

APPLICATION FOR VARIANCE

Name and Address of Applicant:
Kyle and Megan Malone
104 Hunters Cove
Madison, MS 39110

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
9-1-2021	R-1	See (Exhibit A)	082D-18 - 024/00.00	X	See (Exhibit B)

Other Comments: As per Article 804 of the Madison County Zoning Ordinance.

Comments Requesting a 10 foot Variance due to Lot elevations

Respectfully Submitted

Kyle and Megan Malone

Petition submitted to Madison County Planning and Development Commission on _____

Recommendation of Madison County Planning and Development Commission on Petition _____

Public Hearing date as established by the Madison County Board of Supervisors _____

Final disposition of Petition _____

Dear Madison County,

I am writing you today to request a setback variance for a new construction home at the address of 104 Hunters Cove Madison, MS 39110. The listed setback is currently at 50' from the front of the home. This construction project is currently at 40' from the property line; therefore, we are requesting a 10' variance. While we admit that MS Homes made an error in setting this foundation, we would like to explain the thoughts and actions that lead to this error. By doing so, we hope to receive your understanding and support in this variance request and the opportunity to move forward with this project.

This project has some unique circumstances which caused us to place the dirt pad and foundation in the location that we have. This project is a new construction project in an older neighborhood that is not being built on an original platted lot from the original subdivision. This is a metes and bounds property surveyed out of a larger original lot on the plat. The property is over 3 acres in size and has an elevation change of over 25' from the front of the lot to the rear tree line and existing pond on the property. The front corner of the home is set at 8" above the natural ground and the rear corner is above natural ground approximately 10'.

There are a few reasons that we are seeking a variance for this setback rather than moving the house. First, due to the elevation change across the depth of the home, we have the foundation set with 6' rear and side drop footings and the dirt pad has over 11' of fully compacted dirt, and the plumbing is currently installed in the slab. Moving this house back would result in both potential structural issues as well as be extremely costly. By moving the home further back we would be increasing the back corner of the house many more feet above natural ground. This is not a desired look or function that the homeowner wants to have with their home. By attempting to add dirt to an already compacted pad there are risk of future structural issues with the home. The reason for this is the existing dirt pad was constructed by lifting the pad 8" at a time and using heavy rollers to achieve maximum compaction; therefore, by attempting to add to this already compacted pad we will not be able to achieve that same compaction and structural quality. With the safety of the homeowners, their monetary invest in building a home in Madison, as well as their investment and service as both business owners and past law enforcement in Madison I believe not approving this variance will be a huge current and potential future undue burden on Kyle and Megan Malone. Thank you for your deep consideration and I hope this letter and documentation provided lead you to approving this variance.

342.85'

25' SETBACK

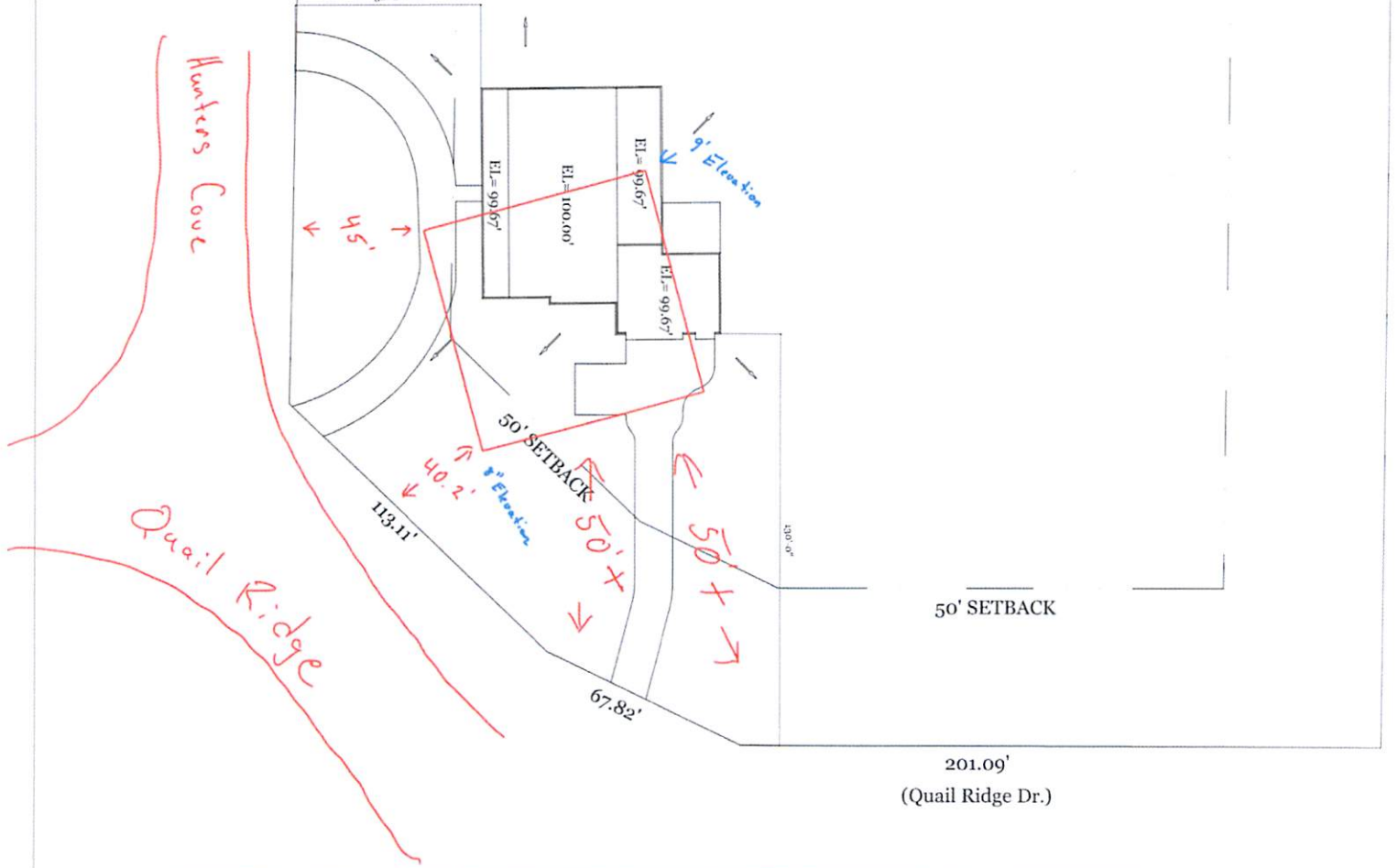
50' SETBACK

50' SETBACK

384.11'
(Hunter's Cove)

SITE
SCALE: 1" = 20'-0"

On Lot Will Be Determined By Contractor;
And Verified By Contractor.
Be A Minimum Of 8" Above Adjacent Finish
th Local Codes, Whichever Is Greater.
From House.





MADISON COUNTY, MS
I certify this instrument filed/recorded
08/24/2021 1:44:27 PM
Inst. 934738 Page 1 of 2
Book: W - 4091 / 756.00
Witness my hand and seal
RONNY LOTT, C.C. BY: JL D.C.

