



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Diamondhead, Mississippi**  
**Diamondhead City Hall Council Chambers**  
**July 24, 2018**  
**6:00 p.m. CST**

1. Chairman Milton called the meeting to order at 6:00 p.m. CST.
2. Commissioner Crosby recited the Statement of Purpose.
3. Chairman Milton led the Pledge of Allegiance.
4. Present: Commissioners Williams, Crosby, Milton, Hensley and Bower. Absent: Bice

Also, present City Attorney Derek Cusick and Assistant City Attorney Kimber Roten, Building Official Ronald Jones, and Minutes Clerk Tammy Garber and Tammy Braud.

**5. Confirmation of the Agenda**

Commissioner Crosby moved, seconded by Commissioner Hensley, to approve the agenda as presented.

Ayes: Williams, Crosby, Milton, Hensley and Bower. Nays: None. Absent: Bice

**MOTION CARRIED UNANIMOUSLY**

**6. Approve Minutes. –**

Commissioner Crosby moved, seconded by Commissioner Bower, to approve the Minutes of June 26, 2018 as presented.

Ayes: Williams, Crosby, Milton, Hensley and Bower. Nays: None. Absent: Bice

**MOTION CARRIED UNANIMOUSLY**

## 7. New Business –

### **Case File Number 201800209**

Gerald R. Hill has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to build a wooden privacy fence 6' in height on the property line (0') of the northeast property line (front yard) along the undeveloped right of way of unnamed street. The case file number is 201800209.

The property address is 85545 Diamondhead Drive West. The tax parcel number is 067M-1-35-119.000. The legal description is Diamondhead Phase #2, Unit #6, Block 2 Lot 1, corner lot. The property is located in an R-2 zoning district. The minimum front yard setback is 20 feet.

Gerald R. Hill presented the case in the application request and answered questions from the commissioners.

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

Ronald Jones, Building Official, then proposed a recommendation to deny the application request. The staff recommends to deny the variance request based on the following conditions:

- No special conditions and circumstances exist which are peculiar to the land, structure or building involved;
- The literal interpretation of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title. The adjacent vacant and undeveloped right of way may one day become developed i.e. Veterans Boulevard.
- That granting the variance requested will confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- The Variance does not observe the spirit of the Ordinance.

However, Mr. Jones did not have a problem with a 10' setback from the property line.

Commissioner Williams moved to table the variance request. Motion failed for a lack of second.

Commissioner Hensley moved, seconded by Commissioner Crosby to recommend for approval to the City Council a variance for fence 10' from property line as applied for by applicant.

A Roll Call Vote Was Taken:

Ayes: Williams, Crosby, Milton, Hensley and Bower. Nays: None. Absent: Bice

**MOTION CARRIED UNANIMOUSLY**

**Case File Number 201800214**

Ronald Joseph has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to build a wooden privacy fence 6' in height within 8' of the southwest property line (front yard) along Kola Street on parcels 1 and 2. He is also requesting to place the fence (front yard) on the property line (0') along Ala Moana Street. The case file number is 201800214.

The property address is 108234 Kapalama Drive. The tax parcel numbers are 067H-1-25-008.000 (house) and 067H-2-25-086.000 (lot behind house) The legal description are Diamondhead Phase #1, Unit #8, Block 2 Lot 18, corner lot (house) and Diamondhead Phase #2, Unit #7, Block 7 Lot 1, corner lot (lot behind house). The property is located in an R-2 zoning district. The minimum front yard setback is 20 feet.

Ronald Joseph presented the case in the application request and answered questions from the commissioners.

At this time, Commissioner Milton called for any public comments or questions in reference to this request. Ronald Jones presented a letter from Charles J. Heim for the record which is attached to these minutes and made a part thereof.

Ronald Jones, Building Official, recommended approval of proposed variance request for the 8' variance of the southwest property line and recommended denying the 0' variance request along Ala Moana Street based on the following conditions:

To **approve** the variance to build a wooden privacy fence 6' in height within 8' of the southwest property line (front yard) along Kola Street on parcels 1 and 2, notwithstanding, compliance with Article 5.4.3 A Traffic Visibility across Corners; To **deny** the variance to build a wooden privacy fence 6' in height on the property line (0') along Ala Moana Street.

- No special conditions and circumstances exist which are peculiar to the land, structure or building involved;
- The literal interpretation of the provisions of this title would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title. The adjacent vacant and undeveloped lot next door may have a house constructed on it in the future. There are already homes built on Ala Moana Street.
- That granting the variance requested will confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- The Variance does not observe the spirit of the Ordinance.

