

City of Diamondhead

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www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official

DATE: July 2, 2015

SUBJECT: Recommendation of Planning & Zoning Commission-Dennis Hartshorn;
Case File Number 2015-00132

At its regularly scheduled meeting on Tuesday, June 23, 2015, the Planning & Zoning Commission by a 5-0 vote **denied** the variance as petitioned by Dennis Hartshorn located at 56128 Diamondhead Drive East. More specific information regarding the variance is noted below.

Mr. Dennis Hartshorn filed an application requesting a variance from the Zoning Ordinance (Article 4.18.3 D ii) to allow an accessory structure to exceed the maximum floor area of 144 square feet by 240 feet. The proposed floor area of the accessory structure is 384 square feet (16' x 24').

The property address is 56128 Diamondhead Drive East. The tax parcel number is 131C-1-13-049.000. The property is located south of and adjacent to Diamondhead Drive East and west of Anoai Way.

A copy of the application and related documents are attached. If you have any questions or comments, please advise.

Attachments

Tabled 7/7/15



MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
May 26, 2015
5:30 p.m. CST

1. Chairman Malley called the meeting to order at 5:30 p.m. CST.
2. Commissioner Hensley recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Smith.
4. Clerk Jeannie Klein called roll- Present: Commissioners Bice, Smith, Garrison, Hensley, Bower, Malley, and Miller. Absent: None.
Also present: Building Official Ronald Jones, City Attorney Derek Cusick and Minutes Clerk Jeannie Klein.

Others present: Rudy and Dawn Letellier, B. R. Hawkins, Amy Dascher, Kurt Braun, Fred Lowe and Mayor Tommy Schafer

5. Confirmation of the Agenda

Commissioner Miller moved, seconded by Commissioner Hensley, to confirm and approve the agenda as presented.

Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- 6. Approve Minutes.** - Commissioner Hensley moved, seconded by Commissioner Miller, to approve the Minutes of April 28, 2015 as presented.

Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

7. New Business – Case File Number 2015-00130

Rudy and Dawn Letellier, owner of Pharmacy in Diamondhead, have requested a wall variance from the Sign Ordinance (Article 10.5.2 C iv) to allow a wall sign of 160 sf. (40' X 4'). The current building frontage for the tenant is 53 lf. Therefore, the max copy area allowed is 53 sf. The proposed variance will exceed the max copy area of the 53 sf. allowed by 107 sf.

The applicants have also requested an additional wall sign in the form of hand-painted mural to be located to the right of the front entrance. The mural, as drawn, is 8' X 6' for a total copy area of 48 sf.

The property address is 4405 East Aloha Drive, Suite AA next to True Value hardware store. The tax parcel number is 131E-1-13-006.002. The property is located south of and adjacent to East Aloha Drive and east of Kalani Drive. The owner of the property is Jim Grotkowski, Diamondhead Commercial Development, LLC.

Chairman Malley called for anyone present wishing to address to the Commission to come forward. B.R. Hawkins along with Rudy and Dawn Letellier were present. Presenting their case, they referenced the logo as the trademark for their existing businesses in Waveland and Bay St. Louis. As tenants at the proposed location, they have leased 5,000 sf. for the pharmacy. They requested the Commission approve the variance to allow their logo as presented based on the marketing success experienced with their pharmacies in neighboring cities. Mr. Letellier stated their business is an old-fashioned type pharmacy unlike the chain recently established here in Diamondhead.

Mayor Tommy Schafer then addressed the Commission. He reminded Commissioners the City is seeking economic development and growth and that an amicable decision should be reached in order to assist the Letelliers with establishing their business here in Diamondhead.

Commissioners, after dialog with the applicants and with no one further to comment, were advised by Counsel to proceed with its ruling of the proposed signage, less the mural to be acted upon as a secondary request. Chairman Malley then closed the matter for public comment. Commissioner Smith moved, seconded by Commissioner Miller, to approve the variance request from Sign Ordinance (Article 10.5.2 C iv) relating to Case File 2015-00130 as requested by Rudy and Dawn Letellier at property address 4405 East Aloha Drive, Suite AA, tax parcel number is 131E-1-13-006.002 thereby recommending to the City Council approval to exceed the copy area limitation of 53 sf. by 107 sf.

