



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 2026000241

Date 3/27/26

Applicant: SELA Construction, LLC

Applicant's Address: _____

Applicant's Email Address: tgiaccrusso@sela-construction.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 228.256.2010

Property Owner: John Kirschenbaum

Owner's Mailing Address: 557 Golf Club Dr

Owner's Email Address _____

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 251 751 1487

Tax Roll Parcel Number: 131C-2-13-092000

Physical Street Address: 557 Golf Club Dr

Legal Description of Property: lot 13, Block 1, Diamondhead Subdivision Unit 1
Phase 1, City of Diamondhead, Hancock County, Mississippi

Zoning District: R-10

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

- Golf Course Setback is 20'
- Purpose is to have overhead cover new patio encroaching setback approx 2-3' - leaving approx 17' of setback on property line to structure (attached)

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.

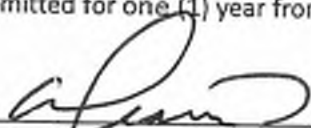
That additional information may be required by the Planning Commission prior to final disposition.

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 April 28th 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 John Kirschenbaum

Street Address 557 Golf Club Dr

Statement Describing Variance Request

20' set back on rear - Golf Course
want to build a patio to encroach on set back
approx 2-3' - Covered patio

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, setback is 20' on golf course - would
still have approx 17' setback

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: yes, the 20' setback would unnecessarily limit
the customers use of his property. Due to
home layout this would be needed to construct
this addition

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

Response: yes, the need for variance is due to configuration
& location of lot in relation to golf course, not
due to actions by customer or applicant. These conditions
are inherent to the property, not caused by 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, requested variance is minimal (3')
& intended to allow reasonable use of property
in similar situations.



LEGEND:

- ⊕ CENTERLINE
- IRON ROD FOUND
- IRON ROD SET
- ⊙ IRON PIPE FOUND
- ⊞ FENCE CORNER POST
- ⊘ POWER POLE
- APS AS PER SURVEY
- APR AS PER RECORD
- U.E. UTILITY EASEMENT
- D.E. DRAINAGE EASEMENT
- EOP EDGE OF PAVEMENT
- WM WATER METER
- ELEC ELECTRIC
- TEL PHONE SERVICE

REFERENCES:

- 1) DEED BOOK 2019 PAGE 8905
- 2) PLAT OF DIAMONDHEAD S/D, UNIT 1, PHASE 1
- 3) PREVIOUS SURVEY BY DUKE LEVY
DWG # 2020-233; DATED 08/17/2020

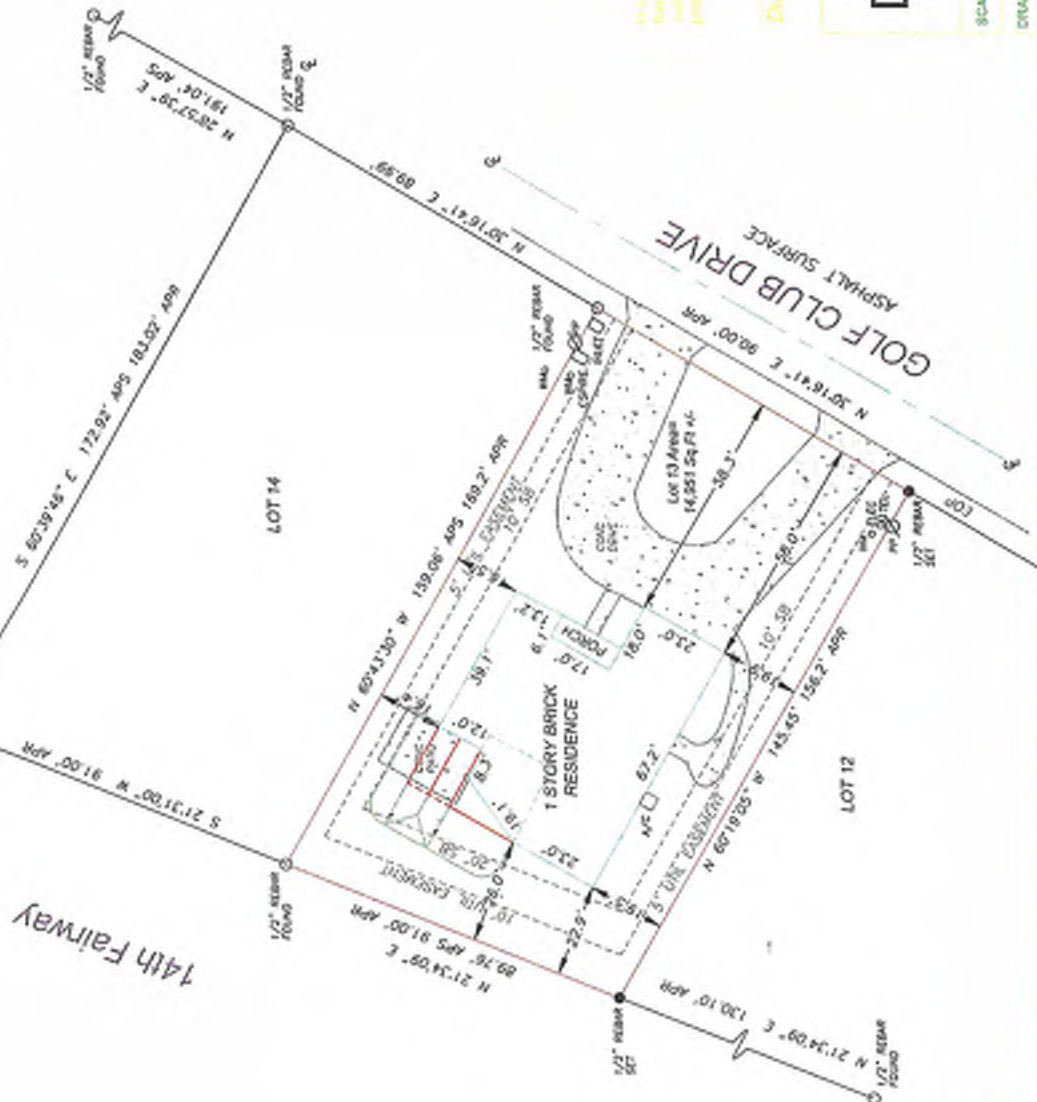
NOTES:

Surveyor has made no investigation or independent search for easements of record, encroachments, 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.

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS

LEGAL DESCRIPTION:

A survey of Lot 13, Block 1, Diamondhead Subdivision, Unit 1, Phase 1, City of Diamondhead, Hancock County, Mississippi.



As a representative of the law firm, I represent that this and every plat by me is a true and correct representation of the facts and conditions as shown by my personal knowledge, observation, and field notes.

Duke Levy, RLS #1722

DUKE LEVY & ASSOCIATES, P.A.

4412 LEISURE TIME DRIVE
DIAMONDHEAD, MS 39525
(228) 343-9891 PHONE



SCALE: 1" = 50' DATE: 03/17/2025

DRAWING: W/DW 2025-057 CLIENT: KRISCHENBAUM

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

SELA Construction, LLC, on behalf of John Kirschenbaum, has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a residence within 17' of a rear property line.

The property address is 557 Golf Club Drive. The tax parcel number is 131C-2-13-092.000. The property is in a R-10 zoning district. The setback for a residence from the rear property line is 20'. The variance requested is 3'. The Case File Number is 202600241.

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, April 28, 2026, 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.

April 13, 2026 at 9:34 AM
559 Golf Club Dr
Diamondhead MS 39525



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:

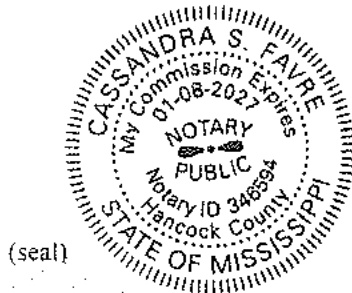
On the 9 day of April 2026
On the _____ day of _____ 2026
On the _____ day of _____ 2026
On the _____ day of _____ 2026

Geoff Belcher
Publisher

Sworn to and subscribed before me a NOTARY PUBLIC

Cassandra S Fave

This 9 day of April 2026



NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMISSION

DIAMONDHEAD, MS
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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 DATES: 4/9/26

