



TO: Mayor, City Council and City Manager

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

DATE: January 26, 2022

SUBJECT: Recommendation from Planning Commission RYSB Variance Request David Beckner

David Beckner has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool enclosure (lanai) within 11.3' of the rear property line. The property address is 7433 Turnberry Drive. The tax parcel number is 067N-1-35-010.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the pool enclosure is 8.7'. The Case File Number is 202100562.

At its regular meeting on January 25, 2021, the Planning Commission voted 5-0 with one abstention to recommend approving the variance.



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: January 19, 2022

CASE FILE NUMBER: 2021-00562

APPLICANT: David Beckner

TAX PARCEL NUMBER: 067N-1-35-010.000

PHYSICAL STREET ADDRESS: 7433 Turnberry Drive

ZONING DISTRICT: R-1 Low Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: David Beckner has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool enclosure (lanai) within 11.3' of the rear property line. The rear yard setback is 20'. The variance requested for the pool enclosure is 8.7'.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: January 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.

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:

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. *Due to the shape of the lot, this is the only area to locate the pool.*
- 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 many other lanais covering pools in R-1 as well as on the golf course.*
- 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. *We have allowed variances up to 11'.*
- 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.

Notwithstanding comments from concerned citizens and Planning Commissioners, the staff does recommend approve the variance as petitioned.



Commissioner Flowers
Commissioner Layel
Commissioner Debrow
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, January 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 December 14, 2021 minutes.

New Business

3. David Beckner has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool enclosure (lanai) within 11.3' of the rear property line. The property address is 7433 Turnberry Drive. The tax parcel number is 067N-1-35-010.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the pool enclosure is 8.7'. The Case File Number is 202100562.

*Approved
S-O
Labstein*

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

4. The next City Council meeting is February 1, 2022.
The next Planning Commission meeting is February 22, 2022.

Adjourn or Recess



5000 Diamondhead Circle ·
Diamondhead, MS 39525-3260
Phone: 228.222.4626 Fax: 228-222-4390
www.diamondhead.ms.gov

TO: David Beckner and adjacent property owners

FROM: J. Pat Rich 
Development Coordinator

DATE: January 3, 2021

SUBJECT: Variance application request before the Planning & Zoning Commission

David Beckner has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool enclosure (lanai) within 11.3' of the rear property line.

The property address is 7433 Turnberry Drive. The tax parcel number is 067N-1-35-010.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the pool enclosure is 8.7'. The Case File Number is 202100562.

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 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, January 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 228-242-1613.

Run 12/29 + YS

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

David Beckner has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a pool enclosure (lanai) within 11.3' of the rear property line.

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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.

RECEIVED
DEC 27 2021
BY: Garber



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202100562

Date 12-27-21

Applicant: David Beckner

Applicant's Address: 7433 Turnberry Dr

Applicant's Email Address: dabeckner@hotmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) (228) 304-0678

Property Owner: David Beckner

Owner's Mailing Address: 7433 Turnberry Dr

Owner's Email Address dabeckner@hotmail.com

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) (228) 304-0678

Tax Roll Parcel Number: 067N-1-35-010.000

Physical Street Address: 7433 Turnberry Dr

Legal Description of Property: Lots 32 + 33 Glen Eagle Phase I

Zoning District: R-1

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

Requesting approval to install screened Lanai covering for existing swimming pool. This is for protection of errand golf balls. The Lanai will be on my property inside existing fence. Lanai will come within 11.3 feet of property line only at SE corner of the pool. See attached Legal drawings of property line dimensions.

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 Jan. 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.

David Beckner

Signature of Applicant

David Beckner

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: David Beckner

Street Address 7433 Turnberry Dr

Statement Describing Variance Request

Requesting a variance of 8.7' on SE corner of swimming pool.

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: Only the land

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 owner/ 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 for the owner/ applicant. It is for protection of errand golf balls.

LEGAL DESCRIPTION:

A survey of Lots 32 and 33, Glen Eagle at Diamondhead Subdivision, Phase 1, City of Diamondhead, Hancock County, Mississippi.

