



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

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, January 25, 2022
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

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 December 14, 2021 minutes.

New Business

3. David Beckner has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool enclosure (lanai) within 11.3' of the rear property line. The property address is 7433 Turnberry Drive. The tax parcel number is 067N-1-35-010.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the pool enclosure is 8.7'. The Case File Number is 202100562.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

4. The next City Council meeting is February 1, 2022.
The next Planning Commission meeting is February 22, 2022.

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, December 14, 2021

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

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 Layel read the Statement of Purpose.

Pledge of Allegiance

Commissioner Torguson led The Pledge of Allegiance.

Roll Call

Commissioners Layel, Torguson, Debrow, Flowers, Hector, Hourin via teleconference, Rubar. Also present Development Coordinator, Pat Rich, Building Official, Ronald Jones, City Attorney, Derek Cusick, Building Inspector, Beau King, Minute Clerk, Tammy Braud.

Confirmation or Adjustments to Agenda

Commissioner Debrow made a motion, second by Commissioner Layel to approve the agenda as presented.

Motion Passed Unanimously

Approval of Minutes

1. Approval of October 26, 2021 minutes.

Commissioner Debrow made a motion ,second by Commissioner Flowers to approve the minutes of October 26, 2021.

Motion Passed Unanimously

New Business

- 2. Presentation by Robert Barber with Orion Planning to update the Commission on Short Term Rental ordinance progress. This is for information and discussion only. No vote will be taken

Bob Barber spoke on Short Term Rentals, and presented Memo #3, Proposed Zoning Code Amendments for Short Term rentals, upon feedback from Commission and survey.

- 3. Janet Harmon-Curvey and John A. Curvey have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. Additionally, to construct a masonry fireplace (3'x6') within 14.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1' and the fireplace is 5.1'. The Case File Number is 202100459.

Development Coordinator, Pat Rich presented the case and answered questions from the commissioners.

Mr. and Mrs. Curvey spoke to the Commissioners, and answered their questions.

Chairman Rubar asked for any public comments. There were none.

Mr. Rich read the Staff report recommending approval.

Commissioner Torguson made a motion, second by Commissioner Flowers to approve the variance as petitioned to the City Council.

Roll Call

Ayes: Torguson, Flowers, Hourin, Hector, Layel, Debrow Nays: Rubar

Motion Passed

- 4. B&G Food Enterprises, LLC, has filed an application requesting Planning Commission Review as required by the Zoning Ordinance (Article 4.21.1 B) to allow the construction of a drive-in restaurant, Taco Bell. The property address is 4405 Aloha Drive. The tax parcel number is 131E-1-13-006.002. The property is in a C-1 General Commercial zoning district. Drive-in restaurants are considered permitted uses with the review and approval in accordance with the Planning Commission review provisions set forth in the Zoning Ordinance (Article 2.4). The Case File Number is 202100483.

Development Coordinator, Pat Rich spoke to the Commissioners, and answered their questions.

Chairman Rubar asked if anyone was present to represent B&G Enterprises.

Carl Blum representing B & G Food Enterprises LLC, spoke to the commissioners, and answered their questions.

Chairman Rubar asked for public comments.

David Boan, Milton Dempsey, Dale Barfield, David Flowers, Ronald Witzel, and Ms. Dawn spoke with concerns about safety, parking, and traffic.

Development Coordinator Pat Rich read the staff report recommending approval of the site review.

Commissioner Hourin made a motion, second by Commissioner Torguson to approve the site plan with conditions listed below

- Access between the building and I-10 and the ingress and egress without the trucks backing up and exits through Rouses' parking lot.
- No additional traffic flow; the flow and the exits through that area have to be modified to handle the traffic; and
- If these are not done, Taco Bell has to allow the 18 wheelers access to the existing businesses no matter what time.

Roll call

Ayes: Hourin, Torguson, Flowers, Layel, Debrow, Hector, and Rubar. Nays: None

Motion Passed Unanimously

5. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to reduce the number of publication days and increase the number of mail notices in the Zoning Ordinance (Ord. 2012-006) and Subdivision Regulations (Ordinance 2020-001). Case File Number is 202100493. The proposed text amendments would make the following changes to Appendix A – Zoning, Article 2.9 – Public Notice Procedure, Section 2.9.1.A – change “300 feet” to “400 feet”; Section 2.9.1.B – change “three hundred (300) feet” to “four hundred (400) feet”; Section 2.9.6.B – change “three hundred (300) feet” to “four hundred (400) feet”; Section 2.9.7.A.ii – change “Two (2) publication days” to “One publication day” and Subdivision Regulations Article III – Procedures, Article 301.6 – change “three hundred feet (300’)” to “four hundred feet (400’)”; Article 303.2.3 – change “three hundred feet (300’)” to “four hundred feet (400’)”; Article 320.4.e and Article 320.5.b – “change 300 to 400”.

Development Coordinator, Pat Rich, read the request made by Building Official, Ronald Jones and the staff report requesting approval of the text amendment in the ordinance.

Commissioner Torguson made a motion, second by Commissioner Flowers to accept the recommendation as petitioned to the City Council.

Roll Call

Ayes: Torguson, Layel, Flowers, Hourin, Hector, Debrow, Rubar Nays: None

Motion Passed Unanimously

6. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to require the use of 100-year storm events in the Zoning Ordinance (Ord. 2012-019) and Stormwater Runoff, Illicit Discharges, and Illegal Connections Ordinance (Ord. 2013-030). Case File Number is 202100494. The proposed text amendments would make the following changes to Zoning Ordinance Article 14 – Land Alterations and Disturbances, Article 14.1.3.D – Land Clearing and Drainage, – change “5-year storm” to “100-year storm”, insert a period after "urbanized areas", remove "wherein the rainfall is one (1) hour at a rainfall of three

(3) inches per hour." and add "The approximate value for "I" precipitation intensity in inches per hour, shall be obtained from the NOAA Website at <http://hdsc.nws.noaa.gov/hdsc/pfds/>. This website provides precipitation intensity information." before "Runoff shall be drained...". In Stormwater Runoff, Illicit Discharges, and Illegal Connections Ordinance Chapter 24- Stormwater Management, Section 24-10 (a) – Stormwater Detention Standards and Requirements – add "100-year" after "50-year" to "two-year, five-year, ten-year, 25-year and 50-year, 24-hour storm events."

Development Coordinator, Pat Rich , read a request made by Building Official, Ronald Jones and the staff report recommending approval of the text amendment to the Zoning Ordinance.

Commissioner Flowers made a motion, second by Commissioner Layel to approve the request as petition.

Roll Call

Ayes: Torguson, Hourin, Hector, Flowers, Debrow, Layel, Rubar Nays: None

Motion Passed Unanimously

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

Chairman Rubar commented on the role of the commissioners.

Communication / Announcements

- 7. The next City Council meeting is December 21, 2021 at 6:00 pm.
The next Planning Commission meeting is January 25, 2022 at 6:00 pm.

Adjourn or Recess

Commissioner Flowers made a motion, second by Commissioner Debrow to adjourn the meeting at 8:35 p.m.

Motion Passed Unanimously

John Rubar, Chairman
Planning & Zoning



5000 Diamondhead Circle ·
Diamondhead, MS 39525-3260
Phone: 228.222.4626 Fax: 228-222-4390
www.diamondhead.ms.gov

TO: David Beckner and adjacent property owners

FROM: J. Pat Rich 
Development Coordinator

DATE: January 3, 2021

SUBJECT: Variance application request before the Planning & Zoning Commission

David Beckner has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool enclosure (lanai) within 11.3' of the rear property line.

The property address is 7433 Turnberry Drive. The tax parcel number is 067N-1-35-010.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the pool enclosure is 8.7'. The Case File Number is 202100562.

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 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, January 25, 2022, 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 228-242-1613.

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

David Beckner has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool enclosure (lanai) within 11.3' of the rear property line.

The property address is 7433 Turnberry Drive. The tax parcel number is 067N-1-35-010.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the pool enclosure is 8.7'. The Case File Number is 202100562.

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, January 25, 2022, 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.

RECEIVED
DEC 27 2021
BY: J. Garber



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202100562

Date 12-27-21

Applicant: David Becknee

Applicant's Address: 7433 Turnberry Dr

Applicant's Email Address: dabeckner@hotmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) (228) 304-0678

Property Owner: David Beckner

Owner's Mailing Address: 7433 Turnberry Dr

Owner's Email Address dabeckner@hotmail.com

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) (228) 304-0678

Tax Roll Parcel Number: 067N-1-35-010.000

Physical Street Address: 7433 Turnberry Dr

Legal Description of Property: Lots 32 + 33 Glen Eagle Phase I

Zoning District: R-1

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

Requesting approval to install screened Lanai covering for existing swimming pool. This is for protection of errand golf balls. The Lanai will be on my property inside existing fence. Lanai will come within 11.3 feet of property line only at SE corner of the pool. See attached Legal drawings of property line dimensions.

