



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

## **AGENDA**

### **PLANNING AND ZONING COMMISSION**

**Tuesday, April 27, 2021**

**6:00 PM CST**

Council Chambers, City Hall  
and via teleconference, if necessary

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#### **Call to Order**

#### **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 March 23, 2021 Minutes

#### **Unfinished Business**

#### **New Business**

3. David Carden, General Manager Diamondhead Water and Sewer District - Proposed new water tower.
4. Bob Barber, Orion Planning - Discussion of Long Term and Short Term Rental Policy.
5. Josh Shelton and Courtney Jassby, represented by Jeff Jassby of Jassby Custom Homes, have filed an application requesting to change the current zoning district classification from PRF (public facilities and recreation district) to R-1 (low density single family residential district) in accordance with Zoning Ordinance (Article 2.8) for the purpose of constructing a single family residence. The property address is 7448 Turnberry Drive. The tax parcel number is 068R-1-41-071.000. The legal description is Glen EaglePhase 1, Lot 48 less 8 feet. The case file number is 202100017.
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 2 feet 4 inches from the rear property line. The rear yard set back is a minimum of 20 feet. The variance requested is 17 feet 8 inches. The property address is 689 Oahu Street. The tax parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. The property is located in a R-2 zoning district. The case file number is 202100031.

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

#### **Commissioners' Comments**

**Adjourn or Recess**

**Communication / Announcements**

7. Next City Council meeting is May 4, 2021.  
Next Planning Commission meeting is May 25, 2021.



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

## MINUTES PLANNING AND ZONING COMMISSION

Tuesday, March 23, 2021

6:00 PM CST

Council Chambers, City Hall  
and via teleconference, if necessary

### Call to Order

Commissioner Rubar called the meeting to order at 6:00 pm

### 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 Torguson read the Statement of Purpose.

### Pledge of Allegiance

Commissioner Flowers led the Pledge of Allegiance.

### Roll Call

Commissioner Rubar, Torguson, Hourin, Flowers, and Debrow. Absent: Hector, Layel

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

### Confirmation or Adjustments to Agenda

Commissioner Hourin, made a motion, second by Commissioner Torguson, to approve the Agenda as presented.

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

### Motion Passed Unanimously

### Approval of Minutes

- 1.

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

Ayes: Hourin, Flowers, Debrow, Torguson, Rubar      Nay: None      Absent: Hector, Layel

### Motion Passed Unanimously

## New Business

### 2. Election of Chairperson and Vice Chairperson

With the departure of Chairman Bice, and Commissioner Bower, an election was held to replace their positions. A motion was made by Commissioner Torguson, and second by Commissioner Hourin to nominate Commissioner Rubar as Chairman.

#### **Motion Passed Unanimously**

A motion was made by Torguson, and second by Commissioner Flowers to nominate Commissioner Hourin as Vice-Chairman. Commissioner Hourin made a motion to nominate Commissioner Torguson as vice-chairman which died due to a lack of a second.

#### **oMotion passed Unanimously**

3. The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment in accordance with the Zoning Ordinance Article 2.8 Amendment (Rezoning) Procedure.

The proposed text amendments would add “no net fill” regulations for Article 14: Land alterations and disturbances. New language would be added to Article(s) 14.1, add the word “filling” to the first sentence; 14.1.1, add the paragraph “No development permit is required for the clearing, grubbing (as to clear by digging up by the roots) or clipping of underbrush.”; 14.1.2, add “Zoning Administrator/Building Official.” to the 2<sup>nd</sup> paragraph; 14.1.3, add “5. All temporary entrances to the site shall have limestone and/or gravel placed from the edge of the asphalt to the property line.”; and new Article 14.1.4 Filling, 1. *Fill permit require*. Excessive filling of land may cause detrimental drainage impacts, elevated grades that are out of scale with surrounding buildings and environment, soil erosion, and other negative community impacts. To mitigate these negative effects and ensure proper stormwater management, no fill may be placed on any parcel of land for the purpose of raising its elevation without first submitting an application for and obtaining a fill permit. 2. *Application to fill land*. An application to fill land shall contain the following: a) Plot plan, drawn to scale, showing the following: i) Existing site topography, elevations, and drainage flow, ii) Proposed site topography, elevation and drainage flow, iii) Volume, type, and area of proposed fill, iv) Distances from surrounding property lines and buildings, b) A statement expressing the purpose of the proposed fill c) Additional related information as may be requested by the Zoning Administrator, 3. *Fill requirements*. The fill permit application shall demonstrate that the following: a) The least amount of fill is proposed to achieve the purposes of the operation, b) The amount of fill shall be offset so as to achieve no net increase in soil volume on the site, c) Fill shall not exceed a height of 12 inches above adjacent grade, d) Fill standards shall not preclude the excavation and movement of soil from one area of a site to another to establish buildable grade consistent with section 14.1.2 above, e) Fill shall not encroach into any designated draining easements adjacent to side and rear lot lines, f) Fill shall not cause negative impacts to surrounding property, 4. An application to fill land shall be evaluated by the Zoning Administrator/Building Official for compliance with this section. The Zoning Administrator/Building Official shall either approve, approve with modifications, or deny the fill permit application.

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

Chairman Rubar asked for public comments.

Code Enforcement Officer, Pat Rich, read a letter from Michael Orlando opposing the text amendment.

Mrs. Penny Crawford provided pictures and spoke in favor of the changes.

Duke Levy representing Michael Orlando, spoke and answered questions from the Commissioners Building Official, Ronald Jones gave a recommendation to approve to the City Council, subject to forwarding the text amendment including all comments received to one of the City's consulting engineering firm.

Commissioner Hourin made a motion, second by Commissioner Flowers to approve and to recommend that the Council forward comments to the engineering firm..

**Motion Passed Unanimously**

4.

**Unfinished Business**

None

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

Mr. John Hall spoke in opposition to the proposed text amendment as worded.

**Commissioners' Comments**

None

**Communication / Announcements**

Mr. Pat Rich told the Commissioners about possibly 2 variance cases for next months meeting

**Adjourn or Recess**

Commissioner Hourin made a motion, second by Commissioner Debrow to adjourn at 6:52 p.m.

