



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

## **MINUTES PLANNING AND ZONING COMMISSION**

**Tuesday, December 08, 2020**

**6:00 PM CST**

Council Chambers, City Hall  
and via teleconference, if necessary

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### **Call to Order**

Chairman Bice called the meeting to order at 6:02 p.m.

### **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.

Commissioner Rubar read the Statement of Purpose

### **Pledge of Allegiance**

Commissioner Torguson led the Pledge of Allegiance

### **Roll Call**

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

Also present City Attorney, Derek Cusick, Building Official, Ronald Jones, Building Inspector, Beau King, Code Enforcement Officer, Pat Rich, Minute Clerk, Tammy Braud

### **Confirmation or Adjustments to Agenda**

Commissioner Bower made a motion, second by Commissioner Layel to approve the Agenda as presented.

### **Motion Carried Unanimously**

### **Approval of Minutes**

1. Approval of Minutes of November 10, 2020

Commissioner Rubar made a motion ,second by Commissioner Layel to approve the minutes of November 10.2020

### **Motion Carried Unanimously**

### **New Business**

2. Mr. Ray Sheward and Mr. Scott King have filed an application requesting a variance from the Zoning Ordinance (Article 5.4.2 G) to construct a house within 6.8' from the side yard (south) property line. The case file number is 202000466.

The newly assigned property address is 7420 Turnberry Way . The tax parcel number is 067N-1-35-0-093.000. The legal description is replat of Glen Eagle Phase 1, Lot 174A. The property is

located in a R-1 zoning district. The minimum side yard setback is 10 feet due to this property being a combination lot allowed by the covenants.

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

Chairman Bice asked if anyone was present to represent the request.

Mr. Scott King spoke and answered questions from the Commissioners.

Chairman Bice asked for any public comments.

Building Official, Ronald Jones made a recommendation to deny for reasons listed below:

1. No special conditions and circumstances exist which are peculiar of the land, structure or building involved. The lot is basically rectangular in shape. The overall design and area of the proposed house did not take into account for the setbacks. The applicant states that "much time and money has been spent on the plan process". The minimum heating and cooling square feet requirement is 2000 square feet. The proposed house has 2836 with a total of 3910 square feet .
2. Based on the statement of the applicant, no benefit is gained by pushing the structure farther back due to the topography and the wetland delineation. Using the same house plan, a hardship would exist and possibility of changing the foundation to a chain wall rather than slab to grade.

Commissioner Bower made a motion to deny which died due to a lack of second.

Commissioner Hourin made a motion, second by Commissioner Layel to approve the request to the City Council.

### **Motion Passed**

3. Ms. Margaret F. Nutkins has filed an application requesting a Conditional Use Permit in accordance with the Zoning Ordinance Table 4.2, Article 4.21.1 (C) and Article 2.5 to allow short term vacation rental for 30 days or less in a R-1 district. The tax parcel number is 067P-0-35-066.000 The street address is 7604 Fairway Drive. Case file number is 202000481.

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

Chairman Bice asked if anyone was present to represent this case.

Ms. Margaret Nutkins read a statement she prepared and gave a copy to the commissioners, and the building official as the meeting began. She also answered questions from the commissioners.

Chairman Bice asked for any public comments.

Ernie Knoblock, Don Walters, Molley Jimenez, Debra Shae, Lisa Vergano, and C J.Lonanecker all were opposed .

Jaffe Perniciar spoke in favor.

Building Official, Ronald Jones made a recommendation to approve with conditions listed below :

1. No more than five cars can be parked on the premises.

2. Occupancy not to exceed ten people.

3. Additional conditions as required by the Commissioners.

Commissioner Bower, second by Commissioner Torguson made a motion to deny the Condition Use Application.

**Motion Carried**

#### **Unfinished Business**

#### **Open Public Comments to Non-Agenda Items**

#### **Commissioners' Comments**

None

#### **Communication / Announcements**

4. Next City Council meeting December 15, 2020

Next Planning Commission meeting January 26, 2021

Building Official. Ronald Jones informed the commissioners of one possible case for January.

#### **Adjourn or Recess**

Commissioner Hourin made a motion, second by Commissioner Torguson to adjourn the meeting at 7:35 p.m.

**Motion Carried Unanimously**