



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

## **AGENDA**

### **PLANNING AND ZONING COMMISSION**

**Tuesday, January 24, 2023**

**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 November 8, 2022 minutes.

#### **New Business**

3. Bob Barber of Orion Planning
4. Clyde Holzbauer has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow an addition to the existing carport 5' from the west side yard property line. The property address is 7722 Mamalu Place. The tax parcel number is 067K-2-36-045.000. The property is in a R-2 zoning district. The side yard setbacks are 10'. The variance requested is 5'. The Case File Number is 202200555.
5. The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Sign Ordinance (10.10.4). The Case File Number is 202200581. The proposed text is to allow the option for commercial businesses impacted by MDOT's Exit 16 improvements to either replace signage per updated sign ordinance, relocated existing signage or replace signage with signage similar to existing.

#### **Unfinished Business**

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

#### **Commissioners' Comments**

#### **Communication / Announcements**

6. The next City Council meeting is Tuesday February 7, 2023.  
The next Planning Commission meeting is February 28, 2023.

**Adjourn or Recess**



Commissioner B  
Commissioner B  
Commissioner Cook  
Commissioner Debrow  
Commissioner Flowers  
Commissioner Layel  
Commissioner Nicaud

Item No.2.

## **MINUTES**

### **PLANNING AND ZONING COMMISSION**

**Tuesday, November 08, 2022**

**6:00 PM CST**

Council Chambers, City Hall  
and via teleconference, if necessary

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#### **Call to Order**

Commissioner Debrow called the meeting to order at 6: p. m.

#### **Statement of Purpose**

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

Commissioner Bennett read the Statement of Purpose

#### **Pledge of Allegiance**

Commissioner Brewer led The Pledge of Allegiance.

#### **Roll Call**

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

#### **Confirmation or Adjustments to Agenda**

Commissioner Bennett made a motion, second by Commissioner Cook to accept the Agenda as presented.

#### **Motion Passed Unanimously**

#### **Approval of Minutes**

1. Approval of October 25, 2022 minutes.

Commissioner Cook made a motion, second by Commissioner Brewer to accept the Minutes of October 25, 2022.

#### **Motion passed Unanimously**

#### **New Business**

2. J. White Homes, LLC, represented by Jason White has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a single family residence within 9'3" of both side yard property lines. The property address is 982 Ala Moana Place. The tax parcel number is 067J-1-36-054.000. The property is in a R-2 zoning district. The side yard setbacks are 10'. The variance requested is 9" on each side yard for a total of 1'6". The Case File Number is 202200464.

Development Coordinator, Pat Rich presented the case. He answered questions from commissioners.

Commissioner Debrow asked if anyone was present to represent J White Homes.

Jason White owner spoke and answered questions .

Commissioner Debrow asked for any public comments.

Mr. Allen Ryan stated he was not in favor of the variance, and stated all side setbacks should be 10 ft.

Development Coordinator, Pat Rich read the staff report recommending approving the variance.

Commissioner Bennett made a motion , second by Commissioner Layel to accept the recommendation ,and approve as petitioned to the City Council.

**Roll Call:**

Ayes: Debrow, Layel, Cook, Bennett, Nicaud, Brewer. Nays: None Absent: Flowers

**Motion Passed Unanimously**

3. Hasselvander, LLC, represented by Brian Hasselvander, has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a deck within 15'6" from the rear property line. The property address is 3416 Lumahai Place. The tax parcel number is 131M-2-11-050.000. The property is in a R-2 zoning district. The rear yard setback is 20'. The variance requested is 4'6". The Case File Number is 202200466.

Development Coordinator, Pat Rich presented the case to the commissioners. He answered all questions.

Commissioner Debrow asked if anyone was present to represent Hasselvander.

Brian Hasselvander, owner, spoke and answered questions from commissioners.

Commissioner Debrow asked for any public comments. None

Development Coordinator, Pat Rich read the staff report recommending approving the variance.

Commissioner Brewer, made a motion, second by Commissioner Nicaud to accept the recommendation and approve the variance to the City Council.

**Roll Call:**

Ayes: Debrow, Layel, Cook, Nicaud, Bennett, Brewer Nay: None Absent: Flowers

4. Approval of the 2023 Planning & Zoning Commission Calendar.

Planning & Zoning was presented a Calendar for next years meeting dates.

Commissioner Cook made a motion, second by Commissioner Layel to accept the Calendar as presented.

**Motion Passed Unanimously**

**Unfinished Business**

None



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

**Commissioners' Comments**

None

**Communication / Announcements**

5. The next City Council meeting is Tuesday November 15, 2022.

The next Planning Commission meeting is December 13, 2022.

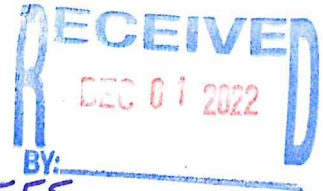
**Adjourn or Recess**

Commissioner Bennett made a motion, second by Commissioner Nicaud to adjourn the meeting at 6:37 p.m.

**Motion Passed Unanimously**



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



## APPLICATION FOR VARIANCE REQUEST

Case Number: 202200555Date 12/1/22Applicant: David Clyde HolzbauerApplicant's Address: 7722 Mamalu Place DiamondheadApplicant's Email Address: cholzbauer@icloud.com MSApplicant's Contact Number: (Home) 989 745 (Work) 2668 (Cell) retired same 395-25Property Owner: Clyde HolzbauerOwner's Mailing Address: 7722 Mamalu Pl. DiamondheadOwner's Email Address same as aboveOwner's Contact Number: (Home) same (Work) — (Cell) —★ Tax Roll Parcel Number: 067K-2-36-045.000Physical Street Address: 7722 Mamalu Pl. Diamondhead★ Legal Description of Property: PH 1 Addition 1 Unit 7 Block 6 41442 MS★ Zoning District: R-2State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)  
(Signage-Size-Height)side for carport (no walls)

## 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 January 24th, 2023 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 AProperty Owner Clyde HolzbauerStreet Address 9722 Mamalu Pl. Diamondhead

Statement Describing Variance Request

to construct carport (no sides)  
with 2 posts to be set  
5'0" from adjacent property line

The reasons why it complies with the criteria for variances:

1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?

Response: yes - neighbor/owner of  
adjacent prop. <sup>is</sup> in full agreement  
having physically inspected the planned  
extension.

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: Not sure, but I would not  
be surprised given the age  
of my neighbor

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

Response: No, in that I am asking  
to construct an extension of  
my existing carport (smaller version,  
(same exact style)

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

Response: again, not certain, (I have no  
way of being 100% sure), but I  
doubt it would be a special privilege  
not shared by others.