Prepared by/Return To:
B. Kyle Malone (MBN 105961)
109 Remington Cove
Madison, MS. 39110
(601) 212-2442

INDEXING INSTRUCTIONS: PART OF LOT 6, QUAIL RIDGE ESTATES FARMS, PART I, REVISED, MADISON COUNTY, MISSISSIPPI

(Space above this line reserved for recording information)

**STATE OF MISSISSIPPI
COUNTY OF MADISON**

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, I,

BRANDON KYLE MALONE
109 Remington Cv.
Madison, MS. 39110
(601) 212-2442

do hereby grant, bargain, sell, convey and warrant to

**BRANDON KYLE MALONE and
MEGAN RIDDLE MALONE**
109 Remington Cv.
Madison, MS. 39110
(601) 212-2442

the following described property situated in Madison County, Mississippi, to-wit:

THE SOUTH 3 ½ ACRES OF LOT 6, QUAIL RIDGE ESTATES FARMS, PART I, REVISED, a subdivision according to the map or plat thereof which is on file and of record in the office of the Chancery Clerk of Madison County at Canton, Mississippi in Plat Cabinet B at Slide 26, reference to which is hereby made in aid of and as a part of this description.

This conveyance is subject to all zoning ordinances, protective covenants, building restrictions, mineral reservations and conveyances, and rights-of-way or easements of record affecting said property.

It is understood and agreed that ad valorem property taxes for the current year have been prorated as of the date of this conveyance on an estimated basis. When said taxes are actually determined, if the proration is incorrect, then Grantor agrees to pay to Grantees or his or her successors any deficiency on an actual proration, and likewise Grantees agrees to pay to Grantor or his successors any amount overpaid by him. Grantor by executing this deed and Grantees by accepting this deed, agree that if the proration of taxes, homeowners assessments, or the like are incorrect or omitted, then they agree to immediately reimburse the party to whom reimbursement is due outside of and after closing and without any assistance from the attorney preparing this deed.

Grantees have been advised that if he or she desires to file for homestead exemption, then he or she should immediately contact the Madison County Tax Assessor's Office.

WITNESS OUR SIGNATURES, this the 24 day of August, 2021

Brandon Kyle Malone
Brandon Kyle Malone

STATE OF MISSISSIPPI
COUNTY OF MADISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 24 day of Aug., 2021 within my jurisdiction, within the named **BRANDON KYLE MALONE**, who acknowledged that he executed the above and foregoing instrument.

Renny Todd, c.c.
NOTARY PUBLIC
D. D. Tucker, D. D. C.



Prepared by:
John Elliott (MBN 100372)
ELLIOTT LAW FIRM, P.L.L.C.
P. O. Box 2605
Madison, Mississippi 39130
(601) 499-0460 - Telephone
(601) 499-0461 - Facsimile
File # 20-7332

Return to:
John Elliott (MBN 100372)
ELLIOTT LAW FIRM, P.L.L.C.
P. O. Box 2605
Madison, Mississippi 39130
(601) 499-0460 - Telephone
(601) 499-0461 - Facsimile

126 - 26²²

**INDEXING INSTRUCTIONS: PART OF LOT 6, QUAIL RIDGE ESTATES FARMS,
PART I, REVISED, MADISON COUNTY, MISSISSIPPI**

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) cash in hand paid
and other good and valuable consideration, the receipt and sufficiency of which is hereby
acknowledged We,

**ROBERT B. HAYES, JR. and
CHRISTY HAYES**
142 Covey Run
Madison, MS 39110
(903) 244-9254

do hereby grant, bargain, sell, convey and warrant to

BRANDON KYLE MALONE
109 Remington Cv.
Madison, MS 39110
(601) 212-2442

the following described property situated in Madison County, Mississippi, to-wit:

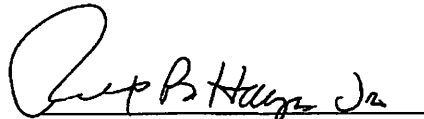
**THE SOUTH 3 ½ ACRES OF LOT 6, QUAIL RIDGE ESTATES FARMS,
PART I, REVISED, a subdivision according to the map or plat thereof which is
on file and of record in the office of the Chancery Clerk of Madison County at
Canton, Mississippi in Plat Cabinet B at Slide 26, reference to which is hereby
made in aid of and as a part of this description.**

This conveyance is subject to all zoning ordinances, protective covenants, building
restrictions, mineral reservations and conveyances, and rights-of-way or easements of record
affecting said property.

It is understood and agreed that ad valorem property taxes for the current year have been prorated as of the date of this conveyance on an estimated basis. When said taxes are actually determined, if the proration is incorrect, then Grantors agree to pay to Grantee or his successors any deficiency on an actual proration, and likewise Grantee agrees to pay to Grantors or their successors any amount overpaid by him. Grantors by executing this deed and Grantee by accepting this deed, agree that if the proration of taxes, homeowners assessments, or the like are incorrect or omitted, then they agree to immediately reimburse the party to whom reimbursement is due outside of and after closing and without any assistance from the firm/attorney preparing this deed.

Grantee has been advised that if he desires to file for homestead exemption, then he should immediately contact the Madison County Tax Assessor's Office.

WITNESS OUR SIGNATURES, this the 28th day of December, 2020.


ROBERT B. HAYES, JR.


CHRISTY HAYES

STATE OF MISSISSIPPI
COUNTY OF MADISON

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this 28th day of December, 2020, within my jurisdiction, the within named ROBERT B. HAYES, JR. and CHRISTY HAYES, who acknowledged that they executed the above and foregoing instrument.

My Commission Expires:




NOTARY PUBLIC

QUAIL RIDGE ESTATES FARMS-PART ONE (REVISED)

BEING A SUBDIVISION OF LANDS IN SECTION 18 T8N-R2E
MADISON COUNTY, MISSISSIPPI

ROBERT L. LONG, JR.
CIVIL ENGINEER
MADISON, MISS.

Scale 100 0 100 200 300 400 500 FT.

Scale

SURVEYOR'S CERTIFICATE STATE OF MISSISSIPPI MADISON COUNTY

I, Robert L. Long, Jr., Civil Engineer, do hereby certify that at the request of Roger Lane McGhee, Jr., the Owner, I have subdivided and plotted the following described land situated in section 18 Township 8 North, Range 2 East, Madison County, Mississippi: Commencing at the SW Corner of the NE 1/4 of the SE 1/4 of Section 19, Township 8 North, Range 2 East, and run thence North 01 Degree 29 Minutes East for 1,219.6 feet to an iron pin being on the East margin of the North-South Public Road and the SW Corner of a 238.96 acre tract of land, thence North 80 Degrees 10 Minutes East for 2,214.6 feet along the East margin of said North-South Public Road to the Point of Beginning of the land herein described; and run thence North 00 Degree 10 Minutes East for 1,701.9 feet; thence run South 89 Degree 50 Minutes East for 1,800.0 feet; run thence South 00 Degree 05 Minutes West for 653.9 feet; run thence South 89 Degree 51 Minutes East for 1,519.0 feet; run thence South 00 Degree 09 Minutes West for 925.0 feet; run thence North 89 Degree 51 Minutes West for 2,208 feet; run thence Southwesterly along an arc of a circle with a radius of 80 feet for 1,249 feet; run thence North 89 Degree 51 Minutes West for 1,891.3 feet; run thence North 41 Degree 51 Minutes West for 1,219 feet; run thence North 58 Degree 04 Minutes West for 1,002 feet; run thence North 89 Degree 22 Minutes West for 1,046 feet; run thence South 65 Degree 16 Minutes West for 1,143 feet; and run thence South 41 Degree 45 Minutes West for 2,289 feet back to the Point of Beginning, containing 78.9 acres, more or less. Witness my signature on this the 22nd day of August, 1970.