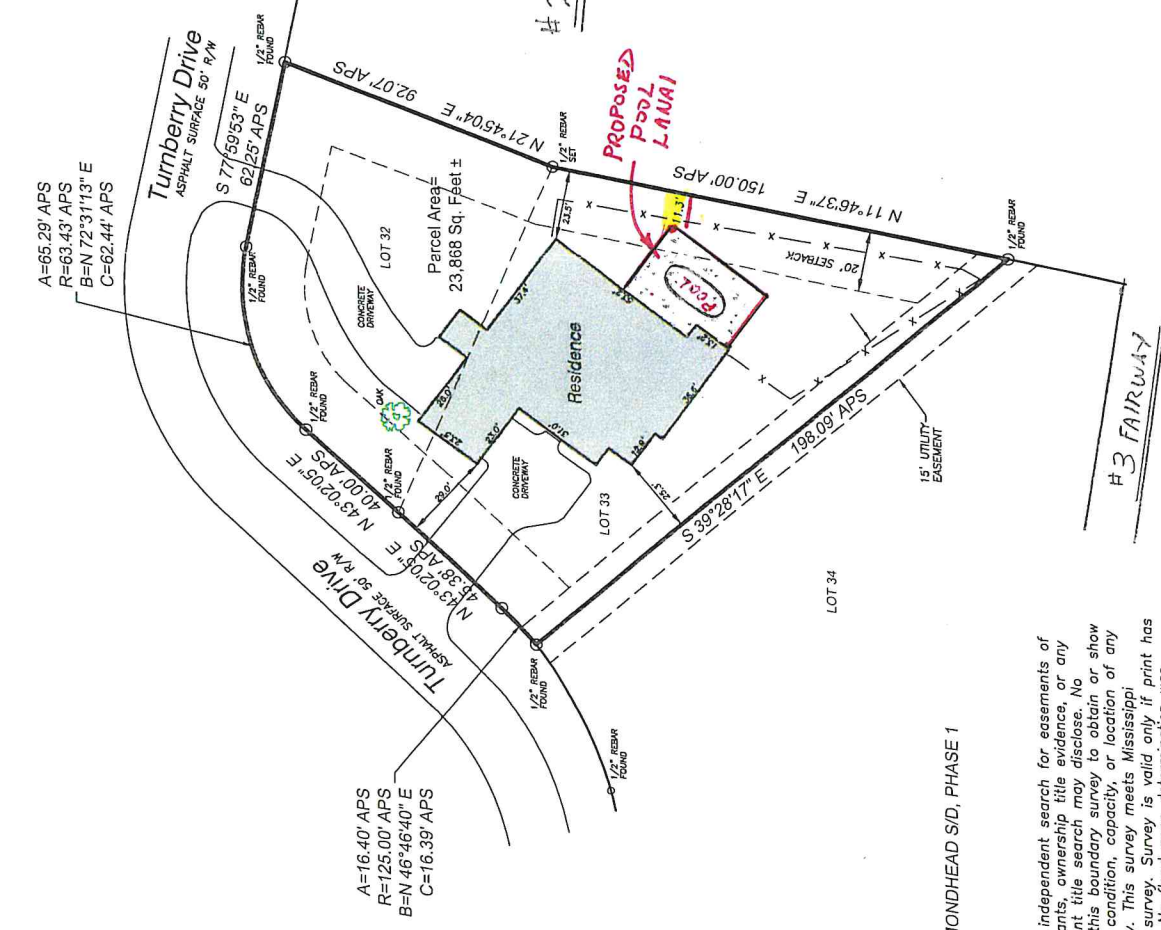
RECEIVED
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 BY: *J. Garber*



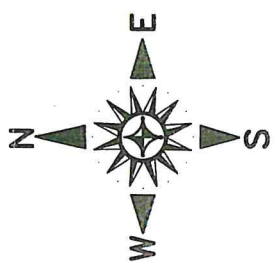
In consideration of the fee paid, I declare that this survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

Duke Levy
 Duke Levy, RLS #1722

DUKE LEVY & ASSOCIATES, P.A.	
4412 LEISURE TIME DRIVE DIAMONDHEAD, MS 39525 (228) 343-9691 PHONE	
SCALE: 1" = 40'	DATE: 12-03-2021
DRAWING: WO# 16-0148-1 CLIENT: David Beckner	



BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS



LEGEND:

- ☉ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊗ IRON PIPE FOUND
- ⊕ FENCE CORNER POST
- ⊘ POWER POLE
- APS AS PER SURVEY
- APR AS PER RECORD

REFERENCES:

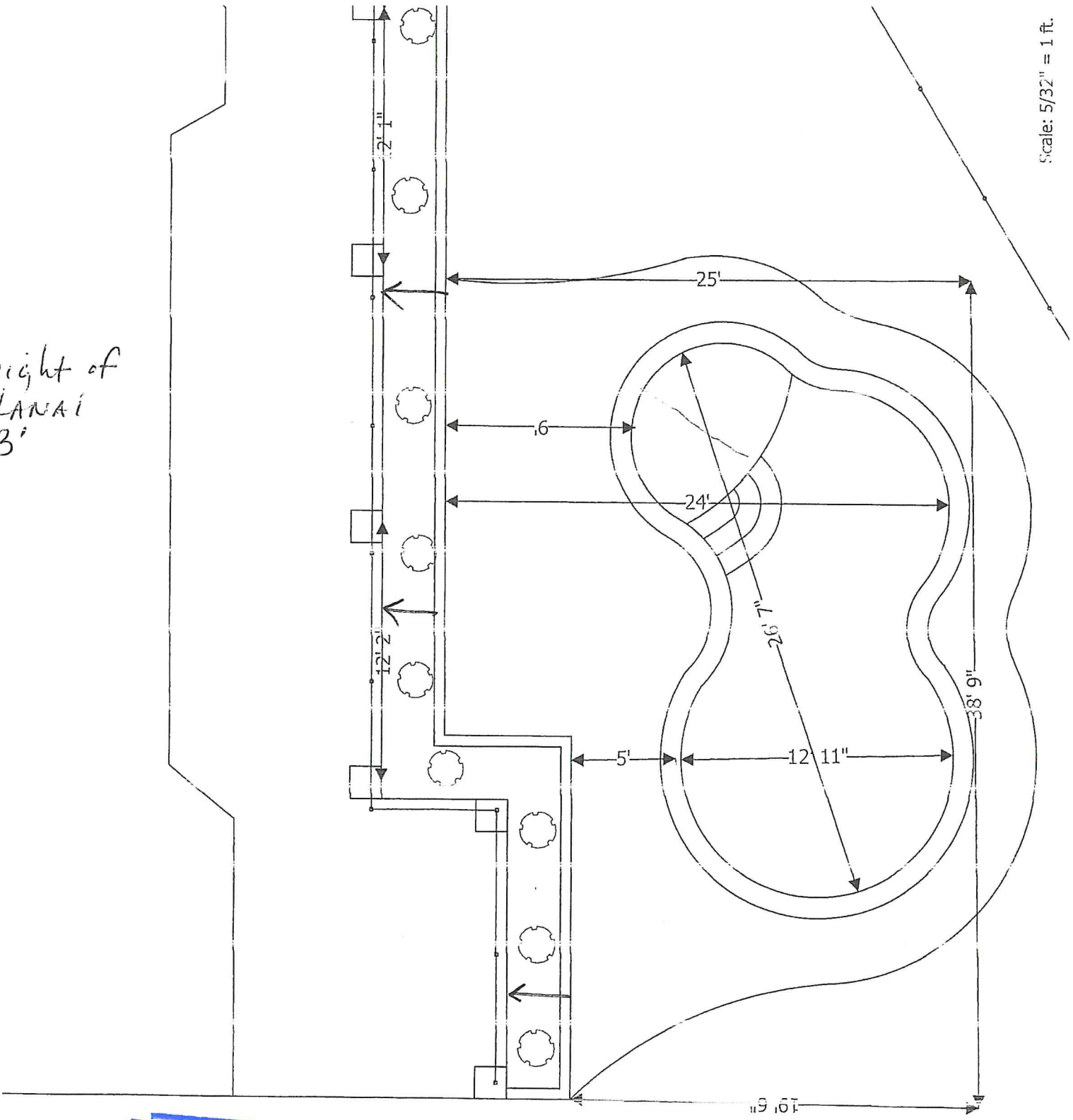
- 1) PLAT OF GLEN EAGLE AT DIAMONDHEAD SID, PHASE 1

NOTES:

Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

Scale: 5/32" = 1 ft.