Diamondhead, Mississippi

Google

Street View - Jun 2013

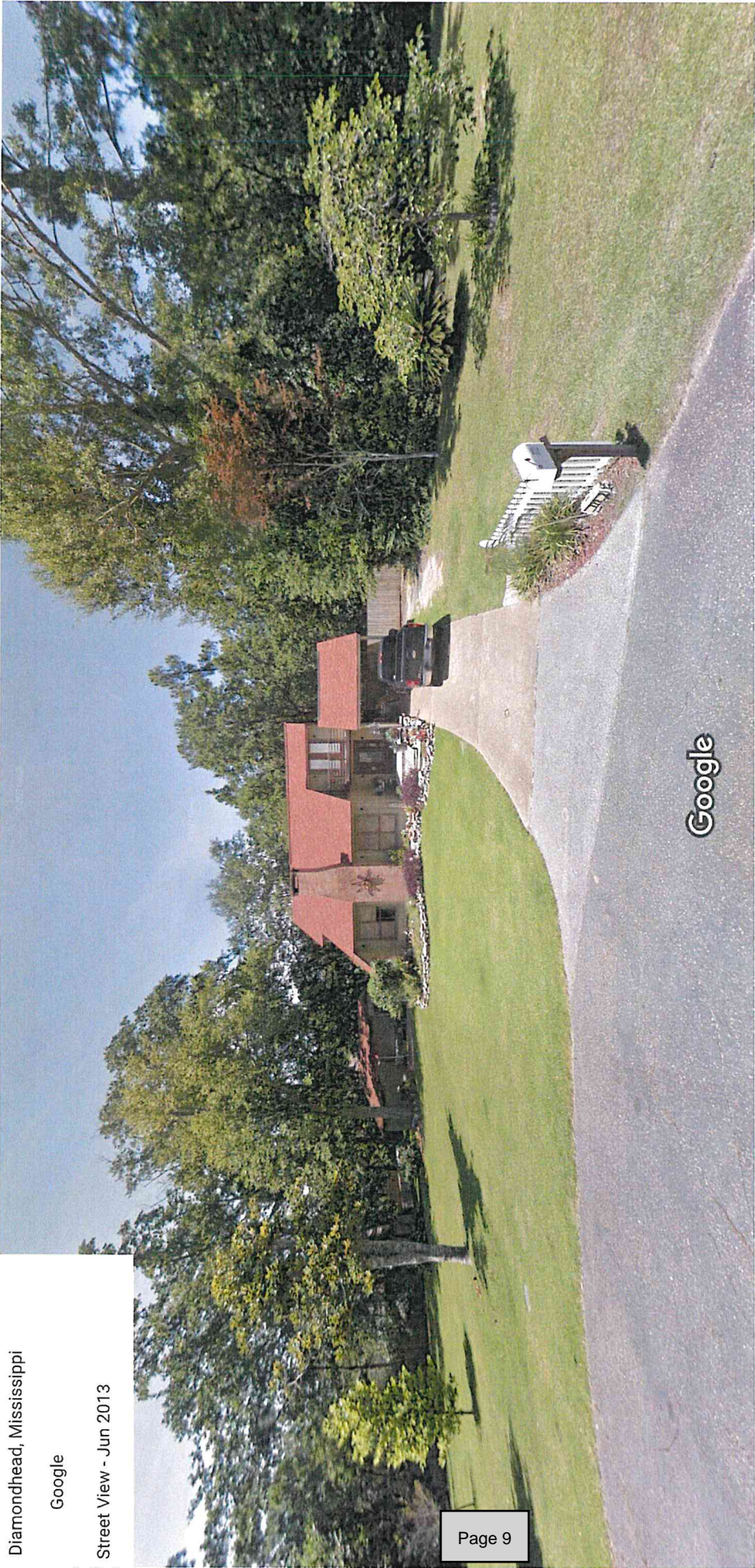
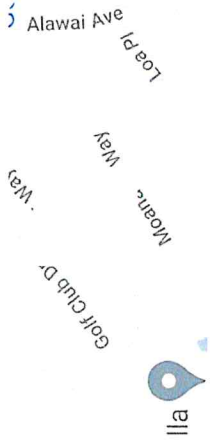


Image capture: Jun 2013 © 2022 Google



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

Clyde Holzbauer has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow an addition to the existing carport 5' from the west side yard property lines.

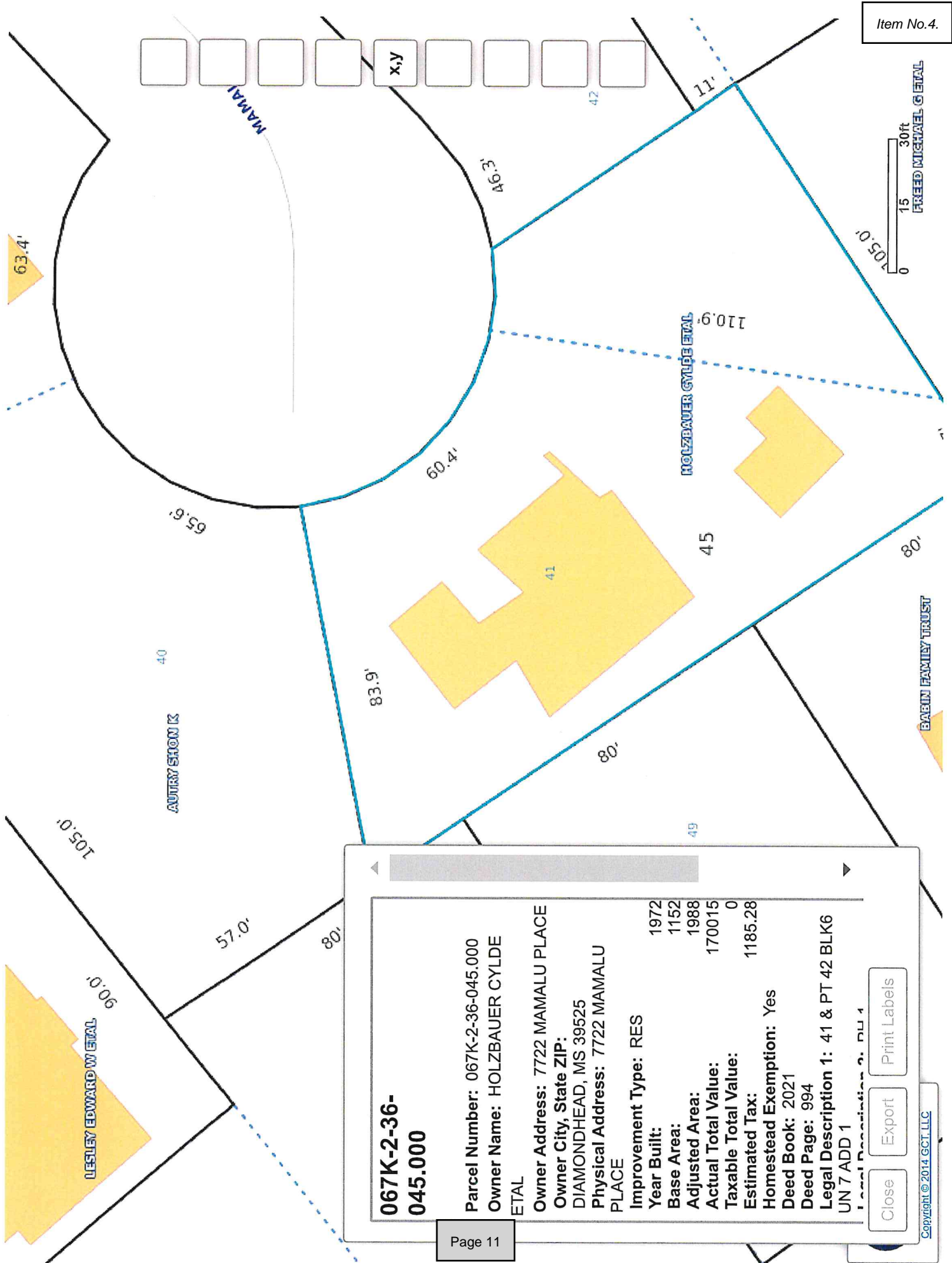
The property address is 7722 Mamalu Place. The tax parcel number is 067K-2-36-045.000. The property is in a R-2 zoning district. The side yard setbacks are 10'. The variance requested is 5'. The Case File Number is 202200555.

In accordance with the Comprehensive Zoning Ordinance Article 2.6.4, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for or in a modified form or subject to conditions or the application may be denied. A variance may be revocable, may be granted for a limited time, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, January 24, 2023, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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





067K-2-36-045.000

Parcel Number: 067K-2-36-045.000

Owner Name: HOLZBAUER CYLDE ETAL

Owner Address: 7722 MAMALU PLACE

Owner City, State ZIP: DIAMONDHEAD, MS 39525

Physical Address: 7722 MAMALU PLACE

Improvement Type: RES

Year Built: 1972

Base Area: 1152

Adjusted Area: 1988

Actual Total Value: 170015

Taxable Total Value: 0

Estimated Tax: 1185.28

Homestead Exemption: Yes

Deed Book: 2021

Deed Page: 994

Legal Description 1: 41 & PT 42 BLK6 UN 7 ADD 1

Local Description 2: NLU 4

Close

Export

Print Labels







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

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Sign Ordinance (10.10.4). The Case File Number is 202200581. The proposed text is to allow the option for commercial businesses impacted by MDOT's Exit 16 improvements to either replace signage per updated sign ordinance, relocated existing signage or replace signage with signage similar to existing.

In accordance with Article 2.8.2, the City Council shall have jurisdiction with respect to all Text Amendments and Rezoning. The Planning Commission shall review and submit a recommendation to the City Council on Text Amendments and Rezoning.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, January 24, 2023, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members of the public are invited to attend. This meeting will also be live streamed for your convenience.

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

**Resolutions:**

2. **2023-034:** Motion to adopt Resolution 2023-005 thereby abandoning a 5' drainage/utility easement on each side of the common property line between lots 16 and 17, Diamondhead Phase 2, Unit 5, Block 6. The Physical address is 68195 Diamondhead Drive East. Parcel number 131B-0-01-164.000. (Ginn)

Motion made by Ward 4 Clark, Seconded by Mayor Depreo to adopt Resolution 2023-005 thereby abandoning a 5' drainage/utility easement on each side of the common property line between lots 16 and 17, Diamondhead Phase 2, Unit 5, Block 6. The Physical address is 68195 Diamondhead Drive East. Parcel number 131B-0-01-164.000. (Ginn)

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

**Consent Agenda:**

Motion made by Ward 1 Finley, Seconded by Ward 2 Liese to approve the following agenda items by consent:

3. **2023-026:** Motion to approve Change Order No. 1 for twenty-five (25) additional days to the contract with J and A Excavation Inc. for the Makiki Drive Drainage with no change to contract price.
4. **2023-027:** Motion to authorize payroll expenses for the Employee Incentive Plan for FY23 in the amount of \$250 each for eligible employees for the second payroll periods in November 2022 and May 2023 to be determined by the City Manager.
5. **2023-028:** Motion to approve payments to Digital Engineering in the amount of \$72.50 for Developer Plan and Spec Reviews, in the amount of \$750.00 for Roadway Improvements Phase 4 and in the amount of \$198.75 for the Beaux Vue Phase 2 Drainage Improvements.
6. **2023-029:** Motion to approve payment in the amount of \$12,000 to Covington Civil & Environmental, LLC for Site Development Plan Review and \$4061.25 for Commercial District Transformation Services.
7. **2023-030:** Motion to approve payment to Compton Engineering in the amount of \$725.00 for Anahola & Hana Place Drainage Basin.
8. **2023-031:** Motion to approve Work Assignment under the Master Service Agreement with Covington Civil and Environmental, LLC in the amount not to exceed \$29,500.00 for Site Development Plan Review as needed.
9. **2023-032:** Motion to approve Pay Application 3 in the amount of \$9,229.97 to J&A Excavation for Makiki Drive Drainage.
10. **2023-036:** Motion to approve allocation to Pearl River Community College Tuition Assistant Program in the amount of \$5000.00 that is included in the FY23 budget.
- 10a. Motion to allow the option for commercial businesses impacted by MDOT's Exit 16 Improvements to either replace signage per updated sign ordinance, relocate existing signage or replace signage with signage similar to existing.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

10A. Motion to allow the option for commercial businesses impacted by MDOT's Exit 16 Improvements to either replace signage per updated sign ordinance, relocate existing signage or replace signage with signage similar to existing.

**Description:**

The Mayor and Council have previously approved allowing the commercial businesses impacted by MDOT's Exit 16 to be non-conforming properties. As a result of the new MDOT Right of Way, businesses will no longer meet the requirements of the ordinances such as building setbacks. Adding the signage to the non-conforming properties lets the commercial owners impacted by this project know that we are sympathetic to the cost for the new signage to meet the updated ordinance and the cost that they are already incurring to accommodate the new right of way. It also lets these business owners know that they are not being singled out to replace signage while other business owners not impacted by Exit 16 Improvements are allowed to keep their signage in place.

In addition, it is yet to be determined, the economic and inconvenience associated with the 24-month project as it relates to lane closures, traffic delays, construction equipment, lack of accessibility by patrons, lack of visibility to store frontage and general dirt and debris associated with construction.



Mayor Depreo	At-Large	Item No.5.
Councilmember Maher	At-Large	
Councilmember Finley	Ward 1	
Councilmember Liese	Ward 2	
Councilmember Cumberland	Ward 3	
Councilmember Clark	Ward 4	

## MINUTES

### SPECIAL CALLED MEETING OF THE CITY COUNCIL

Monday, October 24, 2022

8:00 AM CST

Council Chambers, City Hall

#### Call to Order.

Mayor Depreo called the meeting to order at 8:00 a.m.

#### Roll Call

#### PRESENT

Mayor Nancy Depreo

Councilmember-At-Large Gerard Maher

Ward 1 Shane Finley - via teleconference

Ward 2 Anna Liese

Ward 3 John Cumberland

Ward 4 Charles Clark – via teleconference

#### Confirm or Adjust Agenda Order

Motion made by Ward 3 Cumberland, Seconded by Ward 2 Liese to confirm the agenda.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

#### MOTION CARRIED UNANIMOUSLY

#### Action Agenda.

1. **2023-040:** Motion for discussion and possible action regarding agenda Item 10 a. as approved at the October 18, 2022 City Council Meeting.

Motion made by Ward 2 Liese, Seconded by Ward 3 Cumberland for discussion possible action regarding agenda item 10 a. as approved at the October 18, 2022, City Council Meeting.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

#### MOTION CARRIED UNANIMOUSLY

Motion made by Ward 2 Liese, Seconded by Councilmember-At-Large Maher to rescind agenda item 10 a. as approved the October 18, 2022, City Council Meeting and to refer the matter to the Planning and Zoning Commission for a public hearing and recommendation.

Voting Yea: Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

Voting Nay: Mayor Depreo

**Motion Carried**

**Adjourn/Recess.**

At 8:15 a.m. with no further business to come before the Council, motion made by Ward 3 Cumberland, Seconded by Councilmember-At-Large Maher to adjourn.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

