

# City of Diamondhead

---

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)



TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official *Ronald*

DATE: June 2, 2016

SUBJECT: Recommendation of Planning & Zoning Commission-  
Landmark Contractors; Case File Number 2016-00127

At its meeting on Tuesday, May 24, 2016, the Planning & Zoning Commission by a unanimously vote approved the variance as petitioned by Landmark Contractors.

Fairway Villas, LLC represented by David Malley has filed an application requesting a rear and front (side) yard setback variances from the Zoning Ordinance (Article 4.7.5 E I a and c) to allow the construction of a single family structure to encroach within 10.5' of rear property line (northwest) and to encroach up to 3' of the front (side) property line (northeast).

The property address is 229 Fairway Villas Circle. The tax parcel number is 067P-0-35-199.000. The property is located northwest of and adjacent to Fairway Villas Circle and east of Golf Club Drive. The property is located in an R-3 zoning district. The front and rear yard setbacks required are 20'. The Case File Number is 201600127.

The staff report and application are attached. If you have any questions or comments, please advise.

Attachments



# City of Diamondhead

---

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222-4626

FAX: (228) 222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)

## STAFF REPORT TO CITY COUNCIL

DATE: June 2, 2016

CASE FILE NUMBER: 2016-00127

APPLICANT: Landmark Contractors represented by David Malley

PROPERTY OWNER: Landmark Contractors

TAX PARCEL NUMBER: 067P-0-35-199.000

PHYSICAL STREET ADDRESS: 229 Fairway Villas Circle

LEGAL DESCRIPTION: Replat of Fairway Villas Subdivision, Lot 14-R

ZONING DISTRICT: R-3 High Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Fairway Villas, LLC represented by David Malley has filed an application requesting a rear and front (side) yard setback variances from the Zoning Ordinance (Article 4.7.5 E I a and c) to allow the construction of a single family structure to encroach within 10.5' of rear property line (northwest) and to encroach up to 3' of the front (side) property line (northeast).

The property address is 229 Fairway Villas Circle. The property is located northwest of and adjacent to Fairway Villas Circle and east of Golf Club Drive. The front and rear yard setbacks required are 20'.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: May 24, 2016

RECOMMENDATION TO CITY COUNCIL: To **approve** the variance as petitioned; Commissioners voted unanimously.

**Article**            **2.6.7**  
**Legislative**  
**Disposition**

- A. The action by the Planning Commission related to variance applications shall be a recommendation to the Mayor and City Council. The Mayor and City

Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations. No land or structure for which the application for variance has been denied shall be considered again for the same variance request for at least one (1) year from the date such application was denied.

- B. The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a building permit or certificate of zoning compliance within one (1) year of the variance being granted, or said variance will expire.

ATTACHMENTS: Application

Letters of Support (2)



5000 Diamondhead Circle  
Diamondhead, MS 39525  
Ph: 228-222-4626  
FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

RECEIVED  
MAY 02 2016  
BY: \_\_\_\_\_

Case Number: 2016 00127

Date 5-2-16

Applicant: Fairway Villas, LLC

Applicant's Address: 1029 Tina Ladner Vic Faye Rd, Pass Christian, MS 39571

Applicant's Email Address: malleyent@aol.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 669-4444

Property Owner: Fairway Villas, LLC

Owner's Mailing Address: 1029 Tina Ladner Vic Faye Rd, Pass Christian, MS 39571

Owner's Email Address malleyent@aol.com

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 669-4444

Tax Roll Parcel Number: 069P-0-35-199.000

Physical Street Address: 229 Fairway Villas Circle

Legal Description of Property: 14-R Replot of Fairway Villas

Zoning District: R-3

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)  
(Signage-Size-Height) Requesting variance to encroach into  
the side street setback up to 3 feet and the  
rear setback up to 10.5 feet.

**REQUIRED ITEMS:**

- A. A statement describing the variance request and all the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically.  
**THE CONDITIONS FOR GRANTING A VARIANCE: (SEE ATTACHED SHEET #4)**
  - 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?
  
- 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 their 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: \$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 \$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 designed 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

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_ For Official Use Only \_\_\_\_\_

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner

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

**REQUIRED ITEM A**

Property Owner Fairway Villas, LLC

Street Address 229 Fairway Villas Circle

Statement Describing Variance Request

Requesting variance to encroach into the  
side street setback up to 3 feet and the  
rear setback up to 10.5 feet.

The reasons why it complies with the criteria for variances:

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?

Response: Yes

---

---

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLIANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Response: No

---

---

3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: No

---

---

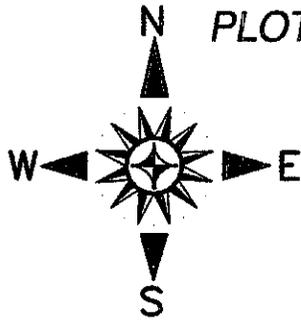
4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: No

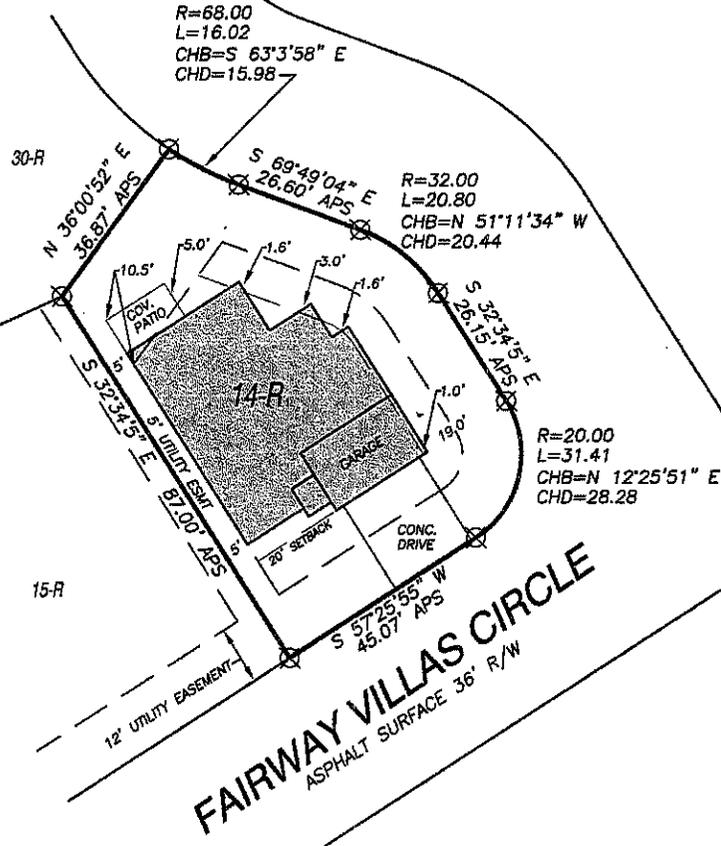
---

---

# PLOT PLAN FOR #229 FAIRWAY VILLAS CIRCLE



SCALE: 1" = 30'



A survey of Lot 14-R, Replat of FAIRWAY VILLAS, City of Diamondhead, Hancock County, Mississippi.

LOT AREA  
5,500 sq.ft.

Note: The bearings on this survey are based on OPUS GPS Observations and should be rotated counter clockwise 03°09'37" to match subdivision plat.

Note: This Survey "Class B" was made in accordance with the "Standards of Practice for Surveying in the State of Mississippi, July, 2005".

Note: This Survey does not reflect a title search by Seymour Engineering, nor should it be considered as such.

This is to CERTIFY that I have surveyed the property described and delineated hereon; and that the measurements and other data indicated are correct to the best of my knowledge and belief.

James C. Booth, Jr., P.L.S. #2666  
May 2, 2016

## LEGEND:

- ⊗ --- 1/2" REBAR FOUND
- --- IRON PIPE FOUND
- --- 1/2" REBAR SET
- A.P.S. --- AS PER SURVEY
- A.P.R. --- AS PER RECORD

## SEYMOUR ENGINEERING

925 TOMMY MUNRO DRIVE, SUITE G  
BILOXI, MISSISSIPPI 39532

PHONE: (228) 385-2350  
FAX: (228) 385-2353



S16-10-039

Good morning Mr. Jones:

I am Fr. Philip Landry and I serve as the rector of the St. Louis Cathedral in New Orleans. I am in the process of finding a home in the Diamondhead area. A current owner of a Highpoint town house, I am very much interested in purchasing a lot and building in the Fairway Villas and it is for that reason that I write today. Acknowledging your role as a city official and member of the commission that grants variance approvals, I ask that you consider the request that Mr. Malley will make this week for variance on a corner lot in the Fairway Villas subdivision. Due to the unique shape of this lot, such an approval would be necessary to construct a home adequate of my needs. I am very happy when spending time in Diamondhead and as I look toward my future, I would very much like to make it my home.

In closing, I commend you and the commission for the job that you do in making Diamondhead such a welcoming community and I greatly appreciate any consideration you may give to granting approval of this variance.

Sincerely,  
Fr. Philip Landry

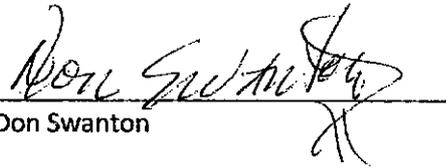
Very Rev. Philip G. Landry  
Rector  
Cathedral-Basilica of St. Louis King of France  
615 Pere Antoine Alley  
New Orleans, LA 70116  
504-525-9585 ext 150  
frphiliplandry@arch-no.org

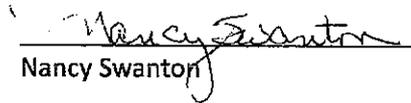
City of Diamondhead, MS  
Planning and Zoning Commission Members  
5000 Diamondhead Circle  
Diamondhead, MS 39525

May 20, 2016

RE: Variance Application Request by Landmark Contractors, LLC  
Lot-14 R; 229 Fairway Villas Circle

We are the closest house located to Lot 14-R where the variance is being requested. We do not oppose this request and ask that you consider approving it. Thank you for your time.

  
Don Swanton

  
Nancy Swanton



# MINUTES

PLANNING AND ZONING COMMISSION  
Diamondhead, Mississippi  
Diamondhead City Hall Council Chambers  
May 24, 2016  
5:30 p.m. CST

1. Chairman Hensley called the meeting to order at 5:30 p.m. CST.
2. Commissioner Milton recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Garrison.
4. Clerk Tammy Garber called roll- Present: Commissioners Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers. Absent: None.

