



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

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, June 25, 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

New Business

2. Election of Chairperson and Vice Chairperson
3. Patricia Bryant, represented by Jassby Custom Homes, has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow the addition of an attached screened porch within 15' of the rear property line on the golf course. The property address is 7428 Turnberry Way. The tax parcel number is 067N-1-35-083.000. The property is in the R-10 zoning district. The rear setback is 20'. The variance requested is 5'. The Case File Number is 202400258.

*Passed
6-0*

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

4. The next City Council meeting is Tuesday, July 2, 2024.
The next Planning Commission meeting is Tuesday, July 23, 2024.

Adjourn or Recess



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

STAFF REPORT TO PLANNING COMMISSION

DATE: June 25, 2024

NATURE OF REQUEST: Patricia Bryant, represented by Jassby Custom Homes, has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow the addition of an attached screened porch within 15' of the rear property line on the golf course. The property address is 7428 Turnberry Way. The tax parcel number is 067N-1-35-083.000. The property is in the R-10 zoning district. The rear setback is 20'. The variance requested is 5'. The Case File Number is 202400258.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: June 25, 2024

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. *Lot is triangular shaped and is only 96' at its widest point.*
- 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 other screened enclosures in R-10 as well as on the golf course. Similar variances have been approved.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *The plans for the 4,500 SF home were adapted to fit on the lot. This is the only variance requested.*
- 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 *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.

Pat Rich

From: Gary Daigle <gary.daigle@gmail.com>
Sent: Monday, June 10, 2024 5:00 PM
To: Pat Rich
Cc: Marcia Daigle
Subject: Variance Request 7428 Turnberry Way, Patricia Bryant

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Mr. Rich

We are reaching out to express our support for the 5' rear setback variance for a proposed screened porch.

The porch will be behind the t'box and will have no impact on the golf course or its playability.

Thank you for contacting us about this variance request.

Gary & Marcia Daigle
7425 Turnberry Way
Diamondhead, MS 39525
504-722-2501



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

TO: Patricia Bryant, Jassby Custom Homes and adjacent property owners

FROM: J. Pat Rich, Development Coordinator

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

DATE: June 7, 2024

SUBJECT: Variance request before the Planning & Zoning Commission

Patricia Bryant, represented by Jassby Custom Homes, has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow the addition of an attached screened porch within 15' of the rear property line on the golf course.

The property address is 7428 Turnberry Way. The tax parcel number is 067N-1-35-083.000. The property is in the R-10 zoning district. The rear setback is 20'. The variance requested is 5'. The Case File Number is 202400258.

In accordance with the Comprehensive Zoning Ordinance Article 9.8.6, 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, June 25, 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 at <https://www.youtube.com/@cityofdiamondhead3502/streams>.

If you have any questions or comments or would like to review the application, you may contact J. Pat Rich, Development Coordinator, at p_rich@diamondhead.ms.gov or 228-242-1613.

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

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202400258



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202400258

Date: 5/1/24

Applicant: Patricia Bryant represented by Jessy Custom Homes

Applicant's Address: 7428 Turnberry Way

Applicant's Email Address: _____

Applicant's Contact Number: (Home) _____ (Work) 228-255-3400 (Cell) 228-216-0900

Property Owner: Patricia Bryant

Owner's Mailing Address: _____

Owner's Email Address: _____

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

Tax Roll Parcel Number: 067N-1-35-083.000

Physical Street Address: _____

Legal Description of Property: _____

Zoning District: R-10 Adjacent to Golf Course (Cardinal #6 Tee box)

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) Addition of screened porch within 15' of the rear property line on the Golf course

REQUIRED ITEM A

Property Owner Patricia Bryant

Street Address 7428 Turnberry Way

Statement Describing Variance Request

Addition of screened porch within 5' of property line
Requesting 5' variance to 20' Rearyard Setback

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: Yes. Irregular sloped Lot

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 other lots on Golf Course have screened porches overlooking the course

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

Response: House placement to meet setbacks caused the special condition.

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

Response: See #2

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 June 25th 2024 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 ()



15'



City of Diamondhead
APPLICATION FOR BUILDING PERMIT

5000 Diamondhead Circle
Diamondhead, MS 39525
Ph: 228-222-4626 FX: 228-222-43

Variance of ~~5~~ 5'

RECEIVED
MAY 01 2024
BY: _____

Estimated Valuation: 30,000

☒ Single Family Res. ☐ Multi Family Res. ☐ Small Commercial ☐ Large Commercial ☐ Industrial

Project (ex: Waffle House): Screen Addition
Use address if you don't have a project name

Address: 7428 Turnberry Way

Owner Information:

Last Name: Bryant First: Petie Middle Initial: _____

Address: 7428 Turnberry Way

City: Diamondhead State: MS Zip: 39525 Phone: _____

Contractor Information:

Contractor: Jassy Custom Homes
Contractor Business Name

License #: R State/City (circle one) MS Expiration Date: 7/25

Address: P.O. Box 6411

City: Diamondhead State: MS Zip: 39525 Phone: 228-255-3400
228-216-0900

Permit Information:

Type of Work: ☐ New Const. ☒ Addition ☐ Remodeling ☐ Demolition ☐ Other

Description of Work: Screen room

Use of Building: Residential

Square Feet: _____ Number of Stories: _____ Number of Units: _____

Type of Construction: ☐ Wood ☐ Brick ☐ Steel ☐ Concrete ☒ Stone Hardie Board

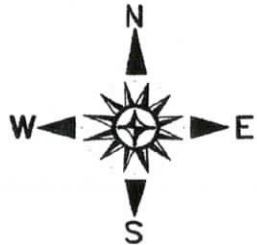
Historical District: _____ Current Zoning: _____ Parcel#: 067N-1-35-083.000
Screen

Present Use: _____ Proposed Use: _____ Conforming: ☐ Yes ☐ No

I hereby make application for permit to perform the work as described herein and if permit is granted I agree to conform to all Regulations and ordinances of the City pertaining therein and in accordance with the plans submitted.

Applicant's Signature: _____ Approved by: _____

Remarks: _____



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) REPLAT OF GLEN EAGLE SUBDIVISION, PHASE 1
- 2) DEED BOOK 2015 AT PAGE 2294
- 3) PRIOR SURVEY BY DUKE LEVY & ASSOC. WO# 16-0195

NOTES:

Surveyor has made no investigation or independent search for easements of record, 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 ordering a FEMA Elevation Certificate.

FINAL SURVEY

LEGAL DESCRIPTION:

A survey of Lot 170A, Replat of Glen Eagle Subdivision, Phase 1, City of Diamondhead, Hancock County, Mississippi.



THIS SURVEY IS CERTIFIED TO:

- 1) JON AND PATRICIA BRYANT
- 2) WHITNEY BANK dba HANCOCK BANK
- 3) CASANO LAW FIRM
- 4) OLD REPUBLIC TITLE INSURANCE COMPANY

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.

4412 LEISURE TIME DRIVE
DIAMONDHEAD, MS 39525
(228) 467-5212 PHONE

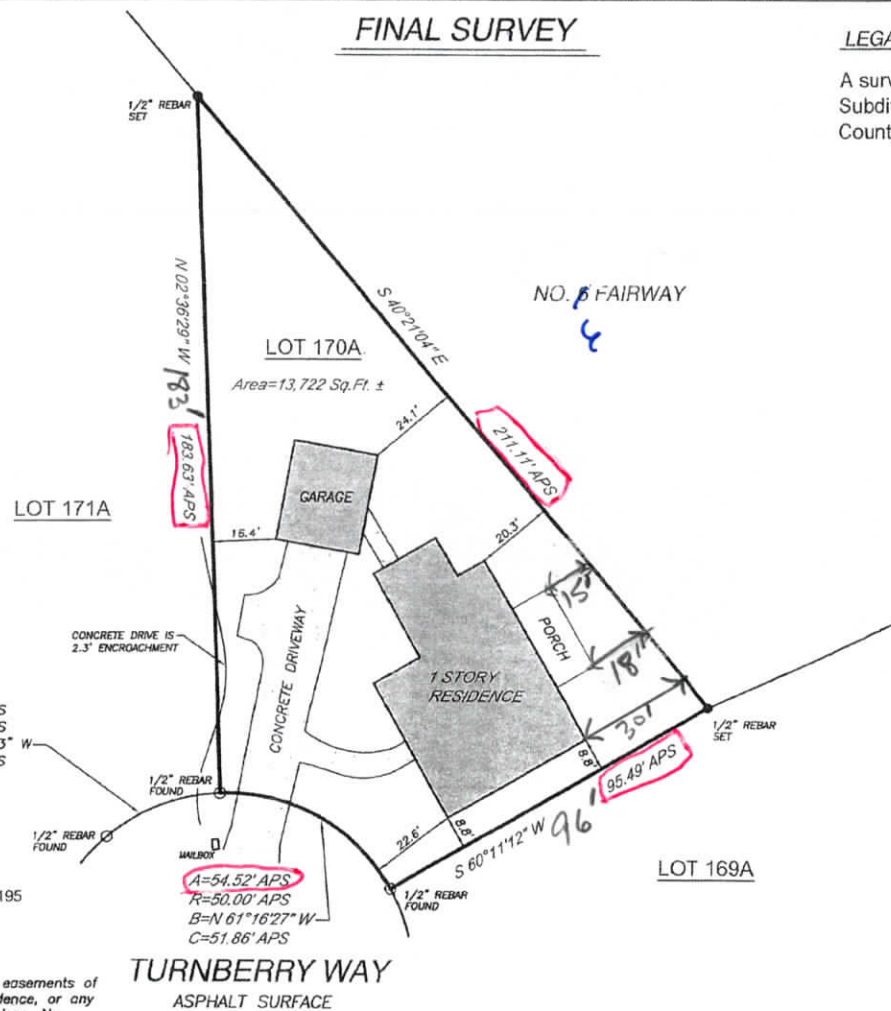
SCALE: 1" = 30'

DATE: 11-26-19
REVISED: 08-13-2020

DRAWING: WO# 2020-223

CLIENT:
Jon & Patricia Bryant

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS



er X11

Library 3D CAD Tools View Window Help



a View Layer Set

X petie new 1st Floor X petie new porch option ...Elevation - Elevation 2 X petie new porch option ...ull Overview - Camera 3 X petie new porch option ...auto_save_bak: Orthographic Full Overview - Camera 3



Mouse-Orbit Camera [Alt+O]

All Floors

Drawing



Search



File Window Help



petie new porch option...levation - Elevation 2 x petie new porch option ...ull Overview - Camera 3 x petie new porch option ...Elevation - Eleva

Full Overview - Camera 3



Select Objects [Space]

All Floors

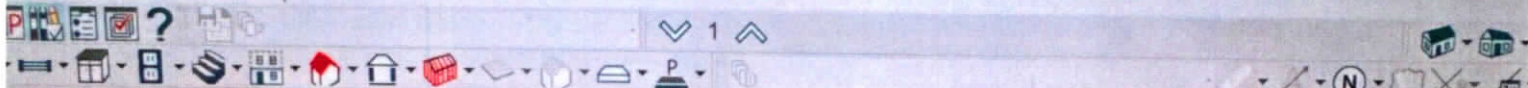
Drawing Group: -



Search



CAD Tools View Window Help



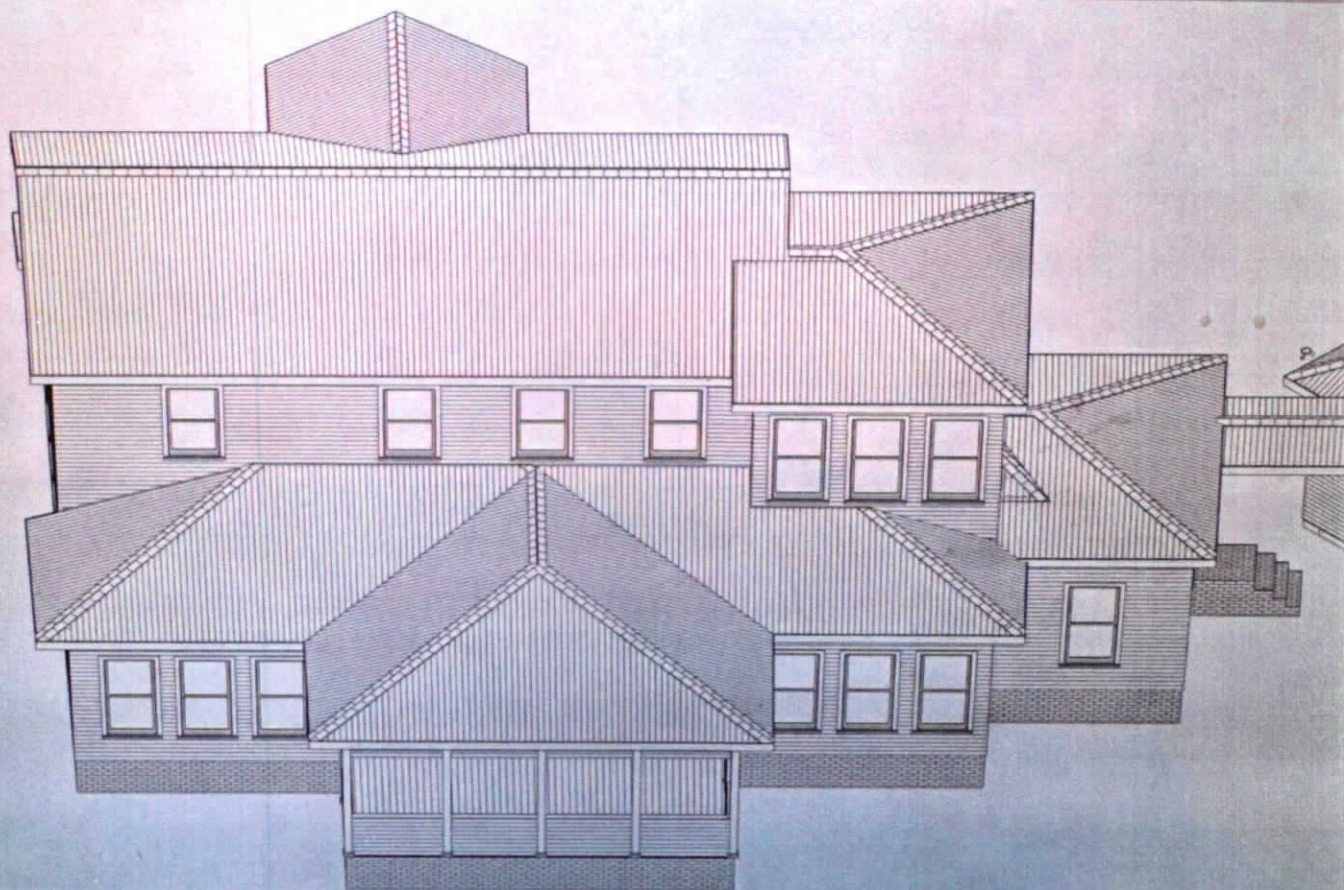
Layer Set

save_bak: Layout X

petie new porch option 1_auto_save_bak: 1st Floor X

petie new porch option 1_auto_save_bak: Orthographic Full Overview - Camera 3 X

ak: Orthographic Full Overview - Camera 3



Done: 171120 surfaces

All Floors

Drawing Group:



Search

