



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

STAFF REPORT TO PLANNING COMMISSION

DATE: October 28, 2025

NATURE OF REQUEST: Robert Shiyou has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a covered patio addition within 11' of the rear yard property line. The property address is 784 Maui Circle. The tax parcel number is 067R-2-36-180.000. The property is in a R-6 zoning district. The rear yard setback for an addition is 20'. The variance requested is 9'. The Case File Number is 202500630.

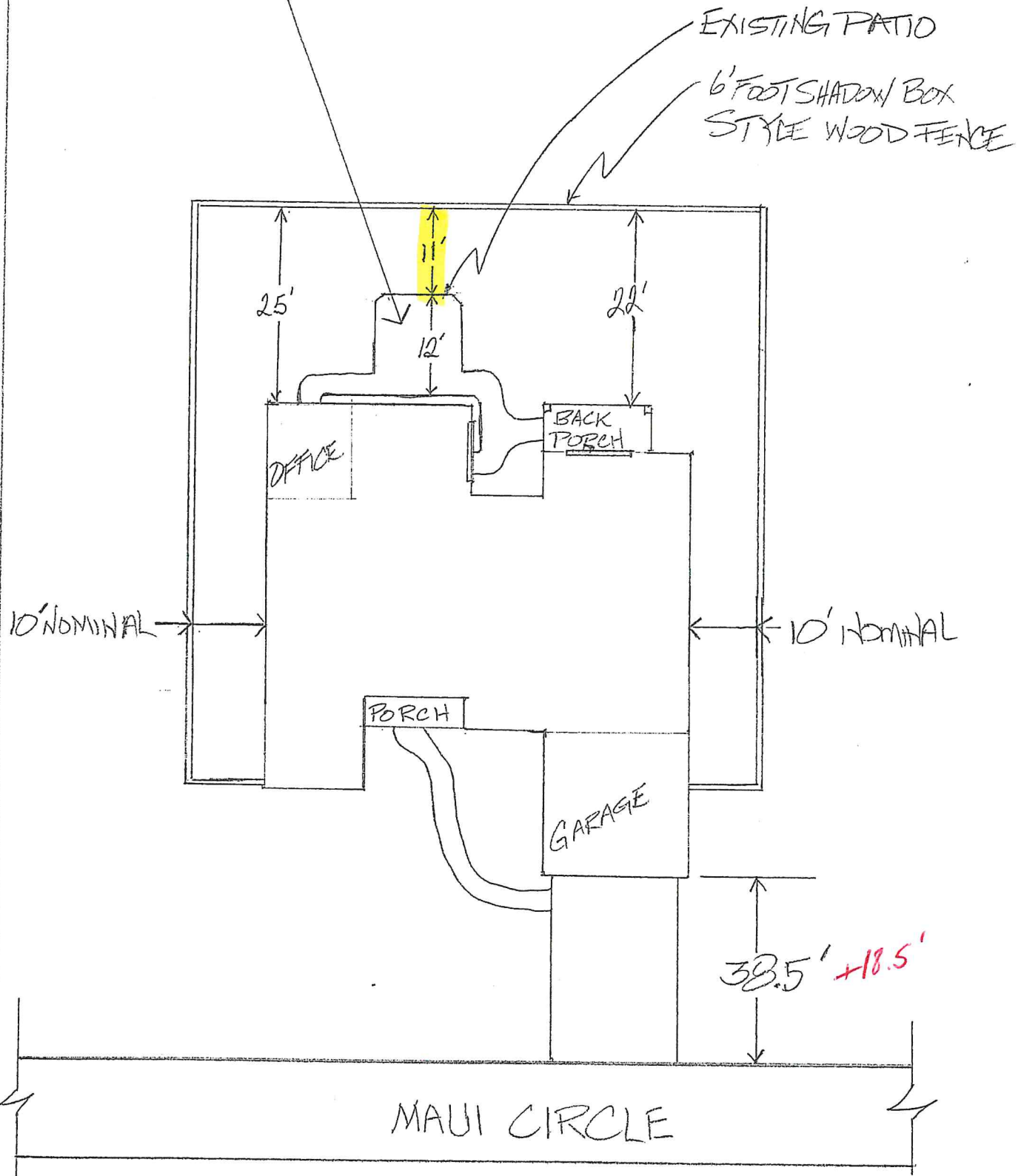
DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: October 28, 2025

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

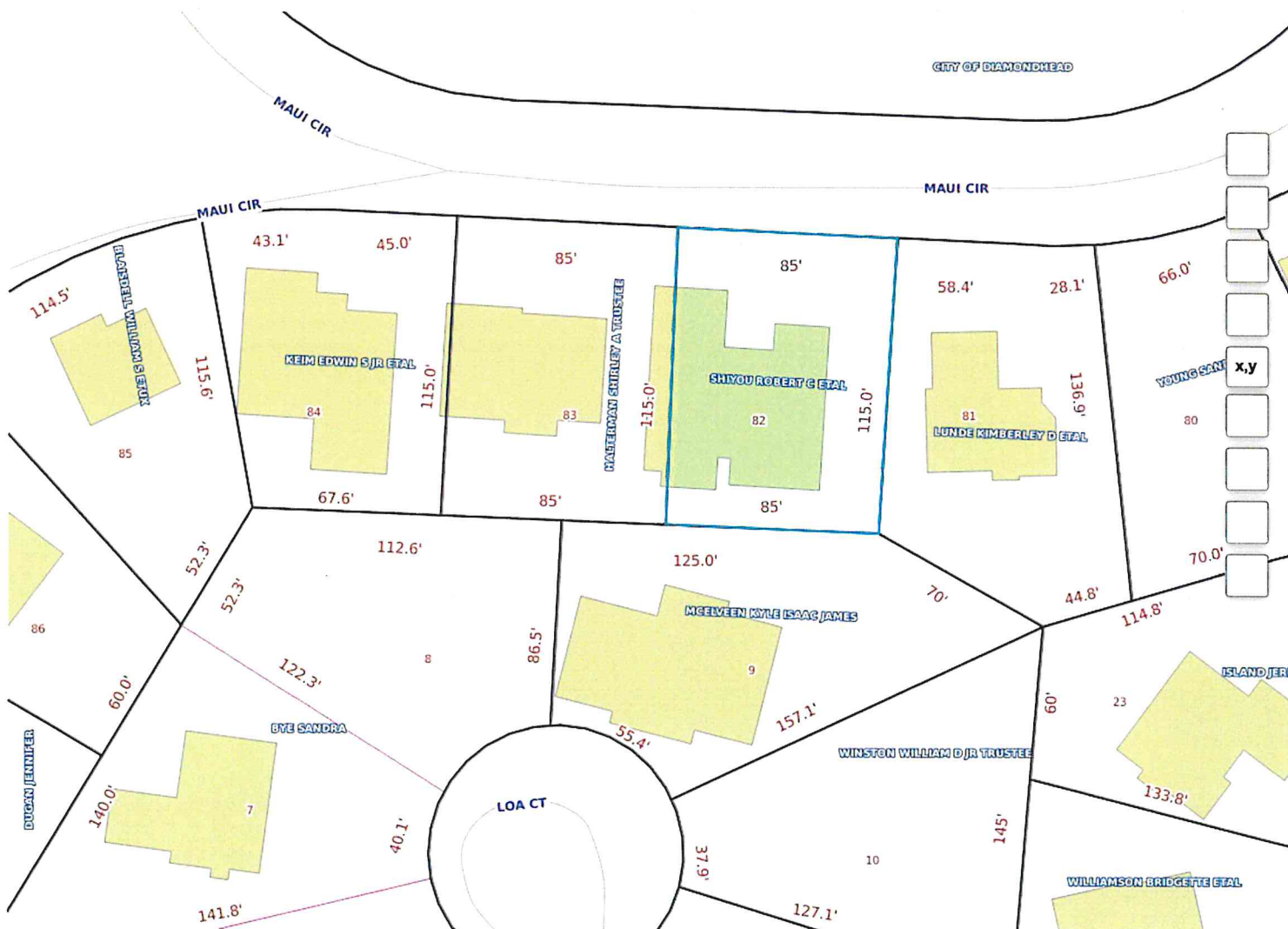
The staff recommends approving the variance based on the following findings of fact.

- 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 setback 38.5' from front yard setback.*
- 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. *Many of the properties in this district have covered patio additions.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *Conditions are created by residence placement.*
- 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. *There are many residents in the R-6 District that have been granted a variance to allow additions.*
- 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.

EXISTING PATIO. REQUEST
VARIANCE OF 11' TO REAR
OF PROPERTY.



