



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: J. Pat Rich, Development Coordinator

A handwritten signature in blue ink that reads "J. Pat Rich".

DATE: March 1, 2023

SUBJECT: The Camp House Sign Variance

The Camp House Restaurant requested a variance to exceed the 150 square feet maximum by 50 square feet on the front wall of the restaurant.

The Planning & Zoning Commission voted 4-0 to recommend to deny the variance.



Commissioner Bennett
Commissioner Brewer
Commissioner Cook
Commissioner Debrow
Commissioner Flowers
Commissioner Layel
Commissioner Nicaud

AGENDA PLANNING AND ZONING COMMISSION

Tuesday, February 28, 2023

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 January 24, 2023 minutes.

New Business

3. Dennis Mitchell, Jr. has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to construct a residence within 9'2 1/2" of the side yard property line. The property address is 1430 Hanakealoha Place. The tax parcel number is 132R-0-10-118.000. The property is in a R-2 zoning district. The side yard setbacks are 10'. The variance requested is 9 1/2". The Case File Number is 202300000. *4-0*

4. Diamondhead POA/The Camphouse Restaurant has filed an application requesting a variance from the Zoning Ordinance (Article 10.6) to place an additional 50 square feet of signage on the front wall of the restaurant. The property address is 3410 Yacht Club Circle. The tax parcel number is 131M-2-11-058.000. The property is in a C-2 zoning district. The maximum square footage for wall mounted signs is 150 square feet. The variance requested is 50 square feet. The Case File Number is 202300025. *4-0*

5. Cure Land Company, LLC, represented by Carlene Alfonso has filed an application requesting a map amendment (Rezoning) in accordance with the Zoning Ordinance Article 2.8 (Amendment (Rezoning Procedure)). The Case File Number is 202300023. Cure Land Company, LLC desires to change the current zoning from C-1 (General Commercial District) to R-3 (High Density Single Family Residential). The physical address is 5410 Gex Drive. The tax parcel number is 132A-2-03-028.000. The purpose of the zoning change is for condominium development. The parcel of property is generally described as being bounded on the west by Diamondhead Drive North, the north by the Duck Pond and Lakeview Court, the east by Diamondhead Drive East and Prestige

*No Action
Taken. Loss
of Quorum.*



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: February 24, 2023

CASE FILE NUMBER: 202300025

APPLICANT: Diamondhead POA/The Camphouse

TAX PARCEL NUMBER: 131M-2-11-058.000

PHYSICAL STREET ADDRESS: 3410 Yacht Club Circle

ZONING DISTRICT: C-2 Interstate Commercial/Gaming/Resort

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: To place an additional 50 square feet of signage on the street facing wall of the restaurant. The maximum square footage for wall mounted signs is 150 square feet. The variance requested is 50 square feet.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: February 28, 2023

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: 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. *This restaurant is one of two located on the southside of the interstate and has been there for many years under different names and management. Maximum square footage restrictions have been applied to all businesses located in the C-2 district.*
- 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. *None have been granted in this district.*
- C. That special conditions and circumstances, if any, *do* result from the actions of the applicant. *The applicant currently has 130 square feet of wall mounted signage.*
- 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. *If granted, this would be the first.*
- 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. *The applicant can add 20 square feet of signage or remove existing signage to not exceed the maximum square footage.*
- F. The Variance *does not* observe the spirit of the Ordinance.
- 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
Ph: 228-222-4626
FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

Case Number: 202300025

Date 11/13/2023

Applicant: Diamondhead POA / The Camphouse

Applicant's Address: 3410 Yacht Club Cir, Diamondhead, MS 39525

Applicant's Email Address: babyducksdiamondhead@gmail.com

Applicant's Contact Number: (Home) _____ (Work) ²²⁸255 1900 (Cell) 662 418 4868

Property Owner: Diamondhead Property Owners' Association

Owner's Mailing Address: Flejo Country Club Cir, Diamondhead, MS

Owner's Email Address: dmcinnis@dhpod.org

Owner's Contact Number: (Home) ²²⁸255 1900 (Work) _____ (Cell) _____

Tax Roll Parcel Number: 131M-2-11-058.000

Physical Street Address: _____

Legal Description of Property: _____

Zoning District: C-2

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) Need extra signage for building, an additional 50 sq ft for the crab sign. We feel that it will assist in grabbing the attention of potential customers and boosting business.

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 February 28, 2023 at 6:00p.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.

on behalf of Diamondhead POA

on behalf of Diamondhead POA

Guy Albadie - Gen Mgr.

Guy Albadie - Gen Mgr.

Signature of Applicant

Signature of Property Owner

_____ For Official Use Only _____

\$100.00

Copy of Deed, Lease or Contract

N/A Site Plan

N/A Parking Spaces

N/A List of Property Owner

Application Signed

Written Project Description

N/A Drainage Plan NA ()

N/A Notarized Statement NA ()

REQUIRED ITEM A

Property Owner Diamondhead POA / The Camphouse

Street Address 3410 Yacht Club Cir, Diamondhead, MS

Statement Describing Variance Request

Requesting a variance for the sign ordinance to add 50 sq ft of signage. The maximum is 150 sq ft.

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, it is the only restaurant on this side of the interstate. The location of the restaurant is in an isolated section of the city.

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 available sign space is large and can accommodate larger signs.

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

Response: Yes, the setback is .25 miles from I-10. The visibility is limited due to distance, making the location very isolated from normal traffic.

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

Response: There are no similar properties in the C-2 zoning district.

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

Diamondhead POA/The Camphouse Restaurant has filed an application requesting a variance from the Zoning Ordinance (Article 10.6) to place an additional 50 square feet of signage on the front wall of the restaurant.

The property address is 3410 Yacht Club Circle. The tax parcel number is 131M-2-11-058.000. The property is in a C-2 zoning district. The maximum square footage for wall mounted signs is 150 square feet. The variance requested is 50 square feet. The Case File Number is 202300025.

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 time, 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, February 28, 2023, 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 228-222-4626.



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222-4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

To: Property Owners

From: Pat Rich, Development Coordinator

Date: February 6, 2023

Subject: Notice of Variance Case

Diamondhead POA/The Camphouse Restaurant has filed an application requesting a variance from the Zoning Ordinance (Article 10.6) to place an additional 50 square feet of signage on the front wall of the restaurant.

The property address is 3410 Yacht Club Circle. The tax parcel number is 131M-2-11-058.000. The property is in a C-2 zoning district. The maximum square footage for wall mounted signs is 150 square feet. The variance requested is 50 square feet. The Case File Number is 202300025.

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 time, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

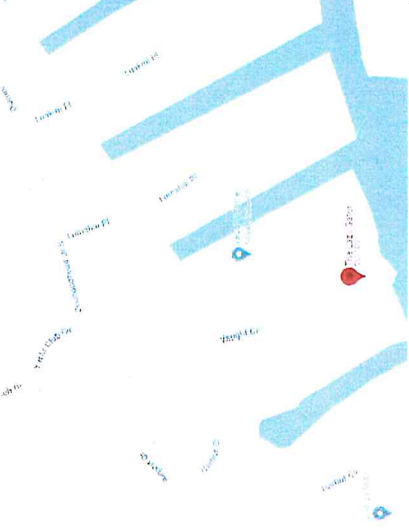
The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, February 28, 2023, at 6:00 p.m.** The public hearing will be held at Diamondhead City Hall in the Council Chambers at 5000 Diamondhead Circle in Diamondhead, MS 39525. Interested members 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 228-222-4626.

CURRENT SIGNAGE 130 sq. ft.



