



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

## **AGENDA**

### **PLANNING AND ZONING COMMISSION**

**Tuesday, June 29, 2021**

**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 May 25, 2021 minutes.

#### **New Business**

3. Public Hearing to consider a recommendation to the City Council regarding the Diamondhead Comprehensive Plan (Envision Diamondhead 2040). Presentation by Robert Barber with Orion Planning.
4. Diamondhead Community Church, represented by Bob Chalmers, has filed an application requesting a variance from the Zoning Ordinance (Article 10.7.d) to place a directional sign at the intersection of Noma Drive and Oak Park Drive that has a copy area of 12 square feet. Maximum copy area is 6 square feet. The variance requested is 6 square feet. The property is located at 5301 Diamondhead Cirlet. The tax parcel number is 132A-2-03-027.000. The legal description is PT. NE ¼ Sec. 3-8-14. The property is located in a PFR-Public Facilities & Recreation zoning district. Maximum copy area is 6 square feet. The Case Number is 202100177.
5. Phillip Sutton has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' wood privacy fence starting 8.5' from the southeast corner of the house, continuing toward Pokai Street for 24' and then continuing east along Pokai Street for 48'. This is a corner lot with 2 front setbacks and 2 front façades. The Ordinance states a privacy fence cannot extend beyond the front façade of the house. The variance requested is 8.5' from the front façade (southeast corner) and 24' towards Pokai Street. The property address is 97440 Diamondhead Drive West. The tax parcel number is 067K-1-36-0567.000. The legal description is Diamondhead Subdivision Phase #2, Unit 4A, Block 5, Lots 5 & 6. The property is located in a 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.

6. Timothy and Gina Stockstill have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 4 feet 4 inches from the rear property line. The rear yard setback is a minimum of 20 feet. The variance requested is 17 feet 8 inches. The property address is 689 Oahu Street. The tax parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. The property is located in a R-2 zoning district. The case file number is 202100165.

**Unfinished Business**

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

**Commissioners' Comments**

**Communication / Announcements**

7. Next City Council meeting July 6, 2021.

Next Planning Commission meeting is July 27, 2021.

**Adjourn or Recess**



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

## MINUTES PLANNING AND ZONING COMMISSION

Tuesday, May 25, 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 6:00p.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 Flower read the Statement of Purpose.

### Pledge of Allegiance

Commissioner Layel led the Pledge of Allegiance.

### Roll Call

Chairman Rubar, Commissioner Layel, Flowers, Torguson, Debrow ( by teleconference). Absent: Hourin, Hector

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

### Confirmation or Adjustments to Agenda

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

### Motion Carried Unanimously

### Approval of Minutes

1. Approval of April 27, 2021 minutes

Commissioner Flowers made a motion, second by Commissioner Layel to approve the minutes of April 27,2021.

### Motion Carried Unanimously

## New Business

2. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to eliminate Coastal AE Zones from the Flood Damage Prevention Ordinance (Ord. 2012-006). Case File Number is 2021000132. The proposed text amendments would remove "Coastal AE Zone" from Chapter 14: Flood Damage Prevention. Section 14-105 (15) – General standards for all zones; remove "and coastal AE zone". Section 14-106 – Specific standards for riverine zones; remove "and coastal AE zones" from the first paragraph. Section 14-110 – Coastal high hazard areas; remove "coastal AE zones and" from the first paragraph, (1) remove "coastal AE zones and", (3) delete, (4) renumber as (3), (5) renumber to (4) and remove "coastal AE zones and", (6) renumber to (5), (7) renumber to (6) and remove "coastal AE zones and", (8) renumber to (7), (9) renumber to (8), (10) renumber to (9), (11) renumber to (10) and remove "coastal AE zones and", (12) renumber to (11), (13) renumber to (12) and remove "coastal AE zones and".

Building Official, Ronald Jones spoke and answered questions from the Commissioners. He explained why this request was made. His recommendation is to approve the request.

Chairman Rubar asked for any public comments. None was given.

Commissioner Torguson made a motion, second by Commissioner Layel to approve the recommendation as presented to the City Council.

Ayes: Debrow, Layel, Flower, Ruar, Torguson.

Nays: None    Absent: Hourin, Hector

3. Elliott Homes, LLC has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5) to construct a residence on a corner lot with a front yard setback of 17.1' from the south property line. The variance requested is 2.9'. The property is located at 9846 Kaimuki Court. The tax parcel number is 067H-2-25-219.000. The legal description is Diamondhead Subdivision Phase 2, Unit 7, Block 6, Lot 49. The property is located in an R-2 zoning district. The front yard setback is back 20' from the front property line. The Case Number is 202100077.

Building Official, Ronald Jones, spoke and answered questions from the Commissioners. He stated he was given an email from David Boan, stating that he was opposed to the request.

Chairman Rubar asked if anyone was present to represent Elliot Homes. No one was present.

Chairman Rubar asked for any public comments. None was given.

Ronald Jones, Building Official gave a recommendation to deny the request for reasons listed in his staff report.

Commissioner Layel made a motion, second by Commissioner Flowers to deny the request based on the facts listed in the staff report to the City Council.

A roll call was taken:

Ayes: Debrow, Layel, Torguson, Flowers, Rubar

Nays: None

Absent: Hourin, Hector

**Motion Carried Unanimously**

**Unfinished Business**

None

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

None

**Commissioners' Comments**

None

**Communication / Announcements**

- 4. Next City Council meeting June 1, 2021.

Next Planning Commission meeting June 29, 2021.

Ronald Jones, Building Official told the Commissioner that we have 3 variance cases and the review on the Comprehensive Plan at the next meeting.

**Adjourn or Recess**

Commissioner Flowers made a motion, second by Commissioner Layel to adjourn the meeting at 6:36 p.m.

**Motion Carried Unanimously**

---

**J. Rubar, Chairman**  
**Planning & Zoning**



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

RECEIVED  
MAY 17 2021  
BY: A. E. Tolson

APPLICATION FOR VARIANCE REQUEST

Case Number: 202100177

Date 5/13/2021

Applicant: Bob Chalmers (on behalf of Diamondhead Community Church)

Applicant's Address: 556 Kaiki Drive

Applicant's Email Address: mchalmers3@gmail.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 704-591-0797

Property Owner: Diamondhead Community Church, Inc.

Owner's Mailing Address: 5301 Diamondhead Circle Diamondhead, MS 39525

Owner's Email Address dcc@cableone.net

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) 255-5556 (Cell) \_\_\_\_\_

Tax Roll Parcel Number: 132A-2-03-027.000

Physical Street Address: 5301 Diamondhead circle

Legal Description of Property: PT. NE 1/4 SEC. 3-8-14

Zoning District: 3 PFR

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

Asking the commission to allow a sign of 12 sq. ft.  
at the corner of Oak Park Dr. and Noma Dr.

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of \$100.00 <sup>(+1.00 A/H fee) = total of 101.00</sup> must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designed representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on June 29, 2021 at 6 p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.

\* Bob Chalmers  
Signature of Applicant  
*(property committee chair for DCC)*

\* Greg Cullom  
Signature of Property Owner  
*(president of DCC, inc.)*

\_\_\_\_\_ 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 DIAMONDHEAD COMMUNITY CHURCH

Street Address 5301 DIAMONDHEAD CIRCLE

Statement Describing Variance Request

WE ARE ASKING THE COMMISSION TO ALLOW SIGNAGE OF 12 SQUARE FEET AT THE CORNER OF OAK PARK DR AND NONA DRIVE AS WELL AS EITHER SIDE OF OUR PARKING LOT

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: YES. THE ACTUAL ENTRANCE TO OUR FACILITY IS ON WHAT COULD BE CONSIDERED THE BACK OF OUR BUILDING - NOT VISIBLE FROM THE ROUND ABOUT.

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: YES. CITY SIGNAGE WAS MEASURED PRIOR TO HAVING OUR SIGNS CREATED AND THEN PERMIT FILED.

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

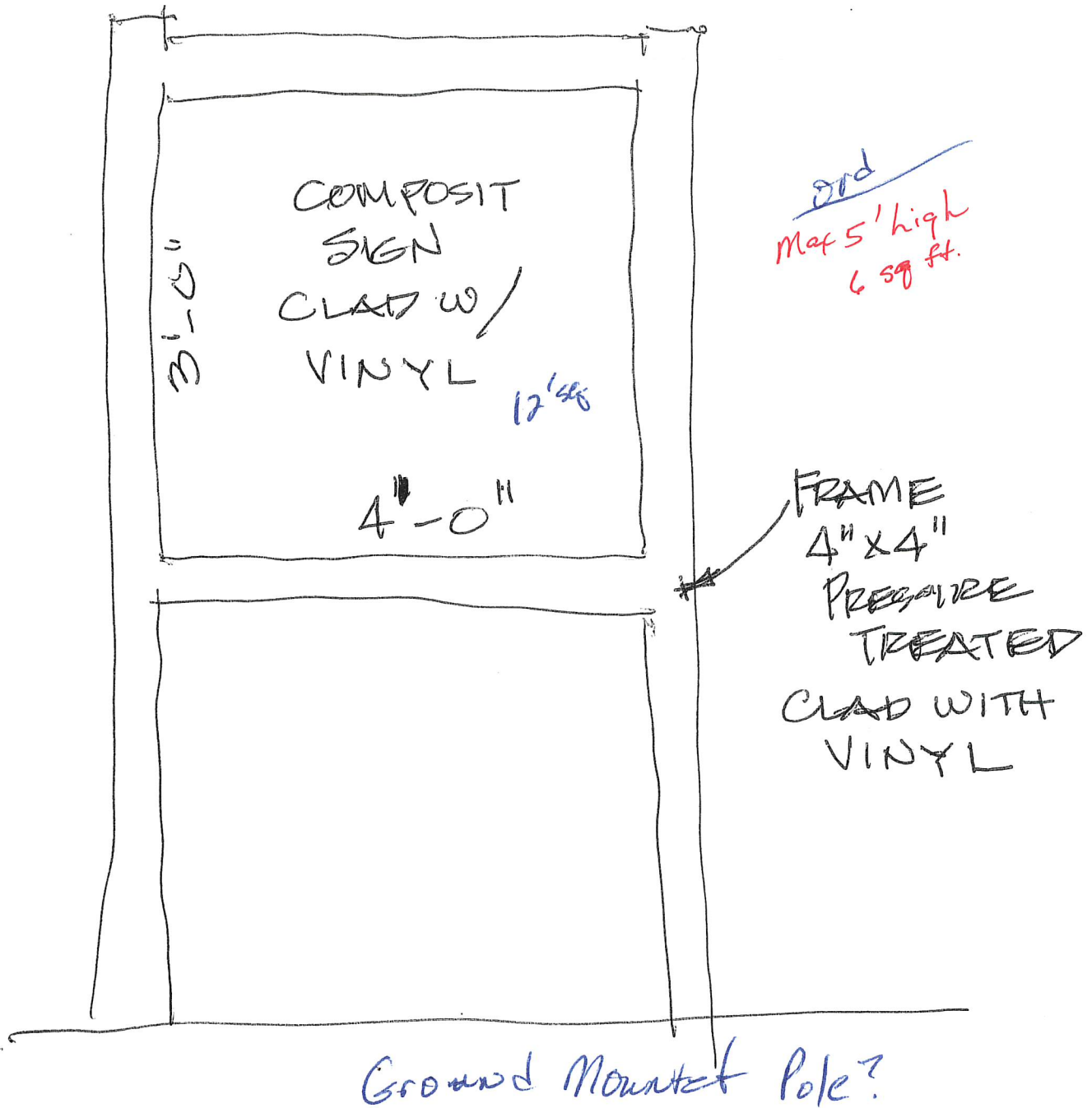
Response: YES. WE PATTERNED AFTER CITY SIGNS ERECTED.

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

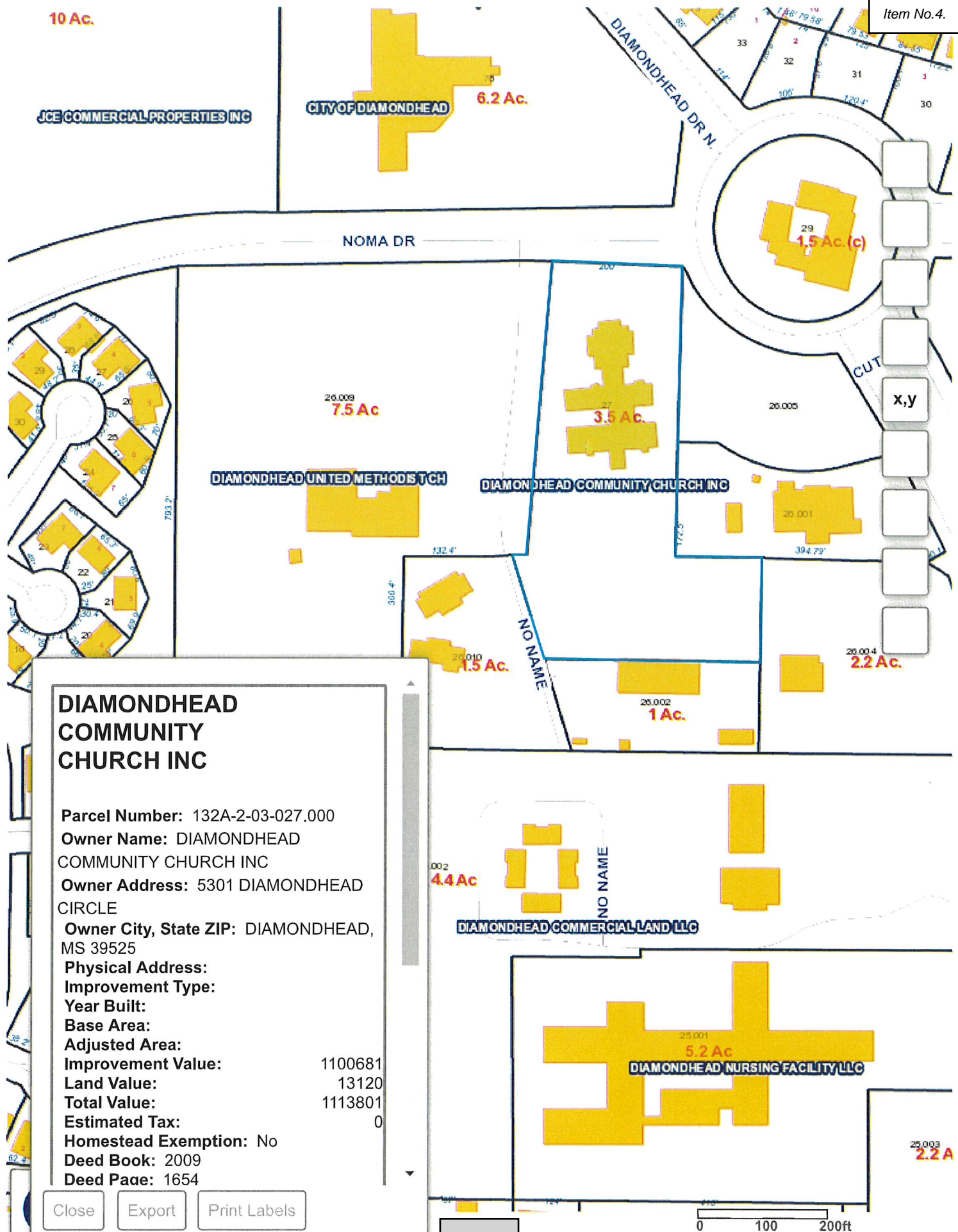
Response: NO.







Item No.4.



x,y

**DIAMONDHEAD  
COMMUNITY  
CHURCH INC**

**Parcel Number:** 132A-2-03-027.000  
**Owner Name:** DIAMONDHEAD  
 COMMUNITY CHURCH INC  
**Owner Address:** 5301 DIAMONDHEAD  
 CIRCLE  
**Owner City, State ZIP:** DIAMONDHEAD,  
 MS 39525  
**Physical Address:**  
**Improvement Type:**  
**Year Built:**  
**Base Area:**  
**Adjusted Area:**  
**Improvement Value:** 1100681  
**Land Value:** 13120  
**Total Value:** 1113801  
**Estimated Tax:** 0  
**Homestead Exemption:** No  
**Deed Book:** 2009  
**Deed Page:** 1654

Close Export Print Labels



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

TO: Diamondhead Community Church and adjacent property owners

FROM: J. Pat Rich, Planning and Zoning Administrator *J. Pat Rich*

DATE: June 14, 2020

SUBJECT: Notice of Public Hearing

Diamondhead Community Church, represented by Bob Chalmers, has filed an application requesting a variance from the Zoning Ordinance (Article 10.7.d) to place a directional sign at the intersection of Noma Drive and Oak Park Drive that has a copy area of 12 square feet. Maximum copy area is 6 square feet. The variance requested is 6 square feet.

The property is located at 5301 Diamondhead Cirlet. The tax parcel number is 132A-2-03-027.000. The legal description is PT. NE ¼ Sec. 3-8-14. The property is located in a PFR- Public Facilities & Recreation zoning district. Maximum copy area is 6 square feet. The Case Number is 202100177.

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, JUNE 29, 2021 at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend.

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



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

submital date: May 17th

APPLICATION FOR VARIANCE REQUEST

Case Number: 202100176

Date 5/17/21

RECEIVED  
MAY 17 2021  
BY: Phillip Sutton

Applicant: Phillip Sutton

Applicant's Address: 97440 Diamondhead Drive W

Applicant's Email Address: psutton27@yahoo.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 228-224-4549

Property Owner: Phillip Sutton

Owner's Mailing Address: 97440 Diamondhead Drive W

Owner's Email Address psutton27@yahoo.com

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 228-224-4549

Tax Roll Parcel Number: 0617R-1-36-057.000

Physical Street Address: 97440 Diamondhead Drive W

Legal Description of Property: DH PH2 unit 4A BIK 5 lots 5+4

Zoning District: R-2

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

6ft Privacy Fence

Wood

24ft x 48ft

going off side of house to rear property line

### STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of \$100.00 <sup>→ (+1.00 A/H fee) = total of 101.00</sup> must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designed representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

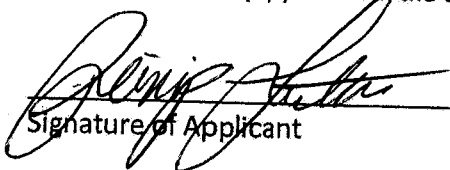
That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on June 29, 2021 at 6 p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.

  
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 Phillip Sutton

Street Address 9740 Diamondhead Drive W.

Statement Describing Variance Request

I am requesting a variance to put a privacy fence on my property. I have two dogs and a two year old daughter that I would like to keep safe from the street.

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: Yes, because of the shape of the property and location of the house.

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: Yes, because it will cut off access to my backyard.

