



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: May 30, 2025

SUBJECT: 44035 Veterans Dr. Re-subdivision Accessory Structure Setback Variance

Joel Dicharry is requesting a variance to allow an accessory structure (screened porch) within 1" of the residences. The variance requested is 9'11".

- Lot located in Flood Zone which requires additions to meet current finished floor elevations (FFE).
- Foundation for addition would be 3' above existing residence.
- Accessory structures are not required to meet current FFE but are required to be setback 10' from residence.
- Variance allows reasonable access to and from the screened porch.
- There were no objections.

The Planning & Zoning Commission voted unanimously to recommend approval.



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STAFF REPORT TO PLANNING COMMISSION

DATE: April 21, 2025

NATURE OF REQUEST: Joel Dicharry, represented by David Rush, has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow an accessory structure (screened porch) within 1" of the residences.

The property address is 6417 Kome Dr. The tax parcel number is 068R-2-41-097.000. The property is in an R-6 zoning district and flood zone AE. The setback for an accessory structure is 10' from the residence. The variance requested is 9'11". The Case File Number is 202500140.

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. *Lot is in a flood zone. FEMA requires any attached addition to meet the current finished floor elevation, in this case approximately 3' above slab. As long there is air space between the residence and additional structure, the structure is not required to meet finished floor elevation.*
- 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. *Many of the homes in this district have screened porches.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *Conditions are created FEMA.*
- 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.



Commissioner Bennett
Commissioner Brewer
Commissioner Debrow
Commissioner Parrish
Commissioner Lawson
Commissioner Raymond
Commissioner Sutherland

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, April 22, 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 March 25, 2025 minutes.

Architectural Review

New Business

3. Jillian Ladner has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a residence within 15'6" of the front yard setback on a lot with 2 front yard setbacks. The property address is 10860 Ala Moana St. The tax parcel number is 067H-2-25-087.001. The property is in an R-6 zoning district. It is a corner lot which requires 2 front yard setbacks of 20'. The variance requested is 4'6". The Case File Number is 202500134.
4. Joel Dicharry, represented by David Rush, has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow an accessory structure (screened porch) within 1" of the residences. The property address is 6417 Kome Dr. The tax parcel number is 068R-2-41-097.000. The property is in an R-6 zoning district and flood zone AE. The setback for an accessory structure is 10' from the residence. The variance requested is 9'11". The Case File Number is 202500140.
5. CAYO HUESO, LLC, represented by Michael Casano, has filed an application requesting a re-subdivision tax parcel number 131E-1-13-006.009 to create 2 parcels. The property is located on Veterans Dr. and is in the C1 – General Commercial District. The Case File Number is 202500167.
6. The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Sign Ordinance Article 8.7.a - Political Signs. The proposed text amendment is to allow temporary signs, such as election signs, so that they may be placed on the City right of way in front of private property, at least 2' from the street. The Case File Number is 202500135.

Approved
4-0

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

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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 22, 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.



5000 Diamondhead Circle •
Diamondhead, MS 39525-3260
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TO: Joel Dicharry and adjacent property owners

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

DATE: April 4, 2025

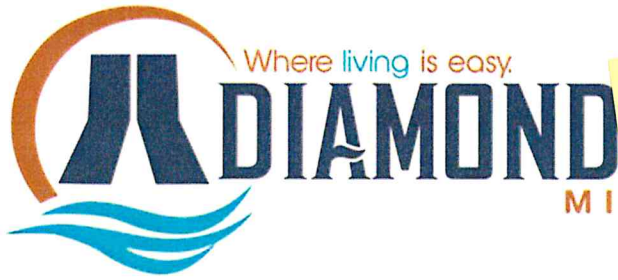
SUBJECT: Variance request before the Planning & Zoning Commission

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Send to Rush
Construction also

TO: Joel Dicharry and adjacent property owners

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

DATE: April 4, 2025

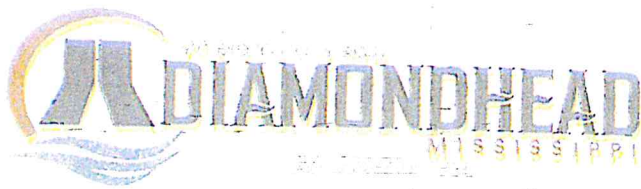
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Diamondhead, MS. 39525

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APPLICATION FOR VARIANCE REQUEST

Case Number: 202500140

Date March 20, 2025

Applicant: David Rush

Applicant's Address: 18391 Runnymede Rd., Pass Christian, MS 39571

Applicant's Email Address: bid@drc.build

Applicant's Contact Number: (Home) _____ (Work) 228-255-1286 (Cell) 228-263-4820

Property Owner: Sally Hogue Dicharry Joel Dicharry

Owner's Mailing Address: 6417 Kome Drive, Diamondhead, MS 39525

Owner's Email Address sally.hogue@att.net

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

Tax Roll Parcel Number: 068R-2-41-097.000

Physical Street Address: 6417 Kome Drive, Diamondhead, MS 39525

Legal Description of Property: 41 BLOCK 2 UN 10 PH 2 DIAMONDHEAD

Zoning District: R-1

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

We are applying for a 9'11" variance in order to build a screen room 1" (one inch)

from the existing house foundation. The screen room will not tie into the house.

Note: The existing zoning requires the outbuilding to be 10' away from the house.

