Agenda Item 2015-102

City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525
Phone: (228) 222.4626
FAX: (228) 222-4390
www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager
FROM: Ronald R. Jones, Building Official Ronald R. Jones
DATE: July 29, 2015
SUBJECT: Recommendation of Planning & Zoning Commission-;
Case File Number 2015-00200

At its regularly scheduled meeting on Tuesday, July 28, 2015, the Planning & Zoning Commission by a 4-1 voted to deny the variance as petitioned by Sean Zeanchock located at 8920 Anahola Place. More specific information regarding the variances are noted below.

Mr. Mike Zeanchock has filed an application requesting a 2 side yard variances from the Zoning Ordinance (Article 4.6.5 E ii) to allow the construction of a carport within 1' of the southwest property line and to allow the construction of a screen room within 3' of the northeast property line.

The property address is 8920 Anahola Place. The tax parcel number is 067J-3-36-156.000. The property is located north of and adjacent to Anahola Place and west of Anahola Court. The Case File Number is 201500200.

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

Attachments

AGENDA

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chamber
JULY 28, 2015
5:30 p.m.

1. **Call to Order**

2. **Statement of Purpose**

3. **Pledge of Allegiance**

4. **Roll Call**

5. **Confirmation or Adjustments to Agenda**

6. **Approval of Minutes-JUNE 23, 2015**

7. **New Business-Case File Number 2015-00200**
   Mr. Mike Zeanchock has filed an application requesting 2 side yard variances from the Zoning Ordinance (Article 4.6.5 E ii) to allow the construction of a carport within 1' of the southwest property line and to allow the construction of a screen room within 3' of the northeast property line.

   The property address is 8920 Anahola Place. The tax parcel number is 067J-3-36-156.000. The property is located north of and adjacent to Anahola Place and west of Anahola Court.

   Receive public comments-please state your name and property address for the record
   Discussion of variance request by Commissioners

8. **Unfinished Business**

9. **Open Public Comments to Non-Agenda items**

10. **Commissioners' Comments**

11. **Communication / Announcements**

12. **Adjourn or Recess**

City of Diamondhead
5800 Diamondhead Circle
Diamondhead, MS 39525

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

APPLICATION FOR VARIANCE REQUEST

RECEIVED
JUN 30 2015
BY: RJ @ 10:00 A.M.

CASE NO. 2015 00200

DATE 6-29-15

APPLICANT: MIKE ZEMNCHOCK

APPLICANT'S ADDRESS: 6920 Anapola Place

APPLICANT'S TELEPHONE: (HOME) 224-9319 (WORK) 222-4882

PROPERTY OWNER: Michael ZEMNCHOCK

MAILING ADDRESS: SAME

TELEPHONE NUMBER: (HOME) SAME (WORK)

TAX ROLL PARCEL NUMBER: 067J-3-36-156.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: 6920 Anapola Place

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING COVERAGE) (SIGNAGE – SIZE – HEIGHT) Car Port, ~~Screen Room~~ - SCREEN Room within 10' of property line; To construct a carport within 1' of the southwest property line

ZONING DISTRICT R-2

To construct a screen room within 3' of the northeast property line.

mike@mmcs-llc.com

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~~ 100.00 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 July 28, 2015 at 5:30 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

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 ( )

Michael & Monica Zeanchock
8920 Anahola Place
Diamondhead, MS 39525

RE: Request for Variance – Response to Questions.

We have attached an application for a variance to request the following. We would like to add a carport on the SW side of our house. It would be within 2' of property line on south corner and 3' on West corner. The adjoining property is an empty lot owned by neighbor.

