

City of Diamondhead  
5000 Diamondhead Circle  
Diamondhead, MS 39525



Office 228-222-4626  
Fax 228-222-4390  
www.Diamondhead.ms.gov

APPLICATION FOR ZONING CHANGE

CASE NO. 2021-00017

DATE 3/8/21

APPLICANT: Jeff Jassby (Jassby Custom Homes)

APPLICANT'S ADDRESS: 8230 Maunalani Place

APPLICANT'S TELEPHONE: (HOME) 228-255-3400 (WORK) 228-255-3400

PROPERTY OWNER: Josh Shelton / Courtney Jassby

MAILING ADDRESS: 8230 Maunalani Place - DH, MS 39525

TELEPHONE NUMBER: (HOME) 949-375-4638 (WORK) 949-375-4638

TAX ROLL PARCEL NUMBER: 068R-1-41-071.000

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: LOT 48 < 8' Glenn Eagle PHA

7448 Turnberry Drive - Diamondhead, MS 39525

ZONING CHANGE (FROM) AFR (TO) ~~R2 or R3~~ R-1

STATE PURPOSE OF REZONING: Get the land back that the City zoned incorrectly

RECEIVED  
MAR 08 2021  
BY: JWR

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Zoning Change in the City of Diamondhead, I (we) understand the following:

The application fee of <sup>200</sup>\$600.00 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 Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.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 designated 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 change 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 April 27, 2021 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.

[Signature]  
Signature of Applicant

[Signature]  
Signature of Property Owner

\_\_\_\_\_ For Official Use Only \_\_\_\_\_

- <sup>200.00</sup>~~\$600.00~~
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owners NA ( )

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

RECEIVED  
MAR 08 2021  
BY: [Signature]

The Casano Law Firm, P.A.  
4403 West Aloha Drive  
Diamondhead, MS 39525  
228-255-0035  
File No: 21-0002

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, we

**Jim Grotkowski and Jeff Jassby , Grantors**

758 Augusta Way  
Diamondhead, MS 39525  
Phone: 228-216-6919

Do hereby sell, convey, bargain and warrant to

**Joshua R. Shelton and Courtney Jassby , Grantees**

8230 Maunalani Place  
Diamondhead, MS 39525  
Phone: 949-375-4638

As joint tenants with 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:

**A survey of Lot 48, less the east 4 feet, Glen Eagle at Diamondhead Subdivision, Phase 1, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:**

**Commencing at a 1/2" rebar found at the southeast corner of said Lot 48; thence N 49°33'05" W 4.18 feet along the north margin of Turnberry Drive to a 1/2" rebar set and being the Point of Beginning; thence continue N 49°33'05" W 89.96 feet to a 1/2" rebar found; thence 50.04 feet along a curve to the left having a radius of 406.09 feet and also having a chord bearing and distance of N 52°41'36" W 50.01 feet to a 1/2" rebar set at the southwest corner of said Lot 48; thence N 09°01' 35" E 129.31 feet to a 1/2" rebar found at the northwest corner of said Lot 48; thence S 86°15'14" E 178.49 feet along the north line of said Lot 48 to a 1/2" rebar set; thence S 23°46'09" W 223.69 feet to the Point of Beginning. Said parcel of land contains 26,419 square feet, more or less.**

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

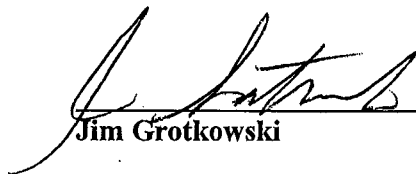
This conveyance is made subject to any and all reservations, restrictions, easements, exceptions, covenants and conditions of record, including any mineral, oil or gas reservations and any covenants or restrictions of record.

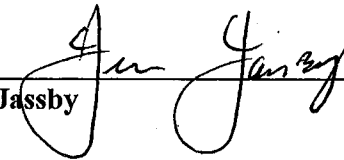
If bounded by water, the warranty granted herein shall not extend to any part of the above described property which is tideland or coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act and this conveyance includes any natural accretion and is subject to any erosion due to the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

The Grantors hereincertify that the property herein above conveyed forms no part of the homestead of said Grantors.

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 Grantees herein.

WITNESS OUR SIGNATURES, this the **5th** day of **February**, 2021.


  
\_\_\_\_\_  
Jim Grotkowski

  
\_\_\_\_\_  
Jeff Jassby

**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 **5th** day of **February**, 2021, **Jim Grotkowski and Jeff Jassby**, who acknowledged that they signed and delivered the foregoing instrument of writing on the day and year therein mentioned.



  
\_\_\_\_\_  
Notary Public  
My Commission Expires: 6-14-24

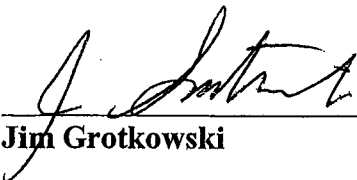
**State of:** Mississippi  
**County of:** Hancock  
**Sellers:** Jim Grotkowski and Jeff Jassby  
**Buyers:** Joshua R. Shelton and Courtney Jassby  
**Property Address:** Turnberry Dr  
Diamondhead, MS 39525

**Compliance Agreement**

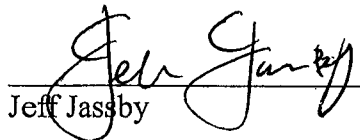
The undersigned for and in consideration of the above referenced property conveyance, agree, if requested by Lender or Closing Agent, to fully cooperate and adjust for clerical errors, including any erroneous proration of taxes, any or all closing documentation deemed necessary or desirable in the reasonable discretion of Lender or closing agent to enable Lender or purchaser to sell, convey, seek guaranty or market said loan to any entity including but not limited to an investor, Federal National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Housing Authority or the Veterans Administration.

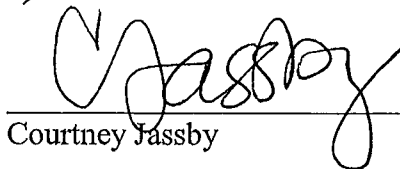
The undersigned do hereby so agree and covenant in order to assure that this closing documentation executed this date will conform and be acceptable in the market place in the instance of transfer, sale or convey by purchaser or by Lender of its interest in and to said documentation.

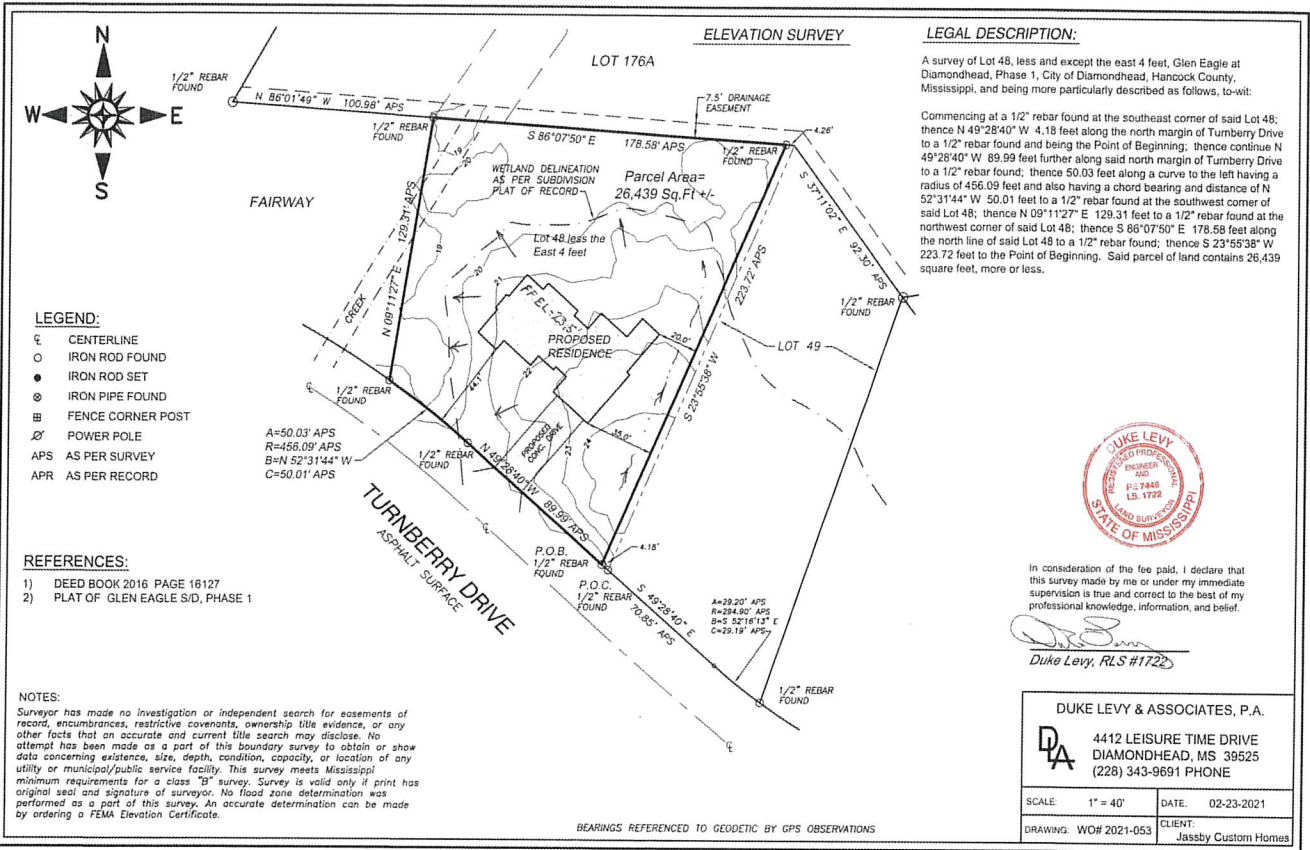
Date: February 5, 2021

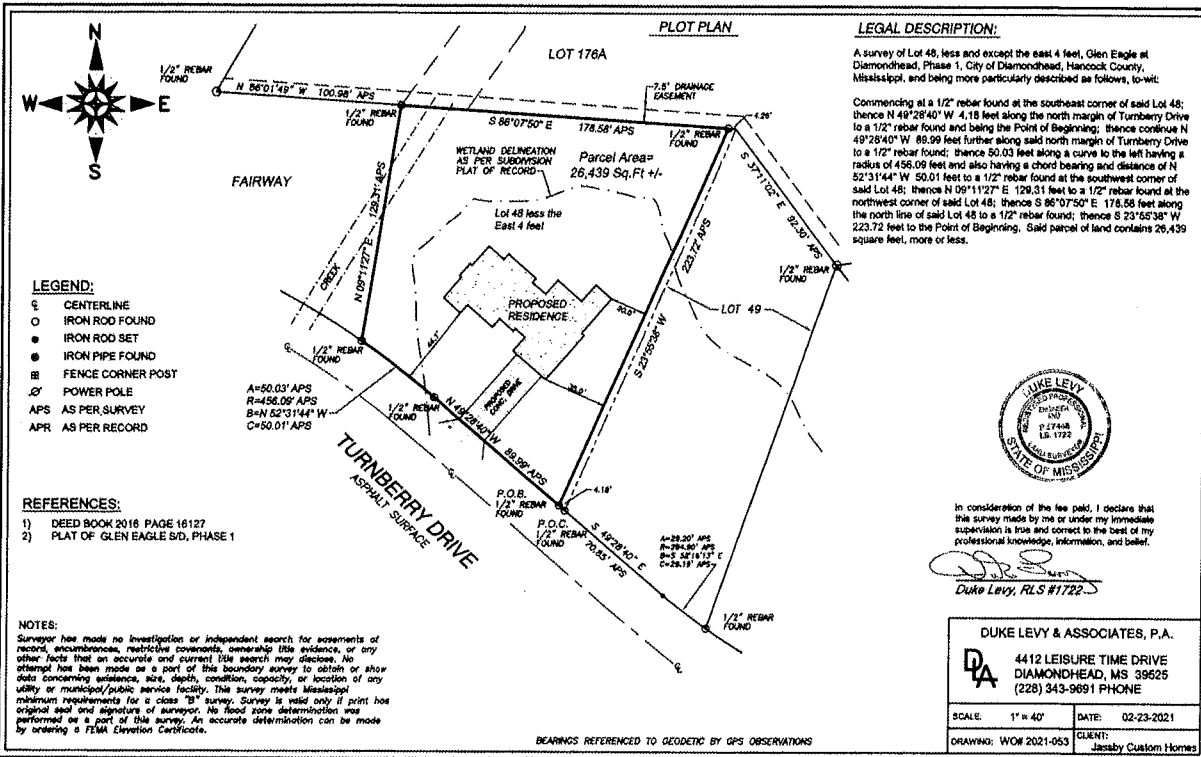
  
\_\_\_\_\_  
Jim Grotkowski

  
\_\_\_\_\_  
Joshua R. Shelton

  
\_\_\_\_\_  
Jeff Jassby

  
\_\_\_\_\_  
Courtney Jassby





**LEGAL DESCRIPTION:**

A survey of Lot 48, less and except the east 4 feet, Glen Eagle at Diamondhead, Phase 1, City of Diamondhead, Hancock County, Mississippi, and being more particularly described as follows, to-wit:

Commencing at a 1/2" rebar found at the southeast corner of said Lot 48; thence N 49°28'40" W 4.18 feet along the north margin of Turnberry Drive to a 1/2" rebar found and being the Point of Beginning; thence continue N 49°28'40" W 86.99 feet further along said north margin of Turnberry Drive to a 1/2" rebar found; thence 50.03 feet along a curve to the left having a radius of 456.09 feet and also having a chord bearing and distance of N 52°31'44" W 50.01 feet to a 1/2" rebar found at the southwest corner of said Lot 48; thence N 09°11'27" E 128.31 feet to a 1/2" rebar found at the northwest corner of said Lot 48; thence S 86°07'50" E 178.58 feet along the north line of said Lot 48 to a 1/2" rebar found; thence S 23°55'38" W 223.72 feet to the Point of Beginning. Said parcel of land contains 26,439 square feet, more or less.



In consideration of the fee paid, I declare that the survey made by me or under my immediate supervision is true and correct to the best of my professional knowledge, information, and belief.

*Duke Levy*  
Duke Levy, RLS #1722

DUKE LEVY & ASSOCIATES, P.A.	
4412 LEISURE TIME DRIVE DIAMONDHEAD, MS 39525 (228) 343-9691 PHONE	
SCALE: 1" = 40'	DATE: 02-23-2021
DRAWING: W04 2021-053	CLIENT: Jascby Custom Homes

- LEGEND:**
- ⊕ CENTERLINE
  - IRON ROD FOUND
  - IRON ROD SET
  - IRON PIPE FOUND
  - FENCE CORNER POST
  - ⊕ POWER POLE
  - APS AS PER SURVEY
  - APR AS PER RECORD

- REFERENCES:**
- 1) DEED BOOK 2016 PAGE 16127
  - 2) PLAT OF GLEN EAGLE S/D, PHASE 1

**NOTES:**

Surveyor has made no investigation or independent search for assessments of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or municipal/public service facility. This survey meets Mississippi minimum requirements for a class "B" survey. Survey is valid only if print has original seal and signature of surveyor. No flood zone determination was performed as a part of this survey. An accurate determination can be made by ordering a FEMA Elevation Certificate.

BEARINGS REFERENCED TO GEODETIC BY GPS OBSERVATIONS

## Pat Rich

---

**From:** Pat Rich  
**Sent:** Thursday, March 4, 2021 11:14 AM  
**To:** Jeff Jassby (jassbycustomhome@bellsouth.net)  
**Cc:** Michael J. Reso; Ronald Jones; Beau King; Tammy Braud; derekcusick  
**Subject:** 7448 Turnberry Dr. Rezoning  
**Attachments:** Application for Zoning Change.pdf

Jeff,

The above property is currently zoned PFR (Public Facilities & Recreation) in which Residential Uses are not permitted. In order to build a residential structure on the property, you must request zoning change (application attached). Please complete and return to this office, along with the \$200 fee, by March 15, 2021. It will be added to the Planning Commission meeting on April 27, 2021. The following defines the only conditions for rezoning a property:

### **2.8. - AMENDMENT (REZONING) PROCEDURE.**

#### **[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)**

##### *2.8.1 Title and Purpose.*

A. Section 2.8.1 through Section 2.8.11 shall be known as the Amendment Procedure. The purpose of this procedure is to prescribe the manner in which changes shall be made in the text of the Zoning Regulations (Text Amendment) and the application of such regulations to property within the City of Diamondhead, Mississippi, by means of the Zoning Map (Rezoning).

B. This ordinance, including the zoning map, is based on comprehensive planning studies and is intended to carry out the objectives of a sound, stable and desirable environment. It is recognized that casual amendments of the ordinance would be detrimental to the achievement of that objective, and it is therefore declared to be the public policy to amend this ordinance only when one or more of the following conditions prevail:

- i. Error: There was an error in the initial zoning of the property as it was brought into the city.
- ii. Change in Condition: Changed or changing conditions in a particular area in the city or metropolitan area generally, resulting from changes in population, both of the area proposed to be rezoned and in the surrounding areas, or changes in existing road patterns or traffic, including traffic volumes, and also including the development of new roadways in the vicinity.
- iii. Changes in whatever is classified as the "neighborhood" (which may not necessarily be limited to that of a relatively concise area), and which may include changes in population, development trends, and the existing character of nearby property and/or changes that have occurred in the character of nearby property.