Ayes: Bice, Smith, Garrison, Bower, Hensley, Miller and Malley. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

The secondary matter requested in Case File 2015-00130, is a hand-painted mural sized 8' X 6' or total copy area of 48 sf. to be located of the right of the front entrance. Discussions were held with regard to actual size and design absent copyrights to the presented design. B.R. Hawkins explained the actual rendering would be modified as not to violate copyright but would remain within reasonable appearance of the submittal.

Commissioner Garrison moved to deny the request in the matter of proposed mural submitted through Case File 2015-00130.

MOTION DIED FOR LACK OF SECOND

Commissioner Miller moved, seconded by Commissioner Bice, to approve a variance request from Sign Ordinance (Article 10.5.2 C iv) relating to the secondary request of Rudy and Dawn Letellier submitted through Case File 2015-00130 at property address is 4405 East Aloha Drive, Suite AA, tax parcel number is 131E-1-13-006.002 thereby recommending to City Council a variance permitting an 8' X 6' or 48 sf. hand-painted mural to be located at the right of the front entrance.

Ayes: Bice, Bower, Hensley, Miller and Malley. Nays: Garrison and Smith. Absent: None.

MOTION CARRIED

New Business – Case File Number 2015-00129

Mr. Kurt Braun filed an application requesting a variance from the Zoning Ordinance (Article 4.18.3 D ii) to allow an accessory structure to exceed the maximum floor area of 144 sf. by 52 sf. The proposed floor area of the accessory structure is 196 sf. (12' X 16"). The property address is 7870 Hilo Way and the tax parcel number is 067R-2-36-022.000. The property is located north of and adjacent to Hilo Way and east of Maui Street and west of Ewa Street.

Chairman Malley called for anyone present wishing to address to the Commission to come forward. Building Official Jones informed the Commission of another letter of objection received in addition to those sent to the Commission earlier via email. He then read aloud the additional letter that which was signed by multiple adjoining property owners and made a part of the official application file. Mr. Braun then explained the proposed structure was to replace an existing connex structure and would house his lawn equipment and woodworking tools. Questions arose whether the proposed structure would be utilized for business with Mr. Braun responding that woodworking is a hobby and the building would be housed under trees.

Commissioner Hensley moved, seconded by Commissioner Smith, to approve, in view the applicant has 2 combined lots on which his home is centered eliminating the possibility of separating the lots, and under the conditions the structure will not be used for business purposes and the existing conex container shall be removed upon completion of the accessory structure, a variance from the Zoning Ordinance (Article 4.18.3 D ii) as it relates to Case File 2015-00129 submitted by Kurt Braun to allow an accessory structure to exceed the maximum floor area of 144 sf. by 52 sf. with proposed floor area of the accessory structure to be 196 sf. (12' X 16') at property address 7870 Hilo Way, tax parcel number is 067R-2-36-022.000.

Ayes: Smith, Bower, Hensley, Garrison and Malley. Nays: Miller and Bice. Absent: None.

MOTION CARRIED

8. Unfinished Business – None

9. Open Public Comments to Non-Agenda Items – None

10. Commissioner's Comments –

Commissioner Garrison questioned Building Official Jones as to the status of a variance request of the Community Church. Jones informed the Commission two variance application packets had been picked up from City Hall but as of this time none have been submitted.

11. Communications / Announcements –

Building Official Jones informed the Commission of 2 variance applications submitted to be forthcoming at the June 2015 meeting.

12. Adjourn - Commissioner Miller moved, seconded by Commissioner Bice, to adjourn at approximately 6:25 p.m. CST. The motion carried unanimously.

DRAFT

David Malley, Chairman
Planning & Zoning
City of Diamondhead, MS

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

RECEIVED
MAY 08 2015
BY: _____

CASE NO. 201500132

DATE 5-8-15

APPLICANT: DENNIS E HARTSHORN SR.

