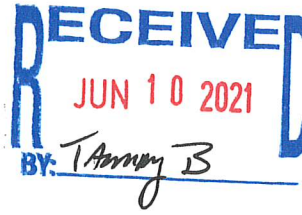


202100212



5000 Diamondhead Circle
Diamondhead, MS 39525

Ph: 228-222-4626

FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

Case Number: 2021-00212

Date 6-7-21

Applicant: Anthony Diaz

Applicant's Address: 8454 Amoka Dr.

Applicant's Email Address: advantagefive whe @ bell south.net

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) 985-290-8925

Property Owner: Anthony Diaz

Owner's Mailing Address: 8454 Amoka Dr.

Owner's Email Address advantagefive whe @ bell south.net

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) 985-290-8925

Tax Roll Parcel Number: 0108J-1-41-325.000

Physical Street Address: 8454 Amoka Dr.

Legal Description of Property: _____

Zoning District: _____

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

(Signage-Size-Height) Requesting to move fence on the left side to fence in window for better security of the Home.

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

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. *(+1.00 A/H fee) - total of 101.00*

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 July 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.

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 ITEM A

Property Owner Anthony Diaz

Street Address 8454 Amoka Dr., Diamondhead

Statement Describing Variance Request

Requesting to move fence installation 10'
on the left side of home to secure the window
within the fence for security + privacy.

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: this would only affect the land and
structure, no other surroundings

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: Safety + privacy

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

Response: the conditions are not caused by
the owner

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

Response: It would not give the owner special
privileges or rights.



5000 Diamondhead Circle • Diamondhead, MS 39525-3260

Phone: 228.222.4626 Fax: 228-222-4390

www.diamondhead.ms.gov

TO: Anthony Diaz and adjacent property owners

FROM: J. Pat Rich, Planning and Zoning Administrator

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

DATE: July 9, 2021

SUBJECT: Notice of Public Hearing

Anthony Diaz has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to construct a 6' wood privacy fence starting 40' from the southeast corner of the house towards Amoka Drive, extending 10' towards Ike Drive then along Ike Drive to the southwest rear property line. The variance requested is 40' from the front façade of the house (southeast corner) and 6' from the front property line (Ike Drive side).

The property address is 8454 Amoka Drive. The tax parcel number is 068J-1-41-325.000. The legal description is Diamondhead Subdivision Phase #2, Unit 11, Block 7, Lot 4. The property is located in an R-2 zoning district. Corner lots have two front yard setbacks and two front facades (along each street). The fence is required to be set back 20' from the front property line but not any closer than the façade of the house. The file case number is 202100212.

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 time 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, JULY 27, 2021 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.

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.

NOTICE OF PUBLIC HEARING
PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS

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SOUTHERN EXTERIORS FENCE CO

COMMERCIAL • RESIDENTIAL • INDUSTRIAL • ACCESS CONTROL

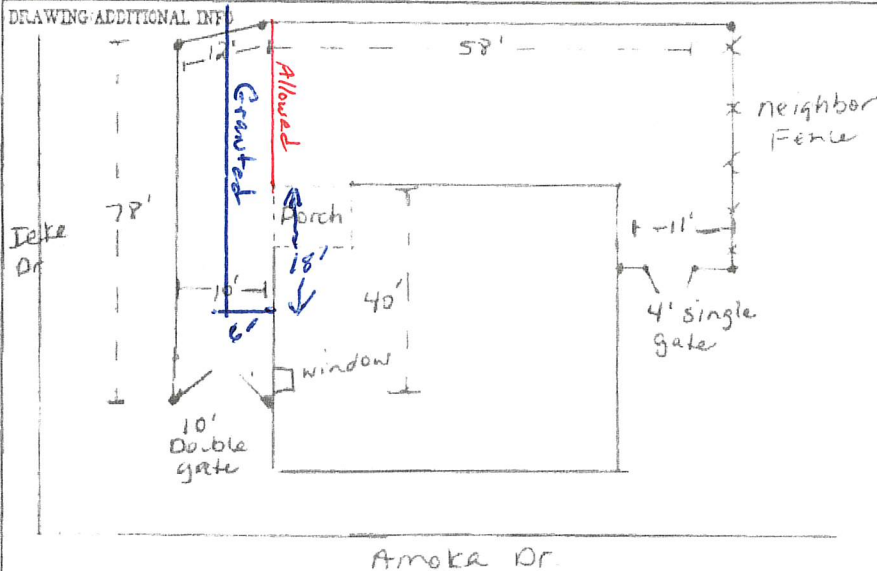
31023 Crane Creek Rd.
Perkinston, MS 39573Office: 228 586 2110
Fax: 228 255 6747

PROPOSAL

TODAY'S DATE: 5-4-21

NAME: Anthony Diaz
 ADDRESS: 8454 Amoka Dr
 Diamondhead, MS
 PHONE: 228-366-4386
 EMAIL: advantagefirewhe@bellsouth.net

We hereby propose to furnish the materials and perform the labor necessary for completion of 6' High Shaverbox
 wood semi-private fence + gates



- ☐ Fence to be on ground - Buyer will fill in extreme low places. Top rail will follow contour of ground. Buyer initial _____
☐ Top rail to be straight - Fence will be off ground in low places. Buyer will fill in if desired. Buyer initial _____

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of _____ Dollars (\$ _____) with payments to be made as follows:

Any alterations or deviation from above specifications involving extra cost will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Respectfully Submitted: _____

Note: This proposal may be withdrawn by us if not accepted within _____ days.

LIMITED WARRANTY

Seller warrants that it will repair or replace any defect resulting from labor or installation of the product sold, of which seller is given notice as hereinafter provided. Seller warrants that it will repair or replace any defective part of the fence sold, which defect arises within one year after installation of the fence sold. At the expiration of the time periods set out above, there are no warranties of merchantability or fitness for particular use or services rendered in connection with the sale evidenced by this contract. There are no warranties of any kind, express or implied, including implied warranties of merchantability or fitness for particular use. No warranty as to warping of wood products, including warping of wood gates. INITIAL _____

CONTRACT CONDITIONS

More of less material, other than amount contracted for, will be deemed or credited at current rate acceptable - the above proposal when accepted by the company, at its main office, becomes a contract between two parties and is not subject to cancellation. Silence on the part of the company shall not be construed as an acceptance of this proposal. In case payment is not made as specified, the company reserves the right to repossess all materials used on this job without recourse. Buyer agrees to a charge of 1 1/2 percent per month, or 18% annual percentage rate in past due balance and to pay a reasonable fee should it become necessary to refer this contract to an attorney for collection. Property owner is solely responsible for locating, staking and clearing fence line. Purchaser also agrees that the company will not be held responsible or liable for any damage of any nature to underground utilities & constructions.

NOTICE: If contract is changed after the erection crew leaves the material there will be a \$10.00 per hour charge for the time lost.

ACCEPTANCE OF PROPOSAL: The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made in full upon completion. DATE _____ SIGNATURE _____

FOR OFFICE USE ONLY:

NO PROPERTY IN
 SUBTOTAL _____ TAX _____ TOTAL _____ SEPOC _____ RD

There is a plan for fence free in folder.

Please call after you complete variance form and we will construct the email together.

7,
CITY OF
ITY, MS



EMAIL: cliffordcrosby@cableone.net

DH21107004