Robert L. Long, Jr.
Civil Engineer

OWNER'S CERTIFICATE STATE OF MISSISSIPPI HINDS COUNTY

I, Roger Lane McGhee, Jr., do hereby certify that I am the Owner of the lands described in the foregoing Certificate of Robert L. Long, Jr., Civil Engineer, and that I caused the same to be subdivided and platted as shown hereon, and have designated the same to be Quail Ridge Estates Farms, Part One. Witness my signature on this the 22nd day of August, 1970.

Roger Lane McGhee, Jr.
Roger Lane McGhee, Jr.

ACKNOWLEDGEMENT STATE OF MISSISSIPPI HINDS COUNTY

Personally appeared before me, the undersigned Notary Public in and for the State and County aforesaid, the within named Engineer with whom I am personally acquainted and who acknowledges that he executed the foregoing and attache'd instrument for the purpose therein contained. Witness my hand and notarial seal of office in Hinds County, Mississippi, on this the 22nd day of August, 1970.

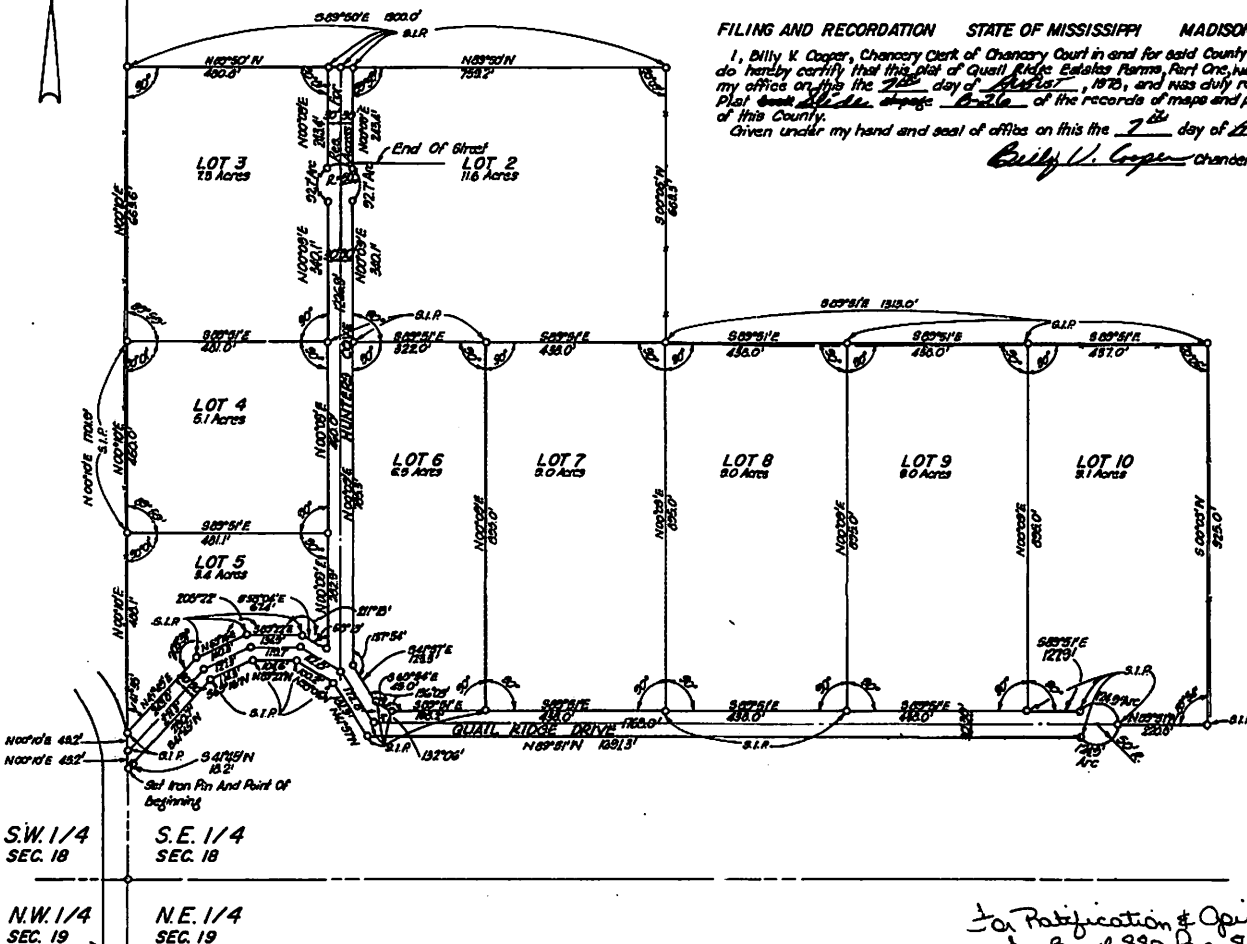
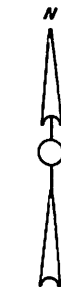
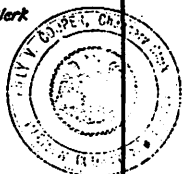
Walter M. Adams My Commission Expires 1-11-82

FILING AND RECORDATION STATE OF MISSISSIPPI MADISON COUNTY

I, Billy V. Cooper, Chancery Clerk of Chancery Court in and for said County and State, do hereby certify that this plat of Quail Ridge Estates Farms, Part One, was filed for record in my office on this the 7th day of August, 1970, and was duly recorded in Plat Book Slide 880 page 816 of the records of maps and plats of land of this County.

Given under my hand and seal of office on this the 7th day of August, 1970.

Billy V. Cooper Chancery Clerk



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

The above plat is hereby approved by the Board of Supervisors of Madison County, Mississippi, pursuant to the authority of an order and resolution of said Board duly adopted on the 7th day of August, 1970.

Board of Supervisors of Madison County
Paul H. ... President

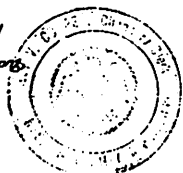
For Ratification & Opinder
See Book 880 Page 818
Steve Duncan, Chancery Clerk
by: *Charles D.C.*
4-15-94

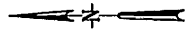
CERTIFICATE OF COMPARISON STATE OF MISSISSIPPI COUNTY OF MADISON

We, Billy V. Cooper, Chancery Clerk, and Robert L. Long, Jr., Civil Engineer, do hereby certify that we have carefully compared this plat with the original thereof, as made by the said Robert L. Long, Jr., Civil Engineer, and find it to be a true and correct copy of said plat.

