



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

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www.diamondhead.ms.gov

STAFF REPORT TO PLANNING COMMISSION

DATE: July 25, 2023

CASE FILE NUMBER: 202300282

APPLICANT: Teresa and Brian Leatherman

TAX PARCEL NUMBER: 067M-2-35-007.000

PHYSICAL STREET ADDRESS: 7518 Augusta Way

ZONING DISTRICT: R-1 Low-Density Single-Family Home

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Teresa and Brian Leatherman, represented by Amber Thomas of Alant Construction, have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1'. The Case File Number is 202300282.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: July 25, 2023

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



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

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, July 25, 2023

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 June 27, 2023 minutes.

New Business

3. Bob Barber with Orion Planning to provide an update on the Zoning Code re-write.
4. Teresa and Brian Leatherman, represented by Amber Thomas of Alant Construction, have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1'. The Case File Number is 202300282.
5. The City of Diamondhead, is proposing a Text Amendment to the Tree Ordinance Article 11. – General Requirements and Restrictions. The proposed text amendment is to increase the preservation of existing trees. The Case File Number is 202300337.
6. The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Sign Ordinance Article 10.4.10 – Window Signs. The proposed text amendment is to remove "A permanent window sign shall be classified as a wall sign." Article 10.5.2 On-Premises Attached Signs c; Place a black square in the table in zoning districts C-1, C-2, PFR, T, and I [The black square means a sign permit is required]. Article 10.6 Dimensional Requirements, Number of Signs and Special Conditions; Sign Type #8 Window Signs; Area; "Change 50% to 25% of window area." Article 10.7 - Exempt Signs, delete "10.c Windows.", Article 10.10.1 Non-Conforming Existing Signs; Insert "All window signs which are not in conformance with the Ordinance shall be unlawful one (1) year after the passage of the window sign text amendment." The Case File Number is 202300332.

10. **2021-406:** Motion to accept bids received East Aloha Drive Phase 1 Improvements (MDA/SMLP Grant) and award same to Moran Hauling, Inc., the low base bid in the amount of \$396,923.49 and Alternate Bid in the amount of \$23,138.00 for a total project cost \$420,061.49.
11. **2021-410:** Motion to approve Mayor Depreo and City Manager Reso to serve as members of the Hancock County Library Strategic Planning Committee.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

Action Agenda.

12. **2021-407:** Motion to concur with the Planning Commission recommendation to approve Janet Harmon-Curvey and John A. Curvey's application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. Additionally, to construct a masonry fireplace (3'x6') within 14.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1' and the fireplace is 5.1'. The Case File Number is 202100459.

Motion made by Ward 1 Finley, Seconded by Councilmember-At-Large Maher to concur with the Planning Commission recommendation to approve Janet Harmon-Curvey and John A. Curvey's application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. Additionally, to construct a masonry fireplace (3'x6') within 14.9' of the rear property line. The property address is 7518 Augusta Way. The tax parcel number is 067M2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1' and the fireplace is 5.1'. The Case File Number is 202100459.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY

13. **2021-411:** Motion to authorize the Planning & Zoning Commission to hold workshop(s) in conjunction with Orion Planning Group to develop parking regulations for the 7-mile Diamondhead Drive circle.

Motion made by Councilmember Finley, Seconded by Councilmember-At-Large Maher to authorize the Planning & Zoning Commission to hold workshop(s) in conjunction with Orion Planning Group to develop parking regulations for the 7-mile Diamondhead Drive circle.

Voting Yea: Mayor Depreo, Councilmember-At-Large Maher, Ward 1 Finley, Ward 2 Moran, Ward 3 Sheppard, Ward 4 Clark

MOTION CARRIED UNANIMOUSLY



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202300282

Date 6/8/23

Applicant: Amber Thomas ALANT Construction

Applicant's Address: 45 Hardy Court Shopping Center #207 Gulfport MS 39507

Applicant's Email Address: amber.alant@gmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 228-243-2031

Property Owner: Teresa Leatherman, Brian Leatherman

Owner's Mailing Address: 7518 Augusta Way Diamondhead MS 39525

Owner's Email Address: tmosko81@aol.com

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 901-277-3160

Tax Roll Parcel Number: 067M-2-35-007.000

Physical Street Address: 7518 Augusta Way Diamondhead MS 39525

Legal Description of Property: 61en EAGLE PHASE 1 LOT 107

Zoning District: R-1

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

To build a covered patio with 17.9' of the rear property
line.

REQUIRED ITEM A

Property Owner Teresa Leatherman & Brian Leatherman
Street Address 1518 Augusta Way Diamondhead MS 39525
Statement Describing Variance Request _____

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: Unaware if other homes built in the same
timeframe (2003) are affected by the current 20' rear
setback or not.

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: Many nearby neighbors enjoy screened patios. If
the homeowners' variance is denied, it will affect the aesthetic
of the rear view of the home because the new const. will not
match up to the furthest rear footprint of the home.

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

Response: Special conditions/circumstances are not caused
by owners/applicants.

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

Response: The requested variance ~~will~~ would not give the homeowners
any special privileges or rights. Many of the neighbors in the
area already enjoy screened outdoor areas attached to their
homes. Without a variance the homeowners cannot construct the
screened outdoor patio area that would match their current setback
footprint of 17' 9" from property line.

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.

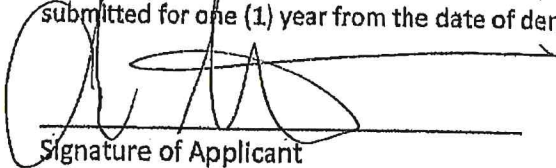
That additional information may be required by the Planning Commission prior to final disposition.

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 July 25, 2023 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

Authentisign

Teresa Leatherman

6/9/2023 4:25:09 PM GMT

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 ☒

DIAMONDHEAD COUNTRY CLUB & POA INC

067M-2-35-007.000

Parcel Number: 067M-2-35-007.000

Owner Name: LEATHERMAN BRIAN ETAL

Owner Address: 7518 AUGUSTA WAY

Owner City, State ZIP:

DIAMONDHEAD, MS 39525

Physical Address: 7518 AUGUSTA WAY

Improvement Type: RES

Year Built: 2003

Base Area: 2794

Adjusted Area: 3282

Actual Total Value: 360611

Taxable Total Value: 0

Estimated Tax: 4397.83

Homestead Exemption: Yes

Deed Book: 2022

Deed Page: 9647

Legal Description 1: LOT 107 GLEN

EAGLE PHASE 1

Legal Description 2:

Close

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Print Labels



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

Teresa and Brian Leatherman, represented by Amber Thomas of Alant Construction, have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line.

The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1'. The Case File Number is 202300282.

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, July 25, 2023, 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.