



Commissioner Bice  
Commissioner Milton  
Commissioner Bower  
Commissioner Rubar  
Commissioner Hourin  
Commissioner Torguson  
Commissioner Hector

## **AGENDA**

### **PLANNING AND ZONING COMMISSION**

**Tuesday, December 08, 2020**

**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 Minutes of November 10, 2020

#### **New Business**

3. Mr. Ray Sheward and Mr. Scott King have filed an application requesting a variance from the Zoning Ordinance (Article 5.4.2 G) to construct a house within 6.8' from the side yard (south) property line. The case file number is 202000466.

The newly assigned property address is 7420 Turnberry Way . The tax parcel number is 067N-1-35-0-093.000. The legal description is replat of Glen Eagle Phase 1, Lot 174A. The property is located in a R-1 zoning district. The minimum side yard setback is 10 feet due to this property being a combination lot allowed by the covenants.

4. Ms. Margaret F. Nutkins has filed an application requesting a Conditional Use Permit in accordance with the Zoning Ordinance Table 4.2, Article 4.21.1 (C) and Article 2.5 to allow short term vacation rental for 30 days or less in a R-1 district. The tax parcel number is 067P-0-35-066.000 The street address is 7604 Fairway Drive. Case file number is 202000481.

#### **Unfinished Business**

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

#### **Commissioners' Comments**

#### **Communication / Announcements**

5. Next City Council meeting December 15, 2020

Next Planning Commission meeting January 26, 2021

**Adjourn or Recess**



Commissioner  
Commissioner  
Commissioner Bower  
Commissioner Rubar  
Commissioner Hourin  
Commissioner Torguson  
Commissioner Hector

Item No.2.

## MINUTES PLANNING AND ZONING COMMISSION

Tuesday, November 10, 2020

6:00 PM CST

Council Chambers, City Hall  
and via teleconference, if necessary

### Call to Order

Chairman Bice called the meeting to order at 6:02 p.m.

### Statement of Purpose

Commissioner Layel read the 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

Commissioner Bower led the Pledge of Allegiance

### Roll Call

Present Commissioner Bice, Bower, Rubar, Layel, Hourin      Absent : Torguson, Hector

Also present City Attorney, Derek Cusick, Building Official, Ronald Jones, Building Inspector, Beau King, Code Enforcement, Pat Rich.

### Confirmation or Adjustments to Agenda

Commissioner Bower, second by Commissioner Hourin made a motion to approve the agenda as presented.

### Motion Carried Unanimously

### Approval of Minutes

Commissioner Hourin, second by Commissioner Layel made a motion to accept the minutes of October 27, 2020 .

### Motion Carried Unanimously

1. Approval of Minutes 10-27-2020

### New Business

2. Ms. Athena Tzuanos has filed an application requesting a variance from the Zoning Ordinance (Article 4.18 D ii f (municode)) to allow the placement of an existing shed (9' x 15') without a permit extending beyond the front façade of the house facing Banyan Street. The shed is 25' from the property line on Banyan. This lot is a corner lot having 2 front yard setbacks on Banyan Street and Diamondhead Drive North.

The property address is 63732 Diamondhead Drive North. The tax parcel number is 068R-3-41-037.000. The legal description is Diamondhead Subdivision Phase #1, amended Unit 2 and , Block 2, Lot 12. The property is located in an R-2 zoning district.

Building Official, Ronald Jones addressed and answered questions from the commissioners.

Chairman Bice asked if anyone was present to represent Ms. Tzuanos.

Ms. Tzuanos spoke and answered questions from the commissioners.

Chairman Bice asked for any public comments.

Ronnie Daughtery, Terri Theonnes, Karen Raynor spoke in favor of the request.

Henry Stout, Ernie Knoblock, Jonh Campbell, Patricia Terry, Jeffery McClain, Thomas Nicholls were opposed.

Ronald Jones, Building Official, made a recommendation to deny the variance based on the findings

- NO special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. A hardship shall mean an unusual topographical situation or condition involving a particular property and which makes it impossible for the owner to use the property in the manner prescribed for the district by the zoning ordinance.
- That 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.
- That special conditions and circumstances, if any, are the direct result from the actions of the applicant. A hardship exists only where the unusual situation or condition is not created by the owner of the property.
- That granting the variance requested would confer on the applicant a special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district. A hardship as related to zoning is not to be confused with an economic, personal, or medical hardship.
- The Variance would not observe the spirit of the Ordinance and would change the character of the district and set a precedent for other accessory structures in front yard setbacks.
- The Variance would not observe the spirit of the Comprehensive Plan.
- That the Variance requested will not result in any change in use or density of the subject

Commissioner Bower , second by Commissioner Layel made a motion to accept the recommendation of the Building Official.

**Motion Carried Unanimously**

3. Ms. Mary Ellen Jones has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to replace a 6' wood privacy fence on the front property line along Laie Court and extending beyond the front façade of her house within the 20' front yard setback area.

The property address is 790 Laie Court. The tax parcel number is 067R-2-36-161.000. The legal description is Diamondhead Subdivision Phase #2, Unit 3, Block 2, Lots 59 and 60. The property is

located in an R-2 zoning district. The fence is required to be set back 20' from the front property line but not any closer than the façade of the house.

Building Official, Ronald Jones addressed and answered questions from the commissioners.

Chairman Bice asked if anyone was present to represent Ms. Jones.

Ms. Jones and her daughter spoke and answered questions from commissioners.

Chairman Bice asked for any public comments.

David Flowers, and Walter Piper spoke in favor of the request.

Ronald Jones, Building Official, made a recommendation to approve the request.

Commissioner Rubar, second by Commissioner Bower, made a motion to accept the recommendation of the Building Official

**Motion Carried Unanimously**

**Unfinished Business**

**None**

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

**None**

**Commissioners' Comments**

**None**

**Communication / Announcements**

- 4. Next City council meeting November 17, 2020
- Next Planning Commission meeting December 8, 2020

**Adjourn or Recess**

Commissioner Hourin, second by Commissioner Rubar made a motion to adjourn at 7:18 p.m.

**Motion Carried Unanimously**

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EJ Bice, Chairman  
Planning & Zoning



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

APPLICATION FOR VARIANCE REQUEST

RECEIVED  
OCT 22 2020  
BY: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date 10-22-2020

Applicant: Ray Sheward + Scott King

Applicant's Address: 17911 Lanai St. D'Head, MS 39525

Applicant's Email Address: 1416kscottking@gmail.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 504-236-6788

Property Owner: Ray Sheward + Scott King

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

Owner's Email Address: SAME

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

Tax Roll Parcel Number: 067N-1-35-0-093.000

Physical Street Address: 1420 Turnberry Way D'Head, MS 39525

Legal Description of Property: Lot 174A Replat of Glen Eagle Phase 1

Zoning District: R 1

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

To build a single family home within 6.8 ft of the South property line. In accordance with article 5.4.2 G the zoning ordinance allows to follow the plated covenants. A combination lot allows a minimum of 5ft on one side yard and 10ft on other side yard having a total combination side yard of 15ft.

**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

**REQUIRED ITEM A**

Property Owner Ray Sheward + Scott King

Street Address 7420 Turnberry Way D'Head, MS 39525

Statement Describing Variance Request

To build a single family home within 6.8 ft of the south property line.

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: See attached paperwork for responses below.

- 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: \_\_\_\_\_

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

Response: \_\_\_\_\_

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

Response: \_\_\_\_\_



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 Dec. 8 at 2 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.

Chester Ray Sheppard  
Signature of Applicant

Chester Ray Sheppard  
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 ( )

# Attachment

Item No.3.

## City of Diamondhead Board Members

The applicants, Ray Sheward and Scott King, came to me, Hannah Home Builders, LLC, with plans already in existence for Lot 174A 17420 Turnberry Way, Glen Eagle. Unbeknownst to them, their house plans that they have been working diligently on, will not meet the set back requirements on the South side of property. The one applicant has a terminal illness and much time and money has already been spent on the plans process.

Working with Mr. Levy, the surveyor, even pushing the home back further will not benefit, due to the topography of the land and the wetlands being so close.

The neighbor on the South side has granted his blessing / approval for this variance. Also, the home will only be in the owners easement and does not interfere with the required drainage easement between the two said properties. The neighbor owns two lots and stated that he will be constructing his home in the center of his lot therefore will not create a "foot close of home" look.



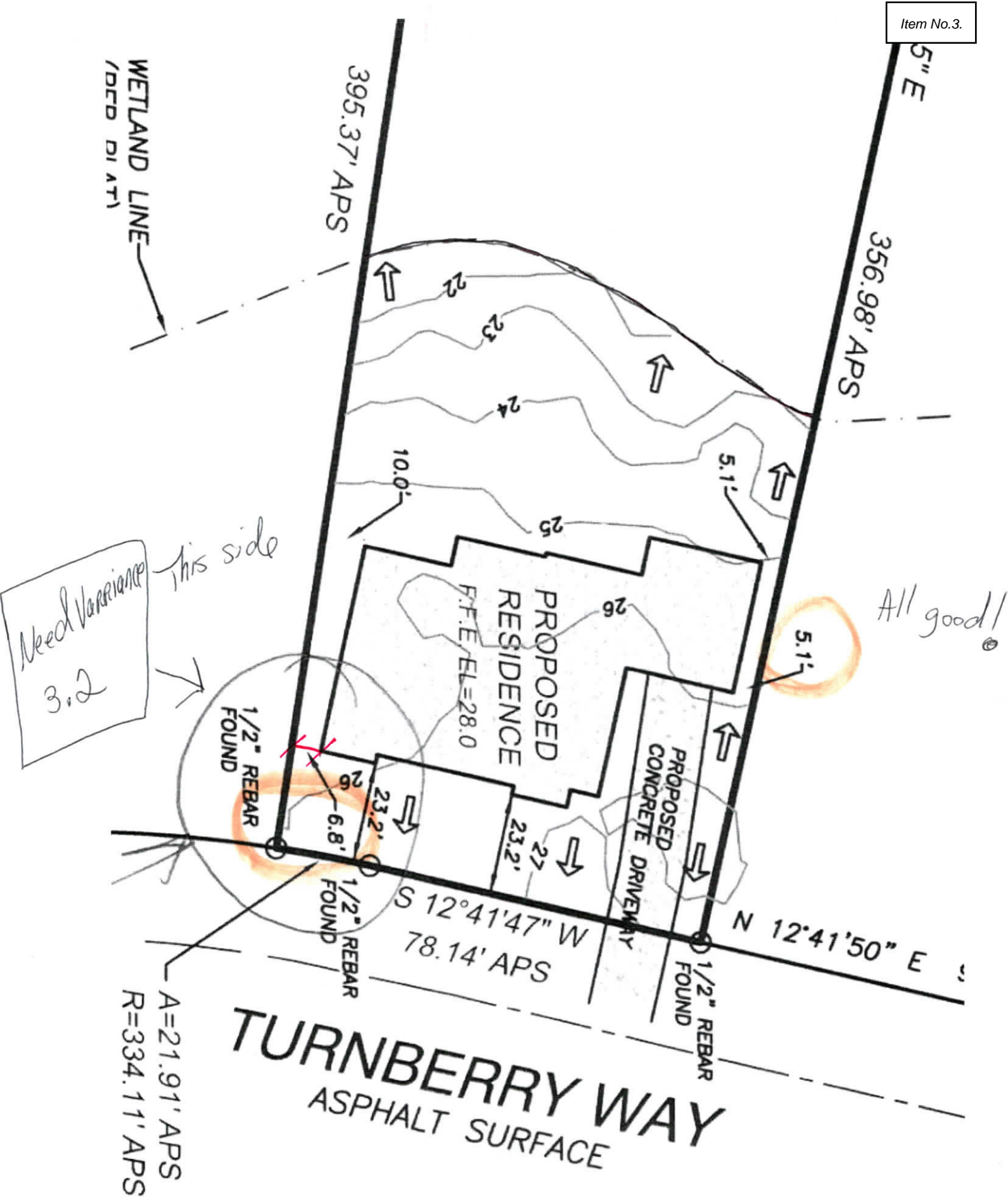


The home is going to be a beautiful addition to Glen Eagle and Diamondhead proper. We sincerely thank the board for giving much consideration for this request being that so much time and money has been spent. The applicants are eagerly ready to proceed with their new home in Diamondhead?

Due to the nature of the land in this area, we are grateful for your consideration of this variance of 3.2 ft on the South side of property. Hopefully this will bring a nice needed welcoming of 2021 to these applicants and their Welcome to Diamondhead, MS.

Thank you,  
Melissa Wood  
Hammock Home Builders, LLC

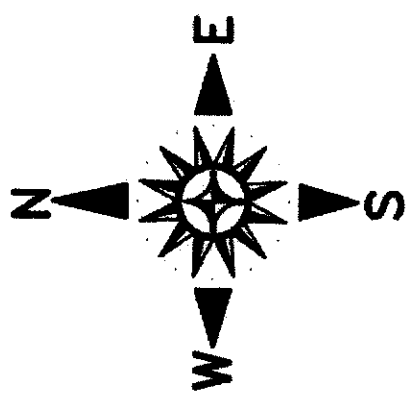




DRAINAGE PLAN

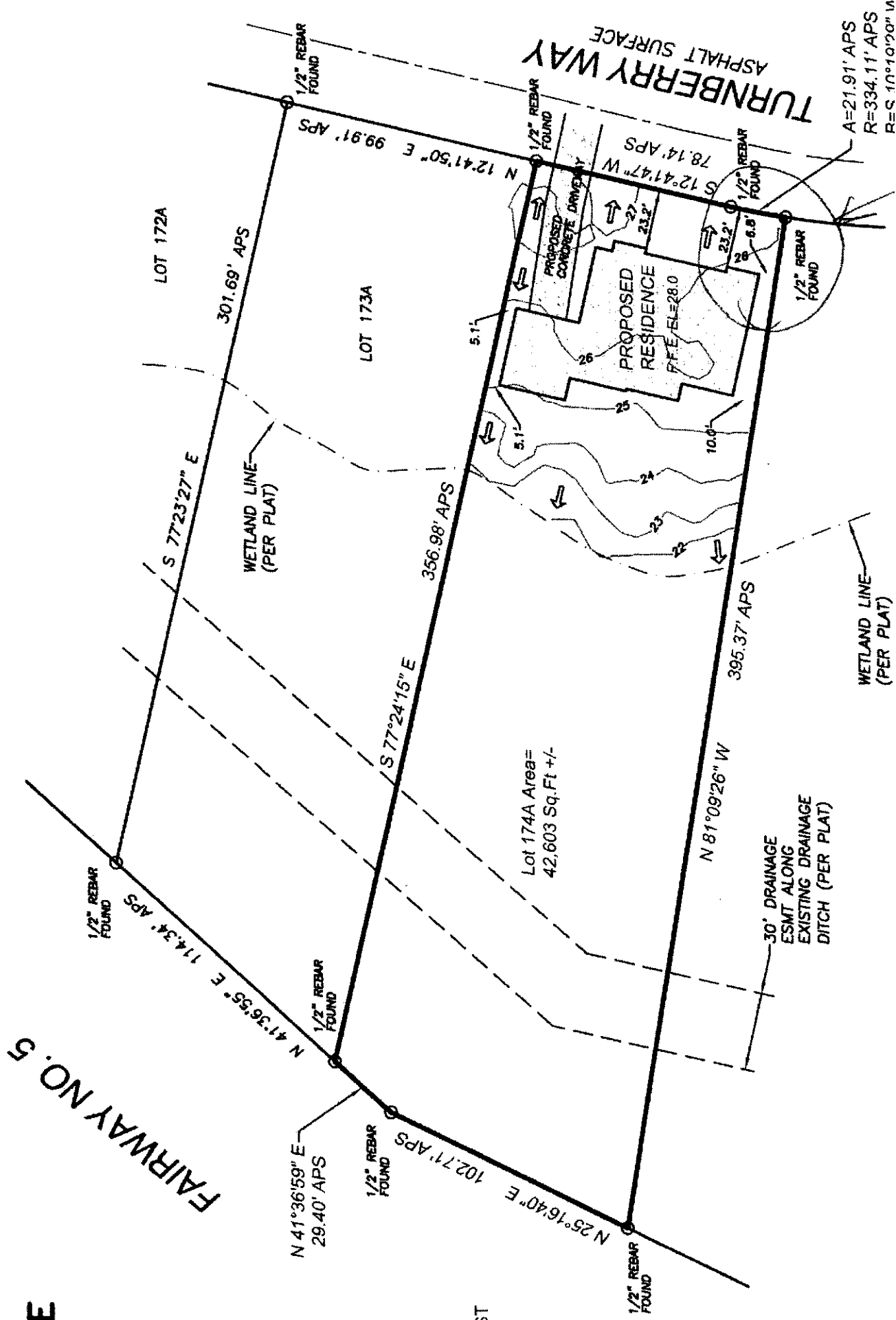
LEGAL DESCRIPTION:

A survey of Lot 174A, Repla  
Phase 1, City of Diamondhe.



LEGEND:

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



FAIRWAY NO. 5

Date: October 21, 2020

To: City of Diamondhead

Re: Application for variance request

I am in agreement that the proposed construction of a single dwelling residence to be located on lot 174A - 7420 Turnberry Way in the Glen Eagle section of Diamondhead, MS, may be constructed 5 feet from my property line (Lot 173A - 7434 Turnberry Way).

Signature: Kenneth J. Van Stelle

Date: 10-21-2020

Printed Name: Kenneth J. Van Stelle

Signature: Christy Van Stelle

Date: 10-21-2020

Printed Name: Christy Van Stelle

Signature: K. Scott King

Date: October 21, 2020

Printed Name: K. Scott King

Signature: C. Ray Sheward

Date: 10-21-20

Printed Name: C. Ray Sheward



Date: October 21, 2020

For: City of Diamondhead

Re: Application for variance request

---

I am in agreement that the proposed construction of a single dwelling residence to be located on lot 174A - 7420 Turnberry Way in the Glen Eagle section of Diamondhead, MS, may be constructed 5 feet from my property line (Lot 175A - Turnberry Way).

Signature: Chad Ambrose

Date: 10/21/20

Printed Name: Chad Ambrose

Signature: K. Scott King

Date: October 21, 2020

Printed Name: K. Scott King

Signature: C. Ray Sheward

Date: 10/21/20

Printed Name: C. Ray Sheward

**Ronald Jones**

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**From:** Donald Walter <dwalter1126@cableone.net>  
**Sent:** Sunday, November 29, 2020 3:20 PM  
**To:** Ronald Jones; Pat Rich  
**Subject:** FAIRWAY ESTATES REQUEST TO DENY CONDITIONAL USE PERMIT AT 7604 FAIRWAY DRIVE  
**Attachments:** Fairway\_Dr\_7604.pptx; Fairway\_Petition\_to\_deny\_7604\_Signed\_Nov2020.pdf

Mr. Jones and Mr. Rich:

As suggested by Mr. Jones and discussed with Mr. Rich, I am submitting the attached files for distribution to the Planning and Zoning (P & Z) Board Members prior to the scheduled P & Z public meeting scheduled for December 8, 2020 at 6 P.M.

The files provided include:

- 1) a petition signed by the owners of 40 of the 42 properties within the Fairway Estates community. All 40 owners request the denial of a conditional use permit applied for by the current owner(s) of 7604 Fairway Dr.
- 2) a power point file that presents geographic and background information for consideration by the P & Z Board and the City of Diamondhead relative to the Request for Conditional Use specifically in Fairway Estates.

I plan to bring the Petition with original signatures to your office on Monday morning (November 30) along with the additional documentation attached herein.

Please provide a formal response to this email to acknowledge receipt of the attached paperwork.

Thank you.

Respectfully,

Donald J. Walter  
7608 Fairway Dr.  
Diamondhead, MS 39525

A petition by Fairway Estates Property Owners to Diamondhead Planning and Zoning Commission

We, the property owners listed and signed below, hereby request that the Planning and Zoning Commission **DENY** the request for Conditional Use to allow short term vacation rentals for less than 30 days at 7604 Fairway Dr. (Tax Parcel Number 067P-0-35-066.000) as submitted by Ms. Margaret F. Nutkins.

Property Address	Property Owner(s) Name (Printed)	Owner(s) Signature
7600 Fairway Dr.	Frank Pittman	Frank Pittman
7601 Fairway Dr.	-	
7602 Fairway Dr.	Tom Stockman	Tom Stockman
7603 Fairway Dr.	VINCENT WANDY	Vincent Wandy
7604 Fairway Dr.	Application for Conditional Use Permit	
7605 Fairway Dr.	Jamie Kingston	Jamie Kingston
7606 Fairway Dr.	Elizabeth Chapman	Elizabeth Chapman
7607 Fairway Dr.	CASEY BEARSS	Casey Bearss
7608 Fairway Dr.	Donald J. Walter	Donald J. Walter
7609 Fairway Dr.	STEPHANIE HARDESTY	Stephanie Hardesty
7610 Fairway Dr.	EUGENE KELLY	Eugene Kelly
7611 Fairway Dr.	MAROL LILLEY	Marol Lilley
7612 Fairway Dr.	Elizabeth Gallinghouse	E. Gallinghouse
7613 Fairway Dr.	Uwe H. Seitz	Uwe H. Seitz
7614 Fairway Dr.	CLIFFORD Satterlee	Clifford Satterlee
7615 Fairway Dr.	Scott + Betsy Lyons	Betsy Lyons
7616 Fairway Dr.	ROBERT SAAK	Robert Saak
7617 Fairway Dr.	Wendy Borsdore	Wendy Borsdore
7618 Fairway Dr.	Jeffery W. Wair	Jeffery W. Wair
7619 Fairway Dr.	DONA DECKER	Dona Decker
7620 Fairway Dr.	LISA VERGANO	Lisa Vergano
7621 Fairway Dr.	Dena Burleson	Dena Burleson
7622 Fairway Dr.	Richard Armstrong	Richard Armstrong

