

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

A handwritten signature in black ink, appearing to read "J. Pat Rich", is written over the printed name.

DATE: March 28, 2025

SUBJECT: Robert J. Gros Minimum Lot Size Variance

Robert J. Gros has requested a variance to the 10,000 square foot minimum lot size in the R-10 District to allow the re-subdivision of the lot to be 9,426 square feet. The reason for the request is to grant 8' (574 square feet) to the adjoining lot to eliminate encroachment.

- Residence was constructed in 2002.
- Landscaping, fencing and A/C pad encroach on the vacant lot and the 5' Drainage & Utility Easement.
- There were no objections.

The Planning & Zoning Commission voted 6-0 to recommend approving the variance as amended.



Commissioner Bennett
Commissioner Brewer
Commissioner Debrow
Commissioner Parrish
Commissioner Harwood
Commissioner Raymond
Commissioner Nicaud

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, March 25, 2025

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 February 25, 2025 minutes.

Architectural Review

New Business

- Passed 6-0*
3. Robert J. Gros has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow the re-subdivision of the lot to be 9,426 square feet. The property address is 659 Koula Drive. The tax parcel number is 067N-2-35-168.000. The property is in a R-10 zoning district. The minimum lot size is 10,000 square feet. The variance requested is 574 square feet. The Case File Number is 202500087.

- Passed 6-0*
4. Donna Goedde has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the extension of the existing garage within 3'6" of the side yard property line. The property address is 896 Maili Way. The tax parcel number is 067J-2-36-024.000. The property is in an R-6 zoning district. The side yard setback is 10 feet. The variance requested is 6'6". The Case File Number is 202500100.

Unfinished Business

5. Tabled variance request for David C. Dreher, Jr. at 8438 Kimo Ct.
6. Tabled Text Amendment to Article 6 – Off-street Parking and Loading. The proposed text amendment is to remove "residential yards," and make the following changes to 6.1 – General Provisions, "This includes median areas and roadways." and remove "b) Overflow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive." from Article 6.1.4 – Location of Parking Lot. The Case File Number is 202500003.



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STAFF REPORT TO PLANNING COMMISSION

DATE: March 25, 2025

NATURE OF REQUEST: Robert J. Gros has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow the re-subdivision of the lot to be 9,426 square feet. The property address is 659 Koula Drive. The tax parcel number is 067N-2-35-168.000. The property is in an R-10 zoning district. The minimum lot size is 10,000 square feet. The variance requested is 574 square feet. The Case File Number is 202500087.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: March 25, 2025

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

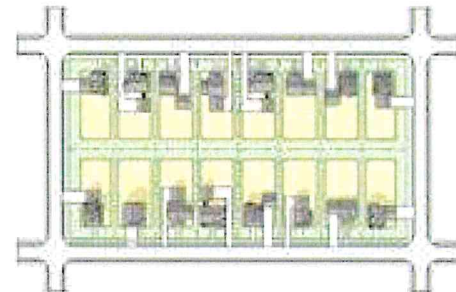
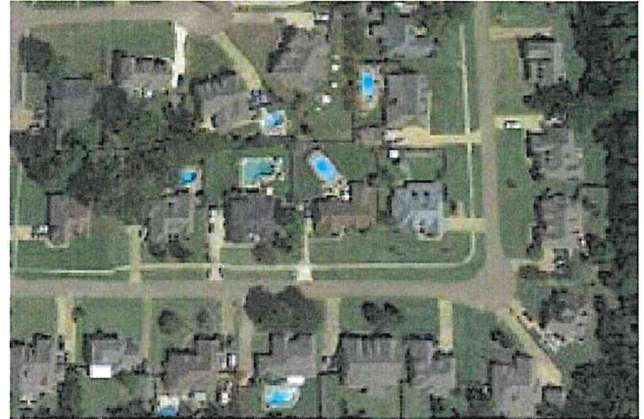
The staff recommends **approving** the variance based on the following findings of fact.

- 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 residence on the adjoining lot was constructed with landscaping, fencing and the a/c pad extending beyond 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. *By adding an additional 8' to the adjoining property, the existing residence will meet the 10' side yard setback as well as removing the encroachment of the 5' Utility and Drainage Easement.*
- C. That special conditions and circumstances, if any, *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 *does* observe the spirit of the Ordinance and *will not* change the character of the district (area).
- G. The Variance *will* 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.