Also present: City Attorney Derek Cusick, Ron Jones Building Official, Joshua Hayes Deputy Building Official and Minutes Clerk Tammy Garber.

5. **Confirmation of the Agenda**

Commissioner Milton moved, seconded by Commissioner Garrison to approve the agenda as presented.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

6. **Approve Minutes**

Commissioner Crosby moved, seconded by Commissioner Williams, to approve the Minutes of April 26, 2016 as presented.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

7. **New Business** –

• **CASE FILE NUMBER 2016-00077**

- David Dreher has filed an application requesting 2 variances from the Zoning Ordinance (Article 4.18.3 D ii) to allow the construction of an outdoor kitchen/pool house totaling 1845 sf and to construct an outdoor kitchen/pool house having a total height of 18'3"; The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is located west of Bayou Drive and west of

and adjacent to Kimo Court. The property is located in an R-2 zoning district. The maximum square feet of an accessory structure is 144 sf. The maximum height is 15'. The Case File Number is 201600077.

David Dreher presented the proposed variance request and answered questions from the commissioners.

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Williams moved, seconded by Commissioner Bice to approve the variance in the matter of Case File Number 2016-00077 as requested.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers. Absent: None.

**MOTION CARRIED UNANIMOUSLY**

• **CASE FILE NUMBER 2016-00112**

Joyce Teerling has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a pergola type roof over an existing deck (10' x 28') within 10' of the rear property line.

The property address is 7814 Puna Place. The tax parcel number is 067Q-0-36-202.000. The property is located north of Lale Street and north of and adjacent to Puna Court. The property is located in an R-2 zoning district. The required rear yard setback is 20'. The Case File Number is 201600112.

Joyce Teerling presented the proposed variance request. Ms Teerling and John Rockhouse, contractor, answered questions from the commissioners..

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Milton moved, seconded by Commissioner Garrison to approve the variance in the matter of Case File Number 2016-00112 as requested.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers. Absent: None.

**MOTION CARRIED UNANIMOUSLY**

• **CASE FILE NUMBER 2016-00127**

Fairway Villas, LLC represented by David Malley has filed an application requesting a rear and front (side) yard setback variances from the Zoning Ordinance (Article 4.7.5 E I a and c) to allow the construction of a single family structure to encroach within 10.5' of rear property line (northwest) and to encroach up to 3' of the front (side) property line (northeast).

The property address is 229 Fairway Villas Circle. The tax parcel number is 067P-0-35-199.000. The property is located northwest of and adjacent to Fairway Villas Circle and east of Golf Club Drive. The property is located in an R-3 zoning district. The front and rear yard setbacks required are 20'. The Case File Number is 201600127.

John Fairchild, broker for Fairway Villas, LLC, representing David Malley, presented the proposed variance request, and answered questions from the commissioners.

Ronald Jones, Building Official, advised commissioners that Don and Nancy Swarton and the Very Rev. Philip G. Landry submitted letters in support of the proposed variance.

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Garrison moved, seconded by Commissioner Milton to approve the variance in the matter of Case File Number 2016-00127 as requested.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

**Unfinished Business Open Public Comments to Non-Agenda items –**

Ron Jones discussed amending the Zoning regulations for Accessory Structure and Pervious Paving systems.

**Commissioners' Comments –**

Commissioner Milton inquired about the possibility of obtaining a form of identification for each commissioner to conduct site visits for the cases before the Planning Commission.

**8. Communication / Announcements**

Ron Jones announced that two cases would be presented at the next regular meeting.

**9. Adjourn - Commissioner Williams moved, seconded by Commissioner Bower, to adjourn at approximately 7:02 p.m. CST. .**

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

---

Nita Hensley, Chairman  
Planning & Zoning  
City of Diamondhead, MS

**DRAFT**

# City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222-4626

FAX: (228) 222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)



TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official *Ronald*

DATE: June 3, 2016

SUBJECT: Recommendation of Planning & Zoning Commission-  
David Dreher; Case File Number 2016-00077

At its meeting on Tuesday, May 24, 2016, the Planning & Zoning Commission by a unanimously vote approved the variance as petitioned by David Dreher.

David Dreher has filed an application requesting 2 variances from the Zoning Ordinance (Article 4.18.3 D ii) to allow the construction of an outdoor kitchen/pool house totaling 1845 sf and to construct an outdoor kitchen/pool house having a total height of 18'3";

The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is located west of Bayou Drive and west of and adjacent to Kimo Court. The property is located in an R-2 zoning district. The maximum square feet of an accessory structure is 144 sf. The maximum height is 15'.

The staff report and application are attached. If you have any questions or comments, please advise.

Attachments



# City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)

## STAFF REPORT TO CITY COUNCIL

DATE: June 3, 2016

CASE FILE NUMBER: 2016-00077

APPLICANT: David Dreher

PROPERTY OWNER: David Dreher

TAX PARCEL NUMBER: 067M-1-35-175.000

PHYSICAL STREET ADDRESS: 8438 Kimo Court

LEGAL DESCRIPTION: DH Phase 2, Unit 6, Block 4, Lots 25-26

ZONING DISTRICT: R-2 Medium Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: David Dreher has filed an application requesting 2 variances from the Zoning Ordinance (Article 4.18.3 D ii) to allow the construction of an outdoor kitchen/pool house totaling 1845 sf and to construct an outdoor kitchen/pool house having a total height of 18'3";

The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is located west of Bayou Drive and west of and adjacent to Kimo Court. The property is located in an R-2 zoning district. The maximum square feet of an accessory structure is 144 sf. The maximum height is 15'.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: May 24, 2016

RECOMMENDATION TO CITY COUNCIL: To **approve** the variance as petitioned; Commissioners voted unanimously.

**Article**            **2.6.7**  
**Legislative**  
**Disposition**

- A. The action by the Planning Commission related to variance applications shall be a recommendation to the Mayor and City Council. The Mayor and City Council shall examine all such applications, reports, and recommendations

transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations. No land or structure for which the application for variance has been denied shall be considered again for the same variance request for at least one (1) year from the date such application was denied.

- B. The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a building permit or certificate of zoning compliance within one (1) year of the variance being granted, or said variance will expire.

ATTACHMENTS: Application

Draft Minutes



**DIAMONDHEAD**  
MISSISSIPPI

**RECEIVED**  
MAR 31 2016  
BY: \_\_\_\_\_

5000 Diamondhead Circle  
Diamondhead, MS 39525  
Ph: 228-222-4626  
FX: 228-222-4390

**APPLICATION FOR VARIANCE REQUEST**

Case Number: 201600077

Date 3/30/2016

Applicant: David Dreher

Applicant's Address: 8438 Wino Court

Applicant's Email Address: gulfcosttopflarts@gmail.com

Applicant's Contact Number: (Home) NA (Work) N/A (Cell) 228-609-2304

Property Owner: David Dreher

Owner's Mailing Address: 8438 Wino Court Diamondhead, MS 39525

Owner's Email Address gulfcosttopflarts@gmail.com

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 228-609-2304

Tax Roll Parcel Number: 067M-1-35-175.000

Physical Street Address: 8438 Wino Court Diamondhead, MS 39525

Legal Description of Property: DH Phase 2, Unit G, Block 4, Lots 25-26

Zoning District: R-2

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)  
(Signage-Size-Height) \_\_\_\_\_

Approval for height + size of outdoor kitchen.

Request for it to not be attached to cement house on the property.

- To allow the construction of an outdoor kitchen totaling 1845 sq. ft.
- To construct an outdoor kitchen having a total height of 18'3".

## REQUIRED ITEMS:

- A. A statement describing the variance request and all the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically.
- THE CONDITIONS FOR GRANTING A VARIANCE: (SEE ATTACHED SHEET #4)**
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?
- 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 their 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: \$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 \$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 designed 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.

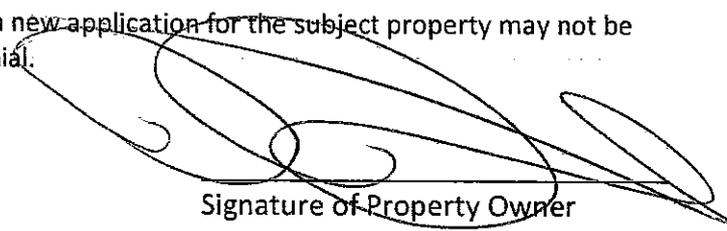
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

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

  
Signature of Property Owner

\_\_\_\_\_ For Official Use Only \_\_\_\_\_

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner

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

**REQUIRED ITEM A**

Property Owner David Dreher

Street Address 8438 Wino Court

Statement Describing Variance Request

Approval for height & square foot of outdoor kitchen to be built by pool  
furthermore request to not be attached to current home on property.

The reasons why it complies with the criteria for variances:

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?

Response: The plans for the outdoor kitchen and the layout of it on the  
property do not affect the surrounding areas.

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

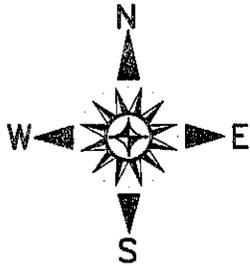
Response: No it will not affect any zoning issues.

3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: No, I the property owner am building a outdoor kitchen & pool which  
is causing this request.

4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: No, it will not give any special privileges or rights.



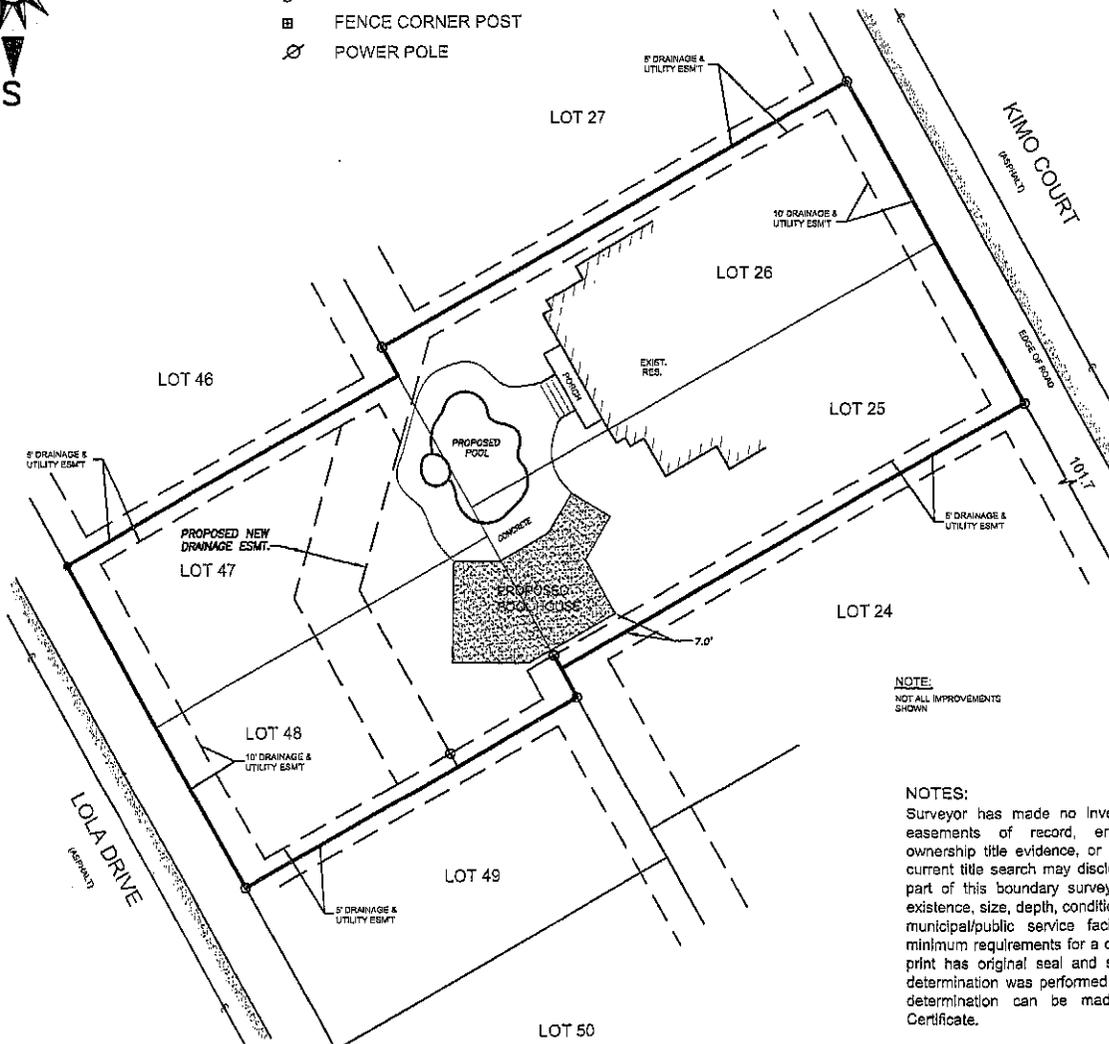
**LEGEND:**

- ⊖ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- ⊠ FENCE CORNER POST
- ⊘ POWER POLE

**LEGAL DESCRIPTION: NEW EASEMENT**

Survey of a parcel of land situated and being located in a portion of Lots 47 and 48, Block 4, Diamondhead Subdivision, Phase 2, Unit 11, City of Diamondhead, Hancock County, Mississippi, to-wit:

Commencing at a 1/2" rebar set at the southeast corner of said Lot 48; thence S 60°44'47" W 45.06 feet to the Point of Beginning; thence N 29°15'13" W 5.00 feet to a 1/2" rebar set at the Point of Beginning; thence S 60°44'47" W 20.00 feet to a point; thence N 29°15'13" W 68.86 feet to a point; thence N 15°44'47" E 58.18 feet to a point; thence N 60°44'47" E 13.92 feet to a point; thence S 29°15'13" E 14.37 feet to a point; thence S 15°44'47" W 49.58 feet to a point; thence S 29°15'13" E 60.58 feet to the Point of Beginning. Said parcel of land contains 2,472 square feet, more or less.



**NOTE:**  
NOT ALL IMPROVEMENTS SHOWN

**NOTES:**

Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

*Duke Levy*  
Duke Levy, RLS #1722

**DUKE LEVY & ASSOCIATES, P.A.**

1711 WAVELAND AVENUE  
WAVELAND, MS 39576  
(228) 467-5212 PHONE

SCALE: 1" = 40'	DATE: 01-26-16
DRAWING: 16-0005	CLIENT: DAVID DREHER



# MINUTES

PLANNING AND ZONING COMMISSION  
Diamondhead, Mississippi  
Diamondhead City Hall Council Chambers  
May 24, 2016  
5:30 p.m. CST

1. Chairman Hensley called the meeting to order at 5:30 p.m. CST.
2. Commissioner Milton recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Garrison.
4. Clerk Tammy Garber called roll- Present: Commissioners Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers. Absent: None

Also present: City Attorney Derek Cusick, Ron Jones Building Official, Joshua Hayes Deputy Building Official and Minutes Clerk Tammy Garber.

**5. Confirmation of the Agenda**

Commissioner Milton moved, seconded by Commissioner Garrison to approve the agenda as presented.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

**6. Approve Minutes –**

Commissioner Crosby moved, seconded by Commissioner Williams, to approve the Minutes of April 26, 2016 as presented.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

**7. New Business –**

**• CASE FILE NUMBER 2016-00077**

•

David Dreher has filed an application requesting 2 variances from the Zoning Ordinance (Article 4.18.3 D ii) to allow the construction of an outdoor kitchen/pool house totaling 1845 sf and to construct an outdoor kitchen/pool house having a total height of 18'3"; The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is located west of Bayou Drive and west of

and adjacent to Kimo Court. The property is located in an R-2 zoning district. The maximum square feet of an accessory structure is 144 sf. The maximum height is 15'. The Case File Number is 201600077.

David Dreher presented the proposed variance request and answered questions from the commissioners.

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Williams moved, seconded by Commissioner Bice to approve the variance in the matter of Case File Number 2016-00077 as requested.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers. Absent: None.

**MOTION CARRIED UNANIMOUSLY**

• **CASE FILE NUMBER 2016-00112**

Joyce Teerling has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a pergola type roof over an existing deck (10' x 28') within 10' of the rear property line.

The property address is 7814 Puna Place. The tax parcel number is 067Q-0-36-202.000. The property is located north of Lane Street and north of and adjacent to Puna Court. The property is located in an R-2 zoning district. The required rear yard setback is 20'. The Case File Number is 201600112.

Joyce Teerling presented the proposed variance request. Ms Teerling and John Rockhouse, contractor, answered questions from the commissioners..

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Milton moved, seconded by Commissioner Garrison to approve the variance in the matter of Case File Number 2016-00112 as requested.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers. Absent: None.

**MOTION CARRIED UNANIMOUSLY**

• **CASE FILE NUMBER 2016-00127**

Fairway Villas, LLC represented by David Malley has filed an application requesting a rear and front (side) yard setback variances from the Zoning Ordinance (Article 4.7.5 E I a and c) to allow the construction of a single family structure to encroach within 10.5' of rear property line (northwest) and to encroach up to 3' of the front (side) property line (northeast).

The property address is 229 Fairway Villas Circle. The tax parcel number is 067P-0-35-199.000. The property is located northwest of and adjacent to Fairway Villas Circle and east of Golf Club Drive. The property is located in an R-3 zoning district. The front and rear yard setbacks required are 20'. The Case File Number is 201600127.

John Fairchild, broker for Fairway Villas, LLC, representing David Malley, presented the proposed variance request, and answered questions from the commissioners.

Ronald Jones, Building Official, advised Commissioners that Don and Nancy Swarton and the Very Rev. Philip G. Landry submitted letters in support of the proposed variance.

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Garrison moved, seconded by Commissioner Milton to approve the variance in the matter of Case File Number 2016-00127 as requested.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

**Unfinished Business Open Public Comments to Non-Agenda items –**

Ron Jones discussed amending the Zoning regulations for Accessory Structure and Pervious Paving systems.

**Commissioners' Comments –**

Commissioner Milton inquired about the possibility of obtaining a form of identification for each commissioner to conduct site visits for the cases before the Planning Commission.

**8. Communication / Announcements**

Ron Jones announced that two cases would be presented at the next regular meeting.

**9. Adjourn - Commissioner Williams moved, seconded by Commissioner Bower, to adjourn at approximately 7:02 p.m. CST. .**

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

---

Nita Hensley, Chairman  
Planning & Zoning  
City of Diamondhead, MS

**DRAFT**

# City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)



TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official *Ronald*

DATE: June 3, 2016

SUBJECT: Recommendation of Planning & Zoning Commission-  
Joyce Teerling; Case File Number 2016-00112

At its meeting on Tuesday, May 24, 2016, the Planning & Zoning Commission by a unanimously vote approved the variance as petitioned by Joyce Teerling.

Joyce Teerling has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a pergola type roof over an existing deck (10' x 28') within 10' of the rear property line.

The property address is 7814 Puna Place. The tax parcel number is 067Q-0-36-202.000. The property is located north of Laie Street and north of and adjacent to Puna Court. The property is located in an R-2 zoning district. The required rear yard setback is 20'.

The staff report and application are attached. If you have any questions or comments, please advise.

Attachments



# City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)

## STAFF REPORT TO CITY COUNCIL

DATE: June 3, 2016

CASE FILE NUMBER: 2016-00112

APPLICANT: Joyce Teerling

PROPERTY OWNER: Joyce Teerling

TAX PARCEL NUMBER: 067Q-0-36-202.000

PHYSICAL STREET ADDRESS: 7814 Puna Place

LEGAL DESCRIPTION: DH Phase 2, Unit 3, Block 6, Lots 43

ZONING DISTRICT: R-2 Medium Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Joyce Teerling has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a pergola type roof over an existing deck (10' x 28') within 10' of the rear property line.

The property address is 7814 Puna Place. The tax parcel number is 067Q-0-36-202.000. The property is located north of Laie Street and north of and adjacent to Puna Court. The property is located in an R-2 zoning district.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: May 24, 2016

RECOMMENDATION TO CITY COUNCIL: To **approve** the variance as petitioned; Commissioners voted unanimously.

**Article 2.6.7**  
**Legislative**  
**Disposition**

- A. The action by the Planning Commission related to variance applications shall be a recommendation to the Mayor and City Council. The Mayor and City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning

Commission for further considerations. No land or structure for which the application for variance has been denied shall be considered again for the same variance request for at least one (1) year from the date such application was denied.

- B. The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a building permit or certificate of zoning compliance within one (1) year of the variance being granted, or said variance will expire.

