

5000 Diamondhead Circle · Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official *J. Petrucci*

DATE: June 30, 2021

SUBJECT: Recommendation from Planning Commission Rear Yard Setback Fence Variance Request Timothy and Gina Stockstill

Timothy and Gina Stockstill filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 4 feet 4 inches from the rear property line. The rear yard setback on the golf course is a minimum of 20 feet. The variance requested is 15 feet 8 inches.

The property address is 689 Oahu Street. The tax parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. The property is located in a R-2 zoning district. The case file number is 202100165.

At its regular meeting on June 29, 2021, the Planning Commission voted 5-0 to recommend to deny the variance.



- Commissioner Flowers ✓
- Commissioner Layel ✓
- Commissioner Debrow ✓
- Commissioner Rubar ✓
- Commissioner Hourin ✓
- Commissioner Torguson ✓
- Commissioner Hector ✓

5

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, June 29, 2021
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 May 25, 2021 minutes.

New Business

3. Public Hearing to consider a recommendation to the City Council regarding the Diamondhead Comprehensive Plan (Envision Diamondhead 2040). Presentation by Robert Barber with Orion Planning. *Via Zoom*
4. **Diamondhead Community Church**, represented by Bob Chalmers, has filed an application requesting a variance from the Zoning Ordinance (Article 10.7.d) to place a directional sign at the intersection of Noma Drive and Oak Park Drive that has a copy area of 12 square feet. Maximum copy area is 6 square feet. The variance requested is 6 square feet. The property is located at 5301 Diamondhead Cirlet. The tax parcel number is 132A-2-03-027.000. The legal description is PT. NE ¼ Sec. 3-8-14. The property is located in a PFR-Public Facilities & Recreation zoning district. Maximum copy area is 6 square feet. The Case Number is 202100177.
5. Phillip Sutton has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' wood privacy fence starting 8.5' from the southeast corner of the house, continuing toward Pokai Street for ^{24'}24' and then continuing east along Pokai Street for 48'. ^{oct longer} This is a corner lot with 2 front setbacks and 2 front facades. The Ordinance states a privacy fence cannot extend beyond the front façade of the house. The variance requested is 8.5' from the front façade (southeast corner) and 24' towards Pokai Street. The property address is 97440 Diamondhead Drive West. The tax parcel number is 067K-1-36-0567.000. The legal description is Diamondhead Subdivision Phase #2, Unit 4A, Block 5, Lots 5 & 6. The property is located in a 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.

Approved 5-0

Denied 5-0

Modified + Approved 5-0



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

STAFF REPORT TO PLANNING COMMISSION

*Approved
50*

DATE: June 29, 2021

CASE FILE NUMBER: 202100165

APPLICANT: Timothy and Gina Stockstill

PROPERTY OWNER: Timothy and

Gina Stockstill

TAX PARCEL NUMBER: 067Q-0-36-090.000

PHYSICAL STREET ADDRESS: 689 Oahu Street

LEGAL DESCRIPTION: Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63

ZONING DISTRICT: R-2

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Timothy and Gina Stockstill have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 4 feet 4 inches from the rear property line. The rear yard setback is a minimum of 20 feet. The variance requested is ¹⁵7 feet 8 inches. The property address is 689 Oahu Street. The tax parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. The property is located in a R-2 zoning district. The case file number is 202100165.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: June 29, 2021

ACTION BY THE PLANNING COMMISSION:

FINDINGS: The Planning Commission may recommend granting a variance provided affirmative findings of fact are made on each of the following criteria:

- A. That 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. By way of example, special conditions or

circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.

- B. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- C. That special conditions and circumstances do not result from the actions of the applicant.
- D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- F. The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- G. The Variance would observe the spirit of the Comprehensive Plan.
- H. That the Variance requested will not result in any change in use or density of the subject property.

NOTES: In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.

Under no circumstances shall the Planning Commission or Mayor and City Council grant a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

RECOMMENDATION TO PLANNING COMMISSION: To **deny** the variance as petitioned;

The staff recommends to deny the variance based on the following findings of fact.

- A. The Property is on the golf course and there are not any special conditions, hardships or circumstances.
- B. 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. The setback requirement on the golf course is 20 feet.
- C. That special conditions and circumstances, if any, do result from the actions of the applicant. The existing porch is a non-conforming structure which cannot be altered without being brought into compliance.
- D. That granting the variance requested will confer on the applicant special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- E. The variance, if authorized, will not represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- F. The Variance does not observe the spirit of the Ordinance and it would change the character of the district (area).
- G. The Variance would not observe the spirit of the Comprehensive Plan.
- H. That the Variance requested will result in any change in use or density of the subject property.