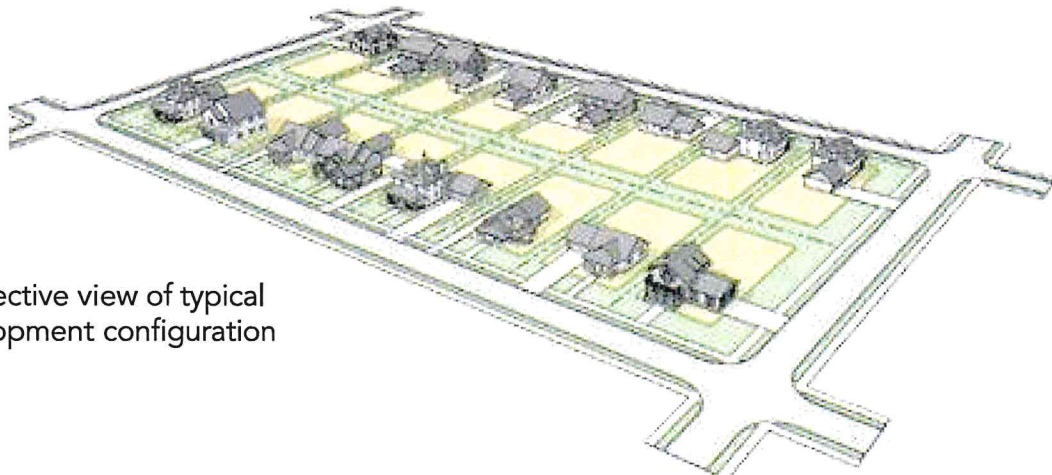
3.4.7 Residential R-10 – Low Density Single-Family District

The district is intended to implement the First Diamondhead and Suburban Neighborhood Placetypes set out in Envision Diamondhead 2040 Comprehensive Plan. The district is to recognize and promotes the character of these areas in Diamondhead as low density single-family residential neighborhoods now and into the future through the planning period, while accounting for neighborhood support facilities and activities.

1. Lot Standards and Buildable Area ¹	
Minimum Lot Size	10,000 (sf)
Minimum Lot Frontage	40'
Lot width at the building line	80'
Front Yard (min/max)	20'/none
Side Yard	10'
Rear Yard	20'
2. Use and Intensity	
Permitted Primary and Accessory Uses	See Article 4, Table 4.1, Use Matrix
Residential Intensity	4 Dwellings/Acre
Impervious Surface Ratio	0.45
Floor Area Ratio	None
Maximum Structure Height ²	35'
Minimum Dwelling Size	See Map of Minimum Square Footage Requirements
3. Site Specific Design Standards	
Mobility and Parking Standards	See Article 6
4. Review and Approval Processes	
Subdivision Standards	See Subdivision Regulations
Building, Site, and Design Standards	See Article 5
5. District Exceptions and Notes	
¹ See methods for dimensional measurements	
² See exceptions to height limitations	