Height of
LANAI
13'



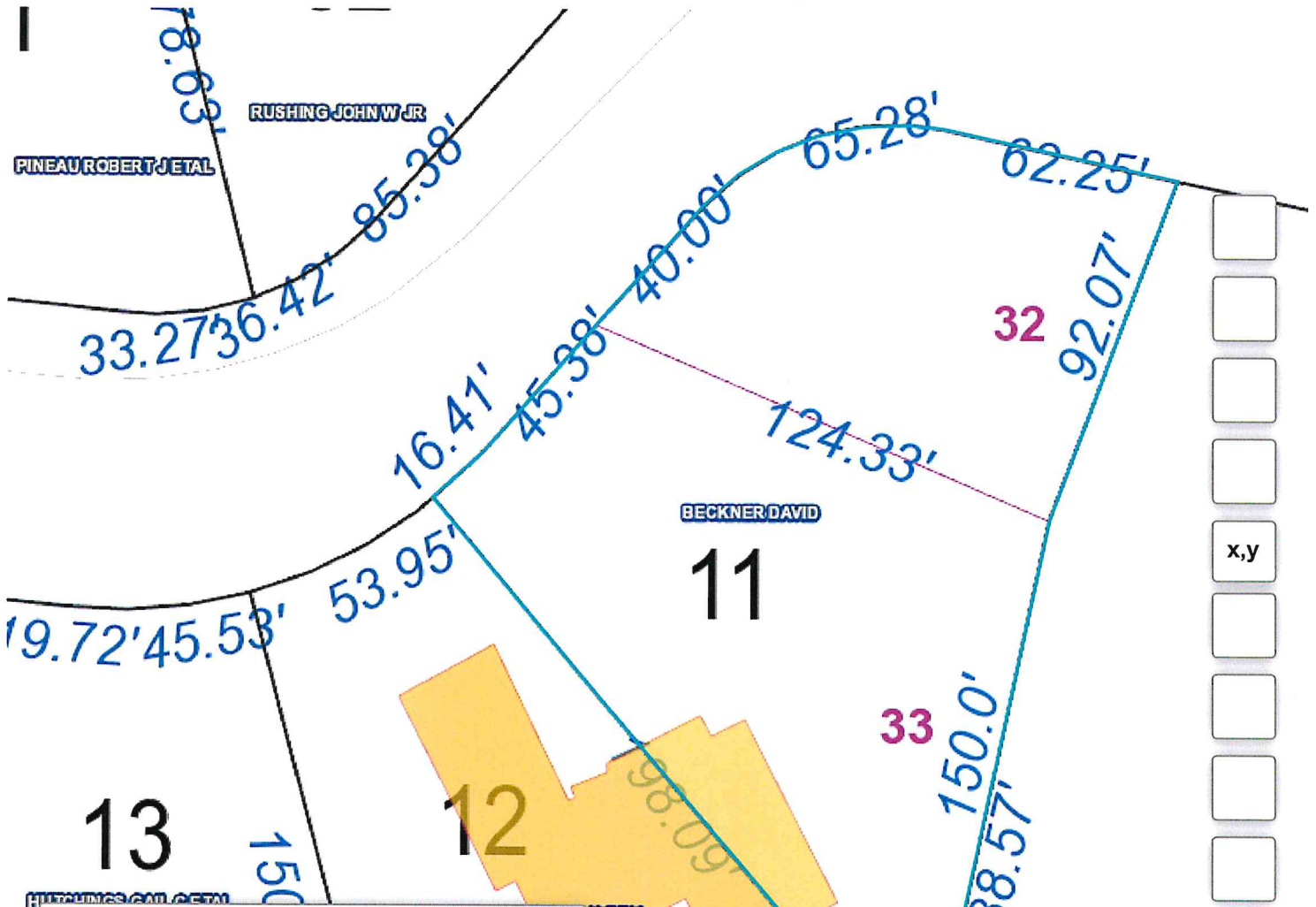
RECEIVED
DEC 27 2021
BY: *J. Johnson*



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x,y

Parcels
BECKNER
DAVID

Parcel Number: 067N-1-35-011.000
 Owner Name: BECKNER DAVID
 Owner Address: 7433 TURNBERRY DR
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 7433 TURNBERRY DRIVE
 Improvement Type: RES
 Year Built: 2016
 Base Area: 2501
 Adjusted Area: 3276
 Actual Total Value: 383795
 Taxable Total Value: 361807
 Estimated Tax: 3577.67
 Homestead Exemption: Yes
 Deed Book: 2016

Close Export Print Labels