<p>A petition by Fairway Estates Property Owners to Diamondhead Planning and Zoning Commission</p>	<p>We, the property owners listed and signed below, hereby request that the Planning and Zoning Commission <b>DENY</b> the request for Conditional Use to allow short term vacation rentals for less than 30 days at 7604 Fairway Dr. (Tax Parcel Number 067P-0-35-066.000) as submitted by Ms. Margaret F. Nutkins.</p>	
	Print	Signature
7623 Fairway Dr.	JERRY PHILLIPS	Jerry Phillips
7624 Fairway Dr.	JOSEPH BROCKHOFF	Joseph Brockhoff
7625 Fairway Dr.	PATRICK McARTHUR	Patrick McArthur
7626 Fairway Dr.	Theodore Parish	Theodore Parish
7627 Fairway Dr.	FOR SALE / REMAX / RITEN	
7628 Fairway Dr.	ELAINE WILLIAMS	Elaine Williams
7629 Fairway Dr.	DAVID BOSLEY	David Bosley
7630 Fairway Dr.	WILLIAM LEE	William Lee
7632 Fairway Dr.	D. R. YOUNG	D. R. Young
7634 Fairway Dr.	C. J. LONGANECKER	C. J. Longanecker
7635 Fairway Dr.	Leased by ALFARO	
7636 Fairway Dr.	ROBERTO SIVERIZ	Roberto Siveriz
7638 Fairway Dr.	BARBARA LINVILLE	Barbara Linnville
7640 Fairway Dr.	BRANT S. MAILLO	Brant S. Maillo
7642 Fairway Dr.	THOMPSON, JOHN	Thompson, John
7631 Tahiti Circle	DONALD CREDEAR	Donald Credear
7632 Tahiti Circle	MAURICE ORIBL / HAROLD ORIBL	Maurice Oribl / Harold Oribl
7634 Tahiti Circle	DAVID / GREG WALTMAN	David / Greg Waltman
7636 Tahiti Circle	RICHARD TANDY	Richard Tandy

Alfaro lease

Handwritten initials/signature

**Fairway Estates Response  
to the request for a Conditional Use Permit  
at 7604 Fairway Dr.**

Fairway Estates property owners have signed a petition requesting that the Diamondhead Planning & Zoning Board **DENY** the application for short term vacation rentals for less than 30 days at 7604 Fairway Dr. in Fairway Estates

- Fairway Estates is an R-1 sub-community of Diamondhead that consists of 42 individual single family home sites on Fairway Drive and Tahiti Circle
- Access into Fairway Estates is provided via a one way entry onto Fairway Drive from Golf Club Drive with a separate one way exit out of Fairway Dr. onto Golf Club Dr.

*R1 - "Purpose" (From Code of Ordnances – City of Diamondhead. MS)*

"This is the most restrictive district and least densely populated of the residential districts. The principal use of land is for single-living unit dwellings situated upon larger lots along with related recreational, religious, and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment."

Approval for short term rentals in Fairway Estates would;

- detract from the basic elements of this well balanced and attractive residential area
- have a negative affect on property values in this area
- reduce the safety and convenience of vehicular and pedestrian circulation in the vicinity
- generate additional traffic that presents a potentially dangerous traffic situation in front of 7604 Fairway near a blind section of Fairway Dr.
- allow use of this property which does not perform a function appropriate to the Fairway Estates residential environment
- allow use of a confined entry area for operation of a business

Travel safe: Be sure to follow any government safety guidelines for travel. Visit our help article

WBO

Where Diamondhead, Mississippi, United ...

Check in 12/18/20

Check Out 12/25/20

Guests

Filters Free Cancellation Price Rooms & spaces

Trip Boards Login Sign up Help Feedback USD (\$) EN List your Property

Here is your property with others nearby

Free cancellation until Dec 4

**Family Reunions and Golf Trips**

house 4 BR · 2 BA · 1 HF B · Sleeps 10 · 2600 Sq. Ft.

