



City of Diamondhead

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STAFF REPORT TO PLANNING COMMISSION

DATE: August 25, 2020

CASE FILE NUMBER: 202000277

APPLICANT: Glenn E. Chauffe

PROPERTY OWNER: same as applicant

TAX PARCEL NUMBER: 068R-3-41-059.000

PHYSICAL STREET ADDRESS: 7321 Analii Street

LEGAL DESCRIPTION: Diamondhead Subdivision Phase 2, Unit 10, Block 6, Lot 1

ZONING DISTRICT: R-2 Medium Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST:

Mr. Glenn E. Chaffe has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to construct a roof over a patio within 9.7' of the rear property line.

The property address is 7321 Analii Street. The tax parcel number is 068R-3-41-059.000. The legal description is Diamondhead Subdivision Phase #2, Unit 10, Block 6, Lot 1. The property is located in a R-2 zoning district. The rear yard setback is 20'.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: August 25, 2020

ACTION BY THE PLANNING COMMISSION: 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 time period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

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 character of the district.
- G. The Variance would 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.

NOTES: In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.

Under no circumstances shall the Planning Commission or Mayor and City Council grant a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

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

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

- This property is a corner lot and the lot directly behind house is owned by the DHPOA which is wooded.
- In the past the Planning Commission has approved a variance for the construction of a roofed patio within 11.5' of the golf course.
- 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 (existing patio).
- The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- That the Variance requested will not result in any change in use or density of the subject property.



Commissioner Bice
Commissioner Milton
Commissioner Bower
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, August 25, 2020

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. July 28, 2020 Commission meeting

New Business

- 3.

Mr. Glenn E. Chaffe has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to construct a roof over a patio within 9.7' of the rear property line.

The property address is 7321 Analii Street. The tax parcel number is 068R-3-41-059.000. The legal description is Diamondhead Subdivision Phase #2, Unit 10, Block 6, Lot 1. The property is located in a R-2 zoning district. The rear yard setback is 20'.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

4. next City Council meeting Tuesday, September 1, 2020
next Planning Commission, Tuesday, September 29, 2020

Adjourn or Recess



MINUTES
PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
July 28, 2020
6:00 p.m. CST

1. Chairman Bice called the meeting to order at 6:00 p.m. CST.
2. Commissioner Rubar recited the Statement of Purpose.
3. Chairman Bice led the Pledge of Allegiance.

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

Also present, City Attorney Derek Cusick, Building Official Ronald Jones, Building Inspector Beau King, Minutes Clerk Tammy Braud

4. Confirmation of the Agenda

Commissioner Bower moved, second by Commissioner Rubar to approve agenda as presented.

Ayes: Rubar, Torguson, Layel, Bice, and Bower. Nays: None. Absent: Hourin, Hector

MOTION CARRIED UNANIMOUSLY

5. Approve Minutes. –

Commissioner Bower moved, second by: Commissioner Torguson to accept the minutes of May 26, 2020

Approved: **Unanimously**

6. New Business –

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Case File Number 202000247

Ms. Ann Marie Petrovich Bonnette has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 L iii) to construct a black metal fence on the property line as well as on the side property lines within the 10' setback.

The property address is 57143 Diamondhead Drive East. The tax parcel number is 131C-1-13-117.001. The legal description is Diamondhead Subdivision Phase 1, Block 8, Lot 24. The property is located in a R-2 zoning district. The fence is required to be set back 10' from the rear property line due to being located on the golf course.

Chairman Bice asked if anyone was present to represent Ann Marie Petrovich Bonnette.

Ann Marie and Patrick Bonnette answered questions from the Commissioners.

Ronald Jones, Building Official, proposed a recommendation to deny the request of constructing a black metal fence due to conditions listed in his staff report .

Chairman Bice asked if there were any public comments. None

Commissioner Bower made a motion, seconded by Commissioner Layel, to recommend to deny to the City Council the matter in the Case File Number 202000247 as recommended by Ronald Jones.

A Roll Call Vote Was Taken:

Ayes: Bice, Torguson, Rubar, Bower and Layel. Nays: None Absent: Hourin, Hector

MOTION CARRIED UNANIMOUSLY**Case File Number 2020000223**

Tammy Fields has file an application requesting a variance from the Zoning Ordinance (Article 4.6.5 E iii) to allow an existing carport recently constructed within 3'1" of the rear property line. The edge of the roof is 32" from the rear property line. The Case File Number is 202000223.

The property address is 8912 Anahola Court. The tax parcel number is 067J-3-36-143.000. The legal description is Diamondhead Subdivision Phase 2, Unit 7A, Block 1, Lots 75. The property is located in a R-2 zoning district. The minimum rear yard setback is 20 feet.