Commissioner Williams moved, seconded by Commissioner Hensley to recommend for approval to the City Council to build a fence within 8' of the southwest property line along Kola Street and to deny the 0' property line along Ala Moana Street as recommended by Ronald Jones. . The Case File Number is 201800214.

A Roll Call Vote Was Taken:

Ayes: Williams, Crosby, Milton, Hensley and Bower. Nays: None. Absent: Bice

**MOTION CARRIED UNANIMOUSLY**

**Case File Number 201800242**

The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 (Amendment (Rezoning Procedure)). The proposed text amendment is to reduce the building width of corner lots at  
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the building setback line in R-1 and R-2 zoning districts. The proposed changes will be in Article 4.5.5 F and Article 4.6.5 F. The Case File Number is 201800242.

Ronald Jones presented the case in the application request and answered questions from the commissioners in the matter of Case File Number 201800242 requesting a text amendment to reduce the building width of corner lots at building setback line in R-1 zoning district from 100' to 85' and R-2 zoning district from 90' to 75'.

At this time, Commissioner Milton called for any public comments or questions in reference to this request with none presented. Mike Reso, City Manager addressed the Commissioners in support of the Text Amendment.

Commissioner Hensley moved, seconded by Commissioner Bower to approve to recommend for approval to the City Council the matter in the Case File Number **201800242** as recommended by Ronald Jones.

A Roll Call Vote Was Taken:

Ayes: Williams, Crosby, Milton, Hensley and Bower. Nays: None. Absent: Bice

**MOTION CARRIED UNANIMOUSLY**

### **Proposed Text Amendment**

Approve the consideration of the PROPOSED TEXT AMENDMENT regarding reducing the width of the side yard setbacks from 10' to 8' in an R-2 Zoning District (Article 4.6.5 E ii), authorize legal notice and public hearing on August 28, 2018.

#### **CURRENT TEXT LANGUAGE**

### **4.6 R-2 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT**

#### **4.6.5 Dimensional Requirements**

Each of the following dimensional requirements shall apply to each use in the R-2 Medium Density Single Family Residential District, except as specifically provided for in this Ordinance.

- E. Minimum Yards:
  - ii. Side yards: 10 feet, except that on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard.

**PROPOSED TEXT  
LANGUAGE (CHANGES IN  
RED)**

**4.6 R-2 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT**

**4.6.5 Dimensional  
Requirements**

Each of the following dimensional requirements shall apply to each use in the R-2 Medium Density Single Family Residential District, except as specifically provided for in this Ordinance.

- E. Minimum Yards:
  - ii. Side yards: 8 feet, except that on a corner lot the side yard abutting a street right-of-way shall be the same as the required front yard.

Ronald Jones presented the text amendment regarding the width of the side yard setbacks from 10' to 8' in an R-2 Zoning District and answered questions from the commissioners.

Commissioner Crosby moved, seconded by Commissioner Williams to approve to authorize Legal Notice and Public Hearing at the next Planning & Zoning Commission Meeting for Text Amendment for reducing the width of the side yard setbacks from 10' to 8' in an R-2 Zoning District.

Ayes: Williams, Crosby, Milton, Hensley and Bower. Nays: None. Absent: Bice

**MOTION CARRIED UNANIMOUSLY**

Ronald Jones addressed Commissioners on the initiation of the monthly review of selected ordinances i.e. Zoning, Tree, etc.; Propose Text Amendments, if necessary; Hold Public Hearings; Make recommendations to Mayor and City Council.

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

None

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

None

**10. Commissioners' Comments**

None

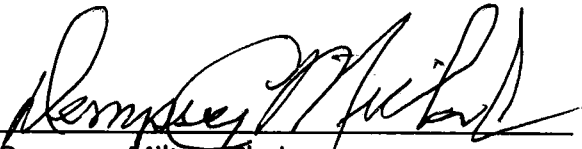
**11. Communication / Announcements. –**

None

Adjourn - Commissioner Williams moved, seconded by Commissioner Hensley, to adjourn at approximately 7:39 p.m. CST.

Ayes: Williams, Crosby, Milton, Hensley and Bower. Nays: None. Absent: Bice

**MOTION CARRIED UNANIMOUSLY**



Dempsey Milton, Chairman  
Planning & Zoning  
City of Diamondhead, MS