



Commissioner Flowers  
Commissioner Layel  
Commissioner Debrow  
Commissioner Rubar  
Commissioner Hourin  
Commissioner Torguson  
Commissioner Hector

## **AGENDA**

### **PLANNING AND ZONING COMMISSION**

**Tuesday, May 25, 2021**

**6:00 PM CST**

Council Chambers, City Hall  
and via teleconference, if necessary

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#### **Call to Order**

#### **Statement of Purpose**

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

#### **Pledge of Allegiance**

#### **Roll Call**

#### **Confirmation or Adjustments to Agenda**

#### **Approval of Minutes**

2. Approval of April 27, 2021 minutes

#### **New Business**

3. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to eliminate Coastal AE Zones from the Flood Damage Prevention Ordinance (Ord. 2012-006). Case File Number is 2021000132. The proposed text amendments would remove "Coastal AE Zone" from Chapter 14: Flood Damage Prevention. Section 14-105 (15) – General standards for all zones; remove "and coastal AE zone". Section 14-106 – Specific standards for riverine zones; remove "and coastal AE zones" from the first paragraph. Section 14-110 – Coastal high hazard areas; remove "coastal AE zones and" from the first paragraph, (1) remove "coastal AE zones and", (3) delete, (4) renumber as (3), (5) renumber to (4) and remove "coastal AE zones and", (6) renumber to (5), (7) renumber to (6) and remove "coastal AE zones and", (8) renumber to (7), (9) renumber to (8), (10) renumber to (9), (11) renumber to (10) and remove "coastal AE zones and", (12) renumber to (11), (13) renumber to (12) and remove "coastal AE zones and".
4. Elliott Homes, LLC has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5) to construct a residence on a corner lot with a front yard setback of 17.1' from the south property line. The variance requested is 2.9'. The property is located at 9846 Kaimuki Court. The tax parcel number is 067H-2-25-219.000. The legal description is Diamondhead Subdivision Phase 2, Unit 7, Block 6, Lot 49. The property is located in an R-2 zoning district. The front yard setback is back 20' from the front property line. The Case Number is 202100077.

#### **Unfinished Business**

#### **Open Public Comments to Non-Agenda Items**

**Commissioners' Comments****Communication / Announcements**

5. Next City Council meeting June 1, 2021.  
Next Planning Commission meeting June 29, 2021.

**Adjourn or Recess**



Commissioner F  
Commissioner Item No.2.  
Commissioner DeBrow  
Commissioner Rubar  
Commissioner Hourin  
Commissioner Torguson  
Commissioner Hector

## **MINUTES**

### **PLANNING AND ZONING COMMISSION**

**Tuesday, April 27, 2021**

**6:00 PM CST**

Council Chambers, City Hall  
and via teleconference, if necessary

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#### **Call to Order**

Chairman Rubar called the meeting to order at 6:00 p.m..

#### **Statement of Purpose**

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

Commissioner DeBrow read the Statement of Purpose.

#### **Pledge of Allegiance**

Commissioner Flowers led the Pledge of Allegiance.

#### **Roll Call**

Chairman Rubar, Commissioner Flowers, DeBrow, Torguson, Layel, Hourin      Absent: Hector

Also present City Attorney, Derek Cusick, Building Official, Ronald Jones, Code Enforcement Officer, Pat Rich, Building Inspector, Beau King, and Minute Clerk, Tammy Braud.

#### **Confirmation or Adjustments to Agenda**

Commissioner DeBrow made a motion, second by Commissioner Flowers to approve the Agenda as presented.

#### **Motion Carried Unanimously**

#### **Approval of Minutes**

1. Approval of March 23, 2021 Minutes

Commissioner Layel made a motion, second by Commissioner Hourin to approve the minutes of March 23, 2021.

**Motion Carried Unanimously**

#### **Unfinished Business**

None

### New Business

2. David Carden, General Manager Diamondhead Water and Sewer District - Proposed new water tower.

David Carden spoke to the Commissioners, and introduced Bruce Newton from Digital Engineering. Bruce submitted a drawings of the new proposed water tower .

3. Bob Barber, Orion Planning - Discussion of Long Term and Short Term Rental Policy.

Bob Barber spoke to the Commissioners about enhancing the City's codes on short term rentals.

4. Josh Shelton and Courtney Jassby, represented by Jeff Jassby of Jassby Custom Homes, have filed an application requesting to change the current zoning district classification from PRF (public facilities and recreation district) to R-1 (low density single family residential district) in accordance with Zoning Ordinance (Article 2.8) for the purpose of constructing a single family residence. The property address is 7448 Turnberry Drive. The tax parcel number is 068R-1-41-071.000. The legal description is Glen EaglePhase 1, Lot 48 less 8 feet. The case file number is 202100017.

Building Official, Ronald Jones, spoke and answered questions from the Commissioners.

