



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 *J. Pat Rich*

DATE: October 28, 2022

SUBJECT: 6410 Huko Court Minimum Square Footage Variance Request

Craig Bergeron has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) 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.

At its regular meeting on October 25, 2022, the Planning Commission voted 7-0 to recommend approving a 200 square foot variance. This will allow an 1,800 square foot to be built which is what was approved for the new area next to him. The public notice was published and mailed to property owners within 400'. They were no objections to the variance.



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.

Approved
200 / variance
7-0

Unfinished Business



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

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STAFF REPORT TO PLANNING COMMISSION

DATE: October 17, 2022

CASE FILE NUMBER: 20220045

APPLICANT: Craig Bergeron

TAX PARCEL NUMBER: 131D-2-13-009.000

PHYSICAL STREET ADDRESS: 6410 Huko Court

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

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Allow 1,706 square foot residence on a lot designated 2,000 square foot minimum. The variance requested is 294 square feet.

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, 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.
- I.

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.

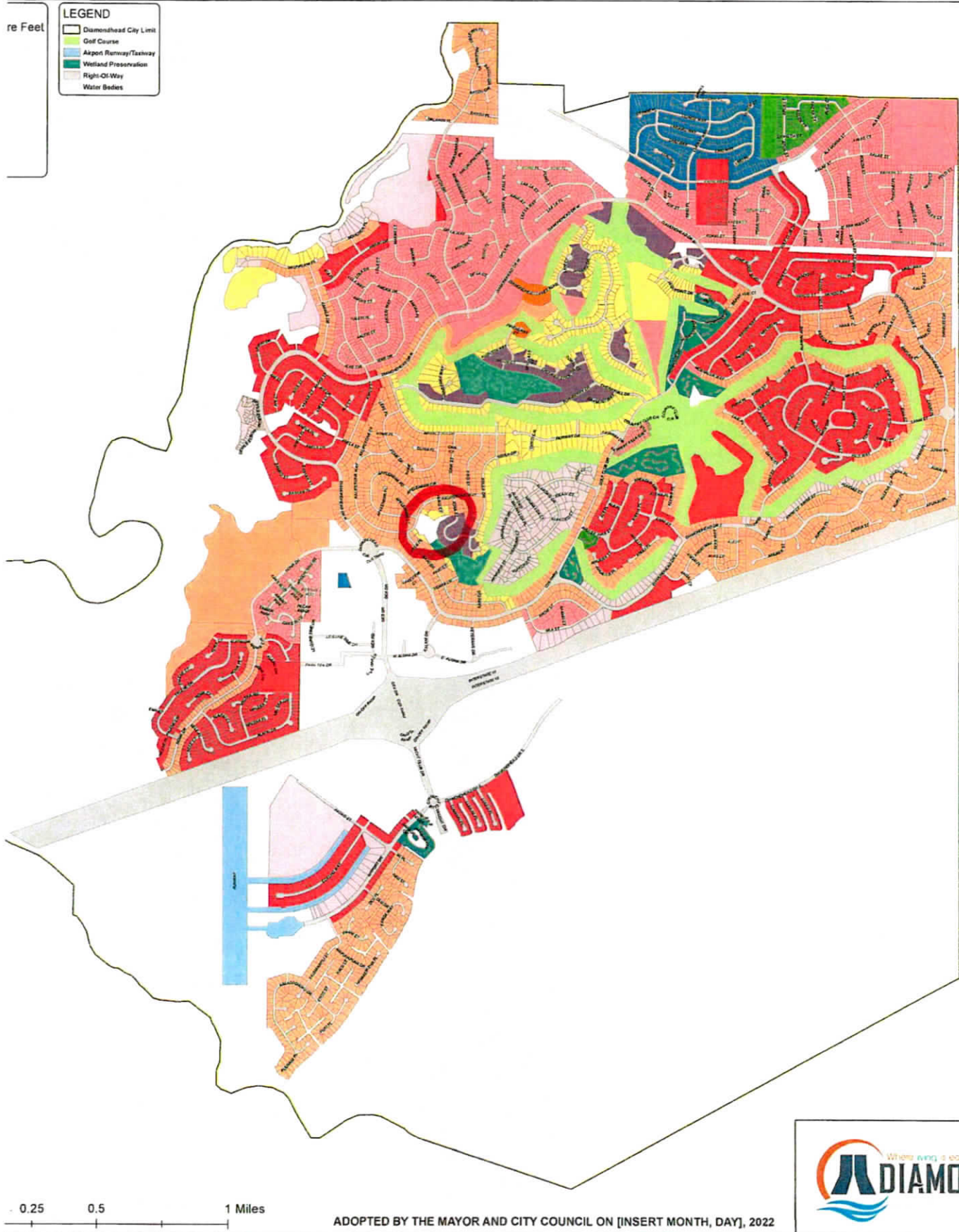
RECOMMENDATION TO PLANNING COMMISSION: To **deny** the variance as petitioned.

The staff recommends **denying** the variance based on the following findings of fact.

- A. That special conditions and circumstances *do not* 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.
- B. That literal interpretation of the provisions of this title *would not* 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, if any, *do* result from the actions of the applicant.
- D. That granting the variance requested *will* 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 not* represent the minimum variance that will afford relief and *will not* represent the least modification possible of the regulation in issue.
- F. The Variance *does not* observe the spirit of the Ordinance and *will* change the character of the district (area).
- G. The Variance *will not* observe the spirit of the Comprehensive Plan.
- H. That the Variance requested *will* result in any change in use or density of the subject property.

This lot was designated a 2,000 square foot minimum in 2012. The lots adjoining it to the west are all 2,000 square foot minimums. At the time the property was purchased, September, 2020, it 2,000 square foot minimum. The lot fronts property owned by the POA which is part of the unnamed body of water on Kalipekona Way. The proposed house plans show an unfinished 2nd story which if finished, would meet the minimum requirements. Reducing the minimum square footage will not represent the least modification possible.

Minimum Square Footage Requirements City of Diamondhead, Mississippi





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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202200450

Date 9/23/22

Applicant: CRAIG J. BERGERON

Applicant's Address: 2368 COELHO WAY DIAMONDHEAD MS 39525

Applicant's Email Address: CJB4LSU@YAHOO.COM

Applicant's Contact Number: (Home) — (Work) (985) 641 8430 (Cell) (985) 768 0075

Property Owner: CRAIG J. BERGERON

Owner's Mailing Address: 2368 COELHO WAY DIAMONDHEAD MS 39525

Owner's Email Address CJB4LSU@YAHOO.COM

Owner's Contact Number: (Home) — (Work) (985) 641 8430 (Cell) (985) 768 0075

Tax Roll Parcel Number: 131D-2-13-009.000

Physical Street Address: 6410 HUKU COURT DIAMONDHEAD MS 39525

Legal Description of Property: LOT 11, BLOCK 12, UNIT 10, DIAMONDHEAD, PHASE 2,

Zoning District: R1 - LOW DENSITY SINGLE FAMILY

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

WOULD LIKE TO REQUEST THAT MY MINIMUM SQUARE FOOTAGE (DWELLING)
BE REDUCED TO SAME MINIMUMS OF NEIGHBORING PARCELS
IN AREA THAT ARE NOT LOCATED ON GOLF COURSE OR
WATER FRONT. REQUEST IS TO HAVE MINIMUMS OF 2000' SQ FT
REDUCED TO SURROUNDING MINIMUM OF 1400'. SAID PROPERTY
WILL BE 1706' HEATED AND 2936' UNDER BEAM.

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 October 25, 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 CRAIG J BERGERON

Street Address 6410 HUKO CT. DIAMONDHEAD MS 39525

Statement Describing Variance Request

THE MINIMUM SQUARE FOOT REDUCTION IS TO MATCH / COMPLIMENT
NEIGHBORING PARCELS IN AREA THAT ARE NOT LOCATED ON
ANY PORTIONS OF THE GOLF COURSE AS WELL AS NOT NEAR WATERFRONT.
CURRENT MINIMUM OF 2000' REDUCED TO 1400'.

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: THIS REQUEST WILL ONLY HAVE AN EFFECT
ON LISTED PROPERTY ONLY. SQUARE FOOTAGE WOULD
BE 1706' HEATED / 2936' UNDER BEAM.

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: VARIANCE WILL NOT INTERFERE WITH SURROUNDING
PARCELS. THE SQUARE FOOTAGE WILL COMPLIMENT / MATCH
THE SURROUNDING PARCELS NOT LOCATED ON WATERFRONT OR GOLF COURSE

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

Response: CIRCUMSTANCES HAVE NOT BEEN CAUSED BY APPLICANT

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

Response: NO SPECIAL PRIVILEGES WILL BE RECEIVED BY
THE OWNER. WE ARE ONLY ASKING THAT WE BE
ABLE TO BUILD AT SIMILAR SQUARE FOOTAGE MINIMUMS.

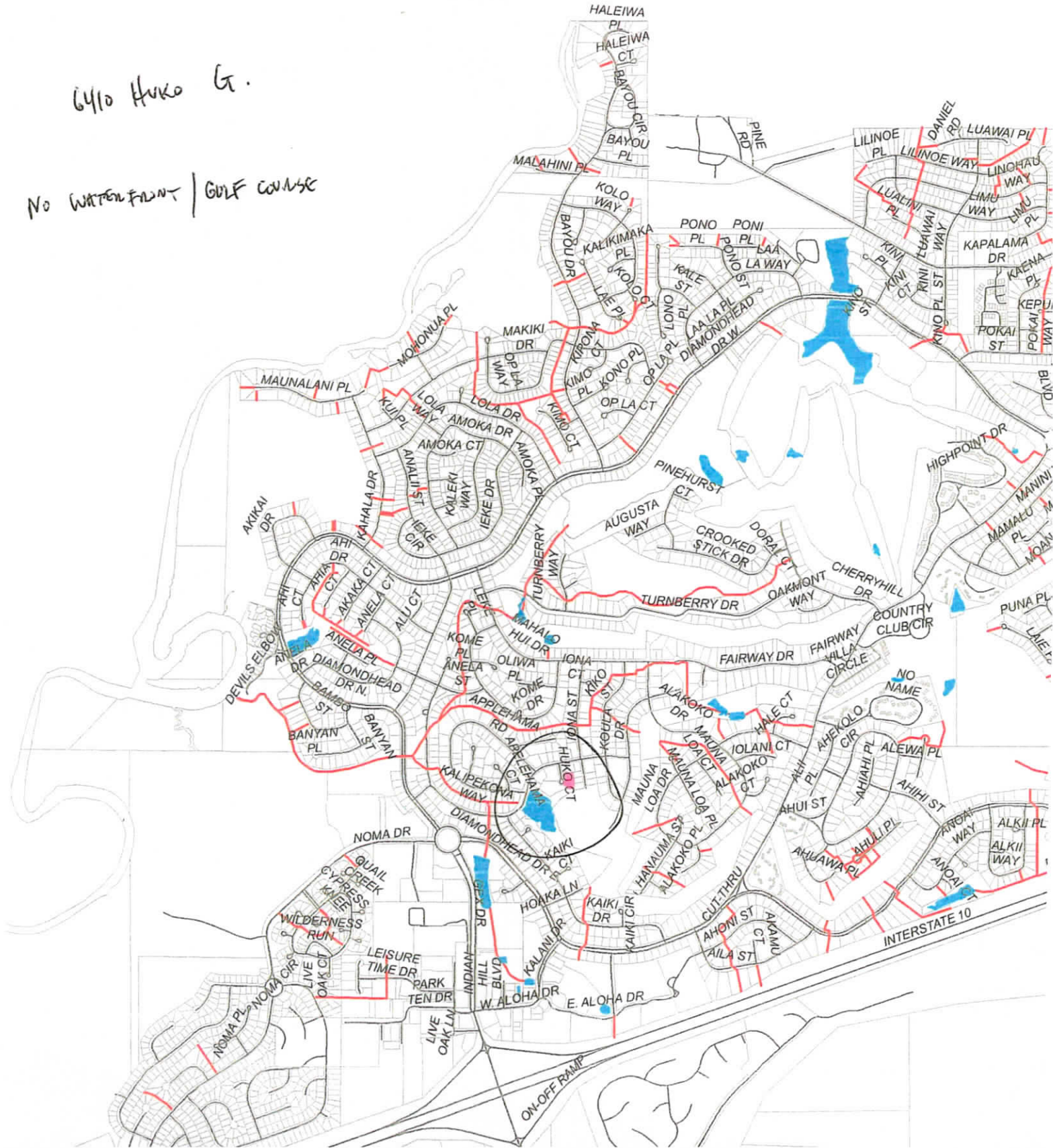


CHARL BELLERON
985 768 0075

LARGE DITCHES & RETENTION PONDS

6410 Huko G.

No WATER FRONT / GOLF COURSE



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

4.5.56
↑

Craig Bergeron has filed an application requesting a variance from the Zoning Ordinance (Article ~~4.19~~) 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.

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, 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, 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.