New listing · 20% off

↑ \$272 /night  
\$2,405 total  
Total includes taxes and fees

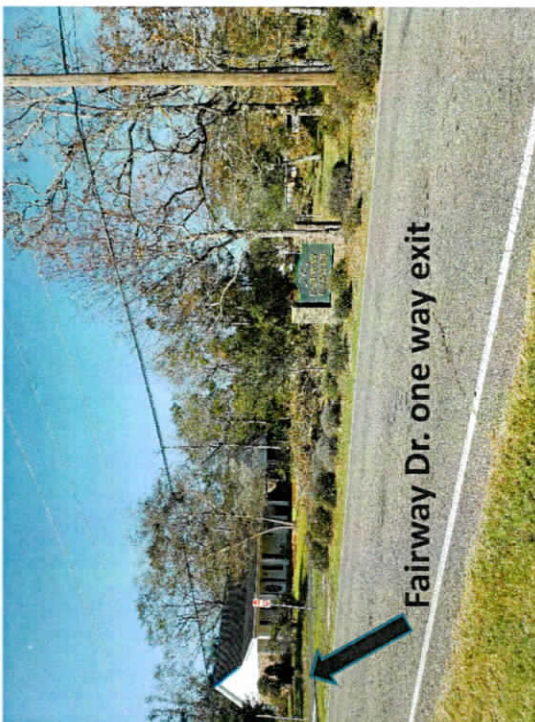
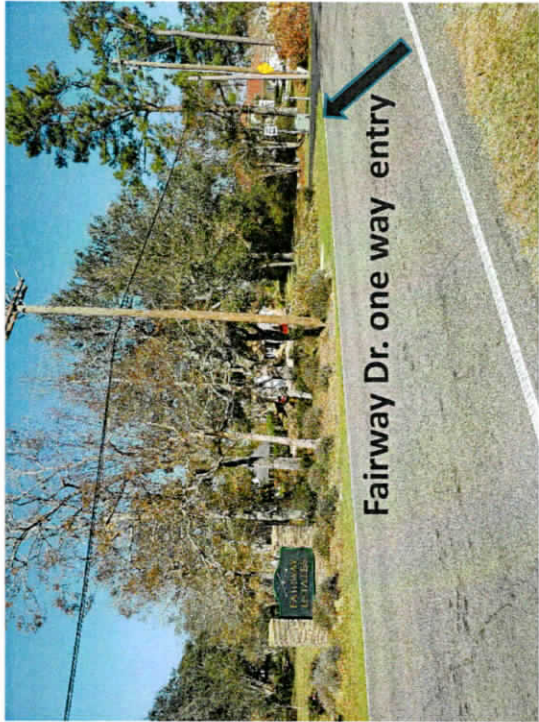
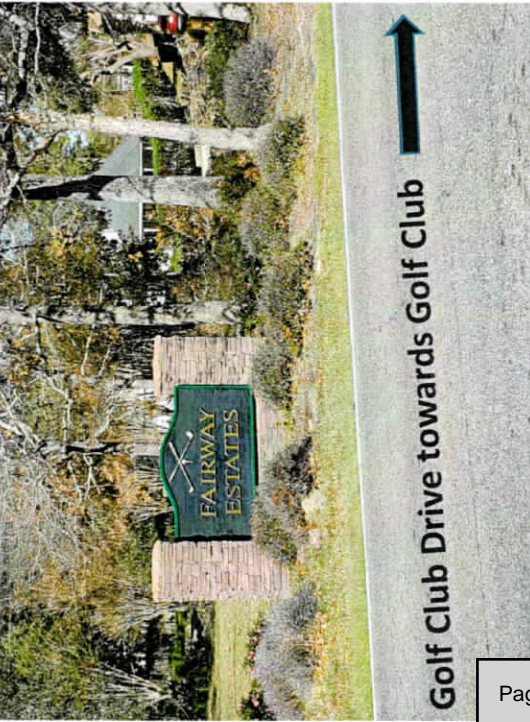
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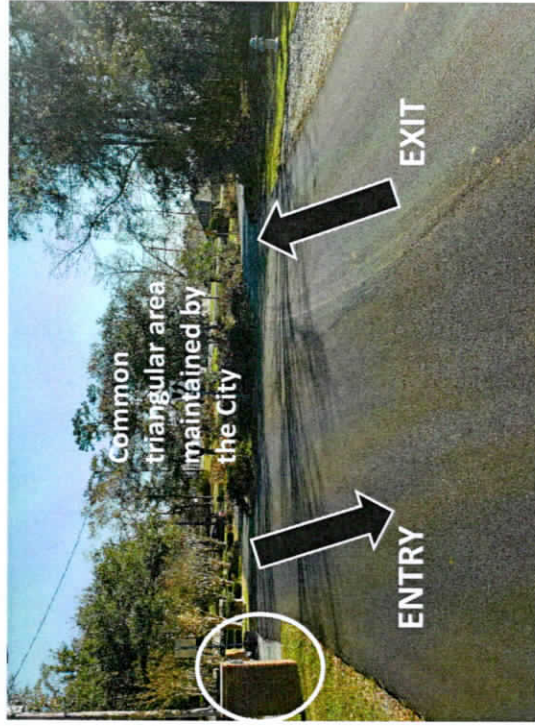
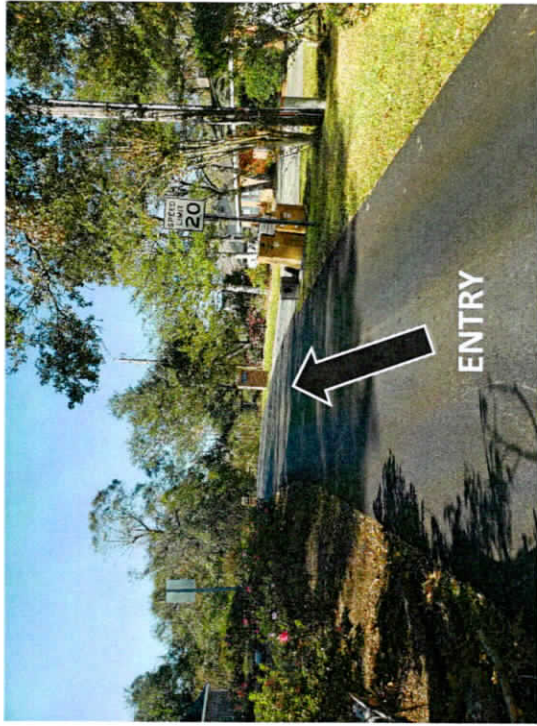


Entry into and exit  
from Fairway  
Estates from Golf  
Club Drive





Location of 7604 Fairway Dr. at entry/exit convergence with common triangular area maintained by City;  
\*Business advertising on mailbox





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

Item No.4.

APPLICATION FOR CONDITIONAL USE

Case Number: 202000481

Date 11-3-2020

Applicant: MARGARET F NUTKINS

Applicant's Address: 7604 FAIRWAY DRIVE DIAMONDHEAD MS 39525

Applicant's Email Address: MARGAR1000@yahoo.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 407-342-7865

Property Owner: MARGARET F NUTKINS

Owner's Mailing Address: 7604 FAIRWAY DR DIAMONDHEAD MS 39525

Owner's Email Address MARGAR1000@yahoo.com

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 407-342-7865

Tax Roll Parcel Number: 067P-0-35-066.000

Physical Street Address: 7604 FAIRWAY DRIVE DIAMONDHEAD MS 39525

Legal Description of Property: LOT 6 FAIRWAY ESTATES #1

Zoning District: R-1

State Purpose of Request: VACATION RENTAL

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Statement -- 7604 Fairway Drive is my primary residence. Upon occasion, I would like the opportunity to rent to vacationers to our City. I am applying for a Conditional Use Variance for such purposes.

E -- The Site Plan is attached, which shows the existing structure and the parking availability.

E iv -- There will be NO proposed site improvements that include parking and loading areas, pedestrian, and vehicular access, landscaping areas, utility or service areas, fencing and screening and lighting.

E v -- The nature of the operation will be to occasionally host guests visiting the Diamondhead community and provide them with quality accommodations and a pleasurable experience.

E vii -- The entrance to the two-car garage and the circular driveway can spaciously accommodate 5 full size vehicles.

A -- The States of California, Texas and the California Coastal Commission, have all found and upheld appeals that define vacation rentals as a residential use. Therefore, conformance with regulations and standards established by the Zoning Regulations is satisfied.

B -- Since this facility is a residential home, it is compatible with existing abutting sites.

C -- There are no unfavorable effects or impacts on other residential properties in the area.

D -- There are no modifications being done to the property that would be harmful to public health, safety, morals or general welfare.

E -- There will be no significant increase of vehicular or pedestrian traffic to the area other than regular residential activity.

F -- There will be no need for protection of persons and property from flood or water damage, odors, fire, noise, glare and similar hazards or impacts other than any residential property.

G -- There will be no additional lighting, signs or traffic control that will have an adverse affect on my property or adjacent properties.

H -- There will be no need for loading facilities and there is ample space for parking for 5 full size automobiles. There will be no need for on street parking.

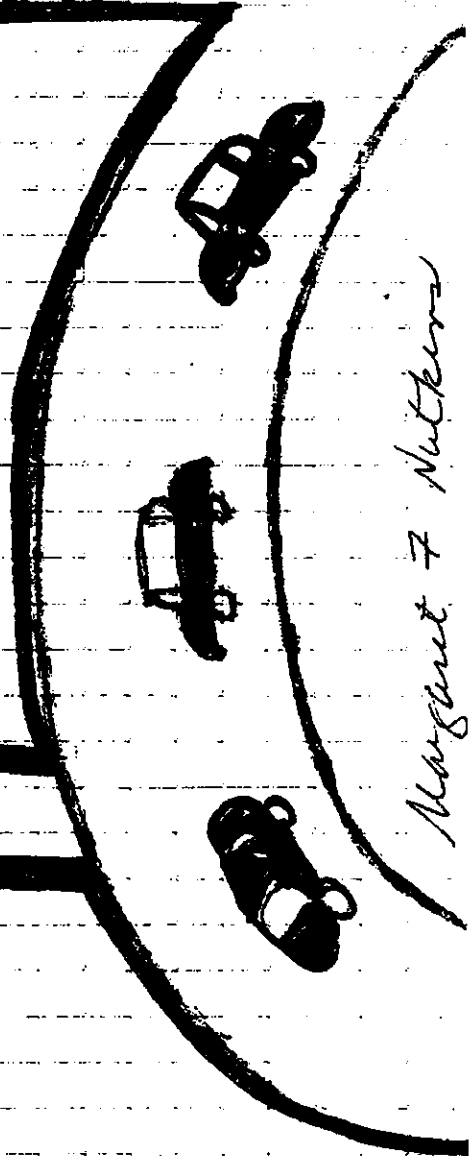
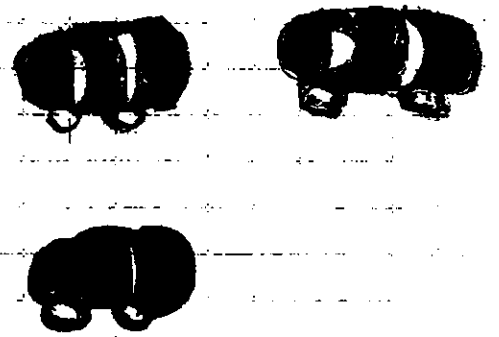
J -- The proposed use is for residential use of property for vacation purposes and is harmonious and complimentary to existing and adjacent land use.

I -- There will be no changes to the structure of the building, which is compatible with adjacent structures, being residential homes.

K -- There should be no further conditions to approve the variance since there are no unfavorable impacts on surrounding areas.

L -- Nothing in the conditional use of the property can be determined to be a detriment to the public health, safety or welfare or materially injurious to properties in the vicinity.

**SITE PLAN  
7604 FAIRWAY DRIVE**



*Margaret F. Nutkins*

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Conditional Use 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 request 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 to the Planning Commission for review.

The Public Hearing will be held on Dec 8, 2020 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.