Chairman Rubar asked if anyone was present to represent Josh Shelton and Courtney Jassby.

Jeff Jassby of Jassby Custom Homes spoke and answers questions from the Commissioners.

Chairman Rubar asked for any Public Comments.

John Buns stated that the land was already cleared and a pad was already on the property. He wanted to know how could this happen before a zoning change was made.

Building Official, Ronald Jones gave the staff report recommending approving the application to change the zoning.

Commissioner Torguson made a motion, second by Commissioner DeBrow to approve the staff's recommendation and findings to the City Council.

Ayes: DeBrow, Torguson, Layel, Hourin, Flowers, Rubar      Nays: none      Absent: Hector

### Motion Carried Unanimously

5. Timothy and Gina Stockstill have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 2 feet 4 inches from the rear property line. The rear yard set back is a minimum of 20 feet. The variance requested is 17 feet 8 inches. The property address is 689 Oahu Street. The tax parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. The property is located in a R-2 zoning district. The case file number is 202100031.

Pat Rich, Code Enforcement spoke and answered questions from the Commissioners.

Chairman Rubar asked if anyone was present to represent the Stockstill's .

Gina and Tim Stockstill spoke and answered questions from the Commissioners.

Chairman Rubar asked for any public comments.

Penny Crawford stated reasons she was opposed to the request.

Pat Rich , Code Enforcement Officer read 3 letters he received that were also opposed.

Code Enforcement Officer, Pat Rich recommended to deny the request due to finding in the staff report.

Commissioner Layel made a motion, second by Commissioner Hourin to accept the recommendation in the staff report and deny the request.

A discussion took place between the commissioners.

Mr. and Mrs. Stockstill withdrew the application .

#### **Open Public Comments to Non-Agenda Items**

None

#### **Commissioners' Comments**

None

#### **Adjourn or Recess**

Commissioner Layel made a motion, second by Commissioner Hourin to adjourn the meeting at 7:23 p.m.

#### **Motion Carried Unanimously**

#### **Communication / Announcements**

6. Next City Council meeting is May 4, 2021.

Next Planning Commission meeting is May 25, 2021.

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J. Rubar, Chairman  
Planning & Zoning



9864 Kaimuki Ct.

PH 20706049

Item No.4.



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202100077

Date 4-5-21

Applicant: Elliott Homes, LLC

Applicant's Address: 1402 Pass Rd. Gulfport, Ms 39502

Applicant's Email Address: angela@myelliotthome.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 228-273-5991

Property Owner: Elliott Home, LLC

Owner's Mailing Address: \_\_\_\_\_

Owner's Email Address: \_\_\_\_\_

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

Tax Roll Parcel Number: 067H-2-25-219.000

Physical Street Address: Corner Kaimuk St ; Kaimuki Ct.

Legal Description of Property: Ph. 2, Un. 7, Blk. 6, lot. 49

Zoning District: \_\_\_\_\_

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

lot fit

House (left side) is 17'1" from street with 10' EASEMENT

R-2  
FRSB 20  
SYSB 8

REQUIRED ITEM AProperty Owner Elliott Homes, LLCStreet Address COR. Kaimuki St. ; Kaimuki Ct.

Statement Describing Variance Request

with attempt to comply with 20' setback on all sides of the  
street. We are only able to fit the house ; driveway 20' from  
road. The side of the house is 17.1' from road, while complying to all easements  
(c)

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: This will affect the house. Left side will be 17.1' away from  
street instead of 20' feet from road on all sides. this however, will  
not affect surrounding homes or structure of any kind.

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: We would be unable to build this house due to  
lot fit size if we held the left side of the home to 20' from  
road. All other easements are in compliance.

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

Response: This is because of lot fit and easements in place

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

Response: Yes, the owner will not be able to build her last  
home without approval to position house (left side) 17.1' from road  
(Survey attached) \*\*



## 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 <sup>(+1.00 A/H fee) = total of 101.00</sup> 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 May 25, 2021 at 6 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.

Angela Hayes

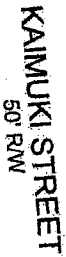
Signature of Applicant

[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 ( )



SITE PLAN ON LOT 49, BLOCK 6,  
DIAMONDHEAD, PHASE 2, UNIT 7, CITY OF  
DIAMONDHEAD, HANCOCK COUNTY, MS

# PROFESSIONAL LAND SURVEYING

BILOXI, MISSISSIPPI 39532

EMAIL: [cliffordcrosby@cableone.net](mailto:cliffordcrosby@cableone.net)



Prepared By and Return To:  
Schwartz, Orgler & Jordan, PLLC  
12206 Hwy 49  
Gulfport, MS 39503  
(228) 832-8550

