warranty Deed to James W. Bennett and Dianne Bennett, dated October 8, 1976, recorded in Deed Book 147 at Page 236 of the land records of Madison County, Mississippi.



RAILROAD

Charles & Tupper England

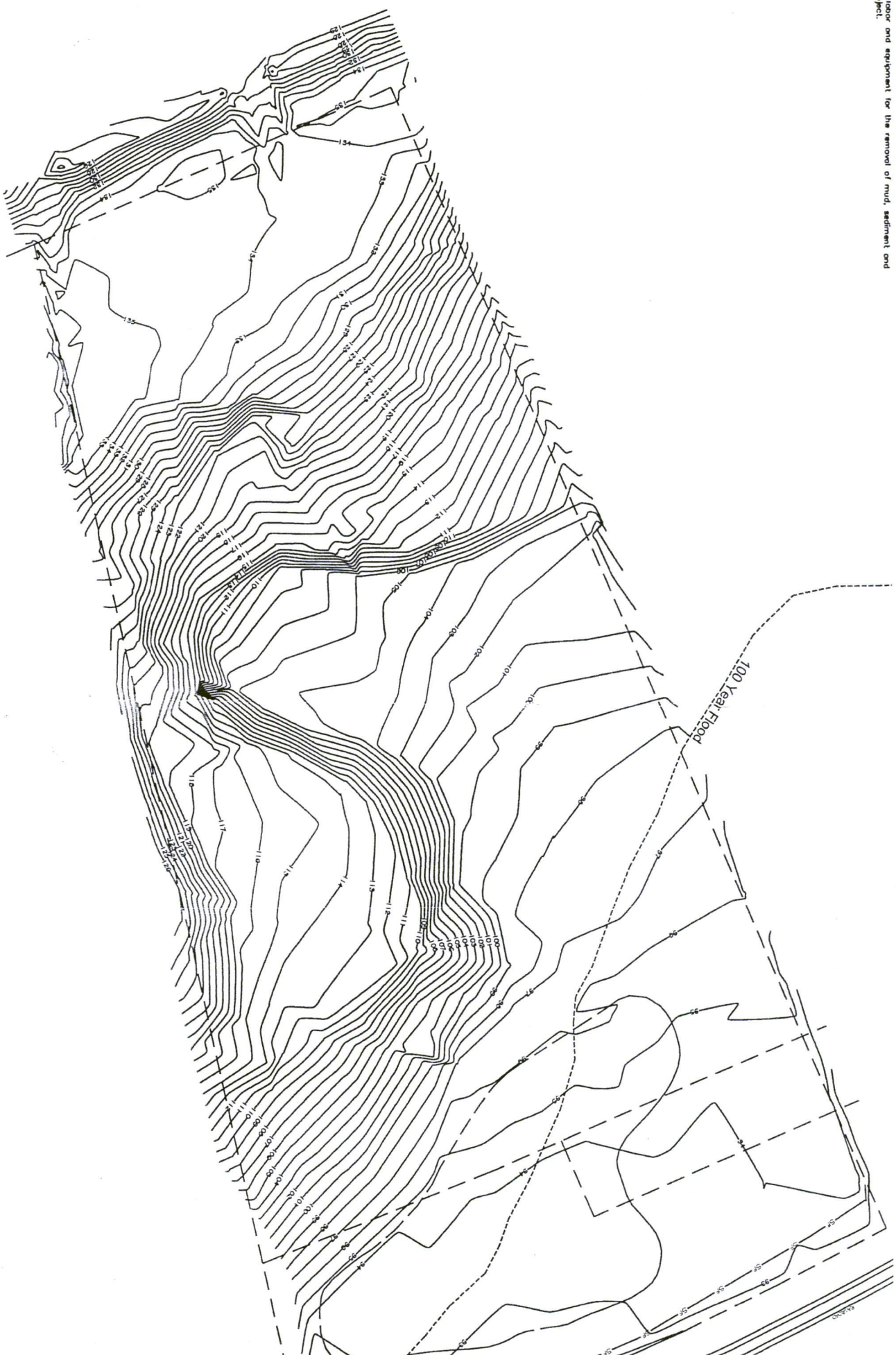
"BOTH"  
GO



← N to 40ft

Minnie Bezenan

Users agree provide labor and equipment for the removal of mud, sediment and  
fills during this project.



DRAWING NAME: D:\PROJECTS\160-06\013\SURF.DWG  
DRAWN BY: JMW  
SCALE: 1" = 60'  
DATE OF DRAWING: 6-08  
PROJECT NO.: 160-06-013  
CHECKED BY:  
APPROVED BY:

**B**  
BANKS ENGINEERING & SURVEYING, INC.  
115 LONE WOLF DRIVE SUITE B • MADISON, MS 39110  
OFFICE (601) 407-1240 • FAX (601) 407-1245

CLIENT:  
THOMAS BOBBITT

PROJECT:  
SLOBOVIA  
STORMWATER POLLUTION I  
MADISON COUNTY

less, lying and being situated in the SW 1/4 of a part of the Linda Upton property as is of the Office of the Chancery Clerk of said circuitly described as follows:

Madison County, Mississippi; run thence

E-Way of U.S. Highway No. 49; thence

Easterly Right-Of-Way of said U.S. Highway

along the Easterly Right-Of-Way of said U.S. Highway

IT OF BEGINNING of the herein described

along the Easterly Right-Of-Way of said U.S. Highway

hence of 425.16 feet, more or less, to the Southerly

hence

hence

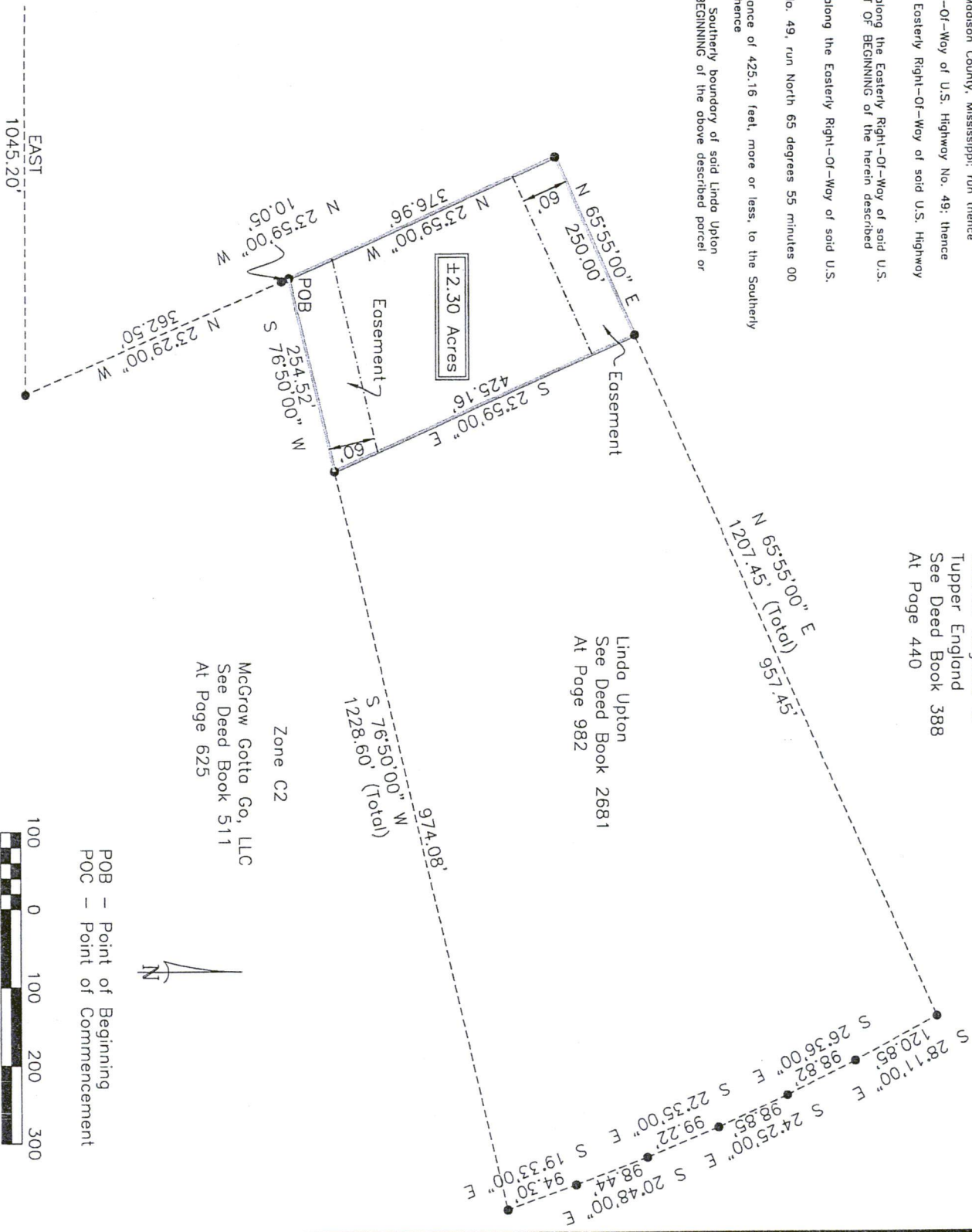
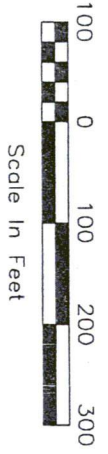
Charles England &  
Tupper England  
See Deed Book 388  
At Page 440

Linda Upton  
See Deed Book 2681  
At Page 982

McGraw Gotta Co, LLC  
See Deed Book 511  
At Page 625

Zone C2

POB - Point of Beginning  
POC - Point of Commencement



I CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS THOROUGH AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

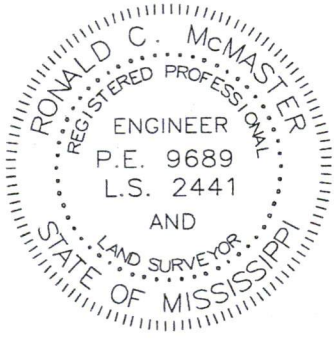


EXHIBIT OF CERTAIN PROPERTY IN SW 1/4 OF SECTION 34, T8N-R1W, MADISON COUNTY, MISSISSIPPI

**McMASTER & ASSOCIATES, INC.**

CIVIL ENGINEERS AND LAND SURVEYORS  
5041 Fletchers Chapel Road Yazoo City, MS 39194  
One Woodgreen, Suite 210 Madison, MS 39110  
Phone: 662-746-1090 Phone: 601-605-1090  
Fax: 601-605-1091 Fax: 601-605-1091

Email - ronnie@mcmastereng.com

DATE: 3-12-2013

SCALE: 1" = 200'

JOB NO.: M-2117



less, lying and being situated in the SW 1/4 of a part of the Linda Upton property as shown on the plat of the Office of the Clerical Clerk of said Madison County, Mississippi, run thence

Right-of-Way of U.S. Highway No. 49; thence Easterly Right-of-Way of said U.S. Highway

along the Easterly Right-of-Way of said U.S. Highway No. 49, run North 65 degrees 55 minutes 00 seconds of 425.16 feet, more or less, to the Southerly

