

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*

DATE: June 30, 2016

SUBJECT: Recommendation of Planning & Zoning Commission-
Roger Worak; Case File Number 2016-00138

At its meeting on Tuesday, June 28, 2016, the Planning & Zoning Commission by a unanimous vote approved the variance as petitioned as presented by Roger Worak.

Roger and Roxanne Worak have filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to allow the construction of a wooden privacy fence 6' in height within 10' of the east property line along Kome Drive.

The property address is 640 Oliwa Place. The tax parcel number is 067N-0-35-054.000. The property is located north of and adjacent to Oliwa Place and west of and adjacent to Kome Drive. The property is located in an R-2 zoning district. The required front yard setback is 20'.

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

Attachments



City of Diamondhead

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STAFF REPORT TO CITY COUNCIL

DATE: June 30, 2016

CASE FILE NUMBER: 2016-00138

APPLICANT: Roger and Roxanne Worak

PROPERTY OWNER: Roger and Roxanne Worak

TAX PARCEL NUMBER: 067N-0-35-054.000

PHYSICAL STREET ADDRESS: 640 Oliwa 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: Roger and Roxanne Worak have filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to allow the construction of a wooden privacy fence 6' in height within 10' of the east property line along Kome Drive.

The property address is 640 Oliwa Place. The tax parcel number is 067N-0-35-054.000. The property is located north of and adjacent to Oliwa Place and west of and adjacent to Kome Drive. The property is located in an R-2 zoning district. The required front yard setback is 20'.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: June 28, 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

RECEIVED
MAY 18 2016
BY: RJ

Case Number: 2016 00138

Date 5-18-16

Applicant: Roger & Roxanne Worak

Applicant's Address: 45 W. Carmack Dr., Chalmette, LA 70043

Applicant's Email Address: roger.worak@yahoo.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) ⁵⁰⁴⁻577-4700

Property Owner: Roger & Roxanne Worak

Owner's Mailing Address: 45 W. Carmack Dr., Chalmette, LA 70043

Owner's Email Address roger.worak@yahoo.com

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) ⁵⁰⁴⁻577-4700

Tax Roll Parcel Number: 067N-2-35-054.000

Physical Street Address: 640 Oliwa Place, Diamondhead, MS 39525

Legal Description of Property: Lot 14, Block 2, Unit 10, Phase 2

Zoning District: _____

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) To put fence within 10' of street on side yard. This is a corner lot

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 6-28-16 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.

Royanne R Worak
Signature of Applicant

Royanne R Worak
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 Roger & Roxanne Worak

Street Address 640 Oliwa Place, Diamondhead, MS 39528

Statement Describing Variance Request

To put fence within 10' of street on side yard.
This is a corner lot.

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?

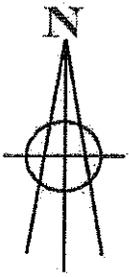
Response: No

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

Response: Yes

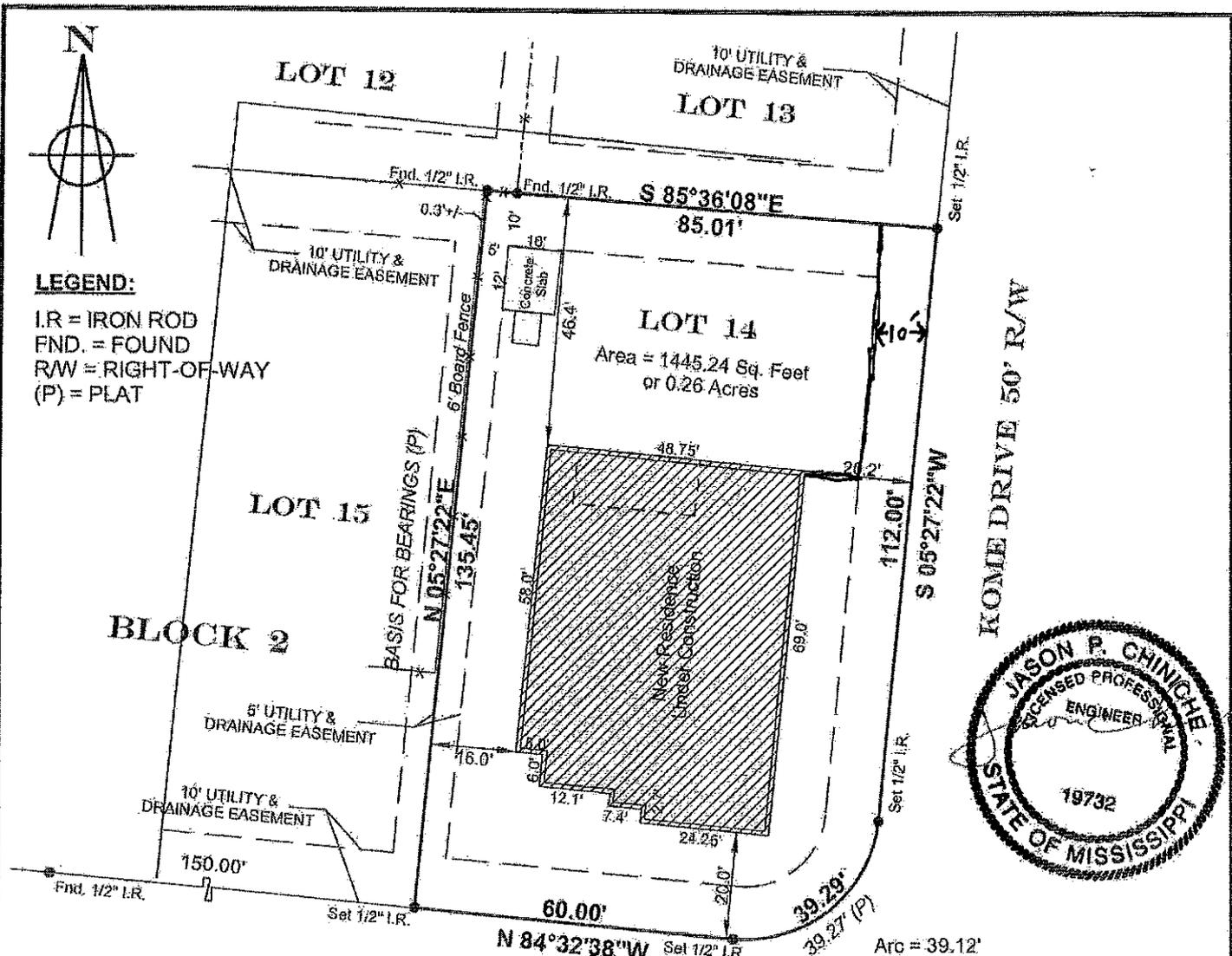
4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: Yes - Other properties in Diamondhead
have structures & fences built within 10' of the
road on corner lots

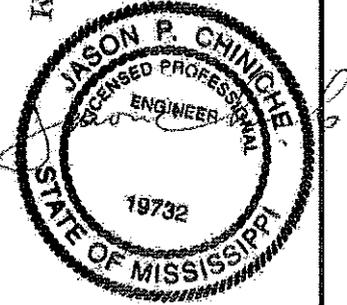


LEGEND:

I.R = IRON ROD
 FND. = FOUND
 RW = RIGHT-OF-WAY
 (P) = PLAT



KOME DRIVE 50' R/W



REFERENCES:

SUBDIVISION PLAT OF RECORD

RECORD DESCRIPTION:

LOT 14, BLOCK 2, UNIT 10, PHASE 2, DIAMONDHEAD, HANCOCK COUNTY, MISSISSIPPI.

SURVEY FOR:

Roger & Roxanne Worak & Whitney Bank dba

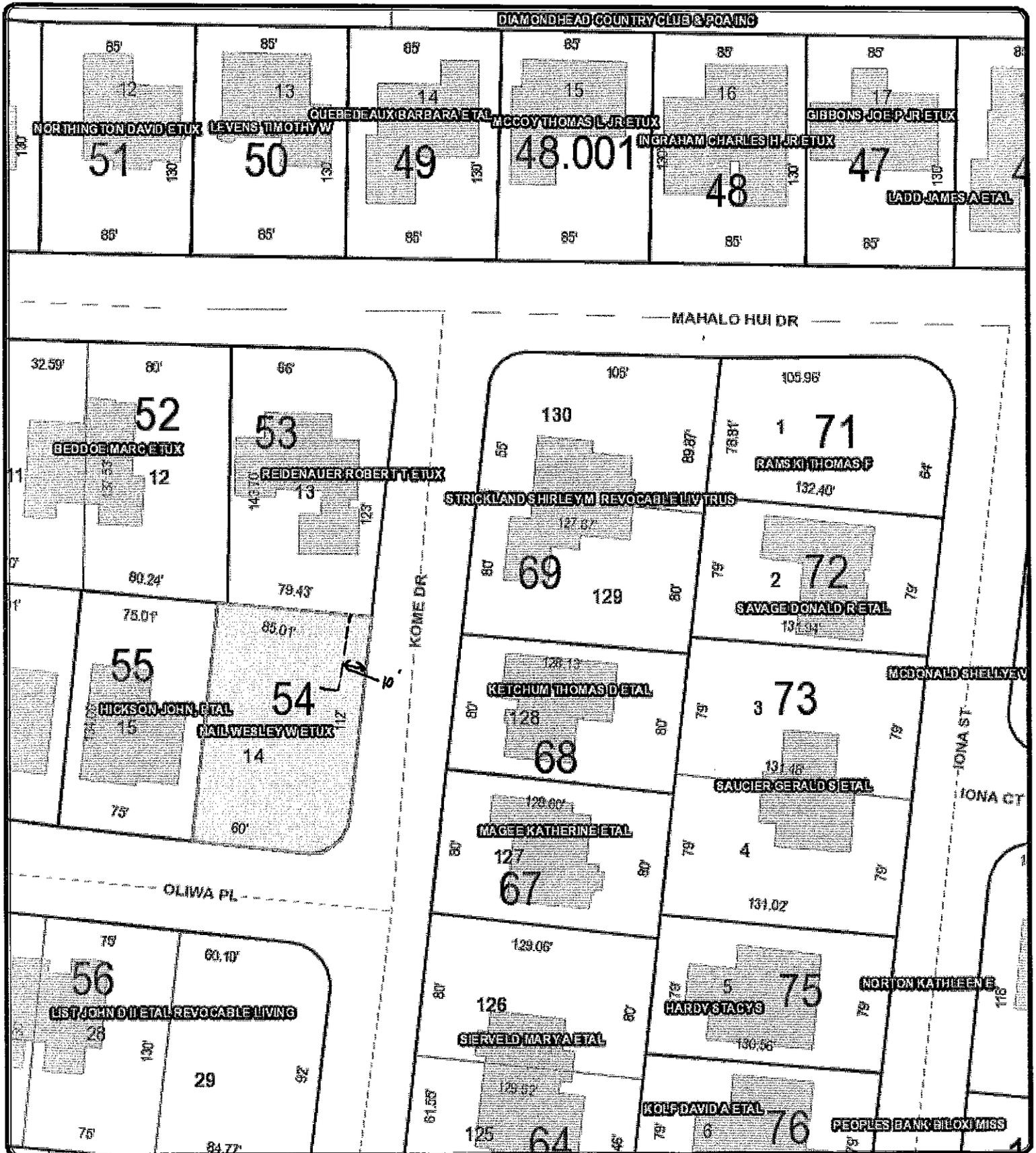
NOTES:

1. Lot location, orientation, & bearings indicated are based on recorded data and monumentation found available.
2. Survey considered a Class "B" survey.
3. The County Records were not researched by this surveyor for recorded Easements.
4. Only visible roads, lanes, driveways, drains, utilities, etc., over and across said premises are shown hereon.
5. Values in () per deed, subdivision plat, or as noted.
6. This survey was prepared without the benefit of a current title report.
- *7. Revised 02/20/16 for plot plan of proposed new residence only.
- **8. Revised 04/25/16 for new residence under construction only.

Arc = 39.12'
 Central Angle = 90°02'09"
 Chord = 35.37'
 Chord Bearing = S 60°25'40" W
 Radius = 25.00'

Rev. # 3 Date:	PLAT OF SURVEY OF LOT 14, BLOCK 2, UNIT 10, PHASE 2, DIAMONDHEAD, HANCOCK COUNTY, MISSISSIPPI	JAMES J. CHINICHE, PA, INC. Civil Engineer Land Surveyor	
Rev. #2 Date: 04/25/16**			
Rev. # 1 Date: 02/20/16*			
Date: 12/14/15			
Scale: 1" = 30'			
Drawn by: dmr	Job #2016-137/2015-239 Sht. 1 of 1 FOR: WORAK	Office: 412 Hwy. 90, Suite 11 Bay-St. Louis, MS 39520	(228) 493-0679 (228) 467-6755

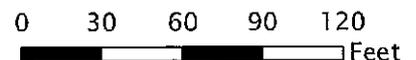
Geoportal Map

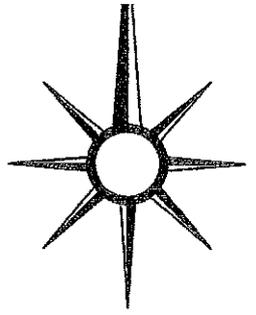


May 17, 2016

DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.

1 inch = 69 feet





LOT 12

10'-0" UTILITY & DRAINAGE EASEMENT

LOT 13

FND. 1/2" I.R.

FND. 1/2" I.R.

SET 1/2" I.R.

DRAINAGE EASEMENT

10'-0" x 12'-0" SHED

2'-11"

S85°36'08" E 85.01'

LANAI & COOL DECK

46'-10"

LOT 15

LOT 2

N05°27'22" E 135.45'

18'

34'

34'

8'

Fence

KOME DRIVE 50' R/W

DRAINAGE EASEMENT

16'

S05°27'22" W 112.00'

DRAINAGE EASEMENT

SET 1/2" I.R.

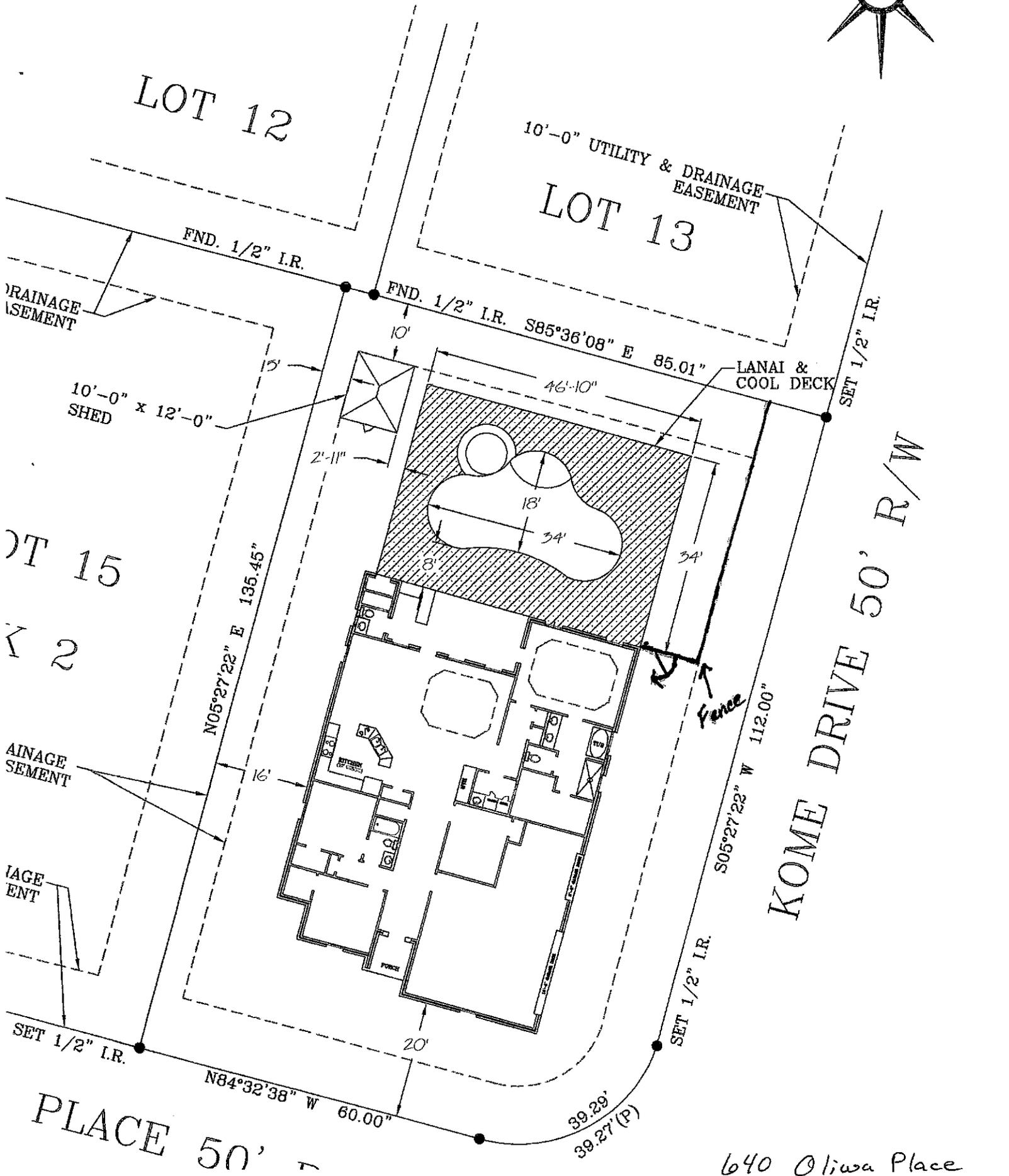
SET 1/2" I.R.

N84°32'38" W 60.00'

39.29'
39.27'(P)

PLACE 50'

640 Oliwa Place





MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
June 28, 2016
5:30 p.m. CST

1. Chairman Hensley called the meeting to order at 5:32 p.m. CST.
2. Commissioner Crosby recited the Statement of Purpose.
3. Commissioner Milton led pledge of Allegiance.
4. Clerk Tammy Garber called roll- Present: Commissioners Milton, Crosby, Hensley, Garrison, Williams, and Bowers. Absent: Bice

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

5. **Confirmation of the Agenda**

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

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

6. **Approve Minutes.**

Commissioner Garrison moved, seconded by Commissioner Crosby, to approve the Minutes of May 24, 2016 as presented.

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

7. **New Business –**

8. **CASE FILE NUMBER 2016-00138**

Roger and Roxanne Worak have filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to allow the construction of a wooden privacy fence 6' in height within 10' of the east property line along Kome Drive.

The property address is 640 Oliwa Place. The tax parcel number is 067N-0-35-054.000. The property is located north of and adjacent to Oliwa Place and west of and adjacent to Kome Drive. The property is located in an R-2 zoning district. The required front yard setback is 20'.

David Malley, Contractor, presented the proposed variance request and answered questions from the commissioners. Ronald Jones read aloud a letter opposing this variance request from Mary Alice Sierveld.

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

Commissioner Bower moved, seconded by Commissioner Milton to approve the variance in the matter of Case File Number 2016-00138 as requested.

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

• **CASE FILE NUMBER 2016-00141**

Dirk Bachmann has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to allow the construction of a wooden privacy fence 6' in height within 7'1" of the south property line along Kini Street.

The property address is 970 Kini Court. The tax parcel number is 067F-2-26-139.000. The property is located north of and adjacent to Kini Street and east of and adjacent to Kini Court. The property is located in an R-2 zoning district. The required front yard setback is 20'.

Dirk Bachmann 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 Crosby moved, seconded by Commissioner Williams to approve the variance in the matter of Case File Number 2016-000141 as requested.

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

Unfinished Business Open Public Comments to Non-Agenda items –

Continued discussion and comments from Commissioners regarding amending the accessory structure regulations in the Zoning Ordinance.

Commissioner Bower moved, seconded by Commissioner Milton to approve accessory structure not to exceed 30% of the primary structure, pending a public hearing.

Ayes: Hensley, Garrison, Williams, and Bowers Abstain: Milton and Crosby Absent: Bice.

MOTION CARRIED

Continued discussion and comments from Commissioners regarding amending the parking regulations to allow for pervious paving systems in the Zoning Ordinance.

Commissioner Williams moved, seconded by Commissioner Milton to approve pervious paving systems as presented, pending a public hearing.

Ayes: Milton, Hensley, Williams, and Crosby Nays: Bower and Garrison Absent: Bice.

MOTION CARRIED

Commissioners' Comments –

None

8. Communication / Announcements

Ron Jones announced that ana case would be presented along with a public hearing at the next regular meeting.

9. Adjourn: Commissioner Milton moved, seconded by Commissioner Williams, to adjourn at approximately 6:52 p.m. CST.

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

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



Agenda Item 2016-123
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 *Ronald*
FROM: Ronald R. Jones, Building Official
DATE: June 30, 2016
SUBJECT: Recommendation of Planning & Zoning Commission-
Dirk Bachmann; Case File Number 2016-00141

At its meeting on Tuesday, June 28, 2016, the Planning & Zoning Commission by a unanimous vote approved the variance as petitioned as presented by Dirk Bachmann.

Dirk Bachmann has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to allow the construction of a wooden privacy fence 6' in height within 7'1" of the south property line along Kini Street.

The property address is 970 Kini Court. The tax parcel number is 067F-2-26-139.000. The property is located north of and adjacent to Kini Street and east of and adjacent to Kini Court. The property is located in an R-2 zoning district. The required front yard setback is 20'.

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

Attachments



City of Diamondhead

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STAFF REPORT TO CITY COUNCIL

DATE: June 30, 2016

CASE FILE NUMBER: 2016-00141

APPLICANT: Dirt Bachmann

PROPERTY OWNER: Dirt Bachmann

TAX PARCEL NUMBER: 067F-2-26-139.000

PHYSICAL STREET ADDRESS: 970 Kini

LEGAL DESCRIPTION: DH Phase 2, Unit 4A, Block 7, Lots 13

ZONING DISTRICT: R-2 Medium Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Dirk Bachmann has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to allow the construction of a wooden privacy fence 6' in height within 7'1" of the south property line along Kini Street.

The property address is 970 Kini Court. The tax parcel number is 067F-2-26-139.000. The property is located north of and adjacent to Kini Street and east of and adjacent to Kini Court. The property is located in an R-2 zoning district. The required front yard setback is 20'.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: June 28, 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: 201600141

Date _____

Applicant: Dirk Bachmann

Applicant's Address: 970 Kini Ct. Diamondhead, MS.

Applicant's Email Address: EMT3877@hotmail.com

Applicant's Contact Number: (Home) — (Work) — (Cell) (228)304-1787

Property Owner: Nicole Bachmann

Owner's Mailing Address: 970 Kini Ct. Diamondhead, MS.

Owner's Email Address FN23nicole@hotmail.com

Owner's Contact Number: (Home) — (Work) — (Cell) (228)424-6276

Tax Roll Parcel Number: 067F-2-26-139.000

Physical Street Address: 970 Kini Ct. Diamondhead, MS. 39525

Legal Description of Property: Lot 13, Block 7, unit 4A; phase 2.

Zoning District: _____

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) Back yard privacy fence located
10 feet from city property.
fence located 14' From property line
to 7'1" From property line of 22' encroachment

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 June 28 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]
Signature of Applicant

[Signature]
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 Dick & Nicole Bachmann

Street Address 970 Kini ct. Diamondhead, ms.

Statement Describing Variance Request

Privacy fence located on backside of residence.
10 ft from city 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: 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?

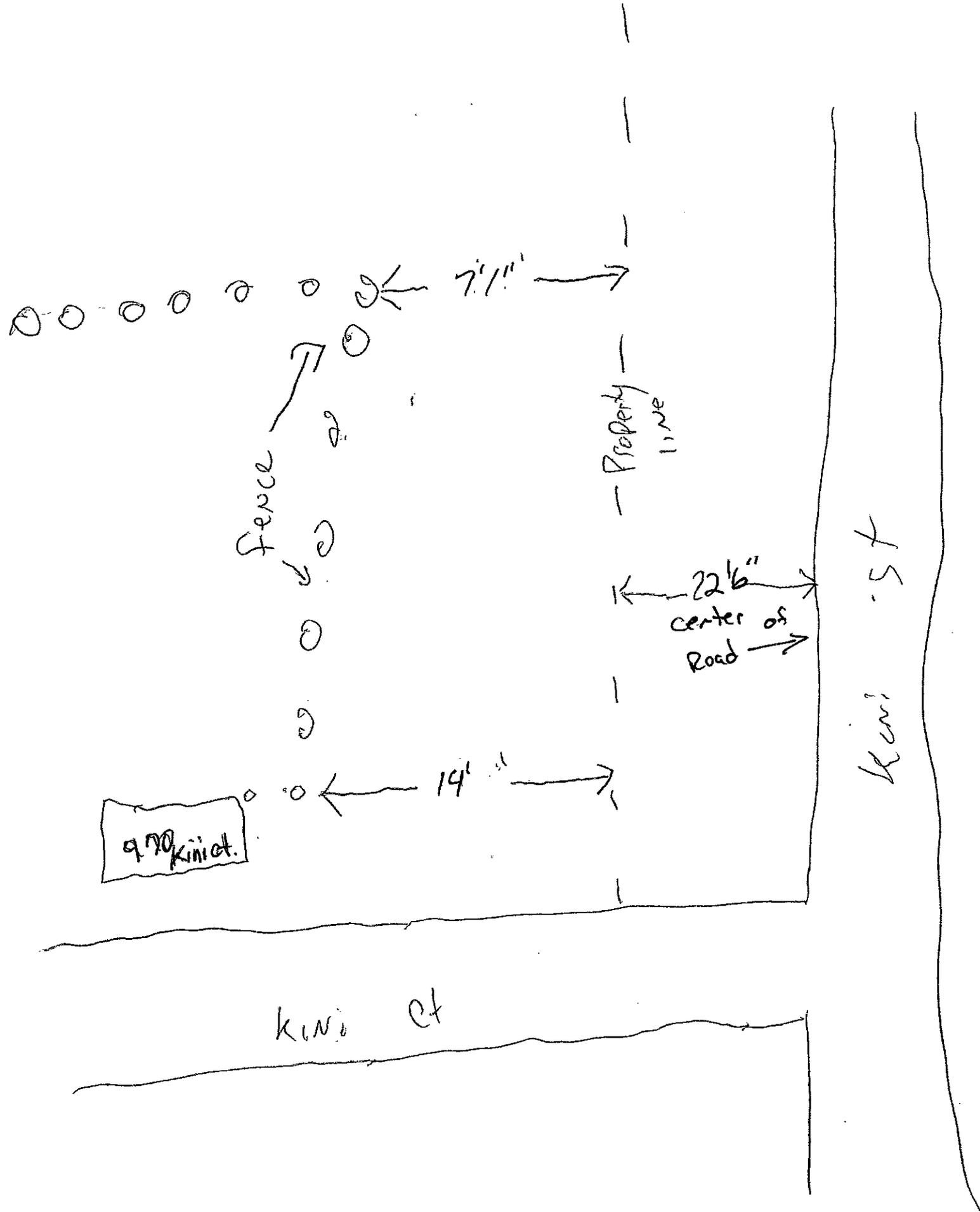
Response: NO

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: Correct; no special privileges or
Rights





MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
June 28, 2016
5:30 p.m. CST

1. Chairman Hensley called the meeting to order at 5:32 p.m. CST.
2. Commissioner Crosby recited the Statement of Purpose.
3. Commissioner Milton led pledge of Allegiance.
4. Clerk Tammy Garber called roll- Present: Commissioners Milton, Crosby, Hensley, Garrison, Williams, and Bowers. Absent: Bice

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

5. **Confirmation of the Agenda**

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

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

6. **Approve Minutes**

Commissioner Garrison moved, seconded by Commissioner Crosby, to approve the Minutes of May 24, 2016 as presented.

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

7. **New Business –**

8. **CASE FILE NUMBER 2016-00138**

Roger and Roxanne Worak have filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to allow the construction of a wooden privacy fence 6' in height within 10' of the east property line along Kome Drive.

The property address is 640 Oliwa Place. The tax parcel number is 067N-0-35-054.000. The property is located north of and adjacent to Oliwa Place and west of and adjacent to Kome Drive. The property is located in an R-2 zoning district. The required front yard setback is 20'.

David Malley, Contractor, presented the proposed variance request and answered questions from the commissioners. Ronald Jones read aloud a letter opposing this variance request from Mary Alice Sierveld.

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

Commissioner Bower moved, seconded by Commissioner Milton to approve the variance in the matter of Case File Number 2016-00138 as requested.

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

• **CASE FILE NUMBER 2016-00141**

Dirk Bachmann has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to allow the construction of a wooden privacy fence 6' in height within 7'1" of the south property line along Kini Street.

The property address is 970 Kini Court. The tax parcel number is 067F-2-26-139.000. The property is located north of and adjacent to Kini Street and east of and adjacent to Kini Court. The property is located in an R-2 zoning district. The required front yard setback is 20'.

Dirk Bachmann 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 Crosby moved, seconded by Commissioner Williams to approve the variance in the matter of Case File Number 2016-000141 as requested.

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

Unfinished Business Open Public Comments to Non-Agenda items –

Continued discussion and comments from Commissioners regarding amending the accessory structure regulations in the Zoning Ordinance.

Commissioner Bower moved, seconded by Commissioner Milton to approve accessory structure not to exceed 30% of the primary structure, pending a public hearing.

Ayes: Hensley, Garrison, Williams, and Bowers Abstain: Milton and Crosby Absent: Bice.

MOTION CARRIED

Continued discussion and comments from Commissioners regarding amending the parking regulations to allow for pervious paving systems in the Zoning Ordinance.

Commissioner Williams moved, seconded by Commissioner Milton to approve pervious paving systems as presented, pending a public hearing.

Ayes: Milton, Hensley, Williams, and Crosby Nays: Bower and Garrison Absent: Bice.

MOTION CARRIED

Commissioners' Comments –

None

8. Communication / Announcements

Ron Jones announced that one case would be presented along with a public hearing at the next regular meeting.

9. Adjourn. Commissioner Milton moved, seconded by Commissioner Williams, to adjourn at approximately 6:52 p.m. CST.

Ayes: Milton, Crosby, Hensley, Garrison, Williams, and Bowers Absent: Bice.

MOTION CARRIED UNANIMOUSLY

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