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

Response: Yes, the lot size and shape

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

Response: it would not give me any special privileges. other houses around the area have similar fences

Prepared By:  
The Casano Law Firm, P.A.  
4403 West Aloha Drive  
Diamondhead, MS 39525  
228-255-0035  
File No: 20-0258

RECEIVED  
THE CASANO LAW FIRM, P.A.  
4403 WEST ALOHA DRIVE  
DIAMONDHEAD, MS 39525  
228-255-0035

**Index As:**

**STATE OF MISSISSIPPI  
COUNTY OF Hancock**

**WARRANTY DEED**

For and in consideration of the sum of Five Dollars (\$5.00) and lawful money, the receipt of which is hereby acknowledged, and for other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned Grantor(s) do hereby sell, convey, bargain and warrant to the Grantee(s) as follows:

W. Timothy Gentry and Kimberly Gentry, Co-Grantees  
10476 Brantley Street  
Jacksonville, FL 32218  
Phone: 228-223-7125

Do hereby sell, convey, bargain and warrant to

**Phillip C Sutton and Taylor N Sutton, Grantees**  
97440 W Diamondhead Dr  
Diamondhead, MS 39525  
Phone:

As joint tenants with right of survivorship and not as tenants in common, the following described real property situated and located in Hancock County, Mississippi, more particularly and certainly described as follows:

**Lots 5 and 6, Block 5, Unit 4-A, Diamondhead, Phase 2, according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hancock County, Mississippi.**

Together with all and singular the rights, privileges, improvements and appurtenances to the same in anywise appertaining.

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

If recorded by a later warranty deed, the grantor(s) warrant that the same shall not be subject to any and all existing easements, covenants, conditions, restrictions, and other conditions of record, including any and all oil, gas or mineral rights, and any and all other conditions of record, including any and all other conditions of record.

The Grantor(s) warrant that the property described herein is not subject to any and all existing easements, covenants, conditions, restrictions, and other conditions of record, including any and all other conditions of record.

Grantor(s)





DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.

1 inch = 44 feet



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

Phillip Sutton has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' wood privacy fence starting 8.5' from the southeast corner of the house, continuing toward Pokai Street for 24' and then continuing east along Pokai Street for 48'. This is a corner lot with 2 front setbacks and 2 front facades. The Ordinance states a privacy fence cannot extend beyond the front façade of the house. The variance requested is 8.5' from the front façade (southeast corner) and 24' towards Pokai Street.

The property address is 97440 Diamondhead Drive West. The tax parcel number is 067K-1-36-0567.000. The legal description is Diamondhead Subdivision Phase #2, Unit 4A, Block 5, Lots 5 & 6. The property is located in a 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.

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, June 29, 2021 at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend.

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



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

TO: Phillip Sutton and adjacent property owners

FROM: J. Pat Rich, Planning and Zoning Administrator *J. Pat Rich*

DATE: June 14, 2020

SUBJECT: Notice of Public Hearing

Phillip Sutton has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' wood privacy fence starting 8.5' from the southeast corner of the house, continuing toward Pokai Street for 24' and then continuing east along Pokai Street for 48'. This is a corner lot with 2 front setbacks and 2 front facades. The Ordinance states a privacy fence cannot extend beyond the front façade of the house. The variance requested is 8.5' from the front façade (southeast corner) and 24' towards Pokai Street.

The property address is 97440 Diamondhead Drive West. The tax parcel number is 067K-1-36-0567.000. The legal description is Diamondhead Subdivision Phase #2, Unit 4A, Block 5, Lots 5 & 6. The property is located in a 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.

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, JUNE 29, 2021 at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend.

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.

**Pat Rich**

---

**From:** Ronald Jones  
**Sent:** Friday, June 18, 2021 10:02 AM  
**To:** Pat Rich  
**Subject:** FW: Supporting a request for a fence variance

---

**From:** Harold Dawley <hdawley@bellsouth.net>  
**Sent:** Friday, June 18, 2021 9:01 AM  
**To:** Ronald Jones <rjones@diamondhead.ms.gov>  
**Subject:** Supporting a request for a fence variance

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To: J. Pat Rich, Planning and Zoning Administrator

Subject: Notice Of Public Hearing

Dear Mr. Rich:

I recently received your notification that the owner of the land next to my home, Phillip Sutton, has requested a variance to construct a 6' wood privacy fence along the side of his home running along Pokai Street. As an adjoining property owner, I am writing to state I wholly support his request. In my opinion, the variance he is requesting will have no negative consequence on the neighborhood,

I urge the Planning Commission to approve Mr. Sutton's request for a variance to construct a fence along the side of his home running along Pokai Street.

Please feel free to contact me if you have any questions or need more information.

Thank you.

Harold Dawley

97444 Diamondhead Drive Wet

Diamondhead, MS

228-437-4210



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

APPLICATION FOR VARIANCE REQUEST

RECEIVED  
MAY 14 2021  
By: T.B.

Case Number: 202100165

Date 5-14-21

Applicant: Timothy & Gina Stockstill

Applicant's Address: 689 Oahu St

Applicant's Email Address: gina51433@gmail.com

Applicant's Contact Number: (Home) N/A (Work) N/A (Cell) Tim - 228-990-8764  
Gina 228-216-1503

Property Owner: Timothy & Gina Stockstill

Owner's Mailing Address: 689 Oahu St

Owner's Email Address gina51433@gmail.com

Owner's Contact Number: (Home) N/A (Work) N/A (Cell) Tim - 228-990-8764  
Gina 228-216-1503

Tax Roll Parcel Number: 067Q-0-36-090.000

Physical Street Address: 689 Oahu Street

Legal Description of Property: DH Ph 2 UNIT 3 BK 5 Lot 63 part 64

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

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

Partially enclose the back deck 44 x 18<sup>(15)</sup> area and  
install fitness swim spa/hot tub on back deck  
Screen walls/side & roof with retractable  
awning.

REQUIRED ITEM A

Property Owner Gina & Tom Stockstill

Street Address 689 OAHU St.

Statement Describing Variance Request

We are asking for 15-18 Ft enclosure. Preferably 18 Ft to  
enclose the back deck & add a swim spa, screen in ~~patio~~ deck,  
with retractable awning for protect of family, grandchildren &  
wildlife, golfers

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: Because when the house was built in 1980 with  
a large front yard & very small back yard. ~~we~~ We are unable to  
build on front yard. Our ~~situation~~ situation is unusual due to how far back  
the house was built. We are asking for a 15-18 FT X 44 for enclosure. Preferably  
18 FT

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLIANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

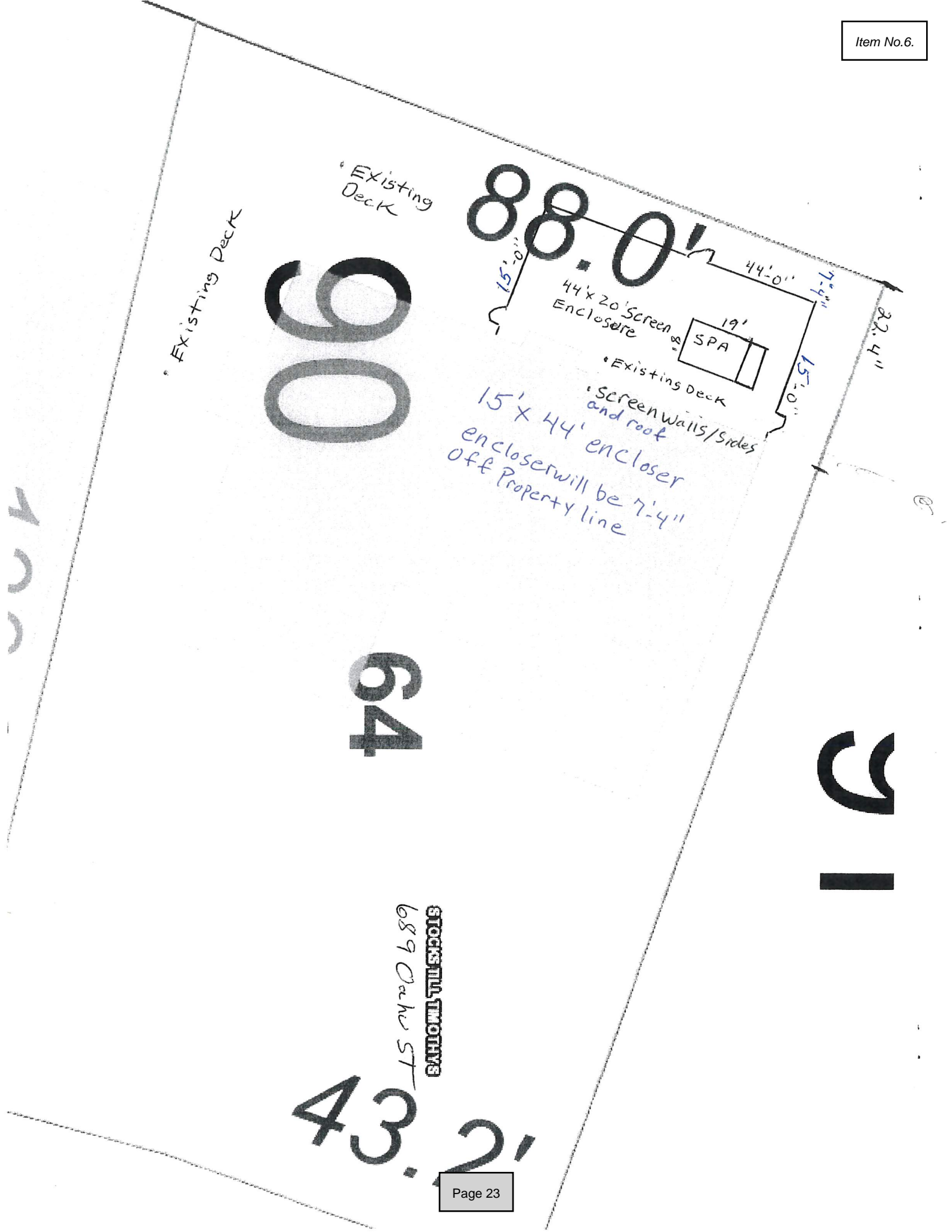
Response: Yes, this is a safety issue. The house was set back  
on the lot in 1980. Times have change, we are trying  
to protect, family, grandchildren, neighbor & wildlife & golfer's balls