ATTACHMENTS: Application

Draft Minutes



5000 Diamondhead Circle  
Diamondhead, MS 39525  
Ph: 228-222-4626  
FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

Case Number: 2016 00112

Date: APR 19 2016  
RECEIVED  
BY: \_\_\_\_\_

Applicant: Joyce Teerling

Applicant's Address: 7814 Puna Place

Applicant's Email Address: Jteer1@cableone.net  
(228)

Applicant's Contact Number: (Home) 222-3793 (Work) \_\_\_\_\_ (Cell) 504-451-1172

Property Owner: Joyce Teerling

Owner's Mailing Address: same

Owner's Email Address: same

Owner's Contact Number: (Home) same (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Tax Roll Parcel Number: 067Q-0-36-202.000

Physical Street Address: 7814 Puna Place

Legal Description of Property: DH Phase 2, Unit 3, Block 6, Lot 43

Zoning District: R-2

State Purpose of Variance: (Front/Side/Rear) Lot Size/Parking/Building/Coverage)  
(Signage-Size-Height)

The request is to build a Pergola over the existing deck. The existing deck is 10 feet from the rear property line and is currently covered with an retractable awning. The pergola style roof would be attached to the house and covered with transparent polycarbonate sheeting. The roof would be the same size as the deck (10'x18')

## REQUIRED ITEMS:

- A. A statement describing the variance request and all the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically.
- THE CONDITIONS FOR GRANTING A VARIANCE: (SEE ATTACHED SHEET #4)**
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?
- 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 their 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: \$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 \$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 designed 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.

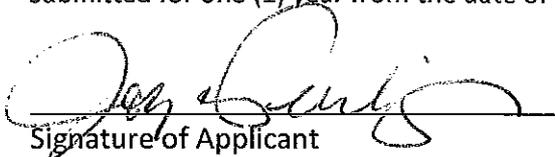
That additional information may be required by the Planning Commission prior to final disposition.

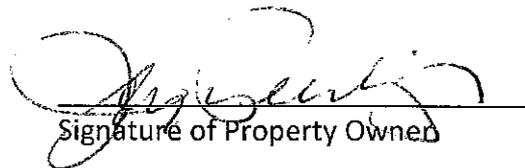
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

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

  
Signature of Property Owner

\_\_\_\_\_ For Official Use Only \_\_\_\_\_

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner
- Application Signed
- Written Project Description
- Drainage Plan NA
- Notarized Statement NA

REQUIRED ITEM A

Property Owner Joyce Teerling

Street Address 7814 Puna Pl DH

Statement Describing Variance Request

To install a pergola-type roof over an existing 10x18' deck within 10' of the rear property line

The reasons why it complies with the criteria for variances:

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?

Response: House & deck built in 1981 & current conditions existed when I bought house (2002).

There is currently a retractable awning over the deck

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLIANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Response: Yes - there is no other way to comply with ordinance and have a roof over existing deck

3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: Conditions existed at time of property purchase in 2002

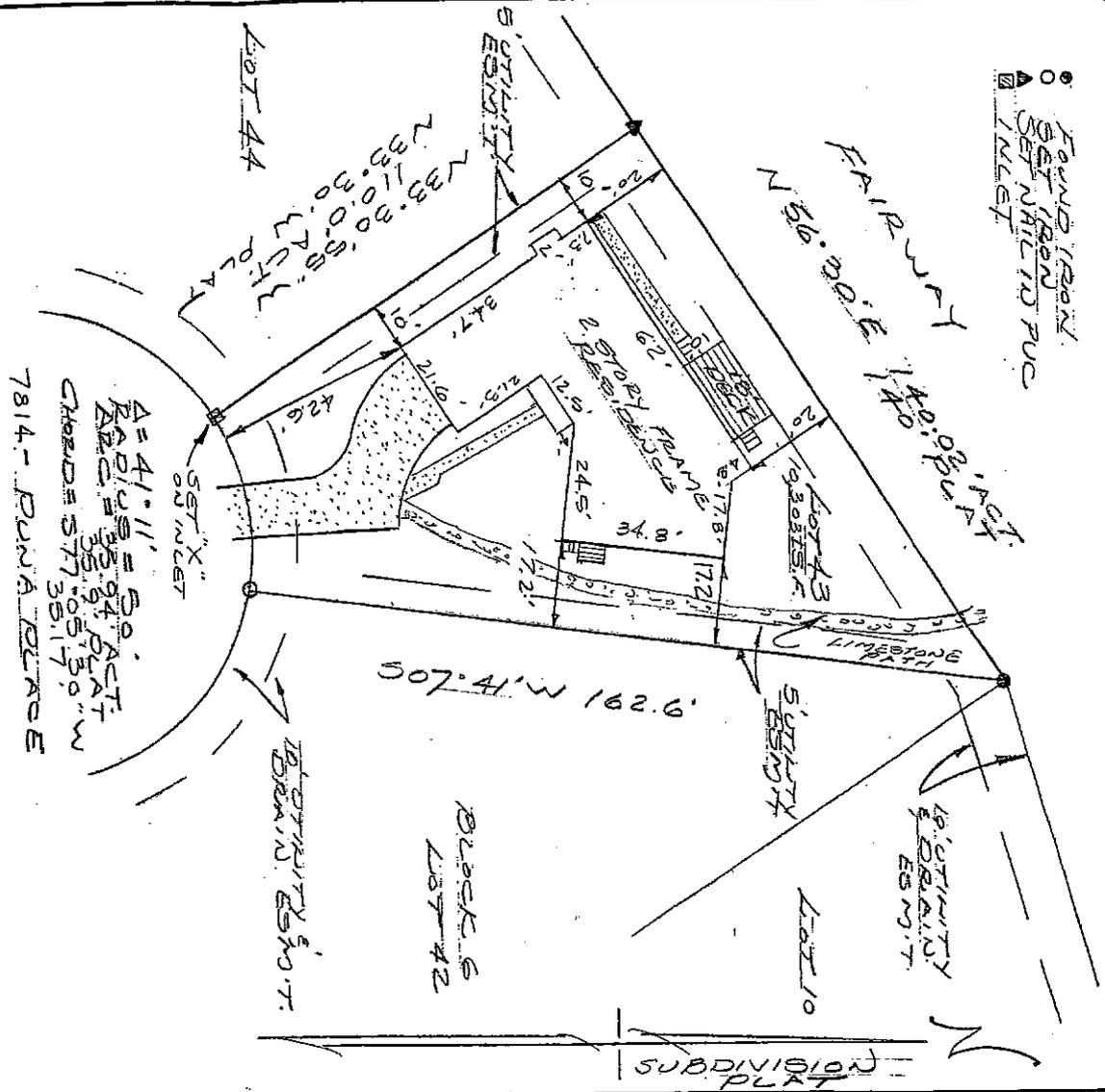
4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: No - other properties have covered decks in general area. No special privileges would be granted.



LEGEND:

- FOUND IRON
- SET IRON
- △ SET NAIL IN PUC
- ▽ SET NAIL IN INLET



SURVEY MAP OF  
 LOT 43 - BLOCK 6  
 DIAMONDHEAD  
 UNIT 3 - PHASE 2  
 HANCOCK COUNTY, MS.  
 FOR THERLING

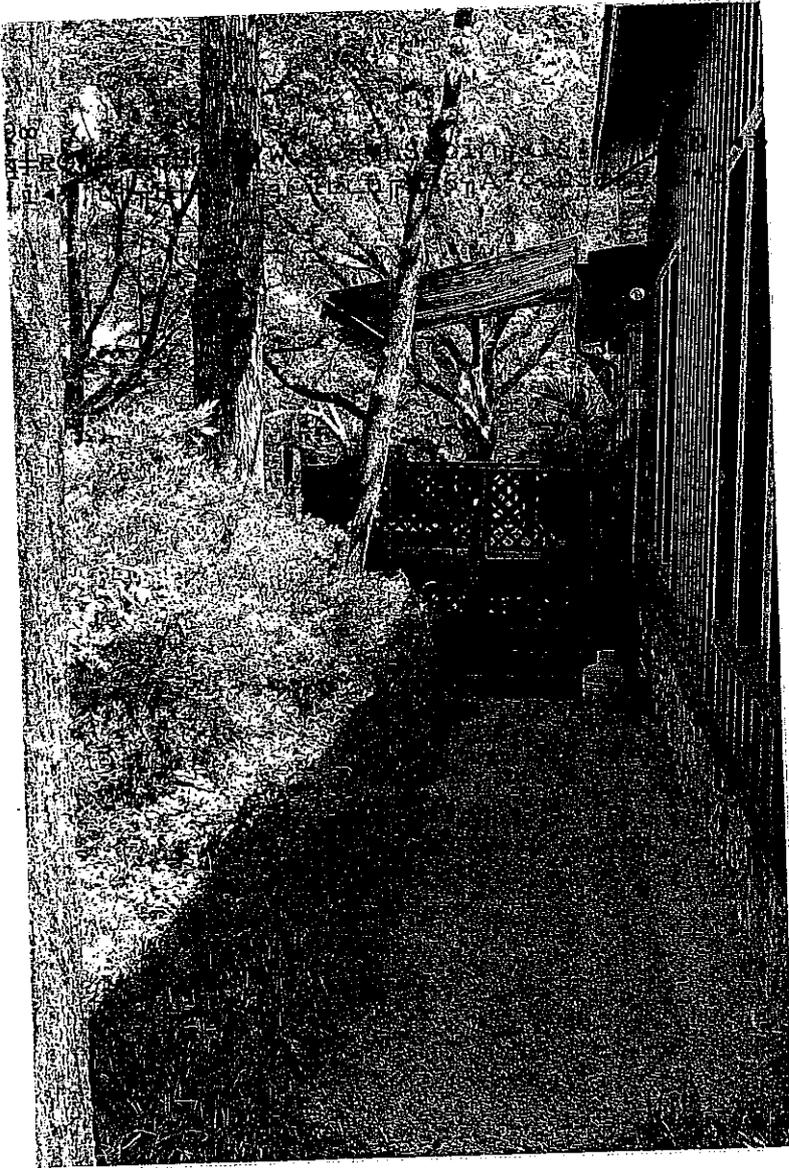
7814 - PUNA BLAKE  
 A = 41' 11"  
 B = 50'  
 C = 54'  
 CHORD = 57' 35.17"  
 SET 'X' IN INLET

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 FIRW Flood Zone per Community Panel 28049C-0263D dated 02/16/2009
- per  
 dated 02/16/2009  
 in which the same if any not shown, unless noted.



Variance Project 201600112  
7814 Puna Pl

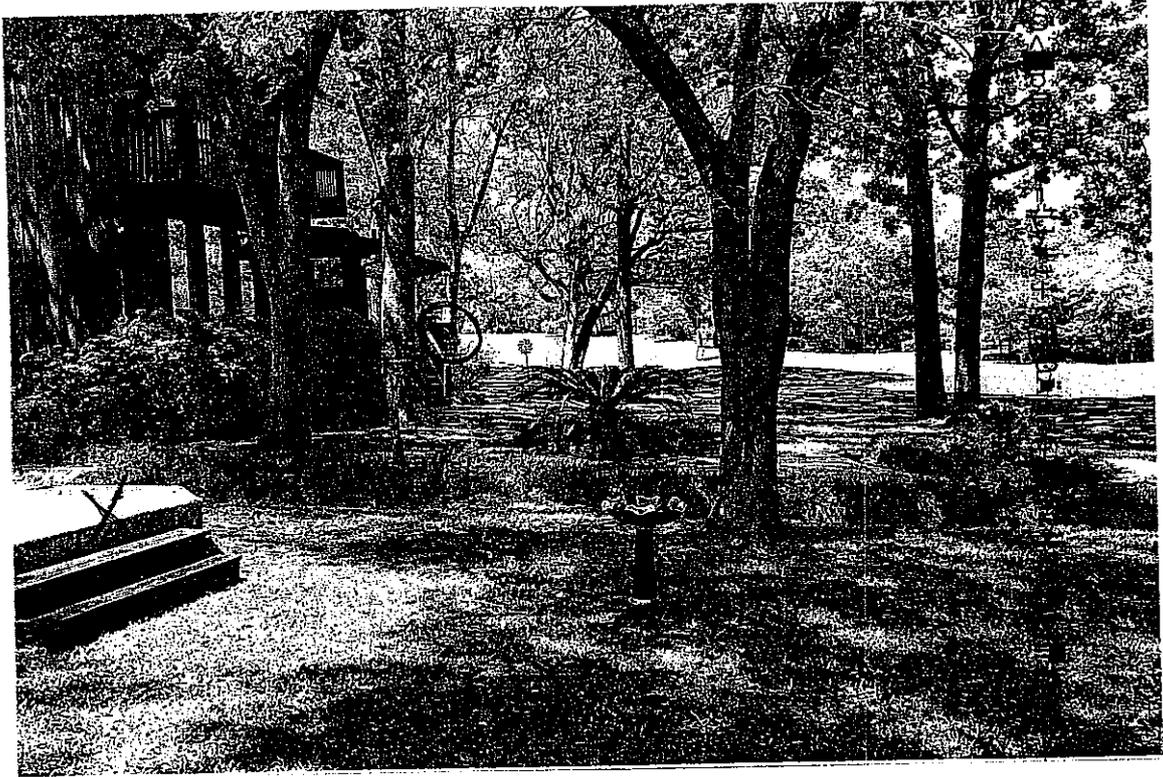


View from SW  
corner of house  
looking at existing  
deck and retractable  
awning.

Deck is 10' deep

1/22

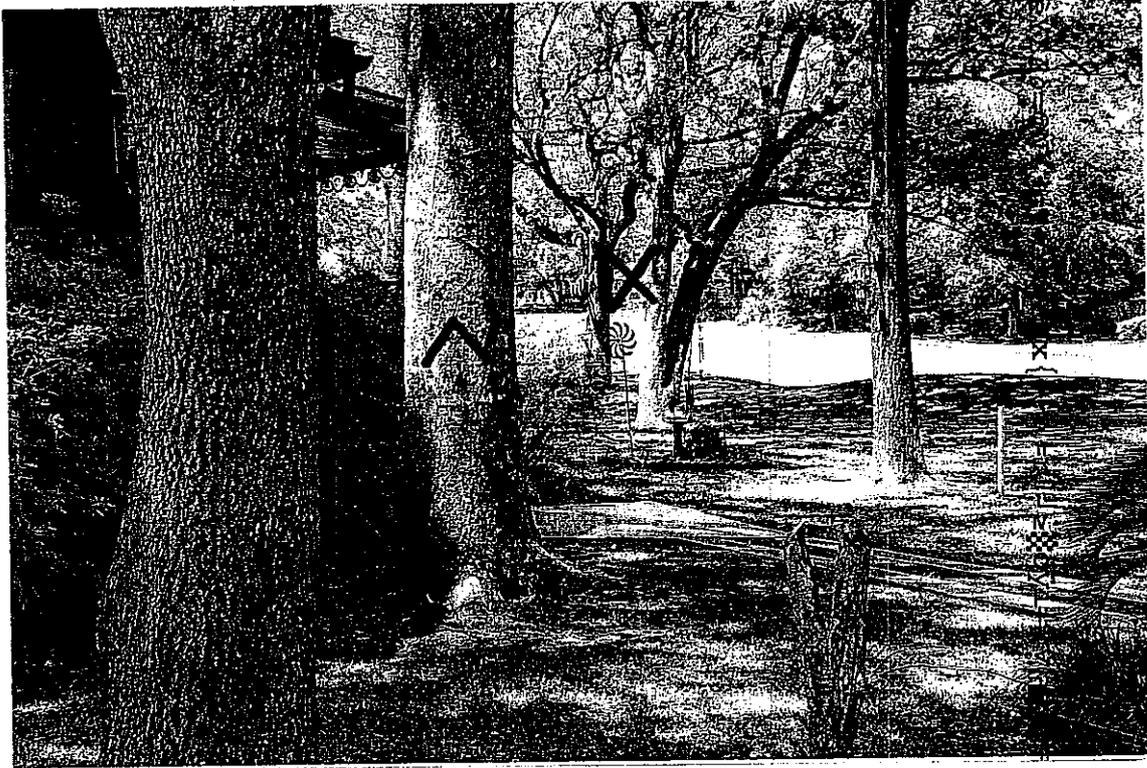
Variance Project  
201600112  
7814 Parcel A



View from parcel 203 looking west  
from middle of their backyard. X is  
their deck. circle is applicant's  
existing deck edge.

2/22

Variance Project 201600112  
7814 Puma Pt



View from applicant's cartpath  
looking NW across fairway toward  
parcel 239 (X). Edge of existing  
deck behind tree A.

3/22

Variance Project 201600112  
784 Paro Pl

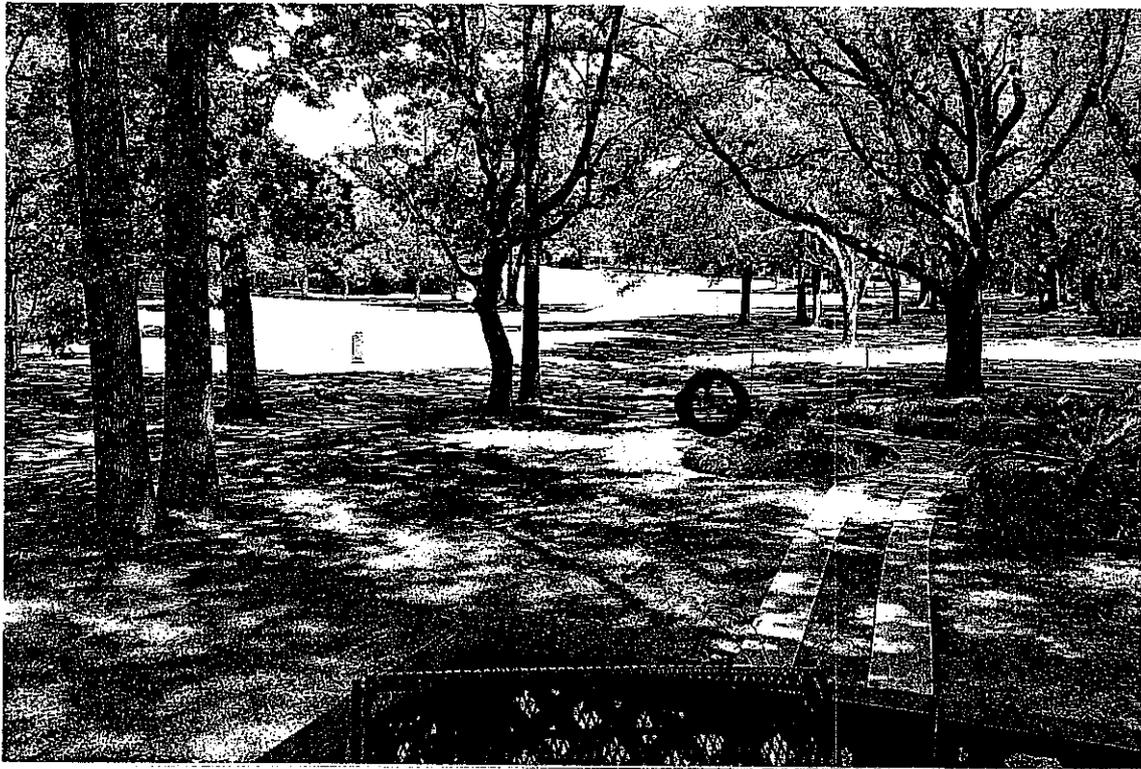


View from applicant's deck looking NNW  
across fairway. Parcel 239 (X) is  
more than 300' from deck

4/22

Variance Project 201603112

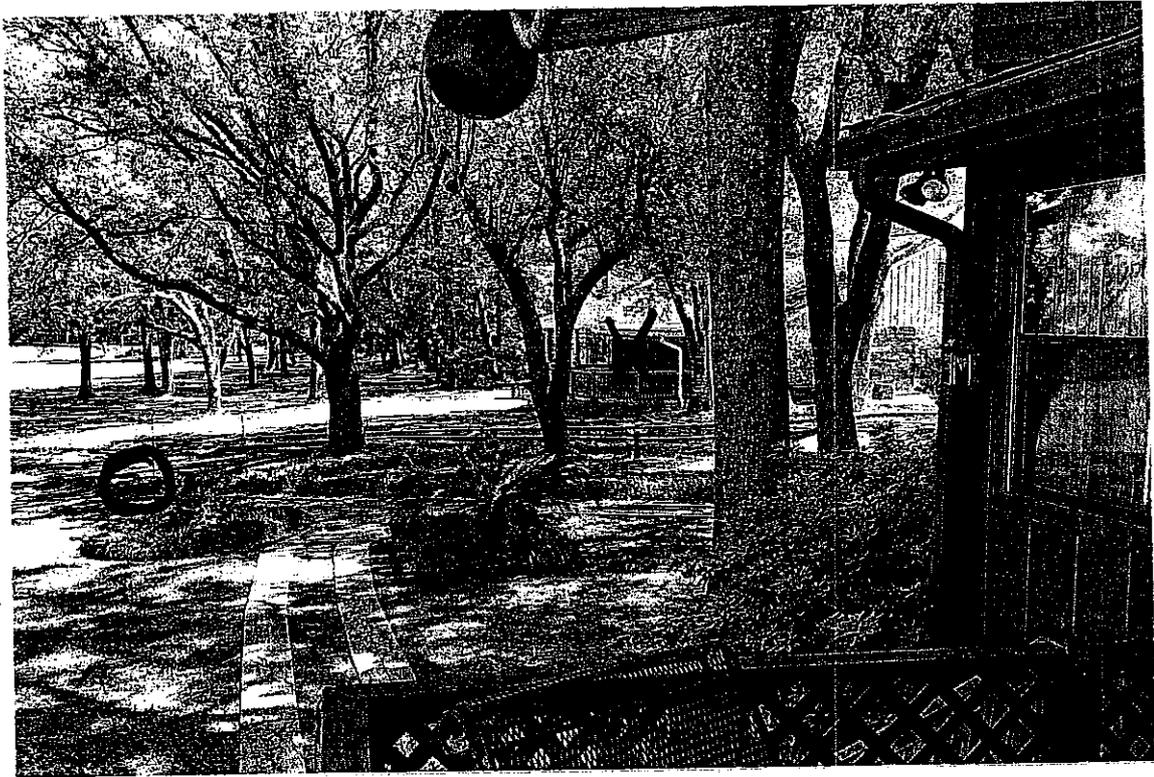
7814 Puna Pl



View from applicant's deck looking  
NE down #2 Pine Circle marks  
survey point of parcels 202, 203, 229  
and golf course.

5/22

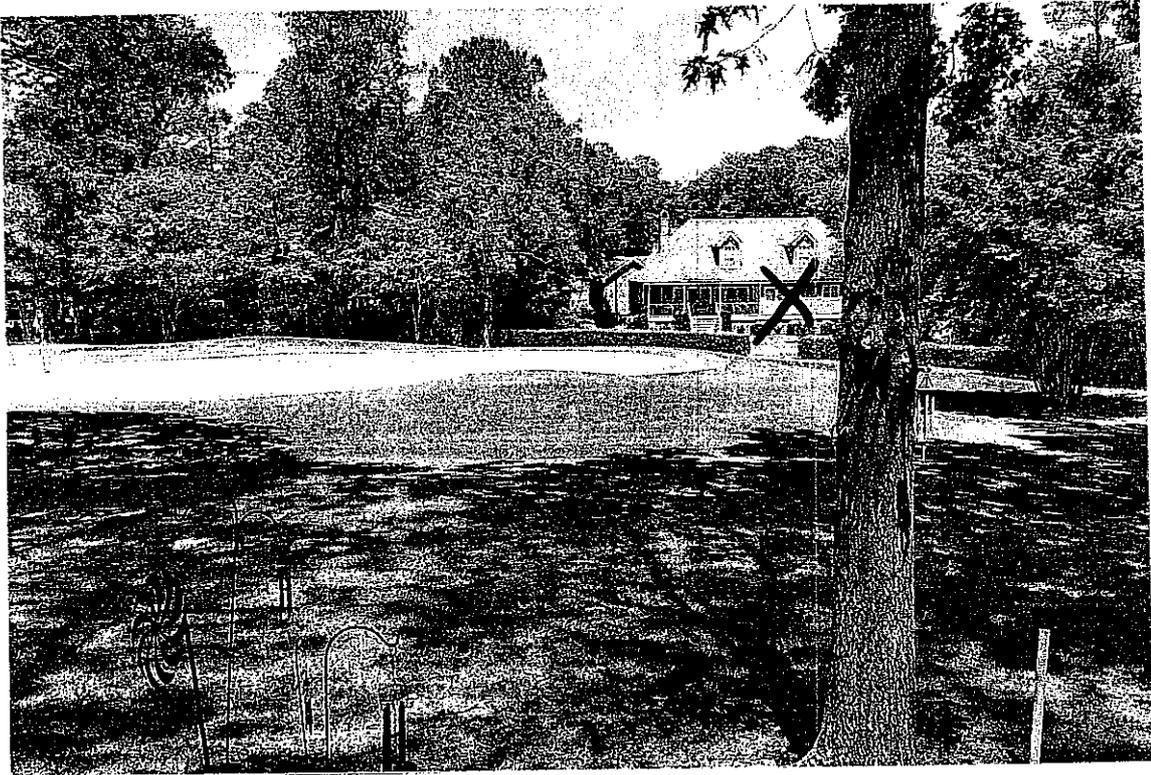
Variance Project 201600112  
7814 Pama Pl



View from applicant's deck looking  
E. X is parcel 229. O is  
survey point of parcels 202, 203,  
229 and golf course.

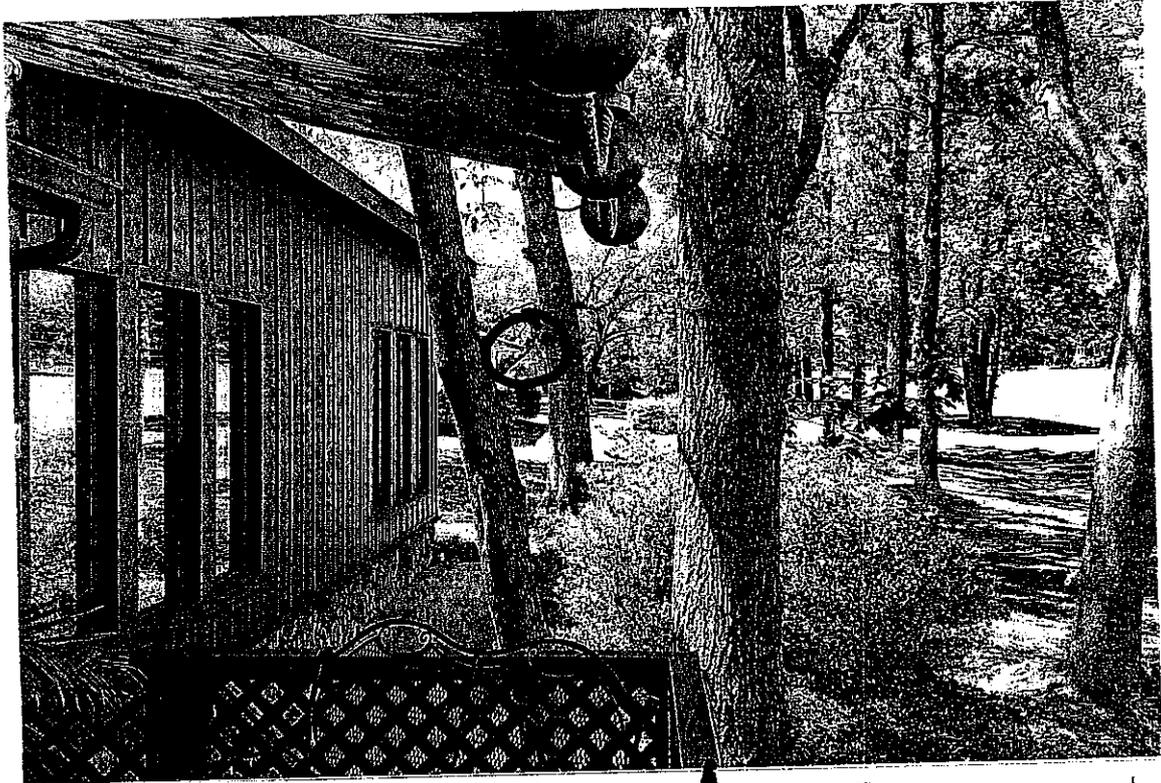
4/22

Variance Project 201600112  
7814 Puna Pl



View from applicant's deck looking  
NNE. X on picture is 281'  
from edge of existing deck.

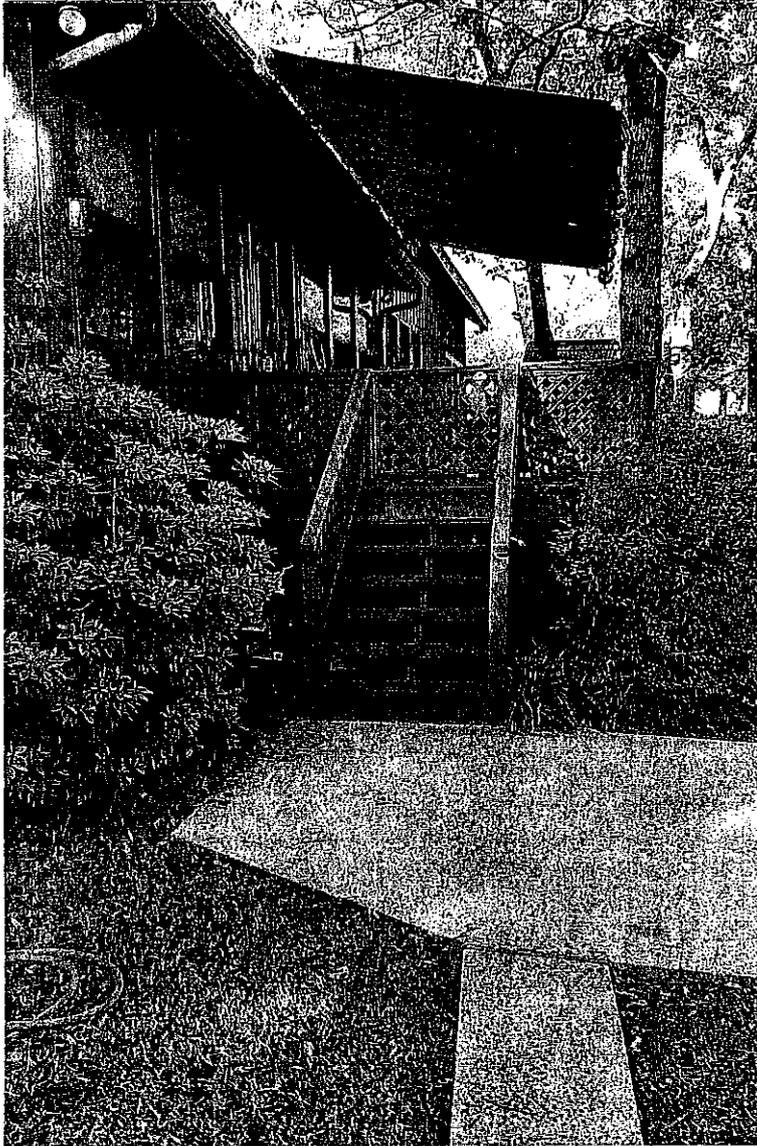
Variance Project 201600112  
7814 Puna P1



10ft from edge  
of house

View from deck looking  
WSW (up the fairway). Circle  
is edge of roof overhang of  
parcel 201 (next door).

Variance Project 201606112  
7814 Puna Pl

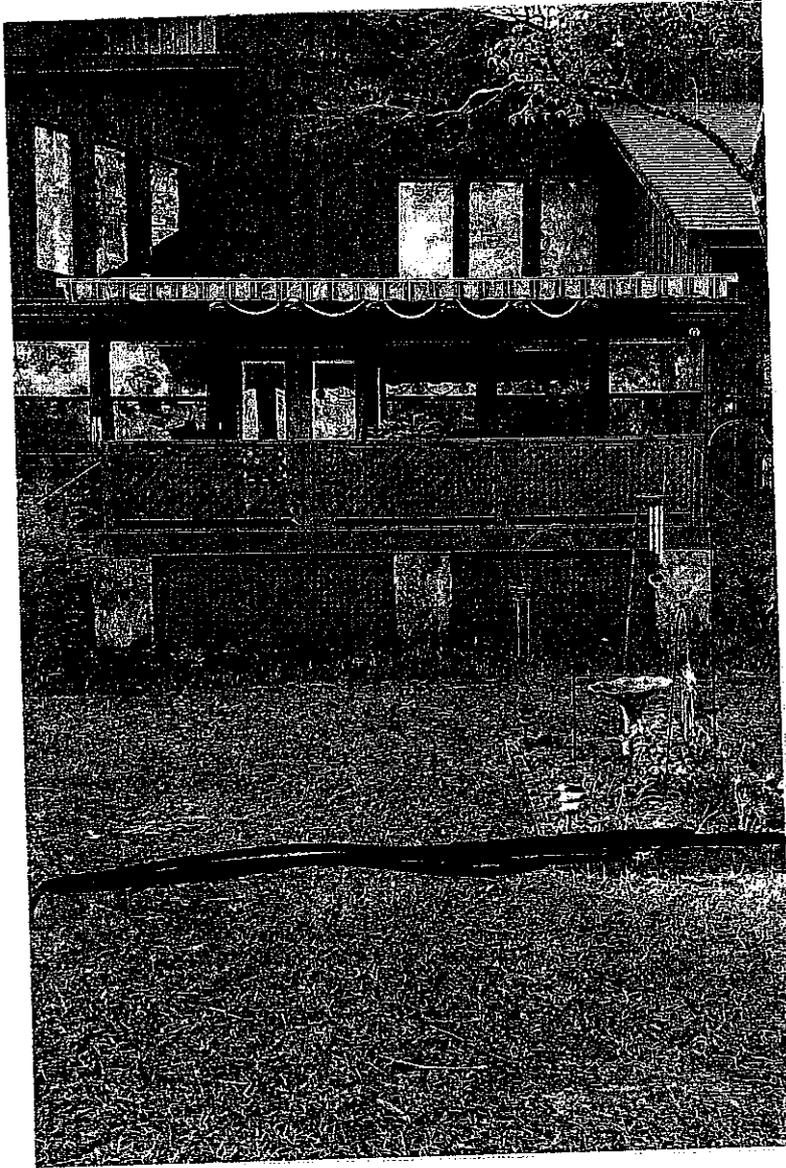


View from  
backyard of  
applicant's  
property, looking  
WSW up the  
fairway ~~at~~  
existing deck  
(opposite of  
photo 1 of 22)

Deck extends  
10' from edge  
of house.

9/2/2

Variance Project 201600112  
7814 Punape



View from  
golf course  
looking directly  
at existing deck  
and retractable  
awning. Deck  
width is 18'.  
Line demarks  
property line  
between POA  
(golf course) +  
applicant.

10/22

View from property line 2/16/2012  
7/14/2012



View from property line looking  
directly at existing deck and  
retractable awning. Width of  
deck is 18'

11/22

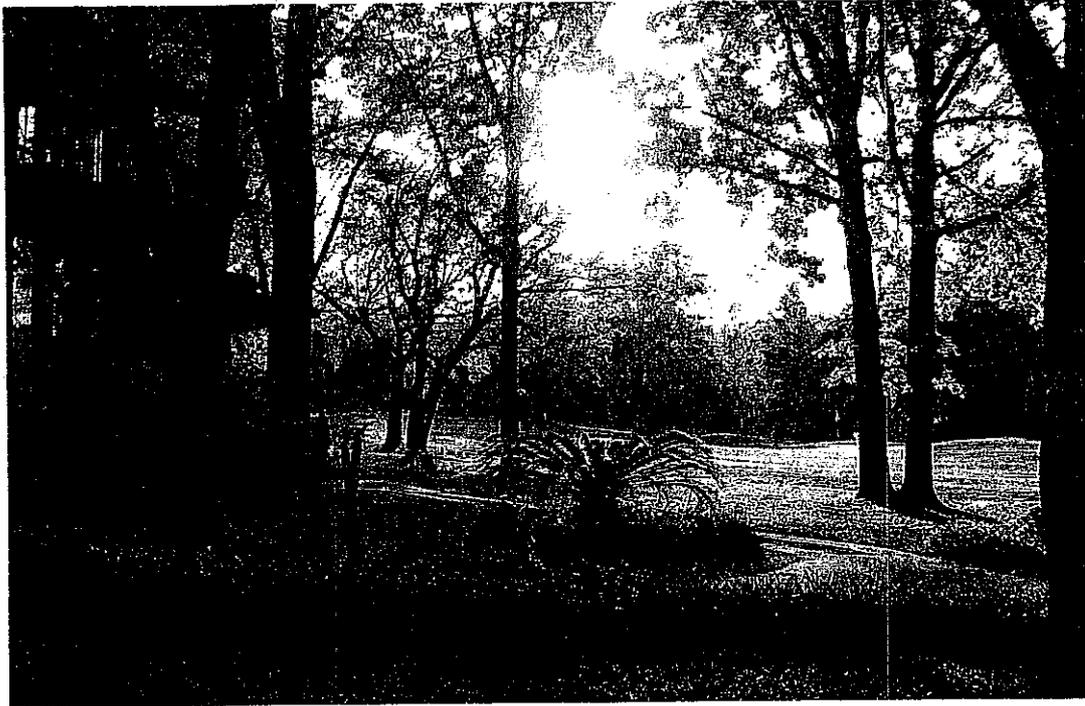
Liability Project 201600112  
7814 Puna Pl



Looking WSW from parcel 229. Circle  
is survey point of parcels 202, 203,  
229 and golf course. Property line  
for applicant is approximately along  
dashed line. Edge of existing deck  
behind tree indicated by arrow.

12/22

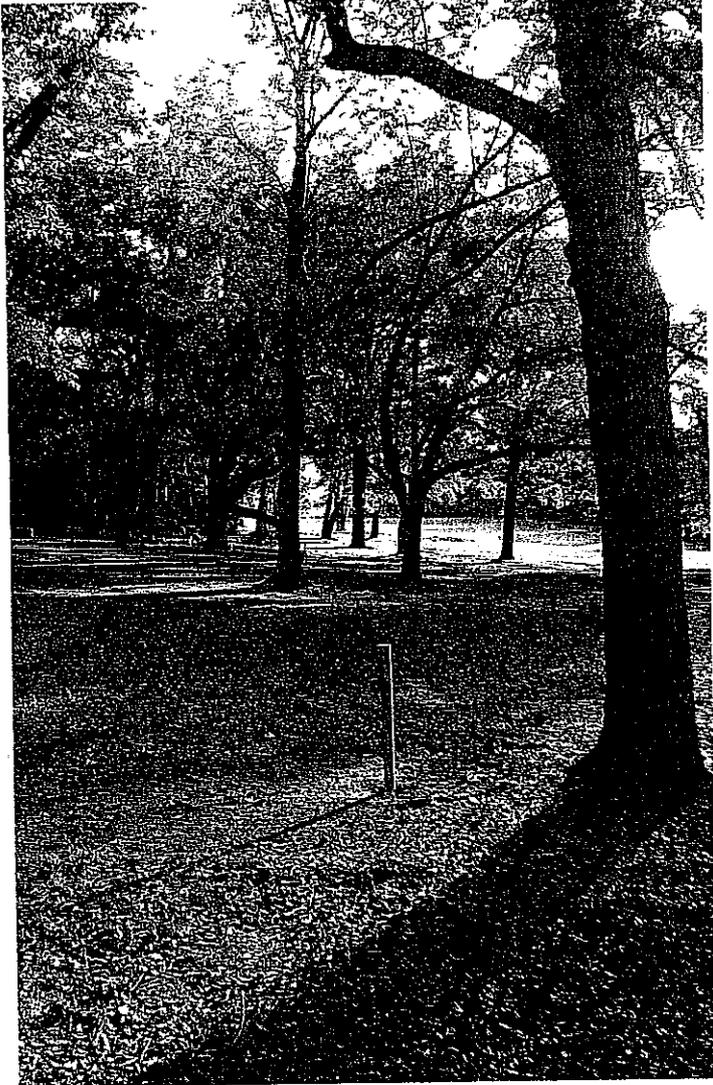
Variance Project 201600112  
7814 Pana Pl



View from parcel 203 approximately  
in middle of backyard. Edge of  
existing deck indicated by arrow.

