

**RESOLUTION TO APPROVE RECOMMENDATION FROM
PLANNING & ZONING COMMISSION OF CITY OF DIAMONDHEAD, MS
FOR A VARIANCE REQUEST FOR ANCHOR SIGNS, CASE NO. 2013-02**

WHEREAS, the Diamondhead Planning and Zoning Commission held a public hearing on April 24, 2013; and

WHEREAS, an application was filed by **Anchor Signs** for a Variance Request for a 129 sq. ft. wall sign for Dollar Tree store to be located at 4402 East Aloha Dr. in a C-1 District. This property bears the following parcel number 131E-1-13.007.000; and

WHEREAS, Mr. Joe Funderburk represented Anchor Signs for the variance for Dollar Tree. Mr. Funderburk testified that the request for the 129 square feet would give them the visibility from the main road. If they only have the 100 square feet allowed you will only see the sign from the parking lot. Mr. Funderburk stated that the sign is internally lighted and low nit and will be turned off at closing. Mr. Funderburk stated that Dollar Tree normally request for a 48in. size letter and they are only asking for a 36in. size letter; and

WHEREAS, the Commission did accept public testimony at the hearing; and

WHEREAS, there was no one in favor and there were 2 citizens who spoke and 8 letters submitted into the record in opposition of the application; and

WHEREAS, proper publication and notice were served on the affected landowners and other persons throughout the City of Diamondhead and

WHEREAS, the Commission members motion to **accept** Variance Request for a 129 sq. ft. wall sign for Dollar Tree store to be located at 4402 East Aloha Dr. in a C-1 District in accordance with Sec. 2.6.5 of the Diamondhead Zoning Ordinance. The Planning Commission may grant a variance provided affirmative findings of fact are made on the following criteria:

- A. 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. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
- B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- C. That special conditions and circumstances do not result from the actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.

- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- F. The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- G. The Variance would observe the spirit of the Comprehensive Plan.
- H. That the Variance requested will not result in any change in use or density of the subject property.
- I. In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.
- J. Under no circumstances shall the Planning Commission recommend a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

NOW THEREFORE BE IT RESOLVED by the Diamondhead Planning and Zoning Commission, upon motion by Norm Parker and seconded by Chuck Garrison, the Diamondhead Planning and Zoning Commission votes to recommend **approval** of Case No. 2013-02 to the City Council.

A vote was called for with the following results:


Voting Yea: Chuck Garrison
Nita Hensley
Jane Lee
Norm Parker
Roger Smith
Thomas Sislow

Recused: Denise Catone

Voting Nay:

Absent:

Dated the 24th day of April, 2013

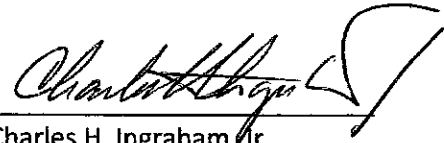


Thomas Sislow, Chairman
Diamondhead Planning and Zoning Commission

After the foregoing Planning and Zoning Resolution #2013-001 was reduced to writing, Councilmember Roberson moved, seconded by Councilmember Holcomb, to accept the Planning and Zoning Commission recommendation to approve the variance request for 129 sq. ft. of signage from Anchor Signs for Dollar Tree.

SO ORDAINED, this the 20th day of May, 2013.

	Aye	Nay	Absent
Councilmember Ackerman	<u>✓</u>	_____	_____
Councilmember Holcomb	<u>✓</u>	_____	_____
Councilmember Knobloch	<u>✓</u>	_____	_____
Councilmember Rech	<u>✓</u>	_____	_____
Councilmember Roberson	<u>✓</u>	_____	_____
Mayor Ingraham	<u>✓</u>	_____	_____

APPROVED: 
Charles H. Ingraham, Jr.
Mayor

ATTEST: 
Sue W. Foster, City Clerk