



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

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 Item No.2.
Commissioner Cook
Commissioner Debrow
Commissioner Flowers
Commissioner Layel
Commissioner Nicaud

MINUTES PLANNING AND ZONING COMMISSION

Tuesday, November 08, 2022

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

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.

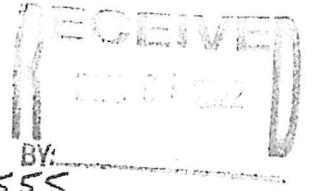
Adjourn or Recess

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: 2022 00 555

Date 12/1/22

Applicant: David Clyde Holzbauer

Applicant's Address: 7722 Mamalu Place Diamondhead

Applicant's Email Address: cholzbauer@icloud.com MS

Applicant's Contact Number: (Home) ^{989 745}2668 (Work) retired (Cell) same 395-25

Property Owner: Clyde Holzbauer

Owner's Mailing Address: 7722 Mamalu Pl. Diamondhead

Owner's Email Address same as above

Owner's Contact Number: (Home) same (Work) — (Cell) —

* Tax Roll Parcel Number: 067K-2-36-045.000

Physical Street Address: 7722 Mamalu Pl. Diamondhead

* Legal Description of Property: PH 1 Addition 1 Unit 7 Block 6 41442 MS

* Zoning District: R-2

State 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]
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 ()

REQUIRED ITEM A

Property Owner Clyde Holzbauer

Street Address 4722 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. ~~is~~ 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

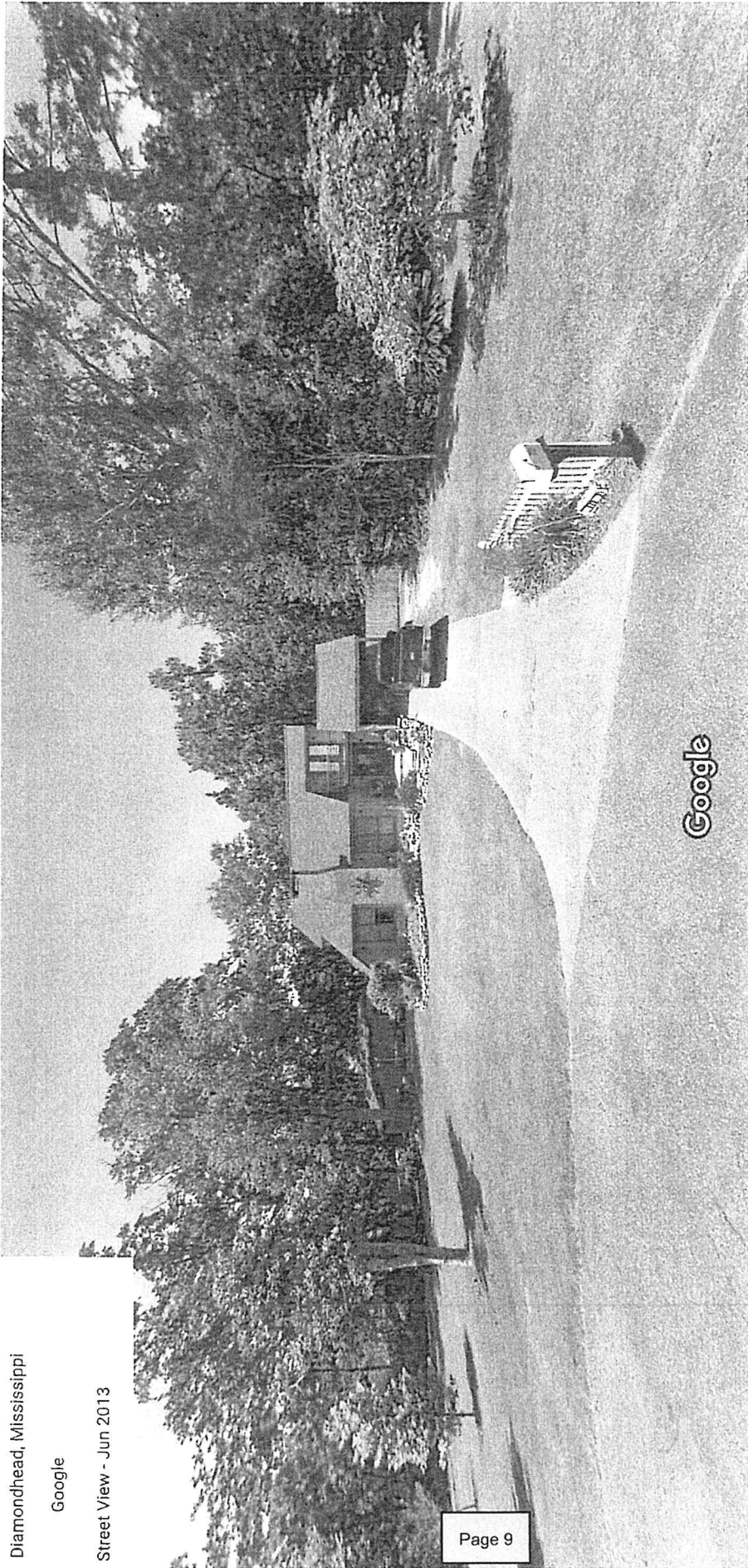


Image capture: Jun 2013 © 2022 Google

Alawai Ave Loop
Moana Way
Golf Club Dr



lla

Item No.4.

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS

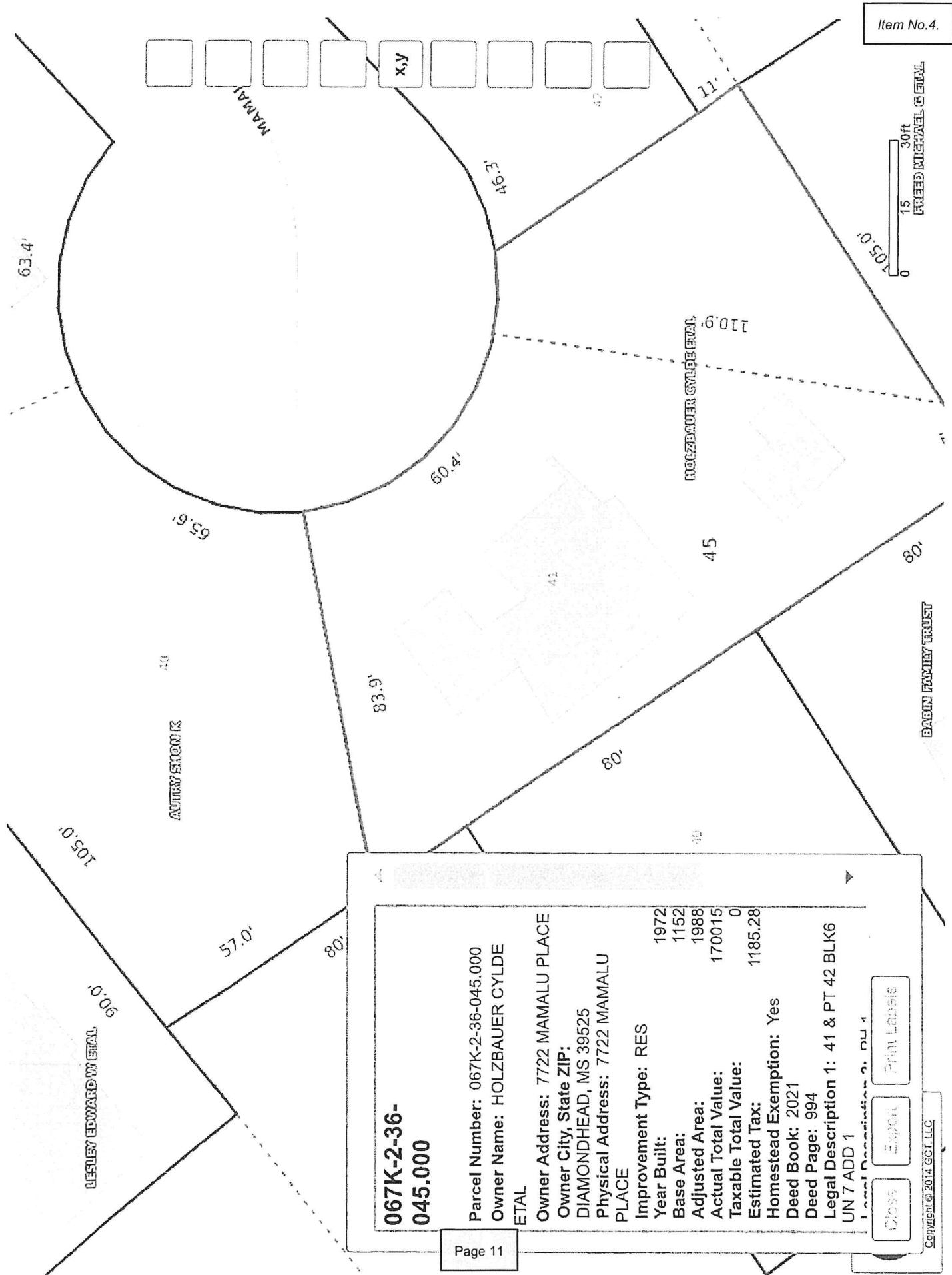
Clyde Holzbauer has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow an addition to the existing carport 5' from the west side yard property lines.

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.



				x,y			
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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

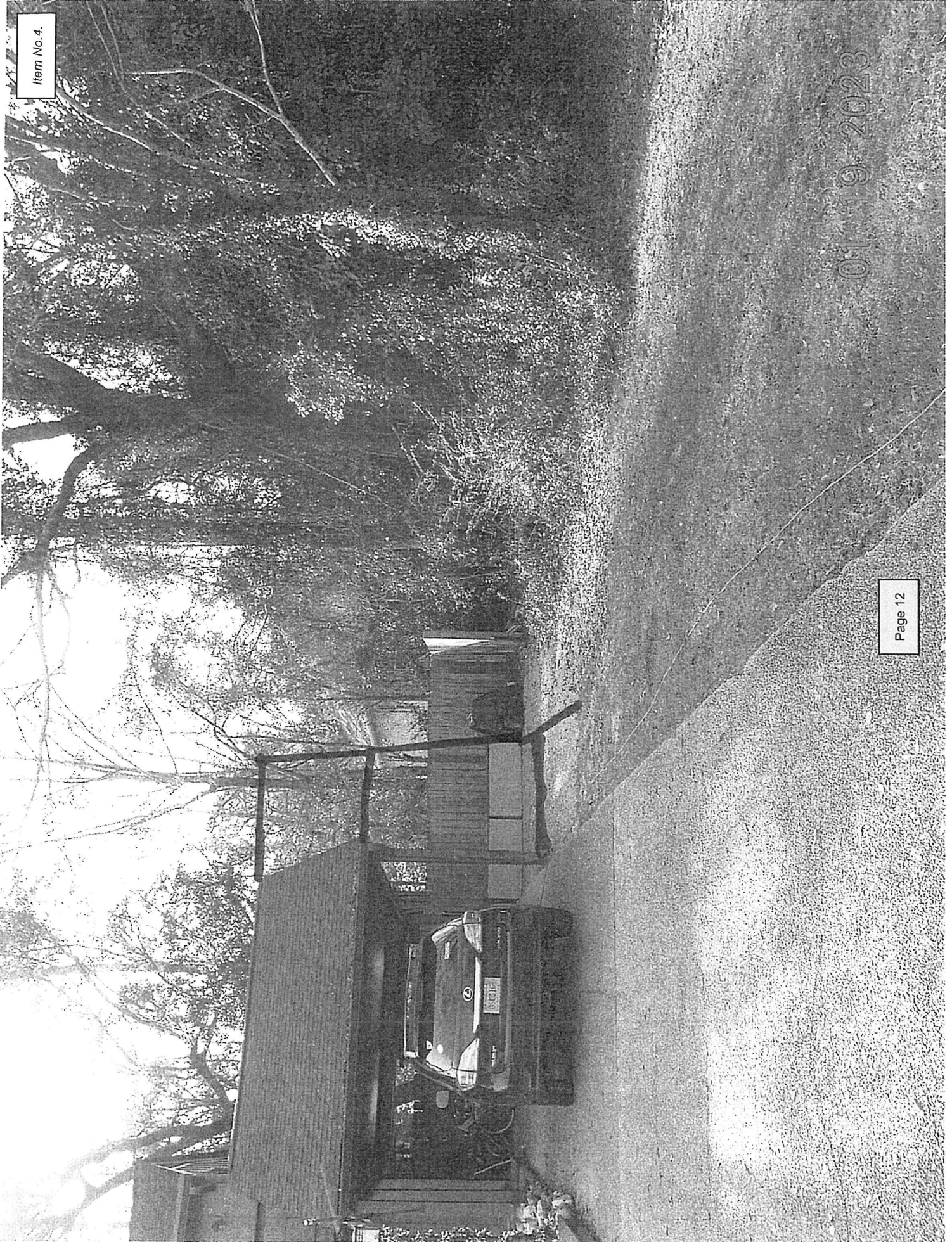
Improvement Type:	RES
Year Built:	1972
Base Area:	1152
Adjusted Area:	1988
Actual Total Value:	170015
Taxable Total Value:	0
Estimated Tax:	1185.28

Homestead Exemption: Yes
 Deed Book: 2021
 Deed Page: 994
 Legal Description 1: 41 & PT 42 BLK6 UN 7 ADD 1

Local Representation: 0, DU 4

Close Export Print Labels

Item No. 4.



01-19-2023

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:

*Per
this
ordinance*

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. }



*Wrong date
this
not
10/24
23*

Mayor Depreo	At-	Item No.5.
Councilmember Maher		
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.

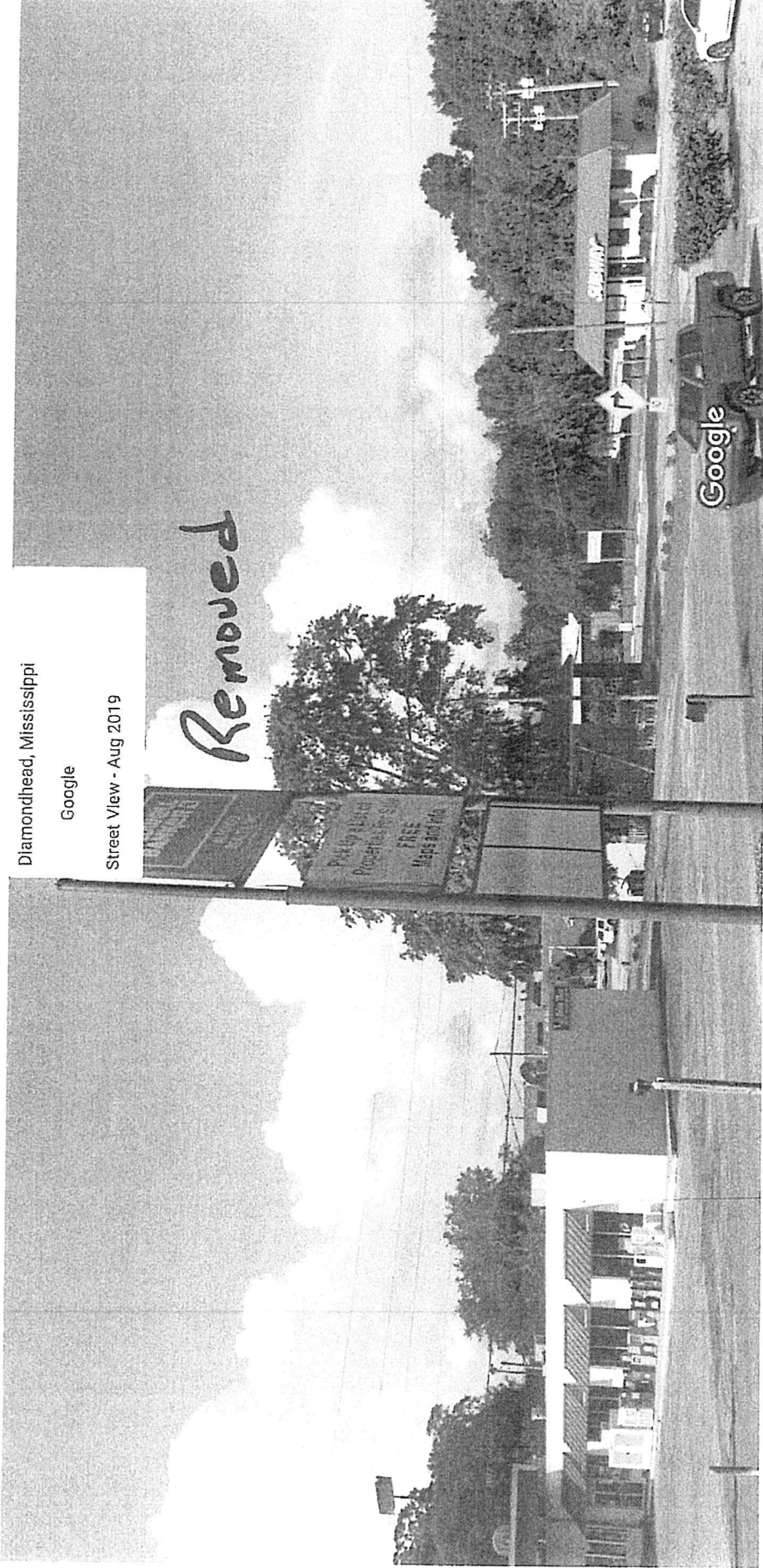
Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Liese, Ward 3 Cumberland, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Nancy Depreo
Mayor

