

**APPLICATION FOR VARIANCE**  
**Setback on rear lot line**

**Name and Address of Applicant:**  
 Berkshire Homes LLC  
 Lot 1090 Heron's Bay of Caroline

APPLICATION DATE	Present Zoning of Property	Legal Description of Property:	TAX PARCEL NUMBER	FLOOD ZONE	MAP/PLAT OF PROPERTY
7-1-2023	PUD	See (Exhibit A)	081A-11 - 099/06.00	X	See (Exhibit B)

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

Comments

Respectfully Submitted

\_\_\_\_\_  
 Berkshire Homes

.....

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 \_\_\_\_\_

**BEFORE THE MADISON COUNTY, MISSISSIPPI,  
PLANNING AND ZONING COMMISSION**

**IN THE MATTER OF BERKSHIRE HOMES, LLC**

**PETITION AND APPLICATION FOR DIMENSIONAL VARIANCE**

COMES NOW Berkshire Homes, LLC, Petitioner, by and through it's Attorney and respectfully petitions the Planning and Zoning Commission of Madison County, Mississippi, to grant a Dimensional Variance from the requirements set forth in Madison County Zoning Ordinance, and in support of this Petition shows as follows:

1. Petitioner, Berkshire Homes, LLC, is a Mississippi Limited Liability Company whose address is 607 Highland Colony Parkway, Suite 300, Madison, Mississippi 39110.

2. Petitioner is the record title owner of Lot 1090, Heron's Bay of Caroline, a subdivision of Madison County, Mississippi. A copy of the deed to Berkshire Homes, LLC, is attached hereto as **Exhibit "A."**

3. Lot 1090, Heron's Bay of Caroline, is zoned as PUD.


4. Petitioner shows that because of special conditions and circumstances peculiar to Lot 1090, Heron's Bay of Caroline which are not applicable to other lands, structures, or buildings in the same district, the Petitioner should be allowed a variance of fifteen (15) feet on the rear lot line rather than the required twenty (20) feet. A literal interpretation of the Ordinance and the setbacks would deprive Petitioner of rights commonly enjoyed by other properties in this District under the terms of the Ordinance. That granting the variance requested would not confer upon the Petitioner any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same zoning district.

5. That a copy of the site plan for the proposed residential dwelling to be located on Lot 1090 is attached hereto as **Exhibit "B,"** and a copy of the plat of Heron's Bay of Caroline is attached hereto as **Exhibit "C."**

Petitioner requests that this Petition and Application be received and filed, and that a date for a public hearing be set and that at said public hearing, the Planning and Zoning Commission of Madison County, Mississippi, will grant Petitioner a variance for the setback on the rear of Lot 1090, Heron's Bay of Caroline, from twenty (20) feet to fifteen (15) feet.

Respectfully submitted this the 11<sup>th</sup> day of July, 2023.

**Berkshire Homes, LLC**  
**A Mississippi Limited Liability Company**

By:   
Don A. McGraw, Jr.  
It's Attorney

**Don A. McGraw, Jr., MSB# 2621**  
Montgomery McGraw, PLLC  
P.O. Box 1039  
Canton, MS 39046  
(601) 859-3616  
[dmcgraw@montgomerymcgraw.com](mailto:dmcgraw@montgomerymcgraw.com)  
***Attorney for Petitioner***



MADISON COUNTY, MS  
 I certify this instrument filed/recorded  
 07/10/2023 3:42:27 PM  
 Inst. 985210 Page 1 of 2  
 Book: W - 4348 / 545.00  
 Witness my hand and seal  
 RONNY LOTT, C.C. BY: RGK D.C.

