



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

TO: Susan Joyce and adjacent property owners

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

DATE: December 29, 2023

SUBJECT: Variance request before the Planning & Zoning Commission

Susan Joyce has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory structure within 5' of the rear property line.

The property address is 684 Apona Street. The tax parcel number is 131A-0-04-067.000. The property is in a R-2 zoning district. The rear yard setback is 10'. The variance requested for the accessory structure is 5'. The Case File Number is 202300565.

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 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, January 23, 2024, 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 228-242-1613.

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

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APPLICATION FOR VARIANCE REQUEST

Case Number: 202300565

Date 12/1/23

✓ Applicant: Susan Joyce

Applicant's Address: 684 Apona St. Diamondhead, MS 39525

Applicant's Email Address: cottondog@gmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 404-643-3221

Property Owner: Susan Louisa Joyce

Owner's Mailing Address: 684 Apona St. Diamondhead, MS 39525

Owner's Email Address cottondog@gmail.com

Owner's Contact Number: (Home) n/a (Work) n/a (Cell) 404-643-3221

Tax Roll Parcel Number: 131A-0-01-007.000

Physical Street Address: 684 Apona St. Diamondhead MS

Legal Description of Property: _____

Zoning District: R-2

✓ State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) Variance of 5' to RYSB for Accessory Structure

REQUIRED ITEMS:

- A. A statement describing the variance request and all the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically.
- THE CONDITIONS FOR GRANTING A VARIANCE: (SEE ATTACHED SHEET #4)**
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?
 2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
 3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
 4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?
- B. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
- C. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to their variance application:
- i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.
- D. Payment of fee for Variance request: \$100.00 as per Ordinance 2012-020

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 Jan 23, 2024 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]
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 ()

REQUIRED ITEM A

Property Owner Susan Joyce

Street Address 484 Apana St Diamondhead
Statement Describing Variance Request

The rear wall of my shed is only 5ft. from neighbors fence. I will provide proper drainage for the shed.

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. Just my storage/art shed

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

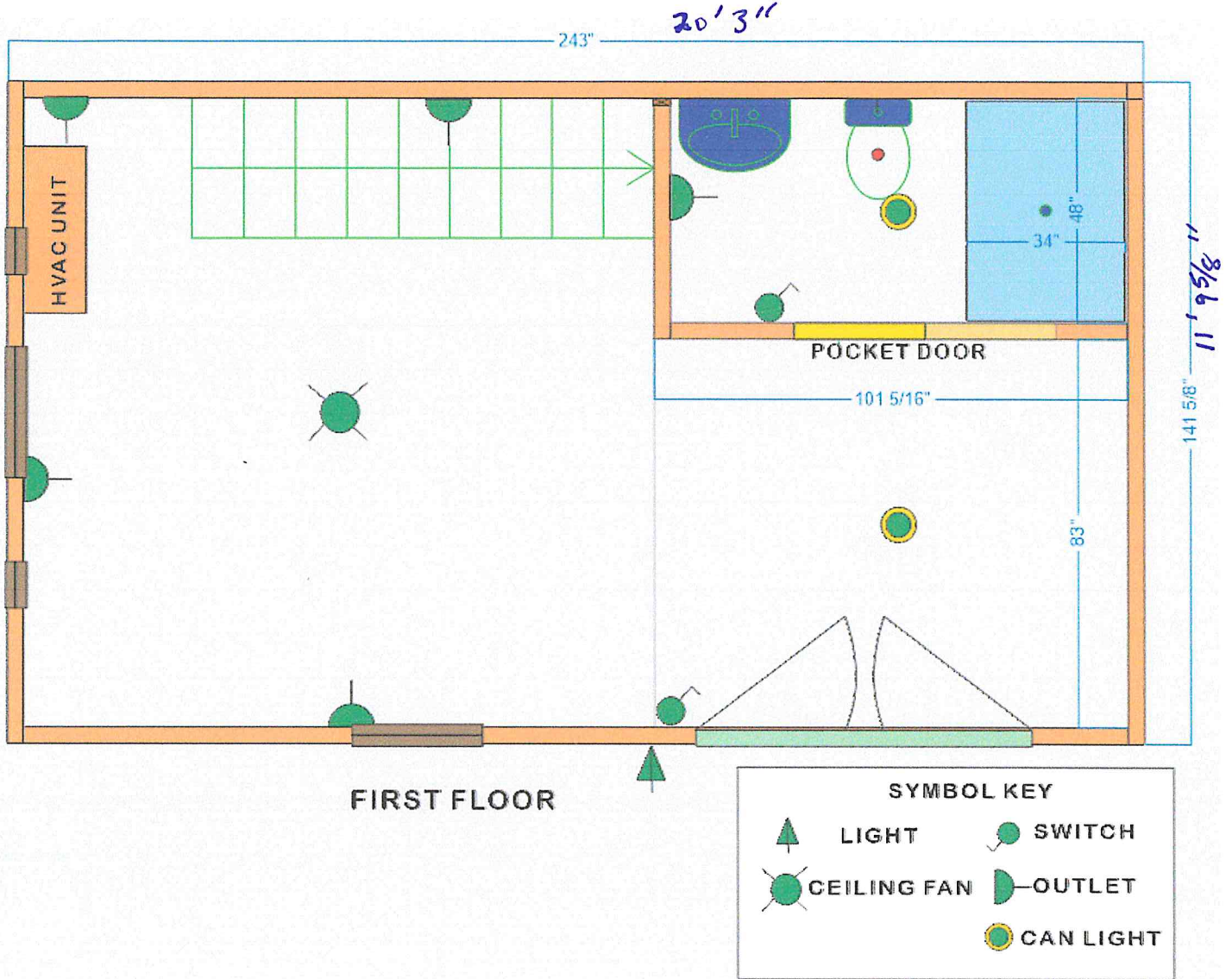
Response: No. others will not be effected by the storage/art shed.

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

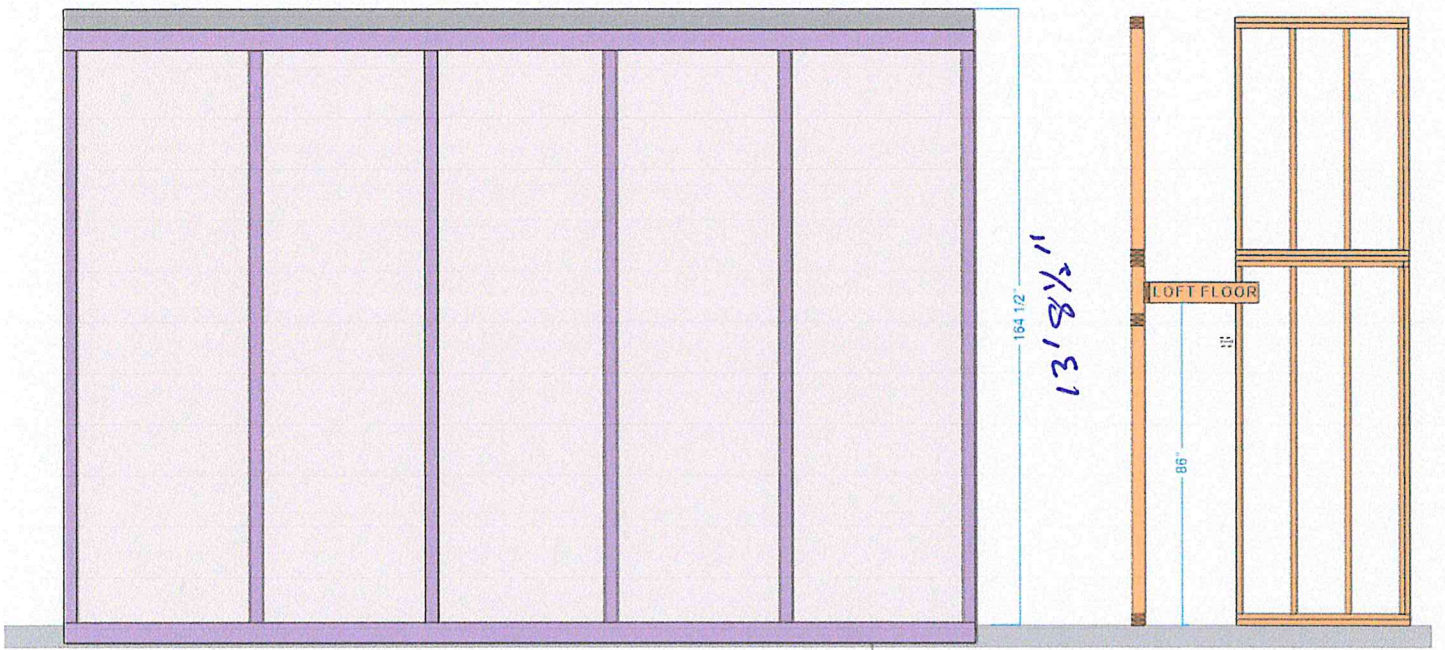
Response: Yes. It was caused by the previous contractor who assumed that the universal space of 5ft. applied to Diamondhead

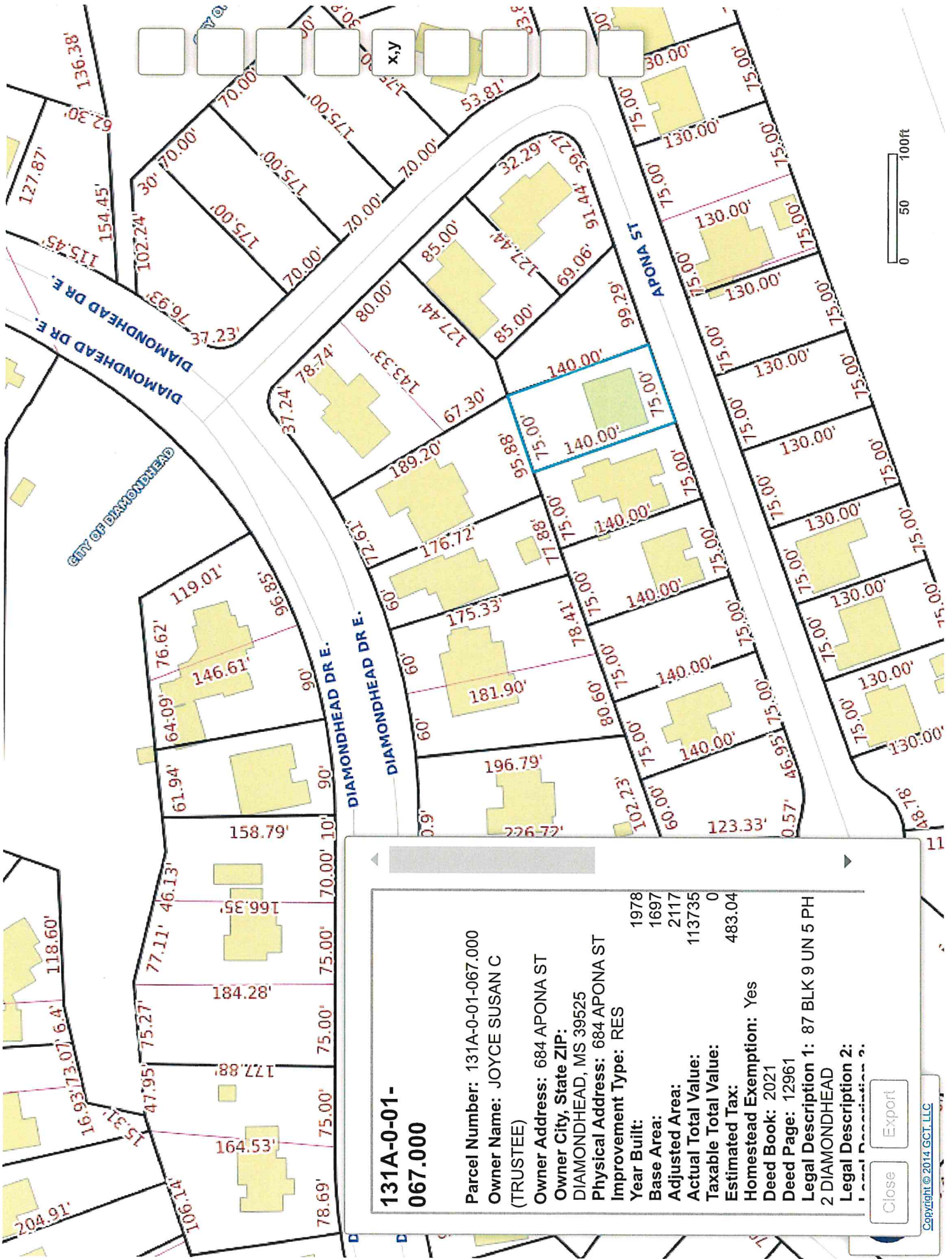
4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: All neighbors and owners of similar properties are accepting of the storage/art shed and are prepared to join me on 1/23/24



240 sq ft.





131A-0-01-067.000

Parcel Number: 131A-0-01-067.000
 Owner Name: JOYCE SUSAN C (TRUSTEE)
 Owner Address: 684 APONA ST
 Owner City, State ZIP: DIAMONDHEAD, MS 39525
 Physical Address: 684 APONA ST
 Improvement Type: RES
 Year Built: 1978
 Base Area: 1697
 Adjusted Area: 2117
 Actual Total Value: 113735
 Taxable Total Value: 0
 Estimated Tax: 483.04
 Homestead Exemption: Yes
 Deed Book: 2021
 Deed Page: 12961
 Legal Description 1: 87 BLK 9 UN 5 PH
 2 DIAMONDHEAD
 Legal Description 2:
 Legal Description 3: