



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

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, October 27, 2020

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Statement of Purpose

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

[Minutes](#) of 9-29-2020 meeting

New Business

[Ms.](#) Tammy Simms Fields and Mr. Scott C. Lippon have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5E iii) to allow a carport within 7.5' (the closest point) and 11.5' (the farthest point) from the rear property line. The case file number is 202000395.

The property address is 8912 Anahola Court. The tax parcel number is 067J-3-36-143.000. The legal description is Diamondhead Subdivision Phase #2, Unit 7A, Block 1, Lot 75. The property is located in a R-2 zoning district. The minimum rear yard setback is 20 feet.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

next City Council meeting November 3, 2020

next Planning Commission meeting November 10, 2020

cases on the November Planning Commission agenda

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.

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.

Adjourn or Recess



Chairman Bice
Commissioner Bower
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

MINUTES PLANNING AND ZONING COMMISSION

Tuesday, September 29, 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 6:00 p.m.

Statement of Purpose

Commissioner Rubar read The Statement of Purpose.

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

Chairman Bice led The Pledge of Allegiance

Roll Call

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

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 Rubar, second by Commissioner Layel to approve the agenda as presented.

Motion Carried Unanimously

Approval of Minutes

Commissioner Rubar, seconded by Commissioner Layel to accept the minutes of August 5, 2020 and August 25, 2020 minutes.

Motion Carried Unanimously

New Business

The First Pentecostal Church of Diamondhead represented Pastor Clay Kelly has filed an application requesting Planning Commission Review in accordance with the Zoning Ordinance Table 4.2 and Article 2.4 to allow a church in an existing building in a C-1 zoning district. The Case File Number is 202000344.

The tax parcel number is 132H-1-03-006.001. The property address is 4373 Park Ten Drive. James Sweetman is the property owner. The property is located south of and adjacent to Park Ten Drive and east of and adjacent to Park Ten Drive. The property is in a C-1 zoning district.

Building Official, Ronald Jones presented the case to the commissioners. He read a letter received from the General Manager of Park Ten Lanes, Melissa Price . In the letter Melissa Price stated that she was opposed to the request.

Chairman Bice asked if anyone was present to represent the church.

Pastor Clay Keller spoke and answered questions .

Chairman Bice asked for any public comments None

Ronald Jones , Building Official made a recommendation to deny the request, but to let them stay until their lease is up.

Commissioner Torguson made a motion, second by Commissioner Bower to approve the recommendation of Ronald Jones, Building Official.

Motion Carried Unanimously

Unfinished Business

Mike Reso, City Manager, spoke about Orion Planning and introduced Bob Barber. Mr. Barber gave an update on the progress with Envision 2040.

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

Ronald Jones, Building Official informed the commissioners of 1 variance case set for next month's meeting

Next City Council meeting Tuesday, October 6, 2020

Next Planning Commission Tuesday, October 27, 2020

Fields/Lippon Variance application for carport from rear yard setback line at 8912 Anahola Court

Adjourn or Recess

Commissioner Rubar, second by Commissioner Lavelle to adjourn the meeting at 7:15 p.m.

Motion Carried Unanimously

E J Bice, Chairman

Planning & Zoning

Project # 202000395



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

APPLICATION FOR VARIANCE REQUEST

Case Number 202000395

Date 08 September 2020

Applicant: Tammy Simms Fields & Scott C Lippon

Applicant's Address: 8912 Anahola Court Diamondhead MS. 39525

Applicant's Email Address: MSXX007@bellsouth.net

Applicant's Contact Number: (Home) _____ (Work) 985-290-7891 (Cell) _____

Property Owner: Tammy Simms Fields (Lippon)

