



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202000395

Date: 08 September 2020

Applicant: Tammy Simms Fields & Scott C Lippon

Applicant's Address: 8912 Anahola Court Diamondhead MS. 39525

Applicant's Email Address: MSXX007@bellsouth.net

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) 985-290-7891 (Cell) \_\_\_\_\_

Property Owner: Tammy Simms Fields (Lippon)

Owner's Mailing Address: 8912 Anahola Court Diamondhead MS. 39525

Owner's Email Address: MSXX007@bellsouth.net

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 985-290-7891

Tax Roll Parcel Number: Parcel Lot # 143

Physical Street Address: 8912 Anahola Court Diamondhead MS. 39525

Legal Description of Property: Single Family home

Zoning District: R-2

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

To facilitate the irregular shape of our lot and irregular adjacency to the lots we require a variance to the 20 foot rear ordinance to 7.5 feet between the structure and the property/fence/line at the minimum distance point and 11.5 feet at the maximum distance point (See Slide A-B-C)

Project # 202000395

RECEIVED  
SEP 08 2020  
BY: Rd 12:52pm.



**REQUIRED ITEM A**

Property Owner Tammy Fields & Scott C Lippon

Street Address 8912 Anahola Court Diamondhead MS. 39525

Statement Describing Variance Request

Requesting a variance allowing a carport structure to be built within 7.5 feet of the adjacent property/fenceline at the min point and 11.5 feet at the maximum point (See Slide A-B-C for further detail)

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?

The location of the home on the lot and where the structure is planned to be built is an irregular shape, causing a creative shaped structure positioned so it will conform to the restricted zoning to the maximum extent possible (See Slides A-B-C)

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Yes, there are multiple lots with the same condition, some approved by the zoning board of Diamondhead and City Council (Slide F) . Plus some added photos showing encroachments in Diamondhead in R-2 areas (Slides G-1)

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

The irregular shape of the lot was caused by the original landowner and contractors during initial home construction. In addition a structure existed at 8912 Anahola Court in this same location in 2004 when the home was purchased by Tammy Fields Lippon. (Destroyed by Katrina 2005)

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

There are multiple homeowners sharing the same type of approved variance, therefore no special privilege is granted in our case. A home with lesser distance between the structure and property line exists within 500 feet from our home at 8912 Anahola Place. This home has an approved variance from the City.

We also have a petition signed by multiple adjacent neighbors indicating their acceptance of the structure. (See Slide D-E)

Request for Variance from Zoning Ordinance

8912 Anahola Court

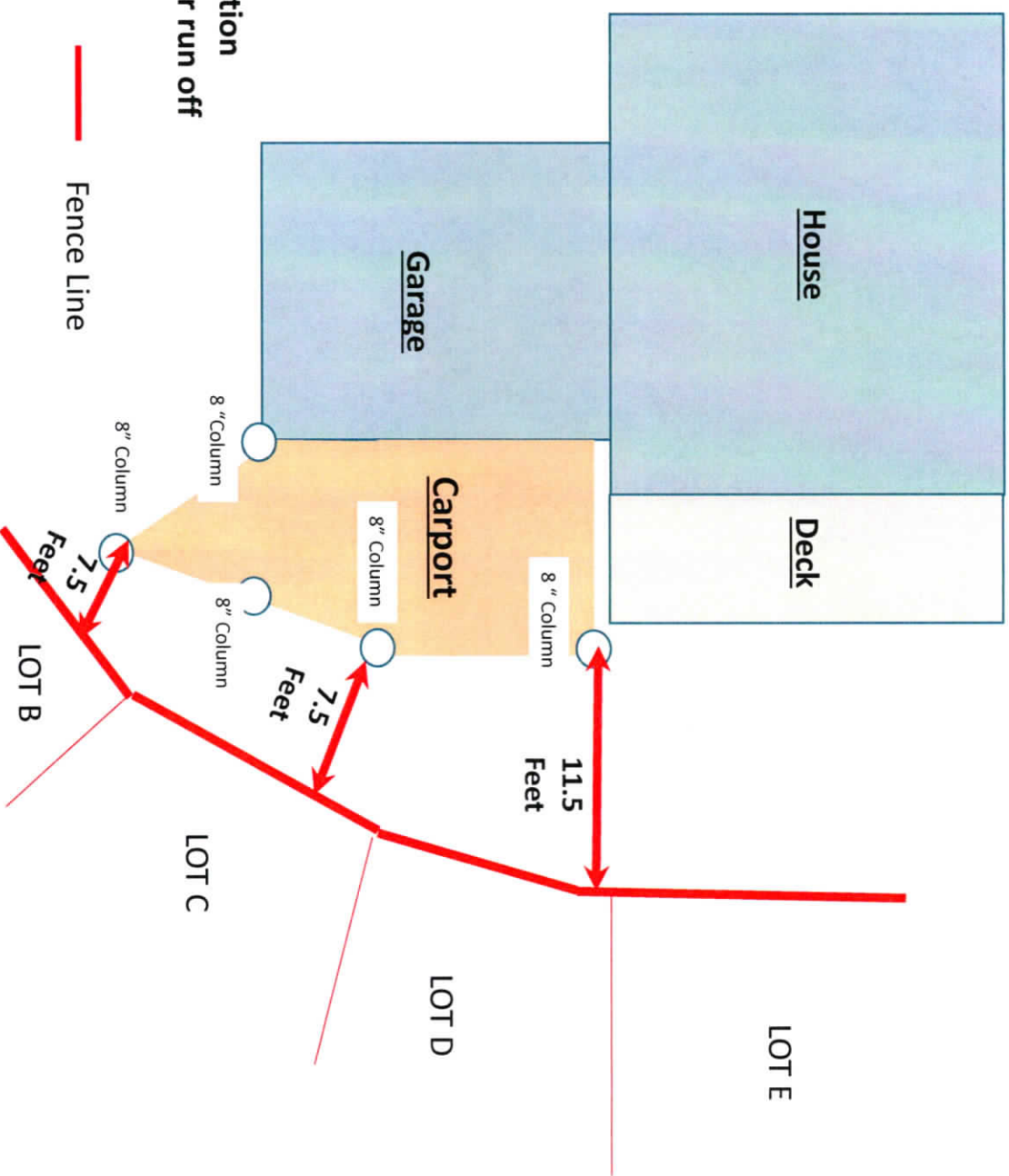
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SEP 08 2020  
BY: *Rd 12:52 p.m.*