**PREPARED BY:**  
 Don A. McGraw, Jr. - MSBN 2621  
 Montgomery McGraw, PLLC  
 P. O. Box 1039  
 Canton, MS 39046  
 601-859-3616

**RETURN TO:**  
 Don A. McGraw, Jr.  
 Montgomery McGraw, PLLC  
 P. O. Box 1039  
 Canton, MS 39046  
 601-859-3616

**INDEXING:** Lot 1090, Heron's Bay of Caroline, Madison County, Mississippi.

**STATE OF MISSISSIPPI  
 COUNTY OF MADISON**

**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, the undersigned:

**GRANTOR:**  
 CAROLINE, LLC, a Mississippi limited liability company  
 607 Highland Colony Parkway, Suite 300  
 Ridgeland, MS 39157  
 Phone: 601-605-4458

does hereby sell, convey and warrant unto

**GRANTEE:**  
 BERKSHIRE HOMES, LLC, a Mississippi Limited Liability Company  
 607 Highland Colony Parkway, Suite 300  
 Ridgeland, MS 39157  
 Phone: 601-605-4458

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

Lot 1090, Heron's Bay of Caroline, a subdivision according to a 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 F, Slides 180A and 180B reference to which is hereby made in aid of and as a part of this description.



WARRANTY OF THIS CONVEYANCE is subject to the following exceptions, to wit:

1. County of Madison, Mississippi, ad valorem taxes for the year 2023, which shall be pro-rated to the date hereof.
2. County of Madison, Mississippi, Zoning and Subdivision Regulations and Ordinances, as amended and Air, Water, Pollution and Flood Control regulations imposed by a governmental authority having jurisdiction over same.
3. Reservations, conveyances and/or leases of record in regard to the oil, gas and other minerals lying in, on and under the subject property. Grantor hereby reserves such oil, gas and other minerals which it may now own lying in, on and under the subject property.
4. Rights-of-way and easements for roads, power lines and other utilities and restrictive covenants of record.

As a part of the above mentioned consideration, Grantee, for and on behalf of Grantee and Grantee's representatives, successors and assigns, do hereby accept said property "as and where is" and in its present condition with respect to suitability for Grantee's purposes, location, and physical conditions, including, without limitation, soil types, fill material, and bearing capacity and Grantee does also hereby release Grantor from any and all claims for damages as a result of the location and condition of said lot including, without limitation, damages which hereafter may be suffered by Grantee or Grantee's representatives, successors, and assigns as a result of movement of soil, the natural flow of storm water, the overflow of established drainage ways, or the failure to maintain said drainage ways by the persons or agencies responsible therefor.

WITNESS OUR SIGNATURE on this the 7 day of July, 2023.

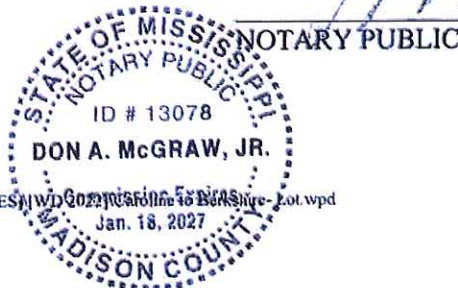
CAROLINE, LLC  
A Mississippi limited liability company

BY: Mark S. Jordan  
Mark S. Jordan, President

STATE OF MISSISSIPPI  
COUNTY OF MADISON

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the said county and state, on this 7 day of July, 2023, within my jurisdiction, the within named **Mark S. Jordan**, who acknowledged that he is **President of Caroline, LLC, a Mississippi limited liability company**, and that for and on behalf of the said company, and as its act and deed he executed the above and foregoing instrument after first having been duly authorized by said company so to do.

MY COMMISSION EXPIRES:  
1-18-2027  
(SEAL)

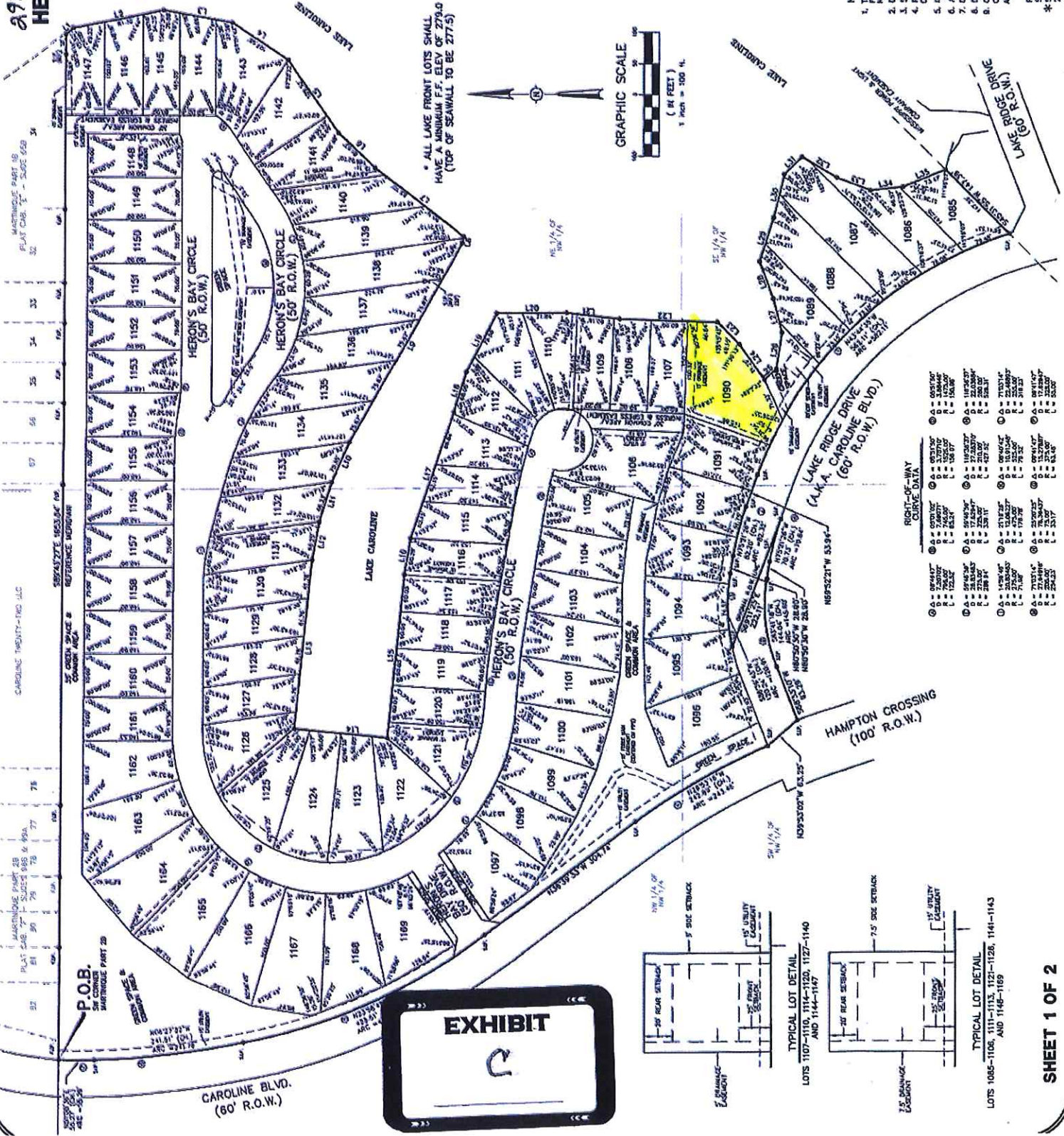




2985 F-180A

**HERON'S BAY OF CAROLINE**  
 SITUATED IN THE  
 NORTHWEST 1/4 OF  
 SECTION 11, TOWNSHIP 8 NORTH -  
 RANGE 1 EAST  
 MADISON COUNTY, MISSISSIPPI

PLATTED & SURVEYED BY  
 H D LANG AND ASSOCIATES, INC.  
 ENGINEERS / LAND SURVEYORS  
 4099 NORTH STATE STREET  
 JACKSON, MISSISSIPPI  
 (601) 262-4866