Owner's Mailing Address: 8912 Anahola Court Diamondhead MS. 39525

Owner's Email Address: MSXX007@bellsouth.net

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 985-290-7891

Tax Roll Parcel Number: Parcel Lot # 143

Physical Street Address: 8912 Anahola Court Diamondhead MS. 39525

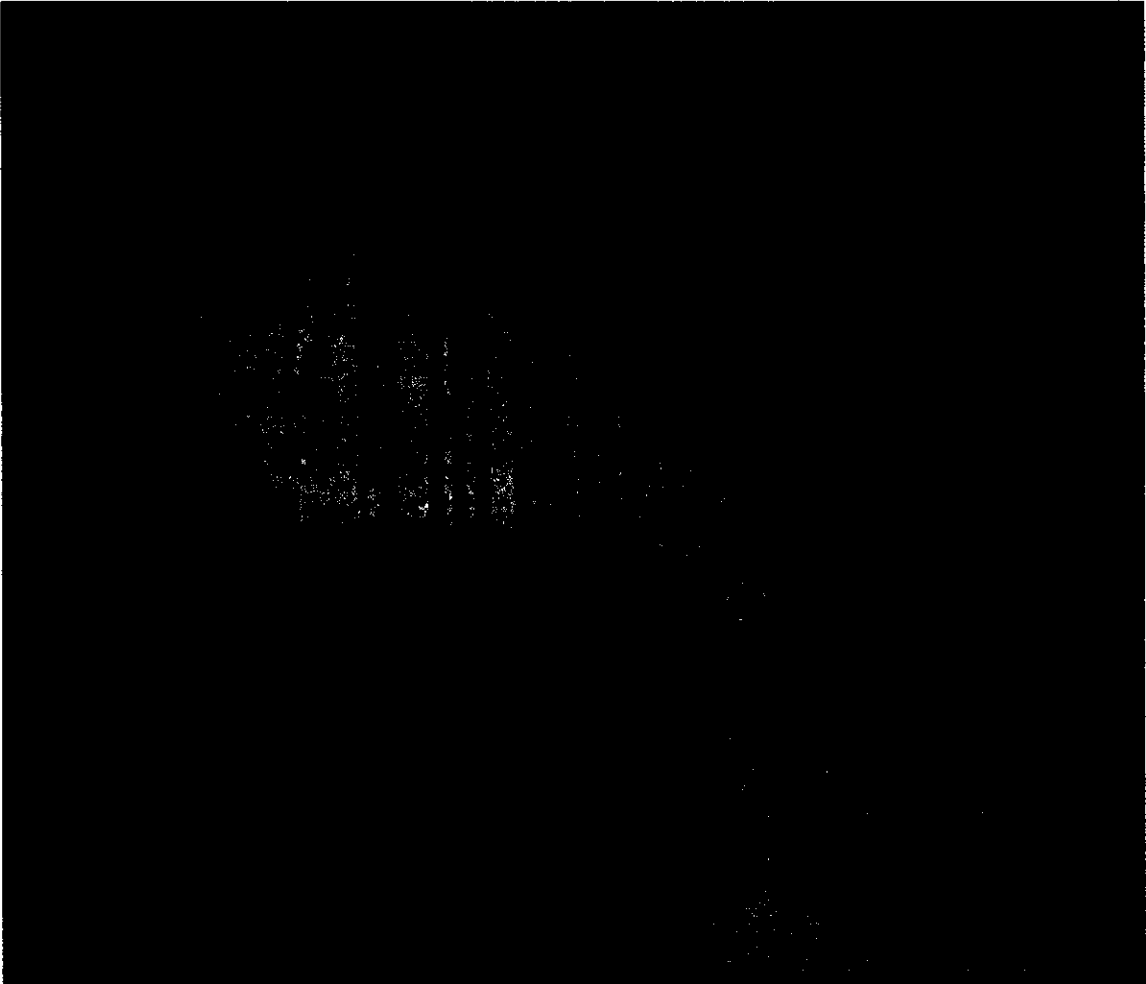
Legal Description of Property: Single Family home

Zoning District: R-2

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

To facilitate the irregular shape of our lot and irregular adjacency to the lots we require a variance to the 20 foot rear ordinance to 7.5 feet between the structure and the property/fenceline at the minimum distance point and 11.5 feet at the maximum distance point (See Slide A-B-C)





REQUIRED ITEM A

Property Owner Tammy Fields & Scott C Lippon

Street Address 8912 Anahola Court Diamondhead MS. 39525

Statement Describing Variance Request

Requesting a variance allowing a carport structure to be built within 7.5 feet of the adjacent property/fenceline at the min point and 11.5 feet at the maximum point (See Slide A-B-C for further detail)

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?**

The location of the home on the lot and where the structure is planned to be built is an irregular shape, causing a creative shaped structure positioned so it will conform to the restricted zoning to the maximum extent possible (See Slides A-B-C)

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

Yes, there are multiple lots with the same condition, some approved by the zoning board of Diamondhead and City Council (Slide F) . Plus some added photos showing encroachments in Diamondhead in R-2 areas (Slides G-I)

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

The irregular shape of the lot was caused by the original landowner and contractors during initial home construction. In addition a structure existed at 8912 Anahola Court in this same location in 2004 when the home was purchased by Tammy Fields Lippon. (Destroyed by Katrina 2005)

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

There are multiple homeowners sharing the same type of approved variance, therefore no special privilege is granted in our case. A home with lesser distance between the structure and property line exists within 500 feet from our home at 8912 Anahola Place. This home has an approved variance from the City.

