



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202600586

Date 7/24/2026

Applicant: Greenscape Brothers inc.

Applicant's Address: 1453 28TH Street Long Beach, MS 39560

Applicant's Email Address: [REDACTED]

Applicant's Contact Number: (Home) [REDACTED] (Work) [REDACTED] (Cell) [REDACTED]

Property Owner: Nathan Hopper

Owner's Mailing Address: 1046 Apetehama ^{CT} Diamondhead, MS

Owner's Email Address: [REDACTED]

Owner's Contact Number: (Home) [REDACTED] (Work) [REDACTED] (Cell) [REDACTED]

Tax Roll Parcel Number: [REDACTED]

Physical Street Address: 1046 Apetehama Pl Diamondhead, MS

Legal Description of Property: 1324-1-03-010.000

Zoning District: R-6

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

(Signage-Size-Height) Request approval to construct a Residential awning

attached to existing home. The proposed awning extends into the

required 20-foot rear setback. The existing Residence is located approx.

15 feet from the rear property line, making compliance with the

required setback impractical. The variance is requested to allow the

attached awning while maintaining the existing location of Residence.

We are requesting a 5 ft Variance.

REQUIRED ITEM A

Property Owner Nathan Hopper

Street Address 6466 Appleham Pl Diamondhead, MS

Statement Describing Variance Request

The Applicant Request a Rear Setback Variance to allow the construction of an attached residential awning on the existing home. The existing residence is located approx 15 feet from rear property line, while the required setback is 20 feet. Proposed awning will extend within the requirements.
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. The existing location of residence on lot limits ability to construct an attached awning while meeting the current rear setbacks.
The variance request is based on existing placement of the home and the property's physical constraints.

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: Yes. Strict enforcement of the rear setback would prevent the owner from having an awning installed which provides shade and weather protection, an improvement commonly found in South MS.

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

Response: Yes. The existing residence and its location on the lot were established prior to this improvement request. The need for the variance results from existing conditions of property rather than an action by current owner.

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

Response: Yes. Approval of the variance would simply allow a reasonable residential improvement that is consistent with the character of the surrounding neighborhood. It would not create a special privilege or provide advantage over similarly situated properties.

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.

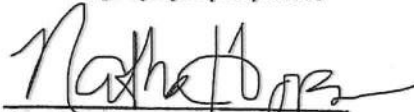
The Public Hearing will be held on _____ at _____ p.m. in the Council Chambers of the Diamondhead City Hall.

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 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

SURVEY LEGAL DESCRIPTIONS

PART OF LOTS 24 & 27:

A parcel of land situated and being located in a part of Lots 24 and 27, Block 4, DIAMONDHEAD, UNIT 10, PHASE 2, City of Diamondhead, Hancock County, Mississippi and being more particularly described as follows, to-wit:

BEGINNING at a 1/2-inch iron rod with cap marking the northwest corner of said Lot 24;

Thence run from said POINT OF BEGINNING South 49 degrees 24 minutes 18 seconds East along the north line of said Lot 24 a distance of 27.85 feet to a 1/2-inch iron rod; thence run South 57 degrees 52 minutes 38 seconds East along the north line of said Lot 24 a distance of 4.50 feet to a 3/4-inch iron rod; thence run South 50 degrees 49 minutes 47 seconds West a distance of 88.25 feet to a 3/4-inch iron rod; thence run North 29 degrees 40 minutes 53 seconds East a distance of 87.77 feet to the POINT OF BEGINNING of the parcel herein described.

Said parcel containing 1,388 square feet or 0.032 acres, more or less.

PART OF LOT 27:

A parcel of land situated and being located in a part of Lot 27, Block 4, DIAMONDHEAD, UNIT 10, PHASE 2, City of Diamondhead, Hancock County, Mississippi and being more particularly described as follows, to-wit:

BEGINNING at a 1/2-inch iron rod with cap marking the corner common to Lots 24, 26, and 27, Block 4, DIAMONDHEAD, UNIT 10, PHASE 2;

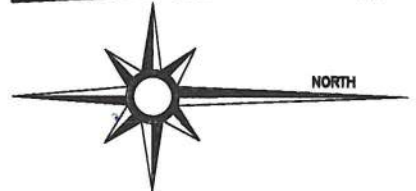
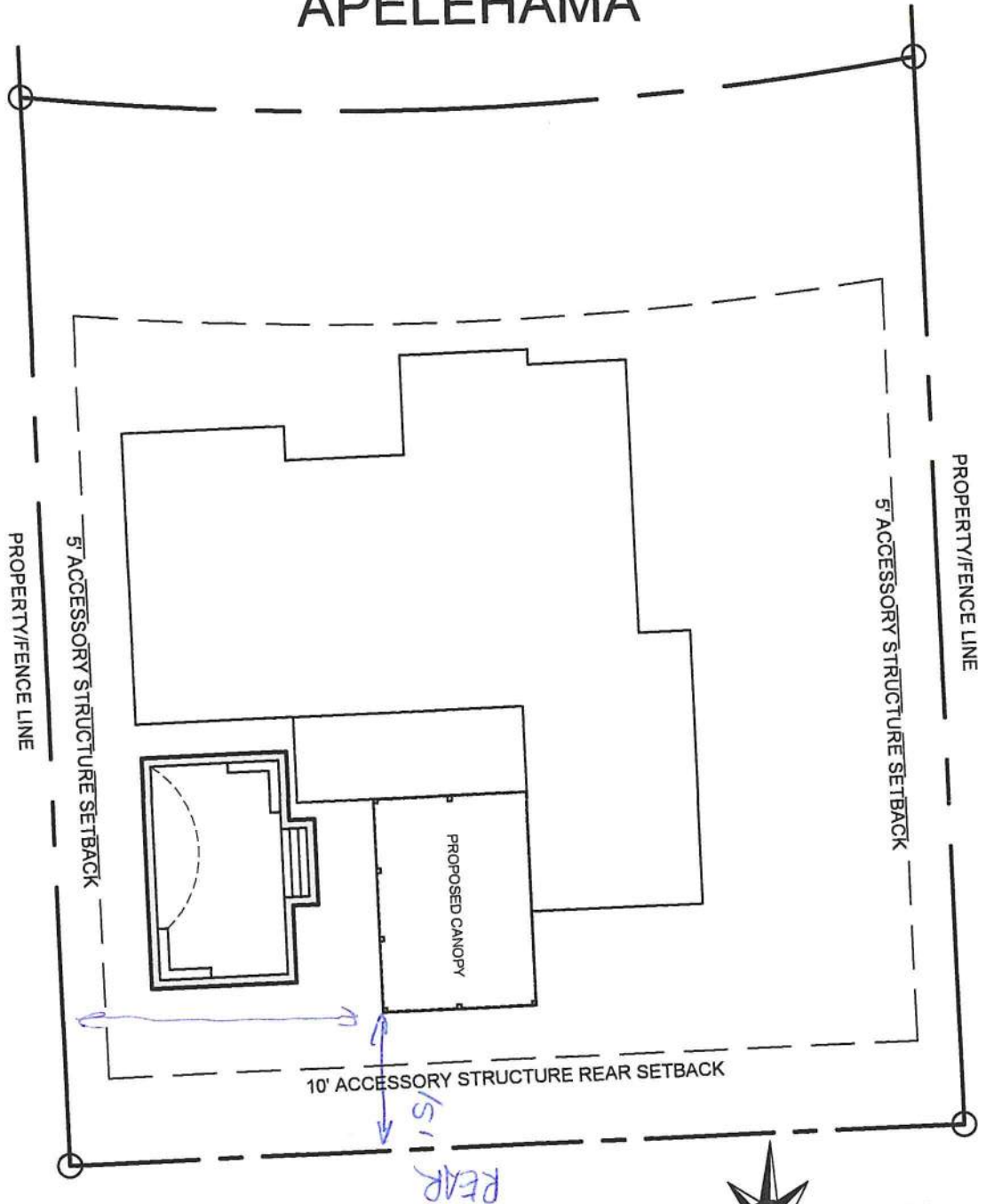
Thence run from said POINT OF BEGINNING South 77 degrees 03 minutes 06 seconds West along the south line of said Lot 27 a distance of 99.06 feet to a 1/2-inch iron rod on the easterly margin of Apelehama Court marking the southwest corner of said Lot 27; thence departing the easterly margin of Apelehama Court, run North 75 degrees 43 minutes 17 seconds East a distance of 98.05 feet to a 3/4-inch iron rod set; thence run North 50 degrees 49 minutes 47 seconds East a distance of 5.91 feet to a point on the line common to said Lots 24 and 27; thence run South 28 degrees 11 minutes 43 seconds West along the line common to said Lots 24 and 27 a distance of 6.49 feet to the POINT OF BEGINNING of the parcel herein described.