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

APPLICATION FOR VARIANCE REQUEST



Case Number: 202100165

Date 5-14-21

Applicant: Timothy & Gina Stockstill

Applicant's Address: 689 Oahu St

Applicant's Email Address: gina51433@gmail.com

Applicant's Contact Number: (Home) N/A (Work) N/A (Cell) Tim - 228-990-8764
Gina 228-216-1503

Property Owner: Timothy & Gina Stockstill

Owner's Mailing Address: 689 Oahu St

Owner's Email Address gina51433@gmail.com

Owner's Contact Number: (Home) N/A (Work) N/A (Cell) Tim - 228-990-8764
Gina 228-216-1503

Tax Roll Parcel Number: 067Q-0-36-090.000

Physical Street Address: 689 Oahu Street

Legal Description of Property: DH Ph 2 UNIT 3 BK 5 Lot 63 part 64

Zoning District: _____

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

Partially enclose the back deck 44 x 18⁽¹⁵⁾ area and
install fitness swim spa/hot tub on back deck
Screen walls / side & roof with retractable
awning.

REQUIRED ITEM A

Property Owner Gina & Tom Stockstill

Street Address 689 OAK ST.

Statement Describing Variance Request

We are asking for 15-18 FT enclosure. Preferably 18 FT to
enclose the back deck & add a swim spa, screen in ~~part~~ deck,
with retractable awning for protect of family, grandchildren &
wildlife, golfers

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: Because when the house was built in 1980 with

a large front yard & very small back yard. ~~But~~ We are unable to
build on front yard. Our ~~situation~~ situation is unusual due to how far back
the house was built. We are asking for a 15-18 FT X 44 for enclosure. Preferably
18 FT

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: Yes, this is a safety issue. The house was set back

on the lot in 1980. Times have change, we are trying
to protect, family, grandchildren, neighbor & wildlife & golfer's balls

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

Response: Yes the house was built before back on
the property line in 1980. Safety issue

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

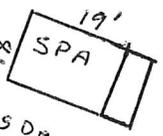
Response: Not that we know, our situation is totally
different, with no fault of ours. House built in the 1980
was built ~~on~~ too close to property line. Safety issue

Existing Deck

90

88.0'

44' x 20' Screen Enclosure



Existing Deck

Screen Walls/Sides and roof
15' x 44' enclosure
enclosure will be 7'-4" off Property line

44'-0"

15'-0"

32.4"

64

91

STOCKS TILL TIMOTHY'S
689 Oaks ST

43.2'

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 June 29, 2021 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 ()

Red line will be
the enclosure
44' x 15'
enclosure will be 7'-4"
off Property line



Red line will be the encloser
44'x15'0"
encloser will be 7'-4" off
the Property line



"Example"



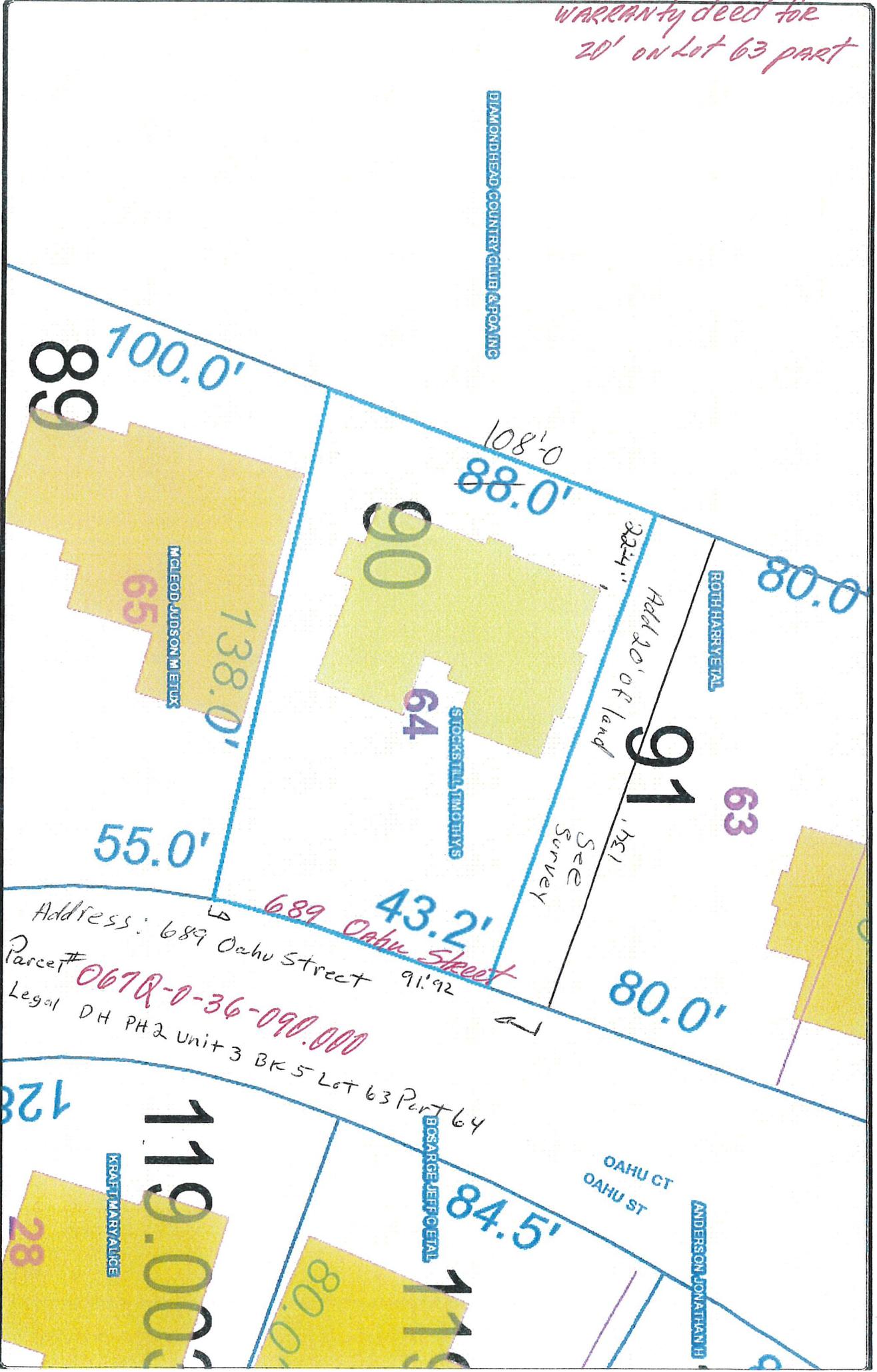
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Example