We also have a petition signed by multiple adjacent neighbors indicating their acceptance of the structure. (See Slide D-E)

Request for Variance from Zoning Ordinance

8912 Anahola Court

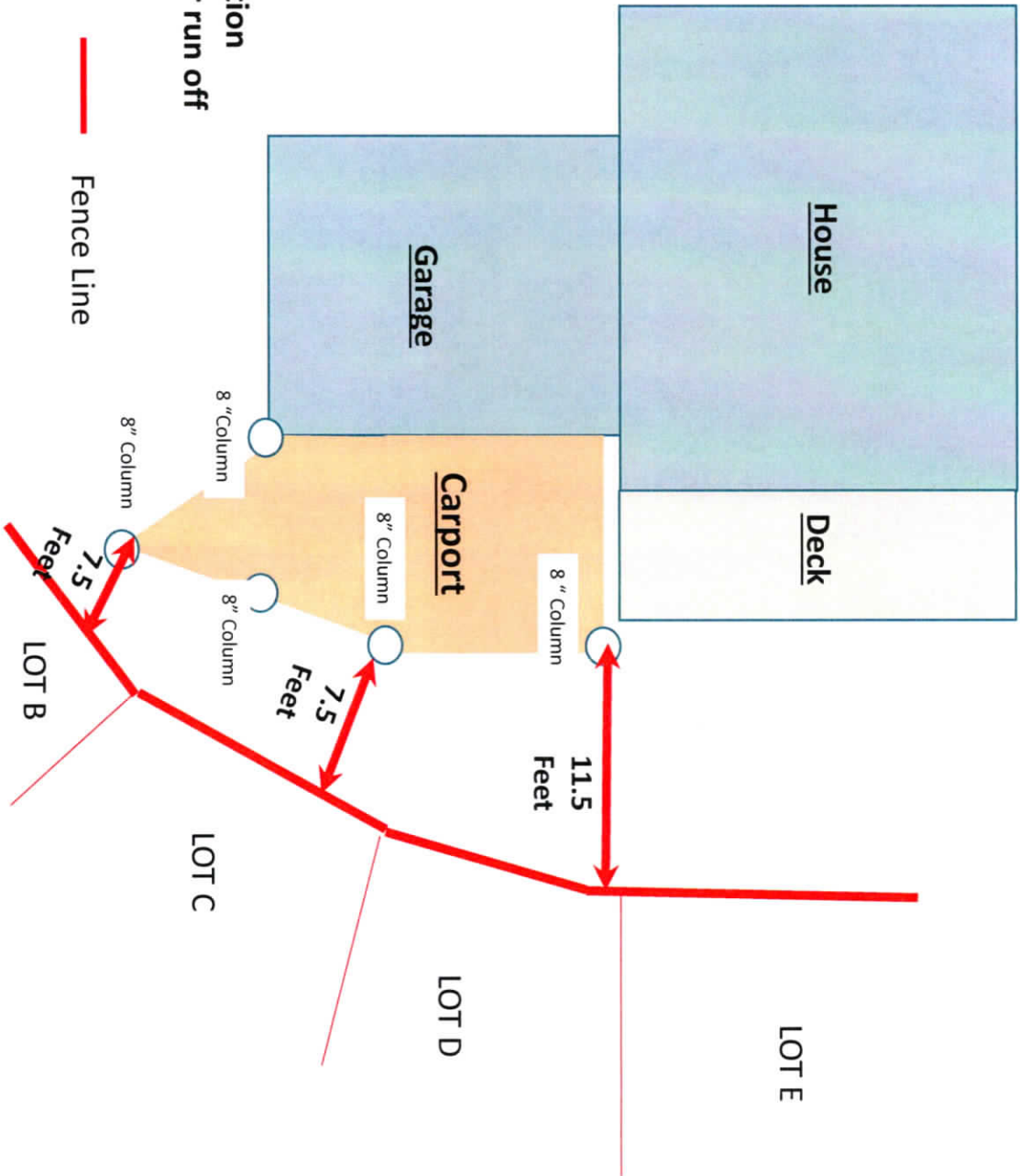
RECEIVED
SEP 08 2020
BY: R. J. 12:52 p.m.

