



Commissioner Bennett
Commissioner Brewer
Commissioner Cook
Commissioner Debrow
Commissioner Flowers
Commissioner Layel
Commissioner Nicaud

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, October 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 September 27, 2022 minutes.

New Business

3. Structures of Diamondhead, Inc. represented by Jimmy Grotkowski has submitted a Sketch Plat for "Townhouses at Highpoint" for review, consideration, and approval. The Sketch Plat is a 17-lot single-family attached townhouse unit subdivision on a 2.08 Acre tract of land, being 067L-0-35-089.000. The subject property is in PT SE1/4-NE1/4 35-7-14. The property is bordered on three sides by Highpoint Drive and homes along Golf Club on the southwest.
4. Elliott Homes, LLC. represented by Josh Fleming has submitted a request for a variance from the Subdivision Regulations (Article 308.6) to allow the construction of a cul-de-sac 723 feet in length. The variance requested is 123 feet. The property address is the proposed Hahalua Lane at Diamondhead Lakes Drive in the Diamondhead Lakes subdivision. The tax parcel number is 067L-0-35-012.000. The maximum length of a cul-de-sac is 600 feet. The variance requested is 123 square feet. The Case File Number is 202200448.
5. Craig Bergeron has filed an application requesting a variance from the Zoning Ordinance (Article 4.5.5 G) to allow the construction of a 1,706 square foot residence on a lot designated 2,000 square foot minimum. The variance requested is 294 square feet. The property address is 6410 Huko Court. The tax parcel number is 131D-2-13-009.000. The property is in a R-1 zoning district. The minimum square footage for this lot is 2,000. The variance requested is 294 square feet. The Case File Number is 202200450.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

6. The next City Council meeting is Tuesday, November 1, 2022, at 6pm.

The next Planning Commission meeting is Tuesday, November 8, 2022, at 6pm.

Adjourn or Recess



Commissioner B
Commissioner B Item No.2.
Commissioner Cook
Commissioner Debrow
Commissioner Flowers
Commissioner Layel
Commissioner Nicaud

MINUTES
PLANNING AND ZONING COMMISSION
Tuesday, September 27, 2022
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Chairman Flowers 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

All Commissioners led the Pledge of Allegiance.

Roll Call

Present at the meeting were: Chairman Flowers, Commissioners Layel, Nicaud, Cook, Debrow, Bennett. Also present was City Attorney, Derek Cusick, Building Official, Ronald Jones, Development Coordinator, Pat Rich, Building Inspector, Beau King, Minute Clerk, Tammy Braud. Absent from meeting was Commissioner Scott Brewer.

Confirmation or Adjustments to Agenda

Commissioner Debrow made a motion second by Commissioner Bennett to approve the agenda as presented

Motion Passed Unanimously

Approval of Minutes

1. Approval of August 23, 2022 minutes.

Commissioner Bennett made a motion second by Commissioner Cook to approve the minutes of August 23, 2022 as presented.

Motion Passed Unanimously

New Business

2. Willie Kerner has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory building (utility shed) within 6' of the primary structure. The property address is 63715 Diamondhead Drive North. The tax parcel number is

068Q-1-41-079.000.The property is in a R-2 zoning district. The setback from the primary structure is 10'. The variance requested is 4'. The Case File Number is 202200412.

Building Inspector, Beau King spoke and answered questions from commissioners. Chairman Flowers ask if anyone was present to represent the request, no one was present.

Chairman Flowers asked for public comments. No comments

Building Inspector, Beau King read the staff recommendation to approve as petitioned.

Commissioner Debrow made a motion, second by Commissioner Bennett to accept the recommendation to the City Council

Motion Passed Unanimously

3. Ralph E. Hays has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a roof over an existing patio within 19' of the rear property line on the golf course. The property address is 7435 Mahalo Hui Drive. The tax parcel number is 067N-2-35-048.001.The property is in a R-2 zoning district. The rear yard setback is 20'. The variance requested is 1'. The Case File Number is 202200423.

Building Inspector Beau King presented the case and answered questions from Commissioners.

Chairman Flowers asked if anyone was present to represent the request.

Mr. Ralph Hayes spoke to commissioners ,and answered their questions.

Chairman Flowers asked for public comments. No comments

Building Inspector, Beau King read the staff recommendation to approve the request.

Commissioner Cook made a motion, second by Commissioner Layel to approve the recommendation to the City Council

Motion Passed Unanimously

Unfinished Business

4. The City of Diamondhead represented by J. Pat Rich, Development Coordinator, 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 add a Short-Term Rental ordinance. The proposed changes will be in Article 4.21.1 - Conditions Governing Permitted Uses Table 4.2, add "Short-Term Rental, Use by Right Review in R-1, R-2, R-3, R-4 and MH"; add conditions as note "19" after Table 4.2 "19. Short-Term Rentals in R-1 and R-2 Zoning Districts shall not be within 1000 linear feet from property to property of another short-term rental". Add new Short-Term Rental Ordinance (attached). The Case File Number is 202200281.

Development Coordinator, Pat Rich spoke to Commissioners . He gave background information, and summarized the proposed ordinance.

An opened discussion took place with Commissioners asking questions and making suggestions about the Ordinance.

Chairman Flowers asked for any public comments. No comments from public.

Commissioner Nicaud made a motion , second by Commissioner Layel to amend the license renewal fee from 100.00 to 200.00 per year.

Motion Passed Unanimously

Commissioner Debrow made a motion, second by Commission Bennett to recommend the purposed amended ordinance to the City Council.

A roll call was taken

Ayes: Commissioner Nicaud, Layel, Bennett, DeBrow Flowers Nay: Cook

Motion Passed

Open Public Comments to Non-Agenda Items

Commissioners' Comments

There were no comments

Communication / Announcements

- 5. The next City Council meeting is Tuesday, October 4, 2022, at 6pm.
The next Planning Commission meeting is Tuesday October 25, 2022 at 6pm.

Adjourn or Recess

Commissioner Bennett made a motion, second by Commissioner Debrow to adjourn the meeting at 7:10 p.m.

Motion Passed Unanimously

H. Flowers, Chairman
Planning & Zoning



City of Diamondhead

Item No.3.

5000 Diamondhead Circle, Diamondhead, MS 39525
Phone: (228) 222.4626
FAX: (228) 222-4390
www.diamondhead.ms.gov

Site Plan / Zoning Compliance Review

ADDRESS: TBD Highpoint Drive
AD VALOREM TAX PARCEL NUMBER: 067L-0-35-089.00
LEGAL: SE ¼ of NE ¼ Section 35 and SW ¼ of NW ¼ of Section 36, Township 7 South, Range 14 West, Hancock County, Mississippi
SPECIAL FLOOD HAZARD AREA: X

| | | |
|-------------------------|-------------------|-------------------------------------|
| ZONING DISTRICT: | R-3 | PROVIDED |
| MAX BLDG HEIGHT: | 35' | 22.5' |
| MAX BLDG SITE COVERAGE: | 70% | 45% |
| MINIMUM LOT AREA: | 33,000 SF * | 90,604.8 SF (2.08 acres) |
| FRONT YARD SETBACK: | 20' | 30.8' |
| SIDEYARD SETBACK: | 10' | 57' |
| SIDEYARD SETBACK: | 10' | 58.5' |
| REAR YARD SETBACK: | 20' | 74' |
| MINIMUM LIVING AREA: | 950 SF | 1,292 SF Conditioned 1,429 SF Total |
| MINIMUM LOT WIDTH: | 60' | 293.66' |
| MAXIMUM DWELLING UNITS: | 17 – 8.5 per acre | 17 |
| MINIMUM PARKING SPACES: | 34 - 2 per unit | 34 |

*Lot area calculation: 6,000 for first two units, 1,800 per unit for remaining 15 units.

DRAINAGE: awaiting reply from city engineer.

FIRE DEPARTMENT: A fire apparatus access road is needed for the storage building. One more hydrant needs to be added around units E-J. – (From Fire Chief Michael Munger)

RESIDUAL DENSITY OF TREES: Sixty-three (63) trees of any species are required on site. Live oaks and southern magnolias are protected species and cannot be removed without prior approval.

OTHER SITE ISSUES: You shall have effective erosion control measures, port-a-john, and a dumpster before the start of construction. Parking spaces must be concrete or asphalt.

APPROVED:

DENIED:

Beau King, Building Inspector 10-11-2022

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

Structures of Diamondhead, Inc. represented by Jimmy Grotkowski has submitted a Sketch Plat for “~~Townhomes~~ *Townhouses* at Highpoint” for review, consideration, and approval.

The Sketch Plat is a 17-lot single-family attached townhouse unit subdivision on a 2.08 Acre tract of land, being 067L-0-35-089.000. The subject property is in PT SE1/4-NE1/4 35-7-14. The property is bordered on three sides by Highpoint Drive and homes along Golf Club on the southwest.

The Planning Commission shall review and submit a recommendation to the City Council.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, October 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.



Parcels
067L-0-35-
089.000

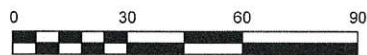
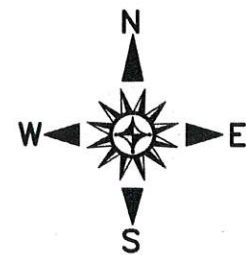
Parcel Number: 067L-0-35-089.000
 Owner Name: STRUCTURES OF DIAMONDHEAD INC
 Owner Address: P O BOX 6326
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 0
 Improvement Type:
 Year Built:
 Base Area:
 Adjusted Area: 14702
 Actual Total Value: 14702
 Taxable Total Value: 275.05000000
 Estimated Tax:
 Homestead Exemption: No
 Deed Book: 2019
 Deed Page: 886

Close Export Print Labels

INDEXING INSTRUCTIONS: SE ¼ of NE ¼ of Section 35, Township 7, South,
Range 14 West, Hancock County, Mississippi, and
SW ¼ of the NW ¼ of Section 36, Township 7 South,
Range 14 West, Hancock County, Mississippi

EXHIBIT "A"

A parcel of land lying in the SE ¼ of the NE ¼ of Section 35, Township 7 South, Range 14 West and in the SW ¼ of NW ¼ of Section 36, Township 7 South, Range 14 West, Hancock County, Mississippi; commencing at the northeast corner of Lot 6, Block 2, Unit 7, Phase 1, Diamondhead Subdivision, the Point of Beginning; thence N 64° 54' 16" W 46.41' to a point; thence N 11° 36" E 160.0' to a point; thence N 66° 24' 47" E 171.58' to a point; thence N 23° 30' E 140.65' to a point; thence S 39° 45' 51" E 297.02' to a point of intersection with the northwest boundary of a 50.0' right-of-way between Lot 10 and Lot 11, Block 2, Unit 7, Phase 1, Diamondhead Subdivision; thence southwesterly along said right-of-way boundary to the northern corner of said Lot 10; thence southwesterly along the northwest boundary of said Lot 10 a distance of 100.5' to the northern corner of Lot 9, Block 2, Unit 7, Phase 1, Diamondhead Subdivision; thence southwesterly along the northwest boundary of said Lot 9 a distance of 82.4' to the northern corner of Lot 8, Block 2, Unit 7, Phase 1, Diamondhead Subdivision; thence southwesterly along the northwest boundary of said Lot 8 a distance of 95.0' to the northern corner of Lot 7, Block 2 Unit 7, Phase 1, Diamondhead Subdivision; thence southwesterly along the northwest boundary of said lot 7 a distance of 95.0' to a point of intersection with the northern boundary line of Lot 6, Block 2, Unit 7, Phase 1, Diamondhead Subdivision; thence N 40° 25' W 90.0' to the Point of Beginning, LESS AND EXCEPT any streets situated thereon as now laid out and improved which were conveyed to the Diamondhead Country Club and Property Owners Association, Inc. by Purcell Co., Inc. by Special Warranty Deed dated September 11, 1985, recorded in Book AA 97 at Page 577 of the land records in the Office of the Chancery Clerk of Hancock County, Bay St. Louis, Mississippi, which streets were subsequently conveyed by Diamondhead Country Club and Property Owners Association, Inc. and Purcell Co., Inc. by Deed of Dedication to the City of Diamondhead on January 7, 2013, recorded in Book 2013 at Page 372 of said land records.



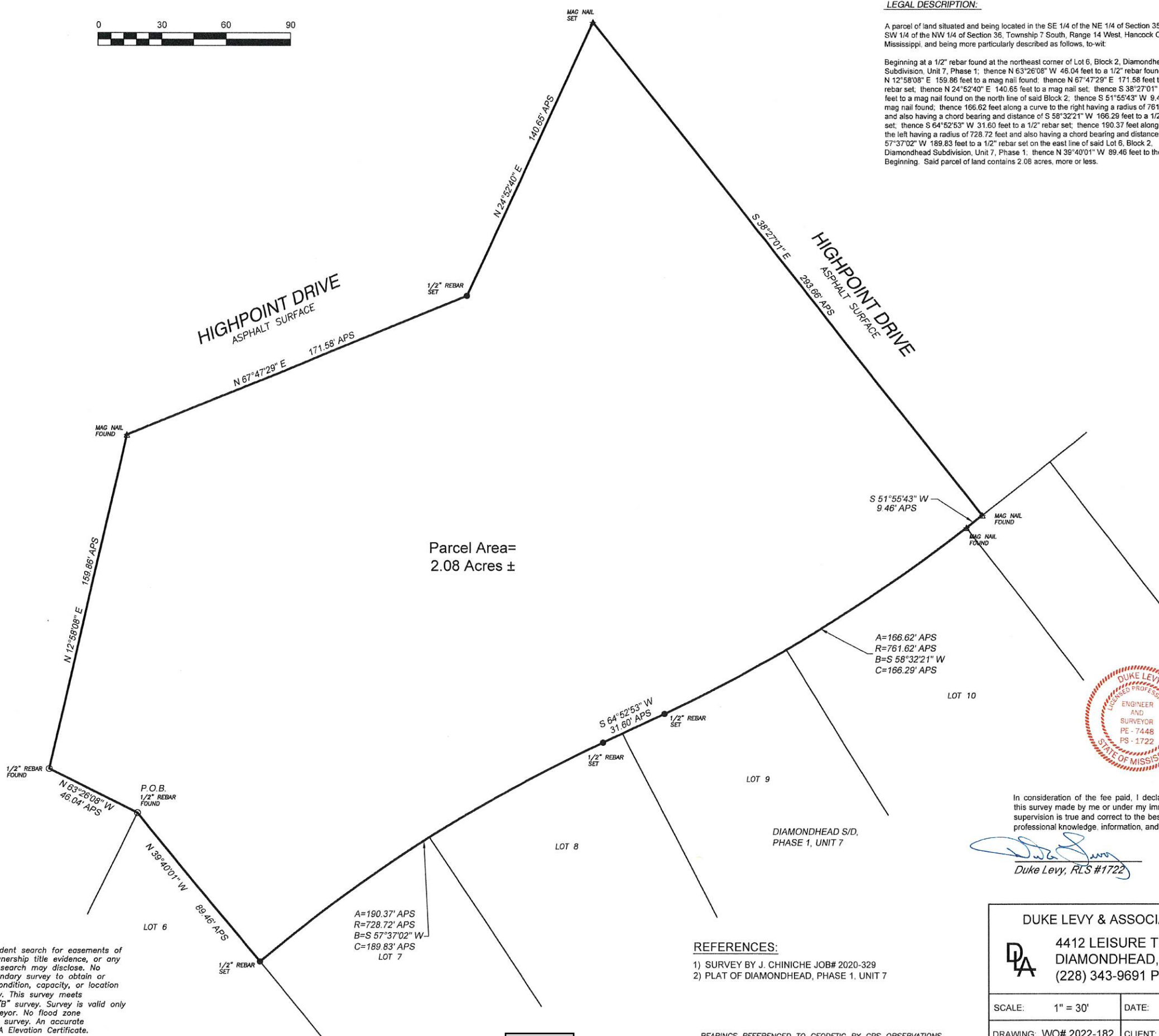
LEGEND:

- ⊕ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- ▲ MAG NAIL FOUND/SET
- ⚡ POWER POLE
- APS AS PER SURVEY
- APR AS PER RECORD

LEGAL DESCRIPTION:

A parcel of land situated and being located in the SE 1/4 of the NE 1/4 of Section 35 and the SW 1/4 of the NW 1/4 of Section 36, Township 7 South, Range 14 West, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Beginning at a 1/2" rebar found at the northeast corner of Lot 6, Block 2, Diamondhead Subdivision, Unit 7, Phase 1; thence N 63°26'08" W 46.04 feet to a 1/2" rebar found; thence N 12°58'08" E 159.86 feet to a mag nail found; thence N 67°47'29" E 171.58 feet to a 1/2" rebar set; thence N 24°52'40" E 140.65 feet to a mag nail set; thence S 38°27'01" E 293.66 feet to a mag nail found on the north line of said Block 2; thence S 51°55'43" W 9.46 feet to a mag nail found; thence 166.62 feet along a curve to the right having a radius of 761.62 feet and also having a chord bearing and distance of S 58°32'21" W 166.29 feet to a 1/2" rebar set; thence S 64°52'53" W 31.60 feet to a 1/2" rebar set; thence 190.37 feet along a curve to the left having a radius of 728.72 feet and also having a chord bearing and distance of S 57°37'02" W 189.83 feet to a 1/2" rebar set on the east line of said Lot 6, Block 2, Diamondhead Subdivision, Unit 7, Phase 1; thence N 39°40'01" W 89.46 feet to the Point of Beginning. Said parcel of land contains 2.08 acres, more or less.



Parcel Area= 2.08 Acres ±



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

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.

REFERENCES:

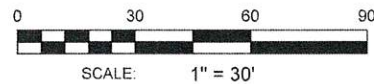
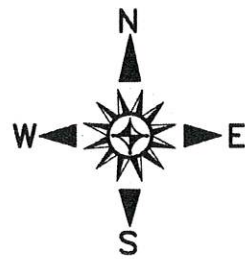
- 1) SURVEY BY J. CHINICHE JOB# 2020-329
- 2) PLAT OF DIAMONDHEAD, PHASE 1, UNIT 7

DUKE LEVY & ASSOCIATES, P.A.
 4412 LEISURE TIME DRIVE
 DIAMONDHEAD, MS 39525
 (228) 343-9691 PHONE

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| DRAWING: WO# 2022-182 | CLIENT: Structures of DH |

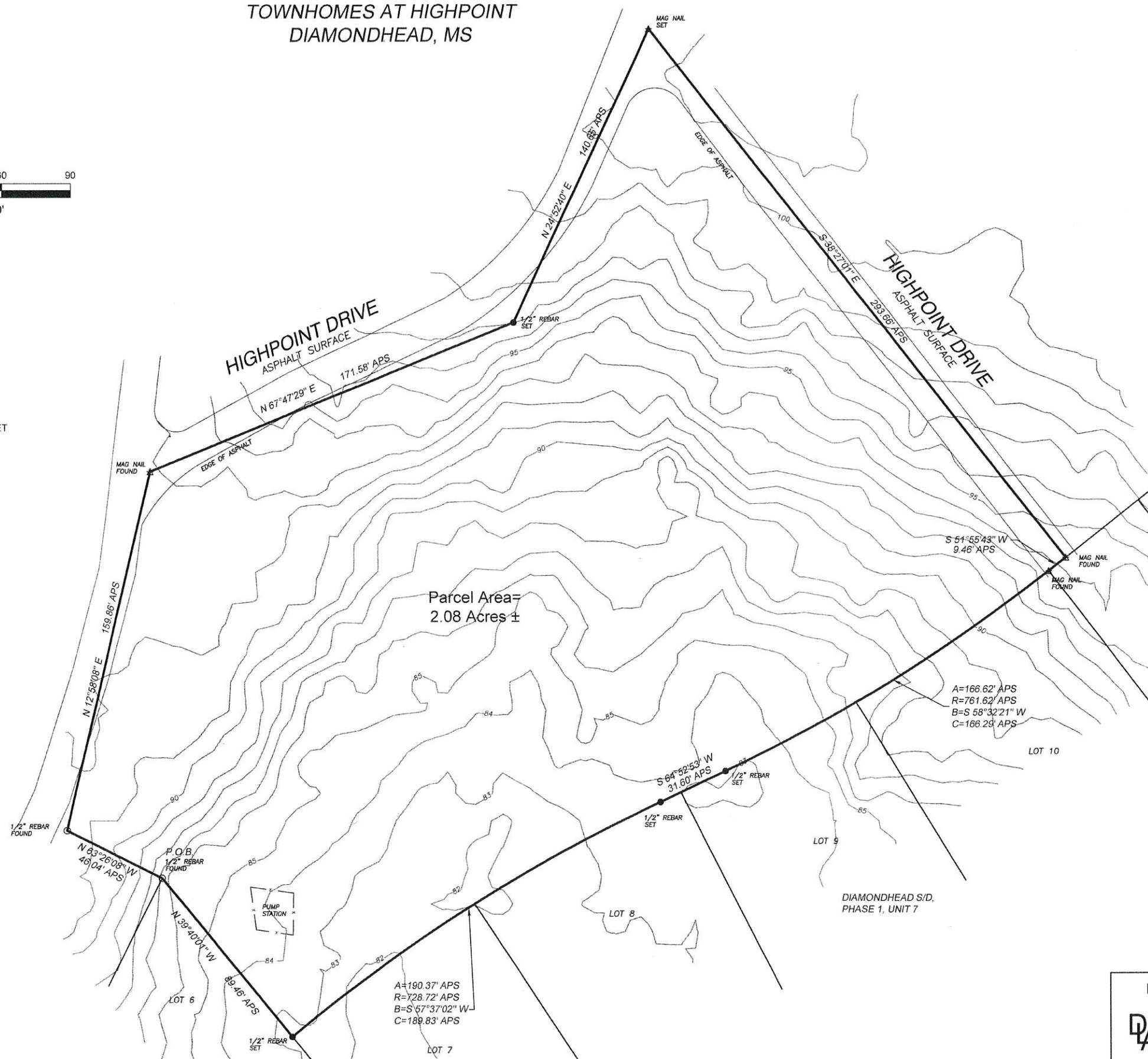
BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS

TOWNHOMES AT HIGHPOINT DIAMONDHEAD, MS



LEGEND:

- ⊙ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- ⊠ MAG NAIL FOUND/SET
- ⊘ POWER POLE
- APS AS PER SURVEY
- APR AS PER RECORD



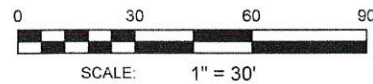
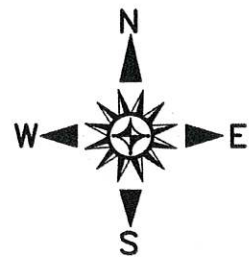
Parcel Area=
2.08 Acres ±



| | |
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| DUKE LEVY & ASSOCIATES, P.A. | |
| 4412 LEISURE TIME DRIVE DIAMONDHEAD, MS 39525 (228) 343-9691 PHONE | |
| SCALE: 1" = 30' | DATE: 08-15-2022 |
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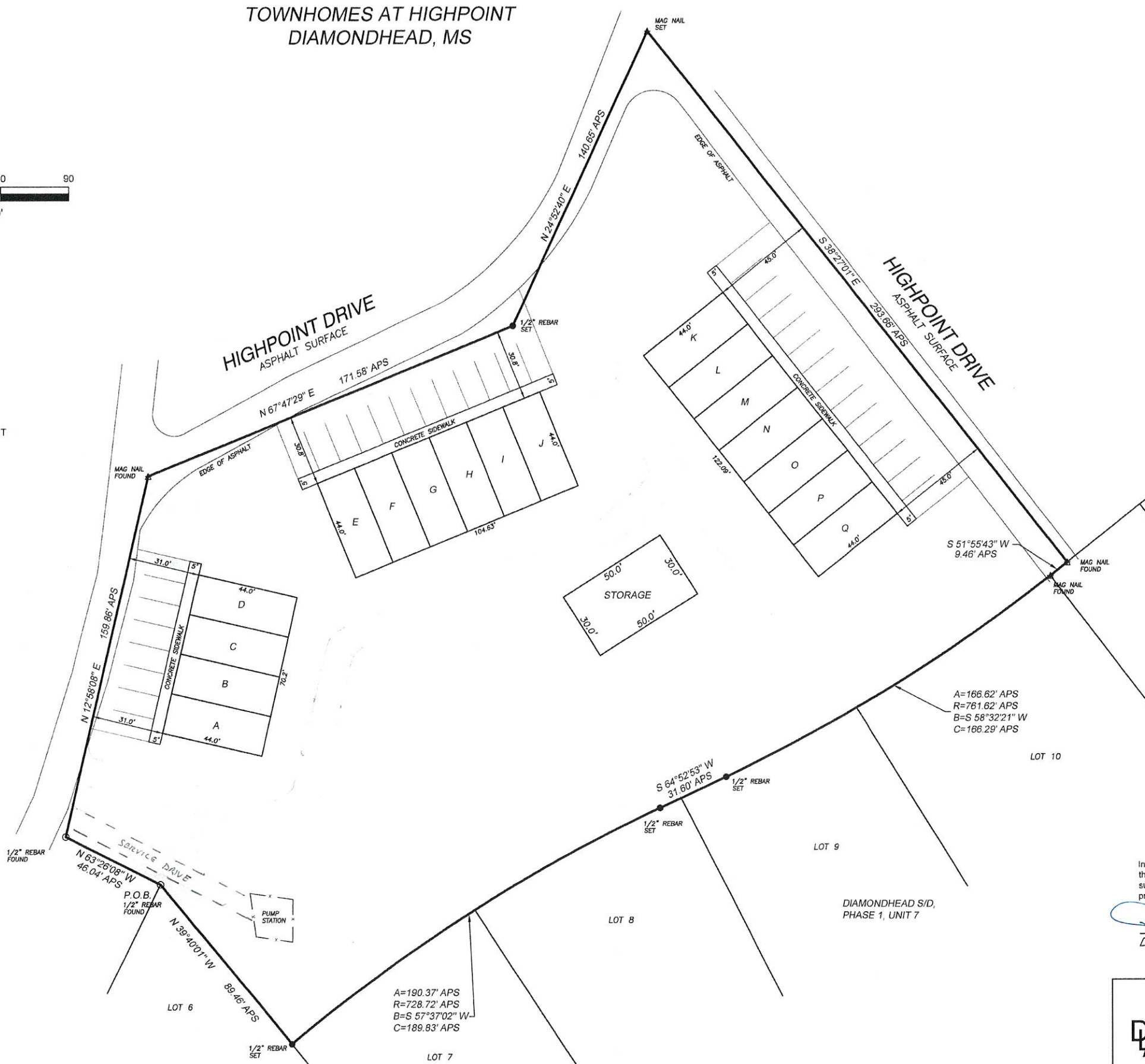
SHEET 2 OF 6
TOPOGRAPHIC
SURVEY

TOWNHOMES AT HIGHPOINT DIAMONDHEAD, MS



LEGEND:

- ⊕ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- ⚡ MAG NAIL FOUND/SET
- ⊗ POWER POLE
- APS AS PER SURVEY
- APR AS PER RECORD



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.

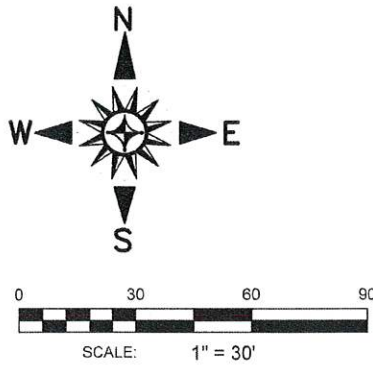
Duke Levy
Duke Levy, RLS #1722

DUKE LEVY & ASSOCIATES, P.A.
 4412 LEISURE TIME DRIVE
 DIAMONDHEAD, MS 39525
 (228) 343-9691 PHONE

SHEET 3 OF 6
SITE PLAN

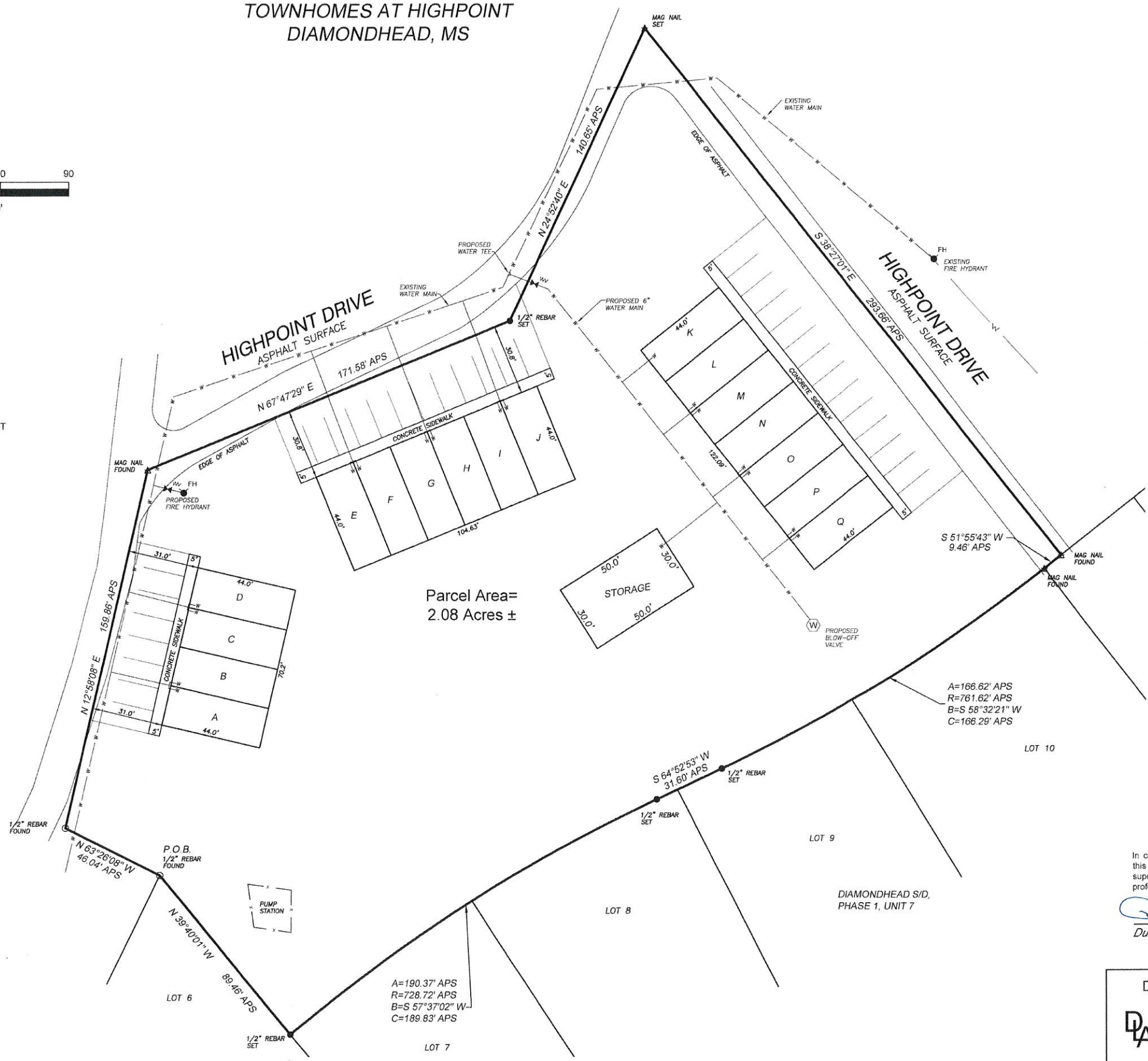
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TOWNHOMES AT HIGHPOINT DIAMONDHEAD, MS



LEGEND:

- ☉ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- ⚡ MAG NAIL FOUND/SET
- ⊕ POWER POLE
- APS AS PER SURVEY
- APR AS PER RECORD



Parcel Area=
2.08 Acres ±



A=166.62' APS
R=761.62' APS
B=S 58°32'21" W
C=166.29' APS

A=190.37' APS
R=728.72' APS
B=S 57°37'02" W
C=189.83' APS



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.