Warranty deed for 20' on Lot 63 part

DIAMONDHEAD COUNTRY CLUB & POA INC



ROTH HARRY ETAL

STOCKILL TIMOTHYS

MCLEOD JUDSON M ETUX

ANDERSON JONATHAN H

BOSARGE JEFF O ETAL

KRATT MARYALICE

Address: 689 Oahu Street 91.92
 Parcel# 067Q-0-36-090.000
 Legal DH PH2 Unit 3 BK 5 Lot 63 Part 64

DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.



March 9, 2020



(<https://masterspas.com/>?)

seg_id=fe2b44edd0f7aad285a92cb13d19b4b8.2145.1614119413703)

REQUEST PRICING (/GET-SWIM-SPA-PRICING)



Trainer 19 Swim Spa

High Performance, Air-injected VIP, Adjustable Speed

8'W
19 L



3.3 (9) [Write a review](#)

TWO BODIES OF WATER, TWO DIFFERENT TEMPERATURES Enjoy a swim and the full-body effects of aquatic exercise with water set to a personal comfort zone in the 80s. On the other side, settle into the hot tub with the temperature set up to 99°. This full-size hydrotherapy hot tub has 31 jets, ergonomic seating, and was designed to give your mind, body, and spirit a thorough rejuvenation. Say good-bye to the tensions, aches, and stresses of the day. The Trainer 19 is more than a sensation; it's your solution.

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

Timothy and Gina Stockstill have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 4 feet 4 inches from the rear property line. The rear yard setback is a minimum of 20 feet. The variance requested is 17 feet 8 inches.

The property address is 689 Oahu Street. The tax parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. The property is located in a R-2 zoning district. The case file number is 202100165.

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 period, 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 a regularly scheduled meeting on **Tuesday, June 29, 2021 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.

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.



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TO: Timothy and Gina Stockstill and adjacent property owners

FROM: J. Pat Rich, Planning and Zoning Administrator *J. Pat Rich*

DATE: June 14, 2020

SUBJECT: Notice of Public Hearing

Timothy and Gina Stockstill have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow the construction of a screened enclosure of an existing deck which is 4 feet 4 inches from the rear property line. The rear yard setback is a minimum of 20 feet. The variance requested is 17 feet 8 inches.

The property address is 689 Oahu Street. The tax parcel number is 067Q-0-36-090.000. The legal description is Diamondhead Subdivision Phase 2, Unit 3, Block 5, Lot 63 and a portion of Lot 64. The property is located in a R-2 zoning district. The case file number is 202100165.

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 period, 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, JUNE 29, 2021 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.

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.

Pat Rich

From: Jeff Bosarge <bosargej@yahoo.com>
Sent: Tuesday, June 15, 2021 5:13 PM
To: Pat Rich
Subject: 689 Oahu st

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Good Evening

Our neighbors Tim and Gina Stockstill are wanting to add a cover to their deck at their house. We live directly across from them at 684. We have been here for many years and have enjoyed the improvements that our neighbors in 4 different house's have made. Tim and Gina have made improvements to their home that greatly benefits all their neighbors home value. I am aware of the new improvements they are wanting to make and am sure it will only add to their the value and enjoyment of their own home. I understand there has to be standards but this is an addition that will absolutely not be an eyesore and will allow them to enjoy their home even more.