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

Response: Yes the house was built to far back on  
the property line in 1980. Safety issue

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

Response: Not that we know, our situation is totally  
different, with no fault of ours. House built in the 1980  
was built ~~on~~ to close to property line. Safety issue



Existing Deck

06

88'-0"

44' x 20' Screen Enclosure

19' SPA

Existing Deck

Screen walls/sides and roof enclosure will be 7'-4" off property line

64

31

STOCKS TILL TIMOTHY'S  
689 Oaks ST

43'-2"

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 \_\_\_\_\_ at \_\_\_\_\_ 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] 5/14/21  
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 ( )







Red line will be the enclosure  
44' x 15'0"  
enclosure will be 7'-4" off  
the Property line

15'0"

SPA

44'

"Example"



Black

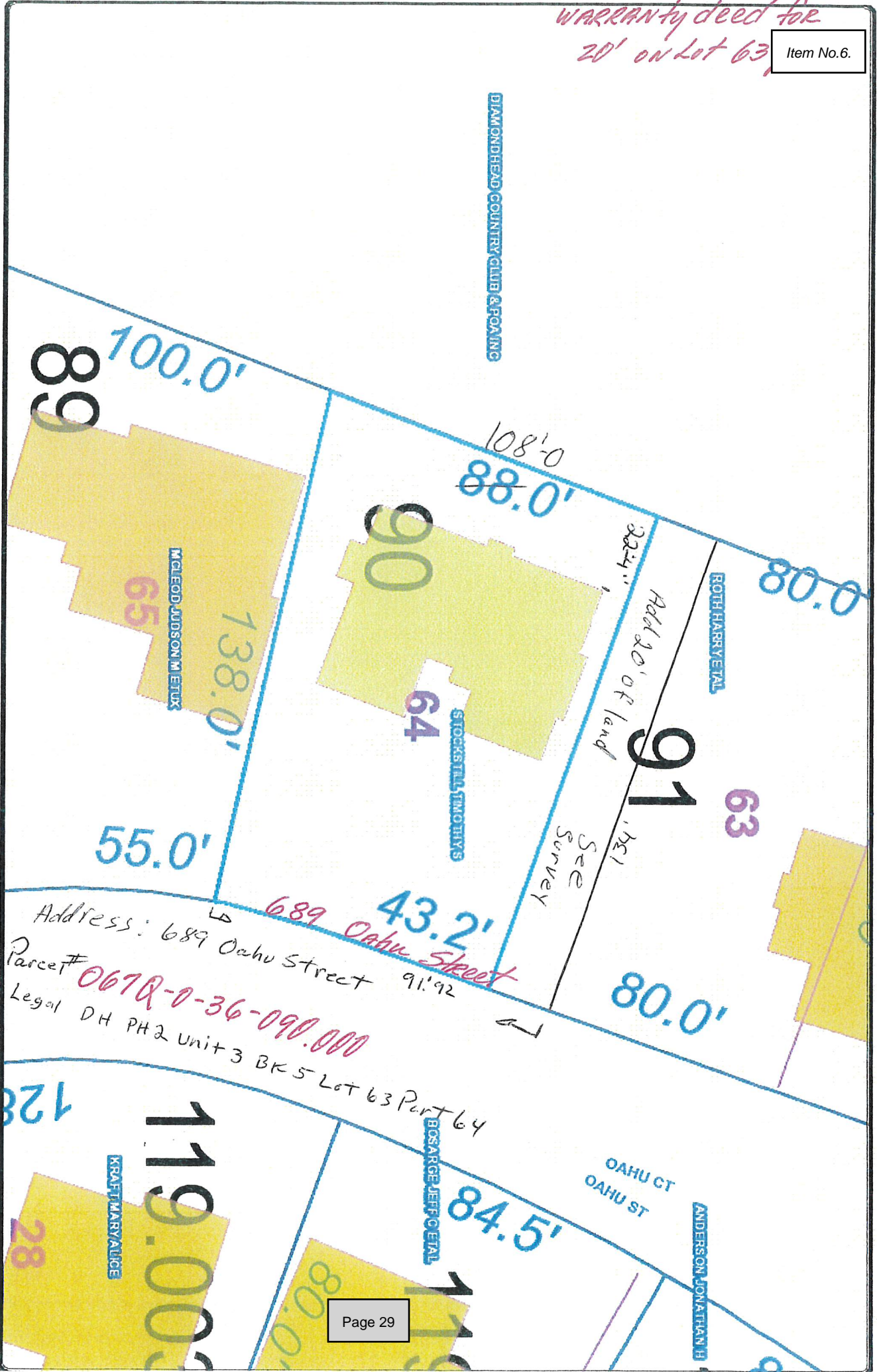
Example



Item No.6.