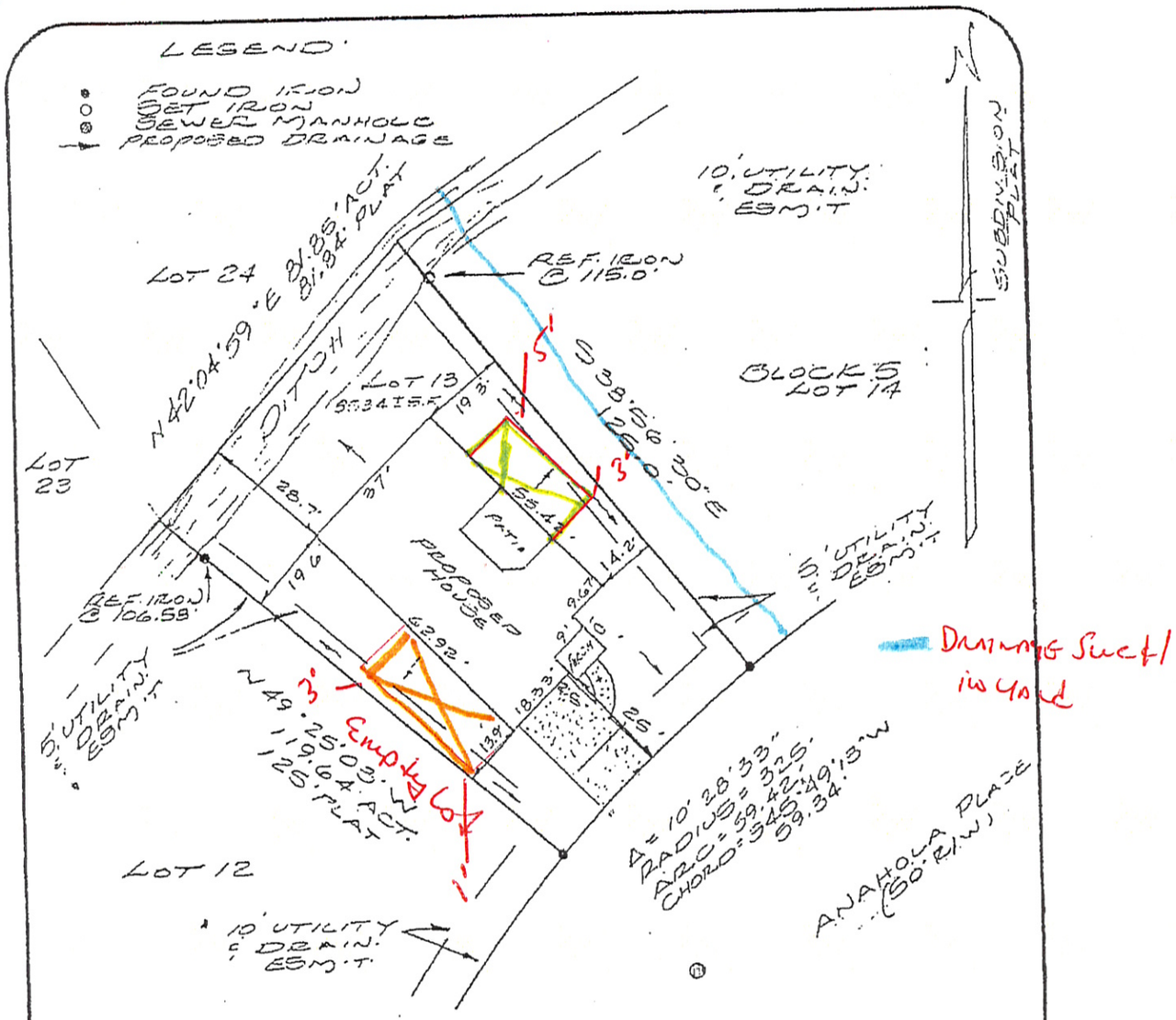
We also would like to place a screen room on opposite side of house. One corner would be within 3' and North corner would be over 5 feet. Map and drawing also attached.
We have purchased the car port and screen room from a reputable contractor known to provide quality products and workmanship.
We greatly appreciate you consideration to this matter.

Answer/ Explanation to questions on Page 2

1. I believe the special conditions would only affect the structure in question. There are no other structures close to proposed structure in question. The adjoining property on SW side is an empty lot and The NE side has plenty of room between structures with a drainage swell separating the two.
2. In my opinion it would deprive us as owners of rights enjoyed by others that have similar or same structures on their property. We have chosen a quality product and professional installer to build structures. These structures would enable us to enjoy the outside area of our property and add to the overall value of property.
3. I believe there are no special circumstance that I see created by the owner in this situation. We have a V shaped lot which unfortunately is wider at the rear and not where structures are proposed.
4. NO we do not believe so; I have seen some of the same situations exist without the space between properties that exist here. Our neighbors also have no concerns with structures.

Sincerely

Michael Zeanchock



SURVEY MAP OF
LOT 13 - BLOCK 5
DIAMONDHEAD
UNIT 7A - PHASE 2
HANCOCK COUNTY, MS.
FOR: SCOTT FAVRE

SURVEY NOTES

1) This survey was prepared without the benefit of a current title report.
2) Building offsets are for reference only and not for construction of any kind.
3) This survey meets "Mississippi Minimum Standards" for a Class B Survey.
4) By graphic plotting, this property is located in FIRM Flood Zone C per Community Panel 285254-0135C dated SEPT. 18, 1987.
5) Deed Reference _____.

Revisions: Nov. 23, 2004 - PROPOSED HOUSE

In consideration of the fee paid, I declare that this survey, made by me, or under my immediate supervision, correctly represents to the best of my professional knowledge, information and belief, the conditions as found on the date of the field survey, except such easements, if any, below the surface of the lands or on the surface of the lands and not visible.

Sidney F. Fournet, Jr., MS. P.L.S. No. 2571

Sidney F. Fournet & Associates
94171 Bayou Drive
Diamondhead, MS. 39525
Telephone: (228) 255-5867
Facsimile: (228) 255-5855

Scale: 1" = 30'	Date: Nov. 10, 2004
W.O.# 04-9927	Drawn by: L.S.F.