PLOT PLAN VIEW - NOT TO SCALE



**067R-2-36-
180.000**

Parcel Number: 067R-2-36-180.000

Owner Name: SHIYOU ROBERT C
ETAL

Owner Address: 784 MAUI CIRCLE
Owner City, State ZIP: DIAMONDHEAD,
MS 395250000

Physical Address: 784 MAUI CIRCLE
Improvement Type: RES

Year Built: 1998

Base Area: 2713

Adjusted Area: 3156

Actual Total Value: 233722

Taxable Total Value: 0

Estimated Tax: 2633.19

Homestead Exemption: Yes

Deed Book: 2007

Deed Page: 10740

Legal Description 1: 82 BLK 2 UN3 PH
2 DIAMONDHEAD

Legal Description 2:

Legal Description 3:

Close

Export

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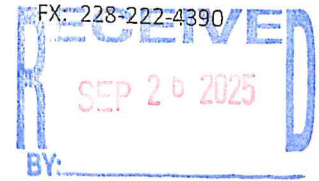
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2025-09-26 10:00 AM

5000 Diamondhead Circle
Diamondhead, MS 39525

Ph: 228-222-4626

FX: 228-222-4390



APPLICATION FOR VARIANCE REQUEST

Case Number: 202500630

Date 9/26/25

Applicant: Robert C. Shiyon

Applicant's Address: 784 Maui Circle

Applicant's Email Address: robertshiyon@gmail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 228-493-4930

Property Owner: Same as above

Owner's Mailing Address: _____

Owner's Email Address robertshiyon@gmail.com

Owner's Contact Number: (Home) 228 (Work) _____ (Cell) 228-493-4930

Tax Roll Parcel Number: 067R-2-36-180.000

Physical Street Address: _____

Legal Description of Property: _____

Zoning District: R-6

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

Rear Variance - Construct patio cover over existing concrete patio foundation within 20' of rear property line.

REQUIRED ITEM A

Property Owner Robert C Shiyon

Street Address 784 Momi Circle

Statement Describing Variance Request

Request to Construct a patio cover over an existing
concrete patio. Existing concrete patio is 11 feet
(eleven feet) from property line in rear of home.

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: House was constructed on a small lot
and set back from the street resulting in
small (short) backyard

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. Owner would not be able to enjoy the
numerous benefits enjoyed by others who have
covered patios.

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

Response: Conditions are not caused by owner. They
are the same as when house was purchased in
2007.

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

Response: Variance would not give owner any special
privileges. Many owners throughout Diamondhead
enjoy covered patios.

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.

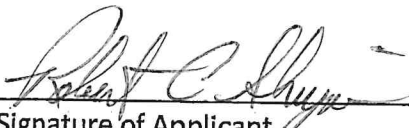
That additional information may be required by the Planning Commission prior to final disposition.

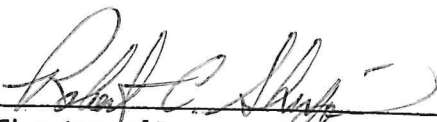
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on November 11th 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 ()



5000 Diamondhead Circle ·
Diamondhead, MS 39525-3260
Phone: 228.222.4626 Fax: 228-222-4390

TO: Robert Shiyou and adjacent property owners

FROM: J. Pat Rich, Development Coordinator 

DATE: October 10, 2025

SUBJECT: Variance request before the Planning & Zoning Commission

Robert Shiyou has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a covered patio addition within 11 feet of the rear yard property line. The address is 784 Maui Circle. Tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The rear yard setback for an addition is 20'. The variance requested is 9'. The Case File Number is 202500630.

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 28, 2025, 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.

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

Robert Shiyou has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow a covered patio addition within 11 feet of the rear yard property line. The address is 784 Maui Circle. Tax parcel number is 131A-0-01-064.000. The property is in a R-6 zoning district. The rear yard setback for an addition is 20'. The variance requested is 9'. The Case File Number is 202500630.

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Landscaping Ordinance Article 5.9. The Case File Number is 202500600.

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Tree Ordinance Article 7.1. The Case File Number is 202500601.

The City of Diamondhead will hold a public hearing on a proposed Text Amendment to the Fence Ordinance Article 4.3.10. The purpose of the amendment is to allow fences greater than 6' in selected areas. The Case File Number is 202500498.

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 26, 2025, 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.