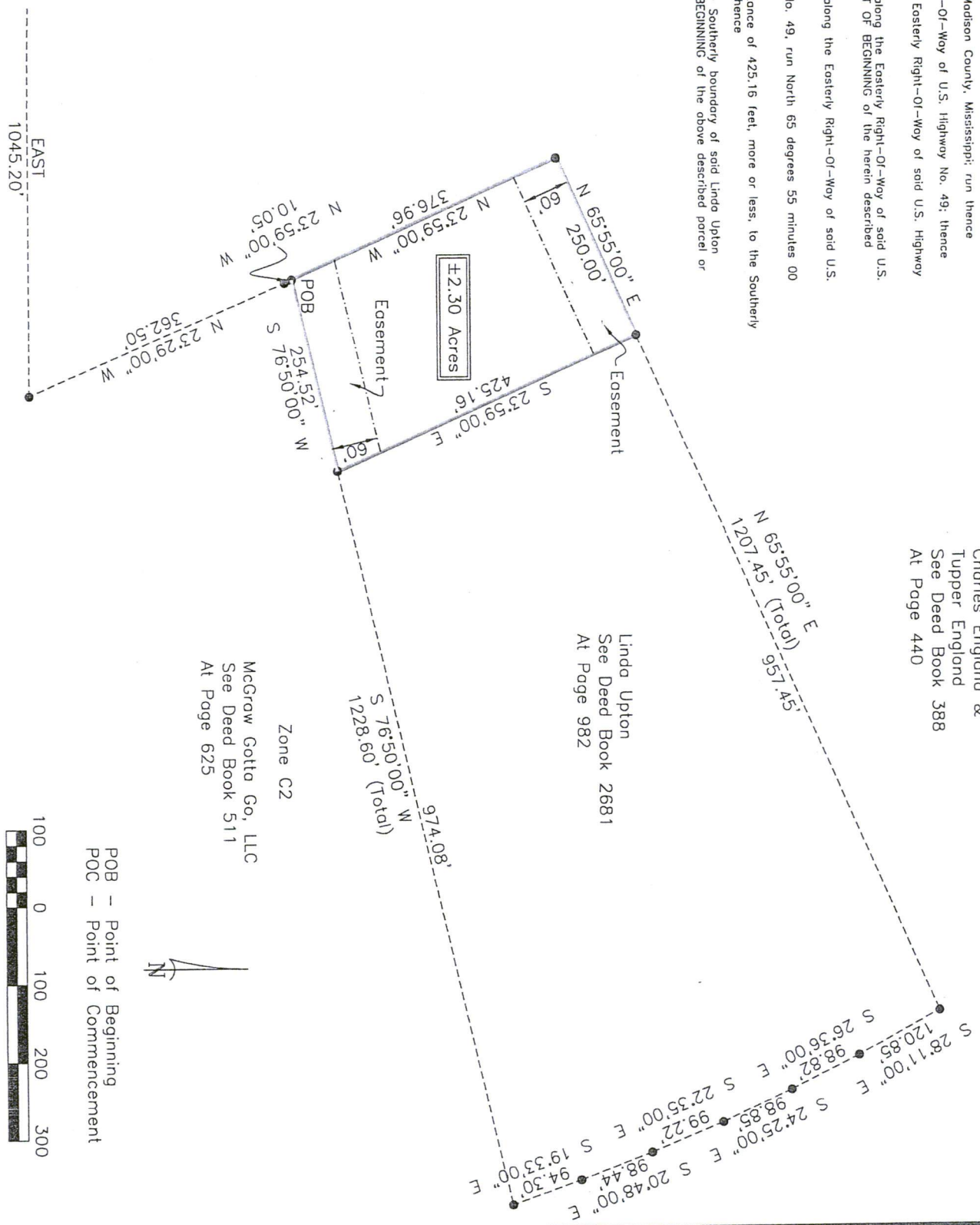
thence a Southerly boundary of said Linda Upton parcel or BEGINNING of the above described parcel or

Charles England & Tupper England  
See Deed Book 388  
At Page 440

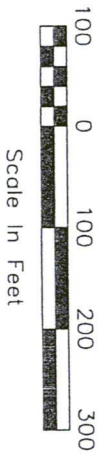
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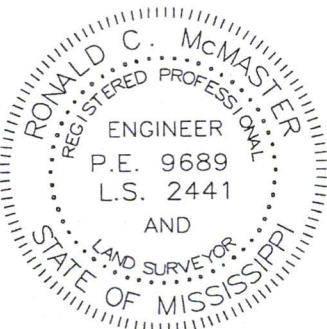


