



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: J. Pat Rich, Development Coordinator

DATE: October 28, 2022

SUBJECT: Elliott Homes Cul-de-sac Variance Request

Elliott Homes, LLC. represented by Josh Fleming has submitted a request for a variance from the Subdivision Regulations (Article 308.6) to allow the construction of a cul-de-sac on Hahalua Lane, 723 feet in length. The variance requested is 123 feet. Hahalua Lane is in Phase 2 of Diamondhead Lakes Subdivision.

Subdivision Regulations (Article 308.6) states "No street terminating with a cul-de-sac shall exceed 600' in length unless a variance is granted." On November 2, 2021, the Council adopted the 2018 Edition of the Family of the International Code Council (ICC). The Subdivision Regulations have not been updated to reflect this adoption. The 2018 Edition increases the length to 750' with a variance. You will notice there is another agenda item requesting the Planning Commission to hold a public hearing for the purpose of adopting a Text Amendment to effect this change. The Fire Chief supports this change.

At its regular meeting on October 25, 2022, the Planning Commission voted 3 yes and 4 abstaining on the motion to recommend approving the variance as requested. Therefore, the motion did not pass and comes to you without a recommendation from the Planning Commission. The staff recommendation is to approve the variance as requested based on the findings above. The required legal notices were published and mailed to property owners within 400'.



Commissioner Bennett
Commissioner Brewer
Commissioner Cook
Commissioner Debrow
Commissioner Flowers
Commissioner Layel
Commissioner Nicaud

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, October 25, 2022

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 September 27, 2022 minutes.

New Business

3. Structures of Diamondhead, Inc. represented by Jimmy Grotkowski has submitted a Sketch Plat for "Townhouses at Highpoint" for review, consideration, and approval. The Sketch Plat is a 17-lot single-family attached townhouse unit subdivision on a 2.08 Acre tract of land, being 067L-0-35-089.000. The subject property is in PT SE1/4-NE1/4 35-7-14. The property is bordered on three sides by Highpoint Drive and homes along Golf Club on the southwest.
4. Elliott Homes, LLC. represented by Josh Fleming has submitted a request for a variance from the Subdivision Regulations (Article 308.6) to allow the construction of a cul-de-sac 723 feet in length. The variance requested is 123 feet. The property address is the proposed Hahalua Lane at Diamondhead Lakes Drive in the Diamondhead Lakes subdivision. The tax parcel number is 067L-0-35-012.000. The maximum length of a cul-de-sac is 600 feet. The variance requested is 123 square feet. The Case File Number is 202200448.
5. Craig Bergeron has filed an application requesting a variance from the Zoning Ordinance (Article 4.5.5 G) to allow the construction of a 1,706 square foot residence on a lot designated 2,000 square foot minimum. The variance requested is 294 square feet. The property address is 6410 Huko Court. The tax parcel number is 131D-2-13-009.000. The property is in a R-1 zoning district. The minimum square footage for this lot is 2,000. The variance requested is 294 square feet. The Case File Number is 202200450.

*Failed
3- for
4- Abstain*

Unfinished Business



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: October 17, 2022

CASE FILE NUMBER: 202200448

APPLICANT: Elliott Homes, LLC

TAX PARCEL NUMBER: 067L-0-35-012.000

PHYSICAL STREET ADDRESS: Hahalua Lane

ZONING DISTRICT: R-2 Medium Density Single Family Home

TYPE OF APPLICATION: Variance from Subdivision Regulations

NATURE OF REQUEST: To allow a cu-de-sac 723' in length. The variance requested is 123'.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: October 25, 2022

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. 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 special conditions and circumstances do not result from the actions of the applicant.
- C. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, similarly situated.
- D. 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.

NOTES: In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with these regulations. 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 these regulations.

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

The staff recommends approving the variance based on the following findings of fact. In researching the reasoning for the 600' restriction, Michael Munger, Fire Chief of the Diamondhead Fire Protection District advised this appears to be a legacy ordinance because years ago, a fire truck would typically carry 600' of supply hose. That is no longer the case and the 2018 International Fire Code, which was adopted by the city November, 2021, states special conditions are only required when the cul-de-sac exceeds 750'. This is a case where the Subdivision Regulations have not been updated with the 2018 ICC codes.

