

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

Elliott Homes, LLC. represented by Josh Fleming has submitted a request for a variance from the Subdivision Regulations (Article 308.6) to allow the construction of a cul-de-sac 723 feet in length. The variance requested is 123 feet.

The property address is the proposed Hahalua Lane at Diamondhead Lakes Drive in the Diamondhead Lakes subdivision. The tax parcel number is 067L-0-35-012.000. The maximum length of a cul-de-sac is 600 feet. The variance requested is 123 square feet. The Case File Number is 202200448.

The Planning Commission shall review and submit a recommendation to the City Council.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, October 25, 2022, 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.

# DIAMONDHEAD FIRE PROTECTION DISTRICT

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4440 KALANI DRIVE, DIAMONDHEAD MS 39525

October 5, 2022

Ron Jones  
Building Official  
City of Diamondhead

Re: Cul-de-sac Variance

Mr. Jones,

I do not see anything in the fire code that prohibits a cul-de-sac over 600 feet. It looks like that is a legacy ordinance in most jurisdictions based on fire trucks typically carrying 600' of supply hose years ago. There is an issue with turnarounds. For very long dead ends, it would be beneficial to have a turnaround roughly midway both for speed in response, and as a redundant capability in the event the cul-de-sac at the end is blocked for some reason. I think the addition of a turnaround would be a reasonable request to approve the variance. Any of the approved styles of turnarounds in Appendix D of the IFC would be acceptable (note the proposed site plan shows the cul-de-sac as 70' and the code requires 96').

Very Sincerely,



Michael O. Munger  
Fire Chief  
Diamondhead Fire Protection District

Diamondhead  
Lakes | Ph 2



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

**APPLICATION FOR VARIANCE REQUEST**

**Case Number:** \_\_\_\_\_

**Date** September 23, 2022

**Applicant:** Josh Fleming

Applicant's Address: 1402 Pass Road, Gulfport, MS 39501

Applicant's Email Address: jfleming@myelliottthome.com

Applicant's Contact Number: (Home) N/A (Work) 1-844-289-3554 (Cell) 228-257-9914

**Property Owner:** Elliott Land Development, LLC

Owner's Mailing Address: 1402 Pass Road, Gulfport, MS 39501

Owner's Email Address brandon@myelliottthome.com

Owner's Contact Number: (Home) N/A (Work) 1-844-289-3554 (Cell) 228-257-9914

Tax Roll Parcel Number: 067L-0-35-012.000

Physical Street Address: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

Zoning District: R-2 (single-family residential)

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)  
(Signage-Size-Height) Per paragraph 308.6, No street terminating in a cul-de-sac shall exceed 600' in length unless a variance is granted. Our proposed Halalua Lane exceeds 600'. We are requesting a variance to keep the proposed layout of Hahalua Lane as shown.

## 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.  
*See attached*
- 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: *See attached*
- 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 October 25th, 2022 at 6 p.m. in the Council Chambers of the Diamondhead City Hall.

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

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

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Signature of Property Owner

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

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner

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

**REQUIRED ITEM A**

Property Owner Elliott Land Development, LLC

Proposed Hahalua Lane intersecting Diamondhead Lakes Drive

Street Address within the proposed Diamondhead Lakes subdivision.

Statement Describing Variance Request

Per paragraph 308.6, No street terminating in a cul-de-sac shall exceed 600' in length unless a variance is granted. Our proposed Hahalua Lane is 723'. We are requesting a variance to keep the proposed Hahalua Lane as is.

**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: The variances being requested only affects the land in question and non other surrounding or similar properties.

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: No, literal interpretation of the zoning ordinance does not 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?**

Response: No, this circumstance is caused by aiming to please the residents that live adjacent to the proposed subdivision property along Diamondhead Drive West by installing a cul-de-

sac instead of a T-intersection with the proposed Hahalua Lane and the existing Diamondhead Drive West.

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

Response: This varinace does not give any special privilages or rights shared by owners of similar properties. This variance will only allow for a road ending in a cul-de-sac to be greater than 600' in lenght.