



## Mid-Delta Health Services, Inc.

Mid-Delta Home Health, Hospice, and Durable Medical Equipment

*A Christian Organization*

P.O. Box 373 • Belzoni, MS 39038-0373 • Phone: 662-247-1254 • Fax: 662-247-4924

February 6, 2022

County of Madison, Mississippi

Letter Recipient's PPIN: 26734

125 W North St  
Canton, MS 39046

Dear Neighbor:

Please be advised that Mid-Delta Health Services, Inc. has filed with the City of Canton an application for a:

Rezoning      \_\_\_ Special Exception      \_\_\_ Variance

for property located at 906 W Peace Street, Canton, MS 39046.

The property is currently used as: commercial but is zoned as residential (R-2.)

The property use of the property is: commercial (C-3.)

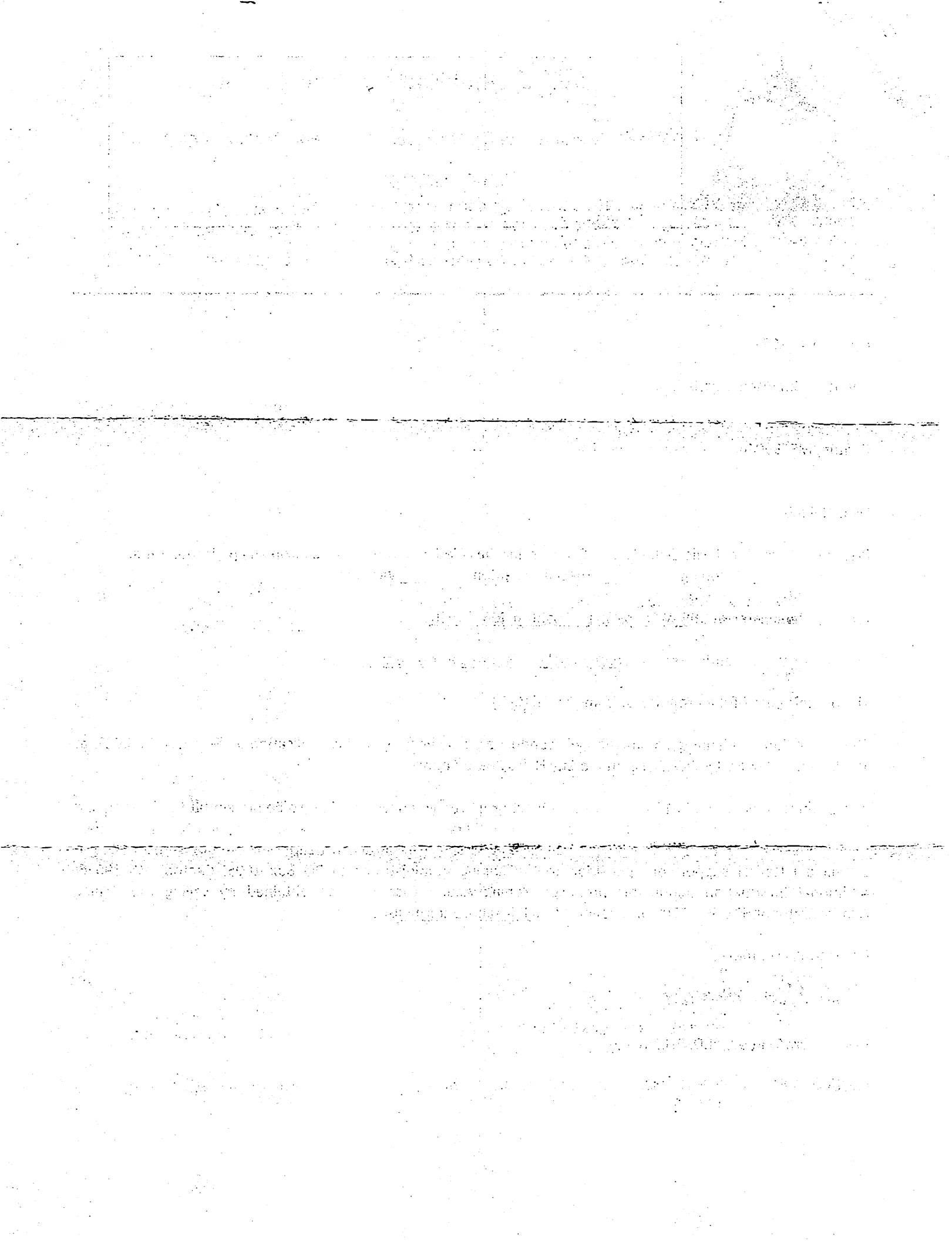
The City of Canton Planning Commission will conduct a public hearing on this application on February 24, 2022, at 10:30 a.m. at 226 East Peace Street in the City Hall's Board Room.

As a property owner within 160 feet of the subject property, you have the right to be present at the hearing and to make a statement concerning the proposed action. Persons testifying for or against the action will be subject to the time limitations regulated by the Zoning Commission (see attached hearing procedure.) You may also submit a letter of support or opposition to the Zoning Administrator to PO Box 1605, Canton, MS 39046. Additional information about this proposed Zoning Action case may be obtained by calling the Zoning Administrator at 601-391-7708 or emailing at [buildingandzone@bellsouth.net](mailto:buildingandzone@bellsouth.net).

Respectfully submitted,

Pastor Clara T. Reed, PhD, RN, President

Enclosure



## GENERAL INSTRUCTIONS

**PLEASE NOTE:** all requests with supporting documentation and fees must be filed with the Zoning Administrator by the filing deadline in order to be heard at the next month's Zoning Commission Hearing. Incomplete applications will not be considered at that time, no exceptions. A meeting with the Zoning Administrator is recommended prior to filing application.

1. **APPLICANT MUST NOTIFY THESE PERSONS BY CERTIFIED MAIL:**

- All property owners within a 160 ft. of the subject property.
- Names and addresses of the property owners may be obtained from the Madison County Tax Assessor's Office, Madison County Chancery Court Building.

2. **LEGAL ADVERTISEMENTS:**

- A legal ad notifying the public of the proposed Zoning Action will be prepared for the applicant by the Zoning Administrator. Zoning Administrator will send a draft of the legal ad by way of fax, email or mail to the applicant for review of errors and so forth along with a form for the applicant to state the errors if any or confirm the accurateness of the ad. Upon receipt of the response form, staff will submit the ad to the newspaper for publishing.
- The applicant shall bear all costs associated with the legal advertisement.
- **IMPORTANT!** If the request is for **REZONING** and is approved by the Mayor and Board of Aldermen, a final publication of the Ordinance must be advertised in the newspaper. This information should be received from the City Clerk's Office after the Mayor and Board of Aldermen Hearing.

3. **SIGNS:**

- A sign informing the public of the pending zoning action will be placed upon the subject property by the City of Canton Staff at least fifteen (15) days prior to the hearing. At the appropriate time, the sign will be removed by the City. If the sign is removed by the applicant prior to the hearing, this action will constitute a withdrawal by the applicant, and the case will not be heard at the next scheduled hearing.

4. **APPEARANCE BY THE APPLICANT AT THE HEARING:**

- The applicant or a representative must appear before the Zoning Commission to explain their request and answer questions.
- See the attached Hearing Procedure for understanding of what to expect at the Zoning Commission.

5. **APPEALS:**

- The Zoning Commission will make a recommendation to the Mayor and Board of Aldermen. Should you (the applicant) or the opposition be displeased with this recommendation, you may appeal the recommendation to the Mayor and Board of Aldermen by submitting in writing a letter to the Zoning Administrator stating your desire to appeal. You must also copy this letter to all parties of record and notify the Court Reporter for a transcript to be done.

- A notice of appeal letter will be prepared by the Zoning Administrator and mailed to all parties of record as well as the Court Reporter.

- A legal advertisement in the newspaper is required for the appealed case. The ad will be prepared by the Zoning Administrator and submitted to the newspaper by the City Clerk.
- The appellant is responsible for all costs associated with the legal notice.
- Attached is a schedule of the filing deadlines and hearing date.

6. **WITHDRAWALS OR POSTPONEMENTS:**

- A letter to the Zoning Administrator must be sent prior to the Zoning Commission Hearing for the application to be withdrawn.
- A request to withdraw and a full refund may be filed with the Zoning Administrator up to the time of the Zoning Commission Hearing. Once the hearing takes place, the application fee becomes non-refundable.
- A postponement may be granted by submitting \$25.00 and a letter the Zoning Administrator five (5) business days prior to the Zoning Commission Hearing. The applicant must re-notify all property owners within 160 feet of the subject property of the postponement and the rescheduled public hearing information and submit a copy of said letter to the Zoning Administrator's Office to be placed on file.
- Said notice must be mailed at least ten (10) days prior to the original hearing and fifteen (15) days prior to the date of the rescheduled hearing.
- Postponements requested on the day of the hearing, or less than five (5) days prior to the hearing, will be given five (5) minutes to address the Zoning Commission and request a postponement. The Zoning Commission has the option of voting for or against the request for a postponement. It is therefore imperative that the applicant or representative appear before the Zoning Commission to request the postponement.

**INFORMATION TO BE INCLUDED WITH THE APPLICATION**

**FOR REZONING REQUEST**

**STATEMENT OF INTENT:**

Documentation of the changing land use character of the area in which the requested change is made and evidence that a public need exists for the petitioned rezoning classification. Documentation of the changing land use character of an area can be established by recent rezoning and subsequent development. Evidence of a public need can be established by quantifying the amount of vacant acreage available for development in the area of the subject property. Little vacant acreage may indicate a public need for additional property to be rezoned to the requested classification.

All rezoning requests should conform to Canton's Future Land Use Plan. A copy of the plan is available for public inspection in the Zoning Administrator's Office, 226 East Peace Street.

**SITE PLAN OR LOCATION MAP:**

A map, plat, site plan, or survey showing location of subject property and surrounding vicinity shall be included with the application. The Plan or map should include parcel lines with dimensions, roads, and any other physical features, such as creeks or streams.

**FOR SPECIAL EXCEPTION REQUEST**

The conditional use is in conformity with the city's Comprehensive Plan generally or the Land Use plan specifically; and with the purpose, intent and applicable standards of the Unified Development Code.

The proposed conditional use is designated by this Unified Development Code as a conditional use in the zoning district in which the property in question is located. Uses that are not specifically listed as special exceptions are prohibited.

The proposed conditional use will comply with all applicable regulations in the zoning district in which the property in question is located.

The proposed use will comply with all special regulations established by this the Unified Development Code for such conditional use.

The establishment or maintenance of the conditional use shall not be detrimental to the public health, safety, or general welfare.

The conditional use shall be located, designated, maintained, and operated to be compatible with the existing or intended character of the zoning district.

The conditional use must not depreciate property values.

The conditional use must not be hazardous, detrimental, or disturbing to present surrounding land uses due to noise, glare, smoke, dust, odor, fumes, water pollution, erosion, vibration, general unsightliness, electrical interference, or other nuisance.

The conditional use must generate only minimal vehicular traffic on local streets and must not create traffic congestions, unsafe access, or parking needs that will cause inconvenience to the adjoining properties.

The conditional use must be served adequately by essential public services such as streets, police, fire protection, utilities, schools and parks.

The conditional use must not create excessive additional requirements at public costs for public facilities and services and shall not be detrimental to the economic welfare of the city.

The conditional use shall preserve and incorporate the site's important natural and scenic features into the development design.

The conditional use shall cause minimal adverse environmental effects.

No conditions imposed on a special use as a result of these standards will be so unreasonably difficult as to preclude development of the use.

Other information as required by the Zoning Administrator or Building Official.

#### FOR VARIANCE REQUESTS

Documentation will include the exact nature of the requested variance and demonstrate the following:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
2. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the provisions of the Ordinance and would result in unnecessary undue hardship.

3. That the special conditions and circumstances do not result from actions of the applicant.
4. That granting the variance requested would not confer upon the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures or buildings in the same district.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
6. That the granting of the variance will be in harmony with the general intent and purpose of the Ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest.
7. Traffic visibility on adjoining streets will not be adversely affected.
8. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way.