OWNER_NAME	LRMADD	CITY_ST_ZIP_OWNR
✓ KIRSCHENBAUM JOHN L ETAL	557 GOLF CLUB DR	BAY ST LOUIS, MS 39520
✓ WAGNER MARGUERITE A	238 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ WEBO LLC	1079 TINA VIC FAYE ROAD	PASS CHRISTIAN, MS 39571
✓ SCARAMUZZO MICHELE	25750 KARLY DR	PICAYUNE, MS 39466
✓ HAUPTMANN MICHELE	20099 ROAD 536	KILN, MS 39556
✓ GOODSON GREG	104 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ MELTON WANDA L/E	129 MOLOKAI VILLA BLDG G	DIAMONDHEAD, MS 39525
✓ WAGONER GREGORY ETAL	5513 GOLF CLUB DR	DIAMONDHEAD, MS 39525
✓ HAND SCOTT ETAL	5583 DIAMONDHEAD RD E	DIAMONDHEAD, MS 39525
✓ BAUMGARTNER JEANNE G ETAL TRUSTEE	83163 LOLA DRIVE	DIAMONDHEAD, MS 39525
✓ STRUCTURES OF DIAMONDHEAD INC	758 AUGUSTA WAY	DIAMONDHEAD, MS 39525
✓ BURGE JAMES M (RTODD)	P O BOX 6444	DIAMONDHEAD, MS 39525
✓ MADDIE SUSAN ETAL	633 SANDBAR PT	LAKE WYLIE, SC 29710
✓ SHIRAH MICHAEL	213 MOLOKAI VILLAGE UN D	DIAMONDHEAD, MS 39525
✓ HEADRICK JARED A	126 MOLOKAI VILLAGE UNIT G	DIAMONDHEAD, MS 39525
✓ ALLEN DALE N ETAL	5524 ALAKOKO PL	DIAMONDHEAD, MS 39525
✓ WILKERSON BURTON L SR ETAL	552 WEST JEFFERSON ST UN 10	TUPELO, MS 38804
✓ HOLDER LAURIE H	709 SEABISCUIT LOOP S	MADISONVILLE, LA 70447
✓ PYLE ROBERT W & KAREN L TRUSTEES	144K MOLOKAI VLG	DIAMONDHEAD, MS 39525
✓ SHEFFIELD MICHAEL T	227 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ TEAM FLETCHER LLC	9083 OLD RIVER ROAD, LOT 19	PETAL, MS 39465
✓ LEE ROY D ETAL	5516 ALAKOKO DRIVE	DIAMONDHEAD, MS 39525
✓ BOURGEOIS LOUIS V JR ETUX	305 RAYWOOD DRIVE	HOUMA, LA 70360
✓ SIMMONS JIMMY W ETAL	208 MOLOKAI VLG	DIAMONDHEAD, MS 39525
✓ FOREMAN AARON	241 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ WILLEY JAMES S ETAL	230 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ SOMERS KENNETH	P O BOX 6572	DIAMONDHEAD, MS 39525
✓ COLLETT LARRY ETUX	129 KELVIN DR	CLINTON, MS 39056
✓ KILPATRICK ROBERT J ETAL	5581 DIAMONDHEAD DR E	DIAMONDHEAD, MS 39525
✓ BURKE JO	4535 LEO ST	MARRERO, LA 70072
✓ DESCHAMP CLYDE	235 MOLOKAI VILLA	DIAMONDHEAD, MS 39525
✓ FLOYD LIVING TRUST	5592 E DIAMONDHEAD DR	DIAMONDHEAD, MS 39525
✓ TEAM FLETCHER LLC	9083 OLD RIVER RD LT 19	PETAL, MS 39465
✓ LAIRD BERYL	5517 GOLF CLUB DR	DIAMONDHEAD, MS 39525
✓ HARWOOD JOSEPH ETAL	553 GOLF CLUB DRIVE	DIAMONDHEAD, MS 39520
✓ WILSON JOHN K ETAL	6450 MANSHIP RD	BRANDON, MS 39047
✓ DIAMONDHEAD COUNTRY CLUB & POA INC	7600 COUNTRY CLUB DR	DIAMONDHEAD, MS 39525
✓ MARLOT-ALRED AMY ETAL	9312 HWY 22S	MICHIE, TN 38357
✓ BAUER STEVEN T ETAL	5522 ALAKOKO PLACE	DIAMONDHEAD, MS 39525
✓ DEARMAN SANDRA L	293 VENCTIAN GDNS	GULFPORT, MS 39507
✓ FRAZIER CORDELL	505 BEACH LANE	MT JULIET, TN 37122
✓ DSR998 LLC	998 HALAWA CT	DIAMONDHEAD, MS 39525
✓ RIEHLE SUSAN	214 MOLOKAI VLG	DIAMONDHEAD, MS 39525