Tim and Gina are an asset to Diamondhead and our neighborhood and they deserve to make their home the way they would like. I live across the street and support them %100.

Thank you

Jeff Bosarge

Sent from my iPhone

Pat Rich

From: andersonh.jonathan@gmail.com
Sent: Wednesday, June 23, 2021 12:41 PM
To: Pat Rich
Subject: Timothy and Gina Stockstill

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Mr. Pat Rich,

I am writing you in reference to a Notice of Public Hearing regarding a variance from Zoning Ordinance that was filed by Timothy and Gina Stockstill; 689 Oahu Street - case file number 202100165.

I stand in **full support** for the approval of said variance and I hope that the Planning and Zoning Commission will take this into account during their deliberation on the matter.

Tim and Gina have completely transformed their property from what was an outdated eyesore and I am more than confident that with the approval of this requested variance their property will be even more stunning.

I would've delivered my remarks in person, but I will be away on business on the date of the stated Planning and Zoning Commission meeting.

Sincerely,

Jon Anderson
686 Oahu Street

Pat Rich

From: Marlene Johnson <scarlettshere@bellsouth.net>
Sent: Sunday, June 27, 2021 5:55 PM
To: Pat Rich
Cc: Ronald Jones
Subject: Variance request at 689 Oahu Street Diamondhead, Ms.

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

This is in response to a variance request at 689 Oahu Street Diamondhead, Ms. I am opposed to any variance to property adjacent to the golf courses in Diamondhead.

Professionals were brought in to plan these two courses. I firmly believe we should not change anything. These neighbors want to encroach to suit their whims. If we allow this to go through, others will want their ideas fulfilled. We will then lose all the design and requirements set forth by our said "professionals". We have a good thing, let's keep it that way.

I SAY "NO"!

Years ago we could not put a fence on the golf course for our little dog so we followed the rules and bought at a different location. They should follow the rules also.

Marlene

Pat Rich

From: Charlotte Crowe <ccrowe525@bellsouth.net>
Sent: Monday, June 28, 2021 3:46 PM
To: Pat Rich
Subject: FW: Zoning at 689 Oahu Street
Importance: High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Sorry this is late. Charlotte

From: Charlotte Crowe [mailto:ccrowe525@bellsouth.net]
Sent: Sunday, June 27, 2021 8:16 PM
To: 'prich@diamondhead.ms.gov'
Cc: 'Ronald Jones'; 'ccclark@diamondhead.ms.gov'; 'llecuyer@diamondhead.ms.gov'
Subject: Zoning at 689 Oahu Street
Importance: High

Sunday June 27, 2021

To: Mr. J. Pat Rich, Planning and Zoning Administrator
From: Charlotte & Lou Crowe, 6818 Oahu court

Regarding the variance request from the residents at 689 Oahu Street about screening in the deck on the rear of their house, I have some concerns. This request does not give the square footage for this screened area; how wide is the deck? Is the deck in good condition or does it need repair? This request says nothing about the kind of roof: is the current roof going to be extended? I have been informed that they may have a retractable roof. The largest awing type roof is 11 ft. 6 in. (138 inches) which would not cover the proposed area. Other types of retractable roofs require a super structure which will carry of weight of the roofing materials, the cabling needed, and the electric motors to extend and retract the roof.

Also there may be a spa in this screened area, in this request nothing addresses perhaps the need for electrical connections, water access, and drainage or sewer for this spa.

We who live on the golf courses have a 20 ft. setback from the golf course for valid reasons: the best reason is so that we do not have golf balls pinging our house walls, breaking the windows, and denting the house walls. Without this setback there would be numerous complaints about broken windows, doors, and holes in the porch screens .

With that screened deck protruding almost onto the golf course, the ambiance that we have currently would not be there. The setback gives the golf courses a pleasing appearance that would be lost.

We do not think that this variance request should be granted.

June 17, 2021

To: J. Pat Rich, Planning and Zoning Administration et. Al

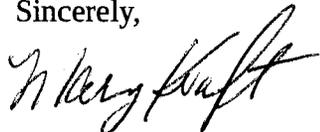
From: Mary Kraft, Diamondhead Resident
682 Oahu Street
Diamondhead, Ms 39525

RE: Timothy and Gina Stockstill and adjacent property owners public hearing
Tuesday, June 29, 2021 at 6:00 P.M.

I am hereby on record stating that I am in favor of allowing the construction of a screened enclosure of an existing deck on the property belonging to Tim and Gina Stockstill.

Diamondhead is an amazing city and I am an advocate of supporting upstanding citizens who have our community's best interest at heart. Gina and Tim are these people.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Kraft", written in a cursive style.

Mary Kraft