



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202600579

Date 7-21-2026

⚡ DARLA

Applicant: KIRK HARTSELL

Applicant's Address: 756 CHERRY HILL DR

Applicant's Email Address: [REDACTED]

Applicant's Contact Number: (Home) [REDACTED] (Work) — (Cell) Same

Property Owner: KIRK HARTSELL + DARLA HARTSELL

Owner's Mailing Address: 756 CHERRY HILL DR

Owner's Email Address: [REDACTED]

Owner's Contact Number: (Home) [REDACTED] (Work) — (Cell) —

Tax Roll Parcel Number: 067P-0-35-055.000

Physical Street Address: 756 CHERRY HILL DR

Legal Description of Property: —

Zoning District: R-10

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

(Signage-Size-Height) To extend rear patio by 2 ft To allow owners to

enjoy the golf course property & have mosquito screens placed.

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.

- 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:

- 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.

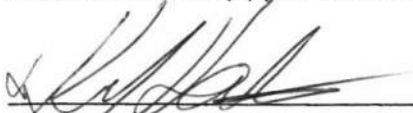
That additional information may be required by the Planning Commission prior to final disposition.

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 AUGUST 25TH 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
N/A ☐ Copy of Deed, Lease or Contract
☒ Site Plan
N/A ☐ Parking Spaces
☐ List of Property Owner

- ☒ Application Signed
☒ Written Project Description
☐ Drainage Plan NA ☒
☐ Notarized Statement NA ☒

The Sea Coast Echo

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PROOF OF PUBLICATION

STATE OF MISSISSIPPI
HANCOCK COUNTY

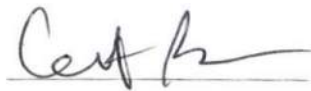
PERSONALLY appeared before me the undersigned authority in and for said County and State. GEOFF BELCHER, Publisher of THE SEA COAST ECHO, a newspaper published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 week(s) to-wit:

On the 6 day of August 2026

On the _____ day of _____ 2026

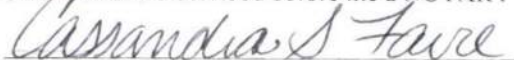
On the _____ day of _____ 2026

On the _____ day of _____ 2026



Publisher

Sworn to and subscribed before me a NOTARY PUBLIC



This 6 day of August 2026



NOTICE OF PUBLIC HEARING

PLANNING AND ZONING COMMISSION

DIAMONDHEAD, MS

Kirk and Darla Hartsell have filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a covered patio within 18' of a rear property line.

The property address is 756 Cherryhill Drive. The tax parcel number is 067P-0-35-055.000. The property is in a R-10 zoning district. The setback for a residence from the rear property line is 20'. The variance requested is 2'. The Case File Number is 202600579.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, 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, August 25, 2026, 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.

PUBLISH DATE: 8/6/26

August 6, 2026 at 10:40 AM

63780 Diamondhead Dr N
Diamondhead MS 39525

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS

Greenway Gardens Inc., represented by Erik Skogstrom, on behalf of Nathan Fugger, has filed an application requesting a variance from the Zoning Ordinance Article 1.4.4 Section 1.4.4.1 and 1.4.4.2 for a 10' x 10' x 10' structure.

The property address is 63780 Diamondhead Dr. The subject lot is a portion of the new property line is 30'. The variance requested is 7'. The Case File Number is 20260018.

In accordance with the Comprehensive Zoning Ordinance Article 1.4.4, the Planning Commission will consider the application at the public hearing to be held at the Planning Commission meeting on Tuesday, August 11, 2026, at 6:00 p.m. The public hearing will be held at the Diamondhead City Hall in the Council Chamber at 1000 Diamondhead Circle in Diamondhead, MS 39525. Interested citizens of the public are invited to attend. This meeting notice is for your information.

The Planning and Zoning Commission will consider the application at its next meeting scheduled meeting Tuesday, August 11, 2026, at 6:00 p.m. The public hearing will be held at the Diamondhead City Hall in the Council Chamber at 1000 Diamondhead Circle in Diamondhead, MS 39525. Interested citizens of the public are invited to attend. This meeting notice is for your information.

If you have any questions or comments or wish to make a statement, please contact the Planning Department at the office address below at 228-222-4025.

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS

The City of Diamondhead will hold a public hearing to consider the application for a variance from the Zoning Ordinance Article 1.4.4, Section 1.4.4.1 and 1.4.4.2 for a 10' x 10' x 10' structure.

In accordance with Article 1.4.4, the City Council shall have jurisdiction and control over all such applications and hearings. The Planning Commission shall review and make recommendations to the City Council on all such applications and hearings.

The Planning and Zoning Commission will consider the application at its next regularly scheduled meeting on Tuesday, August 11, 2026, at 6:00 p.m. The public hearing will be held at the Diamondhead City Hall in the Council Chamber at 1000 Diamondhead Circle in Diamondhead, MS 39525. Interested citizens of the public are invited to attend. This meeting notice is for your information.

If you have any questions or comments or wish to make a statement, please contact the Planning Department at the office address below at 228-222-4025.

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS

Carl and Gaila Smith have filed an application requesting a variance from the Zoning Ordinance Article 1.4.4, Section 1.4.4.1 and 1.4.4.2 for a 10' x 10' x 10' structure.

The property address is 63780 Diamondhead Dr. The subject lot is a portion of the new property line is 30'. The variance requested is 7'. The Case File Number is 20260018.

In accordance with the Comprehensive Zoning Ordinance Article 1.4.4, the Planning Commission will consider the application at the public hearing to be held at the Planning Commission meeting on Tuesday, August 11, 2026, at 6:00 p.m. The public hearing will be held at the Diamondhead City Hall in the Council Chamber at 1000 Diamondhead Circle in Diamondhead, MS 39525. Interested citizens of the public are invited to attend. This meeting notice is for your information.

The Planning and Zoning Commission will consider the application at its next regularly scheduled meeting on Tuesday, August 11, 2026, at 6:00 p.m. The public hearing will be held at the Diamondhead City Hall in the Council Chamber at 1000 Diamondhead Circle in Diamondhead, MS 39525. Interested citizens of the public are invited to attend. This meeting notice is for your information.

If you have any questions or comments or wish to make a statement, please contact the Planning Department at the office address below at 228-222-4025.

August 6, 2026 at 9:48 AM
755 Cherry Hill Dr
Diamondhead MS 39525



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

Kirk and Darla Hartsell have filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a ~~residence~~ **COVERED PATIO** within 18' of a rear property line.

The property address is 756 Cherryhill Drive. The tax parcel number is 067P-0-35-055.000. The property is in a R-10 zoning district. The setback for a residence from the rear property line is 20'. The variance requested is 2'. The Case File Number is 202600579.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, 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, August 25, 2026, 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.

OWNER_NAME	LRMADD	CITY_ST_ZIP_OWNR
1 SAFCAR GEORGE	756 OAKMONT WAY	DIAMONDHEAD, MS 39525
2 HARTSELL DARIA ETAL	756 CHERRYHILL DR	DIAMONDHEAD, MS 39525
3 CURRY KENNETH J ETAL	7514 CHERRYHILL DR	DIAMONDHEAD, MS 39525
4 ELLIOTT LAND DEVELOPMENTS LLC	1402 PASS RD	GULFPORT, MS 39501
5 WOOD THOMAS	909 BOURBON STREET	NEW ORLEANS, LA 70116
6 WOLF FLORENCE A (LIFE ESTATE)	7513 CHERRYHILL DR	DIAMONDHEAD, MS 39525
7 SUTTON JEFFERY D ETUX	7518 OAKMONT WAY	DIAMONDHEAD, MS 39525
8 YARBROUGH NANCY L	757 CHERRYHILL DRIVE	DIAMONDHEAD, MS 39525
9 KOHOUT JACOB J ETAL	7512 CHERRYHILL DR	DIAMONDHEAD, MS 39525
10 GEX KATHLEEN A	753 TURNBERRY DRIVE	DIAMONDHEAD, MS 39525
11 WEBB KEVIN M ETAL	752 OAKMONT WAY	DIAMONDHEAD, MS 39525
12 DEFELICE MARK S	723 HUEY P LONG AVE	GRETN, LA 70053
13 LIESE CHRISTOPHER ETAL	754 CHERRYHILL DR	DIAMONDHEAD, MS 39525
14 SUTHERLAND EDWARD P ETAL	7522 OAKMONT WAY	DIAMONDHEAD, MS 39525
15 SUTTON JEFFREY D ETUX	7518 OAKMONT WAY	DIAMONDHEAD, MS 39525
16 GREENHAW BILLY D	13 DEVIL'S ELBOW	DIAMONDHEAD, MS 39525
17 SY BERNADETTE V TAN	755 TURNBERRY DR	DIAMONDHEAD, MS 39525
18 MORGAN JEFFREY S ETAL	754 OAKMONT WAY	DIAMONDHEAD, MS 39525
19 ACKERMAN RODNEY J ETUX	7510 CHERRYHILL DR	DIAMONDHEAD, MS 39525
20 CROSBY DONALD W ETAL	7518 CHERRYHILL DRIVE	DIAMONDHEAD, MS 39525
21 WILSON JOY ETAL	5615 CLINTON AVE	MINNEAPOLIS, MN 55419
22 MURRAY JOSEPH P ETAL TRUSTEES	752 CHERRYHILL DR	DIAMONDHEAD, MS 39525
23 SUTTON JEFFREY D ETAL	7518 OAKMONT WAY	DIAMONDHEAD, MS 39525
24 DIXON JOHANNA M	7511 CHERRYHILL DR	DIAMONDHEAD, MS 39525
25 GALVIN MICHAEL J ETAL (RTODD)	755 CHERRYHILL DR	DIAMONDHEAD, MS 39525



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Buffer Type

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☐ Custom Shape

☐ Point



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

STAFF REPORT – 756 CHERRYHILL DRIVE VARIANCE

TO: Planning & Zoning Commission

FROM: Beau King, Building Official

DATE: August 18, 2026

SUBJECT: Variance request before the Planning & Zoning Commission – 756 Cherryhill Drive

NATURE OF REQUEST: Kirk and Darla Hartsell have filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a covered patio within 18' of a rear property line. The property address is 756 Cherryhill Drive. The tax parcel number is 067P-0-35-055.000. The property is in a R-10 zoning district. The setback for a residence from the rear property line is 20'. The variance requested is 2'. The Case File Number is 202600579.

DATE OF PUBLIC HEARING: August 25, 2026, at 6:00 PM.

RECOMMENDATION: 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. *the house is set further back of the road so therefore is closer to the rear property line adjoining the golf course.*
- 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. *There are many homes on golf course that have patios closer than 20' to a rear property line.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *Conditions are created by the house orientation.*
- 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. *Other similar variances have been granted.*
- 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. *18' from golf course property line gives ample setback.*
- F. The Variance *does* observe the spirit of the Ordinance and *will not* change the character of the district (area). *Agreed.*
- G. The Variance *will* observe the spirit of the Comprehensive Plan. *Observed.*
- H. That the Variance requested *will not* result in any change in use or density of the subject property. *No change in use or density.*