# Slide A

## Site Plans

### Top View

- No changes to elevation
- No Changes to water run off



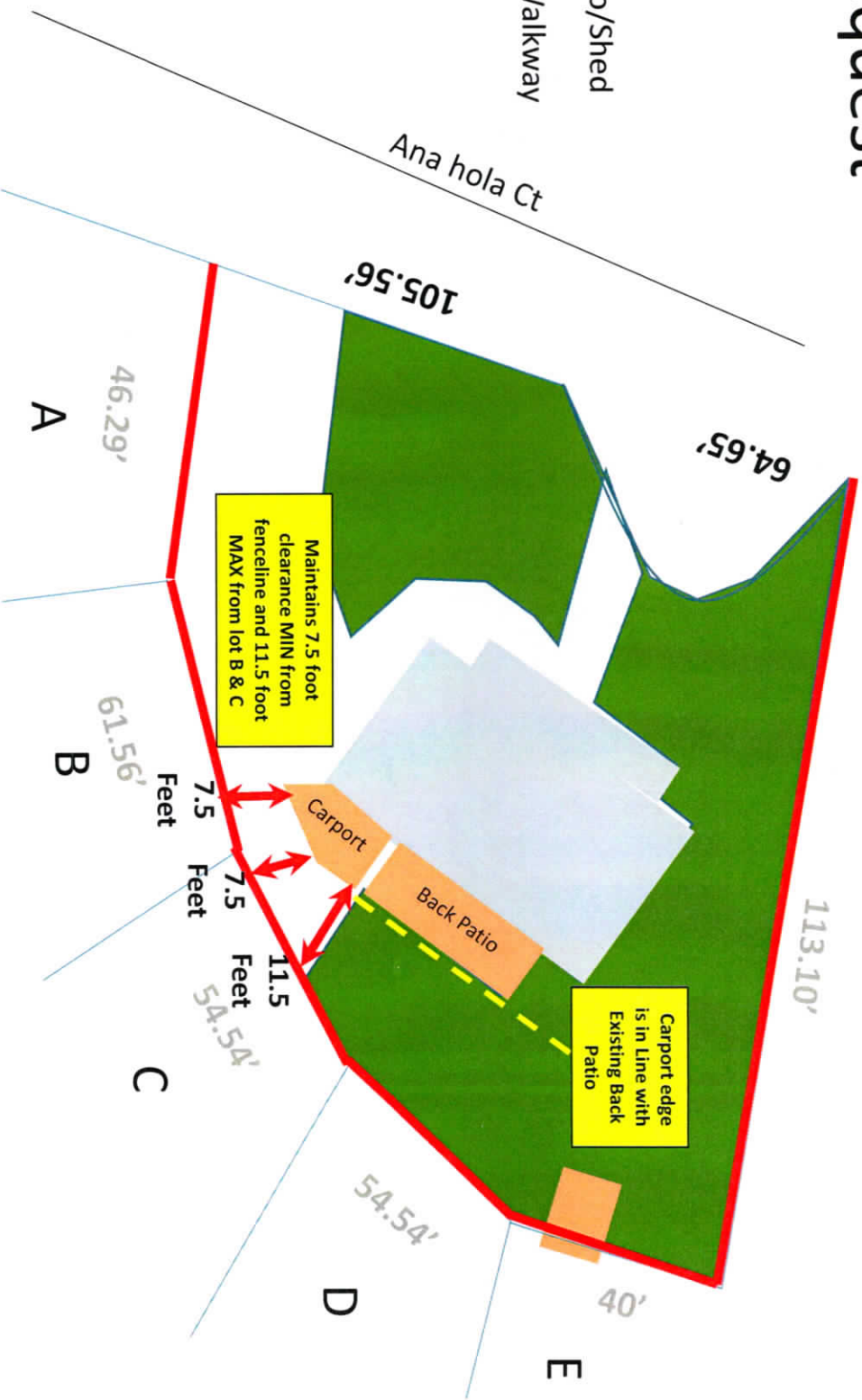
— Fence Line

# Slide B

## Tammy Fields Lot # 143

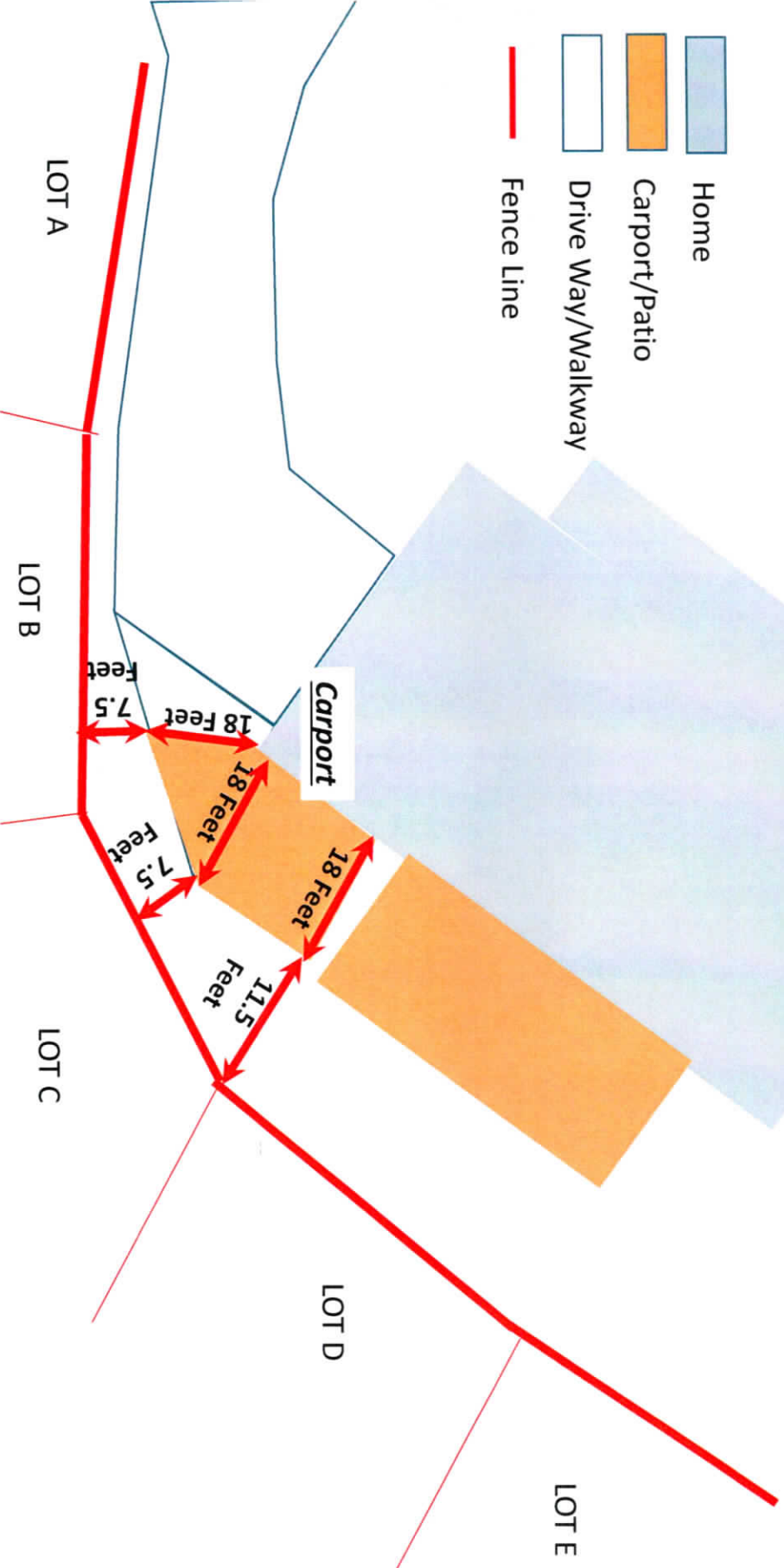
### Variance Request

- Grass
- Home
- Carport/Patio/Shed
- Drive Way/Walkway
- Fence Line



# Slide C

## Detailed View





# Summary of Request

## **Variance to build a structure inside the city ordinance of 20 feet**

- Minimum distance from the property line is 7.5 Feet
- Maximum distance from the property line is 11.5 Feet
- Is consistent with other properties in the same R-2 zoning area.

## **No Change to water run off direction or volume**

- A gutter will be assembled to the aft section facing lot B & C only to reduce any potential erosion on our lot @ 8912 Anahola Court and to assure water will route to the pre- carport structure run off flows.

## **No changes in elevation; no added soil was moved onto or removed from the property**

## **Structure virtually hidden to the street view and adjacent neighbors, due to location and tree coverage.**

- Is situated at a min of 150-250 feet from other homes in directly adjacent lots A-D lots as noted on slides A-B-C

