



Commissioner Bice
Commissioner Layel
Commissioner Bower
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

MINUTES PLANNING AND ZONING COMMISSION

Tuesday, November 10, 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 6:02 p.m.

Statement of Purpose

Commissioner Layel read the 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

Commissioner Bower led the Pledge of Allegiance

Roll Call

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

Also present City Attorney, Derek Cusick, Building Official, Ronald Jones, Building Inspector, Beau King, Code Enforcement, Pat Rich.

Confirmation or Adjustments to Agenda

Commissioner Bower, second by Commissioner Hourin made a motion to approve the agenda as presented.

Motion Carried Unanimously

Approval of Minutes

Commissioner Hourin, second by Commissioner Layel made a motion to accept the minutes of October 27, 2020 .

Motion Carried Unanimously

1. Approval of Minutes 10-27-2020

New Business

2. 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. The tax parcel number is 068R-3-41-037.000. The legal description is Diamondhead Subdivision Phase #1, amended Unit 2 and , Block 2, Lot 12. The property is located in an R-2 zoning district.

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

Chairman Bice asked if anyone was present to represent Ms. Tzuanos.

Ms. Tzuanos spoke and answered questions from the commissioners.

Chairman Bice asked for any public comments.

Ronnie Daughtery, Terri Theonnes, Karen Raynor spoke in favor of the request.

Henry Stout, Ernie Knoblock, Jonh Campbell, Patricia Terry, Jeffery McClain, Thomas Nicholls were opposed.

Ronald Jones, Building Official, made a recommendation to deny the variance based on the findings

- NO 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. A hardship shall mean an unusual topographical situation or condition involving a particular property and which makes it impossible for the owner to use the property in the manner prescribed for the district by the zoning ordinance.
- 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. A hardship exists only where the unusual situation or condition is not created by the owner of the property.
- That granting the variance requested would confer on the applicant a special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district. A hardship as related to zoning is not to be confused with an economic, personal, or medical hardship.
- The Variance would not observe the spirit of the Ordinance and would change the character of the district and set a precedent for other accessory structures in front yard setbacks.
- 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

Commissioner Bower , second by Commissioner Layel made a motion to accept the recommendation of the Building Official.

Motion Carried Unanimously

3. 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. The tax parcel number is 067R-2-36-161.000. The legal description is Diamondhead Subdivision Phase #2, Unit 3, Block 2, Lots 59 and 60. The property is

located in an R-2 zoning district. The fence is required to be set back 20' from the front property line but not any closer than the façade of the house.

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

Chairman Bice asked if anyone was present to represent Ms. Jones.

Ms. Jones and her daughter spoke and answered questions from commissioners.

Chairman Bice asked for any public comments.

David Flowers, and Walter Piper spoke in favor of the request.

Ronald Jones, Building Official, made a recommendation to approve the request.

Commissioner Rubar, second by Commissioner Bower, made a motion to accept the recommendation of the Building Official

Motion Carried Unanimously

Unfinished Business

None

Open Public Comments to Non-Agenda Items

None

Commissioners' Comments

None

Communication / Announcements

4. Next City council meeting November 17, 2020
Next Planning Commission meeting December 8, 2020

Adjourn or Recess

Commissioner Hourin, second by Commissioner Rubar made a motion to adjourn at 7:18 p.m.

Motion Carried Unanimously

EJ Bice, Chairman
Planning & Zoning