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

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At this time Chairman Bice asked if anyone was present to represent Tammy Fields. Tammy Fields answered questions from the commissioners. The builder, Ishmael Ortega, was also present to answer questions from the commissioners.

Ronald Jones, Building Official, proposed a recommendation to deny the application request based on the findings listed in the staff report.

Chairman Bice asked for any public comments. Patricia Arroyo spoke in behalf of her father, Elliott N. Arroyo, opposing the carport.

Commissioner Bower made a motion, second by Commissioner Torguson to approve the request to the City Council.

A roll call was taken:

Ayes: Bower Torguson , Nays: Rubar, Bice, Layel Absent: Hourin, Hector

Motion Failed

Text Amendment to the Flood Damage Prevention Ordinance; Elimination of Freeboard

The City of Diamondhead represented by Ronald Jones, Building Official, has filed an application requesting a text amendment to the Flood Damage Prevention Ordinance (Chapter 14 in Municode). The proposed text amendment would eliminate the 18 inches of freeboard required above the base flood elevation.

Ronald Jones, Building Official explained the text language and recommended approval.

Commissioner Rubar made a motion, second by Commissioner Layel to approve the amendment to the City Council.

Chairman Bice asked for public comments. None

A roll call was taken:

Ayes:, Rubar, Bice, Torguson, Bower, and Layel. Nays: None Absent: Hourin, Hector

Motion Carried Unanimously

Subdivision Regulations – City of Diamondhead

The City of Diamondhead represented by Ronald Jones ,Building Official is considering the adoption of the proposed subdivision regulations to guide land development.

City Attorney, Derek Cusick and Building Official Ronald Jones, gave a brief explanation of a subdivision regulations

Chairman Bice asked for any public comments: None

Commissioner Rubar made a motion, second by Commissioner Bower to recommend approval of the proposed subdivision regulations as presented by Ronald Jones, Building Official to City Council.

Roll Call was Taken:

Ayes: Bice, Rubar, Torguson,Bower, Layel, **Nays:** None **Absent:** Hourin, Hector

Motion Carried Unanimously

Tax Increment Financing Redevelopment Plan- City of Diamondhead

The City of Diamondhead is preparing to adopt a Tax Increment Financing (TIF) Redevelopment Plan. As part of the requirement, a statement is needed from the Planning Commission that the TIF Redevelopment Plan is in conformance with the Comprehensive plan.

Ronald Jones, Building Official read a proposed letter addressed to Mayor Schafer from the Planning and Zoning Commission that the TIF Redevelopment Plan is in conformance with the Comprehensive Plan.

Commissioner Bower made a motion, second by Commissioner Layel to confirm the TIF Redevelopment Plan is in conformance with the Comprehensive Plan.

Motion Carried Unanimously

Unfinished Business – None

8. Open Public Comments to Non-Agenda Items: Mike Reso, City Manager reminded everyone about the Special Call Meeting August 5 at 6:00 pm.

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9. Commissioners' Comments: Chairman Bice commended Mike Reso on a job well done.

10. Communication / Announcements. – Ronald Jones, Building Official, informed commissioners of 1 case for next month's meeting

11. Adjourn – Commissioner Bower moved, seconded by Layel, to adjourn at approximately 7:24 p. m. CST.

Ayes: Rubar, Torguson, Bice, Layel and Bower. Nays: None. Absent: Hourin, Hector

MOTION CARRIED UNANIMOUSLY

EJ Bice, Chairman

Planning & Zoning



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 2020000277

Date July 13 2020

Applicant: Glenn E CHAUFFE

Applicant's Address: 7321 Anali St

Applicant's Email Address: gccha@att.net

Applicant's Contact Number: (Home) 228-255-4896 (Work) Ret (Cell) 228-342-2750

Property Owner: Glenn E Chauff

Owner's Mailing Address: 7321 Anali St D/H Miss. 39525

Owner's Email Address gccha@att.net

Owner's Contact Number: (Home) 225-4806 (Work) Ret (Cell) _____

Tax Roll Parcel Number: 068R3-41-059.000

Physical Street Address: 7321 Anali St D/H Miss 39525

Legal Description of Property: Single Story Brick Home

Zoning District: R2

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

to Build within 15' 6" of Property Line

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 25, 2020 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]
Signature of Applicant

[Signature]
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 ()

REQUIRED ITEM A

Property Owner Glenn E. Chauffe

Street Address 7321 Anahie St D/H Miro 39525

Statement Describing Variance Request

to Build within 10'6" of Property line

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: NO

- 2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLIANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

