



Commissioner Brewer
Commissioner Lawson
Commissioner Parrish
Commissioner Peters
Commissioner Raymond
Commissioner Sutherland
Commissioner White

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, June 23, 2026

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 May 26, 2026, minutes.

Tabled Items

3. Greg Grassel has filed an application requesting a variance from the Zoning Ordinance Article 4.3.7 to allow a second accessory structure within 16" of a side property line. The property address is 7828 Alawai Avenue. The tax parcel number is 067Q-0-36-221.000. The property is in a R-6 zoning district. One accessory structure per residence is allowed. The setback for an accessory structure from the side property line is 5'. The variance requested is a second accessory structure 3'-8" from side property line. The Case File Number is 202600301.

5-0 recommend to
approve

Architectural Review

New Business

4. Jacob Malley has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a residence within 7.4' of a side property line. The property address is 7840 Maui Circle. The tax parcel number is 067R-2-36-187.000. The property is in a R-6 zoning district. The setback for a residence from the side property line is 10'. The variance requested is 2.6'. The Case File Number is 202600344.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

5. The next City Council meeting is Tuesday, July 7, 2026.



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

STAFF REPORT – 7840 MAUI CIRCLE VARIANCE

TO: Planning & Zoning Commission

FROM: Beau King, Building Official

DATE: June 22, 2026

SUBJECT: Variance request before the Planning & Zoning Commission – 7840 Maui Circle

NATURE OF REQUEST: Jacob Malley has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a residence within 7.4' of a side property line. The property address is 7840 Maui Circle. The tax parcel number is 067R-2-36-187.000. The property is in a R-6 zoning district. The setback for a residence from the side property line is 10'. The variance requested is 2.6'. The Case File Number is 202600344.

DATE OF PUBLIC HEARING: June 23, 2026, at 6:00 PM.

RECOMMENDATION: 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. *The lot narrows unevenly on the side variance is wanted.*
- 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 homes in the area which are closer than 10' to side property line.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *Conditions are created by the lot shape.*
- 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. *other similar variances have been granted.*
- 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. *Floor plan is conservative in size compared to lot size.*
- F. The Variance *does* observe the spirit of the Ordinance and *will not* change the character of the district (area). *7.4' rear setback still gives ample setback.*
- G. The Variance *will* observe the spirit of the Comprehensive Plan. *Observed.*
- H. That the Variance requested *will not* result in any change in use or density of the subject property. *No change in use or density.*



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202600344

Date 4/30/2026

Applicant: Jacob Malley

Applicant's Address: 5 Oakmont Place, Long Beach, MS 39568

Applicant's Email Address: [REDACTED]

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) [REDACTED]

Property Owner: Jacob Malley

Owner's Mailing Address: _____

Owner's Email Address: _____

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

Tax Roll Parcel Number: 067R-2-36-187.000

Physical Street Address: 7840 Maui Circle

Legal Description of Property: Phase 2, Unit 3, Block 7, Lot 1

Zoning District: _____

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

Requesting variance to allow 7.4' side setback instead of 10'

Highlighted triangular area is 2.6' into the setback.

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.

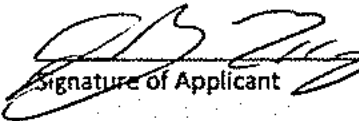
That additional information may be required by the Planning Commission prior to final disposition.

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 JUNE 23RD 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 N/A
- ☒ List of Property Owner

- ☒ Application Signed
- ☒ Written Project Description
- ☐ Drainage Plan NA ☒
- ☐ Notarized Statement NA ☒

REQUIRED ITEM A

Property Owner Jacob Malley

Street Address Maui Circle

Statement Describing Variance Request

Requesting variance to allow 7.4' side setback instead of 10'.

highlighted triangular area is 2.6' into the 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. The property narrows in the rear, which
limits the allowable width of the house.

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: No

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

Response: Yes. They are not caused by the owner.

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

Response: Yes. As I understand, these kinds of variances
are commonly granted.

Prepared By:
The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
228-255-0035
File No.: 26-0094

Return To:
The Casano Law Firm, P.A.
4403 West Aloha Drive
Diamondhead, MS 39525
228-255-0035

**STATE OF MISSISSIPPI
COUNTY OF HANCOCK**

WARRANTY DEED

For and in consideration of the sum of Ten And No/100 Dollars (\$10.00), cash in hand, paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I

The Thomas J. and Lisa N. Vergano Revocable Trust dated the 1st day of June, 2016, Grantor

7620 Fairway Drive
Diamondhead, MS 39525
Phone: [REDACTED]

Does hereby sell, convey, bargain and warrant to

Jacob Malley, Grantee
5 Oakmont Place
Long Beach, MS 39560
Phone: [REDACTED]

The following described real property situated and located in Hancock County, Mississippi, more particularly and certainly described as follows:

Lot 1, Block 7, Unit 3, Diamondhead, Phase 2, according to the map or plat thereof recorded in Plat Book 4, at pages 23-25, inclusive, in the office of the Chancery Clerk of Hancock County, Mississippi.

Together with all and singular the rights, privileges, improvements and appurtenances to the same belonging or in any wise appertaining.

This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

The Grantor herein certify that the property herein above conveyed forms no part of the homestead of said Grantor.

It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by Grantee herein.

WITNESS OUR SIGNATURES, this the 18th day of February, 2026.

The Thomas J. and Lisa N. Vergano Revocable Trust dated the 1st day of June, 2016

BY: Thomas J. Vergano
Thomas J. Vergano, Trustee

BY: Lisa N. Vergano
Lisa N. Vergano, Trustee

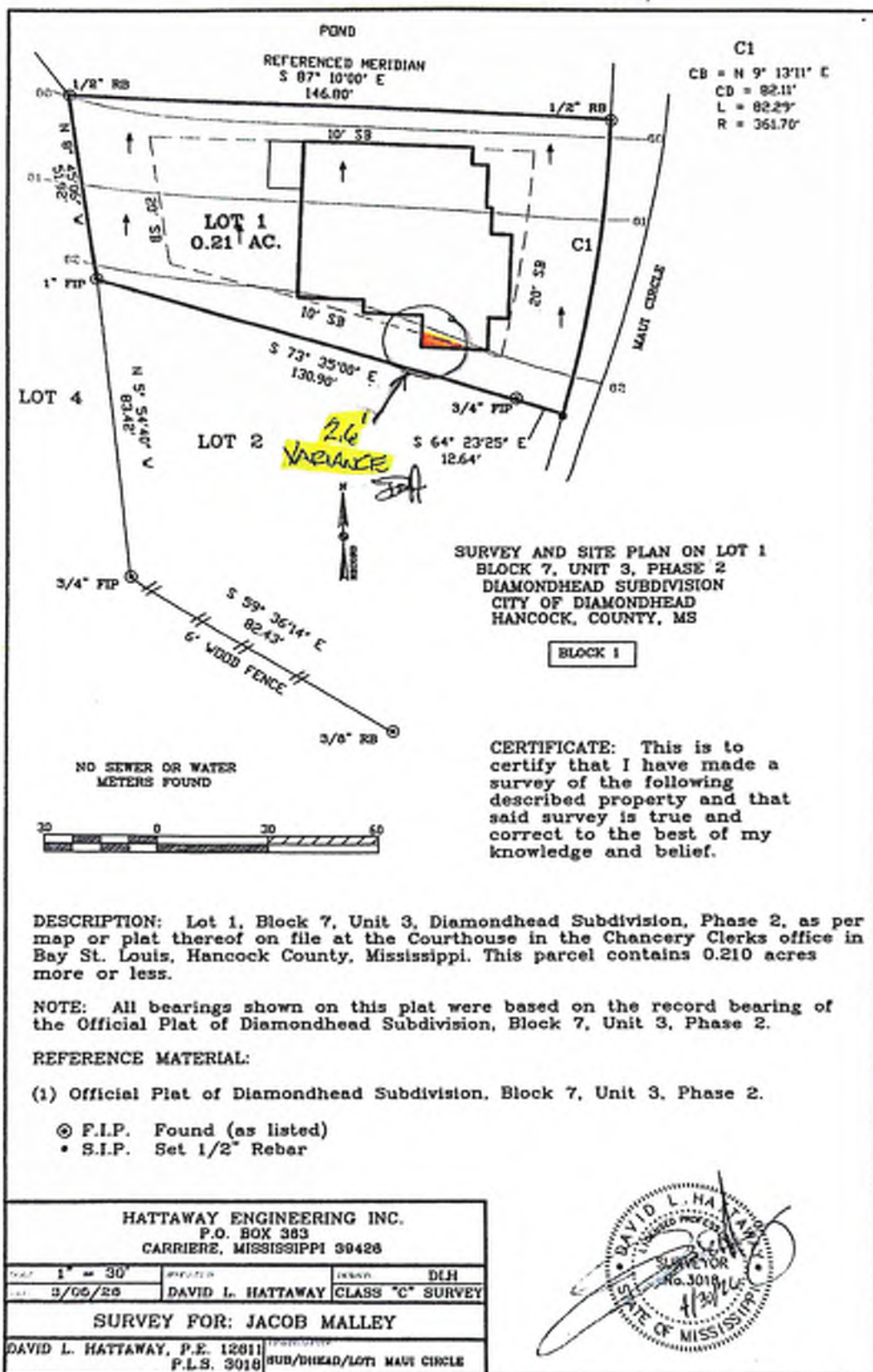
STATE OF MISSISSIPPI
COUNTY OF HANCOCK

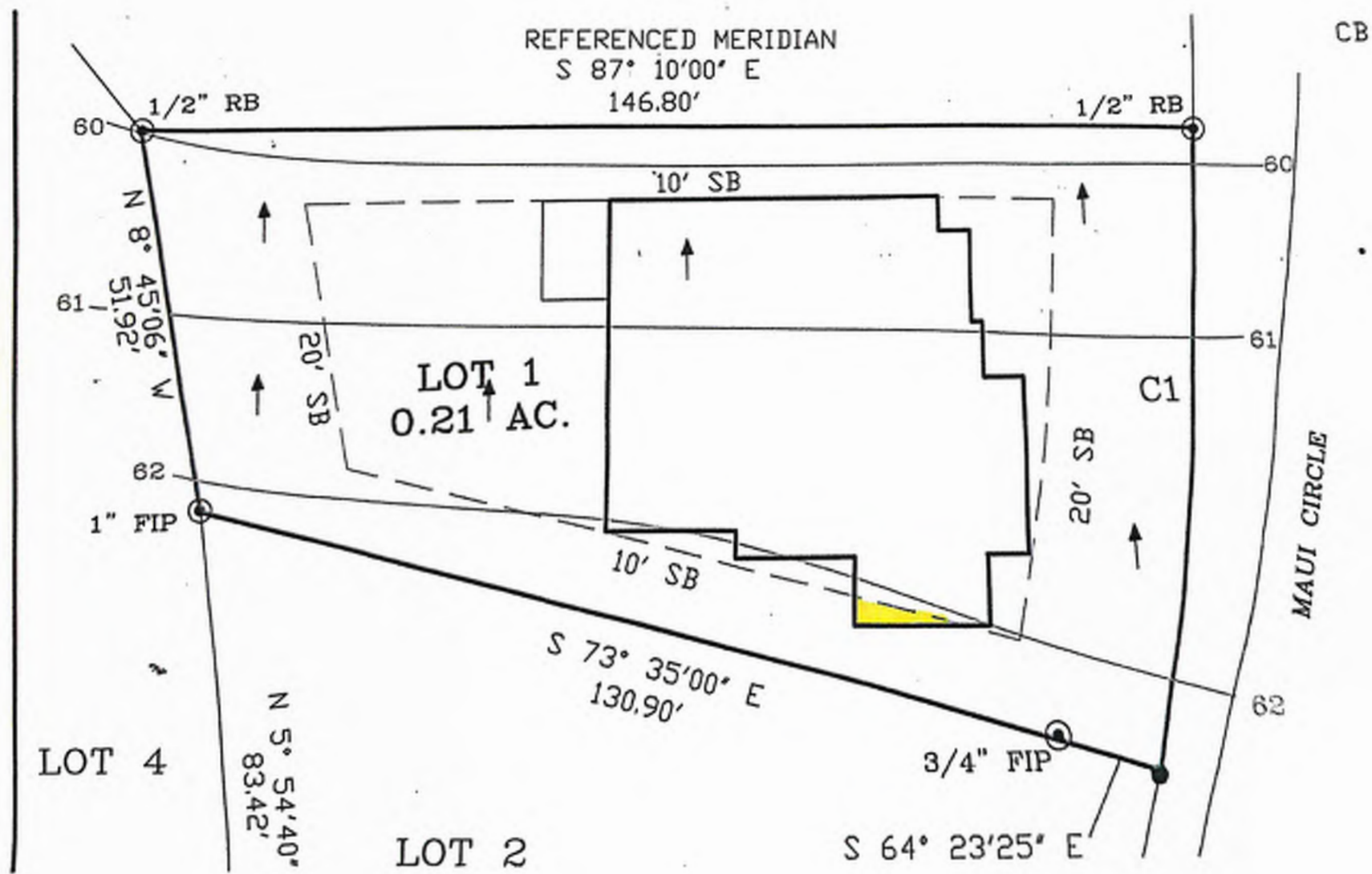
Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 18th of February, 2026, Thomas J. Vergano, Trustee of The Thomas J. and Lisa N. Vergano Revocable Trust dated the 1st day of June, 2016 and Lisa N. Vergano, Trustee of The Thomas J. and Lisa N. Vergano Revocable Trust dated the 1st day of June, 2016, who acknowledged that they/he/she signed and delivered the foregoing instrument of writing on the day and year therein mentioned.



Tabitha Garrard
Notary Public

My Commission Expires: _____





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

Jacob Malley has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a residence within 7.4' of a side property line.

The property address is 7840 Maui Circle. The tax parcel number is 067R-2-36-187.000. The property is in a R-6 zoning district. The setback for a residence from the side property line is 10'. The variance requested is 2.6'. The Case File Number is 202600344.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, 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 23, 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 Beau King, Building Official, at bking@diamondhead.ms.gov or 228-222-4023.

OWNER_N/ LRMADD CITY_ST_ZIP_OWNR

✓ DUGAN JEN 7854 HILO DIAMONDHEAD, MS 39525
✓ NICHOLSO 7812 HILO DIAMONDHEAD, MS 39525
✓ LUNDE KIM 7810 MAUI DIAMONDHEAD, MS 39525
✓ PARR STEPI 6680 STATE ADA, OH 45810
✓ LILES DUST 7818 HILO DIAMONDHEAD, MS 39525
✓ KEIM EDWII 780 MAUI C DIAMONDHEAD, MS 39525
✓ BYE SANDF 7810 LOA C DIAMONDHEAD, MS 39525
✓ HANKS FRE 7832 MAUI DIAMONDHEAD, MS 39525
✓ CONRY LEC 7826 MAUI DIAMONDHEAD, MS 39525
✓ BROWN JES 784 HILO P DIAMONDHEAD, MS 39525
✓ DUKE JAME 784 HILO C DIAMONDHEAD, MS 39525
✓ STOVALL S 788 MAUI C DIAMONDHEAD, MS 39525
✓ SHIYOU RO 784 MAUI C DIAMONDHEAD, MS 39525
✓ ARGUELLO 780 HILO C DIAMONDHEAD, MS 39525
✓ FORET JAS 7816 HILO DIAMONDHEAD, MS 39525
✓ RICCI GRE 7810 MAUI DIAMONDHEAD, MS 39525
✓ TRUEX AND 7816 HILO DIAMONDHEAD, MS 39525
✓ BLAISDELL 7858 HILO DIAMONDHEAD, MS 39525
✓ MCELVEEN 786 LOA CT DIAMONDHEAD, MS 39525
✓ VERGANO 17620 FAIRV DIAMONDHEAD, MS 39525
✓ BOGOLIN C 7810 HILO DIAMONDHEAD, MS 39525
✓ SPANGLER 7830 MAUI DIAMONDHEAD, MS 39525
✓ SOLLOD AL 7812 HILO DIAMONDHEAD, MS 39525
✓ BROWN JES 784 HILO P DIAMONDHEAD, MS 39525
✓ MOOAR SH 78105 HILC DIAMONDHEAD, MS 39525
✓ HALTERMAI 762 MAUI C DIAMONDHEAD, MS 39525
✓ SEALS THO 683 HILO V DIAMONDHEAD, MS 39525
✓ STRADER R 7822 HILO DIAMONDHEAD, MS 39525
✓ WHITE GER 7814 HILO DIAMONDHEAD, MS 39525
✓ MEYER PAT 7856 HILO DIAMONDHEAD, MS 39525
✓ SIMMS J JIL 782 HILO P DIAMONDHEAD, MS 39525
✓ ENTREVIEW 18825 MANC DIAMONDHEAD, MS 39525
✓ SHERWOOD 7814 MAUI DIAMONDHEAD, MS 39525
✓ THE CLAIB 7843 HILO DIAMONDHEAD, MS 39525
✓ CURIA LOR 7810 HILO DIAMONDHEAD, MS 39525

i. jane

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The Sea Coast Echo

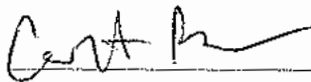
POST OFFICE BOX 2009
BAY SAINT LOUIS, MS 39521-2009

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
HANCOCK COUNTY

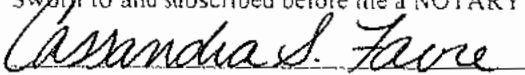
PERSONALLY appeared before me the undersigned authority in and for said County and State, GEOFF BELCHER, Publisher of THE SEA COAST ECHO, a newspaper published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 week(s) to-wit:

On the 4 day of June 2026
On the _____ day of _____ 2026
On the _____ day of _____ 2026
On the _____ day of _____ 2026

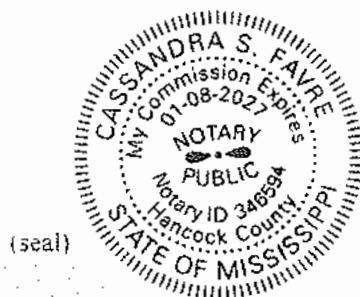


Publisher

Sworn to and subscribed before me a NOTARY PUBLIC



This 4 day of June 2026



NOTICE OF PUBLIC HEARING

PLANNING AND ZONING COMMISSION

DIAMONDHEAD, MS

Jacob Malley has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a residence within 7.4' of a side property line.

The property address is 7840 Maui Circle. The tax parcel number is 067R-2-36-187.000.

The property is in a R-6 zoning district. The setback for a residence from the side property line is 10'. The variance requested is 2.6'. The Case File Number is 202600344.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, 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 23, 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 Beau King, Building Official, at bking@diamondhead.ms.gov or 228-222-4023.

PUBLISH DATE: 6/4/26

June 3, 2026 at 9:06 AM
63780 Diamondhead Dr N
Diamondhead MS 39525

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS

Jacob Malley has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a residence within 7.4' of a side property line.

The property address is 7840 Maui Circle. The tax parcel number is 067R-2-36-187.000. The property is in a R-6 zoning district. The setback for a residence from the side property line is 10'. The variance requested is 2.6'. The Case File Number is 202600344.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, 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 23, 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 Beau King, Building Official, at bkine@diamondhead.ms.gov or 228-222-4023.

June 3, 2026 at 9:05 AM
63780 Diamondhead Dr N
Diamondhead MS 39525

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS

Paula Melley has filed an application requesting a variance from the Zoning Ordinance Article 2.4.1 to allow a residence within 7.4' of a side property line.

The property address is 7449 Mast Circle. The tax parcel number is 6678-2-15-11 1,000. The property is in a R-6 zoning district. The setback for a residence from the side property line is 90'. The variance requested is 2.4'. The Case File Number is 202600344.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, the Planning Commission may recommend to the Mayor and City Council a variance be granted as the variance was applied for on as a modified form or subject to conditions or the application may be denied. A variance may be rescinded, 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 23, at 6:00 p.m. The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5800 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 Bess King, Building Official, at king@diamondhead.ms.gov or 228-272-1873.

June 3, 2026 at 10:30 AM
7830-7898 Maui Cir
Diamondhead MS 39525