Copyright © 2004 Sidney F. Fournet & Associates. All rights reserved.

2014 13561
Recorded in the Above
Deed Book & Page
12-24-2014 10:30:10 AM
Timothy A Kellar
Hancock County

Prepared By and Return To:
The Casano Law Firm, P.A.
4370 Leisure Time Drive
Diamondhead, MS 39525
(228) 255-0035
File No: 14-0533

STATE OF MISSISSIPPI
COUNTY OF **Hancock**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars ($10.00), cash in hand, paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I/We

Clark Henegan, Grantor(s)
8920 Anahola Place
Diamondhead, MS 39525
228-263-3647

Does hereby sell, convey, bargain and warrant to

Michael R. Zeanchock, III and Monica L. Zeanchock, Grantee(s)
8920 Anahola Place
Diamondhead, MS 39525
228-224-9319

As joint tenants with right of survivorship and not as tenants in common, the following described real property situated and located in **Hancock** County, Mississippi, more particularly and certainly described as follows:

Lot 13, Block 5, Unit 7A, Diamondhead, Phase 2, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hancock County, Mississippi.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

HUD50.%wd

2014 13562
Deed Book & Page

The Grantors herein certify that the property hereinabove conveyed forms no part of the homestead of said Grantors.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by Grantees herein.

WITNESS MY SIGNATURE, this the 19 day of December, 2014.

Clark Henegan

Clark Henegan

State of Mississippi

County of Hancock

Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 19 day of December, 2014, **Clark Henegan**, who acknowledged that he signed and delivered the foregoing instrument of writing on the day and year therein mentioned.

STATE OF MISSISSIPPI NOTARY PUBLIC ID # 75732 ERICA M. LADNER Commission Expires Jan. 13, 2017 HANCOCK COUNTY

Erica Ladner

Notary Public
My Commission Expires:

Gloria Jordan

HANCERY CLERK HANCOCK COUNTY, MS.

Hancock County
I certify this instrument was filed on
12-24-2014 10:30:10 AM
and recorded in Deed Book
2014 at pages 13561 - 13562
Timothy A Kellar

HUD50.%wd

MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
July 28, 2015
5:30 p.m. CST

1. Chairman Malley called the meeting to order at 5:35 p.m. CST.

2. Commissioner Hensley recited the Statement of Purpose.

3. Pledge of Allegiance was led by Commissioner Garrison.

4. Clerk Jeannie Klein called roll- Present: Commissioners Bice, Garrison, Hensley, Malley, and Bower. Absent: Commissioners Smith and Miller.

   Also present: City Manager Reed, City Attorney Derek Cusick, Ron Jones Building Official and Minutes Clerk Jeannie Klein.

   Others present: Mike Zeanchock

5. **Approve Minutes.** - Commissioner Hensley moved, seconded by Commissioner Garrison, to approve the Minutes of June 23, 2015 as presented.

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

   MOTION CARRIED UNANIMOUSLY

6. **Confirmation of the Agenda**
   Commissioner Bice moved, seconded by Commissioner Garrison, to confirm and approve the agenda as presented.

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

   MOTION CARRIED UNANIMOUSLY

7. **New Business – Case File Number 2015-00200**
   Mr. Mike Zeanchock has filed an application requesting 2 side yard variances from the Zoning Ordinance (Article 4.6.5 E ii) to allow the construction of a carport within 1' of the southwest

property line and to allow the construction of a screen room within 3' of the northeast property line.

The property address is 8920 Anahola Place. The tax parcel number is 067J-3-36-156.000. The property is located north of and adjacent to Anahola Place and west of Anahola Court.

Mr. Zeanchock presented to the Commission his plans to construct a carport on an existing concrete slab. Numerous inquiries were made as to whether or not the structure would encroach into the drainage/utility easement. It was noted the Mr. Zeanchock purchased the property with the existing concrete slab in place.

Commissioner Garrison moved to tabled.

Motion died for lack of a second.

Commissioner Garrison moved to deny the variance application Case File 2015-0200, Chairman Malley seconded.

Ayes: Bice, Garrison, Hensley and Malley. Nays: Bower. Absent: Smith and Miller.

MOTION CARRIED

8. **Unfinished Business –**
   Tabled matter: Case File 2015-0160 – Variance application of Arthur Deeks. Building Official Jones informed the Commission he had received from the applicant written notice to withdraw the variance application. Deeks will proceed with the permitting process to construct a conforming fence.

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

10. **Commissioner's Comments –**

Chairman Malley suggested a workshop with the City Council to address the outbuilding ordinance. He would like to see a review of the outbuilding square footage currently allowed implying that a potential amendment to the ordinance may be appropriate allowing structures to be erected in a percentage-based manner as it relates to size of the lot.

11. **Communications / Announcements** – None

12. **Adjourn** - Commissioner Garrison moved, seconded by Commissioner Hensley, to adjourn at approximately 6:15 p.m. CST. The motion carried unanimously.

_____

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