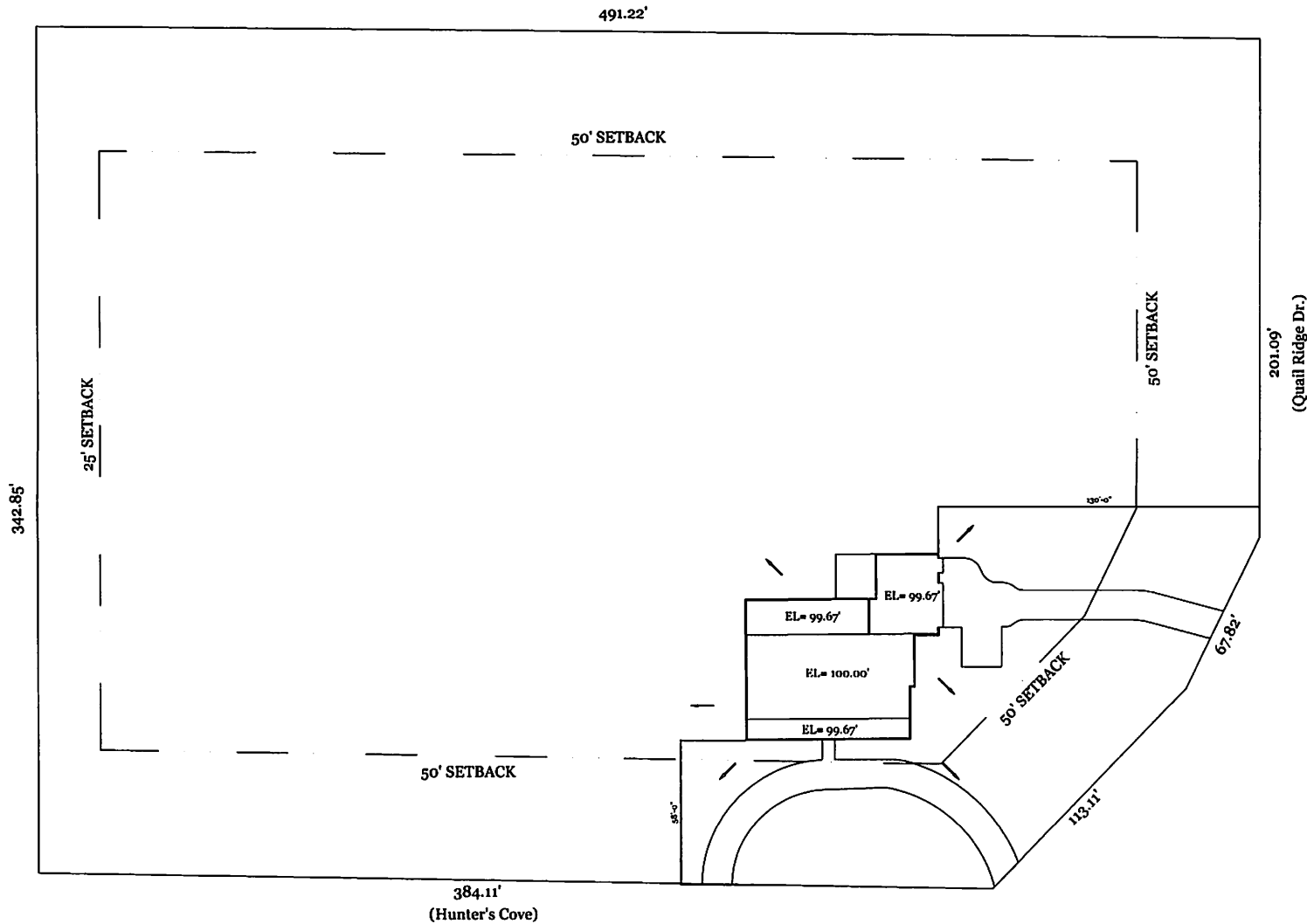
Given under my hand and seal of office on this the 7th day of August, 1970.