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.

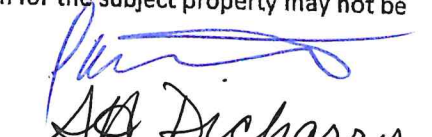
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on 4/22/25 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 Sally Hogue

Street Address 6417 Kome Drive, Diamondhead, MS 39525

Statement Describing Variance Request

We are applying for a 9'11" variance in order to build a screen room 1" (one inch)
from the existing house foundation. The screen room will not tie into the house.

Note: The existing zoning requires the outbuilding to be 10' away from the house.

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.

Flood Zone

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

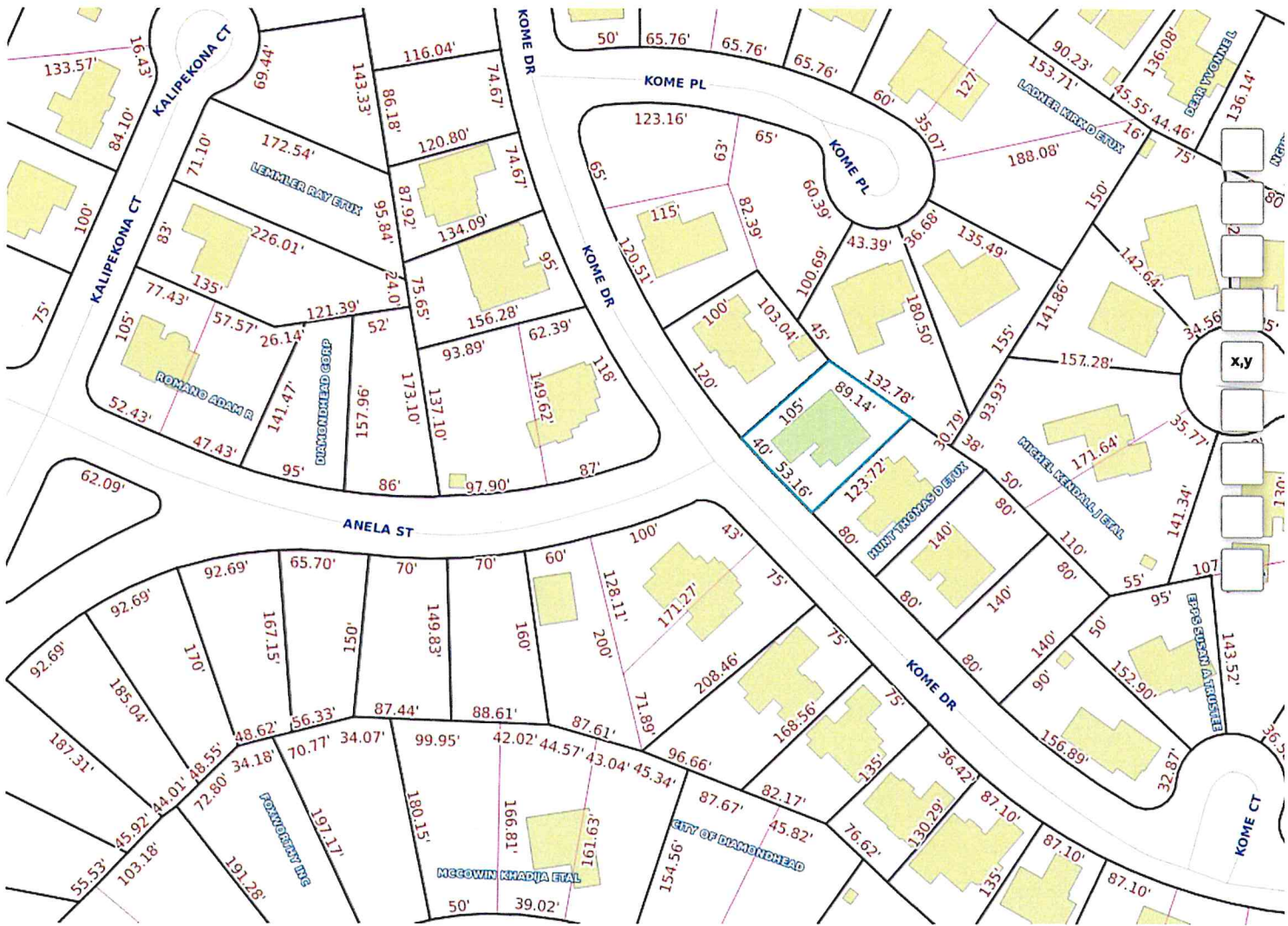
Response: Yes

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

Response: Yes

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

Response: Yes



**068R-2-41-
097.000**

Parcel Number: 068R-2-41-097.000
Owner Name: DICHARRY JOEL ETAL
Owner Address: 6417 KOME DRIVE
Owner City, State ZIP: DIAMONDHEAD,
MS 39525
Physical Address: 6417 KOME DR
Improvement Type: RES
Year Built: 1998
Base Area: 2261
Adjusted Area: 2565
Actual Total Value: 178401
Taxable Total Value: 0
Estimated Tax: 3358.38
Homestead Exemption: No
Deed Book: 2023
Deed Page: 8564
Legal Description 1: 41 BLK 2 UN 10
DIAMONDHEAD PH2
Legal Description 2:
Legal Description 3:
Legal Description 4:

Close

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