- 5. Next City council Meeting April 6, 2021
- Next Planning Commission Meeting April 27, 2021
- EnterTextHere

City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525



Office 228-222-4626  
Fax 228-222-4390  
www.Diamondhead.ms.gov

APPLICATION FOR ZONING CHANGE

CASE NO. 2021-00017

DATE 3/8/21

APPLICANT: Jeff Jassby (Jassby Custom Homes)

APPLICANT'S ADDRESS: 8230 Maunalani Place

APPLICANT'S TELEPHONE: (HOME) 228-255-3400 (WORK) 228-255-3400

PROPERTY OWNER: Josh Shelton / Courtney Jassby

MAILING ADDRESS: 8230 Maunalani Place - DH, MS 39525

TELEPHONE NUMBER: (HOME) 949-375-4638 (WORK) 949-375-4638

TAX ROLL PARCEL NUMBER: 068R-1-41-071.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: LOT 48 < 8' Glenn Eagle PHA

7448 Turnberry Drive - Diamondhead, MS 39525

ZONING CHANGE (FROM) AFR (TO) ~~R2 or R3~~ R-1

STATE PURPOSE OF REZONING: Get the land back that the City zoned incorrectly

RECEIVED  
MAR 08 2021  
BY: [Signature]

STATEMENT OF UNDERSTANDING

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

The application fee of <sup>200</sup>\$600.00 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 designated 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 change 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 April 27, 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.

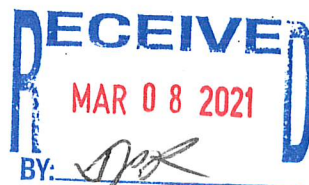
[Signature]  
Signature of Applicant

[Signature]  
Signature of Property Owner

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

- <sup>200.00</sup>~~\$600.00~~
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owners NA ( )

- Application Signed
- Written Project Description
- Drainage Plan NA ( )
- Notarized Statement NA ( )



The Casano Law Firm, P.A.  
4403 West Aloha Drive  
Diamondhead, MS 39525  
228-255-0035  
File No: 21-0002

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

Item No.5.

**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

**Jim Grotkowski and Jeff Jassby , Grantors**

758 Augusta Way  
Diamondhead, MS 39525  
Phone: 228-216-6919

Do hereby sell, convey, bargain and warrant to

**Joshua R. Shelton and Courtney Jassby , Grantees**

8230 Maunalani Place  
Diamondhead, MS 39525  
Phone: 949-375-4638

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:

**A survey of Lot 48, less the east 4 feet, Glen Eagle at Diamondhead Subdivision, Phase 1, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:**

**Commencing at a 1/2" rebar found at the southeast corner of said Lot 48; thence N 49°33'05" W 4.18 feet along the north margin of Turnberry Drive to a 1/2" rebar set and being the Point of Beginning; thence continue N 49°33'05" W 89.96 feet to a 1/2" rebar found; thence 50.04 feet along a curve to the left having a radius of 406.09 feet and also having a chord bearing and distance of N 52°41'36" W 50.01 feet to a 1/2" rebar set at the southwest corner of said Lot 48; thence N 09°01' 35" E 129.31 feet to a 1/2" rebar found at the northwest corner of said Lot 48; thence S 86°15'14" E 178.49 feet along the north line of said Lot 48 to a 1/2" rebar set; thence S 23°46'09" W 223.69 feet to the Point of Beginning. Said parcel of land contains 26,419 square feet, more or less.**

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.

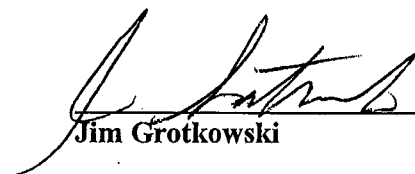


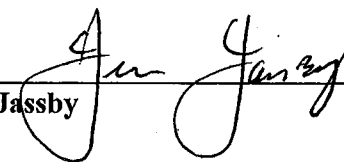
If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the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

WITNESS OUR SIGNATURES, this the 5th day of February, 2021.


  
Jim Grotkowski

  
Jeff Jassby

**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 5th day of February, 2021, Jim Grotkowski and Jeff Jassby, who acknowledged that they signed and delivered the foregoing instrument of writing on the day and year therein mentioned.



  
Notary Public  
My Commission Expires: 6-14-24

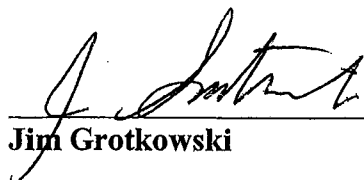
**State of:** Mississippi  
**County of:** Hancock  
**Sellers:** Jim Grotkowski and Jeff Jassby  
**Buyers:** Joshua R. Shelton and Courtney Jassby  
**Property Address:** Turnberry Dr  
Diamondhead, MS 39525

**Compliance Agreement**

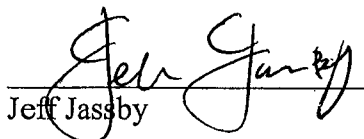
The undersigned for and in consideration of the above referenced property conveyance, agree, if requested by Lender or Closing Agent, to fully cooperate and adjust for clerical errors, including any erroneous proration of taxes, any or all closing documentation deemed necessary or desirable in the reasonable discretion of Lender or closing agent to enable Lender or purchaser to sell, convey, seek guaranty or market said loan to any entity including but not limited to an investor, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Housing Authority or the Veterans Administration.

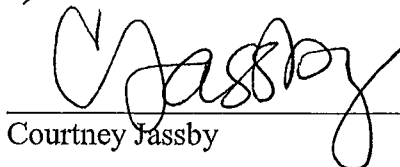
The undersigned do hereby so agree and covenant in order to assure that this closing documentation executed this date will conform and be acceptable in the market place in the instance of transfer, sale or convey by purchaser or by Lender of its interest in and to said documentation.

