



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

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, April 27, 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 March 23, 2021 Minutes

Unfinished Business

New Business

3. David Carden, General Manager Diamondhead Water and Sewer District - Proposed new water tower.
4. Bob Barber, Orion Planning - Discussion of Long Term and Short Term Rental Policy.
5. Josh Shelton and Courtney Jassby, represented by Jeff Jassby of Jassby Custom Homes, have filed an application requesting to change the current zoning district classification from PRF (public facilities and recreation district) to R-1 (low density single family residential district) in accordance with Zoning Ordinance (Article 2.8) for the purpose of constructing a single family residence. The property address is 7448 Turnberry Drive. The tax parcel number is 068R-1-41-071.000. The legal description is Glen EaglePhase 1, Lot 48 less 8 feet. The case file number is 202100017.
6. 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 2 feet 4 inches from the rear property line. The rear yard set back 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 202100031.

Open Public Comments to Non-Agenda Items

Commissioners' Comments



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

DATE: April 27, 2021

CASE FILE NUMBER: 202100017

APPLICANT: Jeff Jassby, Jassby

Custom Homes

PROPERTY OWNER: Josh Shelton and

Courtney Jassby

TAX PARCEL NUMBER: 068R-1-41-071.000

PHYSICAL STREET ADDRESS: 7448 Turnberry Drive

LEGAL DESCRIPTION: Glen Eagle Phase 1, Lot 48 less 8 feet

ZONING DISTRICT: PFR Public Facilities & Recreation

TYPE OF APPLICATION: Rezoning

NATURE OF REQUEST: Josh Shelton and Courtney Jassby, represented by Jeff Jassby of Jassby Custom Homes, have filed an application requesting to change the current zoning district classification from PRF (public facilities and recreation district) to R-1 (low density single family residential district) in accordance with Zoning Ordinance (Article 2.8) for the purpose of constructing a single family residence. The property address is 7448 Turnberry Drive. The tax parcel number is 068R-1-41-071.000. The legal description is Glen Eagle Phase 1, Lot 48 less 8 feet. The case file number is 202100017.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: April 27, 2021

ACTION BY THE PLANNING COMMISSION:

FINDINGS: This ordinance, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objectives of a sound, stable and desirable environment. It is recognized that casual amendments of the ordinance would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this ordinance only when one or more of the following conditions prevail:

- A. Error: There was an error in the initial zoning of the property as it was brought into the city.
- B. Change in Condition: Changed or changing conditions in a particular area in the city or metropolitan area generally, resulting from changes in population, both of the area proposed to be rezoned and in the surrounding areas, or changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity.

Approved 6-0

- C. Changes in whatever is classified as the "neighborhood" (which may not necessarily be limited to that of a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property.

RECOMMENDATION TO PLANNING COMMISSION: To **approve** the rezoning as petitioned;

The staff recommends to approve the rezoning based on the following findings of fact.

- A. Changes have occurred in the neighborhood resulting in the need for additional R-1 lots. Several developments that were proposed for R-1 became R-2.
- B. R-1 zoning is the most restrictive zoning and the rest of Glen Eagle is R-1.
- C. The more restrictive is at the request of the owner.
- D. Rezoning protects the neighborhood from more intrusive development, such as restaurants, municipal buildings, general business offices, etc.
- E. In the past, the City has allowed rezoning to a more restrictive use to ensure future development stays consistent with the neighborhood.
- F. As a condition for rezoning, in addition to a building permit, a development permit is also required.

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

APPLICATION FOR ZONING CHANGE

CASE NO. 2021-00017

DATE 3/8/21

APPLICANT: Jeff Jassby (Jassby Custom Homes)

APPLICANT'S ADDRESS: 8230 Maulalani Place

APPLICANT'S TELEPHONE: (HOME) 228-255-3400 (WORK) 228-255-3400

PROPERTY OWNER: Josh Shelton / Courtney Jassby

MAILING ADDRESS: 8230 Maulalani Place - DH, MS 39525

TELEPHONE NUMBER: (HOME) 949-375-4638 (WORK) 949-375-4638

TAX ROLL PARCEL NUMBER: 068R-141-091.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: LOT 48 c/s' Glenn Eagle Pt 1

7448 Turnberry Drive - Diamondhead, MS 39525

ZONING CHANGE (FROM) AFR (TO) ~~R2~~ ~~R3~~ R-1

STATE PURPOSE OF REZONING: Get the land back that the City zoned incorrectly

RECEIVED
MAR 08 2021
BY: [Signature]

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Zoning Change in the City of Diamondhead, I (we) understand the following:

The application fee of \$²⁰⁰600.00 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 designated 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 change 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 April 27, 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.

[Signature]
Signature of Applicant

[Signature]
Signature of Property Owner

_____ For Official Use Only _____

- ~~\$600.00~~ ^{200.00}
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owners NA ()

- Application Signed
- Written Project Description
- Drainage Plan NA ()
- Notarized Statement NA ()

RECEIVED
MAR 08 2021
BY: [Signature]

The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
228-255-0035
File No: 21-0002

The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
228-255-0035

**STATE OF MISSISSIPPI
COUNTY OF Hancock**

WARRANTY DEED

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, we

Jim Grotkowski and Jeff Jassby , Grantors
758 Augusta Way
Diamondhead, MS 39525
Phone: 228-216-6919

Do hereby sell, convey, bargain and warrant to

Joshua R. Shelton and Courtney Jassby , Grantees
8230 Maunalani Place
Diamondhead, MS 39525
Phone: 949-375-4638

As joint tenants with right of survivorship and not as tenants in common, the following described real property situated and located in Hancock County, Mississippi, more particularly and certainly described as follows:

A survey of Lot 48, less the east 4 feet, Glen Eagle at Diamondhead Subdivision, Phase 1, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at a 1/2" rebar found at the southeast corner of said Lot 48; thence N 49°33'05" W 4.18 feet along the north margin of Turnberry Drive to a 1/2" rebar set and being the Point of Beginning; thence continue N 49°33'05" W 89.96 feet to a 1/2" rebar found; thence 50.04 feet along a curve to the left having a radius of 406.09 feet and also having a chord bearing and distance of N 52°41'36" W 50.01 feet to a 1/2" rebar set at the southwest corner of said Lot 48; thence N 09°01' 35" E 129.31 feet to a 1/2" rebar found at the northwest corner of said Lot 48; thence S 86°15'14" E 178.49 feet along the north line of said Lot 48 to a 1/2" rebar set; thence S 23°46'09" W 223.69 feet to the Point of Beginning. Said parcel of land contains 26,419 square feet, more or less.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining:


This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

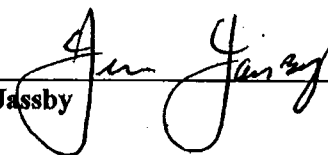
The Grantors hereby certify that the property herein above conveyed forms no part of the homestead of said Grantors.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by Grantees herein.

WITNESS OUR SIGNATURES, this the 5th day of February, 2021.



Jim Grotkowski

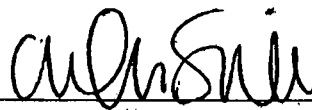


Jeff Jassby

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 5th day of February, 2021, Jim Grotkowski and Jeff Jassby, who acknowledged that they signed and delivered the foregoing instrument of writing on the day and year therein mentioned.





Notary Public
My Commission Expires: 6-14-21

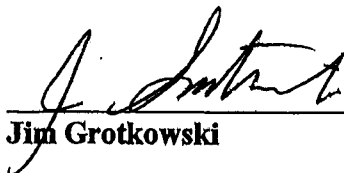
State of: Mississippi
County of: Hancock
Sellers: Jim Grotkowski and Jeff Jassby
Buyers: Joshua R. Shelton and Courtney Jassby
Property Address: Turnberry Dr
Diamondhead, MS 39525

Compliance Agreement

The undersigned for and in consideration of the above referenced property conveyance, agree, if requested by Lender or Closing Agent, to fully cooperate and adjust for clerical errors, including any erroneous proration of taxes, any or all closing documentation deemed necessary or desirable in the reasonable discretion of Lender or closing agent to enable Lender or purchaser to sell, convey, seek guaranty or market said loan to any entity including but not limited to an investor, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Housing Authority or the Veterans Administration.

The undersigned do hereby so agree and covenant in order to assure that this closing documentation executed this date will conform and be acceptable in the market place in the instance of transfer, sale or convey by purchaser or by Lender of its interest in and to said documentation.


Date: February 5, 2021



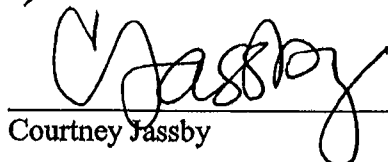
Jim Grotkowski



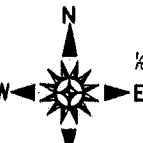
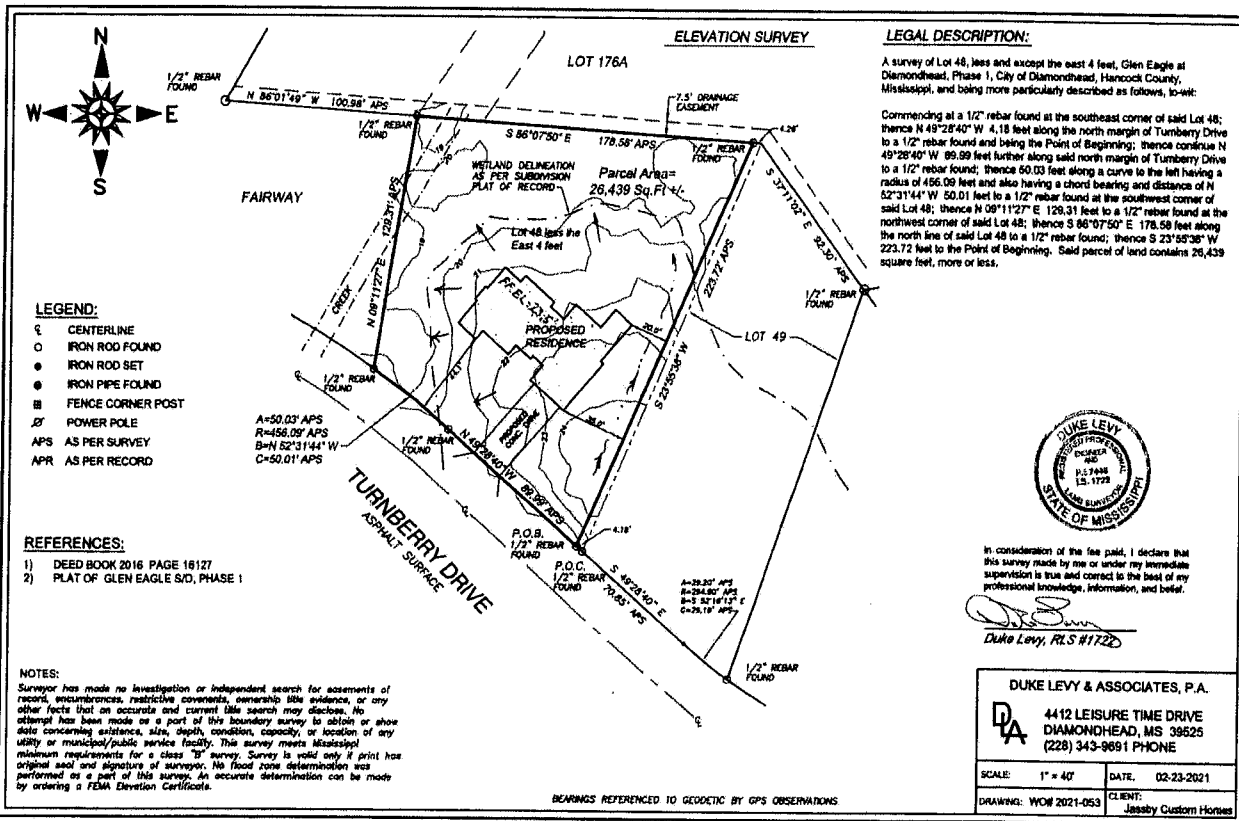
Joshua R. Shelton



Jeff Jassby



Courtney Jassby



ELEVATION SURVEY

LEGAL DESCRIPTION:

A survey of Lot 48, less and except the east 4 feet, Glen Eagle at Diamondhead, Phase 1, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at a 1/2" rebar found at the southeast corner of said Lot 48; thence N 49°28'40" W 4.18 feet along the north margin of Turnberry Drive to a 1/2" rebar found and being the Point of Beginning; thence continue N 49°28'40" W 89.89 feet further along said north margin of Turnberry Drive to a 1/2" rebar found; thence 50.03 feet along a curve to the left having a radius of 456.09 feet and also having a chord bearing and distance of N 52°31'44" W 50.01 feet to a 1/2" rebar found at the southwest corner of said Lot 48; thence N 09°11'27" E 129.31 feet to a 1/2" rebar found along the northwest corner of said Lot 48; thence S 86°07'50" E 178.58 feet along the north line of said Lot 48 to a 1/2" rebar found; thence S 23°55'38" W 223.72 feet to the Point of Beginning. Said parcel of land contains 26,439 square feet, more or less.

- LEGEND:**
- ⊖ CENTERLINE
 - IRON ROD FOUND
 - IRON ROD SET
 - ⊙ IRON PIPE FOUND
 - ⊞ FENCE CORNER POST
 - ⚡ POWER POLE
 - APS AS PER SURVEY
 - APR AS PER RECORD

REFERENCES:

- 1) DEED BOOK 2016 PAGE 15127
- 2) PLAT OF GLEN EAGLE SD, PHASE 1

NOTES:

Surveyor has made no investigation or independent search for assessments of records, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by obtaining a FEMA Elevation Certificate.

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS



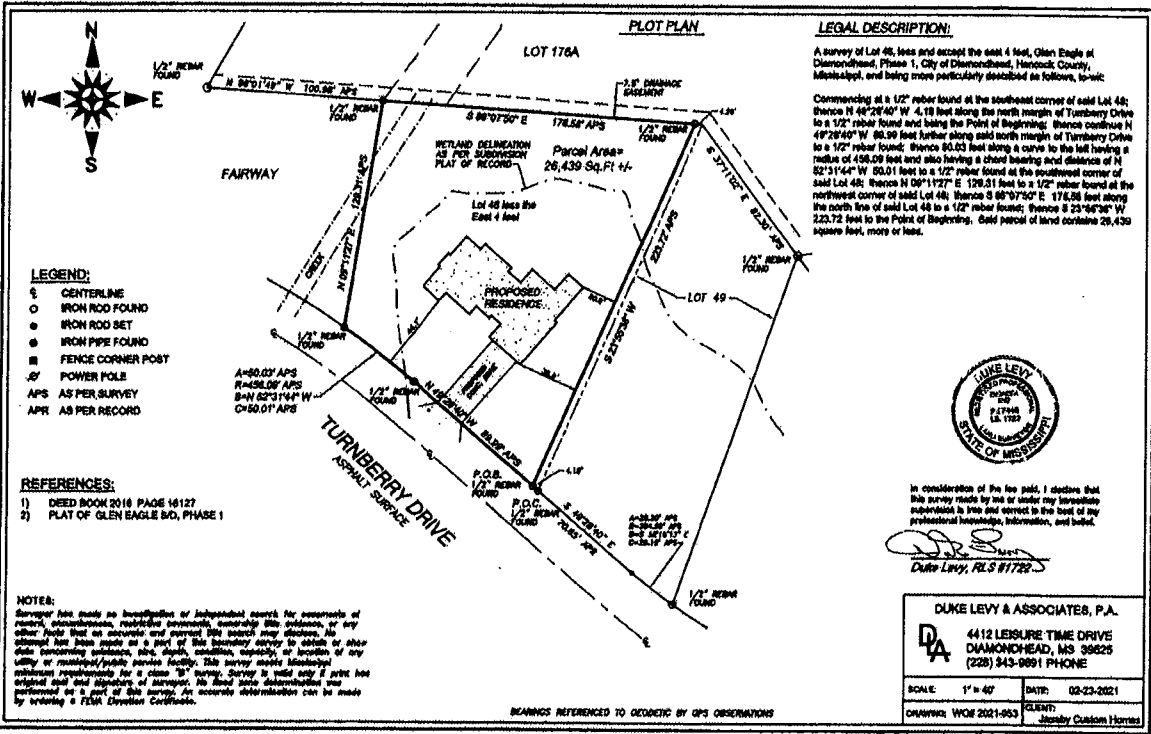
In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
Duke Levy, RLS #1722

DUKE LEVY & ASSOCIATES, P.A.

DLA 4412 LEISURE TIME DRIVE
DIAMONDHEAD, MS 39525
(228) 343-9691 PHONE

SCALE: 1" = 40'	DATE: 02-23-2021
DRAWING: WOV 2021-053	CLIENT: Jessaby Custom Homes



LEGAL DESCRIPTION:
 A survey of Lot 48, less and except the east 4 feet, Glen Eagle of Diamondhead, Phase 1, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:
 Commencing at a 1/2" rebar found at the southeast corner of said Lot 48; thence N 44°28'40" W 4.18 feet along the north margin of Turnberry Drive to a 1/2" rebar found and being the Point of Beginning; thence continue N 49°28'40" W 88.98 feet further along said north margin of Turnberry Drive to a 1/2" rebar found; thence 80.03 feet along a curve to the left having a radius of 458.09 feet and also having a chord bearing and distance of N 52°31'44" W 50.01 feet to a 1/2" rebar found at the southwest corner of said Lot 48; thence N 09°19'27" E 126.81 feet to a 1/2" rebar found at the northwest corner of said Lot 48; thence S 60°37'50" E 176.58 feet along the north line of said Lot 48 to a 1/2" rebar found; thence S 33°48'00" W 220.72 feet to the Point of Beginning. Said parcel of land contains 26,439 square feet, more or less.

- LEGEND:**
- ⊕ CENTERLINE
 - IRON ROD FOUND
 - IRON ROD SET
 - ⊙ IRON PIPE FOUND
 - FENCE CORNER POST
 - ⚡ POWER POLE
 - APR AS PER SURVEY
 - APR AS PER RECORD

- REFERENCES:**
- 1) DEED BOOK 2018 PAGE 16127
 - 2) PLAT OF GLEN EAGLE BD, PHASE 1

NOTES:
 Surveyor has made no investigation of independent search for records of records, encroachments, recorded interests, recording this section, or any other facts that are accurate and correct. No search was made. No attempt has been made as a part of this boundary survey to obtain for other data concerning substance, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if performed by original and the signature of Surveyor. No final state determination was performed as a part of this survey. An accurate determination can be made by retaining a FEMA Elevation Certificate.



In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
 Duke Levy, RLS #17722

DUKE LEVY & ASSOCIATES, P.A.
 4412 LEISURE TIME DRIVE
 DIAMONDHEAD, MS 39625
 (228) 343-9891 PHONE

SCALE: 1" = 40'	DATE: 02-23-2021
DRAWN BY: WOF 2021-003	CLIENT: Jessy Custom Homes

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS

Pat Rich

From: Pat Rich
Sent: Thursday, March 4, 2021 11:14 AM
To: Jeff Jassby (jassbycustomhome@bellsouth.net)
Cc: Michael J. Reso; Ronald Jones; Beau King; Tammy Braud; derekcusick
Subject: 7448 Turnberry Dr. Rezoning
Attachments: Application for Zoning Change.pdf

Jeff,

The above property is currently zoned PFR (Public Facilities & Recreation) in which Residential Uses are not permitted. In order to build a residential structure on the property, you must request zoning change (application attached). Please complete and return to this office, along with the \$200 fee, by March 15, 2021. It will be added to the Planning Commission meeting on April 27, 2021. The following defines the only conditions for rezoning a property:

2.8. - AMENDMENT (REZONING) PROCEDURE.

[SHARE LINK TO SECTIONPRINT SECTIONDOWNLOAD \(DOCX\) OF SECTIONSEMAIL SECTION](#)

2.8.1 Title and Purpose.

A. Section 2.8.1 through Section 2.8.11 shall be known as the Amendment Procedure. The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the Zoning Regulations (Text Amendment) and the application of such regulations to property within the City of Diamondhead, Mississippi, by means of the Zoning Map (Rezoning).

B. This ordinance, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objectives of a sound, stable and desirable environment. It is recognized that casual amendments of the ordinance would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this ordinance only when one or more of the following conditions prevail:

- i. Error: There was an error in the initial zoning of the property as it was brought into the city.
- ii. Change in Condition: Changed or changing conditions in a particular area in the city or metropolitan area generally, resulting from changes in population, both of the area proposed to be rezoned and in the surrounding areas, or changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity.
- iii. Changes in whatever is classified as the "neighborhood" (which may not necessarily be limited to that of a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property.