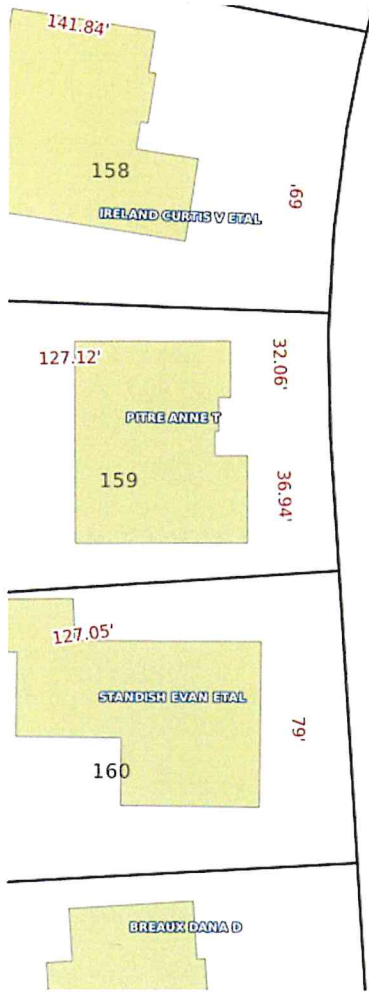


Plan view illustration of typical development configuration

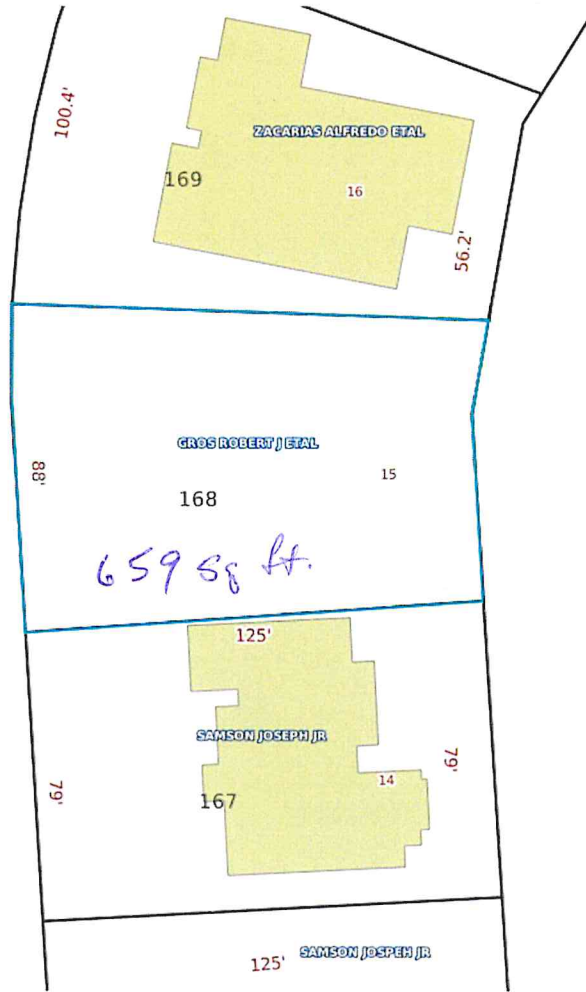


Perspective view of typical development configuration





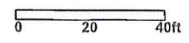
KOULA DR

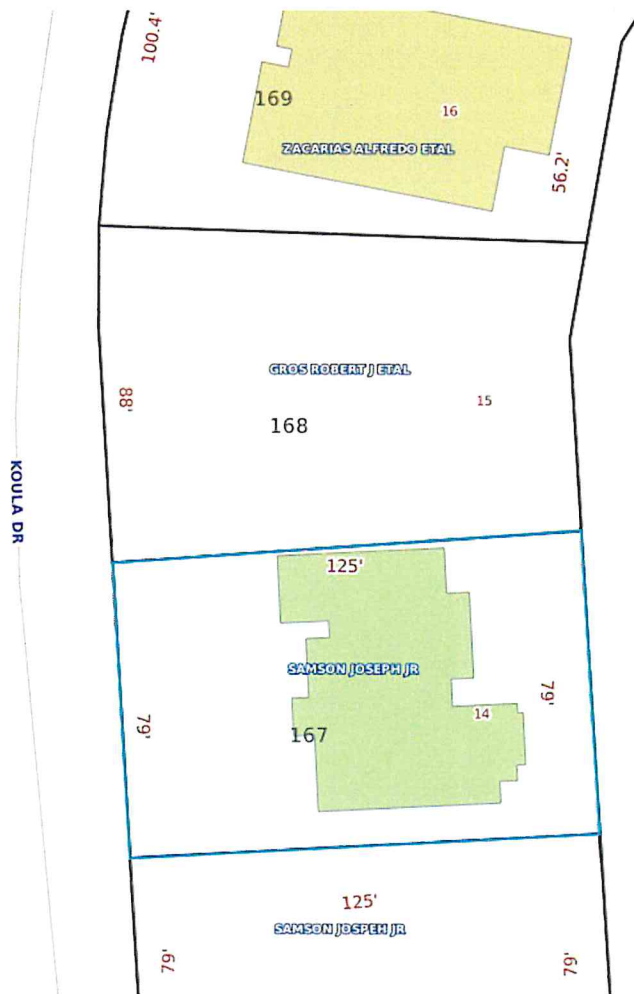
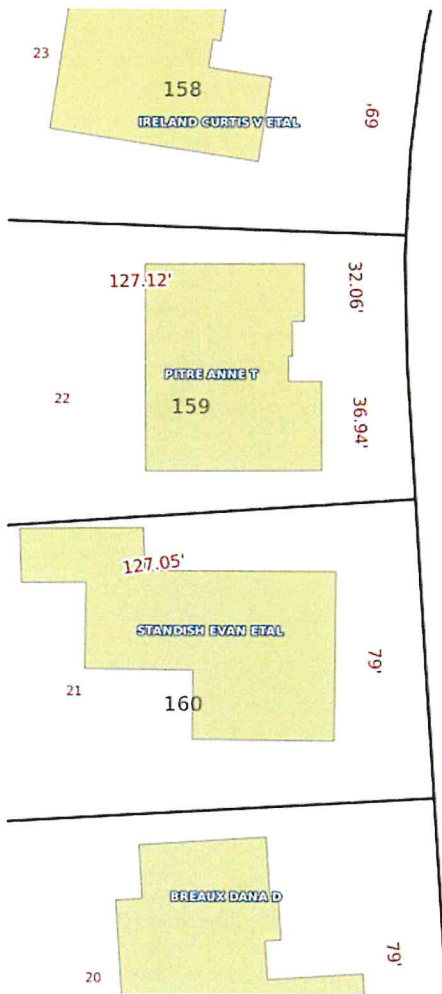


Parcels
067N-2-35-
168.000

Parcel Number: 067N-2-35-168.000
 Owner Name: GROS ROBERT J ETAL
 Owner Address: 7530 CROOKED
 STICK DR
 Owner City, State ZIP:
 DIAMONDHEAD, MS 39525
 Physical Address: 0
 Improvement Type:
 Year Built: 0
 Base Area: 0
 Adjusted Area: 0
 Actual Total Value: 40000
 Taxable Total Value: 0
 Estimated Tax: 753
 Homestead Exemption: No
 Deed Book: 2023
 Deed Page: 8203

Close Export



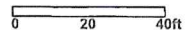


Parcels
067N-2-35-167.000

Parcel Number: 067N-2-35-167.000
 Owner Name: SAMSON JOSEPH JR
 Owner Address: 6511 KOULA DR
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 6511 KOULA DR
 Improvement Type: RES
 Year Built: 2002
 Base Area: 2076
 Adjusted Area: 2459
 Actual Total Value: 213364
 Taxable Total Value: 0
 Estimated Tax: 1736.42
 Homestead Exemption: Yes
 Deed Book: 2023
 Deed Page: 8201
 Legal Description 1: 14 BI K 5 UN 10

Close Export

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

Robert J. Gros has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow the re-subdivision of the lot to be 9,426 square feet.

The property address is 659 Koula Drive. The tax parcel number is 067N-2-35-168.000. The property is in an R-10 zoning district. The minimum lot size is 10,000 square feet. The variance requested is 574 square feet. The Case File Number is 202500087.

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, March 25, 2025, 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 J. Pat Rich, Development Coordinator, at prich@diamondhead.ms.gov or 228-242-1613.



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TO: Robert J. Gros and adjacent property owners

A handwritten signature in black ink, appearing to read 'J. Pat Rich', is written over the 'TO:' line.

FROM: J. Pat Rich, Development Coordinator

DATE: March 10, 2025

SUBJECT: Variance request before the Planning & Zoning Commission

Robert J. Gros has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow the re-subdivision of the lot to be 9,426 square feet. The property address is 659 Koula Drive. The tax parcel number is 067N-2-35-168.000. The property is in an R-10 zoning district. The minimum lot size is 10,000 square feet. The variance requested is 574 square feet. The Case File Number is 202500087.

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APPLICATION FOR VARIANCE REQUEST

Case Number: 202500087

Date 7-20-25

Applicant: Robert J. Gros

Applicant's Address: 7530 Crooked Stick Dr.

Applicant's Email Address: BobbyLynns@yahoo.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 985-637-0118

Property Owner: Robert Gros

Owner's Mailing Address: Same

Owner's Email Address _____

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 985-637-0118

Tax Roll Parcel Number: 067N-2-35-168.000

Physical Street Address: 659 Kowles Dr

Legal Description of Property: Pl 2 Unit 10 Blk 15 Lot 15

Zoning District: R-10

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) Remove property line 8' and add to lot 14
which results in to eliminate encroachment & allow for
5' Drains & Utility Easement on either side of Property
Line

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.

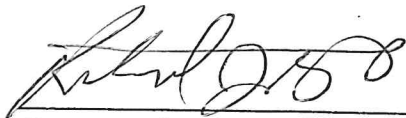
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on March 25, 2025 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 NA
- List of Property Owner NA

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

REQUIRED ITEM A

Property Owner Robert Gros

Street Address 659 Kuala Dr

Statement Describing Variance Request
Allow 574 sq ft. variance to 10,000 sq ft. minimum lot side requirement in R-1D

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

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: Yes

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