**BOUNDARY CURVE DATA**

STATION	BEARING	DISTANCE
1085	S 89°52'17\"	122.84
1086	S 89°52'17\"	122.84
1087	S 89°52'17\"	122.84
1088	S 89°52'17\"	122.84
1089	S 89°52'17\"	122.84
1090	S 89°52'17\"	122.84
1091	S 89°52'17\"	122.84
1092	S 89°52'17\"	122.84
1093	S 89°52'17\"	122.84
1094	S 89°52'17\"	122.84
1095	S 89°52'17\"	122.84
1096	S 89°52'17\"	122.84
1097	S 89°52'17\"	122.84
1098	S 89°52'17\"	122.84
1099	S 89°52'17\"	122.84
1100	S 89°52'17\"	122.84
1101	S 89°52'17\"	122.84
1102	S 89°52'17\"	122.84
1103	S 89°52'17\"	122.84
1104	S 89°52'17\"	122.84
1105	S 89°52'17\"	122.84
1106	S 89°52'17\"	122.84
1107	S 89°52'17\"	122.84
1108	S 89°52'17\"	122.84
1109	S 89°52'17\"	122.84
1110	S 89°52'17\"	122.84
1111	S 89°52'17\"	122.84
1112	S 89°52'17\"	122.84
1113	S 89°52'17\"	122.84
1114	S 89°52'17\"	122.84
1115	S 89°52'17\"	122.84
1116	S 89°52'17\"	122.84
1117	S 89°52'17\"	122.84
1118	S 89°52'17\"	122.84
1119	S 89°52'17\"	122.84
1120	S 89°52'17\"	122.84
1121	S 89°52'17\"	122.84
1122	S 89°52'17\"	122.84
1123	S 89°52'17\"	122.84
1124	S 89°52'17\"	122.84
1125	S 89°52'17\"	122.84
1126	S 89°52'17\"	122.84
1127	S 89°52'17\"	122.84
1128	S 89°52'17\"	122.84
1129	S 89°52'17\"	122.84
1130	S 89°52'17\"	122.84
1131	S 89°52'17\"	122.84
1132	S 89°52'17\"	122.84
1133	S 89°52'17\"	122.84
1134	S 89°52'17\"	122.84
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1138	S 89°52'17\"	122.84
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1141	S 89°52'17\"	122.84
1142	S 89°52'17\"	122.84
1143	S 89°52'17\"	122.84
1144	S 89°52'17\"	122.84
1145	S 89°52'17\"	122.84
1146	S 89°52'17\"	122.84
1147	S 89°52'17\"	122.84

- NOTES:**
- THIS SURVEY WAS MADE WITHIN THE LIMITS ESTABLISHED BY THE MISSISSIPPI SURVEYING BOARD ON MARCH 17, 2010.
  - DIMENSIONS ALONG CURVES ARE CHORD DISTANCES.
  - SURVEY CLASSIFICATION "B".
  - REFERENCE MERIDIAN: NORTH REFERENCED TO THE SOUTH LINE OF MARSHFIELD PART 2B.
  - IRON PINS SET AT ALL LOT CORNERS.
  - AREA = 31.21 ACRES, MORE OR LESS.
  - DATE OF PREPARATION OF PLAN: MAY 21, 2020.
  - DATE OF PREPARATION OF PLAN: MAY 21, 2020.
  - CORNER ASSES OR ADJACENT LOT CORNERS, WHEREVER APPLICABLE AS SHOWN IN THE COVENANTS.
  - FLIP DENOTES FOUND 1/2\" IRON PIN
  - S.F.P. DENOTES SET 1/2\" IRON PIN
  - \* SET 1/2\" IRON PINS ALONG LAKE, ARE SET ON A 20 FOOT OFFSET UNLESS OTHERWISE INDICATED ON PLAN

**RIGHT-OF-WAY CURVE DATA**

STATION	BEARING	DISTANCE
1085	S 89°52'17\"	122.84
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