

9864 Kaimuki Ct.

DT 20706049



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202100077

Date 4-5-21

Applicant: Elliott Homes, LLC

Applicant's Address: 1402 Pass Rd. Gulfport, Ms 39502

Applicant's Email Address: angela@myelliotthome.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 228-273-5991

Property Owner: Elliott Home, LLC

Owner's Mailing Address: _____

Owner's Email Address: _____

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

Tax Roll Parcel Number: 067H-2-25-219.000

Physical Street Address: Corner Kaimuk St ; Kaimuki Ct.

Legal Description of Property: Ph. 2, Un. 7, Blk. 6, lot. 49

Zoning District: _____

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

lot fit

House (left side) is 17'1" from street with 10' EASEMENT

R-2
FRSB 20
SYSB 8

REQUIRED ITEM A

Property Owner Elliott Homes, LLC

Street Address COR. Kaimuki St. ; Kaimuki Ct.

Statement Describing Variance Request

with attempt to comply with 20' setback on all sides of the
street. We are only able to fit the house ; driveway 20' from
road. The side of the house is 17.1' from road, while complying to all easments
(c)

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: This will affect the house. Left side will be 17.1' away from
street instead of 20' feet from road on all sides. this however, will
not affect surrounding homes or structure of any kind.

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: We would be unable to build this house due to
lot fit size if we held the left side of the home to 20' from
road. All other easments are in compliance.

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

Response: This is because of lot fit and easments in place

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

Response: Yes, the owner will not be able to build her last
home without approval to position house (left side) 17.1' from road
(Survey attached) **

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. *(+1.00 A/H fee) = total of 101.00*

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 May 25, 2021 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.

Angela Hayes

Signature of Applicant

[Signature]

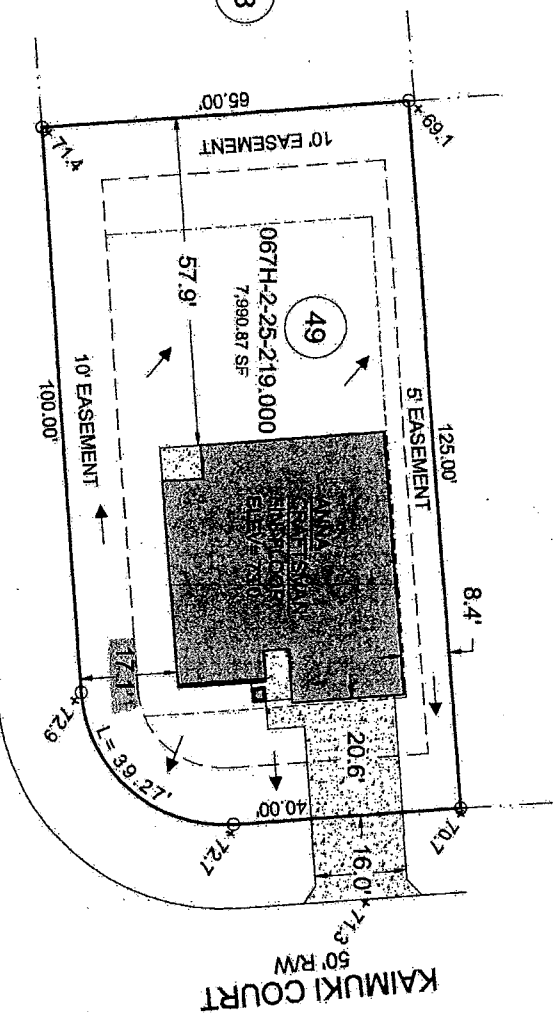
Signature of Property Owner

____ 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 ()

48



KAIMUKI STREET
50' R/W

DRIVEWAY AND LEAD
SIDEWALK= 608.09
SQ.FT.

PERVIOUS SURFACE=
8,469 SQ.FT.

SITE PLAN ON LOT 49, BLOCK 6,
DIAMONDHEAD, PHASE 2, UNIT 7, CITY OF
DIAMONDHEAD, HANCOCK COUNTY, MS



CROSBY SURVEYING

PROFESSIONAL LAND SURVEYING

716 LIVE OAK DRIVE

BILOXI, MISSISSIPPI 39532

PHONE: 228-234-1649

EMAIL: cliffordcrosby@cableone.net

DH20706049



Prepared By and Return To:
Schwartz, Orgler & Jordan, PLLC
12206 Hwy 49
Gulfport, MS 39503
(228) 832-8550

Indexing Instructions: Lot 49, Block 6,
Unit 7, Phase 2, Diamondhead

File# 210025

STATE OF MISSISSIPPI
COUNTY OF HANCOCK

WARRANTY DEED

THAT FOR AND IN CONSIDERATION of the sum of Ten and no/100 Dollars (\$10.00),
cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of
which is hereby acknowledged,

Edwin Henry Brink
16510 Laurelfeld Dr.
Huston, TX 77059
(713) 254-1790

does hereby grant, bargain, sell, convey and warrant, unto

Elliott Homes, LLC,
A Mississippi Limited Liability Company
1402 Pass Road
Gulfport, MS 39501
(228) 257-9914

the following described property, together with the improvements, hereditaments and appurtenances
thereunto situated and located in the County of Hancock, State of Mississippi, and more particularly
described as follows, to-wit:

Lot Forty Nine (49), Block 6, Unit 7, Diamondhead, Phase 2, according to map
or plat thereof on file and of record in the Office of the Chancery of Hancock
County at Bay St. Louis, Mississippi.

THIS CONVEYANCE is subject to any and all recorded restrictive covenants, rights-of-way
and easements applicable to subject property, and any prior recorded reservations, conveyances and
leases of oil, gas and minerals by previous owners of subject property.

Estimated county ad valorem taxes have been prorated between the parties as a part of the
consideration for this conveyance. In the event the estimates upon which such proration is based
prove to be inaccurate for any reason, the Grantee agrees to refund any excess, and the Grantor

DECLARATION OF ACCEPTANCE

PROPERTY ADDRESS: Lot 49 Block 6 Unit 7 Phase 2
 Diamondhead, MS 39525
 Hancock County

I/We, the undersigned, do hereby declare that I/we have inspected the vacant land at the above reference address and/or location as of this date, and that without any reservations, I/we hereby accept the property as to its "as is" condition and have satisfied myself/ourselves that:

- (a) the property can be used for its intended use;
- (b) I/we have made all inquiries that I/we deem reasonable and necessary regarding permits, wetlands, tidelands and use of the property;
- (c) I/we do hereby accept that property in its "as is, where is" condition;
- (d) I/we have been given the property survey to verify acreage and access to the property and am/are satisfied;
- (e) I/we are ready to proceed with the final closing of this transaction;
- (f) I/we hereby release the Seller(s) from any further obligation.

DATE: January 15, 2021



Elliott Homes, LLC

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS

Elliott Homes, LLC has filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5) to construct a residence on a corner lot with a front yard setback of 17.1' from the south property line. The variance requested is 2.9'.

The property is located at 9864 Kaimuki Court. The tax parcel number is 067H-2-25-219.000. The legal description is Diamondhead Subdivision Phase 2, Unit 7, Block 6, Lot 49. The property is located in an R-2 zoning district. The front yard setback is back 20' from the front property line. The Case Number is 202100077.

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 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, May 25, 2021 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.



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

TO: Elliott Homes, LLC and adjacent property owners

FROM: J. Pat Rich, Planning and Zoning Administrator

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

DATE: May 7, 2021

SUBJECT: Notice of Public Hearing

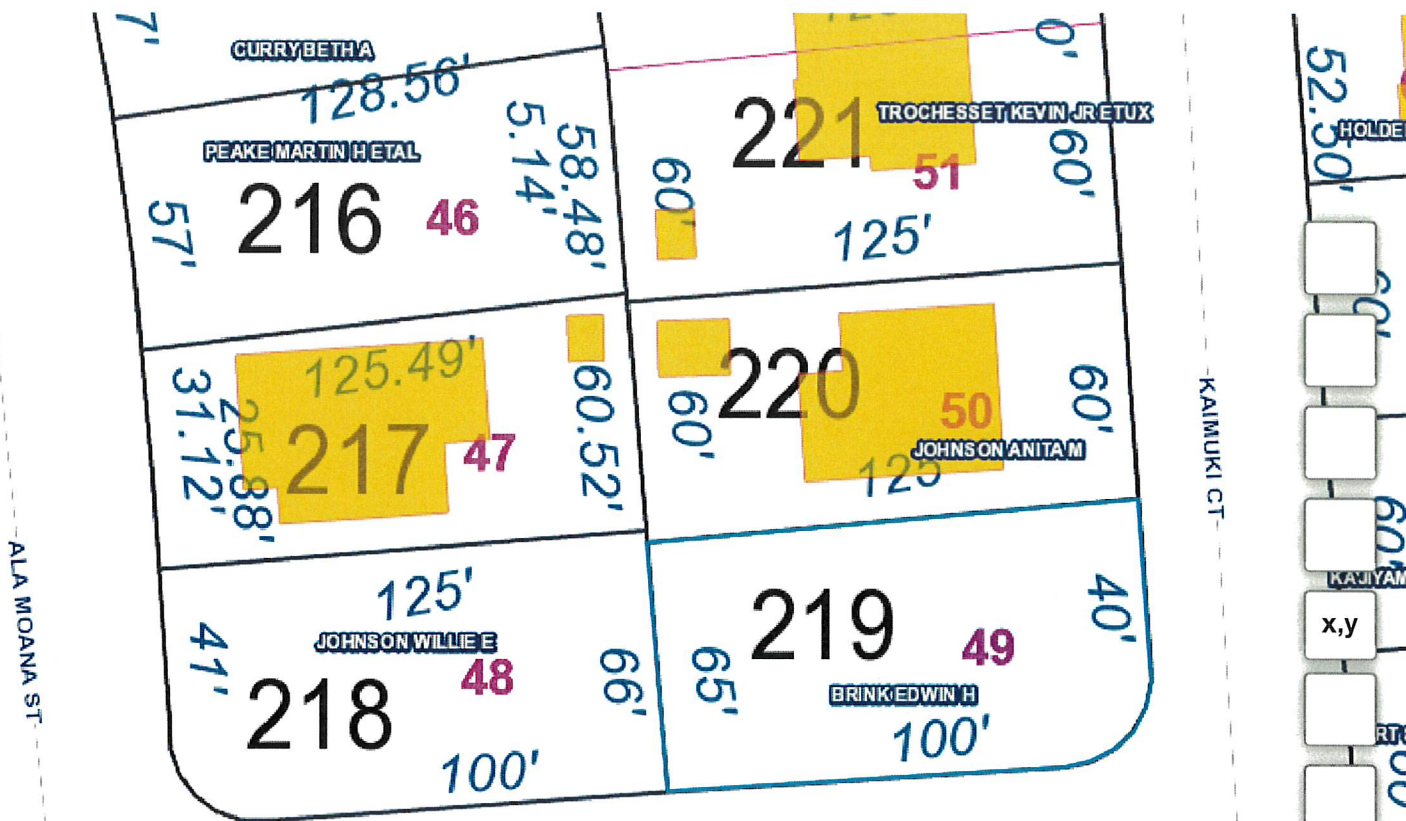
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KAIMUKI ST

Owner Address: 16510 LAURELFIELD DR

Owner City, State ZIP: HOUSTON, TX 77059

Physical Address:

Improvement Type:

Year Built:

Base Area:

Adjusted Area:

Improvement Value:

Land Value:

Total Value:

Estimated Tax:

Homestead Exemption: No

Deed Book: 2018

Deed Page: 15657

Legal Description 1: 49, COR. BLK 6 DIAMONDHEAD

Legal Description 2: PHASE #2 UNIT #7

Legal Description 3:

Legal Description 4:

Legal Description 5:

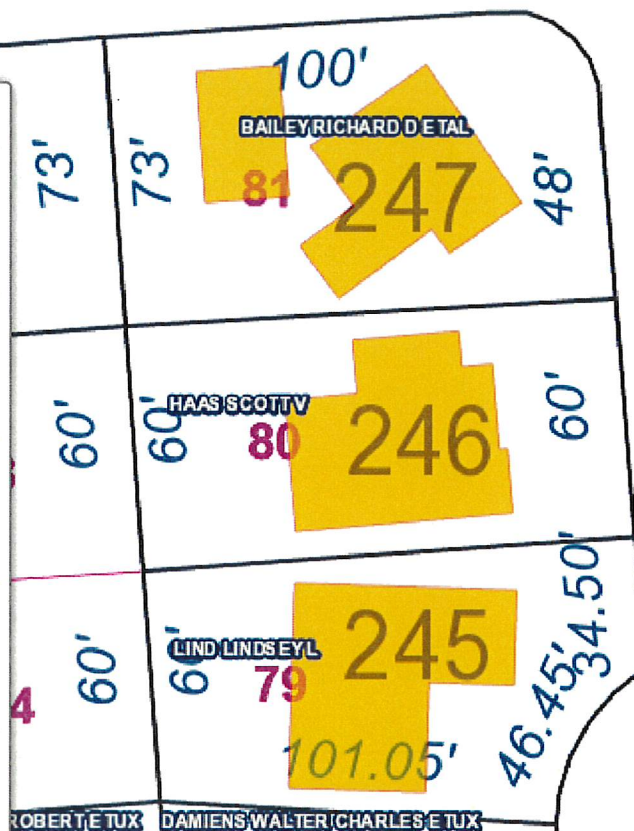
Legal Description 6:

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ROBERT E TUX DAMIENS WALTER CHARLES E TUX

0 30 60ft