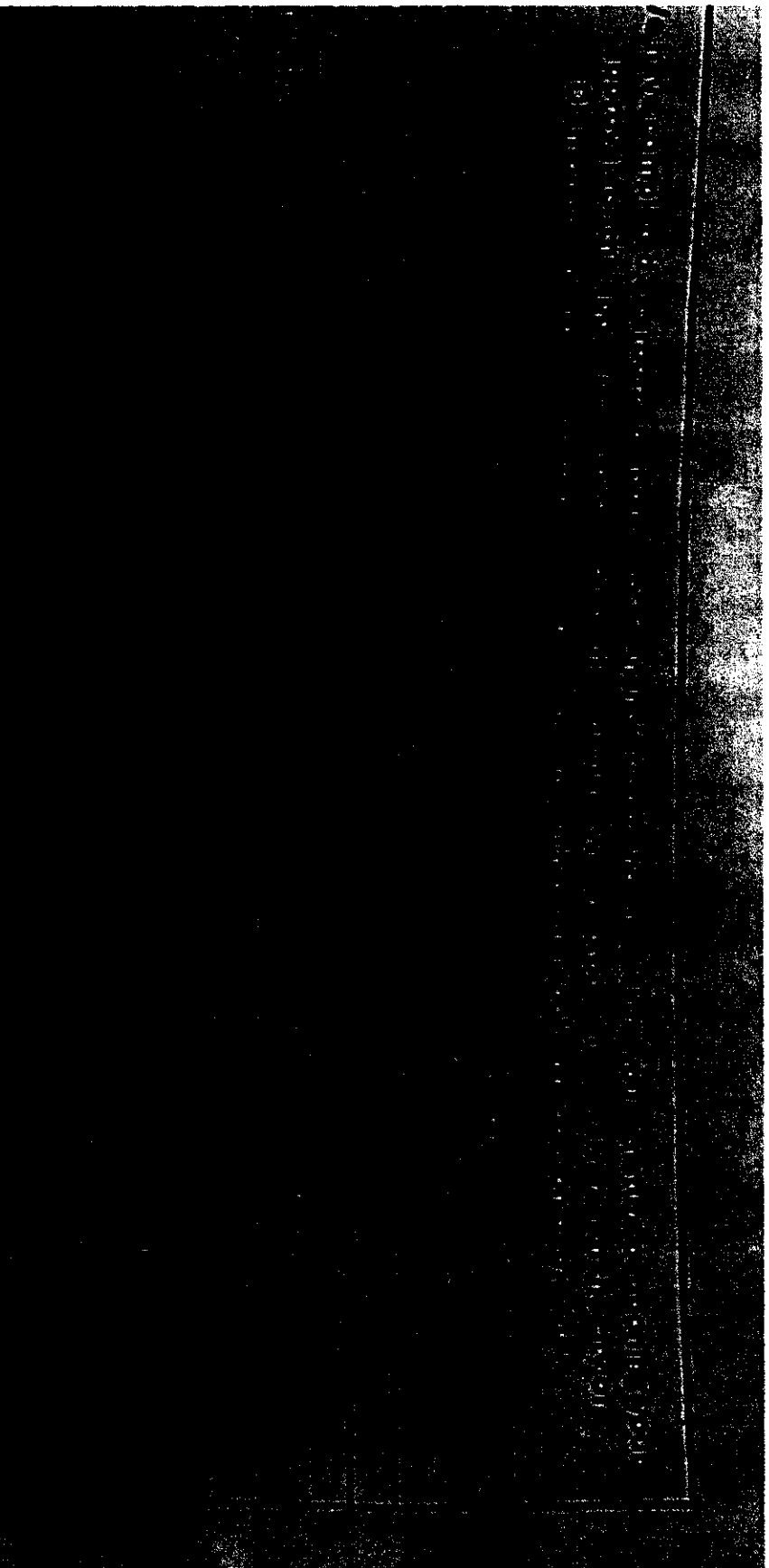


Petition signed by adjacent neighbors  
accepting the structure (August 2020)

# Slide D

Petition Signed by 8 Adjacent Neighbors

And neighbors addresses within 300 ft as required by application



# Slide E

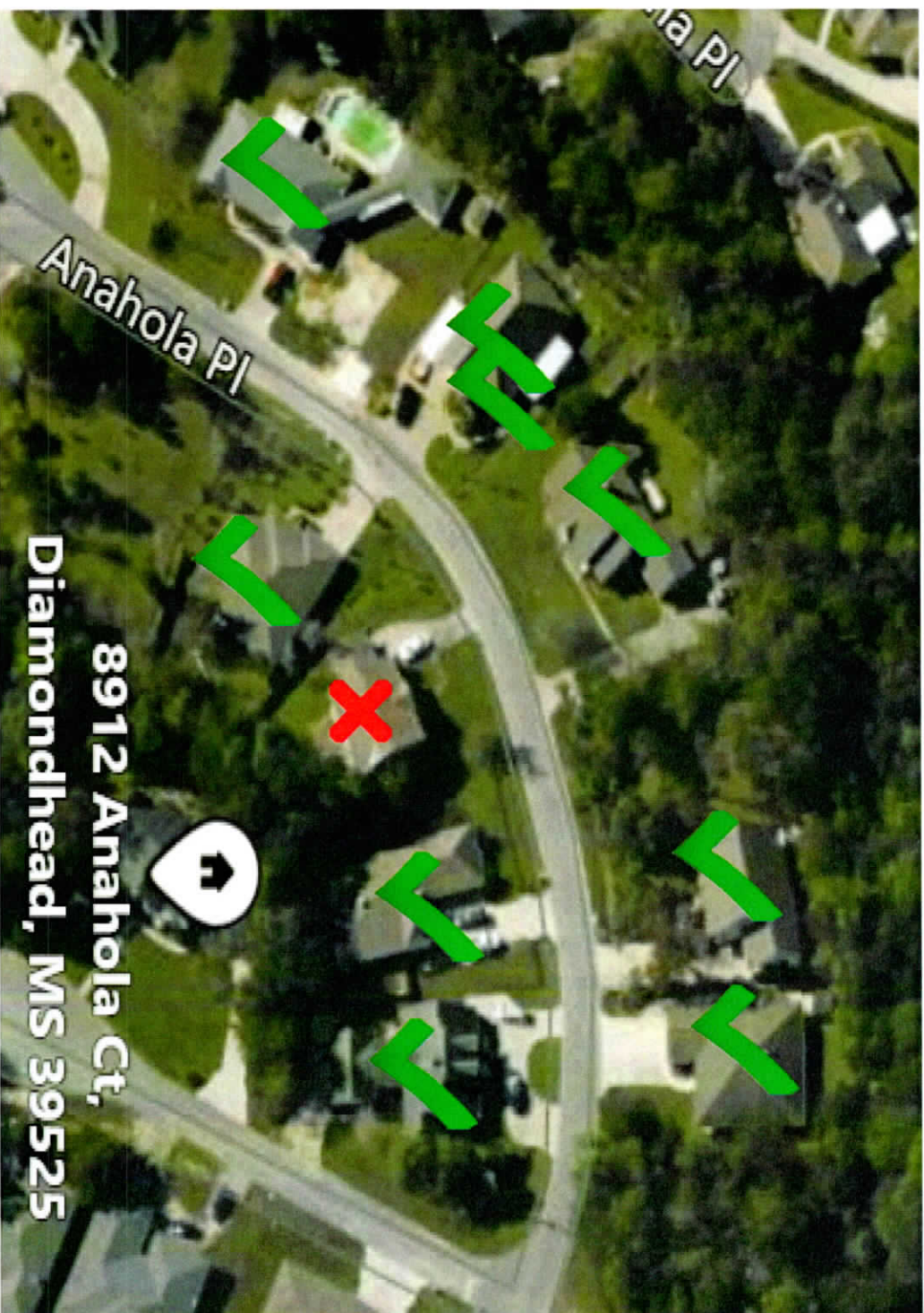
Signed the petition accepting the carport = 8



Has a variance approved by City Council for similar condition

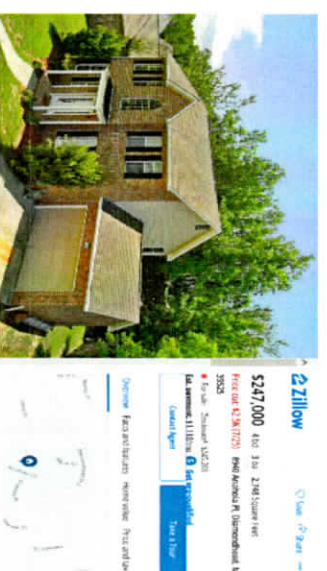
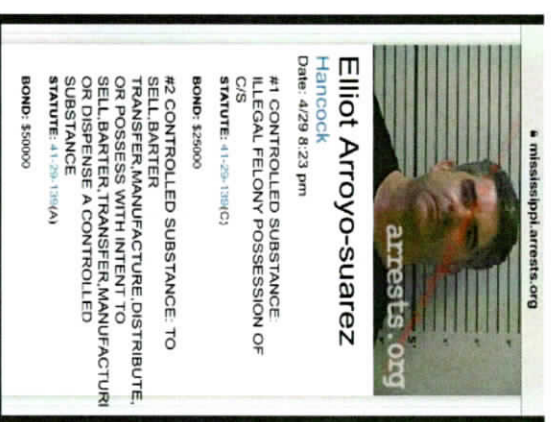