Jeannie Klein
City Clerk

Go gle Maps 13551 Gex Dr

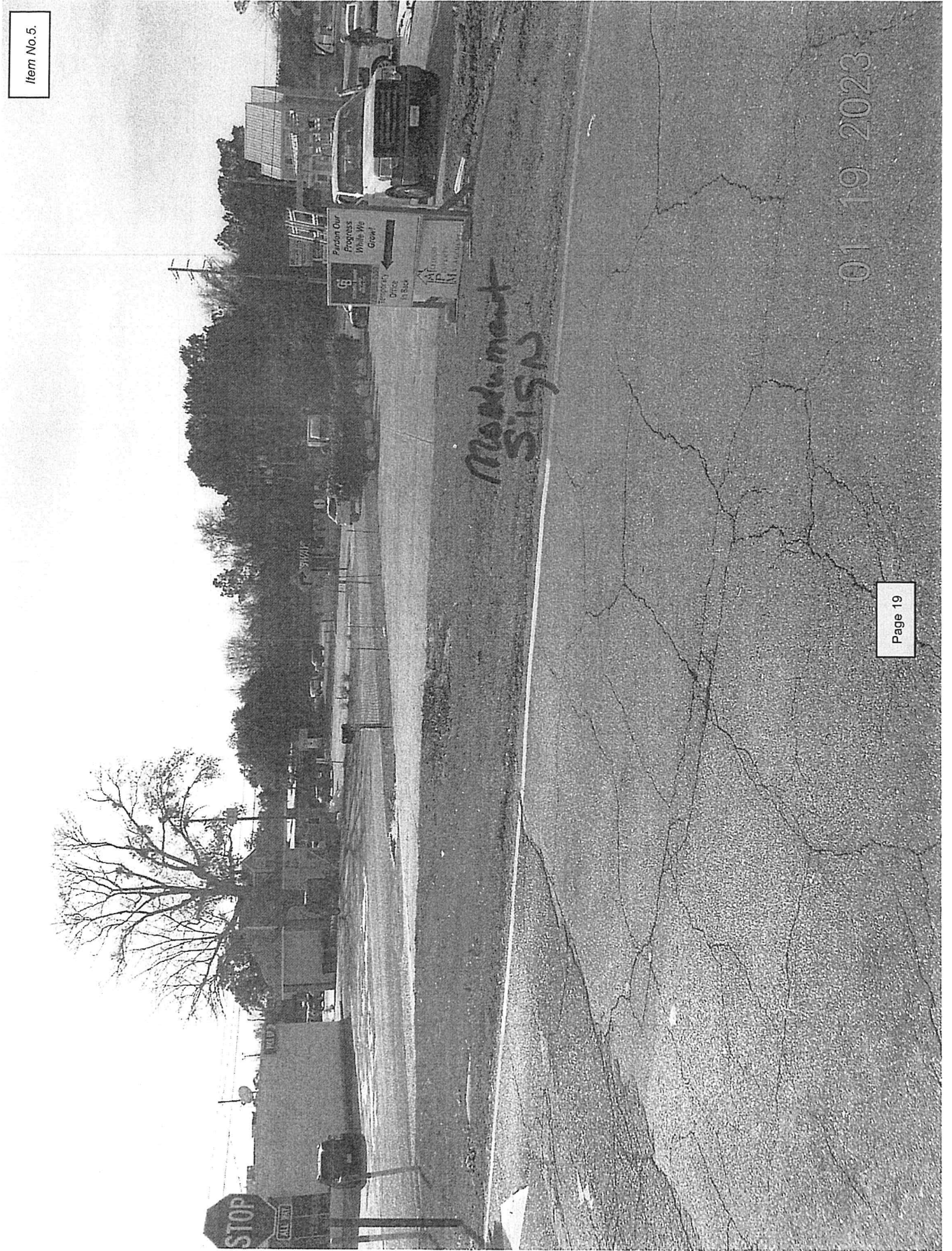


Diamondhead, Mississippi
 Google
 Street View - Aug 2019

Image capture: Aug 2019 © 2023 Google

← Coldwell Banker Alfonso Realty D...

All Street View & 360°

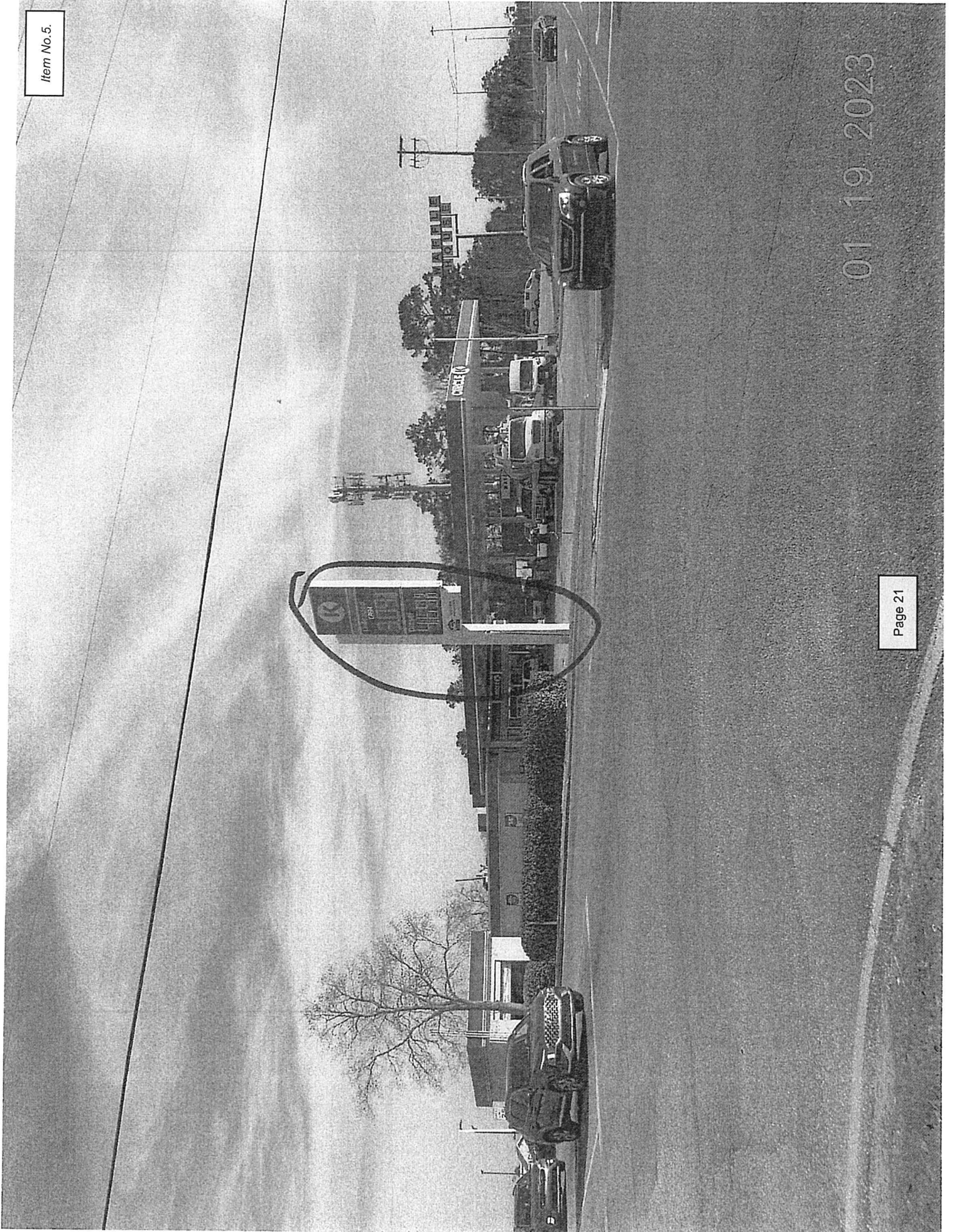


01 19 2023



01-19-2023

Item No. 5.