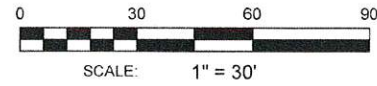
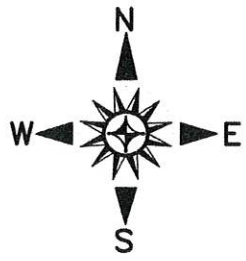
Duke Levy
Duke Levy, RLS #1722

DUKE LEVY & ASSOCIATES, P.A.
4412 LEISURE TIME DRIVE
DIAMONDHEAD, MS 39525
(228) 343-9691 PHONE

SHEET 4 OF 6
WATER SYSTEM

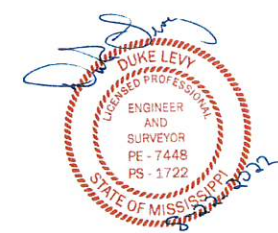
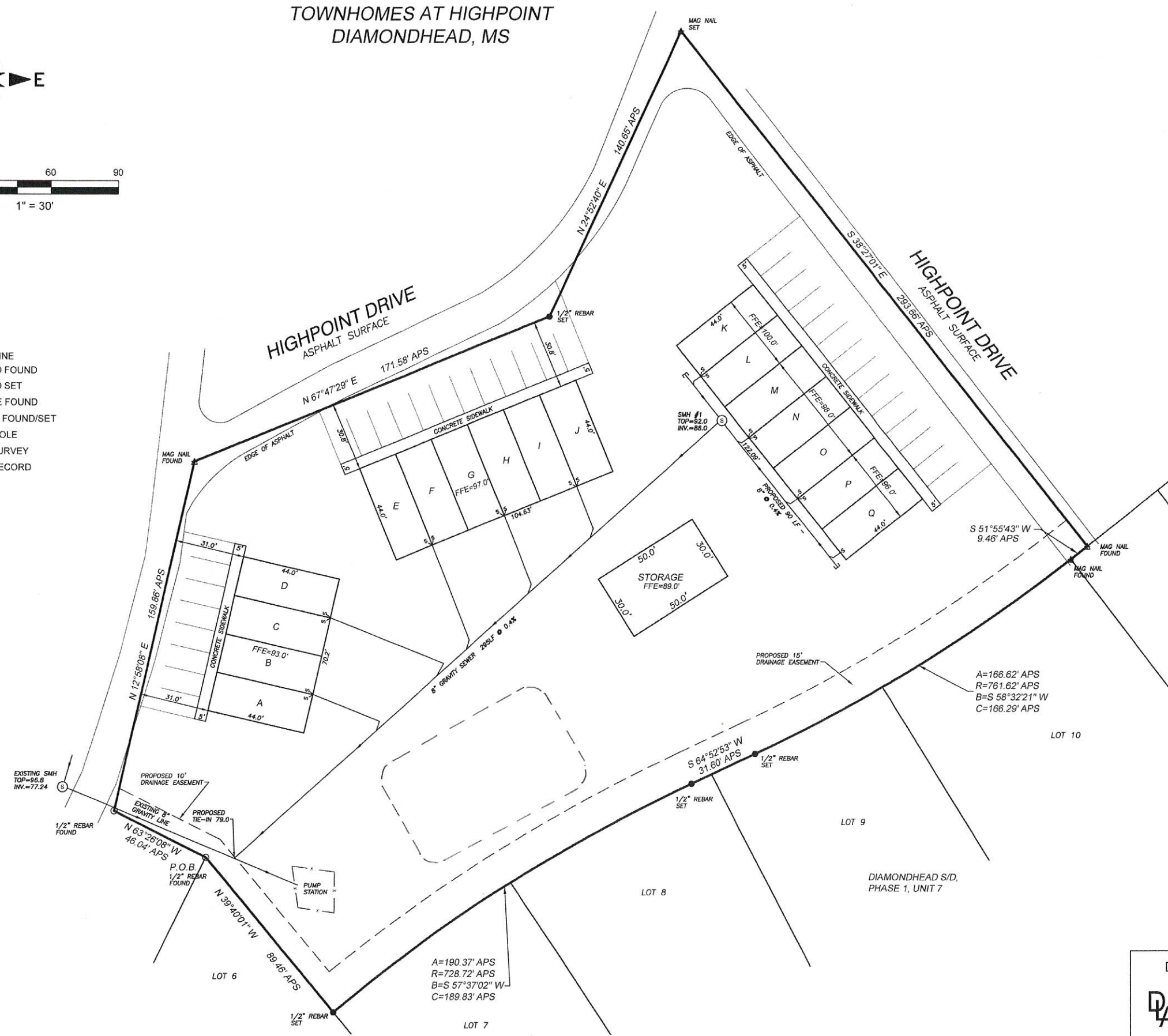
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TOWNHOMES AT HIGHPOINT DIAMONDHEAD, MS



LEGEND:

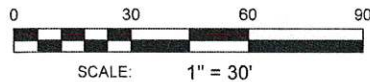
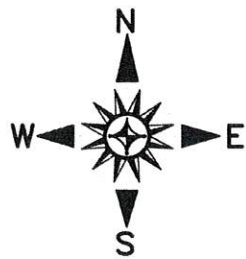
- ☉ CENTERLINE
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DUKE LEVY & ASSOCIATES, P.A.
 4412 LEISURE TIME DRIVE
 DIAMONDHEAD, MS 39525
 (228) 343-9691 PHONE

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| SCALE: 1" = 30' | DATE: 08-15-2022 |
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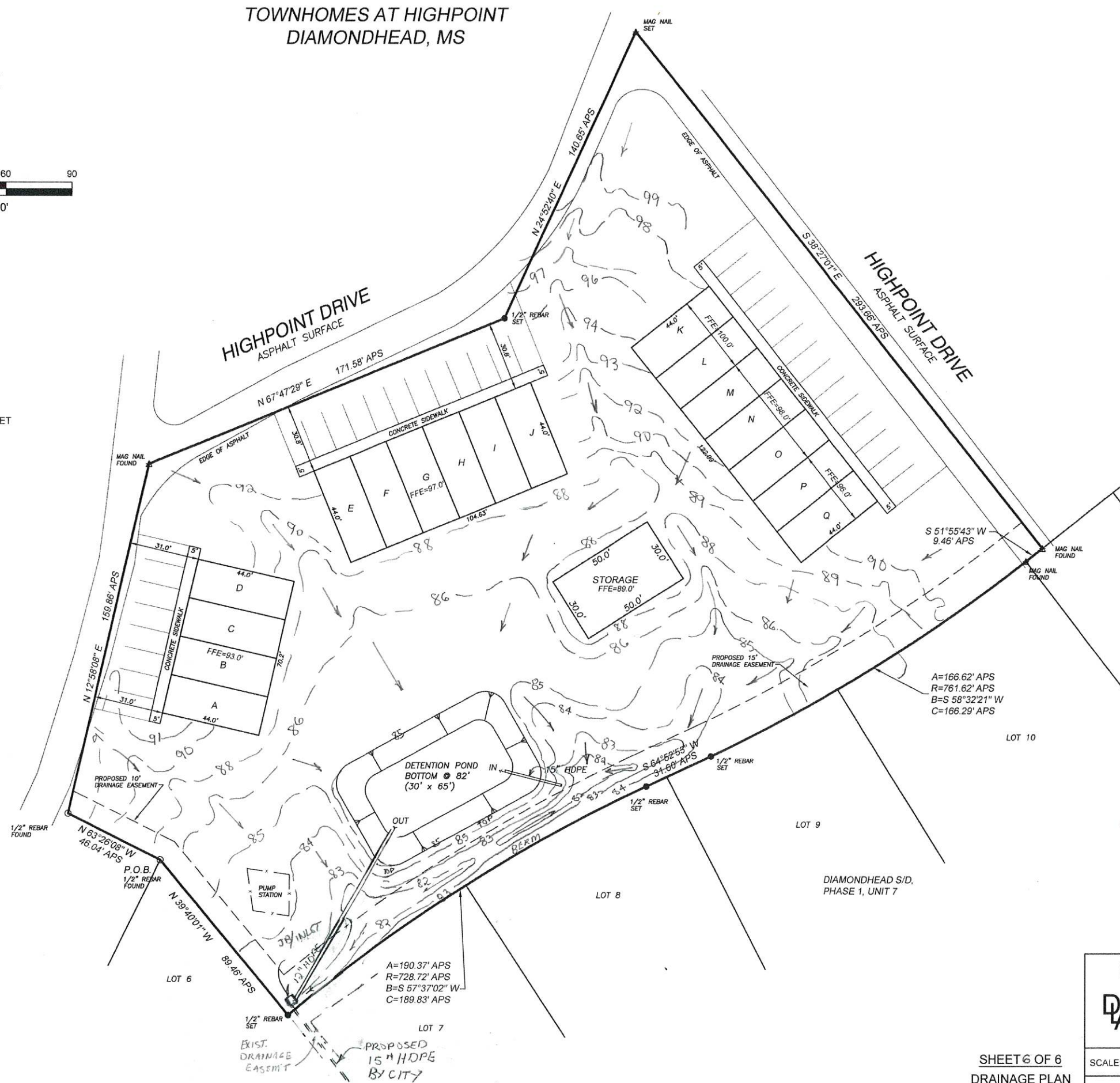
SHEET 5 OF 6
SEWER PLAN



