

November 23, 2015

**VIA HAND DELIVERY
AND EMAIL Scott.Weeks@madison-co.com**

Mr. Scott Weeks
Planning and Zoning Administrator
Madison County Board of Supervisors,
Department of Planning and Zoning
125 West North Street
Canton, MS 39046

Re: Stillhouse Creek, LLC - Appeal from November 12, 2015 Recommendation of the
Madison County Planning Commission

Dear Mr. Weeks:

My firm represents Blakeley F. Ward, Tamara W. Harreld, Nancy Jean Fyke and F. Earl Fyke III, who are owners of property adjoining the property owned by Stillhouse Creek, LLC which is proposed for development under an R-2 zoning classification. As you know, the Madison County Board of Supervisors ("Board of Supervisors") remanded the Stillhouse Creek matter to the Madison County Planning and Zoning Commission ("P&Z Commission") for further hearings as to whether the Stillhouse Creek property was properly zoned R-2 on May 18, 2006 and whether the zoning classification R-2 continues as the proper and appropriate zoning classification at this time. The P&Z Commission held a hearing on November 12, 2015 and after such hearing voted in favor of making a recommendation to the Board of Supervisors that the Stillhouse Creek property should remain classified as R-2. My clients are aggrieved with the above mentioned recommendation of the P&Z Commission and take exception with the same.

Pursuant to Section 2613.02 of the Madison County Zoning Ordinance, adopted February 2013, my clients make this written request for a public hearing before the Board of Supervisors with due notice thereof and after publication for the time and as provided by law concerning the above mentioned recommendation by the P&Z Commission. My clients request that the Board of Supervisors uphold the appeal and reject the above mentioned recommendation of the P&Z Commission.

My clients take exception with the above mentioned recommendation of the P&Z Commission for the following reasons:

1. Lack of or improper notice of hearing concerning the re-zoning of the subject property from A-1 to R-2.
2. Premature or improper procedure concerning the re-zoning of the subject property from A-1 to R-2.
3. The recommendation of the P&Z Commission and the approval of the same by the Board of Supervisors to re-zone the subject property from A-1 to R-2 was not based on a change in character of the neighborhood and a public need, but instead was based on a fraud by the Petitioner, Michael McElroy Builder, LLC. Petitioner represented to the P&Z Commission that he had reached an agreement with the surrounding land owners and submitted at the hearing a purported agreement of the surrounding landowners as Exhibit "A". My clients, who are surrounding landowners never entered into any agreement with the Petitioner.
4. The recommendation of the P&Z Commission and the approval of the same by the Board of Supervisors to re-zone the subject property from A-1 to R-2 was conditioned on the stipulations allegedly agreed to by the surrounding landowners contained in Exhibit "A" to the P&Z Commission's minutes, which Exhibit "A" has been lost or destroyed and the provisions of which are unknown and are therefore incapable of being enforced.
5. Lack of or improper notice of hearing concerning the November 12, 2015 hearing by the P&Z Commission concerning whether the subject property was properly zoned R-2 and whether the zoning classification R-2 should continue as the proper and appropriate zoning classification at this time.
6. No evidence or finding that the subject property was properly zoned R-2 or of a change in character of the neighborhood and public need in connection with the P&Z Commission's recommendation that the zoning classification R-2 continue as the proper and appropriate zoning classification.
7. No consideration by the P&Z Commission as to the effect of R-2 zoning of the subject property on traffic in the area.
8. The P&Z Commission's recommendation that the zoning classification R-2 continue as the proper and appropriate zoning classification is contrary to and/or violates the Madison County Zoning Ordinance and Mississippi law.

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9. Other reasons set forth in the materials submitted by me to you and the P&Z Commission at the hearing on November 12, 2015 which materials are incorporated herein by reference.
10. Other reasons to be presented at the public hearing before the Board of Supervisors.

Please file this written request upon receipt. Enclosed please find a check from my firm to Madison County Planning and Zoning in the amount of \$164.00 for the Appeal Fee in this matter. *50 TWA*

Thank you for your cooperation in connection with the above. If you have any questions, do not hesitate to give me a call.

Sincerely,

G. TODD BURWELL, P.A.

G. Todd Burwell

GTB/sbp

c: Leah Ledford, Esq.
Mike Espy, Esq.
William Smith, Esq.
Blakeley F. Ward
Tamara W. Harreld
F. Earl Fyke III
Nancy Jean Fyke