Said parcel containing 120 square feet or 0.003 acres, more or less.

APELEHAMA



SITE LAYOUT



L103

646 APELEHAMA
DIAMONDHEAD, MISSISSIPPI

BY

JLS
DESIGN SERVICES, LLC
LONG BEACH, MS (228)363-3634





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

Greenscape Brothers Inc., represented by Kirk Edrington, on behalf of Nathan Hopper, has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a ~~residence~~ within 15' of a rear property line.

COVERED PATIO

The property address is 646 Apelehama Court. The tax parcel number is 132A-1-03-010.000. The property is in a R-6 zoning district. The setback for a residence from the rear property line is 20'. The variance requested is 5'. The Case File Number is 202600586.

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, August 25, 2026, 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.

The Sea Coast Echo

POST OFFICE BOX 2009
BAY SAINT LOUIS, MS 39521-2009

PROOF OF PUBLICATION

STATE OF MISSISSIPPI
HANCOCK COUNTY

PERSONALLY appeared before me the undersigned authority in and for said County and State. GEOFF BELCHER, Publisher of THE SEA COAST ECHO, a newspaper published in the City of Bay Saint Louis, said County, who being duly sworn, deposes and says the publication of this notice hereunto annexed has been made in the said publication 1 week(s) to-wit:

On the 6 day of August 2026
On the _____ day of _____ 2026
On the _____ day of _____ 2026
On the _____ day of _____ 2026

Publisher

Sworn to and subscribed before me a NOTARY PUBLIC

This 6 day of August 2026



NOTICE OF PUBLIC HEARING PLANNING AND ZONING COMMISSION

DIAMONDHEAD, MS
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PUBLISH DATE: 8/6/26

Diamondhead MS 39525

August 6, 2026 at 8:47 AM
646 Apetohama Ct
Diamondhead MS 39525



OWNER_NAME	LRMADD	CITY_ST_ZIP_OWNR
1 PERTUIT JEANNE C	6412 APELEHAMA PLACE	DIAMONDHEAD, MS 39525
2 EXPERT PROPERTIES LLC	15138 MILLS RD	GULFPORT, MS 39503
3 MCBRIDE JEFF	6412 APELEHAMA RD	DIAMONDHEAD, MS 39525
4 MILLER CHRISTOPHER ETUX	6424 APELEHAMA CIRCLE	DIAMONDHEAD, MS 39525
5 WALTON HUGO W	1525 LE BARON AVE	JACKSONVILLE, FL 32207
6 WILLIAMS TERRI ETAL	6457 KALIPEKONA WAY	DIAMONDHEAD, MS 39525
7 PATEL KANTU ETAL	640 APELEHAMA CT	DIAMONDHEAD, MS 39525
8 JOHANSMEIER RAY ETAL	6442 APELEHAMA RD	DIAMONDHEAD, MS 39525
9 RITTEN JON W ETUX	648 APELEHAMA CT	DIAMONDHEAD, MS 39525
10 CULLOM CURTIS G ETUX F	6413 APELEHAMA RD	DIAMONDHEAD, MS 39525
11 MILLER CHRISTOPHER ETUX	6424 APELEHAMA CIRCLE	DIAMONDHEAD, MS 39525
12 SWENSEN JASON T ETAL	6420 APELEHAMA CT	DIAMONDHEAD, MS 39525
13 DALHOUSE LLC	648 APELEHAMA CT	DIAMONDHEAD, MS 39525
14 TATE CLAYTON E	648 APELEHAMA RD	DIAMONDHEAD, MS 39525
15 SMITH SKIPPER R	808 E OLD PASS ROAD	LONG BEACH, MS 39560
16 NGUYEN THIEU	6474 KALIPEKONA WAY	DIAMONDHEAD, MS 39525
17 HODA MARTIN L	644 APELEHAMA CIRCLE	DIAMONDHEAD, MS 39525
18 WARD EVELYN B (LIFE ESTATE)	646 HUKO CRT	DIAMONDHEAD, MS 39525
19 SMITH EVERETT L ETUX	642 APELEHAMA PL	DIAMONDHEAD, MS 39525
20 COLE SCYWANDA	22998 MCGEHEE DR	MCCALLA, AL 35111
21 PITTMAN CLAUDE F III	6458 APELEHAMA RD	DIAMONDHEAD, MS 39525
22 WALLACE SCOTT W	6453 KALIPEKONA WAY	DIAMONDHEAD, MS 39525
23 BOONE RONALD R ETAL	6471 APELEHAMA RD	DIAMONDHEAD, MS 39525
24 BOUDREAUX DANIEL G ETUX (LIFE ESTATE)	6471 KALIPEKONA WAY	DIAMONDHEAD, MS 39525
25 SONES JOHN ETAL	6465 APELEHAMA RD	DIAMONDHEAD, MS 39525
26 LAMMERS DANNY L ETUX TRUSTEES	6444 APELEHAMA RD	DIAMONDHEAD, MS 39525
27 NOLAN JANELL M	6412 APELEHAMA CT	DIAMONDHEAD, MS 39525
28 CULLOM CURTIS G ETAL	6413 APELEHAMA ROAD	DIAMONDHEAD, MS 39525
29 TOVES TROY ETUX	6478 KALIPEKONA WAY	DIAMONDHEAD, MS 39525
30 SABO TERESA A	6454 APELEHAMA RD	DIAMONDHEAD, MS 39525
31 LAWSHE KENNETH ETAL	6422 APELEHAMA CT	DIAMONDHEAD, MS 39525
32 MEHAFFEY BILLY R JR ETAL	646 APELEHAMA PLACE	DIAMONDHEAD, MS 39525
33 BEREL TODD M ETUX	6457 KALIPEKONA WAY	DIAMONDHEAD, MS 39525
34 EMANUEL BARRY MOSES	11710 ENCHANTED WOODS WAY	FREDERICKSBURG, VA 22407
35 THE CHROME TABLE	648 APELEHAMA PL	DIAMONDHEAD, MS 39525
36 BEDOW GUY ETAL	6410 APELEHAMA ROAD	DIAMONDHEAD, MS 39525
37 REEVES DENNIS ETAL	643 APELEHAMA ROAD	DIAMONDHEAD, MS 39525
38 HOPPER NATHAN L ETAL	646 APELEHAMA CT	DIAMONDHEAD, MS 39525
39 WILLIAMS ARTHUR K ETUX TRUSTEES	6477 APELEHAMA RD	DIAMONDHEAD, MS 39525
40 PONTHER WAYNE L ETAL	6460 APELEHAMA ROAD	DIAMONDHEAD, MS 39525
41 CITY OF DIAMONDHEAD	5000 DIAMONDHEAD CIRCLE	DIAMONDHEAD, MS 39525
42 MORGAN PETER ETUX	640 HUKO COURT	DIAMONDHEAD, MS 39525
43 KASIK KAMTAI YU ETAL	6415 APELEHAMA RD	DIAMONDHEAD, MS 39525
44 DESCHAMP AMBER TRUSTEE	640 APELEHAMA CIRCLE	DIAMONDHEAD, MS 39525
45 WALTON MARCIA	643 APELEHAMA ROAD	DIAMONDHEAD, MS 39525
46 DEMING BRIAN S ETAL	6416 APELAHAMA COURT	DIAMONDHEAD, MS 39525
47 BURKE MATTHEW T ETUX	6448 APELEHAMA ROAD	DIAMONDHEAD, MS 39525
48 WILLIAMS CYNTHIA M	646 APELEHAMA RD	DIAMONDHEAD, MS 39525
49 CORNELL PAMELA M ETAL	1 HIGH ST	NATICK, MA 01760





