



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

TO: Janet Harmon-Curvey, John A. Curvey and adjacent property owners

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

DATE: November 24, 2021

SUBJECT: Variance application request before the Planning & Zoning Commission

Janet Harmon-Curvey and John A. Curvey have filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a covered patio (36.26' x 11.4') within 17.9' of the rear property line. Additionally, to construct a masonry fireplace (3'x6') within 14.9' of the rear property line.

The property address is 7518 Augusta Way. The tax parcel number is 067M-2-35-007.000. The property is in an R-1 zoning district. The rear yard setback is 20'. The variance requested for the covered patio is 2.1' and the fireplace is 5.1'. The Case File Number is 202100459.

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, October 26, 2021~~ ^{Dec 14} ~~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.

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

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Diamondhead, MS 39525
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FX: 228-222-4390

RECEIVED
NOV 01 2021
BY: RJ

APPLICATION FOR VARIANCE REQUEST

Case Number: 202100459

Date 11/1/2021

Applicant: Janet Harmon-Curvey, John A. Curvey

Applicant's Address: 7518 Augusta Way Diamondhead, MS ³39525

Applicant's Email Address: curvey32@hotmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 812-344-6844 Janet
228-364-2522 John

Property Owner: Janet Harmon-Curvey, John A. Curvey

Owner's Mailing Address: 7518 Augusta Way Diamondhead, MS 39525

Owner's Email Address curvey32@hotmail.com

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 812-344-6844 Janet
228-364-2522 John

Tax Roll Parcel Number: 067M-2-35-007.000

Physical Street Address: 7518 Augusta Way

Legal Description of Property: Glen Eagle STD, PH 1, Lot 177

Zoning District: R-1 RYSB 20'

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

To build a covered patio (36.26' x 11.4') with 17.9' of the rear property line. Additionally to construct a masonry fireplace within 14.9' of the rear property line.

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 Tuesday, Dec 14, 2021 at 6:00 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 Janet Harmon-Curvey, John A. Curvey

Street Address 7518 Augusta Way Diamondhead, MS 39525
Statement Describing Variance Request

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: Not aware if other homes built in same era (2003) are affected by the current 20' rear set back or not.

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: Many nearby neighbors enjoy screened patios. If our variance is denied, it will affect the esthetics of the rear view of the home because the new const. will not match up to the furthest rear footprint of the home.

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

Response: Special conditions/circumstances are not caused by owners/applicants.

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

Response: The requested variance would not give us any special privileges or rights. Many of our neighbors enjoy screened outdoor areas attached to their homes. Our, unfortunately, was built in 2003 before Diamond head was a city. Without a variance we cannot construct the screened outdoor patio area ~~that would match our current set back footprint of 17'9" from property line~~ that would match our current set back footprint of 17'9" from property line.

Subject: 7518 Augusta Way Variance Request - Additional Information

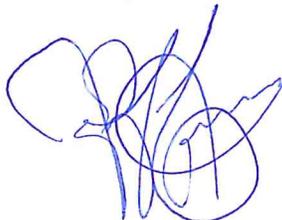
We purchased the property in December 2019. Since then, we've really enjoyed the home and Diamondhead. We especially have enjoyed watching the golfers during the day and other residents as they traverse the cart path in the evenings. While we've owned the home, we've made a number of improvements to the property. With that same spirit in mind, we thought it would be nice to incorporate more of the outdoors into our daily living environment. As much as we enjoy sitting outside, we know it would be that much more enjoyable if we had a screened-in back patio.

As we've started to plan on making the addition, we discovered that our home (which was built in 2003) extends into the 20 foot property set back by about 2 feet. As we understand it, the portion of the home that sits inside the set back is essentially grandfathered. The screened-in patio that we would add would essentially be an extension of the original footprint of the house and therefore also extend into the 20 foot set back by about 2 feet. By keeping the design within the footprint it would make the addition symmetrical and aesthetically appealing.

Here are some additional notable items:

1. The addition would not obstruct our neighbors' view of the golf course or neighborhood.
2. The addition would sit approximately 50 feet from the cart path on the Cardinal's 6th hole.
3. The construction would include a masonry fireplace and would meet or exceed the standards that the home and surrounding homes have in place today.
4. We would employ a contractor that is well established and has a strong reputation for quality work in Diamondhead.

Thank you for your consideration.



HARMON-CURVEY JANET ETAL

Parcel Number: 067M-2-35-007.000
Owner Name: HARMON-CURVEY JANET ETAL
Owner Address: 7518 AUGUSTA WAY
Owner City, State ZIP: DIAMONDHEAD, MS 39525
Physical Address: 7518 AUGUSTA WAY
Improvement Type: RES
Year Built: 2003
Base Area: 2794
Adjusted Area: 3282
Actual Total Value: 377260
Taxable Total Value: 377260
Estimated Tax: 4405.94
Homestead Exemption: Yes
Deed Book: 2019
Deed Page: 15659
Legal Description 1: LOT 107 GLEN EAGLE PHASE 1
Legal Description 2:
Legal Description 3:
Legal Description 4:
Legal Description 5:
Legal Description 6:
Longitude: -89.370773
Latitude: 30.392772
Square Footage: 12604.986008

Sketches**Sketch Sketch Name**

067M-2-35-007_00001-Model.gif

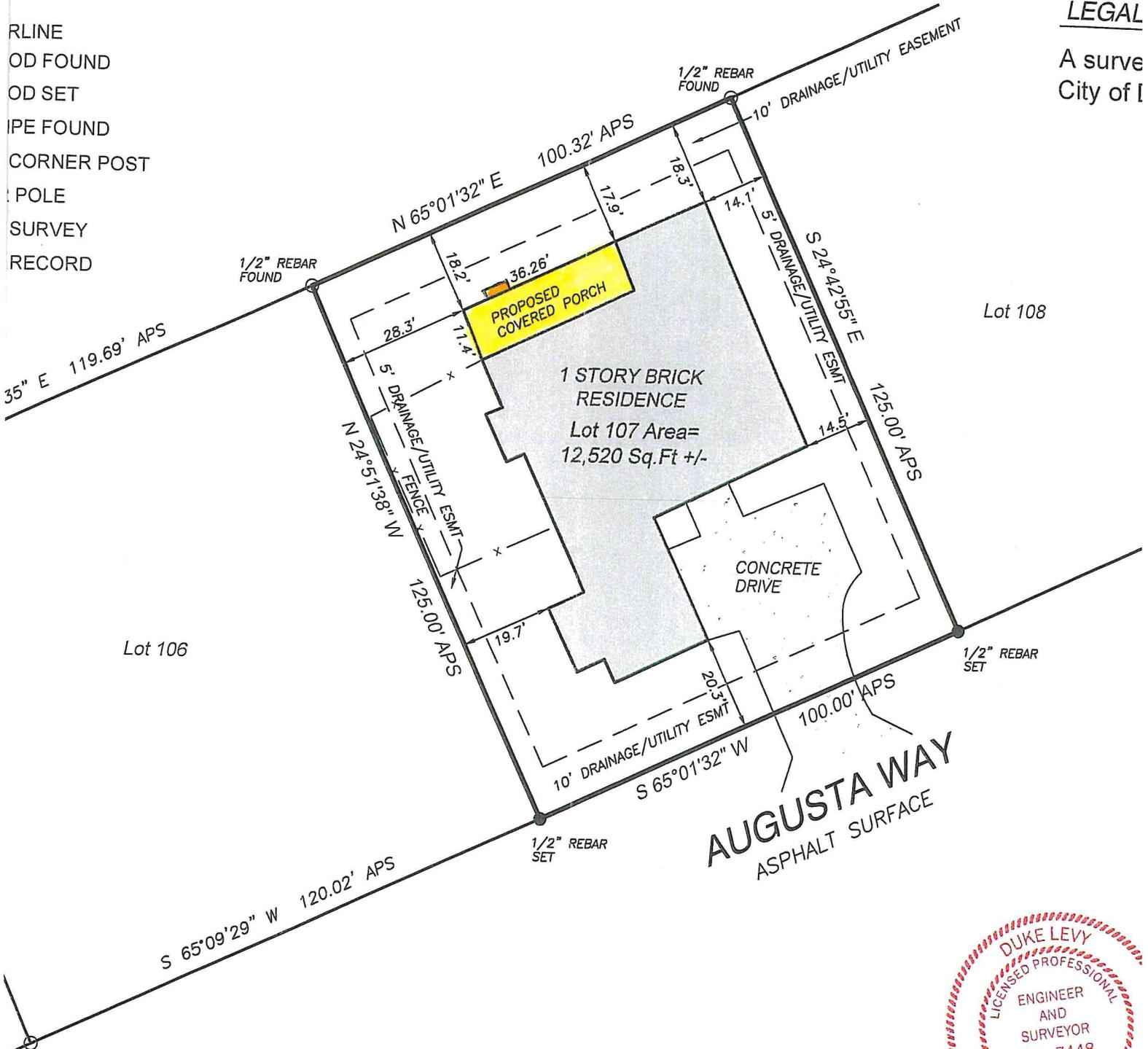
Condos

PLOT PLAN

LEGAL

RLINE
 OD FOUND
 OD SET
 IPE FOUND
 CORNER POST
 POLE
 SURVEY
 RECORD

A surve
 City of I



Lot 108

Lot 106

AUGUSTA WAY
 ASPHALT SURFACE



REFERENCES:

- 1) DEED BOOK 2016 PAGE 14597
- 2) PLAT OF GLEN EAGLE S/D, PHASE 1

or easements of
 vidence, or any
 'sclose. No
 o obtain or show
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 Mississippi
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BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS