



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)

TO: City Council and City Manager

FROM: J. Pat Rich, Development Coordinator

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

DATE: March 27, 2024

SUBJECT: Lemous Thompson, Jr. Setback Variance

Mr. Thompson requested a variance to the 10' setback from the primary structure to construct an accessory structure, shed.

- Accessory structure was not placed where indicated on the drawing.
- There are no special conditions and circumstances. Lot width is sufficient to meet the setback requirement.
- The lot is in a flood zone and must be raised 2'.
- Staff recommendation was to deny the variance based on the literal interpretation of the reasons for granting a variance.

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



Commissioner Bennett  
Commissioner Brewer  
Commissioner Debrow  
Commissioner Flowers  
Commissioner Harwood  
Commissioner Parrish  
Commissioner Nicaud

## AGENDA PLANNING AND ZONING COMMISSION

Tuesday, March 26, 2024

6:00 PM CST

Council Chambers, City Hall  
and via teleconference, if necessary

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### Call to Order

### Statement of Purpose

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

### Pledge of Allegiance

### Roll Call

### Confirmation or Adjustments to Agenda

### Approval of Minutes

2. Approval of February 27, 2024 minutes.

### New Business

3. Lemous Thompson, Jr. has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory structure within 10' of the principal residence. The property address is 7336 Anela Place. The tax parcel number is 068R-3-41-090.000. The property is in the R-2 zoning district. The setback from the principal residence is 8'. The variance requested is 2'. The Case File Number is 202400069.
4. Revised draft of proposed Text Amendment to the Code of Ordinances Appendix A - Zoning. The proposed text amendment is a comprehensive revision of the Zoning Ordinance to reflect Envision Diamondhead 2040, the city's Comprehensive Plan. Case File Number is 202300448.

*Denied  
S-D*

### Unfinished Business

### Open Public Comments to Non-Agenda Items

### Commissioners' Comments

### Communication / Announcements

### Adjourn or Recess



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## STAFF REPORT TO PLANNING COMMISSION

DATE: March 26, 2024

NATURE OF REQUEST: Lemous Thompson, Jr. has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory structure within 10' of the principal residence. The property address is 7336 Anela Place. The tax parcel number is 068R-3-41-090.000. The property is in the R-2 zoning district. The setback from the principal residence is 8'. The variance requested is 2'. The Case File Number is 202400069.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: March 26, 2024

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

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

- A. That special conditions and circumstances *do not* 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. *Lot width is sufficient to meet the residence setback requirement.*
- B. That literal interpretation of the provisions of this title *would not* deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- C. That special conditions and circumstances, if any, *do* result from the actions of the applicant. *Accessory structure was not placed where indicated on drawing and no inspections were requested.*
- D. That granting the variance requested *will* 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 not* represent the minimum variance that will afford relief and *will not* represent the least modification possible of the regulation in issue.
- F. The Variance *does not* observe the spirit of the Ordinance and *will* change the character of the district (area).
- G. The Variance *will not* observe the spirit of the Comprehensive Plan.
- H. That the Variance requested *will* result in any change in use or density of the subject property.

March 25, 2024

Attention: Planning & Zoning Commission, City Hall, Diamondhead

Subject: Public Hearing City Hall, Tuesday March 25, 2024 6pm – Variance Request for Accessory Structure on Property 7336 Anela

We are the property owners in Anela Place whose residences are in close proximity to 7336 Anela Place. On February 03, 2024, an XL “Accessory Structure” resembling a Katrina Home with attached deck and stairs was installed on said property. It is situated prominently center front close to the road where it gives the appearance of a temporary dwelling while the actual residence is set back on the property over shadowed by this structure.

Our concerns are as follows:-

- (1) Due to the structure’s imposing size and present position it looks out of place in our R-2 Zoning area.
- (2) Does this building comply with the zoning laws for an “Accessory Structure” with regard to appearance size and where it may be placed on the property?
- (3) We spend money and time on the upkeep of our properties and we are concerned that the look size and placement of this structure will negatively affect our property values.

We understand that the Owner was granted permission by Diamondhead to install the structure on his property under “Accessory Structure” but we are at a loss to understand why permission was granted to situate such a large building so prominently close to the road. Therefore, we respectfully request that the structure be set further back on the double lot to a less commanding position.

Thank you for your consideration towards a mutual resolution in this matter.

Elizabeth Johnson, 7330 Anela Place. Cell: 228 342 6678

Gary Fayard, 7328 Anela Place. Cell: 228 304 7633

Stephanie Fayard, 7328 Anela Place. Cell: 850 499 0988

Trudy Aucoin, 7332 Anela Place. Cell: 985 966 4569

## Pat Rich

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**From:** Stephanie Fayard <sfayard0620@gmail.com>  
**Sent:** Tuesday, March 19, 2024 3:01 PM  
**To:** Pat Rich  
**Subject:** Zoning R-2

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

Good afternoon, I am sending this email regarding my concern for a structure to be built 2 feet from the road requested by 7336 Anela Pl.

One of many reasons we moved to Diamondhead was because of the environment provided by the regulations for homeowners regarding building and requirements needed for homeowners to keep the community appealing for future and present residents. I realize we all pay homeowners fees and property taxes. The taxes are more than other residential locations in addition to fire department dues and the POA dues paid by residents.

We oppose the variance request because of the appearance it will provide the area. In addition, my understanding based on a conversation the homeowner had with my husband, he desire to have an office at the address because he is now selling insurance.

We live in a residential area and would like to keep the area residential and buildings 8 feet from the road, at the least. If we wanted to move to an area with no property requirements, we would not have chosen Diamondhead.

I was told the homeowner can have tenants in his house renting rooms (the yard is not kept up- trash outside around the garage area and they throw items in the woods across the street [I have witnessed this]) but he is now attempting to change our zoning ordinance. I do wonder what impact this will have on our neighborhood and our property value. We keep our yard nice (when weather permits) and do this to maintain our property value but also because we take pride in our residential community.

Someone with the POA was looking at vacant lots on our street a few weeks ago. My husband and I met them because we were curious what they were doing. The wife and husband asked "what is going on at that address?" They were referring to the "shed." We explained that it was approved by Diamondhead for 7336 Anela Pl to place the "shed" there. They could not believe the "shed" was allowed and advised us to speak to our councilman.

If we decide to sell, I believe 7336 Anela Place will have a negative impact on the ability to sell and the selling price of our home- 7336 is already getting negative comments.

Sincerely A Concerned Homeowner,  
Luther and Stephanie Fayard  
Home Owners' 7328 Anela Place



5000 Diamondhead Circle ·  
Diamondhead, MS 39525-3260  
Phone: 228.222.4626 Fax: 228-222-4390  
[www.diamondhead.ms.gov](http://www.diamondhead.ms.gov)

TO: Lemous Thompson, Jr. and adjacent property owners

FROM: J. Pat Rich, Development Coordinator

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

DATE: March 11, 2024

SUBJECT: Variance request before the Planning & Zoning Commission

Lemous Thompson, Jr. has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory structure within 10' of the principal residence. The property address is 7336 Anela Place. The tax parcel number is 068R-3-41-090.000. The property is in the R-2 zoning district. The setback from the principal residence is 8'. The variance requested is 2'. The Case File Number is 202400069.

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, March 26, 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 or [prich@diamondhead.ms.gov](mailto:prich@diamondhead.ms.gov).

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

Lemous Thompson, Jr. has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of an accessory structure within 10' of the principal residence.

The property address is 7336 Anela Place. The tax parcel number is 068R-3-41-090.000. The property is in the R-2 zoning district. The setback from the principal residence is 8'. The variance requested is 2'. The Case File Number is 202400069.

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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](mailto:p_rich@diamondhead.ms.gov) or 228-242-1613.



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 2024000069

Date 2/16/24

✓ Applicant: Remous Thompson Jr

Applicant's Address: 7336 Anela Pl

Applicant's Email Address: \_\_\_\_\_

Applicant's Contact Number: (Home) 228-368-2417 (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Property Owner: Same as above

Owner's Mailing Address: \_\_\_\_\_

Owner's Email Address \_\_\_\_\_

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) \_\_\_\_\_

Tax Roll Parcel Number: \_\_\_\_\_

✓ Physical Street Address: 068 R - 3 - 41 - 090.000

Legal Description of Property: Ph 1, Unit 2, BIK 4 Lots 9+10

Zoning District: \_\_\_\_\_

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

Variance of 10' setback requirement for Accessory Building from residence. Building is 8' from Residence Requesting variance of 2'



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 March 26, 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.

Lemon Hayes

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 \_\_\_\_\_

Street Address \_\_\_\_\_  
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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Response: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## Beau King

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**From:** Beau King  
**Sent:** Thursday, February 15, 2024 11:44 AM  
**To:** LEMOUS72@GMAIL.COM  
**Cc:** Timothy Simmons; Steven J Torone; Pat Rich  
**Subject:** RE: THINGS YOU NEED

Upon inspection of the shed, we have found the following violations:

- Shed is closer than 10' from the house and is in front of the house.
- The shed construction does not meet the engineered plans for wind rating.
- The shed is not made with flood resistant materials and does not have flood vents installed.

Beau King  
Building Official  
City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525  
Office: 228-222-4626 Ext. 1807  
Direct: 228-222-4023



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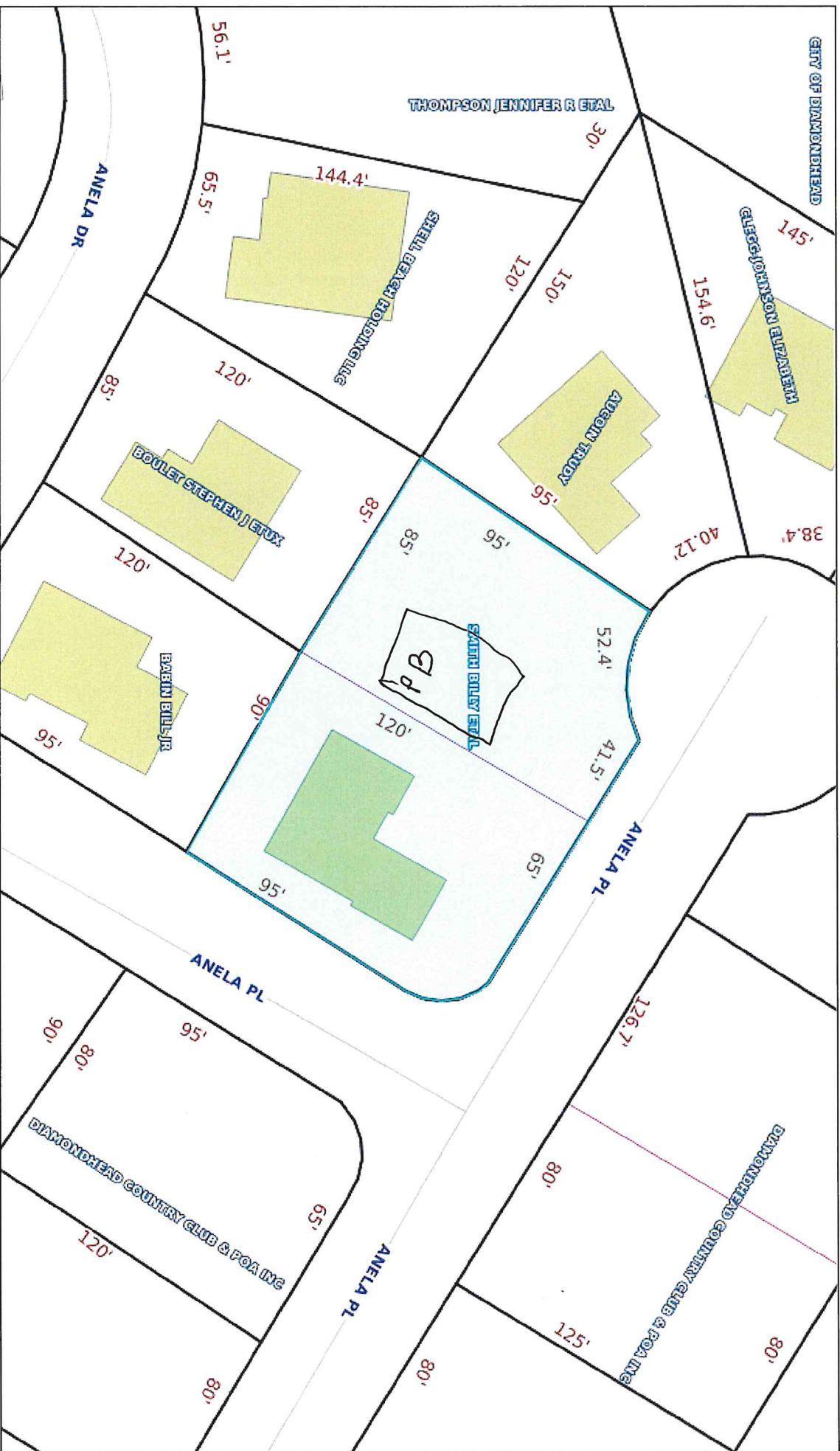
**From:** Beau King  
**Sent:** Tuesday, January 9, 2024 1:59 PM  
**To:** LEMOUS72@GMAIL.COM  
**Cc:** Tammy Braud <tbraud@diamondhead.ms.gov>  
**Subject:** FW: THINGS YOU NEED

Good afternoon,

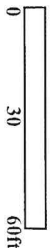
I received the deed and the setbacks. The shed proposed is 384 square feet. It would have to be elevated to 1 foot above your base flood elevation, which is 17 feet, because your house is in an AE 17 flood zone. If you do not want to elevate, it would need to be no greater than 299 square feet, made with flood resistant materials, and have flood vents installed.

Beau King  
Building Official  
City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525  
Office: 228-222-4626 Ext. 1807  
Direct: 228-222-4023

# Geoportal Map



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.









2022 3150  
Recorded in the Above  
Deed Book & Page  
02-25-2022 12:07:40 PM  
Timothy A Keller  
Hancock County

---

Prepared By:  
The Casano Law Firm, P.A.  
4403 West Aloha Drive  
Diamondhead, MS 39525  
228-255-0035  
File No: 21-1216

Return To:  
The Casano Law Firm, P.A.  
4403 West Aloha Drive  
Diamondhead, MS 39525  
228-255-0035

**STATE OF MISSISSIPPI**  
**COUNTY OF Hancock**

**WARRANTY DEED**

For and in consideration of the sum of Ten Dollars (\$10.00), cash in hand, paid, and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, I

**Scott G Corey , Grantor**  
110 Leland Ct.  
Dothan, AL 36303  
Phone: 251-599-3775

Do hereby sell, convey, bargain and warrant to

**Billy Smith and Lemous Thompson,, Grantee**  
7336 Anela Place  
Diamondhead, MS 39525  
Phone: 228-365-2427

As joint tenants with the 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 9 and 10, Block 4, Amended Plat of Unit 2, Diamondhead, Phase 1, Hancock County, Mississippi as per map or plat of said subdivision 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 belonging or in any wise appertaining.



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

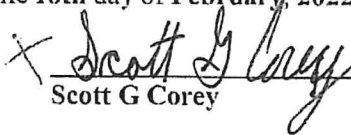
This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the action of the elements.

The Grantor herein certifies that the property herein above conveyed forms no part of the homestead of said Grantor.

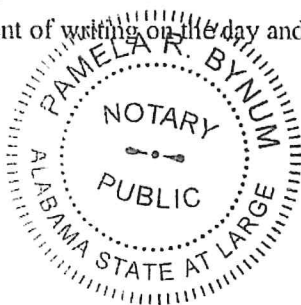
It is agreed and understood that the taxes for the current year have been prorated as of this date on an estimated basis, and that when said taxes are actually determined, if the proration as of this date is incorrect, the parties herein agree to pay on a basis of an actual proration. All subsequent years taxes are specifically assumed by Grantee herein. That certain Covenant Agreement recorded in the office of the Chancery Clerk which sets forth specific covenants and agreements which constitute perpetual covenants and restrictions running with and encumbering the above described property, including but not limited to the covenant as to flood insurance which states that any commercial or residential structure located on any part of the above-described property shall, at all times, be insured under a policy of flood insurance in the amount of 100% of the fully insurable value as determined by a property insurer.

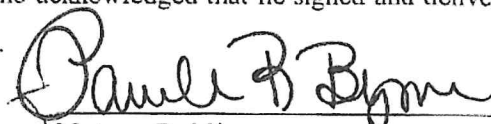
WITNESS MY SIGNATURE, this the 18th day of February, 2022.

  
\_\_\_\_\_  
Scott G Corey

STATE OF ALABAMA  
COUNTY OF Houston


Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 16th day of February, 2022, Scott G Corey, who acknowledged that he signed and delivered the foregoing instrument of writing on the day and year therein mentioned.




  
\_\_\_\_\_  
Notary Public  
My Commission Expires:

PAMELA R. BYNUM  
Notary Public, AL State at Large  
My Comm. Expires Jan. 25, 2025

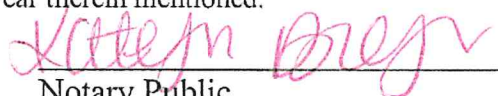
THE GRANTEES HEREIN EXECUTE THIS DOCUMENT  
ACKNOWLEDGING THEY HAVE BEEN FULLY ADVISED OF  
THE EXCEPTIONS TO THE WARRANTY SET FORTH HEREIN.

  
\_\_\_\_\_  
Billy Smith

  
\_\_\_\_\_  
Lemous Thompson

STATE OF MISSISSIPPI  
COUNTY OF HANCOCK

Personally came and appeared before me, the undersigned authority in and for the aforesaid County and State on this the 18th day of February, 2022, Billy Smith and Lemous Thompson, who acknowledged that they signed and delivered the foregoing instrument of writing on the day and year therein mentioned.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires:



Hancock County  
I certify this instrument was filed on  
02-25-2022 12:07:40 PM  
and recorded in Deed Book  
2022 at pages 3150 - 3152  
Timothy A Keller