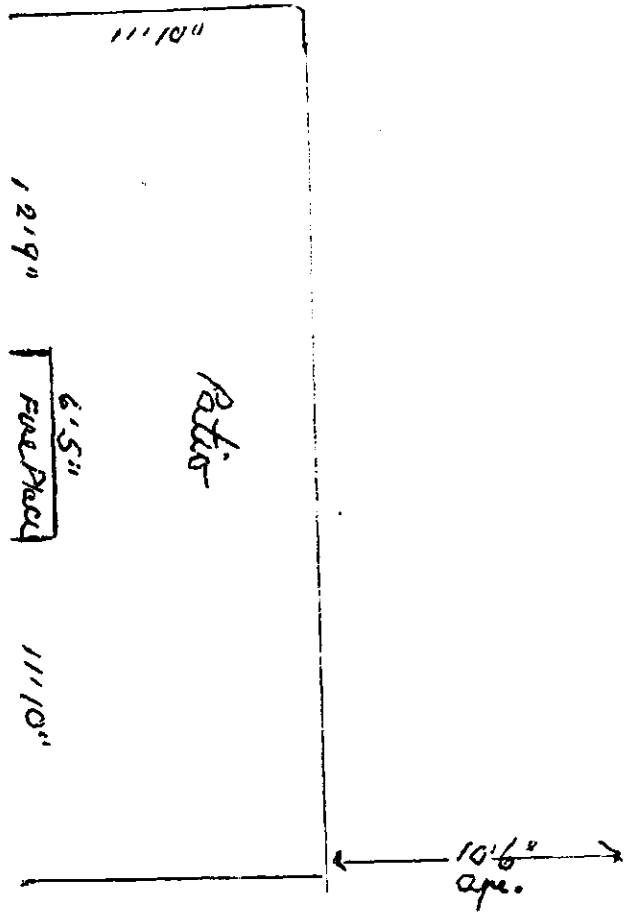
Response: NO

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

Response: NO

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

Response: NO



Item No.3.

BILLINGSLEY, DAVID R ETAL

60

DIAMONDHEAD COUNTRY CLUB & POA INC

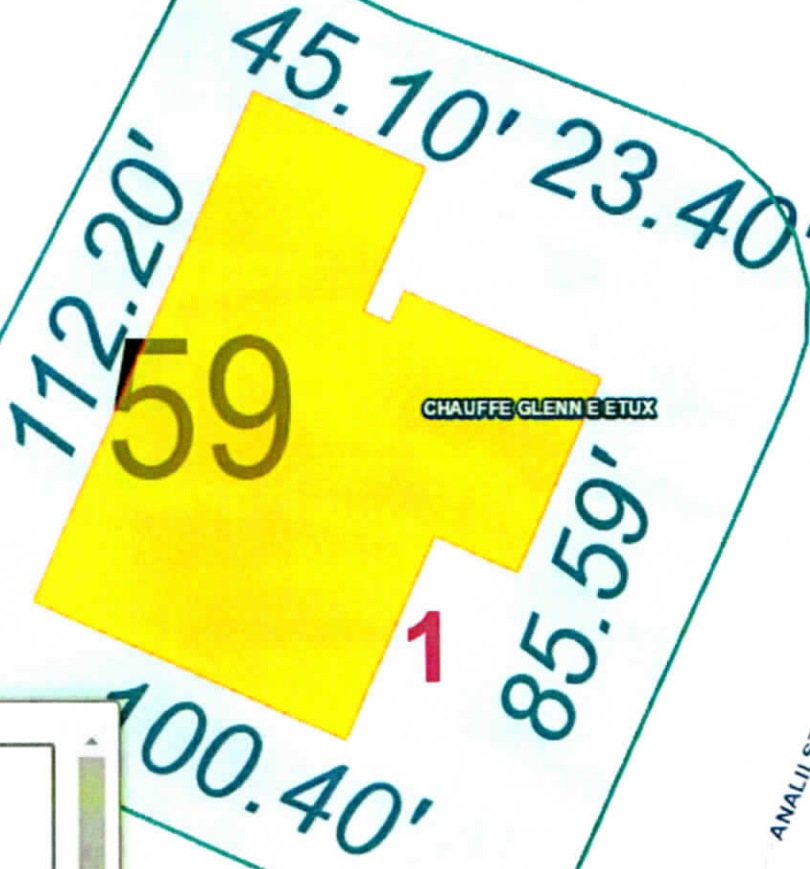
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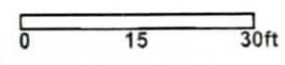
115'