Indexing Instructions: Lot 49, Block 6,  
Unit 7, Phase 2, Diamondhead

File# 210025

**STATE OF MISSISSIPPI  
COUNTY OF HANCOCK**

**WARRANTY DEED**

THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00),  
cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of  
which is hereby acknowledged,

**Edwin Henry Brink  
16510 Laurelfeld Dr.  
Huston, TX 77059  
(713) 254-1790**

does hereby grant, bargain, sell, convey and warrant, unto

**Elliott Homes, LLC,  
A Mississippi Limited Liability Company  
1402 Pass Road  
Gulfport, MS 39501  
(228) 257-9914**

the following described property, together with the improvements, hereditaments and appurtenances  
thereunto situated and located in the County of Hancock, State of Mississippi, and more particularly  
described as follows, to-wit:

**Lot Forty Nine (49), Block 6, Unit 7, Diamondhead, Phase 2, according to map  
or plat thereof on file and of record in the Office of the Chancery of Hancock  
County at Bay St. Louis, Mississippi.**

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way  
and easements applicable to subject property, and any prior recorded reservations, conveyances and  
leases of oil, gas and minerals by previous owners of subject property.

Estimated county ad valorem taxes have been prorated between the parties as a part of the  
consideration for this conveyance. In the event the estimates upon which such proration is based  
prove to be inaccurate for any reason, the Grantee agrees to refund any excess, and the Grantor

**DECLARATION OF ACCEPTANCE**

PROPERTY ADDRESS:   **Lot 49 Block 6 Unit 7 Phase 2  
Diamondhead, MS 39525  
Hancock County**

**I/We, the undersigned, do hereby declare that I/we have inspected the vacant land at the above reference address and/or location as of this date, and that without any reservations, I/we hereby accept the property as to its "as is" condition and have satisfied myself/ourselves that:**

- (a)   the property can be used for its intended use;**
- (b)   I/we have made all inquiries that I/we deem reasonable and necessary regarding permits, wetlands, tidelands and use of the property;**
- (c)   I/we do hereby accept that property in its "as is, where is" condition;**
- (d)   I/we have been given the property survey to verify acreage and access to the property and am/are satisfied;**
- (e)   I/we are ready to proceed with the final closing of this transaction;**
- (f)   I/we hereby release the Seller(s) from any further obligation.**

DATE: January 15, 2021

  
\_\_\_\_\_  
**Elliott Homes, LLC**

**NOTICE OF PUBLIC HEARING**  
**PLANNING AND ZONING COMMISSION**  
**DIAMONDHEAD, MS**

Elliott Homes, LLC has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5) to construct a residence on a corner lot with a front yard setback of 17.1' from the south property line. The variance requested is 2.9'.

The property is located at 9864 Kaimuki Court. The tax parcel number is 067H-2-25-219.000. The legal description is Diamondhead Subdivision Phase 2, Unit 7, Block 6, Lot 49. The property is located in an R-2 zoning district. The front yard setback is back 20' from the front property line. The Case Number is 202100077.

In accordance with the Comprehensive Zoning Ordinance Article 2.6.4, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, May 25, 2021 at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

If you have any questions or comments or would like to review the application, you may contact the Building Department at the above address and/or at 228-222-4626.



5000 Diamondhead Circle · Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Elliott Homes, LLC and adjacent property owners

FROM: J. Pat Rich, Planning and Zoning Administrator

A handwritten signature in blue ink, appearing to read "J. Pat Rich", is written over the printed name.

DATE: May 7, 2021

SUBJECT: Notice of Public Hearing

Elliott Homes, LLC has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5) to construct a residence on a corner lot with a front yard setback of 17.1' from the south property line. The variance requested is 2.9'.

