



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: City Council and City Manager

FROM: J. Pat Rich, Development Coordinator

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

DATE: October 31, 2024

SUBJECT: Gale York Rear Yard Setback Variance

Gale York requested a variance to the 20' rear yard setback for a screened pool enclosure. The variance requested is 9'.

- Rear yard setback for pool is 10'. Rear yard setback for enclosure is 20'. 10' difference.
- Residence is set towards the rear of the property.
- Similar variances for pool enclosures have been granted.
- The pool enclosure is screened and will have minimal, if any, impact on drainage.
- There was 1 objection (email in packet).

The Planning & Zoning Commission voted 5-0 to recommend approving the variance.



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STAFF REPORT TO PLANNING COMMISSION

DATE: October 22, 2024

NATURE OF REQUEST: Gale York has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the construction of a pool enclosure within 11' of the rear yard property line. The property address is 889 Manoo Court. The tax parcel number is 067K-1-36-179.000. The property is in an R-6 zoning district. The rear yard setback is 20'. The variance requested is 9'. The Case File Number is 202400465.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: October 22, 2024

RECOMMENDATION TO PLANNING COMMISSION: To **approve** the variance as petitioned.

The staff recommends approving the variance based on the following findings of fact.

- A. That special conditions and circumstances *do* 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. *Residence is set towards the rear of the lot.*
- 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. *There are many other screened enclosures in R-6. Similar variances have been approved.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *The pool is allowed 10' and walkway/decking 4' from the property line.*
- 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 *does* observe the spirit of the Ordinance and *will not* change the character of the district (area).
- G. The Variance *will* 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.

Pat Rich

From: Fran Vosbein <fran@sellpropertywithfran.com>
Sent: Monday, October 14, 2024 12:42 PM
To: Pat Rich
Subject: Re: 889 Manoo Court Diamondhead, MS. (Varience)

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

Thank you for sending me the information. After reviewing the application for variance. I oppose and my concerns are, Overflowing pool water flooding on adjacent property, drainage issues, and fill dirt for enclosure if sloping towards the rear of the property lines.

Please confirm you received this email.

Thank you,

On Mon, Oct 14, 2024 at 10:53 AM Pat Rich <prich@diamondhead.ms.gov> wrote:

Ms. Vosbein,

As promised. The Diamondhead YouTube channel is
<https://www.youtube.com/@cityofdiamondhead3502/streams>

J. Pat Rich

Development Coordinator

City of Diamondhead

5000 Diamondhead Circle

Diamondhead, MS 39525

228-242-1613



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

TO: Gale York, and adjacent property owners

FROM: J. Pat Rich, Development Coordinator 

DATE: October 4, 2024

SUBJECT: Variance request before the Planning & Zoning Commission

Gale York has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the construction of a pool enclosure within 11' of the rear yard property line. The property address is 889 Manoo Court. The tax parcel number is 067K-1-36-179.000. The property is in an R-6 zoning district. The rear yard setback is 20'. The variance requested is 9'. The Case File Number is 202400465.

In accordance with the Comprehensive Zoning Ordinance Article 9.8, 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 22, 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 prich@diamondhead.ms.gov or 228-242-1613.

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

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If you have any questions or comments or would like to review the application, you may contact J. Pat Rich, Development Coordinator, at p_rich@diamondhead.ms.gov or 228-242-1613.

067 K-1-36-179.000



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202400465

Date 9-2-24

Applicant: A Plus Patio and Screen

Applicant's Address: 22530 US-49 Saucier, MS 39574

Applicant's Email Address: Josh@apluspatioandcreens.com

Applicant's Contact Number: (Home) _____ (Work) 2285963338 (Cell) _____

Property Owner: Gale York

Owner's Mailing Address: 889 Manoa Ct 39525 Diamondhead, MS

Owner's Email Address galey@mac.com

Owner's Contact Number: (Home) 601 818 2006 (Work) _____ (Cell) _____

Tax Roll Parcel Number: _____

Physical Street Address: 889 Manoa Ct 39525 Diamondhead MS

Legal Description of Property: Single Family

Zoning District: _____

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

Rear Set Back for property is 20',
would like a Variance to Build pool enclosure
11' From Rear Property line. Pool Enclosure
will be a screen Roof.

REQUIRED ITEM A

Property Owner Gale York

Street Address 889 Mango Ct Diamondhead MS 39525

Statement Describing Variance Request

Current Required setback is 20'. Would like to build Screen Roof Pool Enclosure 11' from Rear property line.

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, only affects property we are building on.

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:

Other properties have these pool enclosures and variances have been granted in the past.

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

Response:

Pools & pool decks are closer than 20' to property line normally so variance is then required.

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

Response:

Other properties have been granted variances due to being structures being to close to 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 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.

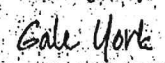
The Public Hearing will be held on October 22, 2024 at 6 p.m. in the Council Chambers of the Diamondhead City Hall.

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 of Applicant

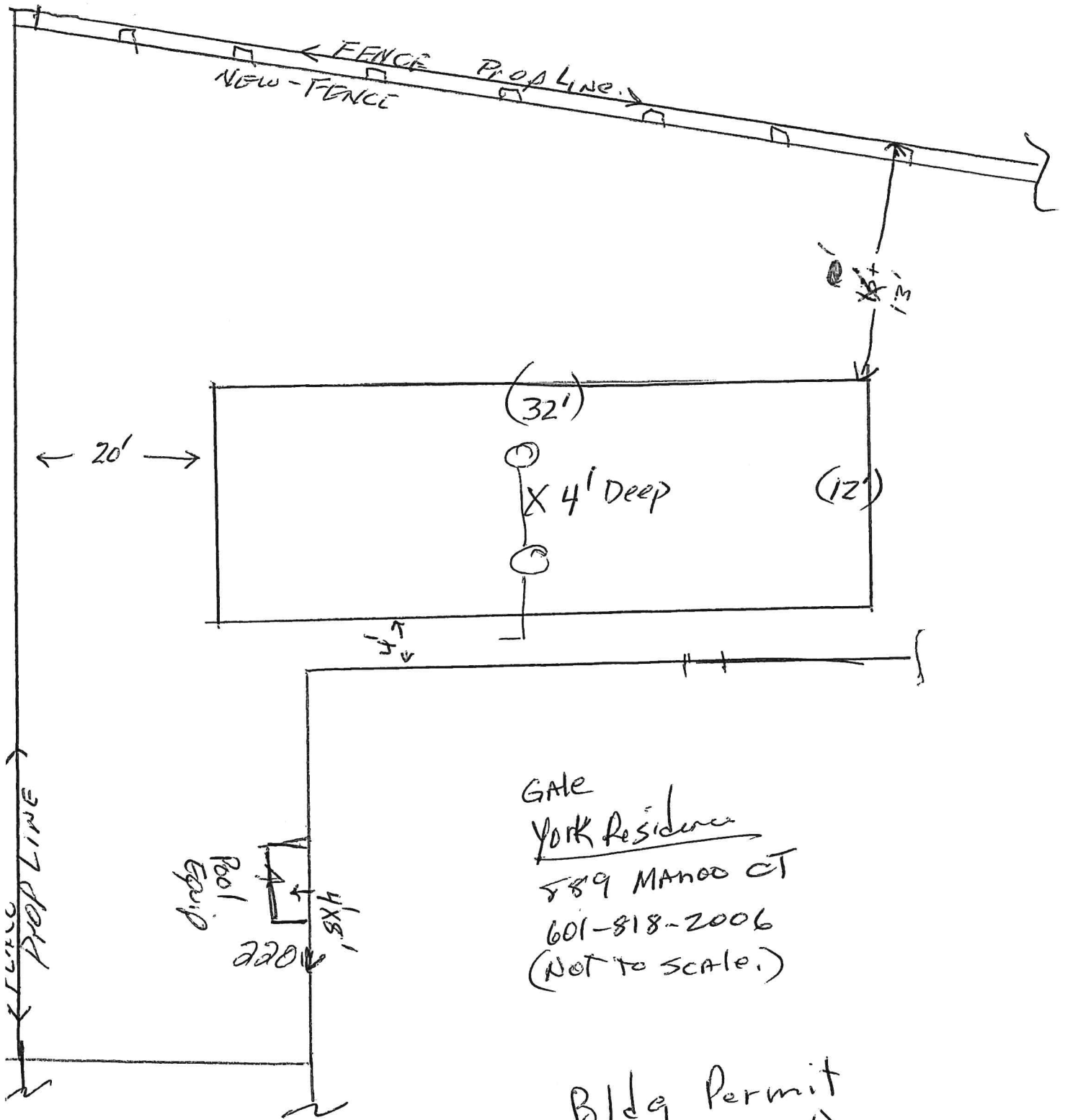
DocuSigned by:

DB404883C479468...

Signature of Property Owner

For Official Use Only

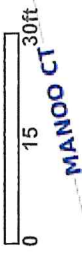
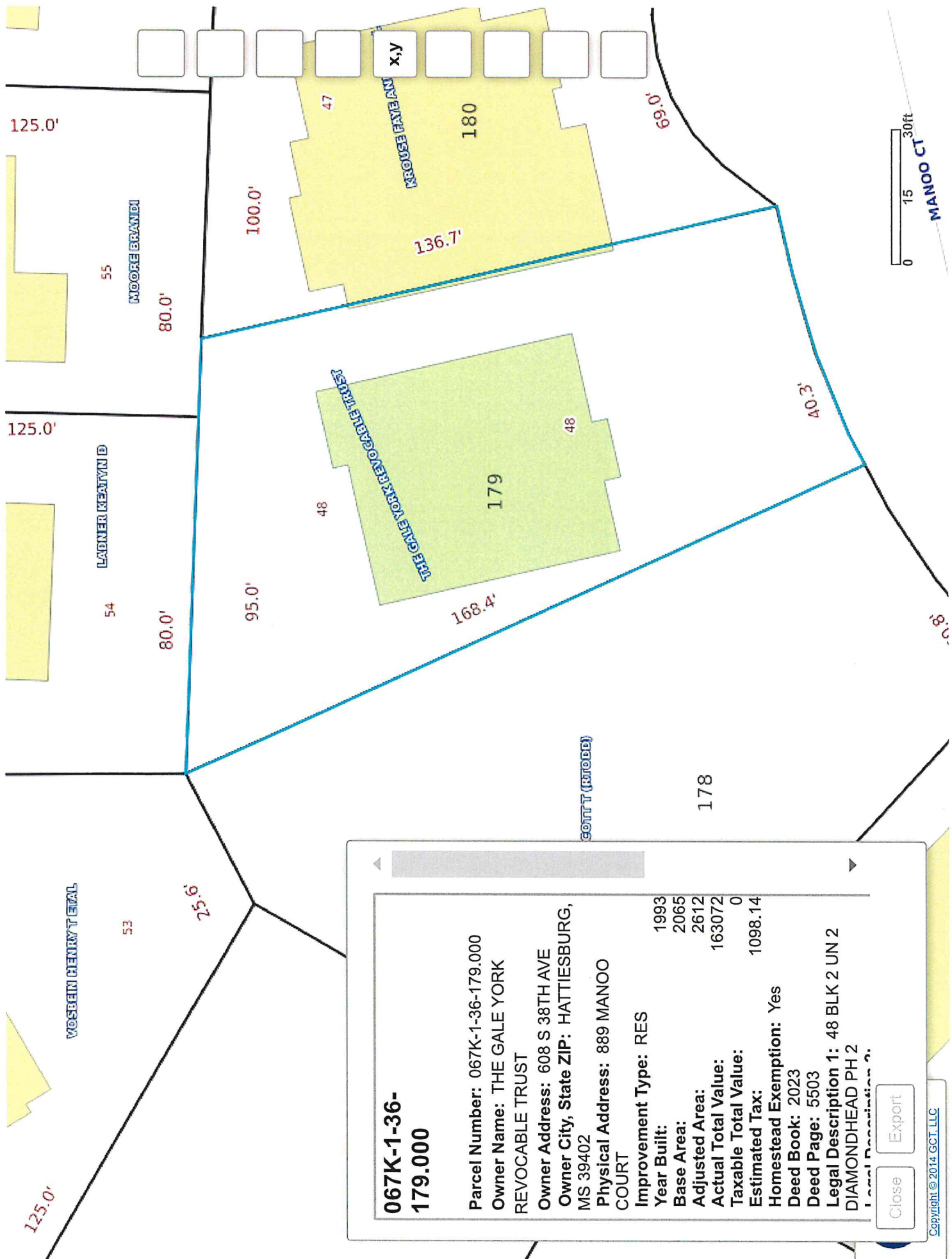
- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner

- Application Signed
- Written Project Description
- Drainage Plan NA
- Notarized Statement NA



GATE
York Residence
 589 MANCO CT
 601-818-2006
 (NOT TO SCALE.)

Bldg Permit
 (Swimming Pool)



067K-1-36-179.000

Parcel Number: 067K-1-36-179.000
 Owner Name: THE GALE YORK REVOCABLE TRUST
 Owner Address: 608 S 38TH AVE
 Owner City, State ZIP: HATTIESBURG, MS 39402
 Physical Address: 889 MANOO COURT

Improvement Type:	RES
Year Built:	1993
Base Area:	2065
Adjusted Area:	2612
Actual Total Value:	163072
Taxable Total Value:	0
Estimated Tax:	1098.14

Homestead Exemption: Yes
 Deed Book: 2023
 Deed Page: 5503
 Legal Description 1: 48 BLK 2 UN 2
 DIAMONDHEAD PH 2
 Local Description 2:

Close Export

Pat Rich

From: Pat Rich
Sent: Thursday, September 12, 2024 11:24 AM
To: Beau King; Dwight Blythe
Subject: RE: 889 Manoo Ct. Variance

Dwight,

After reviewing the application, I need the following:

1. The site plan for the pool shows 13' from the rear property line. Please confirm that the additional 2' is pool decking. *Yes p.d. Per Dwight via phone*
2. Payment of \$100.

Need the above no later than tomorrow by 5:00 in order put on the October 22nd Planning Commission agenda.

J. Pat Rich
Development Coordinator

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525
228-242-1613

From: Pat Rich
Sent: Thursday, September 12, 2024 8:48 AM
To: Beau King <bking@diamondhead.ms.gov>; Dwight Blythe <apluspatiodwight@gmail.com>
Subject: RE:

Dwight,

Will review the application today and let you know if we need anything else.

J. Pat Rich
Development Coordinator

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525
228-242-1613

From: Beau King <bking@diamondhead.ms.gov>
Sent: Tuesday, September 10, 2024 4:17 PM
To: Pat Rich <prich@diamondhead.ms.gov>
Subject: FW: