

**RECOMMENDATION FROM THE
PLANNING AND ZONING COMMISSION
CITY OF DIAMONDHEAD, MS
FOR A VARIANCE TO THE ZONING ORDINANCE FOR FAIRWAY VILLAS,
CASE NO. 2013-07**

WHEREAS, the Diamondhead Planning and Zoning Commission held a public hearing on July 31, 2013; and

WHEREAS, an application was filed by **Fairway Villas** for a variance request for a rear yard setback for lots fronting Golf Club Drive, a side yard setback for zero lot line lots, a front yard setback for golf cart garages and a variance for enclosed garages and golf cart garages located in front yard. This property is located on Golf Club Drive and Fairway Villas Circle and lies in a R-3 District. This property bears the following parcel number 067P-0-35-186.000; and

WHEREAS, Mr. David Malley represented Fairway Villas for variances to the rear yard setback, side yard setback, front yard setback and for enclosed garages and golf cart garages to be located in the front yard.

Rear Yard Variance: Mr. Malley stated the request for the rear yard variance from twenty feet to 10 feet is needed due to the angle and slope of the lots, one of the footers for those buildings are already in place, and to meet the parking requirement in front of the buildings, the buildings needed to be push back.

Front Yard Variance: Mr. Malley stated that he requested only one front yard variance from 20 feet to 12 feet to the four-unit golf cart garage building due to the lay of the land.

Side Yard Variance: Mr. Malley stated that the request for the side yard variance from 10 feet to 5 feet is needed due to maintaining a functional and sizeable unit and to be consistent with the R-3 requirement for single family residential.

Detached Building to the Rear of Property: Mr. Malley stated that with the lay of the land, it only functions for golf carts garages and car garages to be in the front yard.

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

WHEREAS, there was one citizen who spoke in favor of the application and no one in opposition of the application, and

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

WHEREAS, the Commission members moved to **accept** the Variance Request as submitted for Fairway Villas.

NOW THEREFORE BE IT RESOLVED by the Diamondhead Planning and Zoning Commission, upon motion by Commissioner Parker and seconded by Commissioner Hensley, the Diamondhead Planning and Zoning Commission voted to recommend **approval** of Case No. 2013-07 to the City Council.

A vote was called for with the following results:

Voting Yea: Denise Catone
Nita Hensley
Jane Lee
Norman Parker
Roger Smith

Voting Nay: None

Absent: None

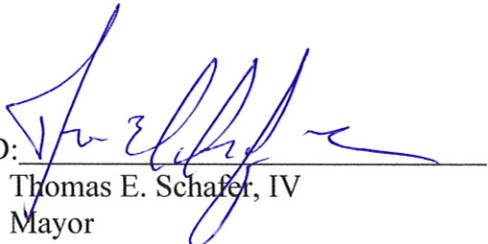
Dated the 31st day of July, 2013.

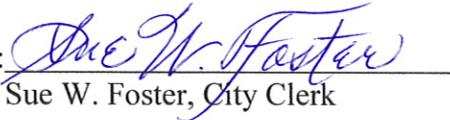


Jane Lee, Chairman
Diamondhead Planning and Zoning Commission

After the foregoing Planning and Zoning Recommendation was reduced to writing, Councilmember Knobloch moved, seconded by Councilmember Lopez, to accept the Planning and Zoning Commission recommendation to approve the application for Variance Request from Fairway Villas, Case #2013-07.

	Aye	Nay	Absent
Councilmember Lopez	<u>✓</u>	_____	_____
Councilmember LaFontaine	<u>✓</u>	_____	_____
Councilmember Sislow	<u>✓</u>	_____	_____
Councilmember Rech	<u>✓</u>	_____	_____
Councilmember Knobloch	<u>✓</u>	_____	_____
Mayor Schafer	<u>✓</u>	_____	_____

APPROVED: 
Thomas E. Schafer, IV
Mayor

ATTEST: 
Sue W. Foster, City Clerk

SEAL

THIS IS TO CERTIFY THAT THE FOREGOING RESOLUTION WAS ADOPTED BY THE CITY OF DIAMONDHEAD, MISSISSIPPI, ON THE 19th DAY OF August, 2013.


CITY CLERK

City of Diamondhead
5300 Diamondhead Circle
Diamondhead, MS 39525



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

APPLICATION FOR VARIANCE REQUEST

CASE NO. 2013-07

DATE 5/29/2013

APPLICANT: David Malley, dba Fairway Villas

APPLICANT'S ADDRESS: 1079 Tina Laker Vic Faye Rd, Pass Christian, Ms 39571

APPLICANT'S TELEPHONE: (HOME) 228 669-4444 (WORK) 228 255-0403

PROPERTY OWNER: David Malley

MAILING ADDRESS: 1079 Tina Laker Vic Faye Rd, Pass Christian, Ms 39571

TELEPHONE NUMBER: (HOME) 228 669-4444 (WORK) 228 255-0403

TAX ROLL PARCEL NUMBER: 067A-0-35-186.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: 5.59 Acres located in the NE 1/4 of SE 1/4 the SE 1/4 of SE 1/4 of SW 1/4 of SE 1/4 sec 35-7-14. See attached deed

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING COVERAGE) (SIGNAGE - SIZE - HEIGHT) [Rearyard setback (20' to 10ft)]
Sideyard (10ft to 5ft) Density will be less than what County had approved but still needs a variance
ZONING DISTRICT R3 High Density Single Family

Attachment A.

Variance Request

Density Variance – Requesting a density variance from 7 dwelling units per acre to 8.4 dwelling units per acre. (Note: Fairway Villas is currently platted and approved for 61 dwelling units which is a density of 10.9 dwelling units per acre. The request lowers the density to 8.4 dwelling units per acre and the total number of dwelling units to 47.)

Rear yard setback Variance – Requesting a rear yard setback variance on Lot 1, Lot 13R, Lot 16R, Lot 18R, Lot 19R, Lot 25R Lot 26R, and Lot 30R. (Note: Lots 1 and 13R are condominiums, the variance request is necessary to accommodate adequate parking ratios in front of the condominiums. These are existing platted sites and the foundation footers for the buildings are in place as part of the infrastructure build-out. Lots 16R, 18R, 19R, 25R, 26R, and 30R have a narrow depth on at least one side. The variance request is to help facilitate the building of a more functional home.)

Side yard setback Variance on 0-lot line Patio Homes –Requesting a side yard setback on 0-Lot line Lots 26R, 27R, 28R, and 29R. (Note: these lots narrow on the rear of the lots and the variance request are to help facilitate the building of a more functional home.)

Front yard setback Variance – Requesting a variance from 20' to 12' for the detached golf cart garage labeled F-1, F2, G1, G2. (Note: the current platted and approved front yard setback for this garage is 6')

Front Yard accessory building and detached garage Variance - Requesting a variance for detached garages and golf cart garages to be located in front of and beside condominiums. (Note: this is part of the existing platted site and foundation footers are in place for these buildings.)

FYI The city of Diamondhead is being asked to adopt Fairway Villas Circle as a city street. (Note: this is subject to completion of the street, to city standards and meeting the required warranty period.)

REPLAT OF FAIRWAY VILLAS

SITUATED IN SECTION 35-7-14 DIAMONDHEAD, MS
A RESUBDIVISION OF LOTS 13 THROUGH 19 OF THE
FINAL PLAT OF FAIRWAY VILLAS



VICINITY MAP
1" = 1000'

CERTIFICATE OF COMPARISON
We, the undersigned, do hereby declare that we have compared the subdivision map of the City of Diamondhead, Mississippi, with the original plat of the subdivision map of the City of Diamondhead, Mississippi, and that the same are in conformity with the provisions of the laws of the State of Mississippi.
WITNESSE our signatures and seal this _____ day of _____, 2013.
TIM ALEXANDER, County Clerk
DIAMONDHEAD COUNTY, MISSISSIPPI

By: _____
City of Diamondhead, Mississippi

CHANCERY CLERK CERTIFICATE
I, _____, Chancery Clerk of the County of _____, Mississippi, do hereby certify that the above and foregoing plat of the City of Diamondhead, Mississippi, is a true and correct copy of the original plat of the City of Diamondhead, Mississippi, as the same appears on file in the office of the Chancery Clerk of the County of _____, Mississippi.
WITNESSE my signature and seal this _____ day of _____, 2013.
TIM ALEXANDER, Chancery Clerk
DIAMONDHEAD COUNTY, MISSISSIPPI

CERTIFICATE OF FINAL PLAT APPROVAL
As representatives of the City of Diamondhead, Mississippi, we do hereby certify that the above and foregoing plat of the City of Diamondhead, Mississippi, is a true and correct copy of the original plat of the City of Diamondhead, Mississippi, as the same appears on file in the office of the Chancery Clerk of the County of _____, Mississippi.
WITNESSE our signatures and seal this _____ day of _____, 2013.
CITY OF DIAMONDHEAD, MISSISSIPPI

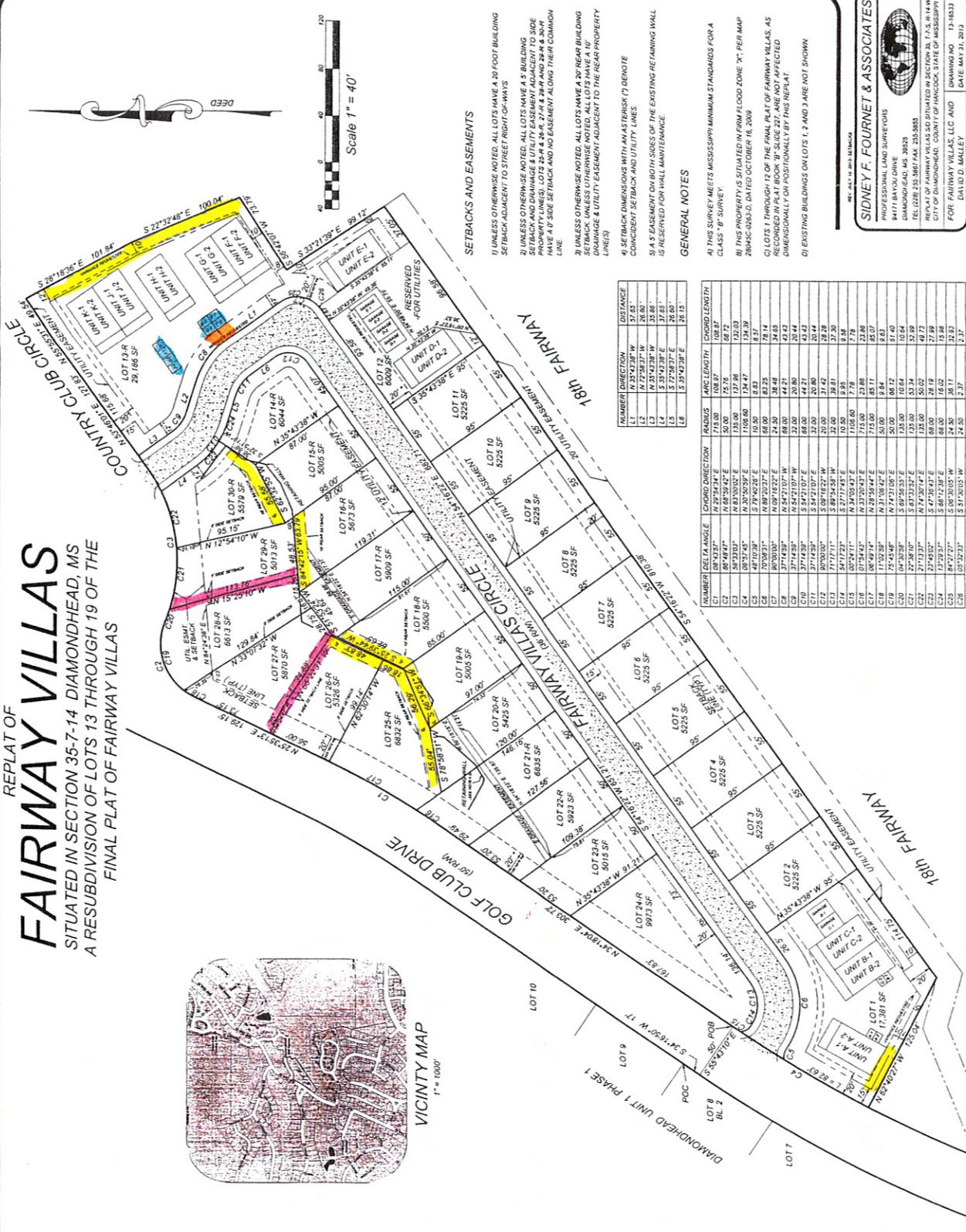
By: _____
City of Diamondhead, Mississippi

CERTIFICATE OF APPROVAL AND ACCEPTANCE
I, _____, Mayor of the City of Diamondhead, Mississippi, do hereby certify that the above and foregoing plat of the City of Diamondhead, Mississippi, is a true and correct copy of the original plat of the City of Diamondhead, Mississippi, as the same appears on file in the office of the Chancery Clerk of the County of _____, Mississippi.
WITNESSE my signature and seal this _____ day of _____, 2013.
CITY OF DIAMONDHEAD, MISSISSIPPI

DEDICATION
I, _____, of the County of _____, Mississippi, do hereby dedicate to the City of Diamondhead, Mississippi, the above and foregoing plat of the City of Diamondhead, Mississippi, as the same appears on file in the office of the Chancery Clerk of the County of _____, Mississippi.
WITNESSE my signature and seal this _____ day of _____, 2013.
CITY OF DIAMONDHEAD, MISSISSIPPI

SURVEYOR'S DECLARATION
I, _____, Surveyor of the County of _____, Mississippi, do hereby certify that the above and foregoing plat of the City of Diamondhead, Mississippi, is a true and correct copy of the original plat of the City of Diamondhead, Mississippi, as the same appears on file in the office of the Chancery Clerk of the County of _____, Mississippi.
WITNESSE my signature and seal this _____ day of _____, 2013.
CITY OF DIAMONDHEAD, MISSISSIPPI

LEGAL DESCRIPTION
This plat is a replat of the City of Diamondhead, Mississippi, as the same appears on file in the office of the Chancery Clerk of the County of _____, Mississippi. The replat is situated in Section 35-7-14, Diamondhead, Mississippi, and is a resubdivision of Lots 13 through 19 of the final plat of Fairway Villas. The replat is situated in the City of Diamondhead, Mississippi, and is a resubdivision of the City of Diamondhead, Mississippi, as the same appears on file in the office of the Chancery Clerk of the County of _____, Mississippi.



SETBACKS AND EASEMENTS

- UNLESS OTHERWISE NOTED, ALL LOTS HAVE A 20 FOOT BUILDING SETBACK ADJACENT TO STREET RIGHT-OF-WAYS.
- UNLESS OTHERWISE NOTED, ALL LOTS HAVE A 5 BUILDING SETBACK AND DRAINAGE & UTILITY EASEMENT ADJACENT TO SIDE SETBACKS.
- UNLESS OTHERWISE NOTED, ALL LOTS HAVE A 10' SIDE SETBACK AND NO EASEMENT ALONG THEIR COMMON LINE.
- UNLESS OTHERWISE NOTED, ALL LOTS HAVE A 30' REAR BUILDING SETBACK. UNLESS OTHERWISE NOTED, ALL LOTS HAVE A 10' DRAINAGE & UTILITY EASEMENT ADJACENT TO THE REAR PROPERTY LINE(S).
- SETBACK DIMENSIONS WITH AN UTILITY LINE(S) COINCIDENT SETBACK AND UTILITY LINES.
- A 5' EASEMENT ON BOTH SIDES OF THE EXISTING REMAINING WALL IS RESERVED FOR WALL MAINTENANCE.

GENERAL NOTES

- THIS SURVEY MEETS MISSISSIPPI MINIMUM STANDARDS FOR A CLASS "B" SURVEY.
- THIS PROPERTY IS SITUAED IN FLOOD ZONE "X". PER MAP 2004-026-G, DATED OCTOBER 16, 2004.
- LOTS 1 THROUGH 12 OF THE FINAL PLAT OF FAIRWAY VILLAS, AS RECORDED IN PLAT BOOK "B" SLIDE 227, ARE NOT AFFECTED DIMENSIONALLY OR POSITIONALLY BY THIS REPLAT.
- EXISTING BUILDINGS ON LOTS 1, 2 AND 3 ARE NOT SHOWN.

NUMBER	DIRECTION	DISTANCE	ARC LENGTH	CHORD LENGTH
L1	N 29°42'30" W	57.65'	712.00'	108.97'
L2	N 72°50'37" W	26.60'	102.86'	132.03'
L3	N 29°42'30" E	37.65'	110.80'	134.39'
L4	S 33°42'30" E	26.60'	102.86'	132.03'
L5	S 72°50'37" E	26.60'	102.86'	132.03'
L6	S 29°42'30" E	26.60'	102.86'	132.03'
L7	N 29°42'30" E	57.65'	712.00'	108.97'
L8	N 29°42'30" E	57.65'	712.00'	108.97'
L9	N 29°42'30" E	57.65'	712.00'	108.97'
L10	N 29°42'30" E	57.65'	712.00'	108.97'
L11	N 29°42'30" E	57.65'	712.00'	108.97'
L12	N 29°42'30" E	57.65'	712.00'	108.97'
L13	N 29°42'30" E	57.65'	712.00'	108.97'
L14	N 29°42'30" E	57.65'	712.00'	108.97'
L15	N 29°42'30" E	57.65'	712.00'	108.97'
L16	N 29°42'30" E	57.65'	712.00'	108.97'
L17	N 29°42'30" E	57.65'	712.00'	108.97'
L18	N 29°42'30" E	57.65'	712.00'	108.97'
L19	N 29°42'30" E	57.65'	712.00'	108.97'
L20	N 29°42'30" E	57.65'	712.00'	108.97'
L21	N 29°42'30" E	57.65'	712.00'	108.97'
L22	N 29°42'30" E	57.65'	712.00'	108.97'
L23	N 29°42'30" E	57.65'	712.00'	108.97'
L24	N 29°42'30" E	57.65'	712.00'	108.97'
L25	N 29°42'30" E	57.65'	712.00'	108.97'
L26	N 29°42'30" E	57.65'	712.00'	108.97'
L27	N 29°42'30" E	57.65'	712.00'	108.97'
L28	N 29°42'30" E	57.65'	712.00'	108.97'
L29	N 29°42'30" E	57.65'	712.00'	108.97'
L30	N 29°42'30" E	57.65'	712.00'	108.97'
L31	N 29°42'30" E	57.65'	712.00'	108.97'
L32	N 29°42'30" E	57.65'	712.00'	108.97'
L33	N 29°42'30" E	57.65'	712.00'	108.97'
L34	N 29°42'30" E	57.65'	712.00'	108.97'
L35	N 29°42'30" E	57.65'	712.00'	108.97'
L36	N 29°42'30" E	57.65'	712.00'	108.97'
L37	N 29°42'30" E	57.65'	712.00'	108.97'
L38	N 29°42'30" E	57.65'	712.00'	108.97'
L39	N 29°42'30" E	57.65'	712.00'	108.97'
L40	N 29°42'30" E	57.65'	712.00'	108.97'
L41	N 29°42'30" E	57.65'	712.00'	108.97'
L42	N 29°42'30" E	57.65'	712.00'	108.97'
L43	N 29°42'30" E	57.65'	712.00'	108.97'
L44	N 29°42'30" E	57.65'	712.00'	108.97'
L45	N 29°42'30" E	57.65'	712.00'	108.97'
L46	N 29°42'30" E	57.65'	712.00'	108.97'
L47	N 29°42'30" E	57.65'	712.00'	108.97'
L48	N 29°42'30" E	57.65'	712.00'	108.97'
L49	N 29°42'30" E	57.65'	712.00'	108.97'
L50	N 29°42'30" E	57.65'	712.00'	108.97'
L51	N 29°42'30" E	57.65'	712.00'	108.97'
L52	N 29°42'30" E	57.65'	712.00'	108.97'
L53	N 29°42'30" E	57.65'	712.00'	108.97'
L54	N 29°42'30" E	57.65'	712.00'	108.97'
L55	N 29°42'30" E	57.65'	712.00'	108.97'
L56	N 29°42'30" E	57.65'	712.00'	108.97'
L57	N 29°42'30" E	57.65'	712.00'	108.97'
L58	N 29°42'30" E	57.65'	712.00'	108.97'
L59	N 29°42'30" E	57.65'	712.00'	108.97'
L60	N 29°42'30" E	57.65'	712.00'	108.97'
L61	N 29°42'30" E	57.65'	712.00'	108.97'
L62	N 29°42'30" E	57.65'	712.00'	108.97'
L63	N 29°42'30" E	57.65'	712.00'	108.97'
L64	N 29°42'30" E	57.65'	712.00'	108.97'
L65	N 29°42'30" E	57.65'	712.00'	108.97'
L66	N 29°42'30" E	57.65'	712.00'	108.97'
L67	N 29°42'30" E	57.65'	712.00'	108.97'
L68	N 29°42'30" E	57.65'	712.00'	108.97'
L69	N 29°42'30" E	57.65'	712.00'	108.97'
L70	N 29°42'30" E	57.65'	712.00'	108.97'
L71	N 29°42'30" E	57.65'	712.00'	108.97'
L72	N 29°42'30" E	57.65'	712.00'	108.97'
L73	N 29°42'30" E	57.65'	712.00'	108.97'
L74	N 29°42'30" E	57.65'	712.00'	108.97'
L75	N 29°42'30" E	57.65'	712.00'	108.97'
L76	N 29°42'30" E	57.65'	712.00'	108.97'
L77	N 29°42'30" E	57.65'	712.00'	108.97'
L78	N 29°42'30" E	57.65'	712.00'	108.97'
L79	N 29°42'30" E	57.65'	712.00'	108.97'
L80	N 29°42'30" E	57.65'	712.00'	108.97'
L81	N 29°42'30" E	57.65'	712.00'	108.97'
L82	N 29°42'30" E	57.65'	712.00'	108.97'
L83	N 29°42'30" E	57.65'	712.00'	108.97'
L84	N 29°42'30" E	57.65'	712.00'	108.97'
L85	N 29°42'30" E	57.65'	712.00'	108.97'
L86	N 29°42'30" E	57.65'	712.00'	108.97'
L87	N 29°42'30" E	57.65'	712.00'	108.97'
L88	N 29°42'30" E	57.65'	712.00'	108.97'
L89	N 29°42'30" E	57.65'	712.00'	108.97'
L90	N 29°42'30" E	57.65'	712.00'	108.97'
L91	N 29°42'30" E	57.65'	712.00'	108.97'
L92	N 29°42'30" E	57.65'	712.00'	108.97'
L93	N 29°42'30" E	57.65'	712.00'	108.97'
L94	N 29°42'30" E	57.65'	712.00'	108.97'
L95	N 29°42'30" E	57.65'	712.00'	108.97'
L96	N 29°42'30" E	57.65'	712.00'	108.97'
L97	N 29°42'30" E	57.65'	712.00'	108.97'
L98	N 29°42'30" E	57.65'	712.00'	108.97'
L99	N 29°42'30" E	57.65'	712.00'	108.97'
L100	N 29°42'30" E	57.65'	712.00'	108.97'

SYDNEY F. FOURNET & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
18171 BAYVIEW DRIVE
DIAMONDHEAD, MS 39523
TEL: (228) 251-5867 FAX: 251-5855
REPLAT OF FAIRWAY VILLAS IS SITUATED IN SECTION 35-7-14, R-14-W
CITY OF DIAMONDHEAD, COUNTY OF HANCOCK, STATE OF MISSISSIPPI
FOR FAIRWAY VILLAS, LLC AND DRAWING NO. 13-18333
DATE: MAY 31, 2013

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