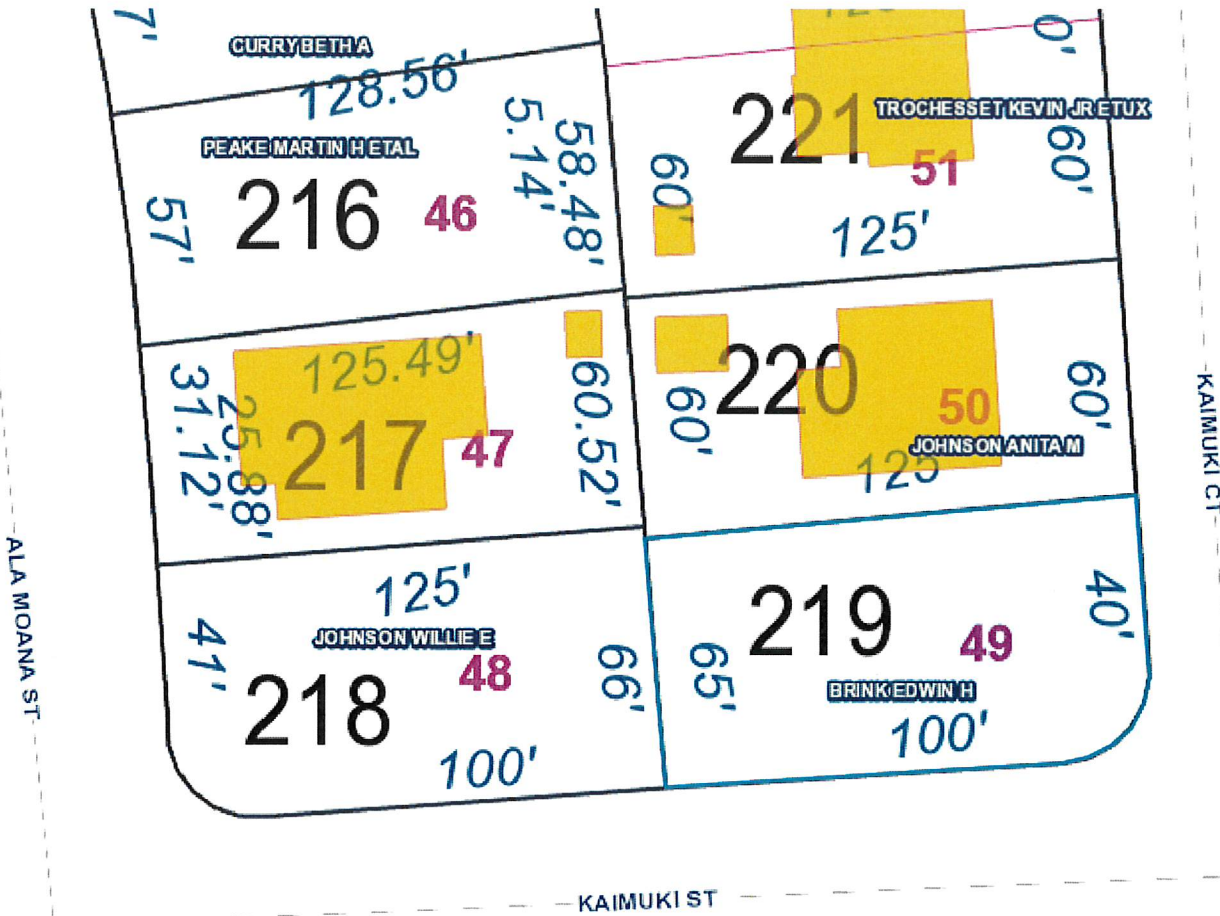
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Owner Address: 16510 LAURELFIELD DR

Owner City, State ZIP: HOUSTON, TX 77059

Physical Address:

Improvement Type:

Year Built:

Base Area:

Adjusted Area:

Improvement Value:

Land Value:

Total Value:

Estimated Tax:

Homestead Exemption: No

Deed Book: 2018

Deed Page: 15657

Legal Description 1: 49, COR. BLK 6 DIAMONDHEAD

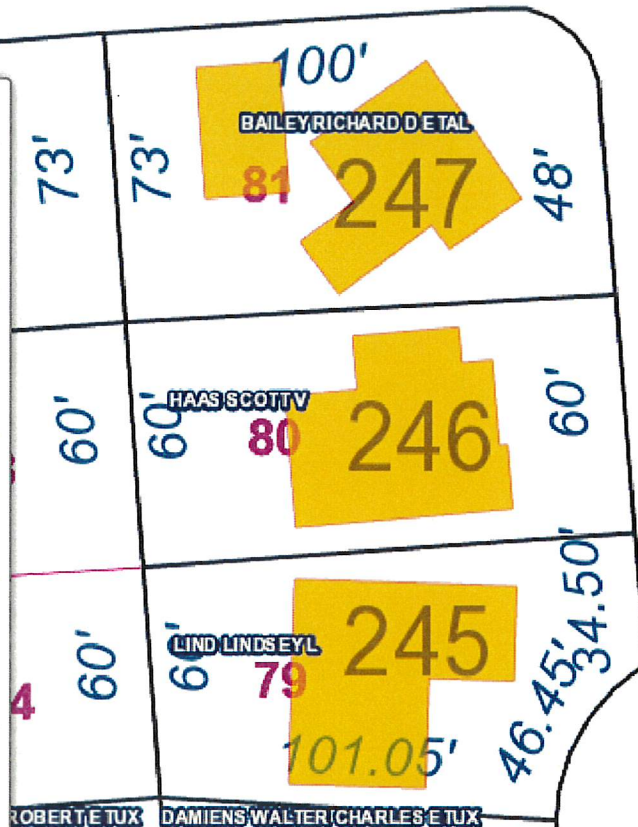
Legal Description 2: PHASE #2 UNIT #7

Legal Description 3:

Legal Description 4:

Legal Description 5:

Legal Description 6:



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