5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

STAFF REPORT – 646 APELEHAMA COURT VARIANCE

TO: Planning & Zoning Commission

FROM: Beau King, Building Official

DATE: August 19, 2026

SUBJECT: Variance request before the Planning & Zoning Commission – 646 Apelehama Court

NATURE OF REQUEST: Greenscape Brothers Inc., represented by Kirk Edrington, on behalf of Nathan Hopper, has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a covered patio within 15' of a rear property line. The property address is 646 Apelehama Court. The tax parcel number is 132A-1-03-010.000. The property is in a R-6 zoning district. The setback for a residence from the rear property line is 20'. The variance requested is 5'. The Case File Number is 202600586.

DATE OF PUBLIC HEARING: August 25, 2026 at 6:00 PM.

RECOMMENDATION: 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. *the house is set further back of the road. The awning will match setback of swimming pool.*
- 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 homes which have covered awnings in the rear yard.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *Conditions are created by the house orientation.*
- 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. *other similar variances have been granted.*
- 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. *15' rear setback for an open patio awning gives ample setback.*
- F. The Variance *does* observe the spirit of the Ordinance and *will not* change the character of the district (area). *Agreed.*
- G. The Variance *will* observe the spirit of the Comprehensive Plan. *Observed.*
- H. That the Variance requested *will not* result in any change in use or density of the subject property. *No change in use or density.*

Voting Yea: Commissioner Lawson, Commissioner Parrish, Commissioner Raymond, Commissioner Sutherland, Commissioner White

MOTION CARRIED UNANIMOUSLY

Architectural Review

None

New Business

2. Kirk and Darla Hartsell have filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a covered patio within 18' of a rear property line. The property address is 756 Cherryhill Drive. The tax parcel number is 067P-0-35-055.000. The property is in a R-10 zoning district. The setback for a residence from the rear property line is 20'. The variance requested is 2'. The Case File Number is 202600579.

Beau King, Building Official, explained the request and answered questions from Commissioners.

Derek Cusick, City Attorney, explained that questions about the request were received, but no opposition.

Motion made by Commissioner Parrish, Seconded by Commissioner White to accept the recommendation of the Building Official and to approve the recommendation to the City Council.

Voting Yea: Commissioner Lawson, Commissioner Parrish, Commissioner Raymond, Commissioner Sutherland, Commissioner White

MOTION CARRIED UNANIMOUSLY

3. Greenscape Brothers Inc., represented by Kirk Edrington, on behalf of Nathan Hopper, has filed an application requesting a variance from the Zoning Ordinance Article 3.4.8 to allow a covered patio within 15' of a rear property line. The property address is 646 Apelehama Court. The tax parcel number is 132A-1-03-010.000. The property is in a R-6 zoning district. The setback for a residence from the rear property line is 20'. The variance requested is 5'. The Case File Number is 202600586.

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Motion made by Commissioner Parrish, Seconded by Commissioner Lawson to accept the recommendation of the Building Official and to approve the recommendation to the City Council.

Voting Yea: Commissioner Lawson, Commissioner Parrish, Commissioner Raymond, Commissioner Sutherland, Commissioner White

MOTION CARRIED UNANIMOUSLY

4. The City of Diamondhead will hold a public hearing on proposed Text Amendments to the Zoning Ordinance Article 7. The proposed text amendments would be regarding development permits, land clearing, and trees. The Case File Number is 202600595.

Commissioner Raymond opened the public hearing at 6:10 p.m.

No public comments were received and the public hearing was closed at 6:10 p.m.