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November 30, 2016

Mr. Carl Allen  
Madison County Planning Director  
Post Office Box 608  
Canton, Mississippi 39046

Re: In the Matter of the Rezoning of Certain Land  
Situating in Section 28, Township 8 North, Range 1  
East, Madison County, Mississippi; Peter  
DeBeukelaer, Petitioner

Dear Carl:

As you are aware, I represent Peter DeBeukelaer, who is seeking to rezone approximately ten acres located on the south side of Dover Lane to a classification of Single-Family Residential District (R-1A).

It was recently determined that the Madison County zoning map is in error in showing that the subject property is zoned Residential Estate District (R-1). The subject property is actually zoned General Commercial District (C-1).

You have advised me that it would be appropriate for Mr. DeBeukelaer to amend his Petition to reflect the fact that the subject property is currently zoned General Commercial District (C-1) rather than Residential Estate District (R-1). On behalf of Mr. DeBeukelaer, I am hereby transmitting to you an appropriate Amendment to his original Petition. Please file and process the Amendment.

Please advise me of the date on which the Madison County Board of Supervisors will take this matter from the table and conduct a public hearing on the Amended Petition. Thank you for your courtesy and assistance.

Sincerely yours,

STENNETT, WILKINSON & PEDEN



James A. Peden, Jr.

JAPjr:br

Enclosure

cc Mr. Scott Weeks

Ms. Leah Ledford

Mr. Peter DeBeukelaer

Ms. Jennifer Summers

BEFORE THE BOARD OF SUPERVISORS OF  
MADISON COUNTY, MISSISSIPPI

IN THE MATTER OF THE REZONING  
OF CERTAIN LAND SITUATED IN  
SECTION 28, TOWNSHIP 8 NORTH,  
RANGE 1 EAST, MADISON COUNTY,  
MISSISSIPPI

PETER P. DeBEUKELAER, PETITIONER

AMENDMENT TO PETITION TO REZONE AND  
RECLASSIFY REAL PROPERTY TO REFLECT  
FACT THAT SUBJECT PROPERTY IS CURRENTLY  
ZONED GENERAL COMMERCIAL DISTRICT (C-1)  
RATHER THAN RESIDENTIAL ESTATE DISTRICT (R-1)

COMES NOW Peter P. DeBeukelaer, the Petitioner for rezoning in this matter ("Petitioner"), and hereby amends his Petition to Rezone and Reclassify Real Property. In support and explanation of the Amendment, the Petitioner states the following:

1. On or about January 28, 2016, the Petitioner filed with the Zoning Administrator of Madison County a Petition to Rezone and Reclassify Real Property ("Petition"). The subject property of the Petition was a tract of land containing ten acres, more or less, owned by the Petitioner and his wife, Mireille DeBeukelaer, and located on the south side of Dover Lane in an area containing several high-quality residential subdivisions which Petitioner has previously developed. Those

subdivisions include New Castle, Parts I-IV, and Castle Ridge, Parts I-II. The Petitioner has also developed in the general area an unplatted area, located to the north of Dover Lane and on the west side of Greycastle Lake, generally referred to as Swan Sea.

2. The subject property of the said Petition is located and situated in Section 28, Township 8 North, Range 1 East, Madison County, Mississippi.

3. The official zoning map of Madison County showed the subject property of the Petition to be in a classification of Residential Estate District (R-1), which requires a minimum area of two acres for any residential lot. Relying upon the official zoning map, the Petitioner stated in the Petition that the subject property was currently zoned Residential Estate District (R-1) and requested that the subject property be rezoned to a classification of Single-Family Residential District (R-1A) so that he could develop thereon a new residential subdivision to be known as New Castle, Part V, containing nine lots, with each of the proposed lots having an area of slightly less than one acre. The minimum lot area in the Single-Family Residential District (R-1A) is 30,500 square feet, or approximately 0.70 acres.

4. In accordance with the provisions of the Madison County Zoning Ordinance, Notice of a public hearing on the Petition before the Madison County Planning and Zoning Commission was published at least 15 days prior to the hearing date of March 10, 2016. On that date, the Madison County Planning and Zoning Commission conducted a public hearing on the Petition to rezone the subject property to a classification of Single-Family Residential District (R-1A). Protestants appeared in opposition. At the conclusion of the public hearing, the Madison County Planning and Zoning Commission recommended that the Petition to rezone the subject property be denied.

5. The Petitioner thereupon retained counsel, who on or about March 23, 2016, filed a Notice of Appeal on behalf of the Petitioner for the purpose of appealing the denial recommendation to the Madison County Board of Supervisors.

6. The Madison County Board of Supervisors received the Notice of Appeal, directed that a public hearing thereon be set for May 16, 2016, and directed that Notice of that public hearing be published in accordance with law at least 15 days prior to the hearing date. Appropriate Notice was thereupon published, and the matter came before the Madison County Board of Supervisors on May 16, 2016.

7. During the public hearing held on that date, the Petitioner and the Protestants presented testimony and documentary evidence, including a supporting Petition signed by 86 residents of the area and a supporting letter from the Board of Directors of New Castle Homeowners Association. At the conclusion of the public hearing, the Madison County Board of Supervisors took the matter under advisement and tabled the matter for further consideration until a later date. The matter has been on the table for more than six months.

8. It was recently discovered that the Madison County official zoning map is in error in showing that the subject property is zoned Residential Estate District (R-1). The subject property was rezoned from a classification of Agricultural District (A-1) to a classification of General Commercial District (C-1) in 1985. The Board of Supervisors has never changed the zoning classification on the subject property, and the subject property remains in a zoning classification of General Commercial District (C-1) some 31 years later. As late as 2007, the official zoning map showed the subject property to be zoned General Commercial District (C-1).

9. Because the original official zoning map had become frayed or otherwise difficult to use, the Madison County Board of Supervisors caused a replacement map to be prepared some

time after 2007. By a clerical error, the person who prepared and colored the replacement map, which was dated 2009, erroneously showed the subject property to be in a classification of Residential Estate District (R-1) rather than in the correct classification of General Commercial District (C-1). This circumstance constituted a mistake. There was no rezoning of the subject property between 2007 and 2009.

10. So that the Petition filed in this matter will correctly show the current zoning classification on the subject property, the Petitioner is hereby amending the Petition to state that the current zoning classification on the subject property is General Commercial District (C-1) rather than Residential Estate District (R-1). The Petitioner is still seeking to rezone the subject property to a classification of Single-Family Residential District (R-1A) so that a subdivision to be known as New Castle, Part V, containing nine residential lots can be developed thereon. The Petitioner has agreed to place on the subject property a restrictive covenant requiring all homes in the subdivision to contain a minimum of 2,750 square feet of heated and cooled area. The homes to be constructed on the subject property will have an estimated value of \$400,000 - \$500,000 and perhaps more.

11. Bear Creek Water Association has committed to provide water and sewer service to the residential homes to be developed on the subject property.

12. The Petitioner has previously mentioned the high-quality residential subdivisions, some of which he personally developed, in the general area. There is an existing subdivision, Chenal Subdivision, located on the south side of Dover Lane a short distance to the east of the subject property and zoned Single-Family Residential District (R-1A), the same zoning classification being sought by the Petitioner in the present matter. The administrative record shows that there is public need for additional residential lots of approximately one acre in size to be developed in the general area.

13. Officials of Madison County, including Planning Director Carl Allen, Zoning Administrator Scott Weeks, and Leah Ledford (attorney for the Madison County Zoning and Planning Commission), have confirmed that the subject property is actually zoned General Commercial District (C-1) rather than Residential Estate District (R-1), as shown on the erroneous Madison County zoning map.

14. The Planning Director appeared before the Madison County Board of Supervisors at its meeting held on November 21, 2016, and explained the error on the Madison County official

zoning map. The Planning Director recommended that the Petitioner amend his Petition to reflect the actual current zoning classification on the subject property, also recommended that the matter be set for another public hearing before the Madison County Board of Supervisors, and further recommended that appropriate Notice of that hearing be published in accordance with law. The Madison County Board of Supervisors accepted the recommendations of the Planning Director.

15. The Petitioner is therefore submitting this Amendment to the Petition. The Petitioner plans to appear before the Madison County Board of Supervisors on the date set for a public hearing and to present additional evidence in support of his request to rezone the subject property to a classification of Single-Family Residential District (R-1A). The Petitioner continues to request that the Madison County Board of Supervisors

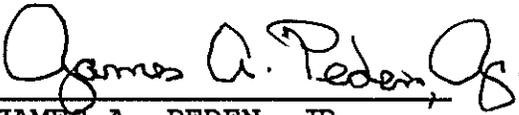
approve the requested rezoning of the subject property to a classification of Single-Family Residential District (R-1A).

THIS is the 30<sup>th</sup> day of November, 2016.

Respectfully submitted,

PETER P. DeBEUKELAER,  
PETITIONER

STENNETT, WILKINSON & PEDEN,  
ATTORNEYS FOR PETITIONER

BY:   
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