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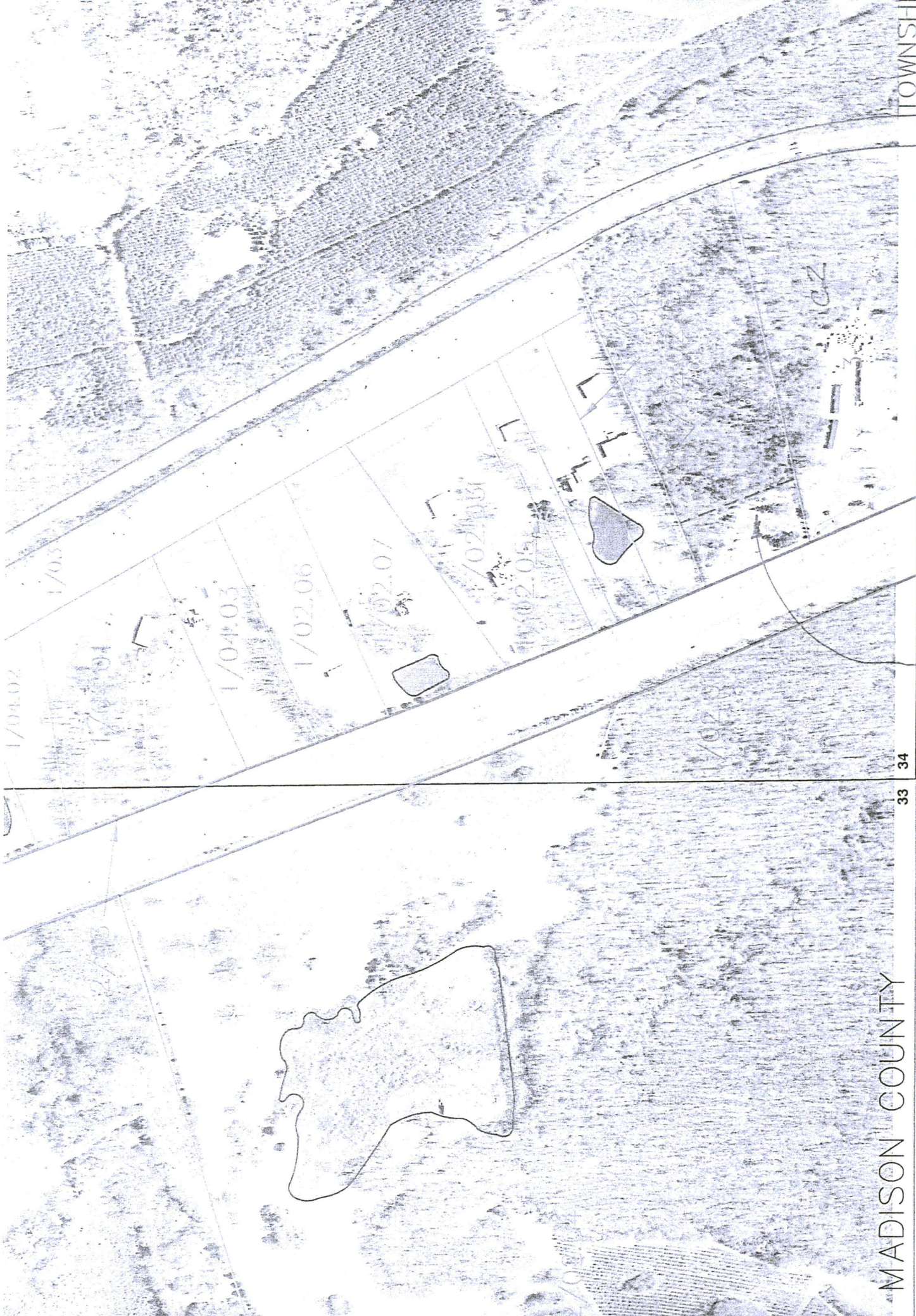
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DATE: 3-12-2013      SCALE: 1" = 200'      JOB NO.: M-2117





MADISON COUNTY

HINDS COUNTY

33

34

SUBJECT  
PARCEL

TOWNSHI

TOWNSHI





TOWNSHIP 8 NORTH  
TOWNSHIP 7 NORTH

MADISON COUNTY  
HINDS COUNTY

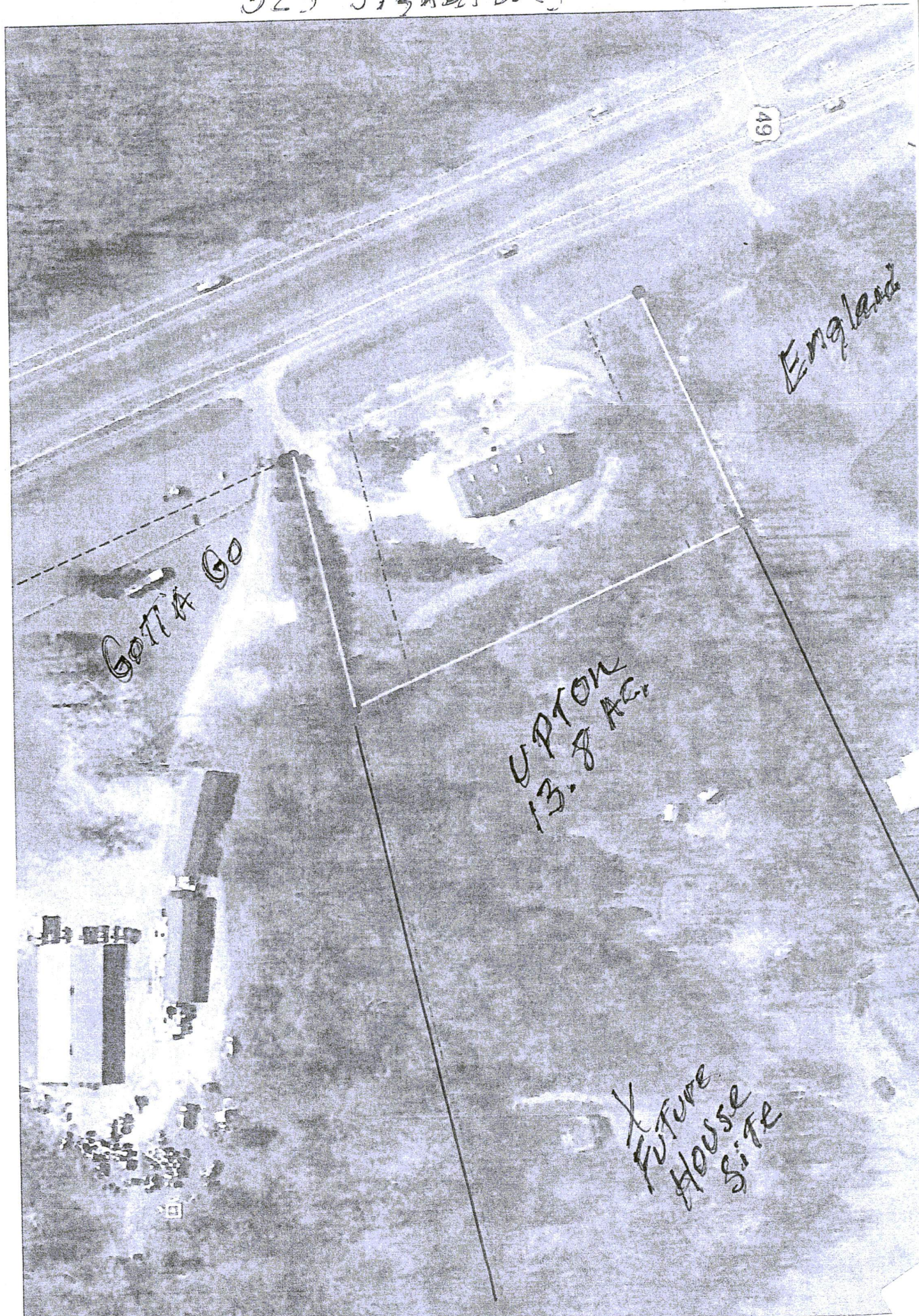
33  
34

250' STRIP  
60' EASEMENT









69

England

GOTT & GO

UPTON  
13.8 AC.

X  
Future  
House  
Site



**From:** Linda Upton <lindau2013@aol.com>  
**To:** hadams19526 <hadams19526@aol.com>  
**Subject:** Going Commercial  
**Date:** Sun, Apr 14, 2013 5:06 pm

130 HWY 49 North

I built a building on my property on 130 HWY 49 N near Flora MS. Its next door to a commercial site called Gotta Go.

I had a dream of a little Antique shop there called Sharing

(Yesterdays Today )

I'm asking for your help , Sign to agree ( as in ) joining me to approve my antique store in MADISON COUNTY

....I need a lot of joining. I have a few neighbors who have said they are apposed because they think I will fail in my effort ...

Then I might sell to an unsavory person who will open a night club and sell drinks ( alcohol ).We live on Slobovia International Airport .

My Little peace of heaven . help me keep it

Sign to join me and allow me to open a little shop.

Linda Upton  
[lindau2013@aol.com](mailto:lindau2013@aol.com)



Handwritten signatures of four individuals: a cursive signature, 'Fung Bean', 'Shan Howard', and 'Howard Hanson'.

Shark Bait

2) John Hudson

3) Katrina Moore

4) Doris White

5) Bryant White

6) Delores White

7) Tyne White

8) Robert White

9) Ledora Hudson

10) Kenneth Williams

11) Christina Walden

12) Jason Paine

13) Linger Womack

14) Eddie Gooden

15) Doris Gooden

16) Dorothy Smith

17) Yolanda Roberts

18) Braneva Smith

19) Willis Saddle Sr.

20) ~~Walter Saddle~~

21) Lamy Jordan

22) ~~Walter Saddle~~

23) Linda Brown

24) Shelton Brown

25) Tara Wilkerson

26) ~~John Singleton~~

27) ~~John Singleton~~

28) Adrian Singleton

29) Walter McField

30) S. Dowell

31) Sierra Session

32) ~~Greg Taylor~~

33) Valeria Palmer

34) ~~Greg Taylor~~

35) Sheila White

36) ~~Quinn Pickett~~

37) C. J. BAH

38) Dgn Smith

39) ~~Calvin White~~

40) Brad Moore

41) Jeffery Ross

42) ~~R. Robinson~~

43) Bruce Hoover

44) Inger Brown

45) ~~Walter Saddle~~

46) Mack Gardner

47) James Gardner

48) K.D. Gardner

NOTICE TO REZONE PROPERTY

291  
321

My name is Linda Upton, I own 14 acres at 130 Hwy 49 in south Madison county, and own a home at 160 Hwy 49, which is

next door. I have recently built a 4,000 square foot building on the front 2 acres of the 14 acres to open an antique shop, which

has been my dream for years. After completing the building, a few of the neighbors complained to the permit and zoning board

in Madison county. The county notified me and told me in order to open the shop, it would have to be rezoned from A-1 to C-2

commercial. I have recently applied for this rezoning for the front 2 acres along Hwy 49 of the 14 acre tract, and am planning on

building my new home behind it on the 12 remaining acres. The property that joins me on the South is zoned C-2 and owned by

Laurin McGraw, which is a business called GOT A GO. If you are in favor of the rezoning and have no objection of it, I am asking

for your signature below, I want to thank you for your support.

LINDA UPTON

[lindau2013@aol.com](mailto:lindau2013@aol.com)

Haney Haney  
Janette Haney  
Julie McNeely  
Jackie Alexander  
Dabrina Lee  
Lamy B. Lee  
L. B. Lee  
Tom Bunchel  
Danyl Morrow  
Christie Moore  
Kerri Busheer  
Reggie Collette  
Lamar LeBlanc

Fey Walker  
Allison Neale  
Hazel Cunningham  
Amy Skelton  
Scott Skult  
Kelsey Hesslering  
Cody Hesslering



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LINDA UPTON

[lindau2013@aol.com](mailto:lindau2013@aol.com)

*Justin Mett*  
*Doug Burroughs*  
*Bill Lippin*  
*Andrew Spore*  
*ZAM*  
*Vince R Mett*  
*Spencer Bunch*  
*Gordon Bunch*  
*Jamie Robinson*  
*Steve Jones*  
*Bill W. Row*

*Louise Burroughs*  
*[Signature]*  
*Emile Row*



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[lindau2013@aol.com](mailto:lindau2013@aol.com)

*Tracy Rea*  
*Phyllis L...*  
*James Lee*  
*Patricia Marks*  
*Lynne Bell*  
*Samie Rea*  
*Sherry P. Jerry*  
*Bill ...*  
*Lonia Jorma-Ballard*  
*Sheila Gill*  
*Lou M. Peace*

*Mike Dayton*  
*Steve Johnson*  
*Dea*

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LINDA UPTON

[lindau2013@aol.com](mailto:lindau2013@aol.com)

*Ohid*

*John Jones*

*WJ James Jones JR.*

*Essie Henderson*

*Tom Epps  
Lavonia  
Hal Winters*

*Natural Cross  
Kia*

*Patrick Ross  
Willie Pa*

*Calvin Levy*

*Willis Sudder  
Darius Ross*

*Kentrel Williams*

*Cluck Mannie*

*Henry Powell*

*Patrick King  
PATRICK ROSS*

*J S D*

*Loitie Ross*

*Jim  
Jerry Poara*

*Emathan Vana*

*Murvin Ross  
Michael A Bruce*

Wonnastaltes  
Max Staltes

John E. Larson

PO PLEERANSON

DENIST THOMPSON

Mike Huff

May Ellen Goz

George A. Hill



NOTICE TO REZONE PROPERTY

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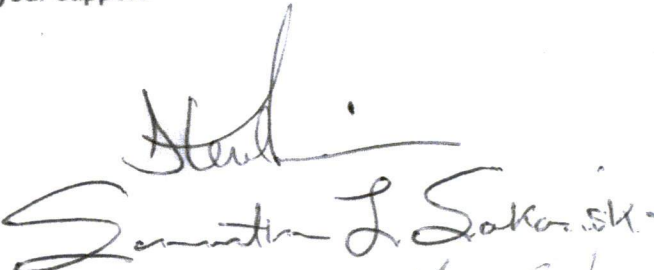
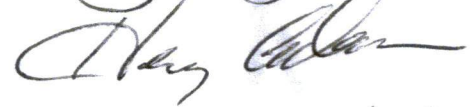
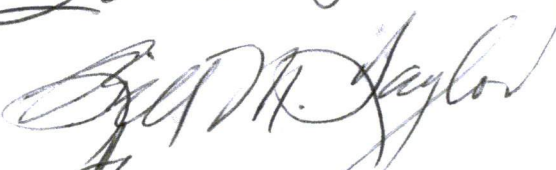


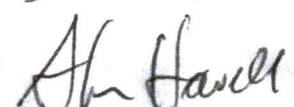
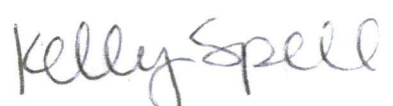




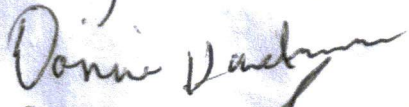


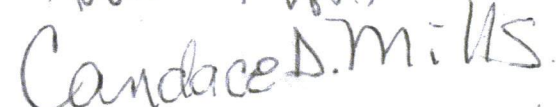

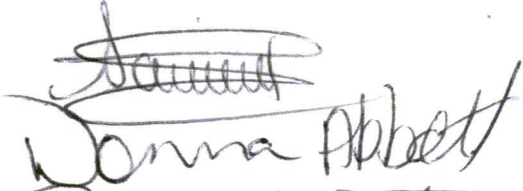


building my new home behind it on the 12 remaining acres. The property that joins me on the South is zoned C-2 and owned by

Laurin McGraw, which is a business called GOTTA GO. If you are in favor of the rezoning and have no objection of it, I am asking

for your signature below, I want to thank you for your support.

LINDA UPTON

[lindau2013@aol.com](mailto:lindau2013@aol.com)

1. Sara Carpenter
2. Greg Alford
3. Anna M. Biv
4. Joyce Taylor
5. Josephine & Linda by
6. Terome Johnson
7. Lincoln Berry
8. O. B. Y. D. D. D.
9. Hattiesha Denson
10. Bill Bredem
11. C. R. R.
12. Antonia Brown
13. Lavene Seer
14. Robert Lankster
15. J. P. P.
16. Etta Marshall
17. Earnest Marshall
18. Chaniqua Williams
19. Rosie Coines
20. Thomas Coines
21. Adell Williams
22. Bertha Crowley
23. Shavasha Crowley
24. Anthony C. C.
25. Mary C. C.
26. Alva Curtis
27. Amanda Archie
28. Andrew Mason
29. Sonya Taylor
30. Pamela Roell
31. Sarah Jefferson
32. Zastine Williams
33. Jerry Williams
34. Kendall Boone
35. Sylvia Douglas
36. Galena Lane
37. Larry Lynch
38. Julia Lynch
39. Deundra White
40. Brenda Welch
41. Charlotte Weathers
42. Bernard Jordan
43. Richard Welch
44. Linda Crosslin
45. Corrie Wedgeable
46. Leitch Johnson
47. Don L. Smith
48. Kelvin G. G.
49. Sharon McCallister
50. Jimmy Wedgeable



- 51) Edna Johnson
- 52) Valerie Brown
- 53) Carolyn Johnson
- 54) Ronald Knight
- 55) Derrick Johnson
- 56) Margery Johnson
- 57) Makeisha Bennette
- 58) Demekal Hareless
- 59) James Lane
- 60) Rashina Lewis
- 61) Katelyn Brown
- 62) Shannon Breland
- 63) Kenneth Breland
- 64) Brittany Brown
- 65) Curtis L. Plummer
- 66) Cassandra M. Nash
- 67) Juanita Morris
- 68) Johnathon Morris
- 69) Sandy Doneross
- 70) Kimberly Foster
- 71) Kai Foster
- 72) Ashley Curtis
- 73) Christella Curtis

- 74) Kentrea Williams
- 75) Raheem Curtis
- 76) Tommy Curtis
- 77) Malaysia Curtis
- 78) Arvester Adams
- 79) Vidal ~~Bauer~~
- 80) Eunice Washington



Ernest M  
Michael W. Salt L  
James G. Clark  
Ramon Sanders  
Willie Lusk  
Forrester E. Odom  
Joseph F. Cox

Robert W. Small  
Bruce R. [unclear]  
James E. [unclear]  
Phil L. [unclear]  
Albert Wason  
Felix Yates Wason

Danielle Middleton  
Law McCain  
Lonia J. Burris  
Mark B. [unclear]

[unclear]  
W. W. Hill

Doris Shield  
Betty Howell  
Roger Howell

Courtney Shelton  
~~[unclear]~~

Margaret Thompson

has been my dream for years. After completing the building, a few of the neighbors complained to the perr  
and zoning board

in Madison county. The county notified me and told me in order to open the shop, it would have to be rezon  
from A-1 to C-2

commercial. I have recently applied for this rezoning for the front 2 acres along Hwy 49 of the 14 acre tract,  
am planning on

building my new home behind it on the 12 remaining acres. The property that joins me on the South is zone  
C-2 and owned by

Laurin McGraw, which is a business called GOT A GO. If you are in favor of the rezoning and have no  
objection of it, I am asking

for your signature below, I want to thank you for your support.