✓ CHATEAU CHARLOTTE LLC	101 BRECKENRIDGE LOOP	LAFAYETTE, LA 70506
✓ WILLIAMS MADELYN	108 MOLOKAI VLG	DIAMONDHEAD, MS 39525
✓ ROBSON ELIZABETH A	239 J MOLOKAI VILLA	DIAMONDHEAD, MS 39525
✓ MARSHALL GARY	101 GRASS ST	WAVELAND, MS 39576
✓ APS PROPERTIES CO LLC	640 KOULA DR	DIAMONDHEAD, MS 39525
✓ CLARK JAN M	1116 GERRITS LANDING	BRANDON, MS 39047
✓ THOMAS JOHN ETAL	54 BREAKERS LANE	RIDGELAND, MS 39157
✓ BIRCHALL PEGGY L	130 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ HOPKINS FRANK CRAIG ETAL	136 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ MATTHEWS MICHAEL L	8920 ANAHOLA PLACE	DIAMONDHEAD, MS 39525
✓ MARTINEZ PERFORMANCE & PROPERTY SOLU'	54 WOODLAKE DR	STARKVILLE, MS 39759
✓ FLOY ADRIAN E	706 W BEACH BLVD	LONG BEACH, MS 39560
✓ GILBERT LORETTA ETAL	5353 FIRETOWER RD	KILN, MS 39556
✓ JOYCE KEVIN ETAL	243 MOLOKAI VILLAGE BLDG K	DIAMONDHEAD, MS 39525
✓ MCGLYNN PATRICIA A ETAL	217 MOLOKAI VILLA BLDG D	DIAMONDHEAD, MS 39525
✓ BROWN MARSHALL E JR ETAL	5515 GOLF CLUB DRIVE	DIAMONDHEAD, MS 39525-
✓ KAHLMORGAN KIM T ETAL	551 GOLF CLUB DR	DIAMONDHEAD, MS 39525
✓ BLUM DAVID H ETAL	505 RIDGELAKE DR	METAIRIE, LA 70001
✓ VALENTI DAWN	130 PIER AVE	PISMO BEACH, CA 93449
✓ ZAZZARO CARMINE A	125 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ MARTIN ROBERT K ETAL	559 GOLF CLUB DR	DIAMONDHEAD, MS 39525
✓ CRAWLEY BRIAN	114 D MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ LARSEN KENT P ETAL	5579 DIAMONDHEAD DR E	DIAMONDHEAD, MS 39525
✓ CAPLINGER GRETCHEN	323 E NORTH STREET	PASS CHRISTIAN, MS 39571
✓ MAD PROPERTIES LLC	20581 SAUCIER FAIRLEY RD	SAUCIER, MS 39574
✓ RYAN LANCE A	117 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
MOLOKAI VILLA CONDOMINIUMS		
✓ POWELL NATHANIAL ETUX	5512 ALAKOKO DRIVE	DIAMONDHEAD, MS 39525
✓ KOON KELLI	207 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ DESCHAMP CLYDE	159 WESTLAKE DR	BRANDON, MS 39047
✓ KJAMM ENTERPRISE LLC	507 NORTH AVENUE	AMITE, LA 70422
✓ BELLANDE DIANE M	131 MOLOKAI VILLAGE	DIAMONDHEAD, MS 39525
✓ YOUNGBLOOD MICHAEL SCOTT ETAL	5594 DIAMONDHEAD DR EAST	DIAMONDHEAD, MS 39525



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

STAFF REPORT – 557 GOLF CLUB DRIVE - VARIANCE

TO: Planning & Zoning Commission

FROM: Beau King, Building Official

DATE: April 23, 2026

SUBJECT: Variance request before the Planning & Zoning Commission – 557 Golf Club Drive

NATURE OF REQUEST: SELA Construction, LLC, on behalf of John Kirschenbaum, has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a residence within 17' of a rear property line. The property address is 557 Golf Club Drive. The tax parcel number is 131C-2-13-092.000. The property is in a R-10 zoning district. The setback for a residence from the rear property line is 20'. The variance requested is 3'. The Case File Number is 202600241.

DATE OF PUBLIC HEARING: April 28, 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 building is constructed 58.3' from the front property line and 22.9' from the rear property line.*
- 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 homes on the golf course that have covered patios closer than 20' to the rear lot line.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *Conditions are created by existing building location.*
- 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. *3' variance is reasonable to the house and lot size.*
- F. The Variance *does* observe the spirit of the Ordinance and *will not* change the character of the district (area). *17' 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.*