13/22

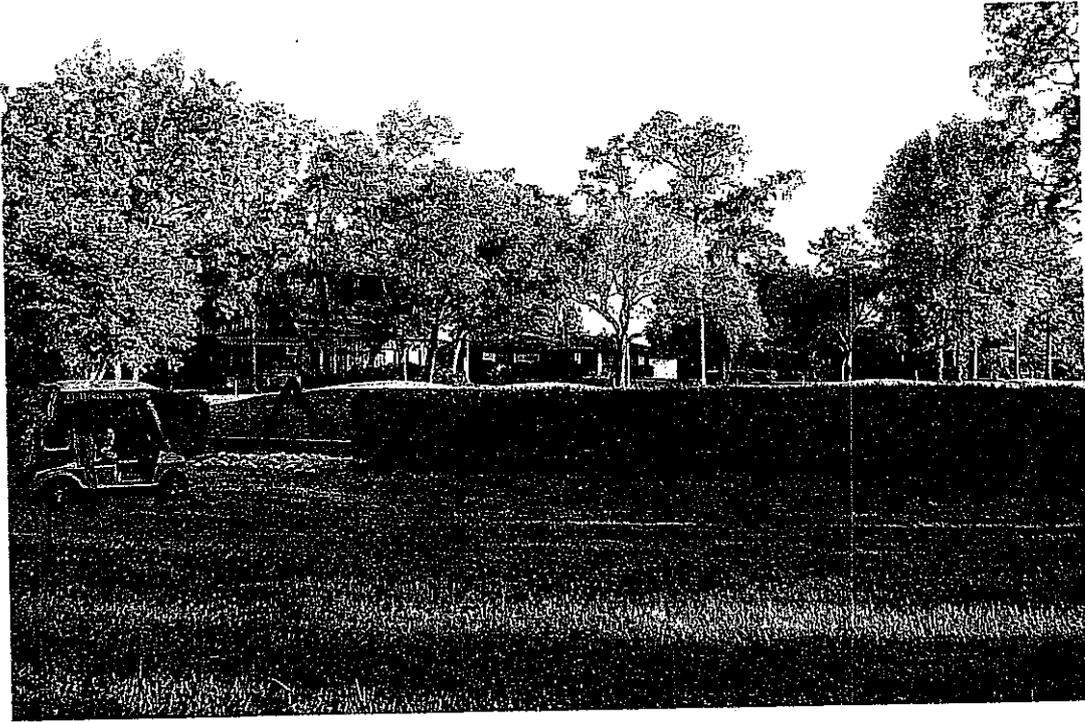
Variance Project 201600112  
7814 Luna Pl



View westward from out of bound  
on parcel 230. Edge of existing  
deck indicated by arrow.

H/22

Variance Project 201600112  
7814 Puna Pl

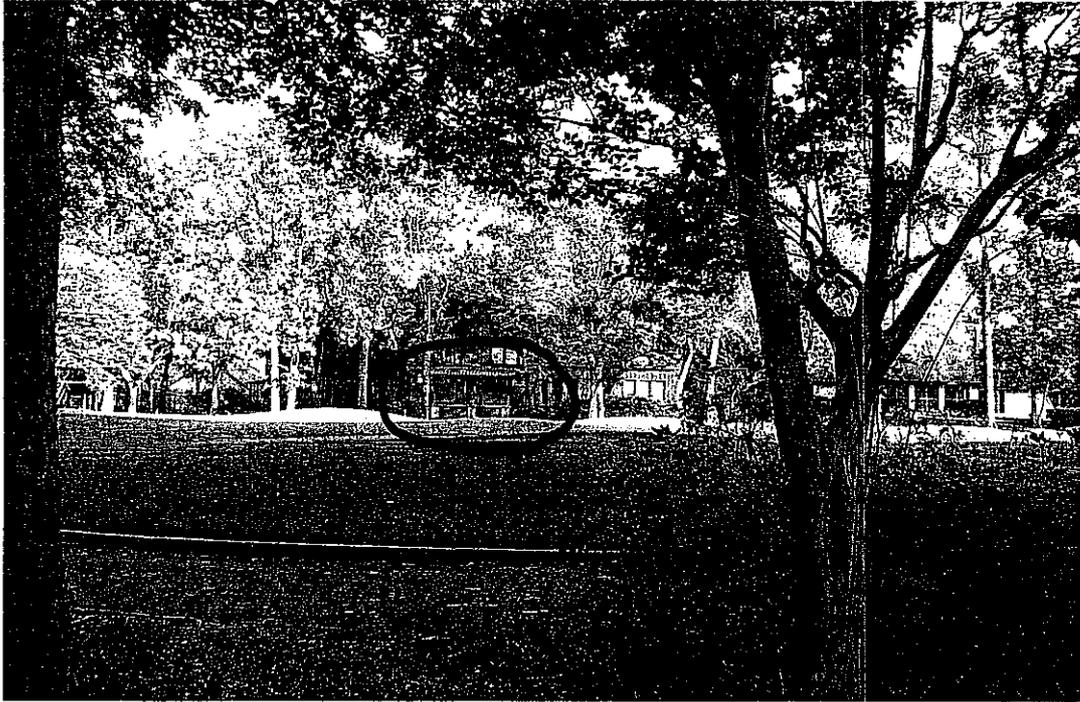


View looking S from parcel 237.

Edge of applicant's deck indicated  
by arrow. Distance from house on  
parcel 237 to edge of deck is 281'.

15/22

Yasima Project 201600112  
7814 Puna P1



View looking southward from  
parcel 238 on approximate property  
line. Existing <sup>deck</sup> shown within oval.

10/2:

Variance Project 201600112  
7814 SunaPl



View looking southeast from property  
line of parcel 239. Existing deck  
shown in oval.

12/22

Variance Project 201600112  
7814 Puna Pt



View looking ENE from property  
line of parcel 199 Existing deck  
hidden, but is below arrow.

18/22

Variance Project 201600112  
7814 Lana Pl



~~the~~ View from property line of  
parcel 200 looking NE. Applicant's  
house indicated by arrow. Deck  
hidden by shrubbery - edge circled.

19/22

Variance Project 201400112  
7814 Puna Pl



Pin on Pine #1 circled. View from  
middle of property line of parcel 201.  
Looking N. Applicant's property at  
edge of photo.

20/22

Variance Project 201600112  
7814 SunaA



View looking NE from parcel 201  
near edge of their house. Applicant's  
existing deck and retractable awning  
circled. View shows hole #2 Pine  
from arrow onward. X is same  
out of bounds post as shown by an X  
on next photo.

Variance Project 20160012  
7814 Puna Pl



View looking N from parcel 201. ~~the~~  
Applicant's house/deck not visible.  
Blue house is parcel 237.

9/2/22



## MINUTES

PLANNING AND ZONING COMMISSION  
Diamondhead, Mississippi  
Diamondhead City Hall Council Chambers  
May 24, 2016  
5:30 p.m. CST

1. Chairman Hensley called the meeting to order at 5:30 p.m. CST.
2. Commissioner Milton recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Garrison.
4. Clerk Tammy Garber called roll- Present: Commissioners Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers. Absent: None.

Also present: City Attorney Derek Cusick, Ron Jones Building Official, Joshua Hayes Deputy Building Official and Minutes Clerk Tammy Garber.

**5. Confirmation of the Agenda**

Commissioner Milton moved, seconded by Commissioner Garrison to approve the agenda as presented.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

**6. Approve Minutes –**

Commissioner Crosby moved, seconded by Commissioner Williams, to approve the Minutes of April 26, 2016 as presented.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

**7. New Business –**

• **CASE FILE NUMBER 2016-00077**

•

David Dreher has filed an application requesting 2 variances from the Zoning Ordinance (Article 4.18.3 D ii) to allow the construction of an outdoor kitchen/pool house totaling 1845 sf and to construct an outdoor kitchen/pool house having a total height of 18'3"; The property address is 8438 Kimo Court. The tax parcel number is 067M-1-35-175.000. The property is located west of Bayou Drive and west of

and adjacent to Kimo Court. The property is located in an R-2 zoning district. The maximum square feet of an accessory structure is 144 sf. The maximum height is 15'. The Case File Number is 201600077.

David Dreher presented the proposed variance request and answered questions from the commissioners.

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Williams moved, seconded by Commissioner Bice to approve the variance in the matter of Case File Number 2016-00077as requested.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers. Absent: None.

**MOTION CARRIED UNANIMOUSLY**

• **CASE FILE NUMBER 2016-00112**

Joyce Teerling has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a pergola type roof over an existing deck (10' x 28') within 10' of the rear property line.

The property address is 7814 Puna Place. The tax parcel number is 067Q-0-36-202.000. The property is located north of Lane Street and north of and adjacent to Puna Court. The property is located in an R-2 zoning district. The required rear yard setback is 20'. The Case File Number is 201600112.

Joyce Teerling presented the proposed variance request. Ms Teerling and John Rockhouse, contractor, answered questions from the commissioners..

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Milton moved, seconded by Commissioner Garrison to approve the variance in the matter of Case File Number 2016-00112 as requested.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers. Absent: None.

**MOTION CARRIED UNANIMOUSLY**

• **CASE FILE NUMBER 2016-00127**

Fairway Villas, LLC represented by David Malley has filed an application requesting a rear and front (side) yard setback variances from the Zoning Ordinance (Article 4.7.5 E I a and c) to allow the construction of a single family structure to encroach within 10.5' of rear property line (northwest) and to encroach up to 3' of the front (side) property line (northeast).

The property address is 229 Fairway Villas Circle. The tax parcel number is 067P-0-35-199.000. The property is located northwest of and adjacent to Fairway Villas Circle and east of Golf Club Drive. The property is located in an R-3 zoning district. The front and rear yard setbacks required are 20'. The Case File Number is 201600127.

John Fairchild, broker for Fairway Villas, LLC, representing David Malley, presented the proposed variance request, and answered questions from the commissioners.

Ronald Jones, Building Official, advised commissioners that Don and Nancy Swarton and the Very Rev. Philip G. Landry submitted letters in support of the proposed variance.

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Garrison moved, seconded by Commissioner Milton to approve the variance in the matter of Case File Number 2016-00127 as requested.

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

**Unfinished Business Open Public Comments to Non-Agenda items –**

Ron Jones discussed amending the Zoning regulations for Accessory Structure and Pervious Paving systems.

**Commissioners' Comments –**

Commissioner Milton inquired about the possibility of obtaining a form of identification for each commissioner to conduct site visits for the cases before the Planning Commission.

**8. Communication / Announcements**

Ron Jones announced that two cases would be presented at the next regular meeting.

**9. Adjourn - Commissioner Williams moved, seconded by Commissioner Bower, to adjourn at approximately 7:02 p.m. CST. .**

Ayes: Milton, Bice, Crosby, Hensley, Garrison, Williams and Bowers Absent: None.

**MOTION CARRIED UNANIMOUSLY**

---

Nita Hensley, Chairman  
Planning & Zoning  
City of Diamondhead, MS

**DRAFT**