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 Jan. 25, 2022 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.

David Beckner
Signature of Applicant

David Beckner
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 Beckner

Street Address 7433 Turnberry Dr

Statement Describing Variance Request

Requesting a variance of 8.7' on SE corner of swimming pool.

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: Only the land

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, they are not caused by owner/ applicant.

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

Response: No special privileges for the owner/ applicant. It is for protection of errand golf balls.

LEGAL DESCRIPTION:

A survey of Lots 32 and 33, Glen Eagle at Diamondhead, Hancock Subdivision, Phase 1, City of Diamondhead, Hancock County, Mississippi.

RECEIVED
 DEC 27 2021
 BY: *J. Garber*



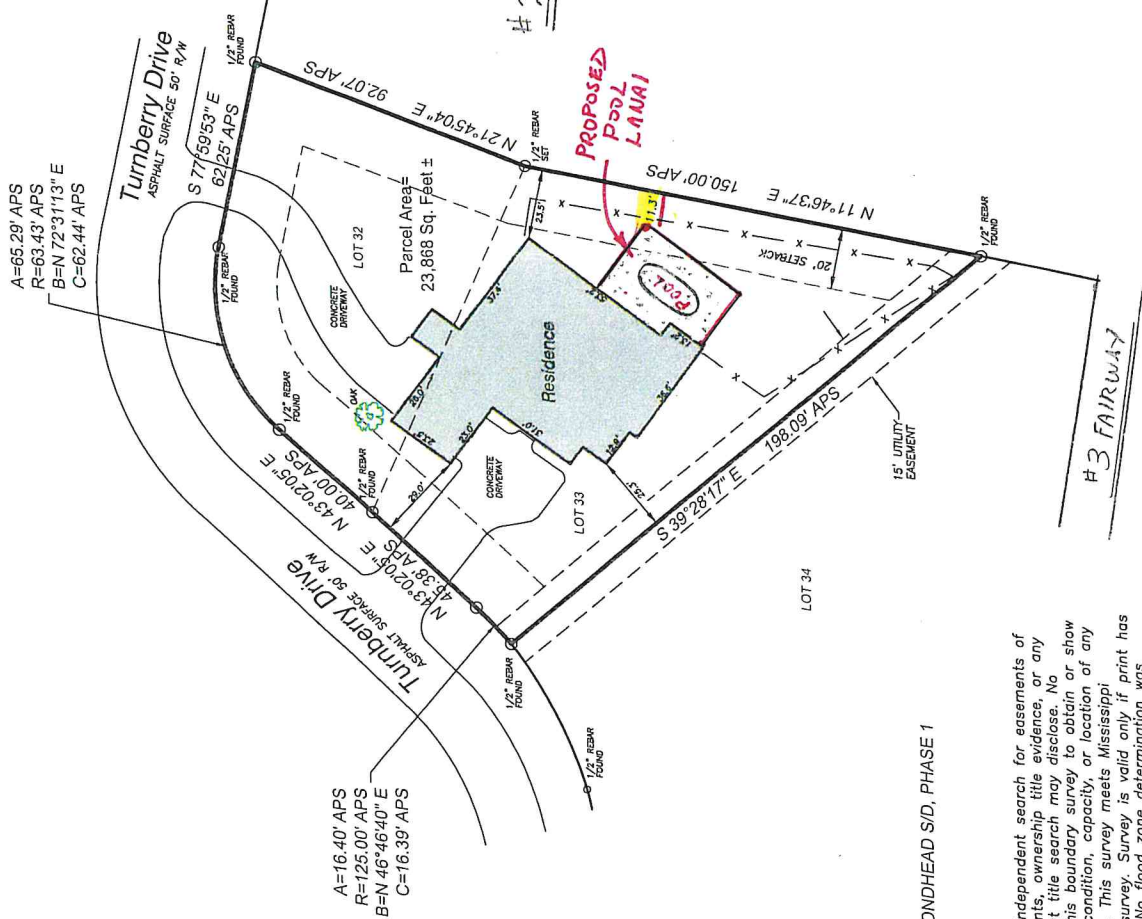
In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
 Duke Levy, RLS #1722

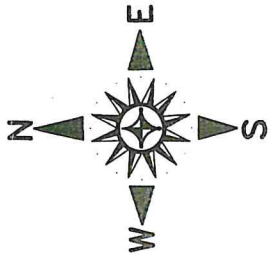
DUKE LEVY & ASSOCIATES, P.A.