Flat Cutout Dibond With Printed & Laminated Graphics Mounted To Building As Shown



3410 Yacht Club Cir, Diamondhead, MS 39525

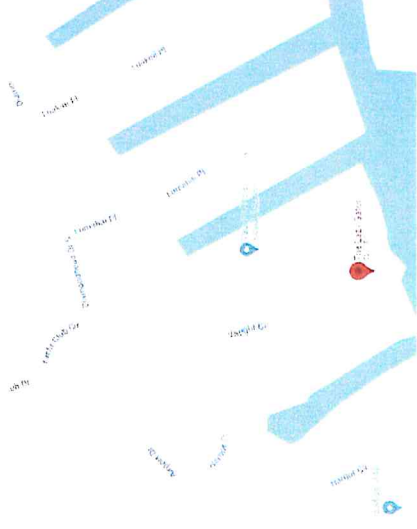
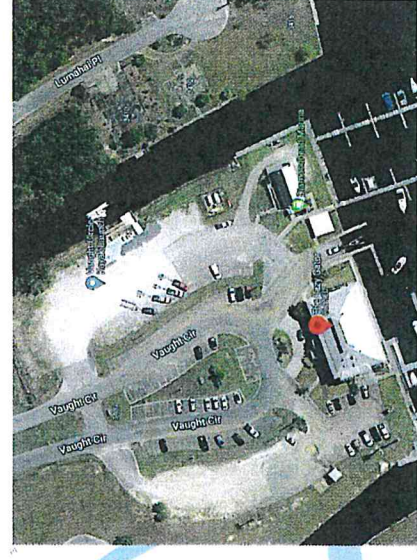
228.467.1718 / www.lqsigns.com

ALL RIGHTS RESERVED
This design concept or any rendered part of the initial design is property of Lightning Quick Signs and may not be reproduced, transmitted, or revealed to others without prior written approval from Lightning Quick Signs.

PROPOSED ADPL SIGNAGE 200 sq ft.



Flat Cutout Dibond With Printed & Laminated Graphics Mounted To Building As Shown



3410 Yacht Club Cir, Diamondhead, MS 39525

228.467.1718 / www.lqsigns.com

ALL RIGHTS RESERVED
This design concept or any rendered part of the initial design is property of Lightning Quick Signs, and may not be reproduced, transmitted, or revealed to others, without prior written approval from Lightning Quick Signs.

DIAMONDHEAD

COUNTRY CLUB & PROPERTY OWNERS ASSOCIATION
7610 Country Club Circle- Diamondhead, MS 39525 – Phone (228) 255-1900

January 13,2023

Mr. Pat Rich
Administrator- Planning and Zoning
City of Diamondhead
5000 Diamondhead Circle
Diamondhead , Mississippi 39525

Mr. Rich:

The Diamondhead Property Owners Association has entered into a lease agreement; whereby, establishing a new tenant for the property located at 3410 Yacht Club Circle, Diamondhead MS. This property recently referred to as The Lazy Gator is under new management; as such , the new tenants – Mr. John Peebles and Mr. Lee Peebles have launched a Marketing Campaign which includes the RE-BRANDING the Restaurant , now to be referred to as THE CAMP HOUSE .

Extensive work has occurred both on the interior and the exterior of the building with more transformation scheduled to occur on the lower level , marina side of the structure .

The tenants are seeking permission to post a monument / sign indicating “ THE CAMP HOUSE” in a location that the POA has no objection to . In fact , the POA values the relationship and views this as a quality business establishment that stands ready to serve locals and visitors as they enjoy the City of Diamondhead.

Should you require anything from the Diamondhead POA to further indicate its approval of the posting of the aforementioned sign – ‘ THE CAMP HOUSE’ , please contact me directly.

Respectfully ,

Greg Abadie
Greg Abadie
General Manager
The Club at Diamondhead
Property Owners Association

GEX WJ JB EST

2.400

Parcels
131M-2-11-
058.000

Parcel Number: 131M-2-11-058.000
 Owner Name: DIAMONDHEAD COUNTRY CLUB & POA INC
 Owner Address: 7610 COUNTRY CLUB CIR
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 3400 YACHT CLUB CIRCLE (3410)
 Improvement Type: RST
 Year Built: 2009
 Base Area: 3916
 Adjusted Area: 6225
 Actual Total Value: 1482377
 Taxable Total Value: 0
 Estimated Tax: 27736.81
 Homestead Exemption: No