Warranty deed for  
20' on Lot 63

Item No.6.



DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.



March 9, 2020



(<https://masterspas.com/?>

seg\_id=fe2b44edd0f7aad285a92cb13d19b4b8.2145.1614119413703)

REQUEST PRICING (/GET-SWIM-SPA-PRICING)



## Trainer 19 Swim Spa

8'W  
19 L

*High Performance, Air-injected VIP, Adjustable Speed*



3.3 (9) [Write a review](#)

TWO BODIES OF WATER, TWO DIFFERENT TEMPERATURES Enjoy a swim and the full-body effects of aquatic exercise with water set to a personal comfort zone in the 80s. On the other side, settle into the hot tub with the temperature set up to 99°. This full-size hydrotherapy hot tub has 31 jets, ergonomic seating, and was designed to give your mind, body, and spirit a thorough rejuvenation. Say good-bye to the tensions, aches, and stresses of the day. The Trainer 19 is more than a sensation; it's your solution.

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

Timothy and Gina Stockstill have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 4 feet 4 inches from the rear property line. The rear yard setback is a minimum of 20 feet. The variance requested is 17 feet 8 inches.

The property address is 689 Oahu Street. The tax parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. The property is located in a R-2 zoning district. The case file number is 202100165.

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 a regularly scheduled meeting on **Tuesday, June 29, 2021 at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend.

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



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

TO: Timothy and Gina Stockstill and adjacent property owners

FROM: J. Pat Rich, Planning and Zoning Administrator *J. Pat Rich*

DATE: June 14, 2020

SUBJECT: Notice of Public Hearing

Timothy and Gina Stockstill have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 4 feet 4 inches from the rear property line. The rear yard setback is a minimum of 20 feet. The variance requested is 17 feet 8 inches.

The property address is 689 Oahu Street. The tax parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. The property is located in a R-2 zoning district. The case file number is 202100165.

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, JUNE 29, 2021 at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend.

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.



## Pat Rich

---

**From:** Jeff Bosarge <bosargej@yahoo.com>  
**Sent:** Tuesday, June 15, 2021 5:13 PM  
**To:** Pat Rich  
**Subject:** 689 Oahu st

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Evening

Our neighbors Tim and Gina Stockstill are wanting to add a cover to their deck at their house. We live directly across from them at 684. We have been here for many years and have enjoyed the improvements that our neighbors in 4 different house's have made. Tim and Gina have made improvements to their home that greatly benefits all their neighbors home value. I am aware of the new improvements they are wanting to make and am sure it will only add to their the value and enjoyment of their own home. I understand there has to be standards but this is an addition that will absolutely not be an eyesore and will allow them to enjoy their home even more.

Tim and Gina are an asset to Diamondhead and our neighborhood and they deserve to make their home the way they would like. I live across the street and support them %100.

Thank you

Jeff Bosarge

Sent from my iPhone

**Pat Rich**

---

**From:** andersonh.jonathan@gmail.com  
**Sent:** Wednesday, June 23, 2021 12:41 PM  
**To:** Pat Rich  
**Subject:** Timothy and Gina Stockstill

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Mr. Pat Rich,

I am writing you in reference to a Notice of Public Hearing regarding a variance from Zoning Ordinance that was filed by Timothy and Gina Stockstill; 689 Oahu Street - case file number 202100165.

I stand in **full support** for the approval of said variance and I hope that the Planning and Zoning Commission will take this into account during their deliberation on the matter.

Tim and Gina have completely transformed their property from what was an outdated eyesore and I am more than confident that with the approval of this requested variance their property will be even more stunning.

I would've delivered my remarks in person, but I will be away on business on the date of the stated Planning and Zoning Commission meeting.

Sincerely,

Jon Anderson  
686 Oahu Street

**Pat Rich**

---

**From:** Marlene Johnson <scarlettshere@bellsouth.net>  
**Sent:** Sunday, June 27, 2021 5:55 PM  
**To:** Pat Rich  
**Cc:** Ronald Jones  
**Subject:** Variance request at 689 Oahu Street Diamondhead, Ms.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

This is in response to a variance request at 689 Oahu Street Diamondhead, Ms. I am opposed to any variance to property adjacent to the golf courses in Diamondhead.

Professionals were brought in to plan these two courses. I firmly believe we should not change anything. These neighbors want to encroach to suit their whims. If we allow this to go through, others will want their ideas fulfilled. We will then lose all the design and requirements set forth by our said "professionals". We have a good thing, let's keep it that way.

I SAY "NO"!

Years ago we could not put a fence on the golf course for our little dog so we followed the rules and bought at a different location. They should follow the rules also.

Marlene