LINDA UPTON

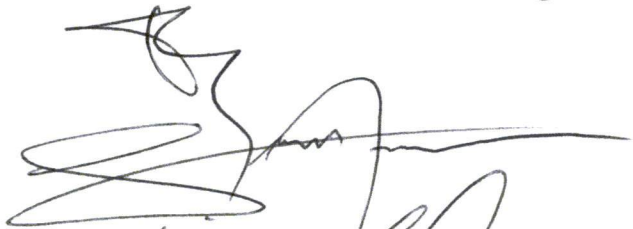
[lindau2013@aol.com](mailto:lindau2013@aol.com)

~~Ben Blain~~  
~~Henry Adams~~  
~~Gene Hulbert Smith~~  
~~Al Hart~~  
~~John G~~  
~~Jean McHaw~~  
~~Donnie Wadman~~  
~~Sam J~~  
~~Edna~~

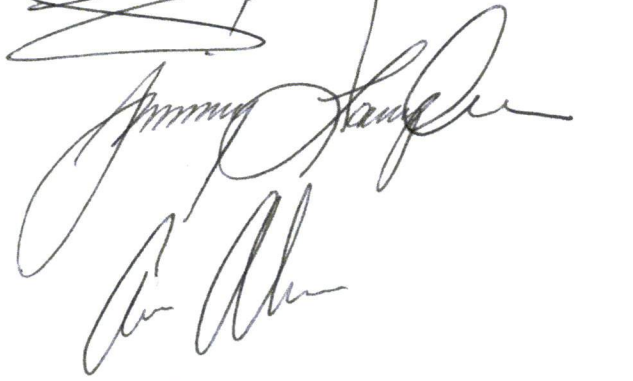
Jessie Laney  
Frank Laney  
J & J  
Melvin R Willis



Jerry Hesslering  
Dianna Hesslering



Jerry Hesslering



Dianna Hesslering

Stephanie Hopson  
Brandy Bidwell

MOMEL BROWN

Shawn Cleveland  
Paula Harrison



Can have Shop on 49 N re zoned

**Dorothy Blough Cunningham**

Betteye Blough Stewart

Spirey Beatty Wand

Jan Cash

Beverly Parish

Mike Peisk

September 10, 2012

Dear Linda,

We write this letter to you because we value our friendship with you as our neighbor and wanted to reach out to you to express concerns we have about the construction you are starting on your property on Highway 49. Naturally, we all noticed this was going on, and we have heard different explanations about what your intent is regarding the development of the property. (Because we have heard different explanations, we thought it best to approach you in a letter to share our concerns.

This is our home, and we want to protect it from any commercial development which might change the character of the area, devalue the land or disrupt what we see as our little slice of heaven. With that in mind, we ask that you not develop the property for any commercial use whatsoever. Further, should you desire to do so, we will have no choice but to oppose vigorously any attempt to request a rezoning, or even without a rezoning request, attempt to operate a business on the property.

Finally, it is our purpose to raise this issue and concern now before you expend any further time or money on your development to avoid any hardship for you. Of course, we have no objection to any lawful use of the property as defined by the zoning regulations and land use regulations and ordinances.

We would welcome your assurance that you do not plan any commercial venture or development on the property.

Sincerely,

Charles E. Englund <sup>Charlie</sup>  
 Lynn Ely <sup>Tupper</sup>  
 HD Fray <sup>Don</sup>  
 Caroline Stuber <sup>Caroline</sup>  
 Brian Fray <sup>Brine</sup>  
 John Lesver <sup>Said take it off</sup>  
 Kristin?  
 George Stuby?

Vikhar S. Lynn <sup>Steve</sup>  
 Ginger Lynn <sup>Ginger</sup>  
 Kenya Lynn <sup>Kenya</sup>  
 Frank A. Barlett <sup>Frank</sup>  
 David MARL

**← INSTRUCTED  
TO REMOVE**

cc. Mr. Brad Sellers  
cc. Mr. Karl M. Banks



9-16-12

To: Charlie & Tuper England

Don & Caroline Frazier

Brian & Keena Frazier

John Gessner *← Instructed to Remove*

Scott & Ginger Lynn

Frank Garletts

David Mars

George Stuby

We are in receipt of your letter dated Sept. 10, 2012, and was a little surprised from a FEW of you to take the letter approach in lieu of a face to face conversation of the matter.

Number one, what we do on our property is none of your business as long as we are within the zoning and ordinances of Madison County.


Number two, David Mars operates a business from his hangar known as Vintage Air Tours.

Number three, Charlie England has been working on other people's plane in his hangar, probably at no charge of course.

Number four, Frank Garletts operates a business from his hangar known as Mississippi Bees, producing and selling honey and running chickens in his yard, which are farm animals. Which is against the ordinances.

And you have a concern about what I am going to do with our building?

The original plans was not to rezone it.

  
Linda Upton

MEMO

To: Madison County Zoning Administrator  
Madison County Zoning Board  
Madison County Board of Supervisors

From: Tupper England



Date: May 16, 2013

Attached for your information please find pertinent material with regard to our oppositon to the rezoning of the subject property.

