



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: City Council and City Manager

FROM: J. Pat Rich, Development Coordinator *J. Pat Rich*

DATE: July 30, 2024

SUBJECT: Michael J. Zeringue Fence Variance

Mr. Zeringue requested a variance to the 10' fence set back from the property line adjoining the golf. The fence is required to enclose the pool.

- The fence can be built along the 10' setback to enclose the pool.
- There are no special conditions and circumstances
- Staff recommendation was to deny the variance based on the literal interpretation of the reasons for granting a variance.

The Planning & Zoning Commission voted 6-0 to recommend denying the variance.



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

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, July 23, 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

2. Approval of June 25, 2024 minutes.

New Business

- Denied 6-6*
3. Michael J. Zeringue has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a fence around an existing pool within 4' of the rear property line on the golf course. The property address is 5626 Ahuawa Place. The tax parcel number is 131C-1-13-162.000. The property is in the R-10 zoning district. The fence setback on property adjoining the golf course is 10'. The variance requested is 6'. The Case File Number is 202400217.
4. The City Council passed a motion to amend the Planning and Zoning Commission responsibilities to include the additional role of architectural review for commercial projects prior to plan approval.
5. The City Council passed a motion to direct the Planning and Zoning Commission to review and propose an appropriate course of action to bring existing commercial signage into compliance with the new zoning code to include a sunset clause to allow businesses time to comply, and to hold a public hearing regarding same.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

6. The next City Council meeting is Tuesday, August 6, 2024.
The next Planning Commission meeting is Tuesday, August 27, 2024.



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STAFF REPORT TO PLANNING COMMISSION

DATE: July 23, 2024

NATURE OF REQUEST: Michael J. Zeringue has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a fence around an existing pool within 4' of the rear property line on the golf course. The property address is 5626 Ahuawa Place. The tax parcel number is 131C-1-13-162.000. The property is in the R-10 zoning district. The fence setback on property adjoining the golf course is 10'. The variance requested is 6'. The Case File Number is 202400217.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: July 23, 2024

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. *Lot depth is sufficient to meet the rear yard setback requirement.*
- 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 but *will not* 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 not* result in any change in use or density of the subject property.



5000 Diamondhead Circle ·
Diamondhead, MS 39525-3260
Phone: 228.222.4626 Fax: 228-222-4390
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TO: Michael J. Zeringue and adjacent property owners

FROM: J. Pat Rich, Development Coordinator *J. Pat Rich*

DATE: July 2, 2024

SUBJECT: Variance request before the Planning & Zoning Commission

Michael J. Zeringue has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a fence around an existing pool within 4' of the rear property line on the golf course.

The property address is 5626 Ahuawa Place. The tax parcel number is 131C-1-13-162.000. The property is in the R-10 zoning district. The fence setback on property adjoining the golf course is 10'. The variance requested is 6'. The Case File Number is 202400217.

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, July 23, 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**

Michael J. Zeringue has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a fence around an existing pool within 4' of the rear property line on the golf course.

The property address is 5626 Ahuawa Place. The tax parcel number is 131C-1-13-162.000. The property is in the R-10 zoning district. The fence setback on property adjoining the golf course is 10'. The variance requested is 6'. The Case File Number is 202400217.

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, July 23, 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.



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202400217

Date 5/9/24

✓ Applicant: Michael J. Zeringue

Applicant's Address: 5626 Ahuawa Pl.

Applicant's Email Address: MJZERINGUE@ATT.NET

✓ Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 985-774-9396

Property Owner: _____

Owner's Mailing Address: _____

Owner's Email Address _____

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

Tax Roll Parcel Number: 1310-1-13-162.000

Physical Street Address: _____

Legal Description of Property: _____

Zoning District: R-10

✓ State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) Requesting variance on the 10' set back for 4' fence on Golf Course, I would like to put fence 4' off property line. ~~the~~ The fence is between my pool and a wooded area. This wooded area is between my property and the golf course and is inaccessible by golfers.

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 25, 2024 at 6:00 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 Michael Zeringue

Street Address 5626 Ahuawa Pl

Statement Describing Variance Request

Requesting variance to the 10' rear fence ~~at~~

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: My property line is adjacent to a wooded area between my property & the golf course. This would not affect any other property but mine

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. This would only affect a wooded area inaccessible by golfers and would not obstruct any views of any other properties

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. The variance is for the property line of my property & a wooded area inaccessible by golfers. It will not obstruct adjacent properties at all.

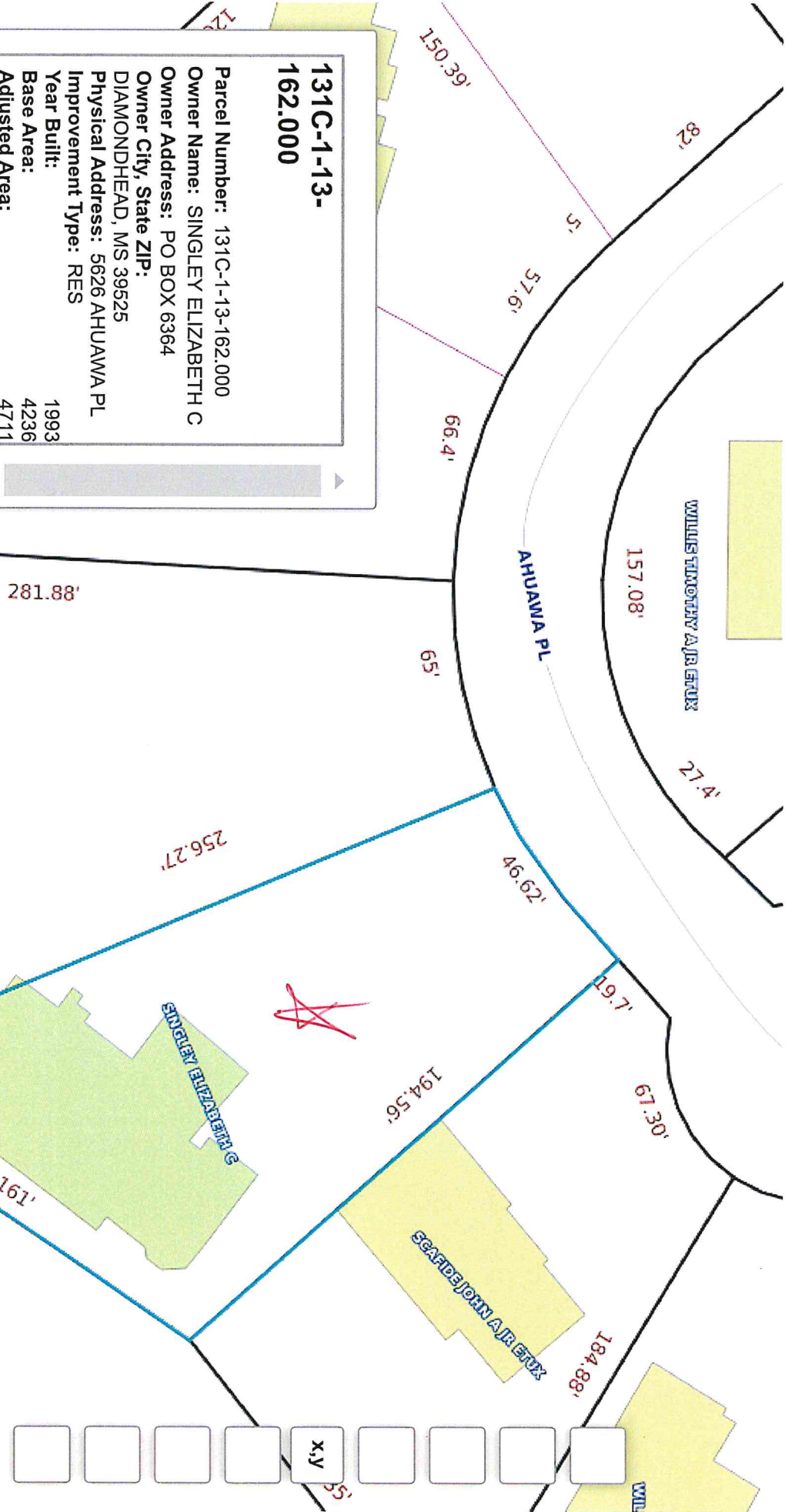
131C-1-13-162.000

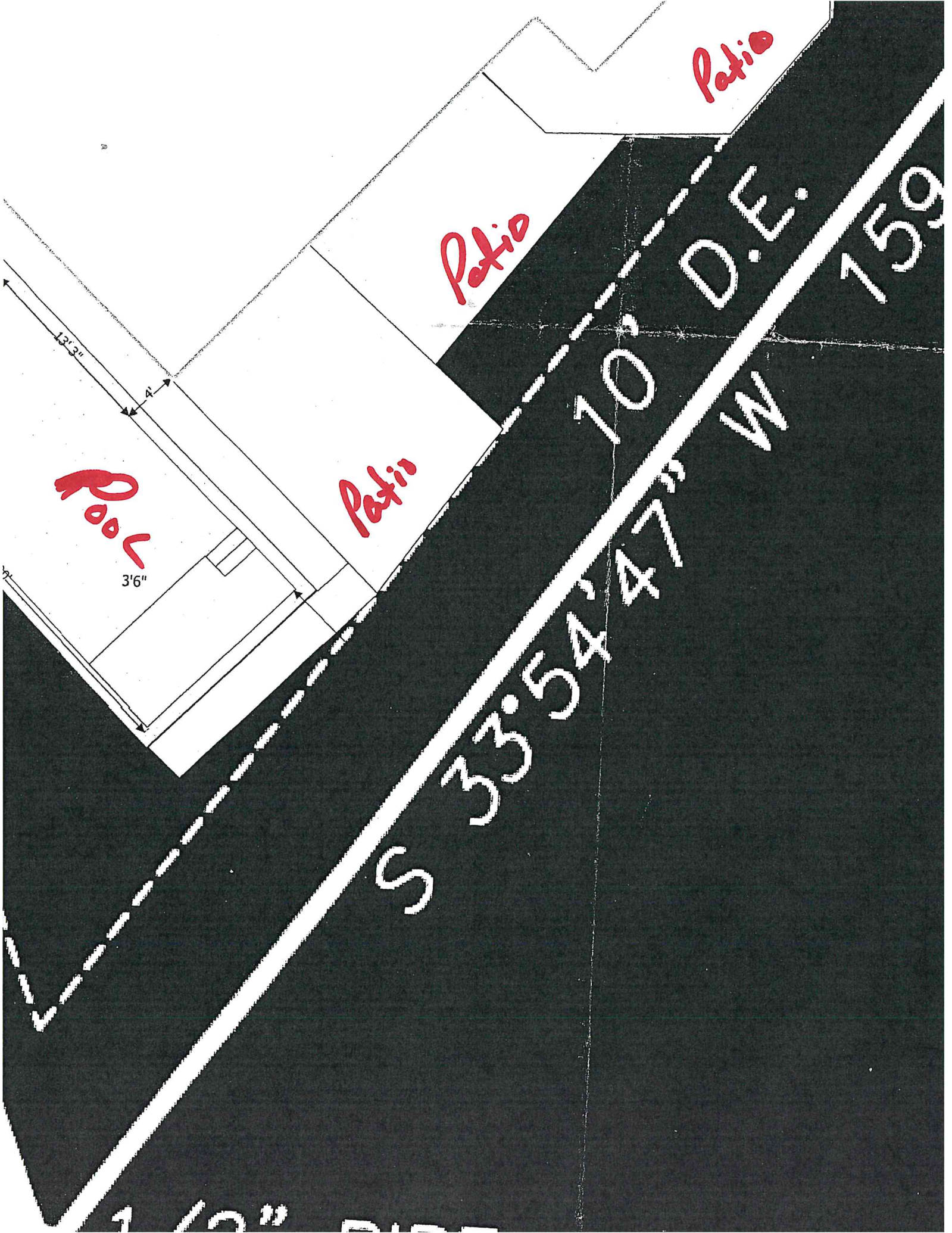
Parcel Number: 131C-1-13-162.000
Owner Name: SINGLEY ELIZABETH C
Owner Address: PO BOX 6364
Owner City, State ZIP:
DIAMONDHEAD, MS 39525
Physical Address: 5626 AHUAWA PL
Improvement Type: RES
Year Built:
Base Area: 1993
Adjusted Area: 4236
Actual Total Value: 4711
Taxable Total Value: 409735
Estimated Tax: 0
Homestead Exemption: 4809.05
Deed Book: 2019
Deed Page: 3413
Legal Description 1: 13 BLK 9 UN 1 PH
1 DIAMONDHEAD
Legal Description 2:
Legal Description 3:
Legal Description 4:

Close

Export

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Pool
3'6"

Patio

Patio

Patio

10'0" D.E.
S 33°54'47" W 159'

1 1/2"

13'3"
4'





Property Marker

View from Course



A photograph of a wooded area with a red fence in the background and a red handwritten-style text overlay that reads "View from Course". The foreground is a mix of grass and dirt with some fallen leaves. The trees are dense and green, with a red fence visible through the branches in the middle ground.

View from Course



View from Course





2023 17141
Recorded in the Above
Deed Book & Page
11-20-2023 08:49:56 AM
Timothy A Kellar
Hancock County

Prepared by:
Melissa Nunley Reso
Attorney at Law, MS Bar No. 101506
4402 E. Aloha Drive, Suite 10
Diamondhead, MS 39525
228-207-0484

Return to:
Team Title, LLC
4402 E. Aloha Drive, Suite 10
Diamondhead, MS 39525
228-207-0484

File #: 23-6179-MS

Indexing Instructions: EXEMPT

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

WARRANTY DEED

For and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I,

Elizabeth C. Singley, an unmarried woman (Grantor)
7300 Lakeshore Drive
New Orleans, LA 70124
(228) 304-1245

do hereby sell, convey, bargain and warrant to

Michael Joseph Zeringue and Dara Randon Zeringue (Grantees)
5626 Ahuawa Place
Diamondhead, MS 39525
(985) 774-9396

As joint tenants with full rights of survivorship and not as tenants in common, the following described real property situated and located in Hancock County, State of Mississippi, more particularly and certainly described as:

WITNESS my signature on this the 17th day of November, 2023.

GRANTOR:

Elizabeth C. Singley
Elizabeth C. Singley

STATE OF Mississippi
COUNTY OF Hancock

Personally appeared before me, the undersigned authority in and for the said County and State, on this 17th day of November, 2023, within my jurisdiction, the within named **Elizabeth C. Singley** acknowledged that she executed the above foregoing instrument on the day and year herein indicated.

Melissa Nunley Reso
Notary Public
My Commission expires: 10/23/24



TAX NOTICES: Grantees are responsible for the property taxes.