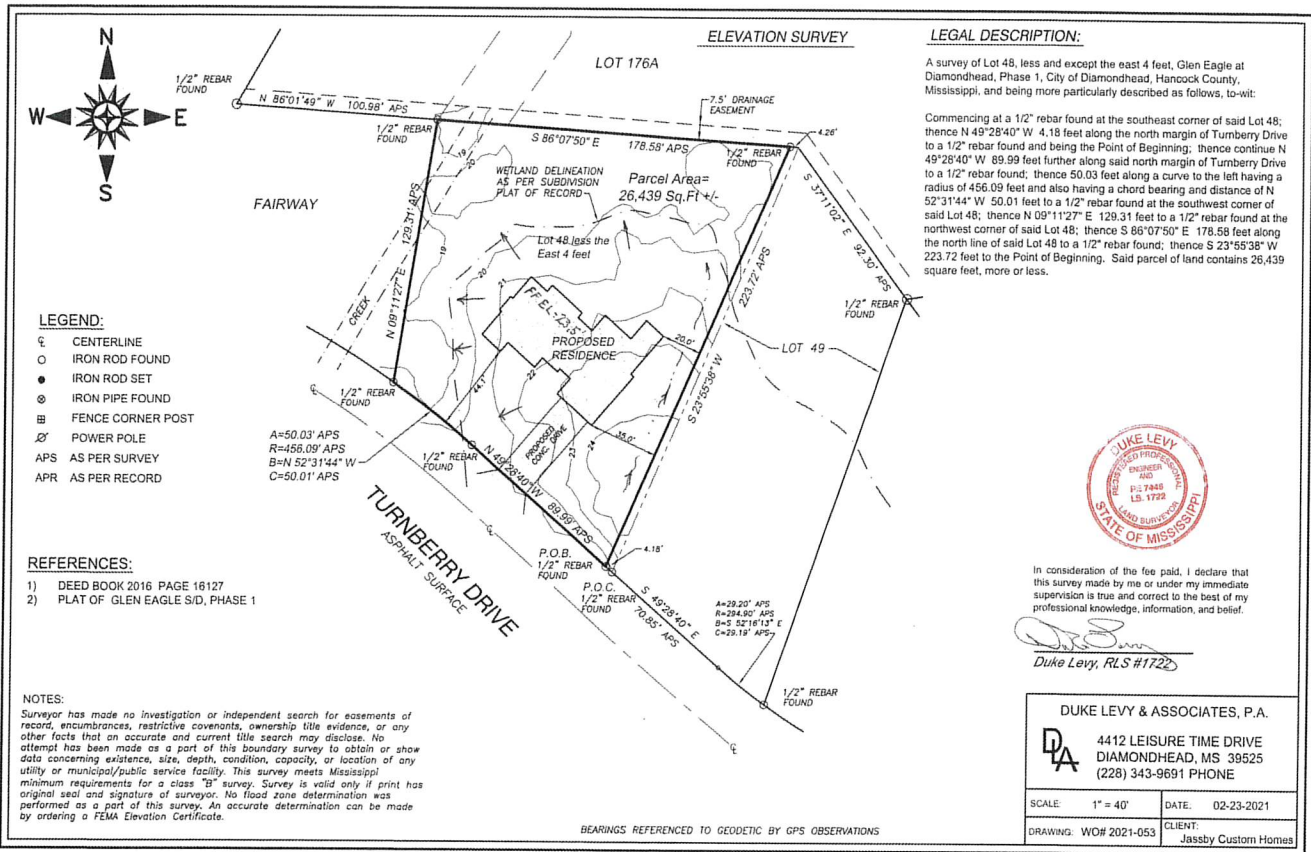
Date: February 5, 2021

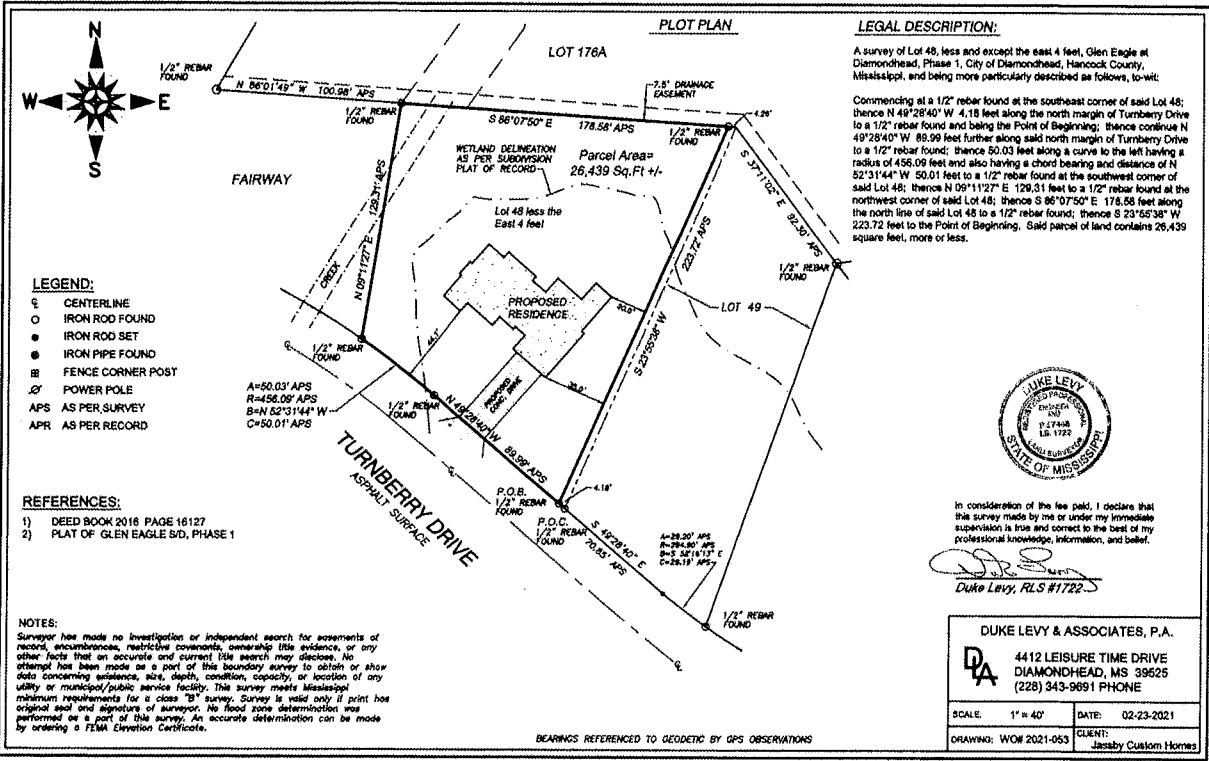
  
\_\_\_\_\_  
Jim Grotkowski

  
\_\_\_\_\_  
Joshua R. Shelton

  
\_\_\_\_\_  
Jeff Jassby

  
\_\_\_\_\_  
Courtney Jassby





**Pat Rich**

**From:** Pat Rich  
**Sent:** Thursday, March 4, 2021 11:14 AM  
**To:** Jeff Jassby (jassbycustomhome@bellsouth.net)  
**Cc:** Michael J. Reso; Ronald Jones; Beau King; Tammy Braud; derekcusick  
**Subject:** 7448 Turnberry Dr. Rezoning  
**Attachments:** Application for Zoning Change.pdf

Jeff,

The above property is currently zoned PFR (Public Facilities & Recreation) in which Residential Uses are not permitted. In order to build a residential structure on the property, you must request zoning change (application attached). Please complete and return to this office, along with the \$200 fee, by March 15, 2021. It will be added to the Planning Commission meeting on April 27, 2021. The following defines the only conditions for rezoning a property:

**2.8. - AMENDMENT (REZONING) PROCEDURE.**

**[SHARE LINK TO SECTION](#)**[PRINT SECTION](#)**[DOWNLOAD \(DOCX\) OF SECTION](#)**[EMAIL SECTION](#)********

*2.8.1 Title and Purpose.*

A. Section 2.8.1 through Section 2.8.11 shall be known as the Amendment Procedure. The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the Zoning Regulations (Text Amendment) and the application of such regulations to property within the City of Diamondhead, Mississippi, by means of the Zoning Map (Rezoning).

B. This ordinance, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objectives of a sound, stable and desirable environment. It is recognized that casual amendments of the ordinance would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this ordinance only when one or more of the following conditions prevail:

- i. Error: There was an error in the initial zoning of the property as it was brought into the city.
- ii. Change in Condition: Changed or changing conditions in a particular area in the city or metropolitan area generally, resulting from changes in population, both of the area proposed to be rezoned and in the surrounding areas, or changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity.
- iii. Changes in whatever is classified as the "neighborhood" (which may not necessarily be limited to that of a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property.



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

## STAFF REPORT TO PLANNING COMMISSION

DATE: April 27, 2021

CASE FILE NUMBER: 202100017

APPLICANT: Jeff Jassby, Jassby

Custom Homes

PROPERTY OWNER: Josh Shelton and

Courtney Jassby

TAX PARCEL NUMBER: 068R-1-41-071.000

PHYSICAL STREET ADDRESS: 7448 Turnberry Drive

LEGAL DESCRIPTION: Glen Eagle Phase 1, Lot 48 less 8 feet

ZONING DISTRICT: PFR Public Facilities & Recreation

TYPE OF APPLICATION: Rezoning

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

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: April 27, 2021

ACTION BY THE PLANNING COMMISSION:

FINDINGS: This ordinance, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objectives of a sound, stable and desirable environment. It is recognized that casual amendments of the ordinance would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this ordinance only when one or more of the following conditions prevail:

- A. Error: There was an error in the initial zoning of the property as it was brought into the city.
- B. Change in Condition: Changed or changing conditions in a particular area in the city or metropolitan area generally, resulting from changes in population, both of the area proposed to be rezoned and in the surrounding areas, or changes in existing road patterns or traffic, including traffic volumes, and also including development of new roadways in the vicinity.

- C. Changes in whatever is classified as the "neighborhood" (which may not necessarily be limited to that of a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property.

Item No.5.

RECOMMENDATION TO PLANNING COMMISSION: To **approve** the rezoning as petitioned;

The staff recommends to approve the rezoning based on the following findings of fact.

- A. Changes have occurred in the neighborhood resulting in the need for additional R-1 lots. Several developments that were proposed for R-1 became R-2.
- B. R-1 zoning is the most restrictive zoning and the rest of Glen Eagle is R-1.
- C. The more restrictive is at the request of the owner.
- D. Rezoning protects the neighborhood from more intrusive development, such as restaurants, municipal buildings, general business offices, etc.
- E. In the past, the City has allowed rezoning to a more restrictive use to ensure future development stays consistent with the neighborhood.
- F. As a condition for rezoning, in addition to a building permit, a development permit is also required.







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

APPLICATION FOR VARIANCE REQUEST

RECEIVED  
MAR 18 2021

Case Number: 202100031 BY: \_\_\_\_\_

Date 3-15-21

Applicant: Timothy & Gina Stockstill

Applicant's Address: 689 Oahu St

Applicant's Email Address: ginas1433@gmail.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (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 ginas1433@gmail.com

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 228-990-8764  
228-216-1503

Tax Roll Parcel Number: 0672-0-36-090.000

Physical Street Address: 689 Oahu St

Legal Description of Property: DH PH 2 unit 3 BK 5 Lot 63 Port of 64

Zoning District: R-2

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)  
(Signage-Size-Height) Partially enclose the back deck 44'x20' area and  
install A fitness swim Spa/Hot Tub on the deck. The enclose will  
be 2'-4" from the Property line. Encloser will prevent wild life /Deer,  
Kids and golf balls from inner the swim Spa.  
Encloser will be a metal roof and screen wall's /Sides.

**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 April 27-2021 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.

Timothy Stewart  
Signature of Applicant

Timothy Stewart  
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 Timothy & Gina Stockstill

Street Address 689 Oakust

Statement Describing Variance Request

Requesting variance 1<sup>st</sup> We are beyond set backs - ENC/DSEB will be 2' 4 inch from property line. 2<sup>nd</sup> Safety - golf balls, Deer/wild life AND small children who just moved IN right next door.

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! What we are trying to do will not have any negative impact on golf course, Golfers or neighbors.