APPLICANT'S ADDRESS: 56128 DIAMONDHEAD DRIVE EAST

APPLICANT'S TELEPHONE: CELL 228-234-9208
(HOME) ~~9208~~ (WORK)

PROPERTY OWNER: DENNIS E HARTSHORN SR.

MAILING ADDRESS: 56128 DIAMONDHEAD DR. E. DIAMONDHEAD, MS. 39525

TELEPHONE NUMBER: CELL 228-234-9208
(HOME) ~~9208~~ (WORK)

TAX ROLL PARCEL NUMBER: 131C-1-13-049.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: _____

56128 DIAMONDHEAD DRIVE EAST

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING

COVERAGE) (SIGNAGE - SIZE - HEIGHT) To allow an accessory structure to exceed 144 sq. ft. The proposed accessory structure shall

ZONING DISTRICT R-1 be 16x24

REQUIRED ITEMS:

- A. A statement describing the variance request and the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically...

THE CONDITIONS FOR GRANTING A VARIANCE:

1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?
2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

yes —

- B. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.

- C. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the variance application:

- i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
- ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
- iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
- iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
- v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
- vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

- D. Payment of fee for Variance Request: ~~\$500.00~~^{100.00} as per Ordinance 2012-020

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of \$500.00 must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designated representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on _____ at _____ p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.

Signature of Applicant

Desma + Tammy Hart

Signature of Property Owner

_____ For Official Use Only _____

- ~~\$.500.00~~ *100.00*
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owners

- Application Signed
- Written Project Description
- Drainage Plan NA ()
- Notarized Statement NA ()

Conditions for granting a variance

1. Does the special conditions and/or circumstances exist which affect only the land or structure in question and no other surrounding or similar properties? Yes, it only affects this property. We are in need of larger than standard shed due to all of the medical equipment need to care for Dorothy Jones.
2. Would literal interpretation of the zoning ordinance deprive the owner/applicant of rights commonly enjoyed by other properties in the same zoning districts? Yes, we have researched and found other properties that have the same size storage building we are asking for or bigger than what we are asking for.
3. Are the special conditions or circumstances not caused by the owner/applicant? Yes, the conditions / circumstances are not caused by the owner. We are the guardians of my sister. She is our responsibility since my mother death in 2004. She is physically disabled and mentally handicap.
4. Would the requested variance not give the owner/applicant any special privileges or rights not shared by owners of similar properties? Yes, we would have no special privileges or rights. We just need a bigger shed to accommodate our family needs.

April 12, 2015

City of Diamondhead

Re: Storage building for 56128 Diamondhead Dr. East

Dear City Council,

This letter is in regards to us putting a 16 x 24 storage unit on our property. The reasons for this size unit is due to the amount of space needed to accommodate the needs of my family and my 65 year old mentally challenged sister Dorothy Jones.

In 2004, my mother Mary Machado was laid to rest. I took responsibility for my mentally handicap sister Dorothy. Since this time we have endured many medical issues with her. At the time of my mother's passing Dorothy walked. In 2005, my sister had a G.I. bleed which caused severe medical conditions. With this G.I. bleed, aspiration and seizures. After several months of medical treatment, therapy and many surgeries to include replacement of both femurs and knees she is now bed ridden. We had to purchase several different medical equipment items to care for her. She requires medical supplies for transportation to include a horsier lift, wheel chair, lift chairs, hospital beds and a handicap van.

Over the years other family members have tried to help so we have had to purchase two of everything. *The family member's that do help from time to time live out of state so I have to make sure they also have the items listed.*

We lived in Deerwood Subdivision in Pass Christian from 2002 to 2014. On this property we had a 3000 square foot home that was modified to accommodate my sister's needs. We lived on three acres. We also had a 20 x 24 foot external garage and a 25 x 50 metal building. All of this was necessary for supplies, medical equipment, handicap van, 0 turn mower, and of course extra storage for household items. My husband works offshore; we have to make sure everything I needed was on the property. There was no way for me to get to things needed when he was not in. Trying to leave to retrieve items from a storage unit elsewhere was impossible. We obtained a permit to build what we needed to make things easier for me.

We sold our house in 2014. We rented a home in Diamondhead that was a temporary place until I could find us a home to buy. We fell in love with Diamondhead and chose to stay. I purchased my home located at the above mentioned address. We are living out of 3 storage units right now. It is very hard for me to get to the units due to limited time. *I am constantly having to call friends and family to come sit with Dorothy so that I can go spend a few hours trying to locate stuff in the storage units.*

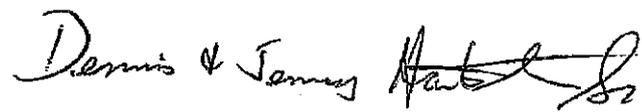
I am unable to pull the handicap van in the garage because I have to have stuff here for her. Every time it rains or when it's cold we have to take her out in it just to get her to the doctors. When medical transportation is needed we have to move everything so that they can get through. I also need my lawn equipment here to make sure I can keep my yard within guidelines. My husband still works offshore and is gone for months at a time.

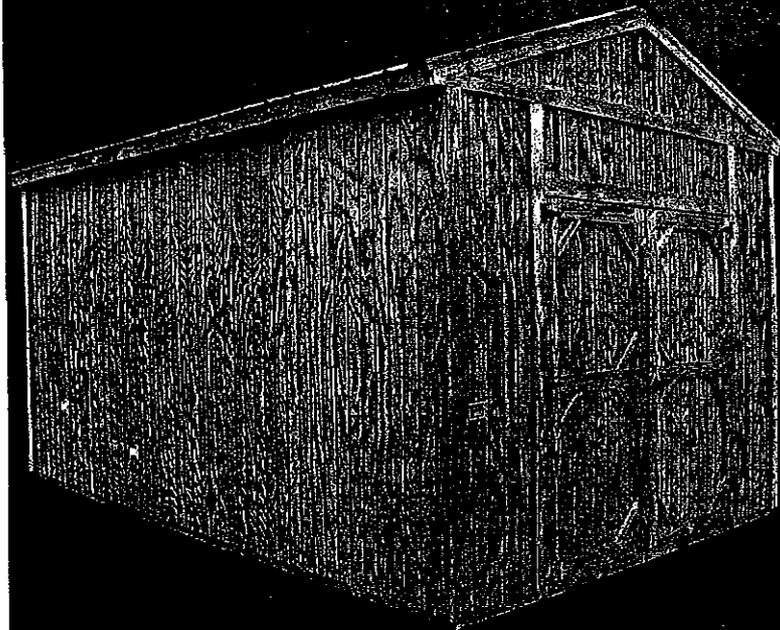
We are asking that you please allow us to put a 16 x 24 foot unit on our property. We understand that this is a unique request.

We are also giving our daughter Christy Chandler permission to speak on our behalf. She has our permission to stand in for us if we are unavailable. She can be reached at 228-236-6408.

Sincerely,

Jenny & Dennis Hartshorn Sr.

A handwritten signature in black ink that reads "Dennis & Jenny Hartshorn Sr." The signature is written in a cursive style with a large initial 'D' and 'J'.



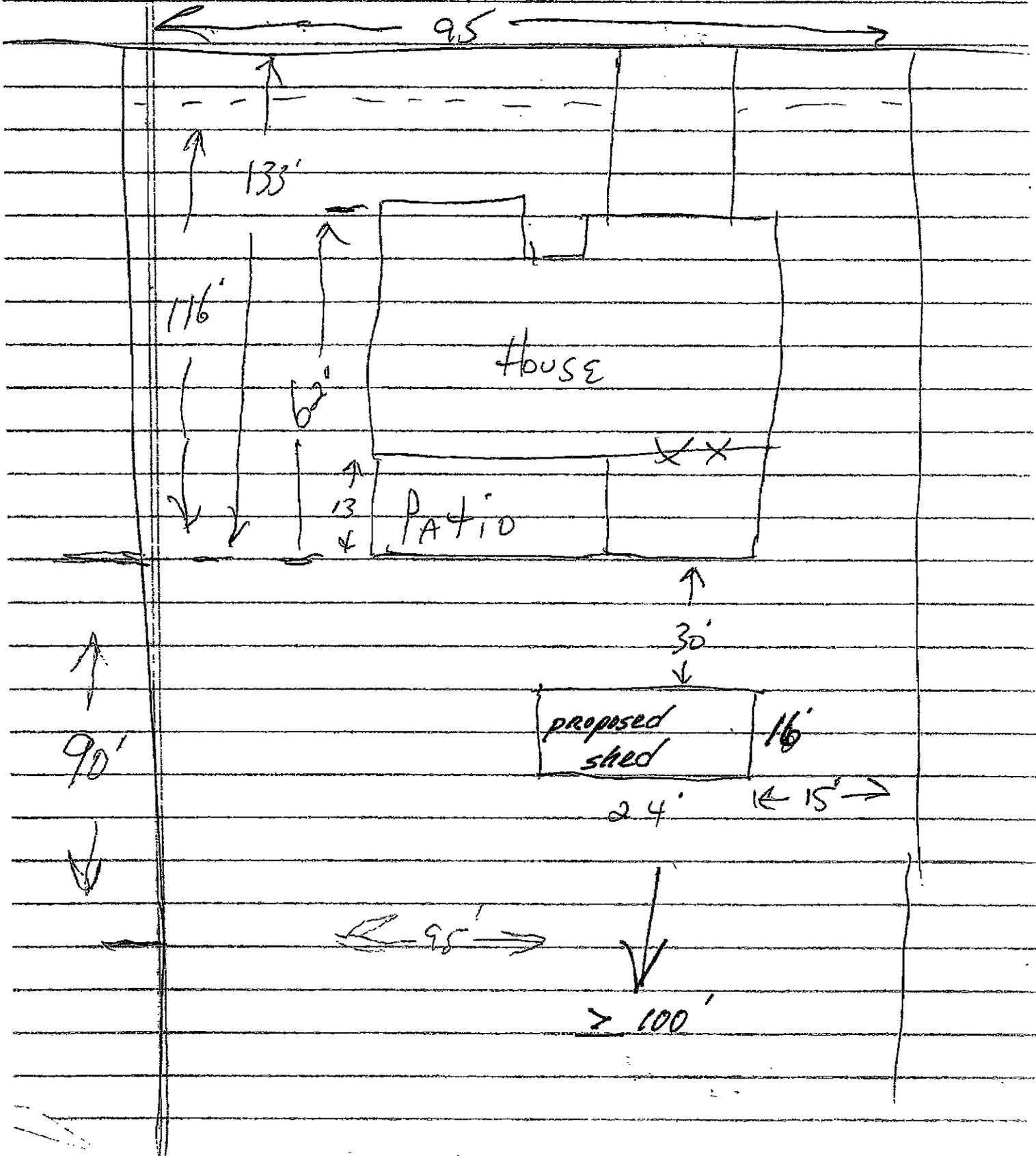
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WWW.GRACELANDPORTABLEBUILDINGS.COM

56128 DIAMONDHEAD DRIVE EAST



DIAMONDHEAD
COUNTRY CLUB & PROPERTY OWNERS ASSOCIATION

JUN 22 2015

D. Kinchen

To: Diamondhead Planning and Zoning Commission

Cc: Ronald R. Jones, Diamondhead Building Official

FROM: Darrell Kinchen, Architectural Advisor *Darrell Kinchen*

DATE: June 22, 2015

SUBJECT: Mr. Arthur Deeks 7310 Ahi Drive request for fence Variance

The subject property owner located at 7310 Ahi drive has requested from the city a fence variance maximum 6 Ft. allowed verse 7 Ft 4 inch.

Please be advised, Diamondhead Country Club & Property Owners Association is **OPPOSED** to this variance.

We respectfully request that the Planning and Zoning Commission deny or table this request and require that the owner follow the already established and recorded subdivision Covenants by ascertaining an approved building permit for the fence from the Diamondhead Country Club and Property Owners Association.

If you have any questions, please do not hesitate to contact Darrell Kinchen 228-255- 1900 EXT.125