**CHAUFFE
GLENN E ETUX**

Parcel Number: 068R-3-41-059.000
 Owner Name: CHAUFFE GLENN E ETUX
 Owner Address: 7321 ANALII STREET
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 7321 ANALII STREET
 Improvement Type: RES
 Year Built: 1993
 Base Area: 1617
 Adjusted Area: 2309
 Improvement Value: 127130
 Land Value: 12000
 Total Value: 139130
 Estimated Tax: 849.98
 Homestead Exemption: Yes
 Deed Book: Z7
 Deed Page: 725
 Legal Description 1: DIAMONDHEAD PH 2 UN 10 BLK 6 L
 Legal Description 2: OT 1
 Legal Description 3:
 Legal Description 4:
 Legal Description 5:
 Legal Description 6:
 Longitude: 0
 Latitude: 0

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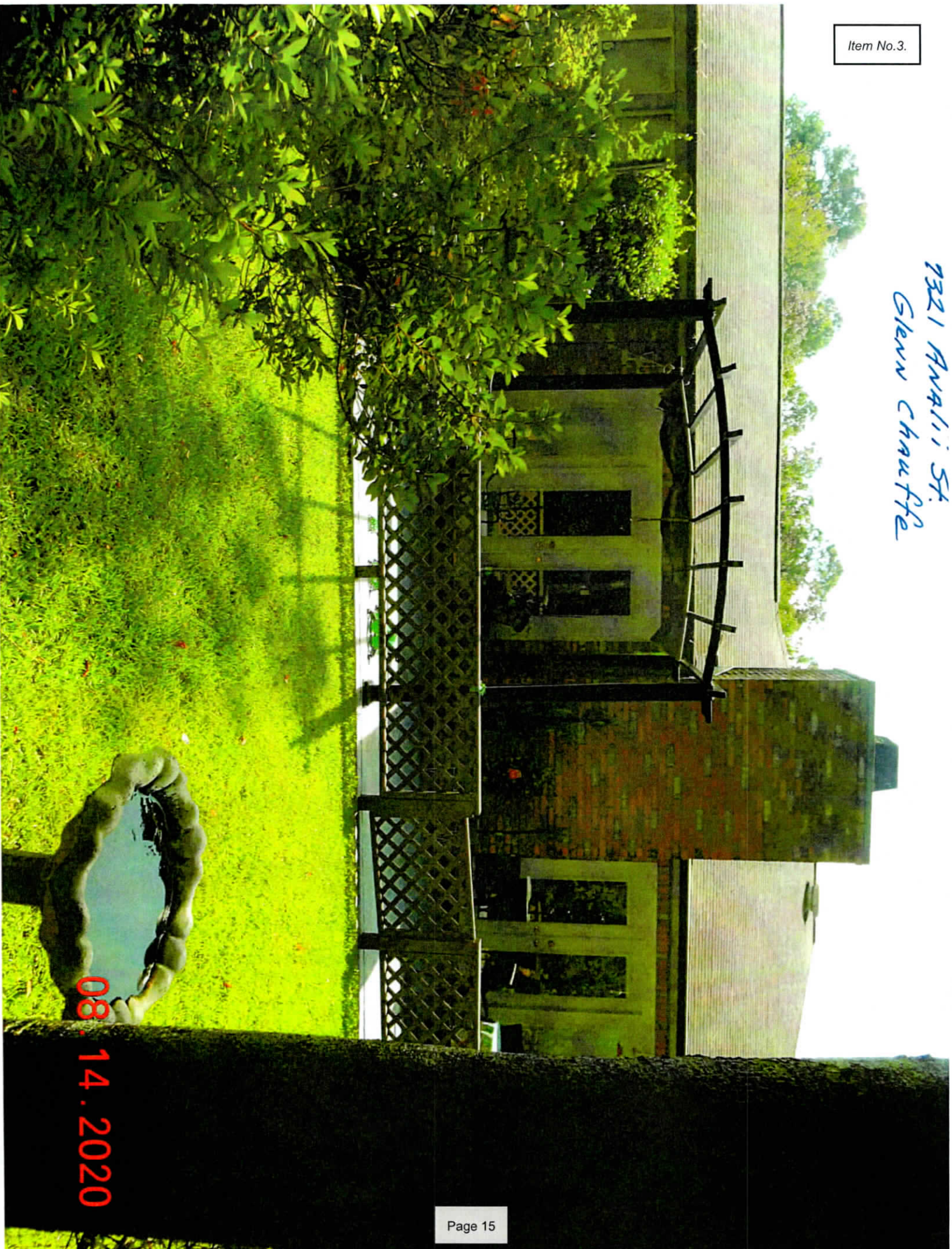
Item No.3.

2321 Anahii St.
Glenn Chauffe



08.14.2020

7321 ANNALI, ST.
GLENN CHAUFFE



08.14.2020

Item No.3.



08.14.2020