Slide A

Site Plans

Top View

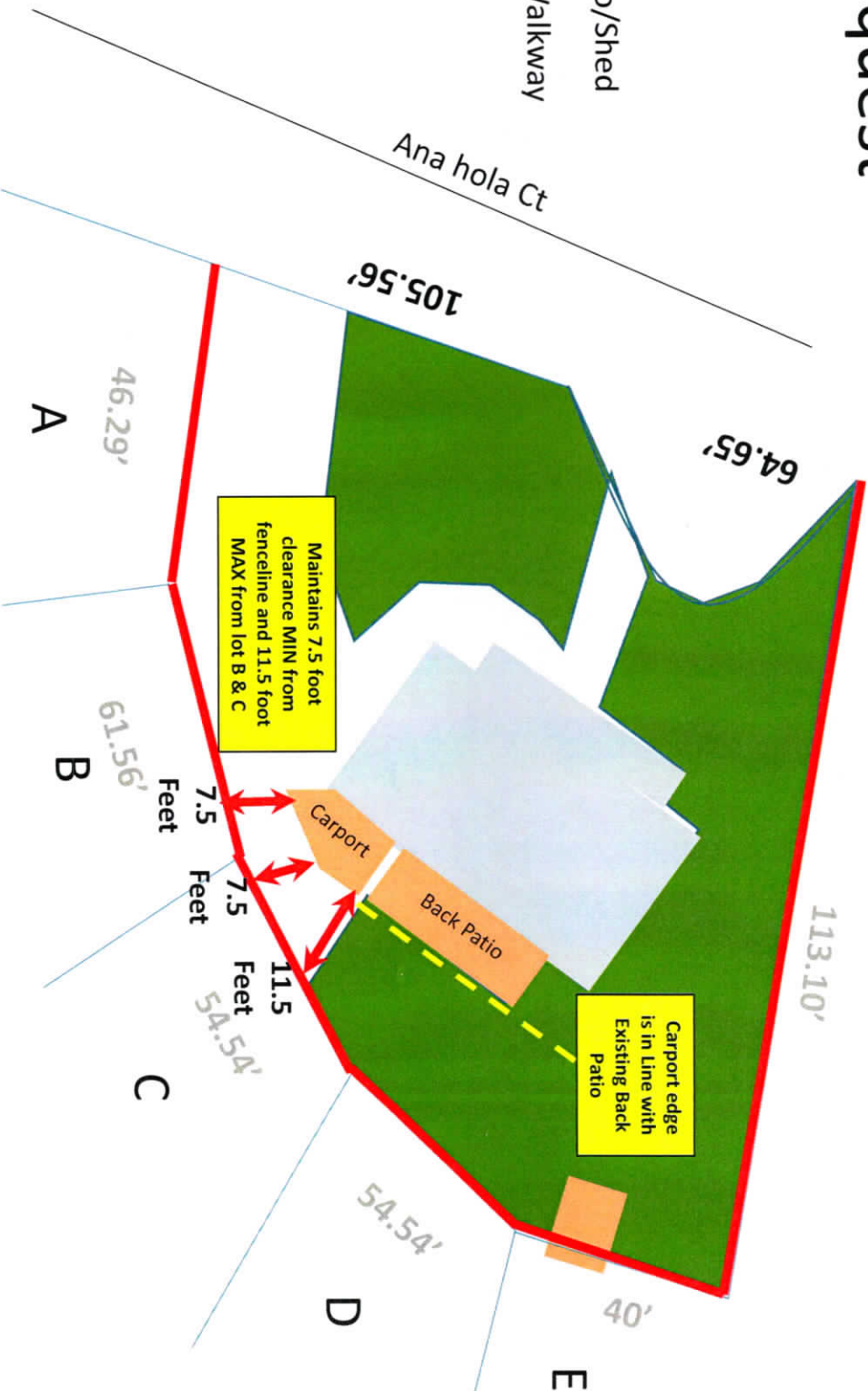
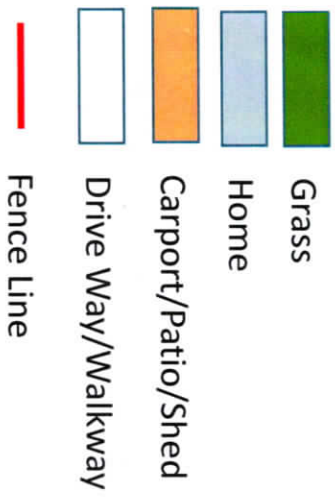
- No changes to elevation
- No Changes to water run off