Robert L. Long, Jr. Civil Engineer *Billy V. Cooper* Chancery Clerk





DRAINAGE
←

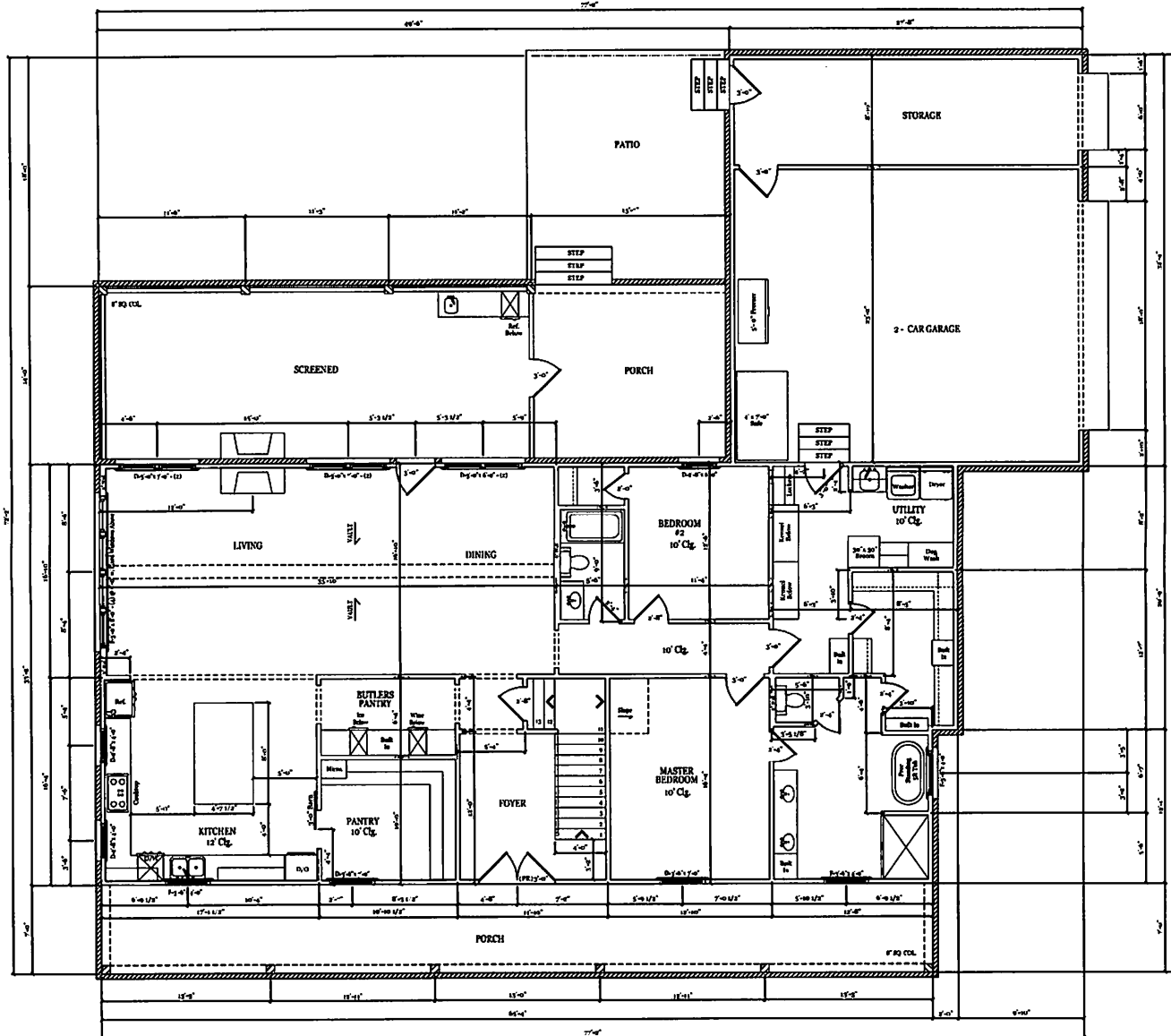


Location And Position Of House On Lot Will Be Determined By Contractor.
 Lot Easements Shall Be Checked And Verified By Contractor.
 Finished Floor Elevation Shall Be A Minimum Of 8" Above Adjacent Finish
 Grade Elevation Or Comply With Local Codes, Whichever Is Greater.
 All Drainage Shall Flow Away From House.

SITE
 SCALE: 1" = 20'-0"

P & N	
Project	Malone Residence 124 Hunters Cove Madison County Mississippi
Builder	MS Homes, LLC
P & N Designs, LLC	"Drafting and Design Specialist" 601.900.0179
MEMBER A I B D REGISTERED ARCHITECT	Plan No. 2203-3 Drawn By: JCP Date: 6-29-21 1 of 5

All dimensions and conditions are to be checked and verified by contractor prior to the beginning of construction. Any engineering aspects should be specified to actual site and conditions. Due to varying conditions and situations, the designer assumes no liability for any home constructed from this plan. Reproduction of this plan without permission is strictly prohibited.



FLOOR
SCALE: 1/4" = 1'-0"

SPAN TABLE		
SPAN	CEILING JOIST	CEILING PLATE
10'-0"	2" x 8"	1 1/2" x 8"
12'-0"	2" x 10"	1 1/2" x 10"
14'-0"	2" x 12"	1 1/2" x 12"
16'-0"	2" x 14"	1 1/2" x 14"
18'-0"	2" x 16"	1 1/2" x 16"
20'-0"	2" x 18"	1 1/2" x 18"

SPAN TABLE BY SOUTHERN PINE				
SIZE & SPACING	CEILING JOIST	RAFTER W/ CEILING	RAFTER CEILING	FLOOR JOIST
12" x 12" @ 16" O.C.	2" x 8" @ 16" O.C.	2" x 8" @ 16" O.C.	2" x 8" @ 16" O.C.	2" x 8" @ 16" O.C.
12" x 12" @ 12" O.C.	2" x 6" @ 12" O.C.	2" x 6" @ 12" O.C.	2" x 6" @ 12" O.C.	2" x 6" @ 12" O.C.
12" x 12" @ 8" O.C.	2" x 4" @ 8" O.C.	2" x 4" @ 8" O.C.	2" x 4" @ 8" O.C.	2" x 4" @ 8" O.C.
12" x 12" @ 6" O.C.	2" x 3" @ 6" O.C.	2" x 3" @ 6" O.C.	2" x 3" @ 6" O.C.	2" x 3" @ 6" O.C.
12" x 12" @ 4" O.C.	2" x 2" @ 4" O.C.	2" x 2" @ 4" O.C.	2" x 2" @ 4" O.C.	2" x 2" @ 4" O.C.
12" x 12" @ 3" O.C.	2" x 1" @ 3" O.C.	2" x 1" @ 3" O.C.	2" x 1" @ 3" O.C.	2" x 1" @ 3" O.C.
12" x 12" @ 2" O.C.	2" x 1" @ 2" O.C.	2" x 1" @ 2" O.C.	2" x 1" @ 2" O.C.	2" x 1" @ 2" O.C.
12" x 12" @ 1" O.C.	2" x 1" @ 1" O.C.	2" x 1" @ 1" O.C.	2" x 1" @ 1" O.C.	2" x 1" @ 1" O.C.
12" x 12" @ 1/2" O.C.	2" x 1" @ 1/2" O.C.	2" x 1" @ 1/2" O.C.	2" x 1" @ 1/2" O.C.	2" x 1" @ 1/2" O.C.
12" x 12" @ 1/4" O.C.	2" x 1" @ 1/4" O.C.	2" x 1" @ 1/4" O.C.	2" x 1" @ 1/4" O.C.	2" x 1" @ 1/4" O.C.

SQUARE FOOTAGE

W / BRICK	
1st Heated	2258 Sq Ft.
2nd Heated	573 Sq Ft.
Garage & Storage	931 Sq. Ft.
Porches	1124 Sq. Ft.
W.O. / BRICK	
1st Heated	2209 Sq Ft.
2nd Heated	573 Sq Ft.
Garage & Storage	889 Sq. Ft.
Porches	1150 Sq. Ft.

DOOR AND WINDOW SPECIFICATIONS:
ALL DOOR AND WINDOW HEIGHTS & WIDTHS UNLESS OTHERWISE NOTED

- GENERAL NOTES:**
1. ALL WALLS ARE DRAWN AT 4".
 2. HVAC PLAN BY HVAC CONTRACTOR. HVAC PLAN SHALL MEET OR EXCEED LOCAL CODES.
 3. ALL MATERIAL USED IN CONSTRUCTION SHALL MEET OR EXCEED LOCAL CODES.
 4. OWNER / CONTRACTOR IS RESPONSIBLE TO REVIEW AND APPROVE ALL DESIGN AND DIMENSIONS PRIOR TO CONSTRUCTION.
 5. WHEN REQUIRED, PLUMBING AND GAS PLANS SHALL BE DESIGNED BY PLUMBING CONTRACTOR. PLANS SHALL MEET ALL LOCAL BUILDING CODES

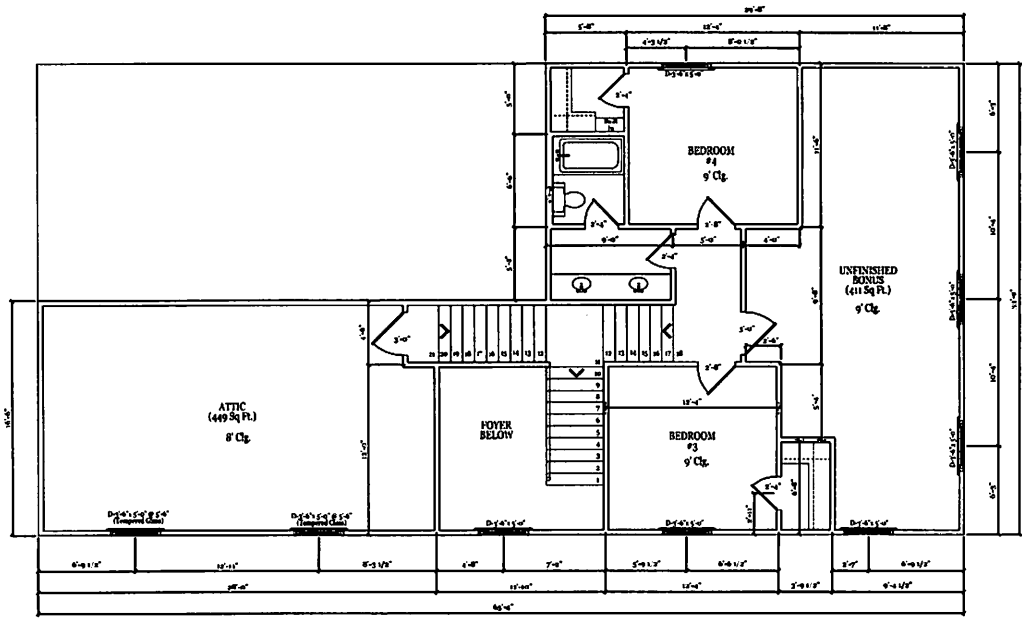
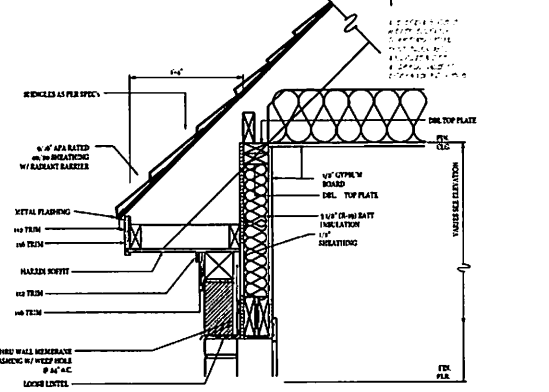
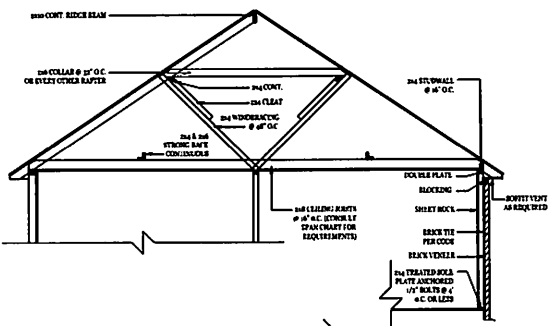
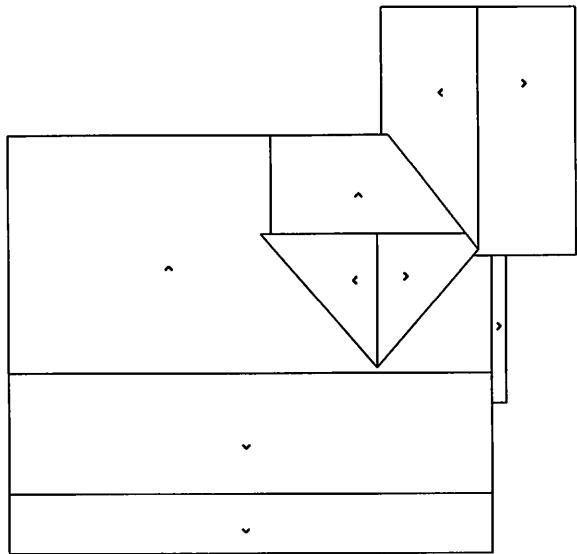
P & N

Project
Malone Residence
124 Hunters Cove
Madison County Mississippi

Builder
MS Homes, LLC

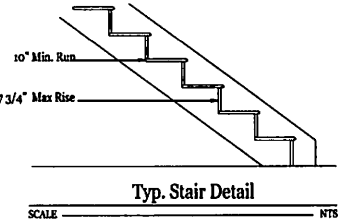
P & N Designs, LLC
"Drafting and Design Specialist"
601.900.0179

Plan No. 2203-3
Drawn By: JCP
Date: 6-29-21
2 of 5

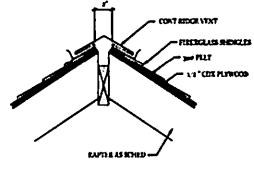


FLOOR
SCALE: 1/4" = 1'-0"

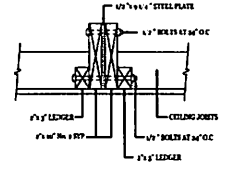
ALL WINDOWS TO UNLESS OTHERWISE NOTED



SCALE: NTS

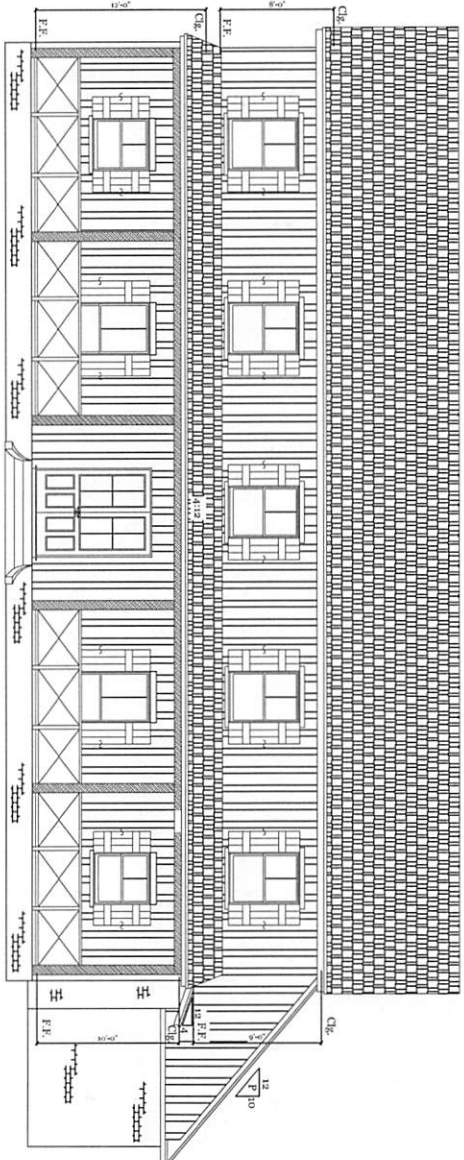


SCALE: 3/8"

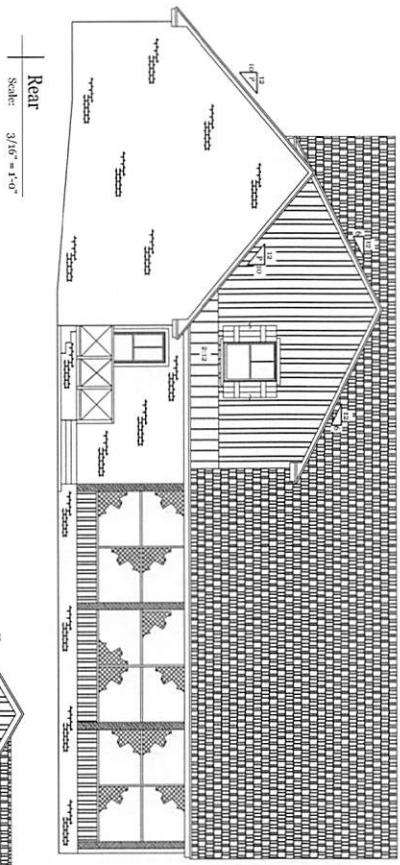


SCALE: 3/8"

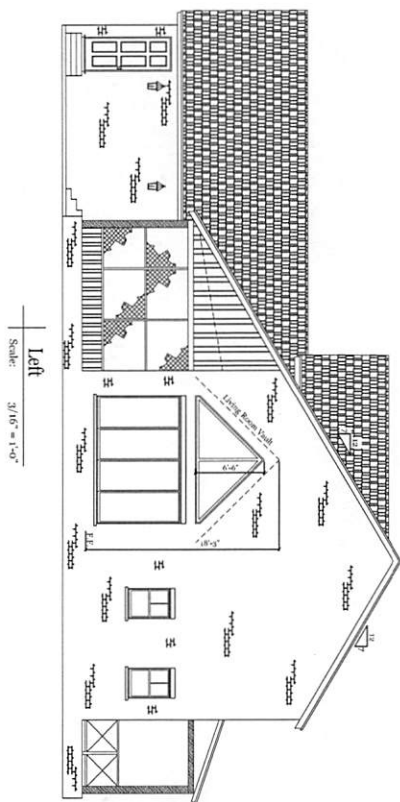
Plan No. 2203-3
 Drawn By: JCP
 Date: 6-29-21
 3 of 5



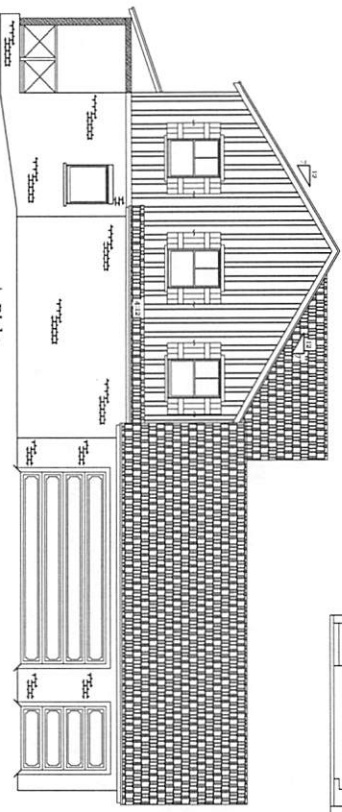
Front
Scale: 1/4" = 1'-0"



Rear
Scale: 3/16" = 1'-0"



Left
Scale: 3/16" = 1'-0"



Right
Scale: 3/16" = 1'-0"

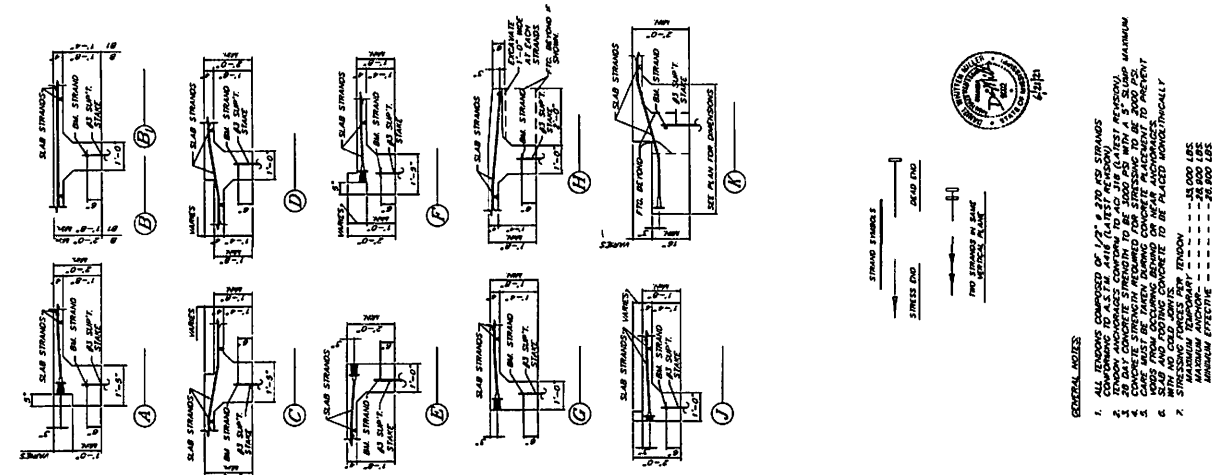
Plan No. 2203-3
 Drawn By: KJP
 Date: 6-29-21
 4 OF 5

CONTRACTOR
 MORALES RESIDENCE
 124 HUNTERS CREEK
 MADISON COUNTY, MISSISSIPPI
 PLAN NO. 2203

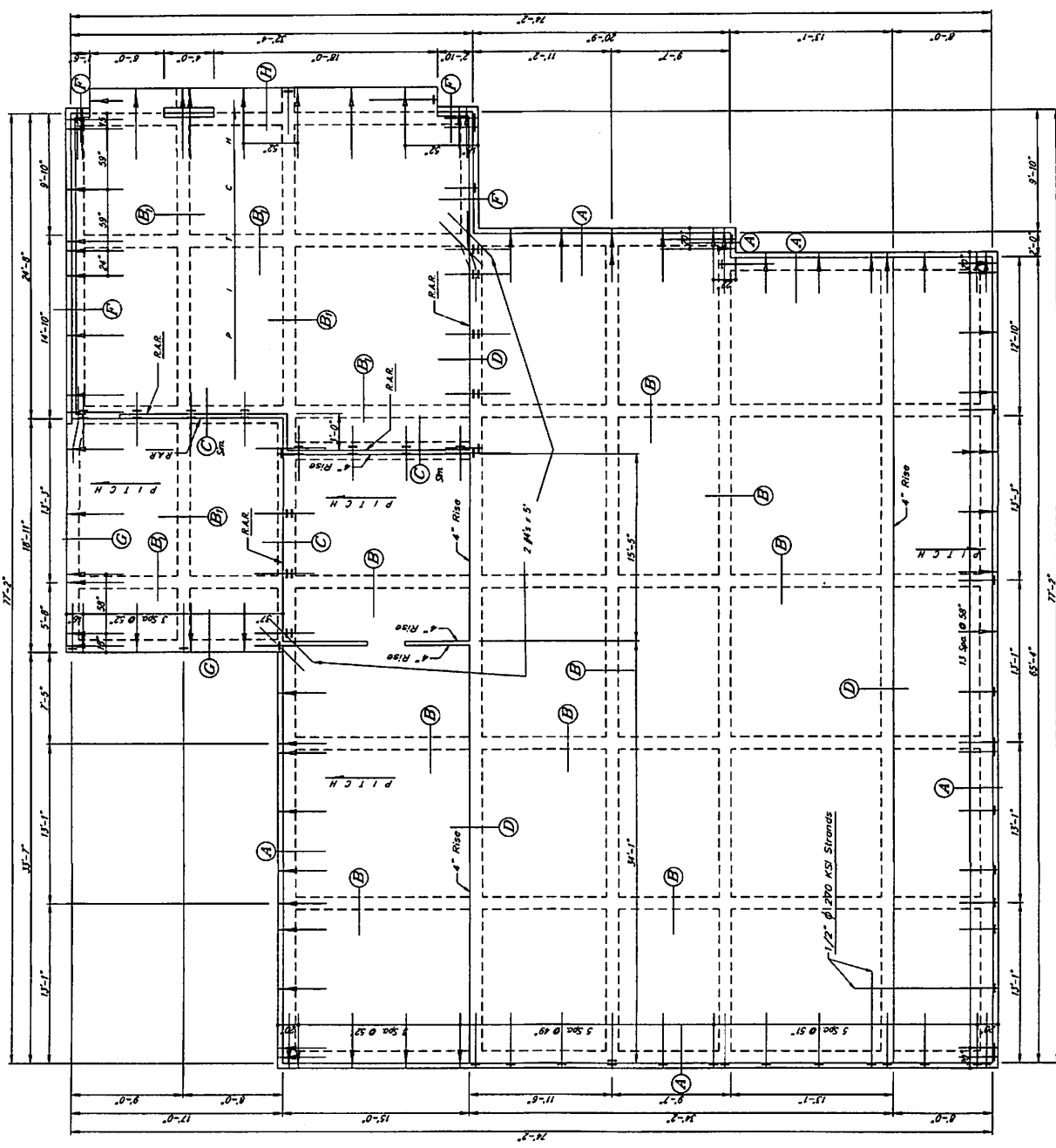
CONTRACTOR
 MS HOMER, LLC
 300 KELLY HIGHT CIRCLE
 BIRMINGHAM, MS 38218
 506-2502

DESIGNER
 CONCRESS, INC.
 SINCE 1984
 2655 HIGHT HILLS DRIVE
 JACKSON, MS 39218
 601-922-6673

DESIGNED BY
 DATE
 CHECKED BY
 APPROVED BY
 TITLE
 FIRM

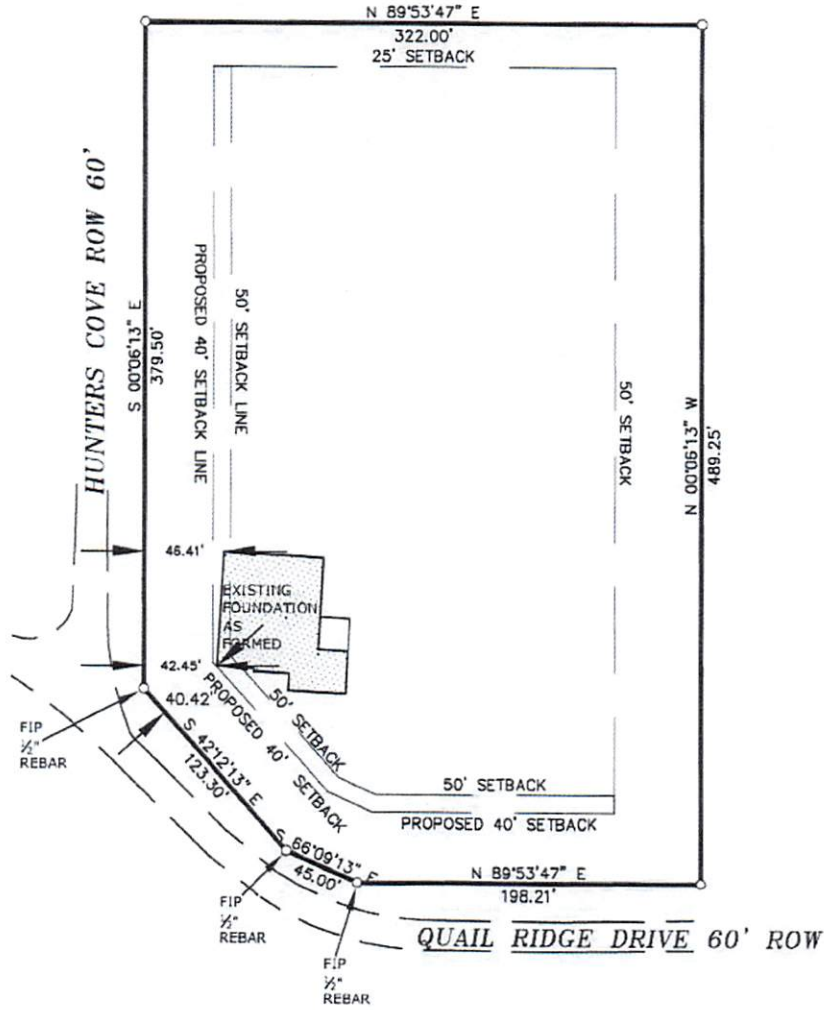


- GENERAL NOTES**
1. ALL TENDONS COMPOSED OF 1/2" x 20 KSI STRANDS
 2. TENDON ANCHORAGE CONFORM TO A.C.I. 308 (LATEST EDITION)
 3. TO OBTAIN CORRECT TENDON TO BE STOOD WITH A 300 G.P. MAXIMUM
 4. CARE MUST BE TAKEN DURING CONCRETE PLACEMENT TO PREVENT
 5. SLAB AND FOOTING CONCRETE TO BE PLACED MONOLITHICALLY
 6. STRESSING FORCES ARE TENDON
 7. MINIMUM ANCHORAGE --- 300 LBS
 8. MINIMUM PRESTRESSING --- 400 LBS
 9. LEFT BEING COMPLETED TO THE MAIN BOX OF THE STRAIGHT PORTION OF
 10. AND BUILT UP IN FULLY COMPACTED SAND
 11. AND RECOMMENDATIONS OF THE SILLON'S RESPONSIBILITY INFORMATION
 12. BE READY TO CHECK, VERIFY, & APPROVE ALL DIMENSIONS



FOUNDATION PLAN

Slab Not Designed For
 Masonry T.P. Or Brick Chimney. R.A.R. = Rise or Raze
 Scale: 1/4" = 1'-0"



FIP
1/2"
REBAR

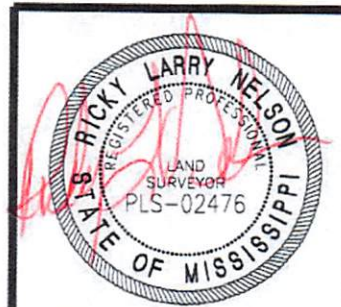
FIP
1/2"
REBAR

FIP
1/2"
REBAR

FIP
1/2"
REBAR



EXISTING SETBACKS SHOWN HEREON TAKEN FROM SITE PLAN
PROVIDED BY BUILDER.



RICKY L. NELSON, PLS - #02476

DATE CERTIFIED: 9/16/2021

DATE: SEPT. 16, 2021
JOB NO.: 2021-176
SCALE: 1" = 100'
FIELD WORK BY: NELSON
DRAWN BY: NELSON
REVIEWED BY: NELSON

**FOUNDATION CHECK THE S 1/2
OF LOT 6, QUAIL RIDGE ESTATES
PART 1 (REVISED), MADISON CO.**

RICKY L. NELSON, PS-#2476 dba SURVEYING SERVICES
3023 Union Road - Hazlehurst, Mississippi - 39083 - Ph. (601) 894-5467

SHEET #
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