On behalf of the interested parties, we appreciate your consideration in this matter.



September 10, 2012

Dear Linda,

We write this letter to you because we value our friendship with you as our neighbor and wanted to reach out to you to express concerns we have about the construction you are starting on your property on Highway 49. Naturally, we all noticed this was going on, and we have heard different explanations about what your intent is regarding the development of the property. Because we have heard different explanations, we thought it best to approach you in a letter to share our concerns.

This is our home, and we want to protect it from any commercial development which might change the character of the area, devalue the land or disrupt what we see as our little slice of heaven. With that in mind, we ask that you not develop the property for any commercial use whatsoever. Further, should you desire to do so, we will have no choice but to oppose vigorously any attempt to request a rezoning, or even without a rezoning request, attempt to operate a business on the property.

Finally, it is our purpose to raise this issue and concern now before you expend any further time or money on your development to avoid any hardship for you. Of course, we have no objection to any lawful use of the property as defined by the zoning regulations and land use regulations and ordinances.

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Sincerely,

Charles E. Englund  
Tyrone Englund  
H.D. Francis  
Cecilia Shapiro  
Bryce O. Francis  
John Gessner  
K. J. Smith

Vilho S. Lym  
Ginger Lym  
Keena Francis  
Frank A. Smith  
David Marx

cc. Mr. Brad Sellers  
cc. Mr. Karl M. Banks

September 10, 2012

Tupper England  
140 Highway 49 N  
Jackson MS 39209

Mr. Brad Sellers  
Zoning Administrator  
125 West North Street  
P.O. Box 608  
Canton, MS 39046

Dear Mr. Sellers,

Attached are copies of letters sent to Mr. Henry Adams and Mrs. Linda Upton from several families who live near Mrs. Linda Upton's property at 130 Highway 49 North. We have repeatedly asked Mr. Adams and Mrs. Upton if they plan to rezone her property at 130 Highway 49 North from agricultural to commercial. We were unsuccessful in obtaining an answer. Presently, they are constructing a 4,000 square foot building. They will not tell us their intentions for the land, so we have written the attached letter to let them know that we will oppose any attempt to rezone the property. We have consulted a real estate appraiser who told us that our properties would be devalued if her property is rezoned commercial. We love our quiet life and are afraid that having a commercial business next door to our homes would forever change our lives.

Thank you for your consideration.

Sincerely,

Tupper England, for:

  
Tupper England  
Charles England  
Don Frazier  
Caroline Frazier  
Brian Frazier  
Keena Frazier  
John Gessner  
George Steube  
William S. Lynn  
Ginger Lynn  
Frank Garletts  
David Mars

cc. Mr. Karl M. Banks



PETITION IN OPPOSITION TO RE-ZONING REQUEST  
OF LINDA UPTON AS TO PARCEL LOCATED AT 130 HIGHWAY 49 NORTH

We, the undersigned landowners of property adjacent to and in close proximity to the parcel of land owned by Linda Upton, do hereby state our opposition to the request by Linda Upton to rezone the property from its current zoning of Agricultural to C-2 commercial on the following bases:

1. The character and use of the property adjacent to and in close proximity to the subject parcel historically and currently is that of homes to use as primary residences according to the current zoning ordinance in effect.
2. The character and use of property in and around the Upton parcel has not changed since it was first zoned as agricultural according to the zoning ordinance passed by the county.
3. The owners of the residences in the area relied upon the zoning ordinance to make substantial investments to construct homes in the area according to the land use contemplated by the county. As a result of these investments, these residences improved the value of the properties and have provided substantial ad valorem tax revenue for the benefit of the county for years.
4. To allow the request to rezone would permanently and irreparably damage and diminish the value of the existing homes and residences, and permanently impede future development of similar residential use of other lands in the area according to the current zoning designation.
5. Mrs. Upton chose to spend money to construct a building on the property not suitable for a residence with full knowledge that we, and others, opposed any commercial development of the property, and a copy of said written notice is attached hereto as Exhibit A. Despite this knowledge, Mrs. Upton chose to nevertheless engage in the construction of a building not suitable for use under the current zoning ordinance in effect currently.

WHEREFORE, PREMISES CONSIDERED, the Undersigned landowners do hereby object to the request to rezone file by Mrs. Upton for the reasons herein stated.

NAME

ADDRESS IN MADISON COUNTY

Charles England  
J. Upper England  
Sybil  
Dana Mars  
Fred & Sarah H.

140 HIGHWAY 49 N  
140 Highway 49 N  
284 HIGHWAY 49 N  
148 Hwy 49 N Jackson MS 39209  
176 Hwy 49 N Jackson Ms

PETITION IN OPPOSITION TO RE-ZONING REQUEST  
OF LINDA UPTON AS TO PARCEL LOCATED AT 130 HIGHWAY 49 NORTH

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NAME

ADDRESS IN MADISON COUNTY

<u>Bruce O. Frasier</u>	<u>256 HWY 49 NORTH</u>
<u>Harold Frasier</u>	<u>117 Lorman Ln Madison</u>
<u>H.D. Frasier</u>	<u>274 Hwy 49 North</u>
<u>Caroline Frasier</u>	<u>Jackson, MS 39209 (Madison Co.)</u>
<u>Toby Frasier Jr</u>	<u>221 Hwy 49 North</u>



NAME

ADDRESS IN MADISON COUNTY

Lammie E. Skelton

176 Hwy 49, Jackson, MS 39209

Virginia R. Lynn

242 Hwy 49 N, Jackson, MS 39209

Julian S. Lynn

242 Hwy 49 N, Jackson, MS 39209

Laura Mahaffey

320 Hwy 49 North Jackson 39209

Bob K. Luhn

213 H 49 North

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