



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: City Council and City Manager

FROM: J. Pat Rich, Development Coordinator

A handwritten signature in black ink, appearing to read "J. Pat Rich", is written over the printed name.

DATE: January 30, 2024

SUBJECT: Susan Muth Side Yard Setback Variance

Ms. Muth requested a variance to the 10' side yard setback of 3' to construct a carport within 7' of the side yard property line. This is a manufactured home in the MH district.

- The dealer did not install the home according to the site plan.
- Inspections were requested after all plumbing, electrical and mechanical completed.
- Carport was under construction during inspection. Work halted until variance approval.
- Carports are required in MH district.
- Had the installers followed the site plan, a variance would not have been required.

The Planning & Zoning Commission voted 3-3 and therefore no recommendation is made to the Council. The staff recommendation was to approve the variance.



Commissioner Bennett
Commissioner Brewer
Commissioner Debrow
Commissioner Flowers
Commissioner Harwood
Commissioner Layel
Commissioner Nicaud

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, January 23, 2024

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 December 12, 2023 minutes.

New Business

3. Word and Robin Johnston have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool screen enclosure within 10' of the rear property line. The property address is 7515 Turnberry Drive. The tax parcel number is 067N-1-35-002.000. The property is in a R-1 zoning district. The rear yard setback is 20'. The variance requested for the pool enclosure is 10'. The Case File Number is 202300543.
4. Susan Joyce has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory structure within 5' of the rear property line. The property address is 684 Apona Street. The tax parcel number is 131A-0-04-067.000. The property is in a R-2 zoning district. The rear yard setback is 10'. The variance requested for the accessory structure is 5'. The Case File Number is 202300565.
5. Susan Muth has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a carport within 7' of the side yard property line. The property address is 10779 Lilinoe Way. The tax parcel number is 067G-1-25-285.000. The property is in a MH zoning district. The side yard setback is 10'. The variance requested for the carport is 3'. The Case File Number is 202300586.

Denied
6-0

Unfinished Business

6. Presentation on Zoning Code Re-write by Bob Barber with Orion Planning.
7. Tree Ordinance Re-write introduction.

Open Public Comments to Non-Agenda Items



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

STAFF REPORT TO PLANNING COMMISSION

DATE: January 22, 2024

NATURE OF REQUEST: Susan Muth has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a carport within 7' of the side yard property line.

The property address is 10779 Lilinoe Way. The tax parcel number is 067G-1-25-285.000. The property is in a MH zoning district. The side yard setback is 10'. The variance requested for the carport is 3'. The Case File Number is 202300586.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: January 23, 2023

RECOMMENDATION TO PLANNING COMMISSION: To **approve** the variance as petitioned.

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

- A. That special conditions and circumstances *do* 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. *Installation of manufactured home did not follow the site plan and created the variance request.*
- 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. *Carports are required by the zoning ordinance.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *The applicant was unable to be on-site at the installation of the manufactured home.*
- 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. *Carports are required by the zoning ordinance.*
- 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 *does* observe the spirit of the Ordinance and *will not* change the character of the district (area).
- G. The Variance *will* 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.

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

Susan Muth has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a carport within 7' of the side yard property line.

The property address is 10779 Lilinoe Way. The tax parcel number is 067G-1-25-285.000. The property is in a MH zoning district. The side yard setback is 10'. The variance requested for the carport is 3'. The Case File Number is 202300586.

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 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, January 23, 2024, 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 J. Pat Rich, Development Coordinator, at 228-242-1613.



5000 Diamondhead Circle •
Diamondhead, MS 39525-3260
Phone: 228.222.4626 Fax: 228-222-4390
www.diamondhead.ms.gov

TO: Susan Muth and adjacent property owners

FROM: J. Pat Rich, Development Coordinator *J. Pat Rich*

DATE: December 29, 2023

SUBJECT: Variance request before the Planning & Zoning Commission

Susan Muth has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a carport within 7' of the side yard property line.

The property address is 10779 Lilinoe Way. The tax parcel number is 067G-1-25-285.000. The property is in a MH zoning district. The side yard setback is 10'. The variance requested for the carport is 3'. The Case File Number is 202300586.

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 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, January 23, 2024, 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 J. Pat Rich, Development Coordinator, at 228-242-1613.



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202300586

Date 12/15/23

Applicant: Susan Muth

Applicant's Address: 10779 Lilinoe Way

Applicant's Email Address: sgmuth2@gmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 504-458-2165

Property Owner: Same

Owner's Mailing Address: _____

Owner's Email Address: _____

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) _____

Tax Roll Parcel Number: 0676-1-25-285.000

Physical Street Address: _____

Legal Description of Property: _____

Zoning District: MH

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) 3' SYSB Variance for Carport.

REQUIRED ITEM A

Property Owner Susan Muth

Street Address 10779 Lilinoe

Statement Describing Variance Request

3' SYSB Variance for Carport

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: Location of Manufactured ^{Home} did not follow
Site plan

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: Carport is Required in MH District

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

Response: Caused by Manufactured Home installation
Crew not following site plan

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

Response: Carports are required in MH District.

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 1/23/24 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 ☐