TOWNHOMES AT HIGHPOINT DIAMONDHEAD, MS

LEGEND:

- ⊕ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊙ IRON PIPE FOUND
- ⚓ MAG NAIL FOUND/SET
- ⊗ POWER POLE
- APS AS PER SURVEY
- APR AS PER RECORD



DUKE LEVY & ASSOCIATES, P.A.
 4412 LEISURE TIME DRIVE
 DIAMONDHEAD, MS 39525
 (228) 343-9691 PHONE

SHEET 6 OF 6
 DRAINAGE PLAN

SCALE: 1" = 30' DATE: 08-15-2022
 DRAWING: WO# 2022-182 CLIENT: Structures of DH

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

Elliott Homes, LLC. represented by Josh Fleming has submitted a request for a variance from the Subdivision Regulations (Article 308.6) to allow the construction of a cul-de-sac 723 feet in length. The variance requested is 123 feet.

The property address is the proposed Hahalua Lane at Diamondhead Lakes Drive in the Diamondhead Lakes subdivision. The tax parcel number is 067L-0-35-012.000. The maximum length of a cul-de-sac is 600 feet. The variance requested is 123 square feet. The Case File Number is 202200448.

The Planning Commission shall review and submit a recommendation to the City Council.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, October 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.

DIAMONDHEAD FIRE PROTECTION DISTRICT

4440 KALANI DRIVE, DIAMONDHEAD MS 39525

October 5, 2022

Ron Jones
Building Official
City of Diamondhead

Re: Cul-de-sac Variance

Mr. Jones,

I do not see anything in the fire code that prohibits a cul-de-sac over 600 feet. It looks like that is a legacy ordinance in most jurisdictions based on fire trucks typically carrying 600' of supply hose years ago. There is an issue with turnarounds. For very long dead ends, it would be beneficial to have a turnaround roughly midway both for speed in response, and as a redundant capability in the event the cul-de-sac at the end is blocked for some reason. I think the addition of a turnaround would be a reasonable request to approve the variance. Any of the approved styles of turnarounds in Appendix D of the IFC would be acceptable (note the proposed site plan shows the cul-de-sac as 70' and the code requires 96').

Very Sincerely,



Michael O. Munger
Fire Chief
Diamondhead Fire Protection District

Diamondhead
Lakes 1 Ph 2

Item No.4.



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

APPLICATION FOR VARIANCE REQUEST

Case Number: _____

Date September 23, 2022

Applicant: Josh Fleming

Applicant's Address: 1402 Pass Road, Gulfport, MS 39501

Applicant's Email Address: jfleming@myelliottthome.com

Applicant's Contact Number: (Home) N/A (Work) 1-844-289-3554 (Cell) 228-257-9914

Property Owner: Elliott Land Development, LLC

Owner's Mailing Address: 1402 Pass Road, Gulfport, MS 39501

Owner's Email Address brandon@myelliottthome.com

Owner's Contact Number: (Home) N/A (Work) 1-844-289-3554 (Cell) 228-257-9914

Tax Roll Parcel Number: 067L-0-35-012.000

Physical Street Address: _____

Legal Description of Property: _____

Zoning District: R-2 (single-family residential)

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) Per paragraph 308.6, No street terminating in a cul-de-sac shall exceed 600' in length unless a variance is granted. Our proposed Halalua Lane exceeds 600'. We are requesting a variance to keep the proposed layout of Hahalua Lane as shown.

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.
See attached
- 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: *See attached*
- 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 October 25th, 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.



Signature of Applicant



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 Elliott Land Development, LLC

Proposed Hahalua Lane intersecting Diamondhead Lakes Drive

Street Address within the proposed Diamondhead Lakes subdivision.

Statement Describing Variance Request

Per paragraph 308.6, No street terminating in a cul-de-sac shall exceed 600' in length unless a variance is granted. Our proposed Hahalua Lane is 723'. We are requesting a variance to keep the proposed Hahalua Lane as is.

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: The variances being requested only affects the land in question and non other surrounding or similar properties.

- 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, literal interpretation of the zoning ordinance does not deprive the owner/ applicant of rights commonly enjoyed by other properties in the same zoning district.

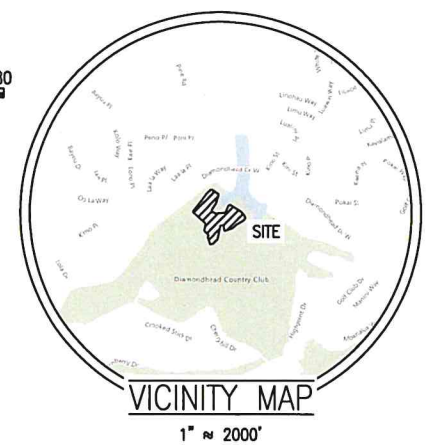
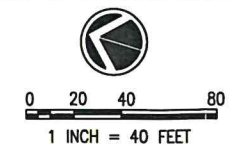
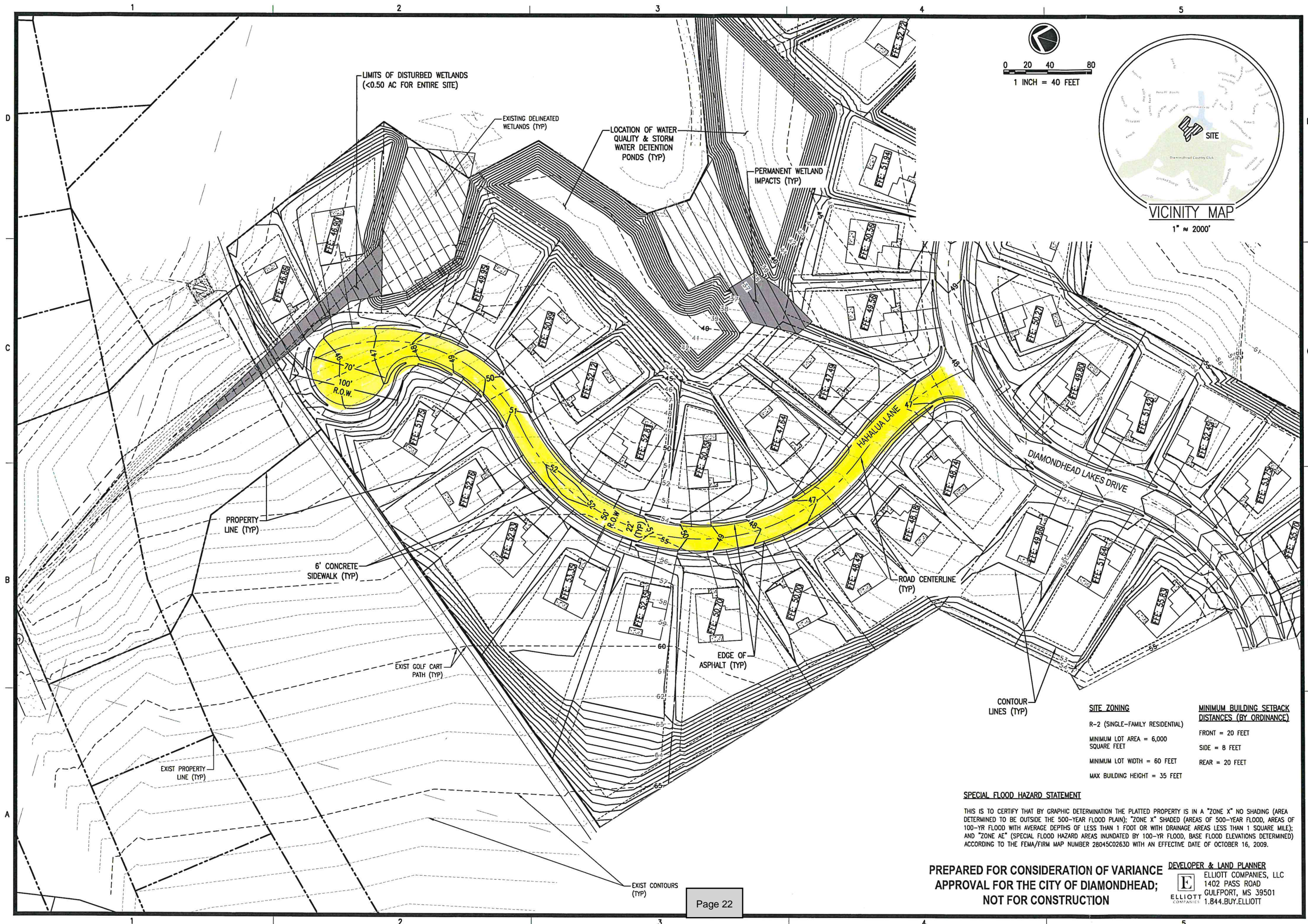
- 3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: No, this circumstance is caused by aiming to please the residents that live adjacent to the proposed subdivision property along Diamondhead Drive West by installing a cul-de-

sac instead of a T-intersection with the proposed Hahalua Lane and the existing Diamondhead Drive West.

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

Response: This varinace does not give any special privilages or rights shared by owners of similar properties. This variance will only allow for a road ending in a cul-de-sac to be greater than 600' in lenght.



REVISIONS: Item No. 4

| | |
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| | |

PROJECT #: 25705.18
 DATE: SEPTEMBER 2022
 DRAWN BY: MSF
 DESIGNER: MSF
 CHECKED BY: CBW

Pickering
 Pickering Firm, Inc.
 Transportation • Environmental • Water Resources
 Civil • Facilities
 126 Rue Magnolia
 Bloomsburg, MS 39530
 228.632.9925

**DIAMONDHEAD LAKES
 VARIANCE REQUEST**
 DIAMONDHEAD, MISSISSIPPI

SEAL:
**PRELIMINARY - NOT
 FOR CONSTRUCTION**

SHEET NUMBER:
1 OF 2

DESCRIPTION:
 SITE PLAN

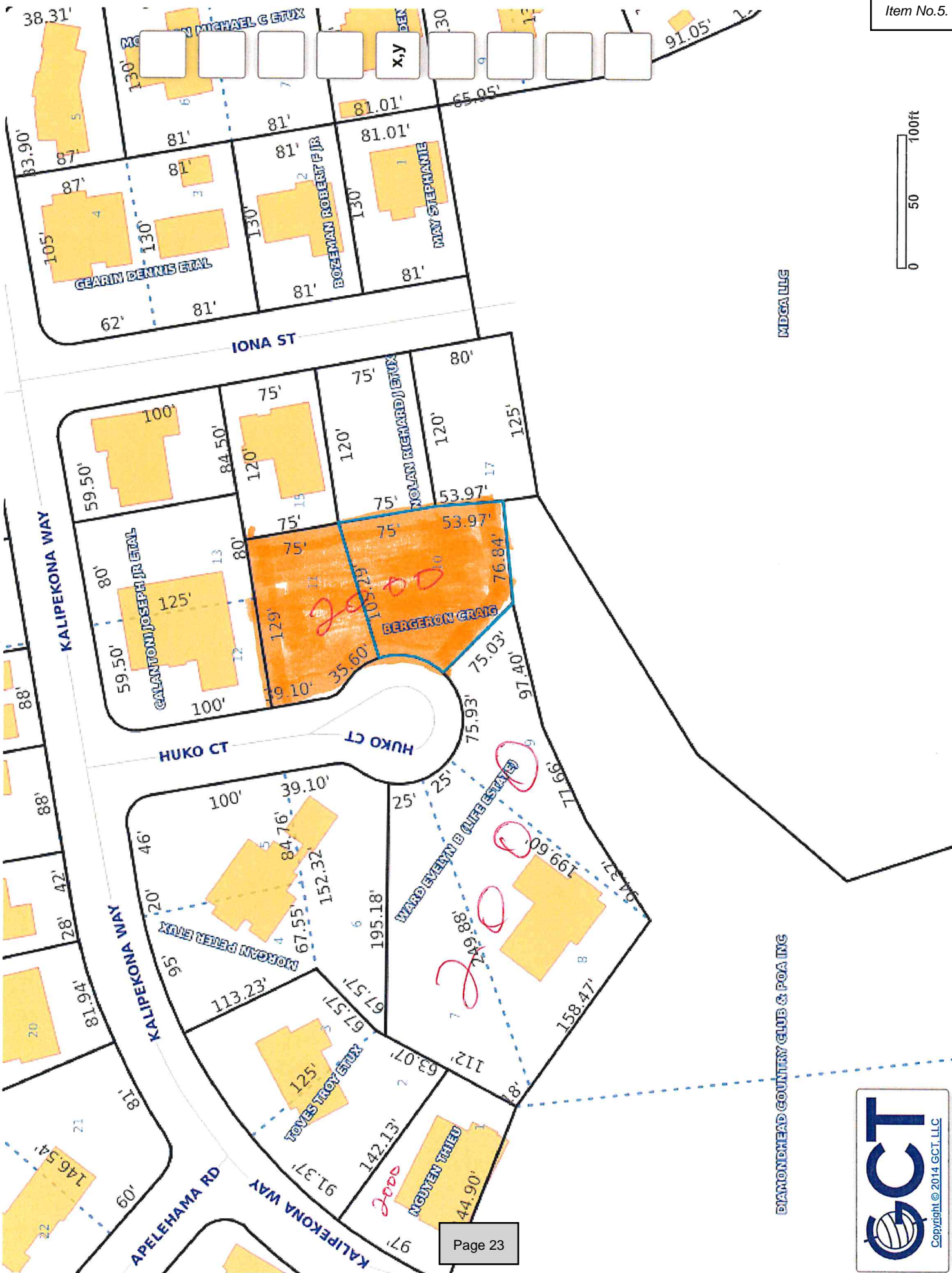
SITE ZONING
 R-2 (SINGLE-FAMILY RESIDENTIAL)
 MINIMUM LOT AREA = 6,000 SQUARE FEET
 MINIMUM LOT WIDTH = 60 FEET
 MAX BUILDING HEIGHT = 35 FEET

MINIMUM BUILDING SETBACK DISTANCES (BY ORDINANCE)
 FRONT = 20 FEET
 SIDE = 8 FEET
 REAR = 20 FEET

SPECIAL FLOOD HAZARD STATEMENT
 THIS IS TO CERTIFY THAT BY GRAPHIC DETERMINATION THE PLATTED PROPERTY IS IN A "ZONE X" NO SHADING (AREA DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD PLAIN); "ZONE X" SHADED (AREAS OF 500-YEAR FLOOD, AREAS OF 100-YR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE); AND "ZONE AE" (SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YR FLOOD, BASE FLOOD ELEVATIONS DETERMINED) ACCORDING TO THE FEMA/FIRM MAP NUMBER 28045C0263D WITH AN EFFECTIVE DATE OF OCTOBER 16, 2009.

**PREPARED FOR CONSIDERATION OF VARIANCE
 APPROVAL FOR THE CITY OF DIAMONDHEAD;
 NOT FOR CONSTRUCTION**

DEVELOPER & LAND PLANNER
 ELLIOTT COMPANIES, LLC
 1402 PASS ROAD
 GULFPORT, MS 39501
 1.844.BUY.ELLIOTT



MDGA LLC

DIAMONDHEAD COUNTRY CLUB & POA INC

x,y

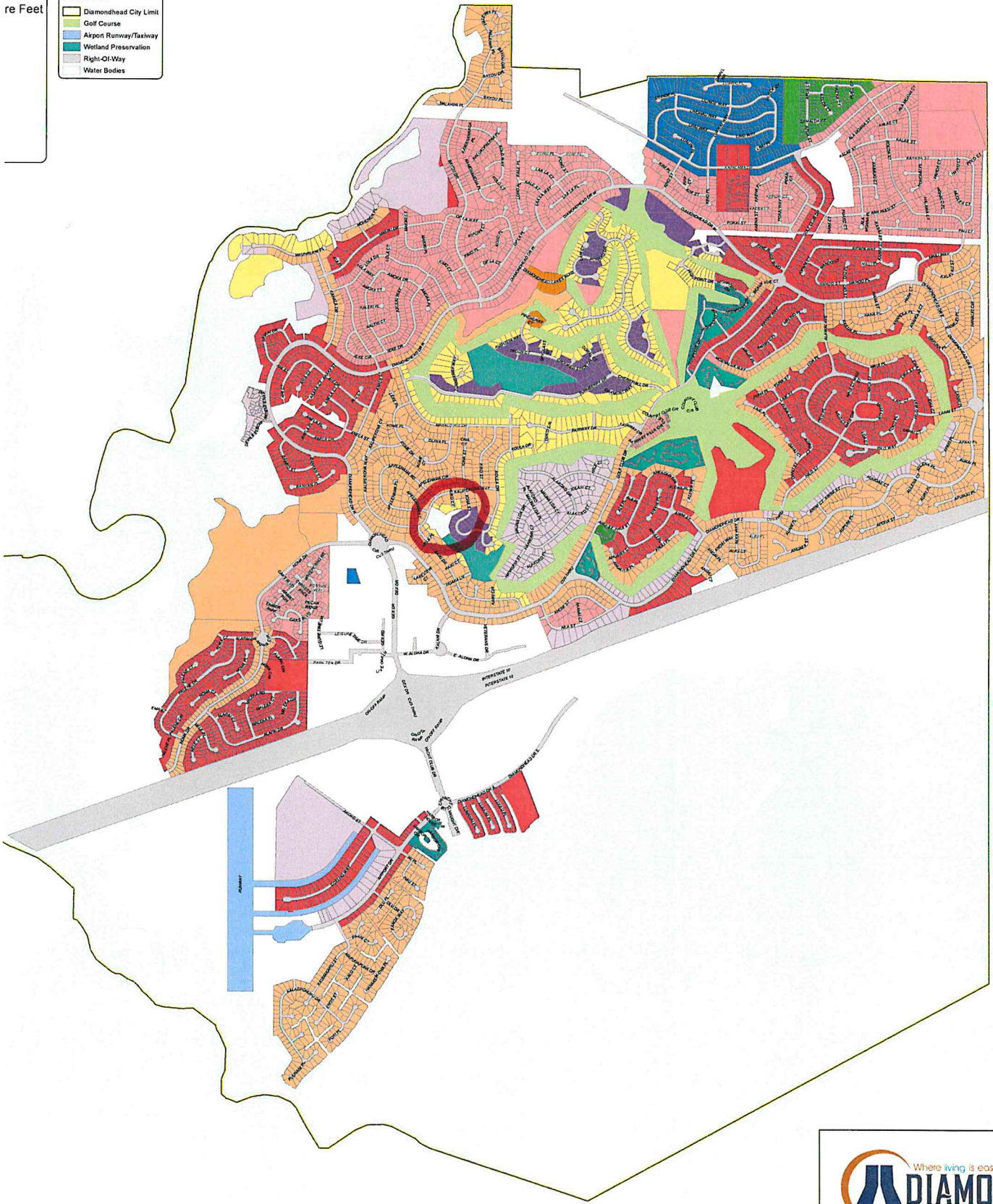


Minimum Square Footage Requirements City of Diamondhead, Mississippi

re Feet

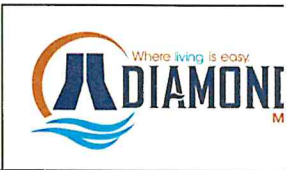
LEGEND

- Diamondhead City Limit
- Golf Course
- Airport Runway/Taxiway
- Wetland Preservation
- Right-Of-Way
- Water Bodies



0.25 0.5 1 Miles

ADOPTED BY THE MAYOR AND CITY COUNCIL ON [INSERT MONTH, DAY], 2022





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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202200450

Date 9/23/22

Applicant: CRAIG J. BERGERON

Applicant's Address: 2368 COELHO WAY DIAMONDHEAD MS 39525

Applicant's Email Address: CJB4LSU@YAHOO.COM

Applicant's Contact Number: (Home) — (Work) (985) 641 8430 (Cell) (985) 768 0075

Property Owner: CRAIG J. BERGERON

Owner's Mailing Address: 2368 COELHO WAY DIAMONDHEAD MS 39525

Owner's Email Address: CJB4LSU@YAHOO.COM

Owner's Contact Number: (Home) — (Work) (985) 641 8430 (Cell) (985) 768 0075

Tax Roll Parcel Number: 131D-2-13-009.000

Physical Street Address: 6410 HUKU COURT DIAMONDHEAD MS 39525

Legal Description of Property: LOT 11, BLOCK 12, UNIT 10, DIAMONDHEAD, PHASE 2,

Zoning District: R1 - LOW DENSITY SINGLE FAMILY

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

WOULD LIKE TO REQUEST THAT MY MINIMUM SQUARE FOOTAGE (DWELLING)
BE REDUCED TO SAME MINIMUMS OF NEIGHBORING PARCELS
IN AREA THAT ARE NOT LOCATED ON GOLF COURSE OR
WATER FRONT. REQUEST IS TO HAVE MINIMUMS OF 2000' SQ FT
REDUCED TO SURROUNDING MINIMUM OF 1400'. SAID PROPERTY
WILL BE 1706' HEATED AND 29' UNDER BEAM.

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 October 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.

[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 CRAIG J BERGERON

Street Address 6410 HUKO Ct. DIAMONDHEAD MS 39525

Statement Describing Variance Request

THE MINIMUM SQUARE FOOT REDUCTION IS TO MATCH / COMPLIMENT
NEIGHBORING PARCELS IN AREA THAT ARE NOT LOCATED ON
ANY PORTIONS OF THE GOLF COURSE AS WELL AS NOT NEAR WATERFRONT.
CURRENT MINIMUM OF 2000' REDUCED TO 1400'

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 REQUEST WILL ONLY HAVE AN EFFECT
ON LISTED PROPERTY ONLY. SQUARE FOOTAGE WOULD
BE 1706' HEATED / 2936' UNDER BEAM.

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: VARIANCE WILL NOT INTERFERE WITH SURROUNDING
PARCELS, THE SQUARE FOOTAGE WILL COMPLIMENT / MATCH
THE SURROUNDING PARCELS NOT LOCATED ON WATERFRONT OR GOLF COURSE.

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

Response: CIRCUMSTANCES HAVE NOT BEEN CAUSED BY 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 WILL BE RECEIVED BY
THE OWNER, WE ARE ONLY ASKING THAT WE BE
ABLE TO BUILD AT SIMILAR SQUARE FOOTAGE MINIMUMS.

CARLE BERGERON
 985 768 0075

LARGE DITCHES & RETENTION PONDS

6410 Huko Ct.
 No WATER FRONT | GOLF COURSE



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

4.5.5 G

Craig Bergeron has filed an application requesting a variance from the Zoning Ordinance (Article ~~4.19~~) to allow the construction of a 1,706 square foot residence on a lot designated 2,000 square foot minimum. The variance requested is 294 square feet.

The property address is 6410 Huko Court. The tax parcel number is 131D-2-13-009.000. The property is in a R-1 zoning district. The minimum square footage for this lot is 2,000. The variance requested is 294 square feet. The Case File Number is 202200450.

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, 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, October 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.