4412 LEISURE TIME DRIVE
 DIAMONDHEAD, MS 39525
 (228) 343-9691 PHONE

SCALE: 1" = 40'	DATE: 12-03-2021
DRAWING: WGH# 16-0148-1	
CLIENT: David Beckner	



BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS



LEGEND:

- ☒ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- ⊞ FENCE CORNER POST
- ⊘ POWER POLE
- APS AS PER SURVEY
- AS PER RECORD

REFERENCES:

- 1) PLAT OF GLEN EAGLE AT DIAMONDHEAD SID, PHASE 1

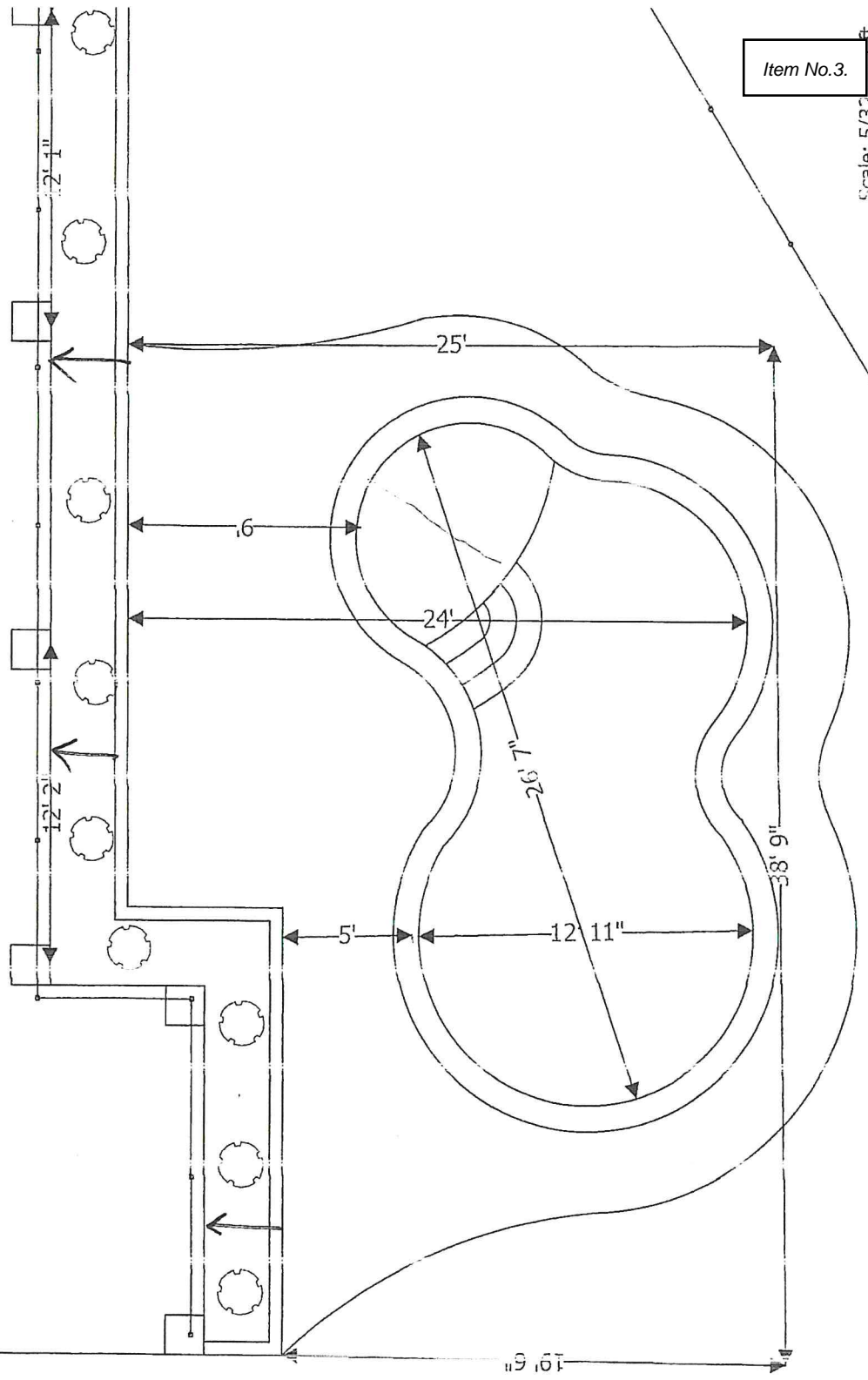
NOTES:

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.

Item No.3.