Slide B

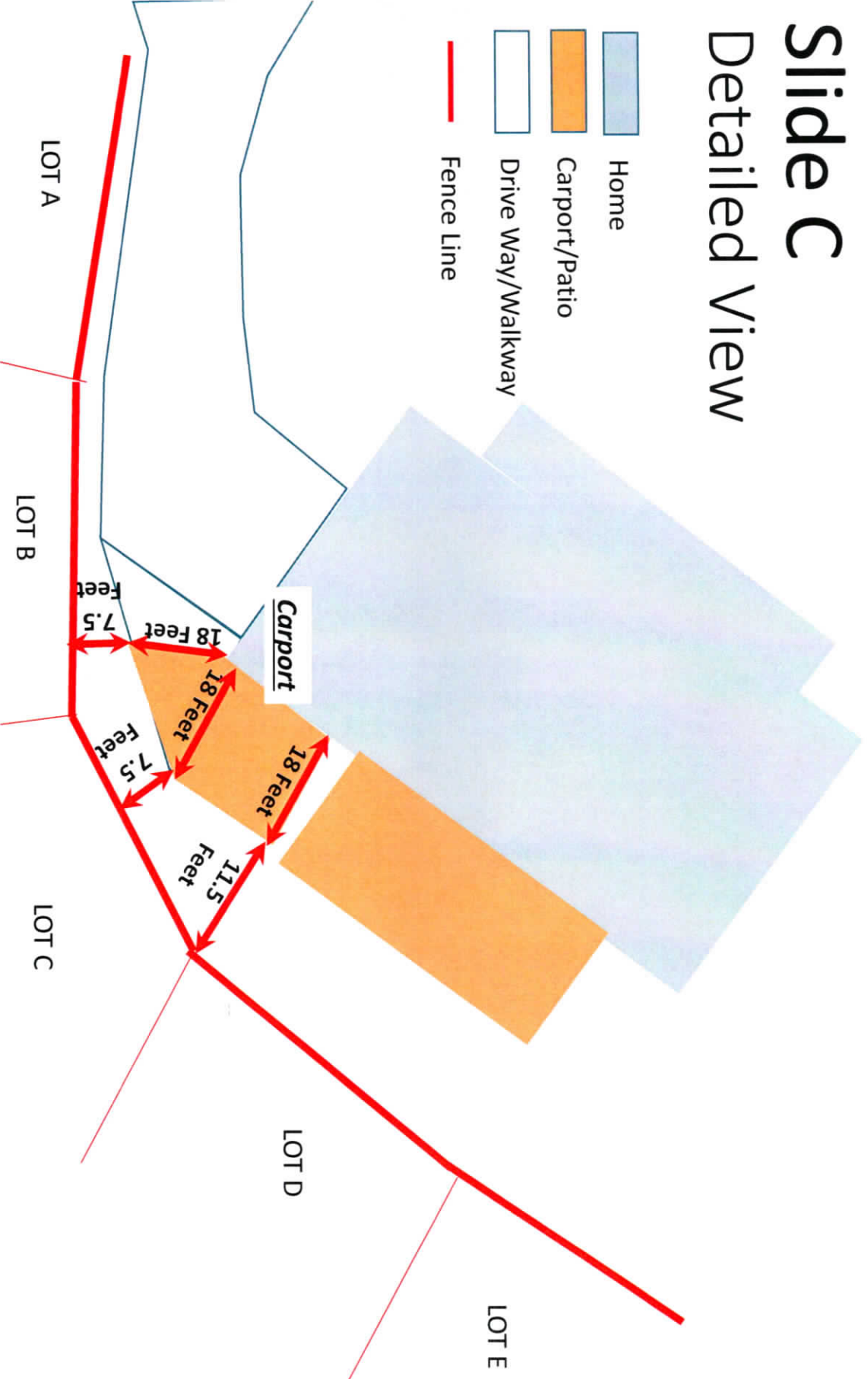
Tammy Fields Lot # 143

Variance Request



Slide C

Detailed View



Summary of Request

Variance to build a structure inside the city ordinance of 20 feet

- Minimum distance from the property line is 7.5 Feet
- Maximum distance from the property line is 11.5 Feet
- Is consistent with other properties in the same R-2 zoning area.

No Change to water run off direction or volume

- A gutter will be assembled to the aft section facing lot B & C only to reduce any potential erosion on our lot @ 8912 Anahola Court and to assure water will route to the pre- carport structure run off flows.

No changes in elevation; no added soil was moved onto or removed from the property

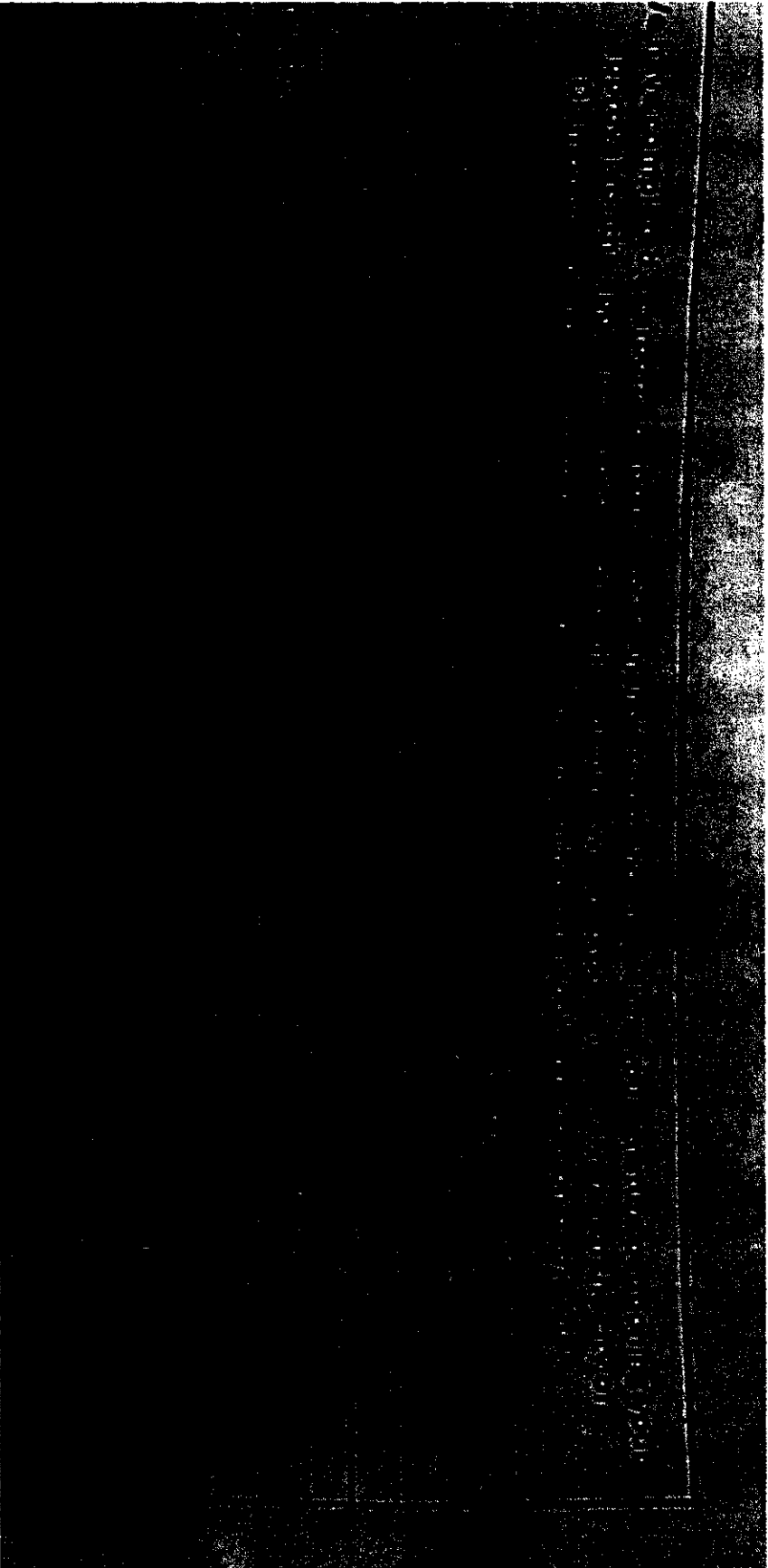
Structure virtually hidden to the street view and adjacent neighbors, due to location and tree coverage.

- Is situated at a min of 150-250 feet from other homes in directly adjacent lots A-D lots as noted on slides A-B-C

Petition signed by adjacent neighbors
accepting the structure (August 2020)

Slide D

Petition Signed by 8 Adjacent Neighbors
And neighbors addresses within 300 ft as required by application

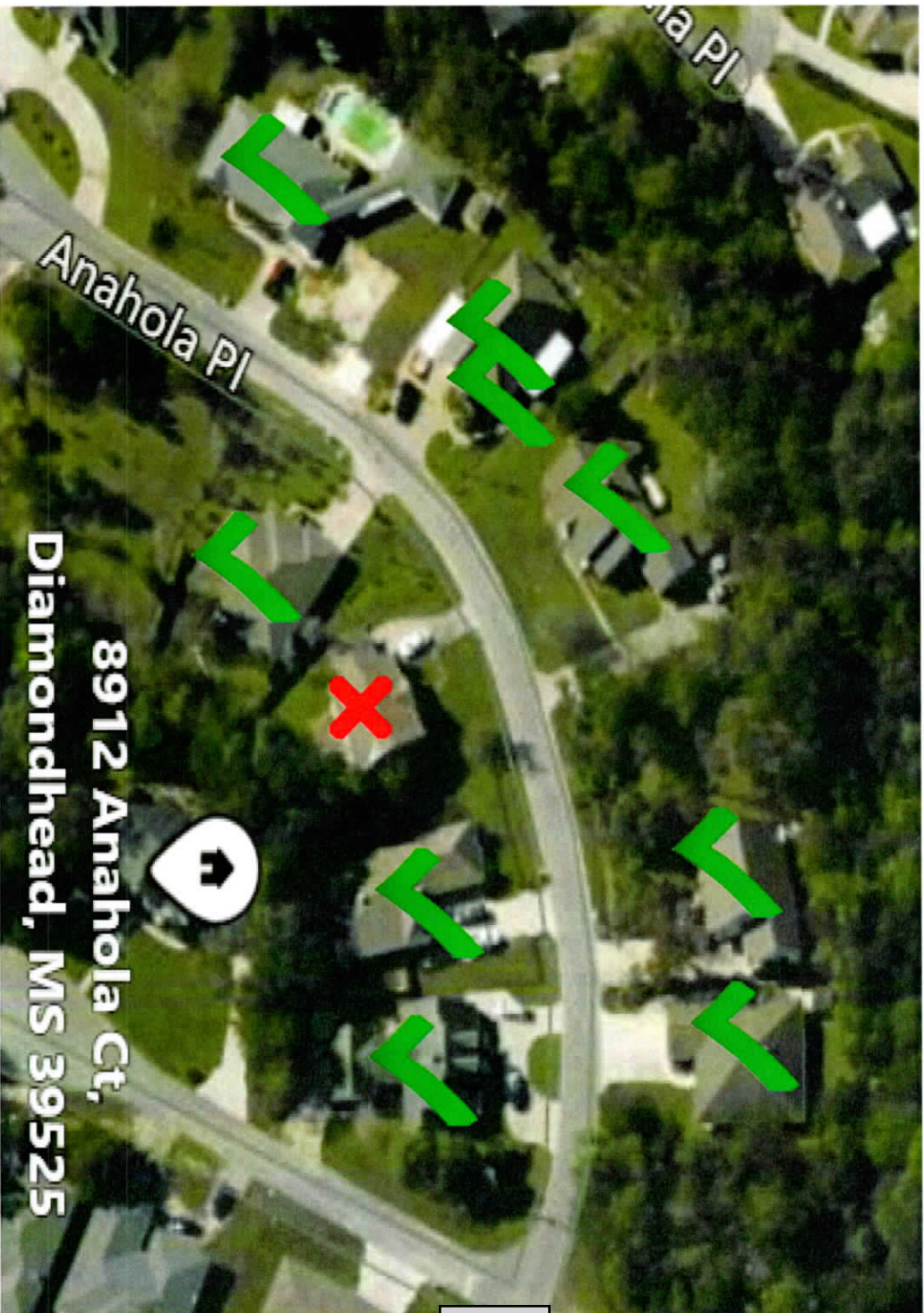


Slide E

Signed the petition accepting the carport = 8 ✓

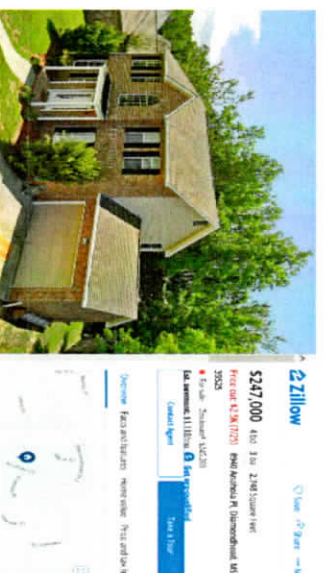
Has a variance approved by City Council for similar condition ✓✓

Did not sign the petition accepting the carport = 8940 Anahola Place ✗



So why the complaint from 8940 Anahola Place???

- Was arrested in April 2020 and stands trial for 2 felony counts of drug possession and sales/distribution
 - Believes we reported him to the Hancock sheriff, resulting in his arrest
 - Has openly threatened our well-being due to his arrest to other neighbors
 - Has publicly told others that he will **make us pay** for his arrest
 - A vindictive person as a result of his arrest for multiple felonies
- Is moving and has the home listed for sale on Zillow



Cases in the same zoning code approved by the
Planning board or the City Council 2017-2019

Slide F

9 Cases approved by the Planning Commission and City Council

2017 to present ranging from 8-13 Feet of "REAR" Property lines

Planning - Case File # 201900464 - Approved

Dubos family applied for and received a variance from the zoning ordinance to build a single family home within 10 feet of the rear property line.

A variance of 10 feet inside the zoning ordinance

Planning Case File # - 201900273- Approved

Mr Fandal filed a variance request and was approved for constructing a house within 10 feet of the front property line.

A variance of 10 feet inside the zoning ordinance

Planning Case File # 201900060- Approved

The Burgoyne family applied for and was granted a variance to build a 16x24 deck and pavilion within 12 feet of the rear property lines.

A variance of 8 feet inside the zoning ordinance

Planning Case file # 201800495- Approved

The Walthman family applied for and received a variance to build a pool lanai within 10 feet of the rear property line

A variance of 10 feet inside the zoning ordinance

Planning Case File# 201800258- Approved

Mr Lejeune applied for and was granted a variance to build a patio cover within 5 feet of the rear property line

A variance of 10 feet inside the zoning ordinance

Planning Case # 201800266- Approved

Mr Embry applied for and received a waiver to build a patio cover 7 feet from the rear property line.

A variance of 13 feet inside the zoning ordinance

Planning Case # 201700343-- Approved

Mr Hight requested and received a variance to build a garage 11 feet from the rear property line

A variance of 9 feet inside the zoning ordinance

Planning Case File # 227 Fairway Circle- Approved

Mr Peterson requested and received a waiver to build a single family home within 10feet of the rear property line

A variance of 10 feet inside the zoning ordinance

Planning Case # 2017-00331- Approved

Ms Marshal requested and received a waiver to build a patio roof within 7 feet from the rear property line

A variance of 13 feet inside the zoning ordinance

Similar Property Lines variances in same zoning R2 in Diamondhead

Slide G Similar Variances

88158 Golf Club Dr



8-10 Feet from rear of property

No permit posted and the rear of the structure is within 10 feet of rear fence

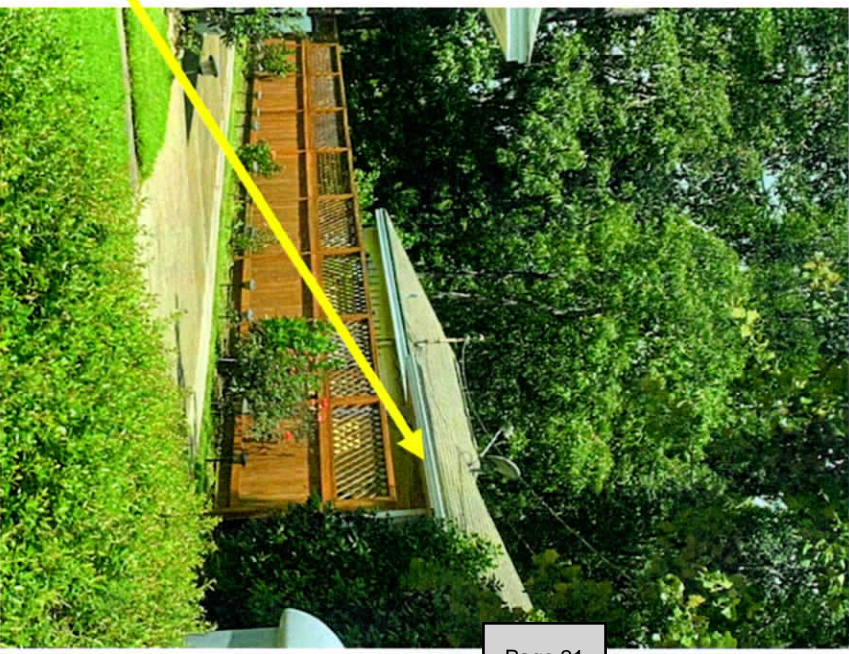
8920 Anahola PL



3-4 Feet from Adjacent Property Fence Line Variance Approved by City Council

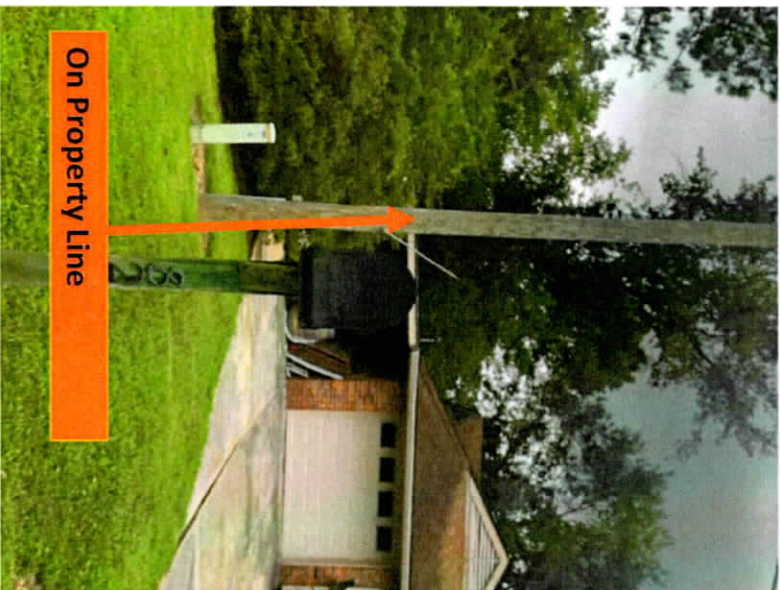
3-4 Feet from Adjacent Property Fence Line

89331 Diamondhead Dr East



Slide H Similar Variances

9868 Koloa Dr

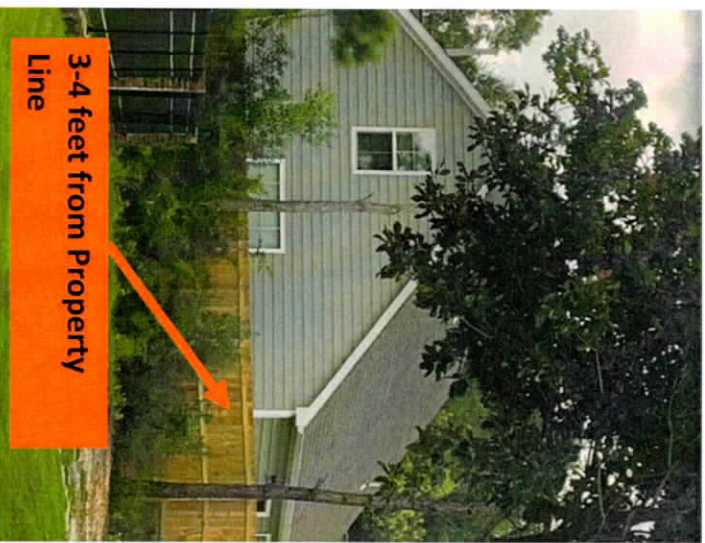


79293 Diamondhead Dr East



Slide | Similar Variances

8830 Hana Place



88375 Diamondhead East Dr



822 Hawi CT

