



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

submital date: May 17th

APPLICATION FOR VARIANCE REQUEST

Case Number: 202100176

Date 5/17/21



Applicant: Phillip Sutton

Applicant's Address: 97440 Diamondhead Drive W

Applicant's Email Address: psutton27@yahoo.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 228-224-4549

Property Owner: Phillip Sutton

Owner's Mailing Address: 97440 Diamondhead Drive W

Owner's Email Address psutton27@yahoo.com

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 228-224-4549

Tax Roll Parcel Number: 0617R-1-36-057.000

Physical Street Address: 97440 Diamondhead Drive W

Legal Description of Property: DH PH2 unit 4A BIK 5 lots 5+4

Zoning District: R-2

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

6ft Privacy Fence

Wood

24ft x 48ft

going off side of house to rear 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 <sup>2 (+1.00 A/H fee) = total of 101.00</sup> 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 Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.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.

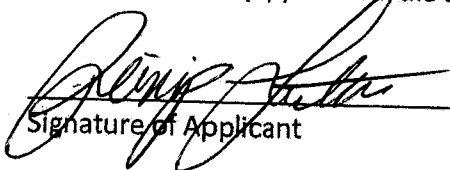
That additional information may be required by the Planning Commission prior to final disposition.

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 June 29, 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.

  
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 Phillip Sutton

Street Address 9740 Diamondhead Drive W.

Statement Describing Variance Request

I am requesting a variance to put a privacy fence on my property. I have two dogs and a two year old daughter that I would like to keep safe from the street.

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, because of the shape of the property and location of the house.

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, because it will cut off access to my backyard.

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

Response: Yes, the lot size and shape

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

Response: it would not give me any special privileges. Other houses around the area have similar fences

Prepared By:  
The Casano Law Firm, P.A.  
4403 West Aloha Drive  
Diamondhead, MS 39525  
228-255-0035  
File No: 20-0258

RECORDED  
INDEXED  
4403 WEST ALOHA DRIVE  
DIAMONDHEAD, MS 39525  
228-255-0035

**Index As:**

**STATE OF MISSISSIPPI  
COUNTY OF Hancock**

**WARRANTY DEED**

For and in consideration of the sum of Five Dollars (\$5.00) and lawful money, has to be paid and the  
consideration the receipt and title of which is hereby acknowledged.

Witnothly, Charles and Kimberly Gailley, Grantees,  
10476 Brantley Street  
Jacksonville, FL 32218  
Phone: 228-223-7125

Do hereby sell, convey, bargain and warrant to

**Phillip C Sutton and Taylor N Sutton, Grantees**  
97440 W Diamondhead Dr  
Diamondhead, MS 39525  
Phone:

As joint tenants with right of survivorship and not as tenants in common, the following described real property situated  
and located in Hancock County, Mississippi, more particularly and certainly described as follows:

**Lots 5 and 6, Block 5, Unit 4-A, Diamondhead, Phase 2, according to the map or plat thereof on file and of record  
in the office of the Chancery Clerk of Hancock County, Mississippi.**

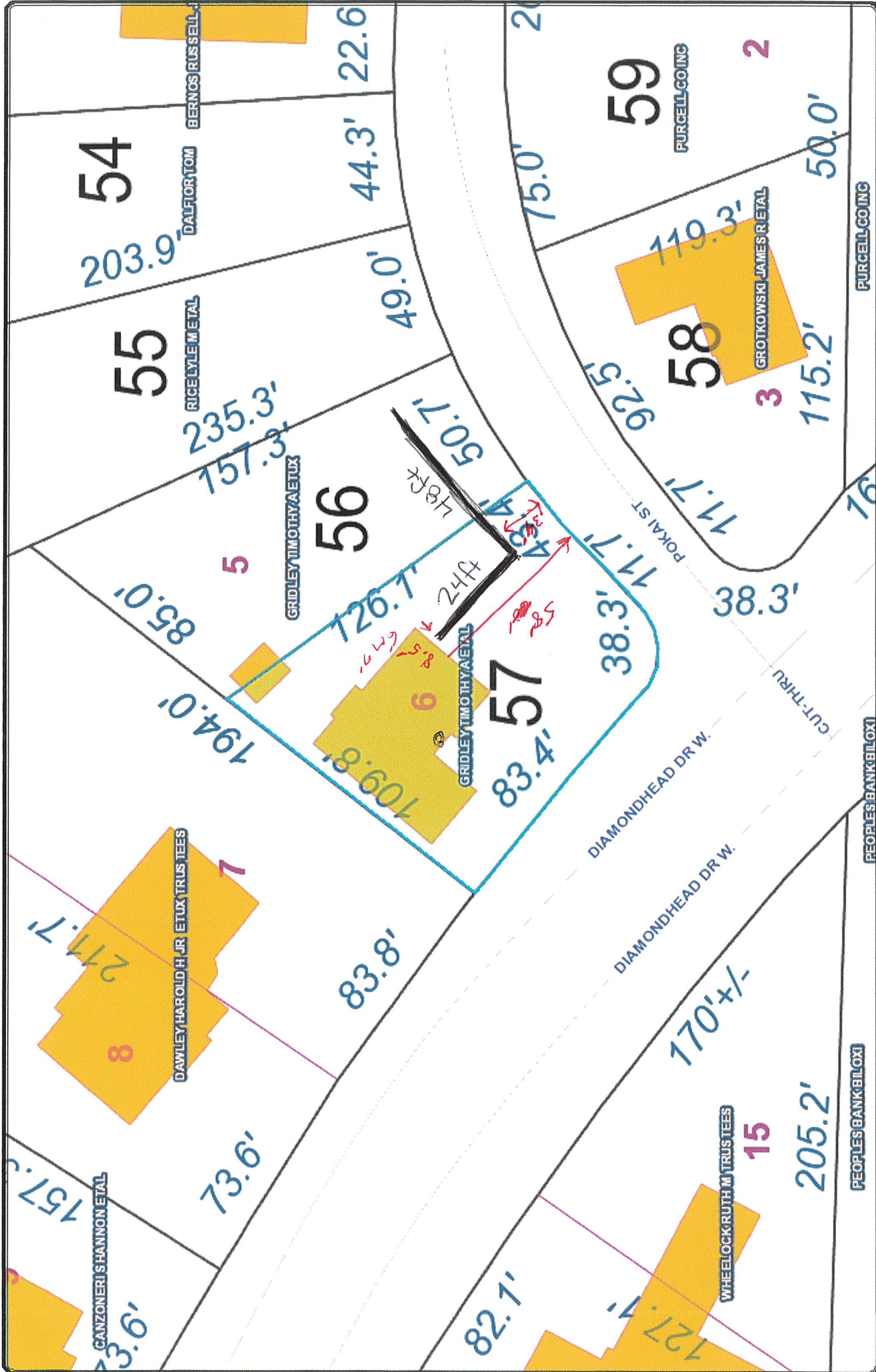
Together with all and singular the rights, privileges, improvements and appurtenances to the same in anywise appertaining  
any wise appertaining.

This conveyance is made subject to any and all covenants, conditions, restrictions, easements, servitudes and  
conditions of record including any and all of those which are in any way in anywise appertaining to the same.

If hereafter, after the warranty contained in this deed, any part of the property here described shall be sold, conveyed, or  
otherwise disposed of, the grantors, their heirs, assigns, personal representatives and legal representatives shall be held  
liable in any and all ways for the same as if they were the grantors, their heirs, assigns, personal representatives and legal representatives.

The grantors warrant that the property here described is free from any and all liens, mortgages, judgments, and other  
claims of any kind.





April 21, 2021

1 inch = 44 feet



DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.

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

Phillip Sutton has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' wood privacy fence starting 8.5' from the southeast corner of the house, continuing toward Pokai Street for 24' and then continuing east along Pokai Street for 48'. This is a corner lot with 2 front setbacks and 2 front facades. The Ordinance states a privacy fence cannot extend beyond the front façade of the house. The variance requested is 8.5' from the front façade (southeast corner) and 24' towards Pokai Street.

The property address is 97440 Diamondhead Drive West. The tax parcel number is 067K-1-36-0567.000. The legal description is Diamondhead Subdivision Phase #2, Unit 4A, Block 5, Lots 5 & 6. The property is located in a R-2 zoning district. The fence is required to be set back 20' from the front property line but not any closer than the façade of the house.

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, June 29, 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.

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: Phillip Sutton and adjacent property owners

FROM: J. Pat Rich, Planning and Zoning Administrator

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

DATE: June 14, 2020

SUBJECT: Notice of Public Hearing

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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.



## Pat Rich

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**From:** Ronald Jones  
**Sent:** Friday, June 18, 2021 10:02 AM  
**To:** Pat Rich  
**Subject:** FW: Supporting a request for a fence variance

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**From:** Harold Dawley <hdawley@bellsouth.net>  
**Sent:** Friday, June 18, 2021 9:01 AM  
**To:** Ronald Jones <rjones@diamondhead.ms.gov>  
**Subject:** Supporting a request for a fence variance

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To: J. Pat Rich, Planning and Zoning Administrator

Subject: Notice Of Public Hearing

Dear Mr. Rich:

I recently received your notification that the owner of the land next to my home, Phillip Sutton, has requested a variance to construct a 6' wood privacy fence along the side of his home running along Pokai Street. As an adjoining property owner, I am writing to state I wholly support his request. In my opinion, the variance he is requesting will have no negative consequence on the neighborhood,

I urge the Planning Commission to approve Mr. Sutton's request for a variance to construct a fence along the side of his home running along Pokai Street.

Please feel free to contact me if you have any questions or need more information.

Thank you.

Harold Dawley

97444 Diamondhead Drive Wet

Diamondhead, MS

228-437-4210