**MOTION CARRIED UNANIMOUSLY**

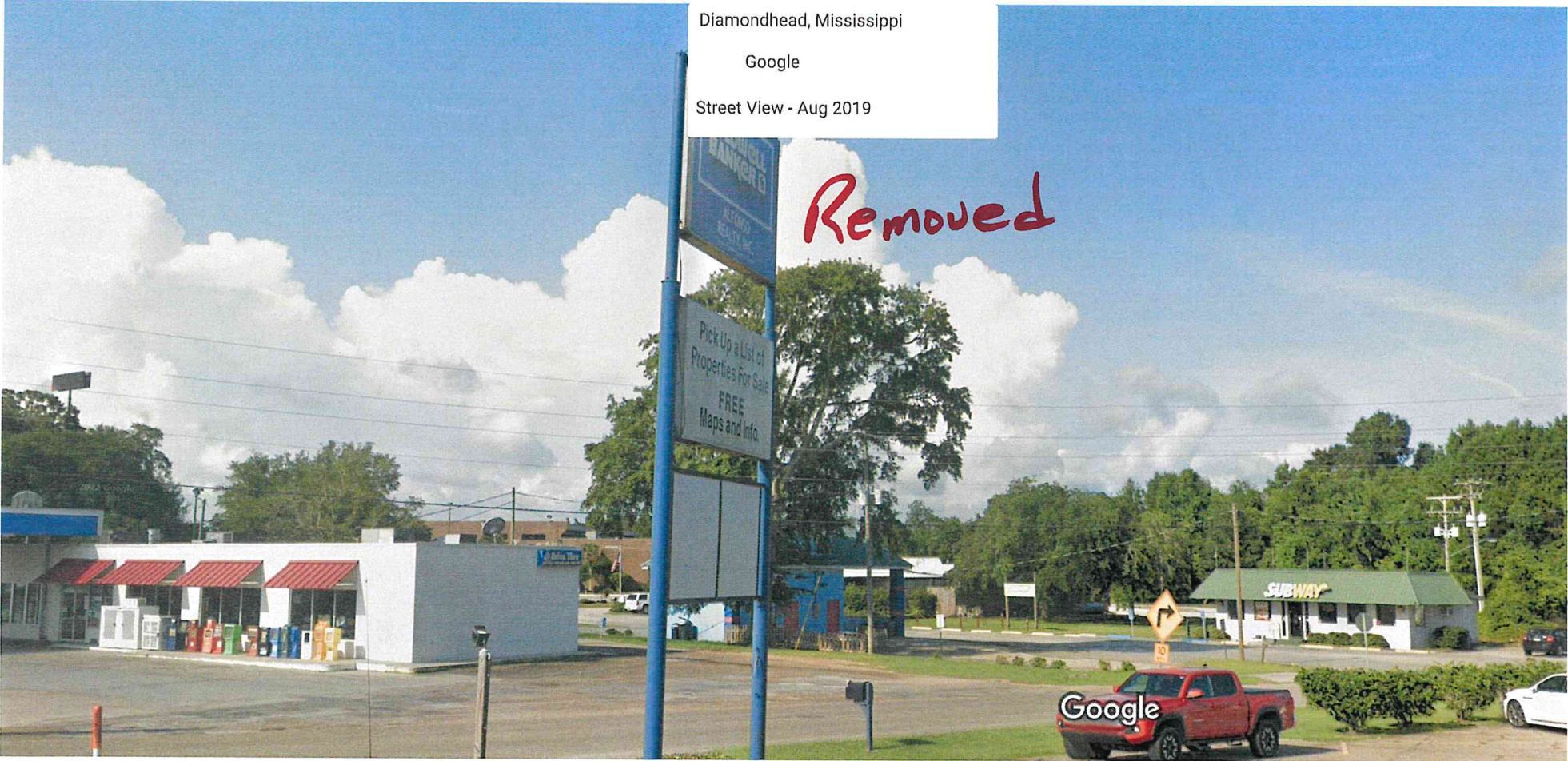
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Nancy Depreo  
Mayor

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Jeannie Klein  
City Clerk





Diamondhead, Mississippi  
Google  
Street View - Aug 2019

Removed

Image capture: Aug 2019 © 2023 Google

← Coldwell Banker Alfonso Realty D... 

All

Street View & 360°





01.19.2023





01.19.2023





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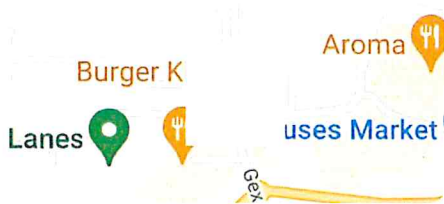
Diamondhead, Mississippi

Google

Street View - Aug 2019



Image capture: Aug 2019 © 2023 Google







New

01.19.2023













01.19.2023