Did not sign the petition accepting the carport = 8940 Anahola Place



# So why the complaint from 8940 Anahola Place???

- Was arrested in April 2020 and stands trial for 2 felony counts of drug possession and sales/distribution
  - Believes we reported him to the Hancock sheriff, resulting in his arrest
  - Has openly threatened our well-being due to his arrest to other neighbors
  - Has publicly told others that he will **make us pay** for his arrest
  - A vindictive person as a result of his arrest for multiple felonies
- Is moving and has the home listed for sale on Zillow



Cases in the same zoning code approved by the  
Planning board or the City Council 2017-2019



# Slide F

9 Cases approved by the Planning Commission and City Council

## 2017 to present ranging from 8-13 Feet of "REAR" Property lines

**Planning - Case File # 201900464 - Approved**

Dubos family applied for and received a variance from the zoning ordinance to build a single family home within 10 feet of the rear property line.

A variance of 10 feet inside the zoning ordinance

**Planning Case File # - 201900273- Approved**

Mr Fandal filed a variance request and was approved for constructing a house within 10 feet of the front property line.

A variance of 10 feet inside the zoning ordinance

**Planning Case File # 201900060- Approved**

The Burgoyne family applied for and was granted a variance to build a 16x24 deck and pavilion within 12 feet of the rear property lines.

A variance of 8 feet inside the zoning ordinance

**Planning Case file # 201800495- Approved**

The Walthman family applied for and received a variance to build a pool lanai within 10 feet of the rear property line

A variance of 10 feet inside the zoning ordinance

**Planning Case File# 201800258- Approved**

Mr Lejeune applied for and was granted a variance to build a patio cover within 5 feet of the rear property line

A variance of 10 feet inside the zoning ordinance

**Planning Case # 201800266- Approved**

Mr Embry applied for and received a waiver to build a patio cover 7 feet from the rear property line.

A variance of 13 feet inside the zoning ordinance

**Planning Case # 201700343-- Approved**

Mr Hight requested and received a variance to build a garage 11 feet from the rear property line

A variance of 9 feet inside the zoning ordinance

**Planning Case File # 227 Fairway Circle- Approved**

Mr Peterson requested and received a waiver to build a single family home within 10feet of the rear property line

A variance of 10 feet inside the zoning ordinance

**Planning Case # 2017-00331- Approved**

Ms Marshal requested and received a waiver to build a patio roof within 7 feet from the rear property line

A variance of 13 feet inside the zoning ordinance

Similar Property Lines variances in same zoning R2 in Diamondhead



# Slide G Similar Variances

88158 Golf Club Dr



8-10 Feet from rear of property

No permit posted and the rear of the structure is within 10 feet of rear fence

8920 Anahola PL

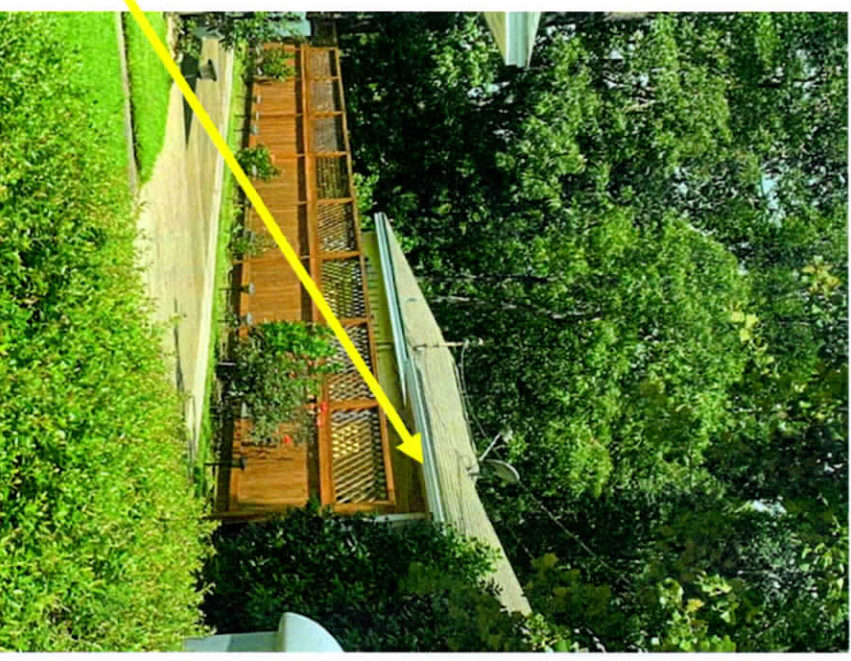


3-4 Feet from Adjacent Property Fence Line

Approved by City Council

3-4 Feet from Adjacent Property Fence Line

89331 Diamondhead Dr East

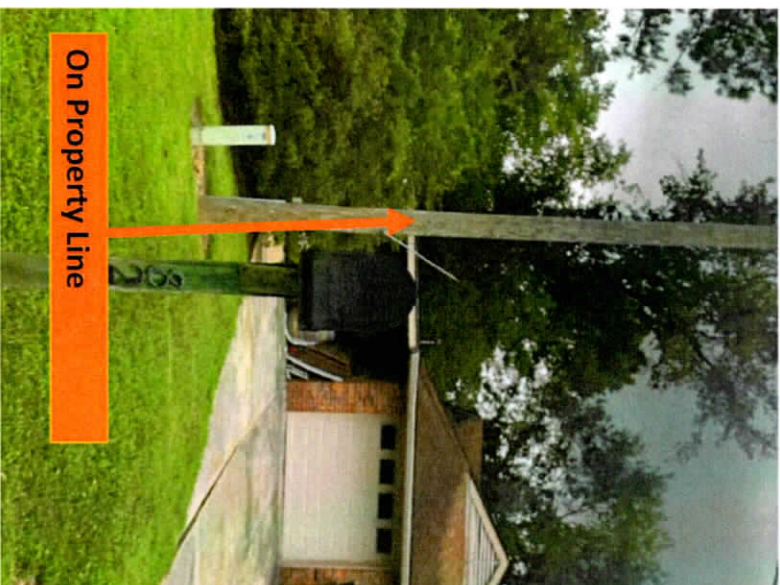


3-4 Feet from Adjacent Property Fence Line



# Slide H Similar Variances

9868 Koloa Dr



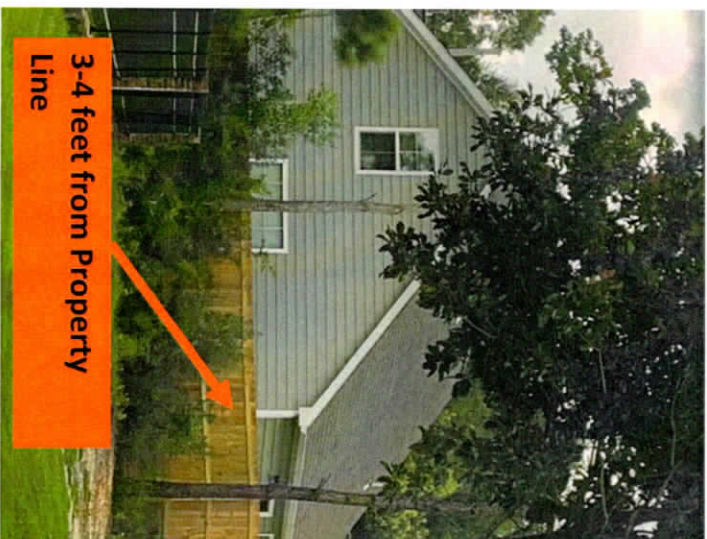
79293 Diamondhead Dr East





# Slide | Similar Variances

8830 Hana Place



88375 Diamondhead East Dr



822 Hawi CT