Pat Rich

From: Ben Benvenuti <bvenuti@cce.ms>
Sent: Monday, October 17, 2022 4:41 PM
To: Ronald Jones
Cc: Beau King; Pat Rich
Subject: RE: Variance Request cul de sac exceed 600'; DH lakes.pdf

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

Mr. Ron,

We recently received correspondence on this from the Fire Chief which is to be included in the subdivision regulations update. The information provided from the Fire Chief is in the International Fire Code (IFC) 2018 for criteria on cul-de-sacs that exceed 600'. The IFC criteria is shown below for reference.

I would recommend approval of the variance provided the roadway satisfies the IFC criteria. 26 ft roadway with a 120-foot hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac.

TABLE D103.4 REQUIREMENTS FOR DEAD-END FIRE

LENGTH (feet)	WIDTH (feet)	
0–150	20	None required
151–500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in
501–750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in
Over 750		Specia

For SI: 1 foot = 304.8 mm.

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

Elliott Homes, LLC. represented by Josh Fleming has submitted a request for a variance from the Subdivision Regulations (Article 308.6) to allow the construction of a cul-de-sac 723 feet in length. The variance requested is 123 feet.

The property address is the proposed Hahalua Lane at Diamondhead Lakes Drive in the Diamondhead Lakes subdivision. The tax parcel number is 067L-0-35-012.000. The maximum length of a cul-de-sac is 600 feet. The variance requested is 123 square feet. The Case File Number is 202200448.

The Planning Commission shall review and submit a recommendation to the City Council.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, October 25, 2022, 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.

DIAMONDHEAD FIRE PROTECTION DISTRICT

4440 KALANI DRIVE, DIAMONDHEAD MS 39525

October 5, 2022

Ron Jones
Building Official
City of Diamondhead

Re: Cul-de-sac Variance

Mr. Jones,

I do not see anything in the fire code that prohibits a cul-de-sac over 600 feet. It looks like that is a legacy ordinance in most jurisdictions based on fire trucks typically carrying 600' of supply hose years ago. There is an issue with turnarounds. For very long dead ends, it would be beneficial to have a turnaround roughly midway both for speed in response, and as a redundant capability in the event the cul-de-sac at the end is blocked for some reason. I think the addition of a turnaround would be a reasonable request to approve the variance. Any of the approved styles of turnarounds in Appendix D of the IFC would be acceptable (note the proposed site plan shows the cul-de-sac as 70' and the code requires 96').

Very Sincerely,



Michael O. Munger
Fire Chief
Diamondhead Fire Protection District



Diamondhead
Lakes 1 Ph 2

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

APPLICATION FOR VARIANCE REQUEST

Case Number: _____

Date September 23, 2022

Applicant: Josh Fleming

Applicant's Address: 1402 Pass Road, Gulfport, MS 39501

Applicant's Email Address: jfleming@myelliottthome.com

Applicant's Contact Number: (Home) N/A (Work) 1-844-289-3554 (Cell) 228-257-9914

Property Owner: Elliott Land Development, LLC

Owner's Mailing Address: 1402 Pass Road, Gulfport, MS 39501

Owner's Email Address brandon@myelliottthome.com

Owner's Contact Number: (Home) N/A (Work) 1-844-289-3554 (Cell) 228-257-9914

Tax Roll Parcel Number: 067L-0-35-012.000

Physical Street Address: _____

Legal Description of Property: _____

Zoning District: R-2 (single-family residential)

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) Per paragraph 308.6, No street terminating in a cul-de-sac shall exceed 600' in length unless a variance is granted. Our proposed Halalua Lane exceeds 600'. We are requesting a variance to keep the proposed layout of Hahalua Lane as shown.

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.
See attached
- 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: *See attached*
- 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 October 25th, 2022 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 ()

REQUIRED ITEM A

Property Owner Elliott Land Development, LLC

Street Address Proposed Hahalua Lane intersecting Diamondhead Lakes Drive
within the proposed Diamondhead Lakes subdivision.

Statement Describing Variance Request

Per paragraph 308.6, No street terminating in a cul-de-sac shall exceed 600' in
length unless a variance is granted. Our proposed Hahalua Lane is 723'. We are
requesting a variance to keep the proposed Hahalua Lane as is.

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: The variances being requested only affects the land in question and non other
surrounding or similar properties.

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, literal interpretation of the zoning ordinance does not 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?

Response: No, this circumstance is caused by aiming to please the residents that live adjacent
to the proposed subdivision property along Diamondhead Drive West by installing a cul-de-

sac instead of a T-intersection with the proposed Hahalua Lane and the existing Diamondhead
Drive West.

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

Response: This varinace does not give any special privilages or rights shared by owners of
similar properties. This variance will only allow for a road ending in a cul-de-sac to be greater
than 600' in lenght.