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

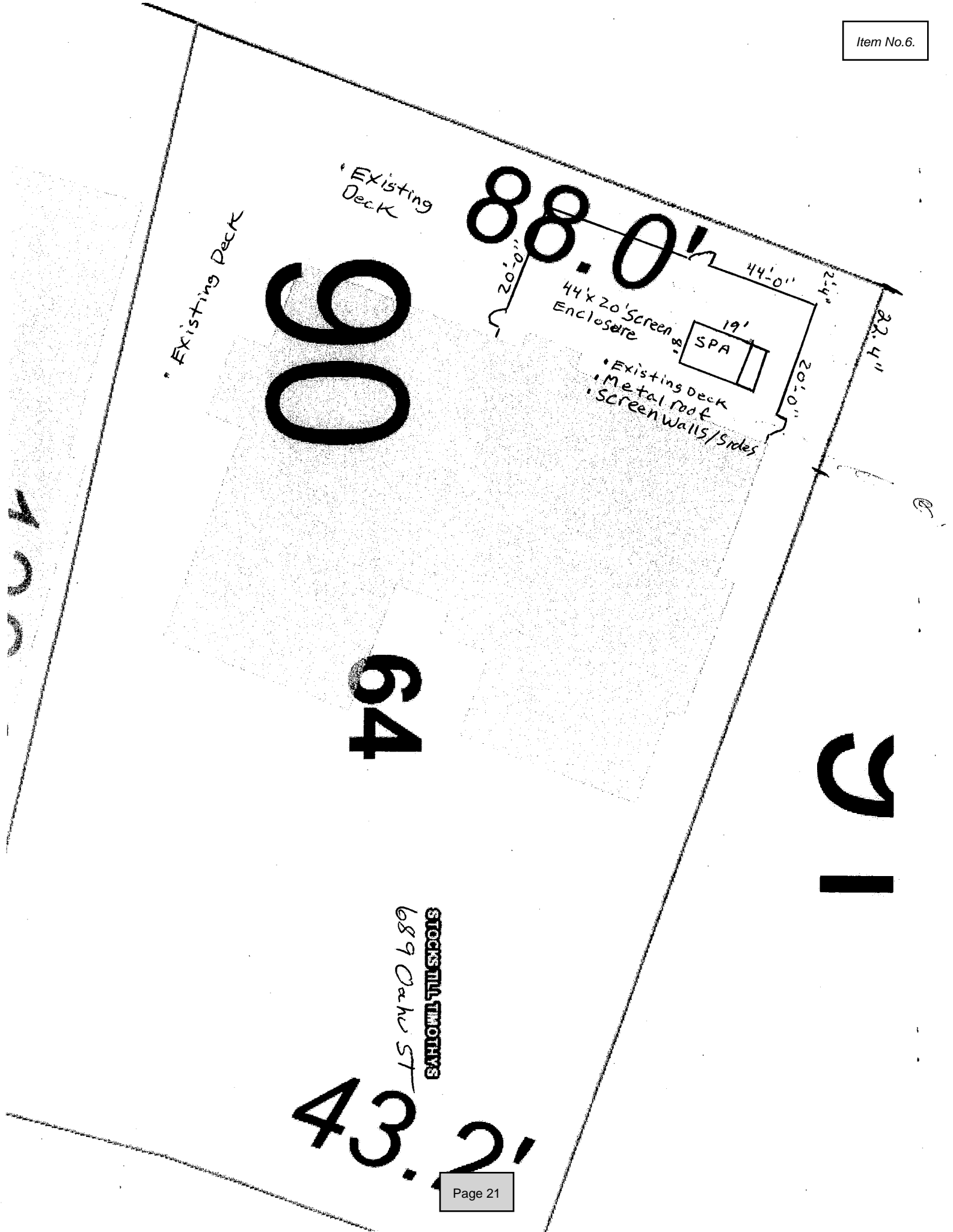
Response: yes it would affect us. we feel like its a safety ~~issue~~ issue. Other owners have enclosure.

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

Response: not cause by us. the original Builder, Built to far back on lot IN 1980.

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

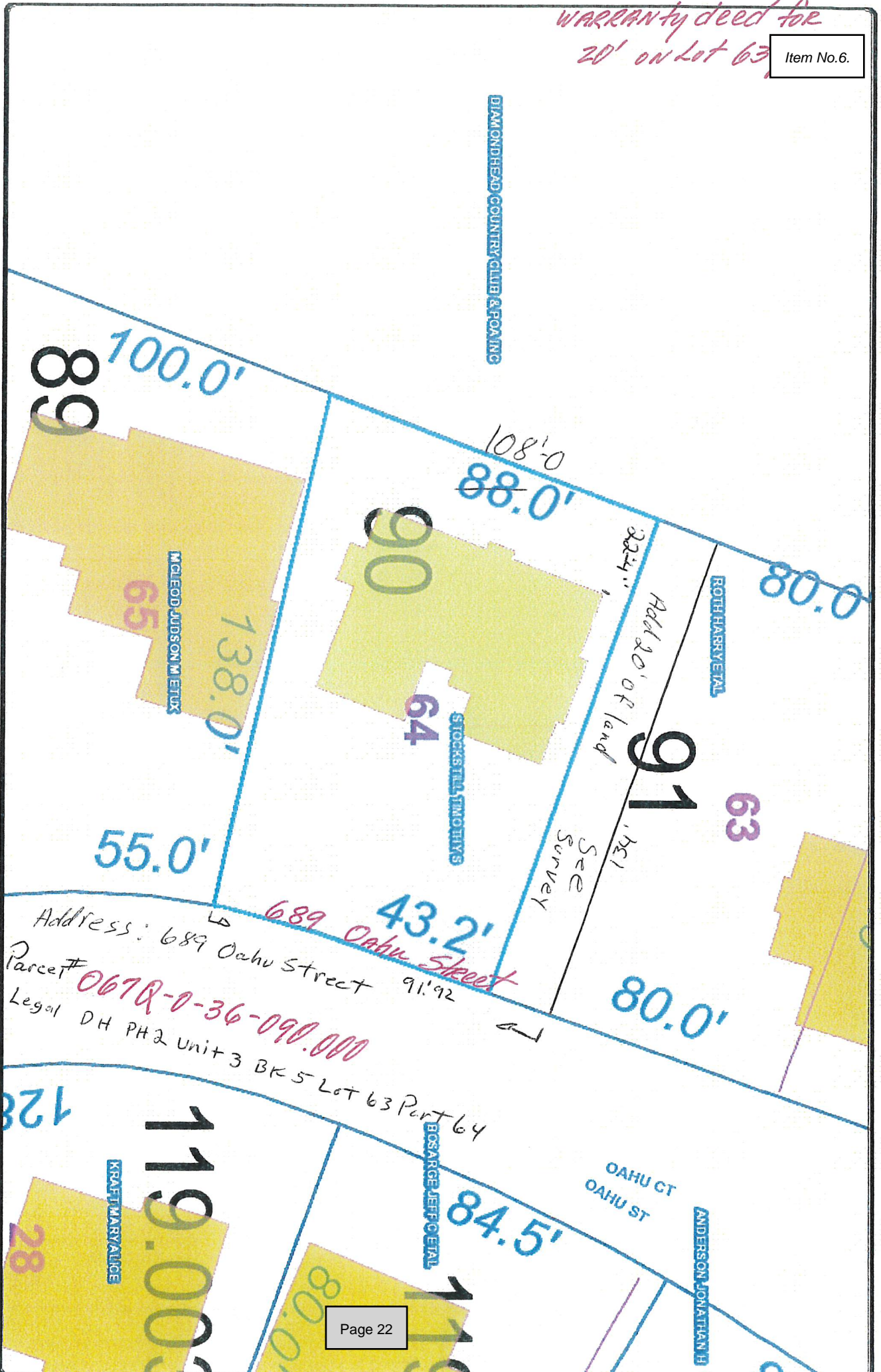
Response: No, other home owners have it.



STOCKS TILL TIMOTHYS  
 689 Oakhurst

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



City of Diamondhead  
APPLICATION FOR BUILDING PERMIT

Item No.6.

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

Estimated Valuation: \$10,000 Date: 3-11-21

Single Family Res.  Multi Family Res.  Small Commercial  Large Commercial  Industrial

Project (ex: Waffle House): Partially, enclose the back deck 44'x20' area  
Use address if you don't have a project name

Address: \_\_\_\_\_

Owner Information:

Last Name: Stockstill First: Tim Middle Initial: Gina

Address: 689 Oahu St

City: Diamondhead State: MS Zip: 39525 Phone: 228-990-8764

E-mail: ginas1433@gmail.com Gina 228-216-1503

Contractor Information:

Contractor: Tim Stockstill  
Contractor Business Name

License #: \_\_\_\_\_ State / City (circle one) \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Permit Information:

Type of Work:  New Const.  Addition  Remodeling  Demolition  Other

Description of Work: Partially enclose the back deck 44'x20' area and install a fitness swim spa/hot tub on the back deck.

Use of Building: out door living and fitness Metal Roof and Screen wall's / side.

Square Feet: 880 Number of Stories: 1 Number of Units: \_\_\_\_\_

Type of Construction:  Wood  Brick  Steel  Concrete  Stone  Screen

Historical District: \_\_\_\_\_ Current Zoning: Residential Parcel#: DH PH 2 UNIT 3 BK 5 LOT 63 and Part 64

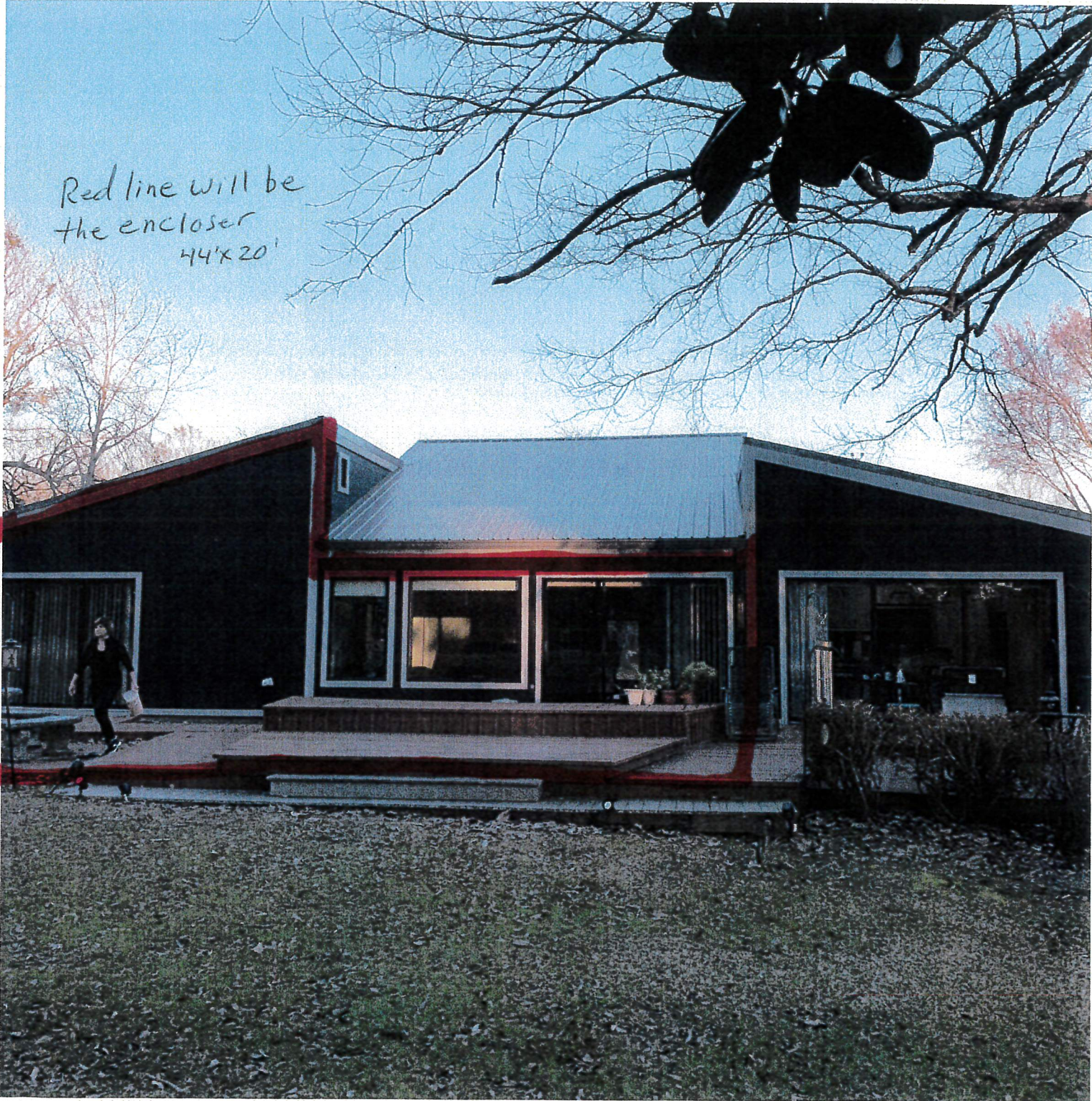
Present Use: \_\_\_\_\_ Proposed Use: \_\_\_\_\_ Conforming:  Yes  No

I hereby make application for permit to perform the work as described herein and if permit is granted I agree to conform to all Regulations and ordinances of the City pertaining therein and in accordance with the plans submitted.

Applicant's Signature: Tim Stockstill

Approved by: \_\_\_\_\_

Remarks: \_\_\_\_\_







"EXAMPLE"  
of enclosure





(<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.

**LEGAL DESCRIPTION: Parcel 1**

A parcel of land situated and being located in a part of Lot 63, Block 5, Diamondhead Subdivision, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit: Beginning at a 1/2" rebar found at the southeast corner of said Lot 63, Block 5, Diamondhead Subdivision; thence N 69°24'44" W 134.93 feet along the south line of said Lot 63 to a 1/2" rebar found at the southwest corner of said Lot 63; thence N 20°45'10" E 20.00 feet to a 1/2" rebar set; thence S 89°24'44" W 134.93 feet to a 1/2" rebar set; thence S 20°45'10" W 20.00 feet to the Point of Beginning. Said parcel of land contains 2,699 square feet, more or less.

**LEGAL DESCRIPTION: Parcel 2**

A parcel of land situated and being located in a part of Lot 61, all of Lot 62 and a part of Lot 63, all in Block 5, Diamondhead Subdivision, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at a 1/2" rebar found at the southeast corner of said Lot 63, Block 5, Diamondhead Subdivision; thence N 69°24'44" W 134.93 feet along the south line of said Lot 63 to a 1/2" rebar found at the southwest corner of said Lot 63; thence N 20°45'10" E 20.00 feet to a 1/2" rebar set and being the Point of Beginning; thence continue N 20°45'10" E 176.95 feet to a 1/2" rebar found; thence S 68°52'45" E 130.88 feet to a 1/2" rebar found; thence 45.99 feet along a curve to the right having a radius of 215.00 feet and also having a chord bearing and distance of S 15°40'53" W 45.90 feet to a 1/2" rebar set; thence S 20°45'10" W 130.00 feet to a 1/2" rebar set; thence N 69°24'44" W 134.93 feet to the Point of Beginning. Said parcel of land contains 737.37 square feet, more less.

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, RLS #1722



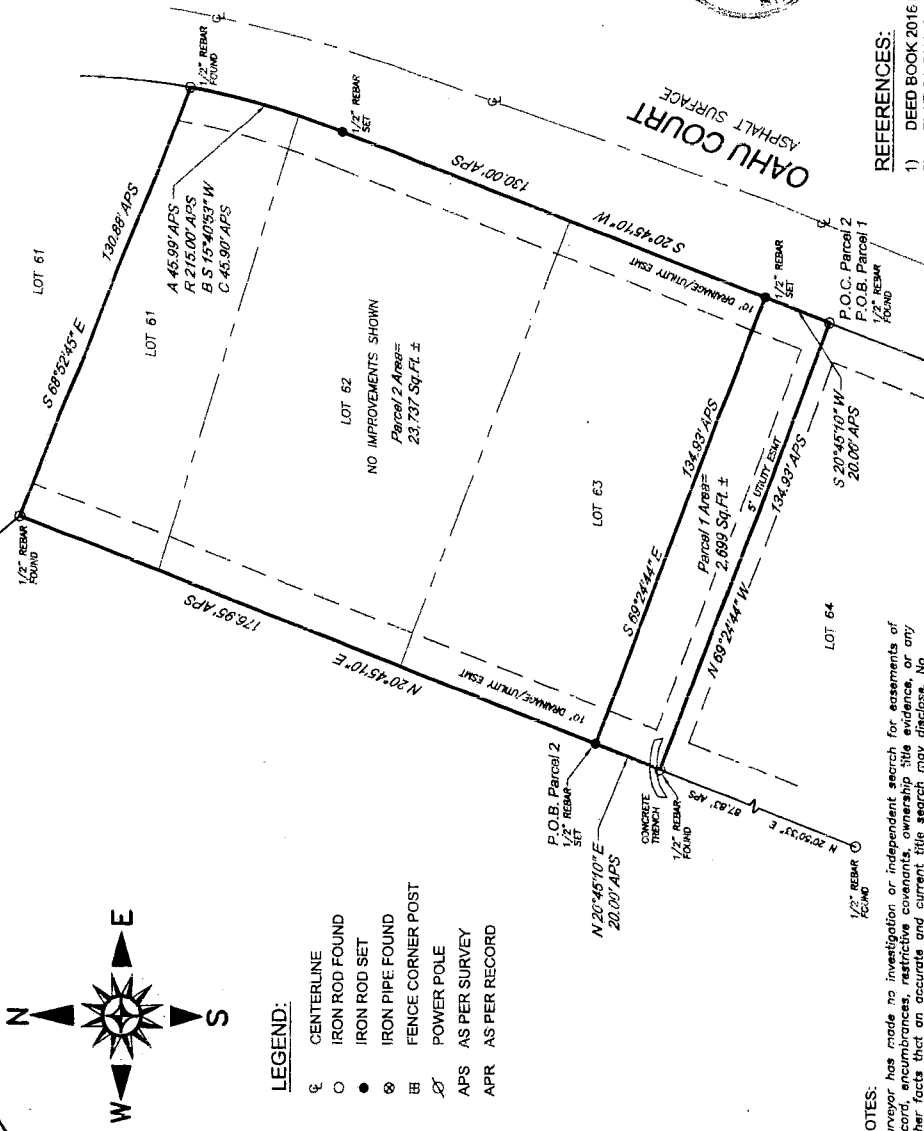
DUKE LEVY & ASSOCIATES, P.A.  
4412 LEISURE TIME DRIVE  
DIAMONDHEAD, MS 39523  
(228) 467-5212 PHONE

SCALE: 1" = 30'  
DATE: 11-08-19  
DRAWING: WO# 19-272  
CLIENT: Mark Oster

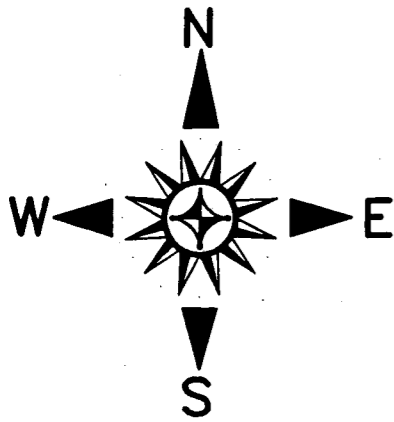
**REFERENCES:**

- 1) DEED BOOK 2016 PAGE 1729
- 2) PLAT OF DIAMONDHEAD, PH. 2, UNIT 3
- 3) DEED BOOK 2016 PAGE 7029
- 4) SURVEY BY DUKE LEVY & ASSOC. WO#19-148

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS



**NOTES:**  
Surveyor has made no investigation or independent search for assessments of record, or other facts that an accurate and current title 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.

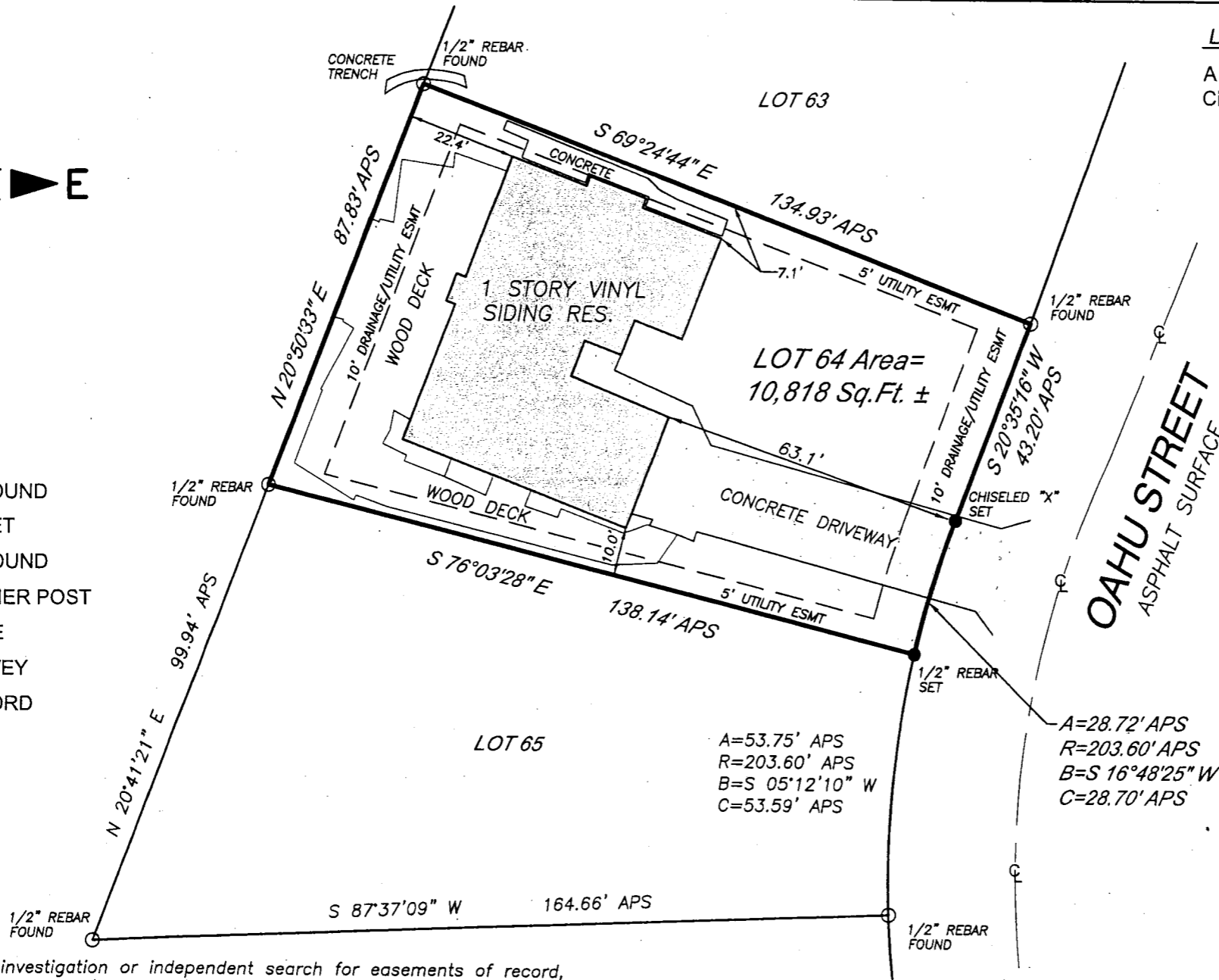


**LEGEND:**

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

**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.



**LEGAL DESCRIPTION:**

A survey of Lot 64, Block 5, Diamondhead Subdivision, City of Diamondhead, Hancock County, Mississippi.



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

**REFERENCES:**

- 1) DEED BOOK 2016 PAGE 1729
- 2) PLAT OF DIAMONHEAD, PH. 2, UNIT 3

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS

DUKE LEVY & ASSOCIATES, P.A.



4412 LEISURE TIME DRIVE  
 DIAMONDHEAD, MS 39525  
 (228) 467-5212 PHONE

SCALE: 1" = 30'	DATE: 06-24-19
DRAWING: WO# 19-148	CLIENT: Timothy Stockstill



5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)

## STAFF REPORT TO PLANNING COMMISSION

DATE: April 28, 2020

CASE FILE NUMBER: 202000115

APPLICANT: Timothy and Gina Stockstill

PROPERTY OWNER: Timothy and Gina Stockstill

TAX PARCEL NUMBER: 067Q-0-36-090.000

PHYSICAL STREET ADDRESS: 689 Oahu Street

LEGAL DESCRIPTION: DH Phase 2, Unit 3, Block 5, Lots 63 in part and 64

ZONING DISTRICT: R-2 Medium Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST:

Timothy and Gina Stockstill have filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to construct a 4' in height vinyl fence extending 51' beyond the façade of their house fronting on Oahu Street. The case file number is 202000115.

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, Lots 63 in part and 64. The property is located in an R-2 zoning district. The minimum front yard setback is 20 feet. No fence shall be constructed closer to the street than the building facade

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: April 28, 2020

**ACTION BY THE PLANNING COMMISSION:** 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.

**FINDINGS:**

The Planning Commission may recommend granting a variance provided affirmative findings of fact are made on each of the following criteria:

- A. That 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. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
- B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- C. That special conditions and circumstances do not result from the actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- F. The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- G. The Variance would observe the spirit of the Comprehensive Plan.
- H. That the Variance requested will not result in any change in use or density of the subject property.

NOTES: In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.

Under no circumstances shall the Planning Commission or Mayor and City Council grant a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

RECOMMENDATION TO PLANNING COMMISSION: To **deny** the variance as petitioned;

The staff recommends to deny the variance based on the following findings of fact.

- There are no special conditions and circumstances exist which are peculiar to the land, structure or building involved;
- 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.
- That granting the variance requested will confer on the applicant a special privilege.
- The variance, if authorized, will NOT represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- The Variance does not observe the spirit of the Ordinance.
- 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 property.