01 19 2023

Google Maps 5408 Gex Dr

Diamondhead, Mississippi

Google

Street View - Aug 2019

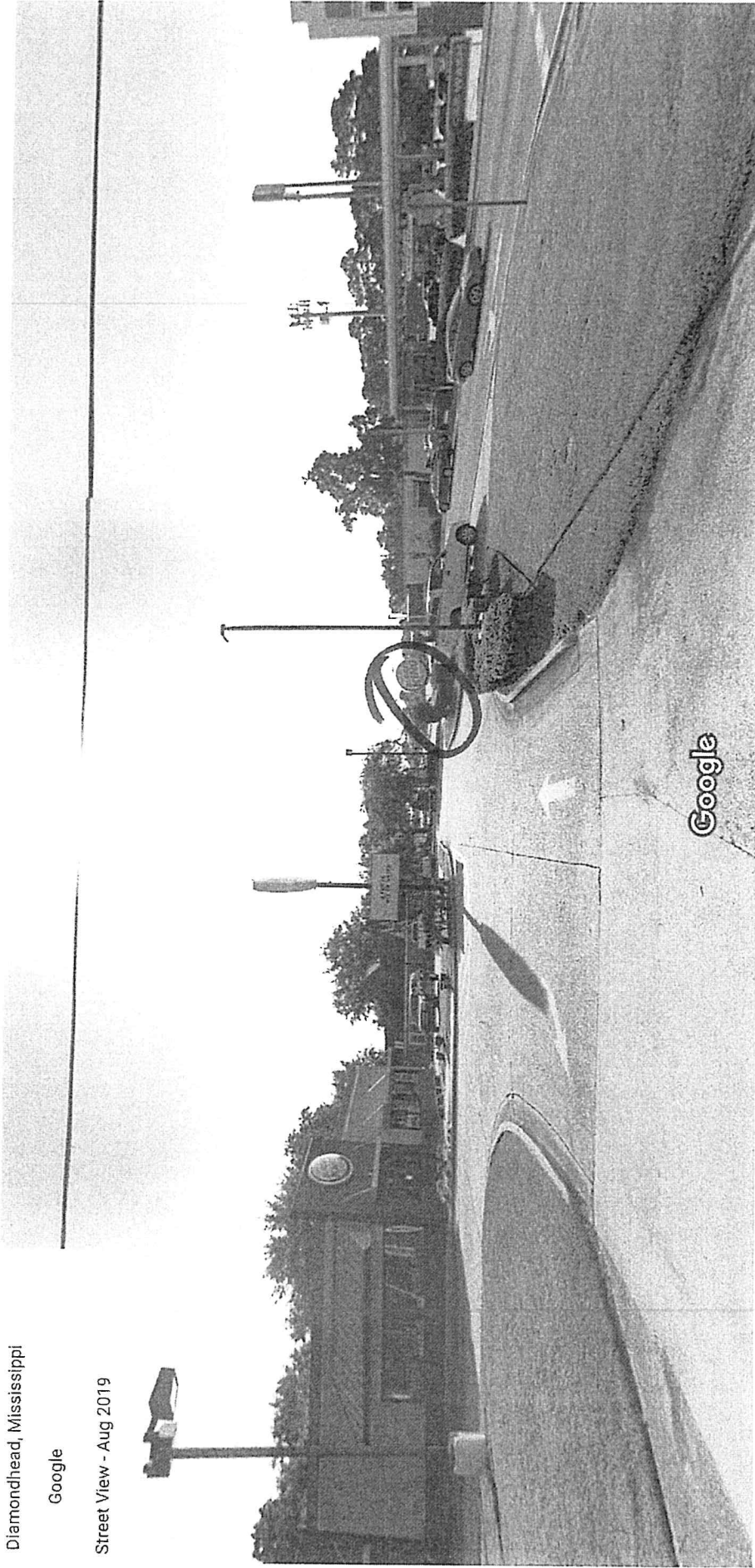


Image capture: Aug 2019 © 2023 Google

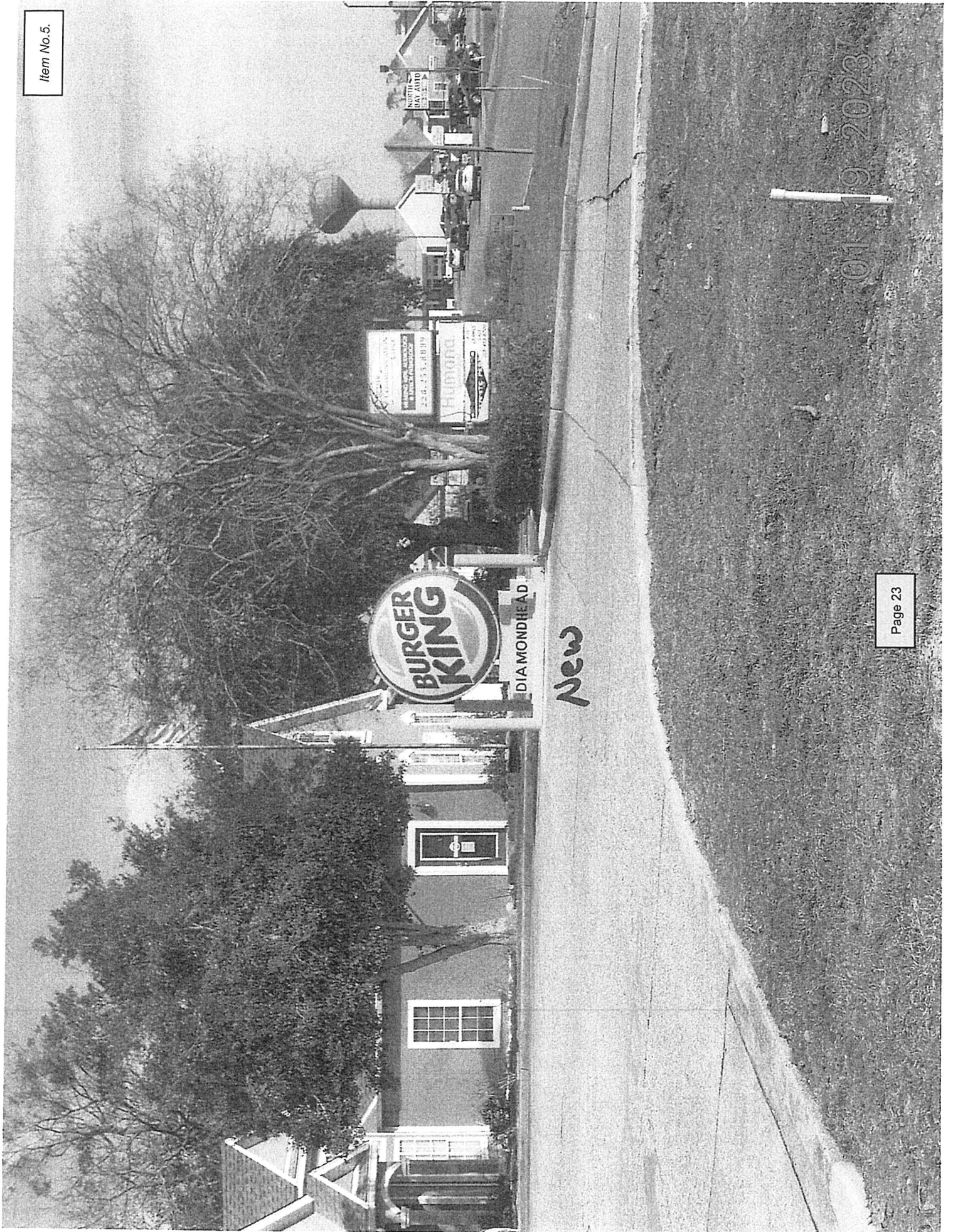
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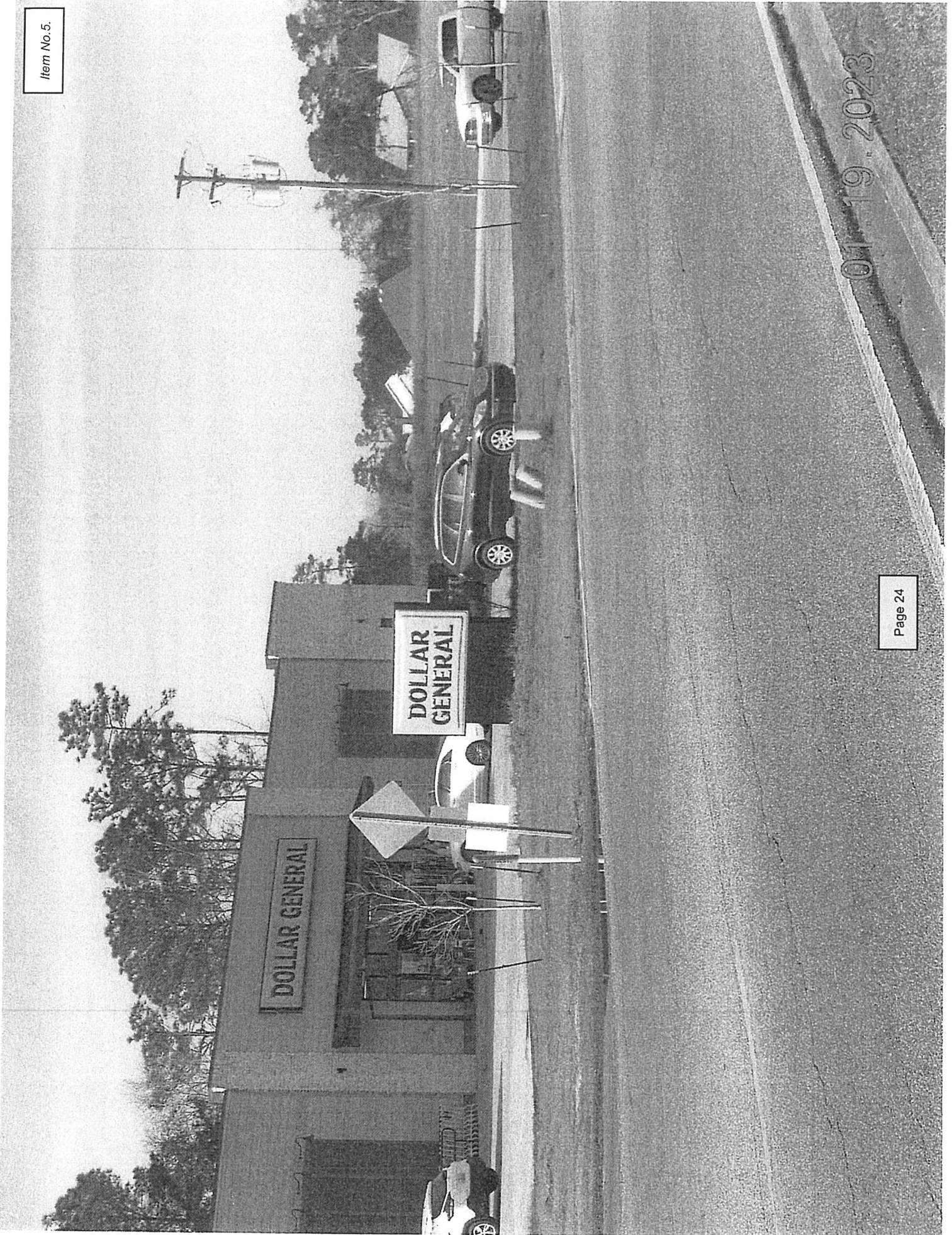
Burger K

Lanes

uses Market

Gex





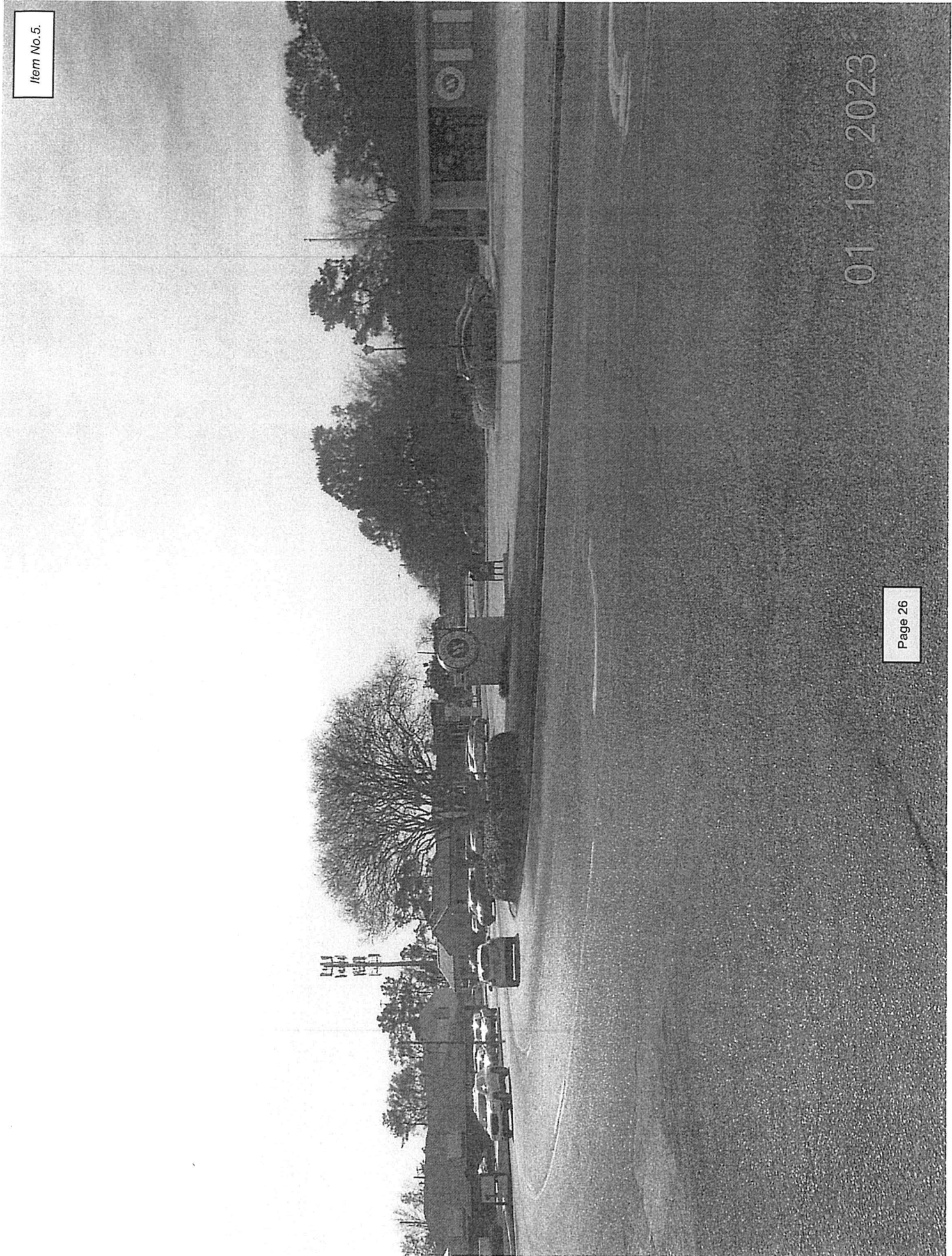
01-19-2023

Item No. 5.



01.19.2023

Item No. 5.



01 19 2023

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