Scale: 5/32" = 1'-0"

Height of LANAI 13'



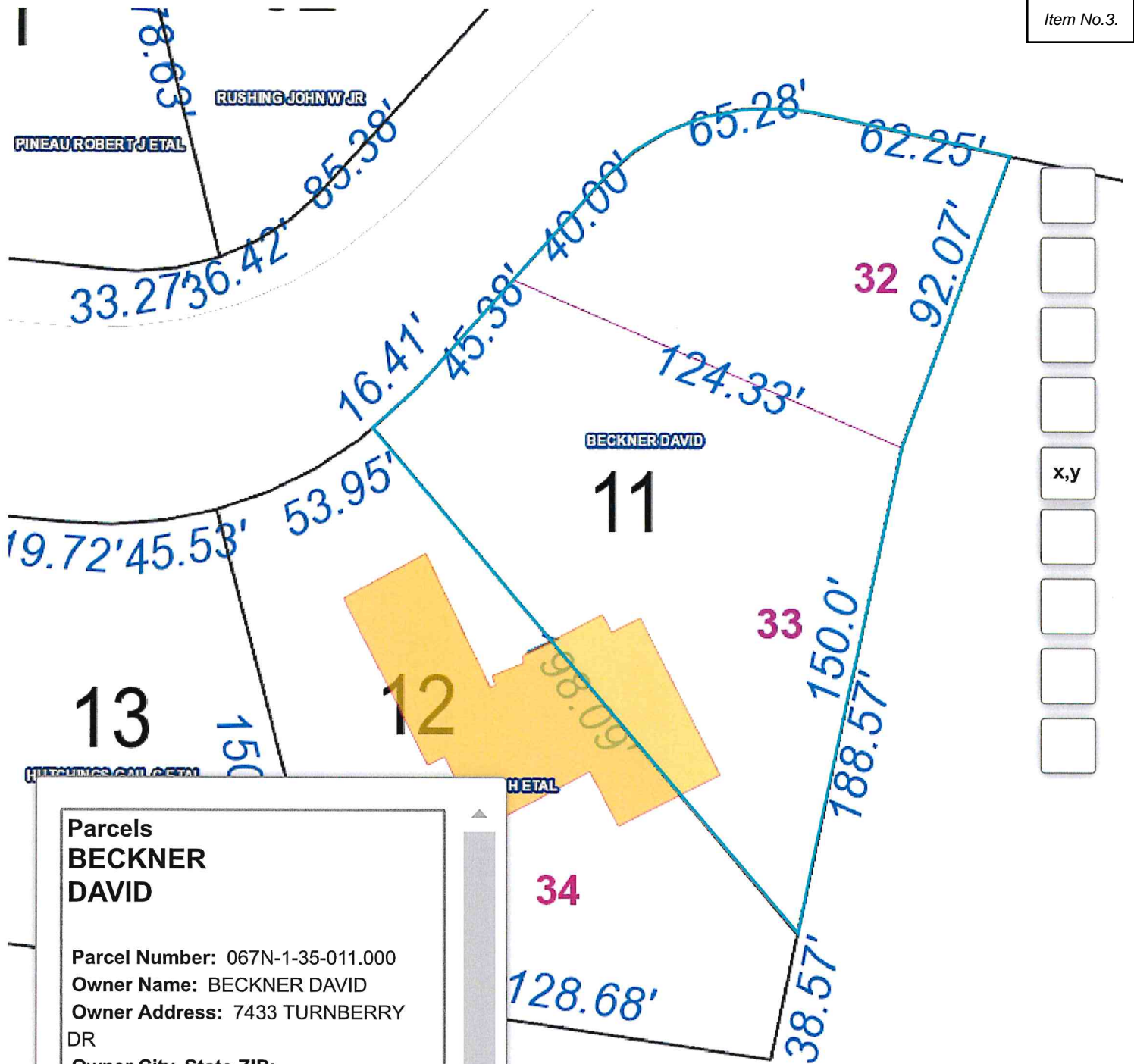
RECEIVED
 DEC 27 2021
 BY: *J. Johnson*







Item No.3.



x,y

Parcels

BECKNER DAVID

Parcel Number: 067N-1-35-011.000
 Owner Name: BECKNER DAVID
 Owner Address: 7433 TURNBERRY DR
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 7433 TURNBERRY DRIVE
 Improvement Type: RES
 Year Built: 2016
 Base Area: 2501
 Adjusted Area: 3276
 Actual Total Value: 383795
 Taxable Total Value: 361807
 Estimated Tax: 3577.67
 Homestead Exemption: Yes
 Deed Book: 2016

Close Export Print Labels