Margaret F. Nutkins  
Signature of Applicant

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_ For Official Use Only \_\_\_\_\_

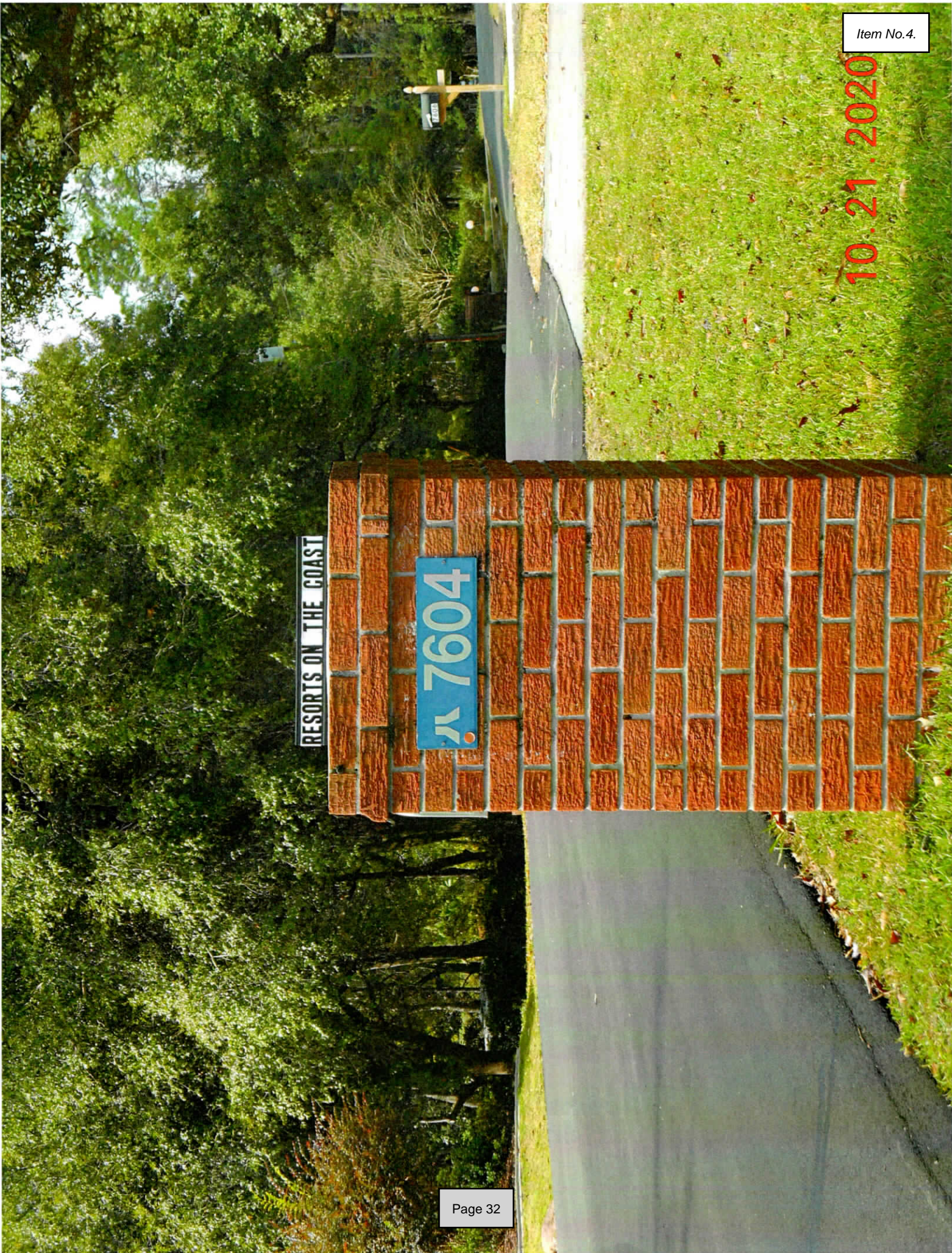
- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner
- Application Signed
- Written Project Description
- Drainage Plan NA ( )
- Notarized Statement NA ( )



10.21.2020

RESORTS ON THE COAST

7604





11.03.2020





11.03.2020





11.03.2020





11.03.2020





Prepared By:  
The Casano Law Firm, P.A.  
4403 West Aloha Drive  
Diamondhead, MS 39525  
228-255-0035  
File No: 20-0588

Return To:  
The Casano Law Firm, P.A.  
4403 West Aloha Drive  
Diamondhead, MS 39525  
228-255-0035

**STATE OF MISSISSIPPI  
COUNTY OF Hancock**

**WARRANTY DEED**

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, we

**Charles P. Sites and Karen J. Sites , Grantors**  
1401 Sussex Avenue  
Ocean Springs, MS 39564  
Phone: 228-314-0338

Do hereby sell, convey, bargain and warrant to

**Margaret Fewell Nutkins , Grantee**  
7604 Fairway Drive  
Diamondhead, MS 39525  
Phone: 407-342-7865

The following described real property situated and located in **Hancock** County, Mississippi, more particularly and certainly described as follows:

**Lot 6, Fairway Estates, Diamondhead, according to the map or plat thereof recorded in Plat Book 5, at pages 20-22, inclusive, in the office of the Chancery Clerk of Hancock County, MS.**

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

The Grantors hereincertify that the property herein above conveyed forms no part of the homestead of said Grantors.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by Grantee herein.

WITNESS OUR SIGNATURES, this the 31st day of August, 2020.

*Charles P. Sites*  
\_\_\_\_\_  
Charles P. Sites

*Karen J. Sites*  
\_\_\_\_\_  
Karen J. Sites

**STATE OF MISSISSIPPI  
COUNTY OF HANCOCK**

Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 31st day of August, 2020, Charles P. Sites and Karen J. Sites, who acknowledged that they signed and delivered the foregoing instrument of writing on the day and year therein mentioned.



*Katelyn Boughton*  
\_\_\_\_\_  
Notary Public  
My Commission Expires:

