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JAN 03 2023  
BY: [Signature]

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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202300000

Date 1/3/23

Applicant: DENNIS Mitchell JR

Applicant's Address: 1430 Hanakealoha Pl

Applicant's Email Address: DHM0804@yahoo.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 713-557-8824

Property Owner: DENNIS Mitchell JR

Owner's Mailing Address: 13902 Oneida Ct, Cypress, Tx 77429

Owner's Email Address DHM0804@yahoo.com

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) 713-537-8824

Tax Roll Parcel Number: 132R-0-10-118.000

Physical Street Address: 1430 Hanakealoha Pl, Diamondhead, Ms 39525

Legal Description of Property: Lot 32, Block 6, Unit 1, Diamondhead Phase 2

Zoning District: R-2

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

Sideyard setback 10' required, 9'-2 1/2" provided  
Variance request 9 1/2"

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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 Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.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.

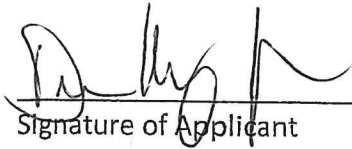
That additional information may be required by the Planning Commission prior to final disposition.


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 February 28, 2023 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 DENNIS Mitchell Sr

Street Address 1430 Hanakealoha Pl, Diamondhead, Ms

Statement Describing Variance Request

The previous home that burned down had a variance, so the designer also built in a variance in the new design. We just were made aware of this. The home design is very comparable to the other homes on the street.

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: It is my understanding that Ron Buskirk, of Buskirk Services and home design, who is the primary designer for Thornhill construction, designed the home based on the previous home footprint.

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: It appears as if it is possible. The house next door is 1426 Hanakealoha. It is 2200 sf, and the lot is 10,022 sf. The house adjacent to that one is 1424 Hanakealoha and is 2851 sf, and the lot is 11,819 sf. My house is designed at 2211 sf with a lot size of 11,233 sf.

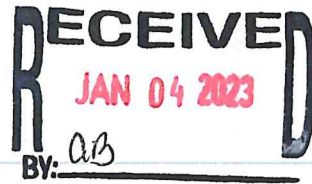
3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: The conditions were not caused by the owner. We recently purchased the property, and had the home designed in the same location and footprint of the previous home. We were made aware of the conditions during the permit application.

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

Response: There would be no special privileges. We are trying to build a comparable home for our street. Our immediate neighbors house is the same Sq Footage on a smaller lot, and the home adjacent to that one is much larger and almost same size lot.





To Whom it may concern,

My name is Dennis Mitchell JR, and my wife Andrea and I recently purchased the lot at 1430 Hanakealoha Pl in Diamondhead. There was a house there previously that was completely destroyed in a fire. There are two other houses nearby, 1424 and 1426 Hanakealoha Pl which is a cul de sac street with no other homes.

When we first bought the lot we were using Thornhill Construction and his primary designer Ron Buskirk of Buskirk Services and Home Design. Ron designed the home based on the footprint of the previous home. The driveway still exists, so placing the home in the same place seemed like the most logical choice.

Later we switched to Kyle Ladner of Diamond L Construction. When Ron gave us the final plans, approved by the engineer, they delivered them to Diamondhead for a builders permit. This is when we were made aware of the variance request needed. I called Ron to ask about the variance and he said the previous home had a variance and it was in the same place. I also was provided information on the other two houses on the street which would appear to have them in the same situation with variance.

Immediately next door is 1426 Hanakealoha Pl, which is a 2200 sq ft home on a 80x140 lot with a total area of 10,022.5 sq ft area.

Our home is proposed at 2211 sq ft, on a lot that is 80x140 and a total area of 11233.8 sq ft. Our home size is almost identical but a larger lot.

The only other house is adjacent to our immediate neighbor at 1424 Hanakealoha Pl. That house is 2851 sq ft on a lot that is 80x140 with a total area of 11,819.83 sq ft. So a

much larger house on a lot that is only slightly larger than ours,

We are asking for approval for our variance to build a very comparable home to our neighbors who we believe must have very similar conditions based on home square footage and lot size.

Thank You,

Dennis + Andrea Mitchell

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

Dennis Mitchell, Jr. has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to construct a residence within 9'2 ½" of the side yard property line.

The property address is 1430 Hanakealoha Place. The tax parcel number is 132R-0-10-118.000. The property is in a R-2 zoning district. The side yard setbacks are 10'. The variance requested is 9 ½". The Case File Number is 202300000.

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, 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, February 28, 2023, 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 the Building Department at the above address and/or at 228-222-4626.



# City of Diamondhead

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5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222-4626

FAX: (228) 222-4390

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

**To: Property Owners**

**From: Pat Rich, Development Coordinator**

**Date: February 6, 2023**

**Subject : Variance Case**

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Diamondhead, Mississippi

Google Street View

Dec 2007

See latest date

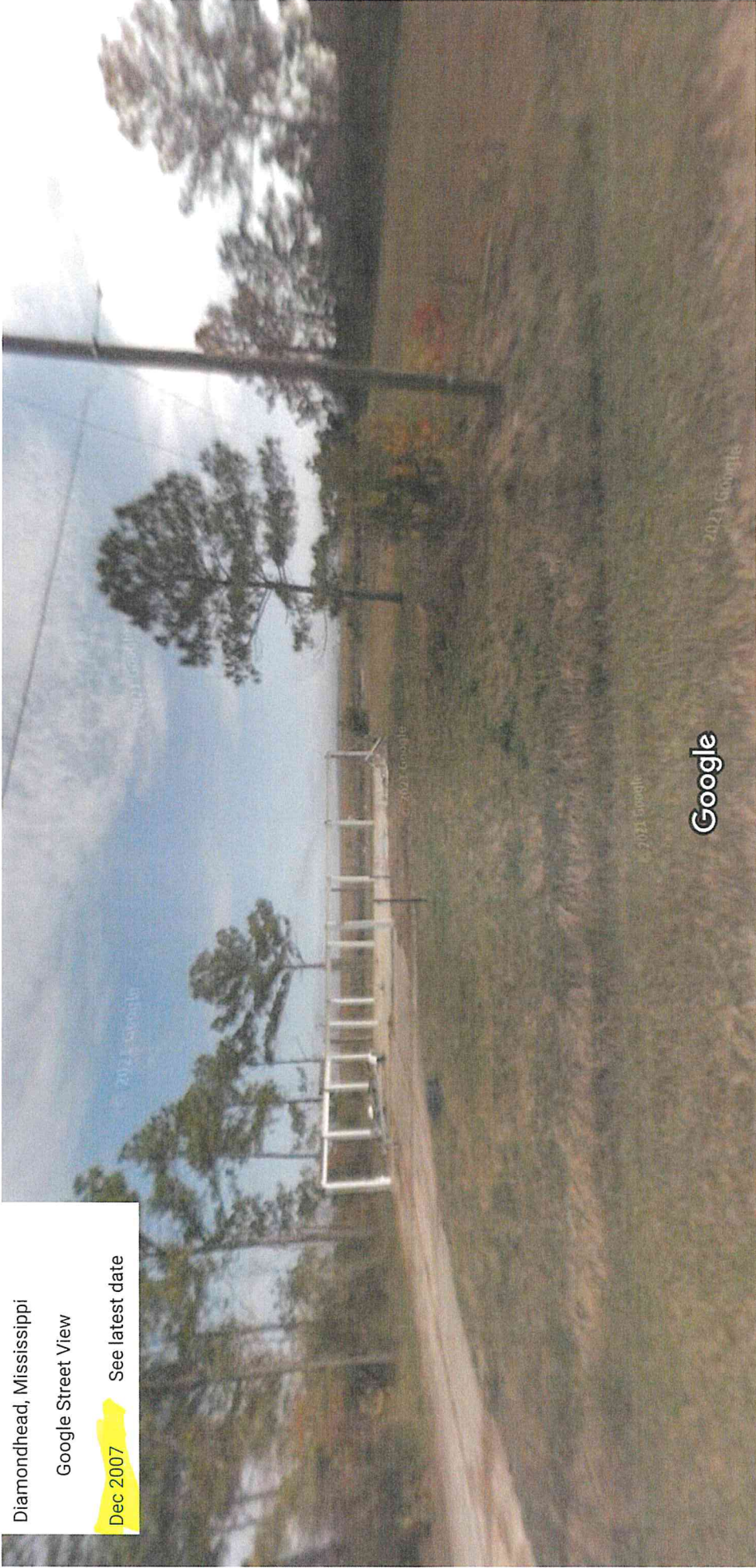


Image capture: Dec 2007 © 2023 Google





Diamondhead, Mississippi

Google Street View

Jun 2013

See more dates

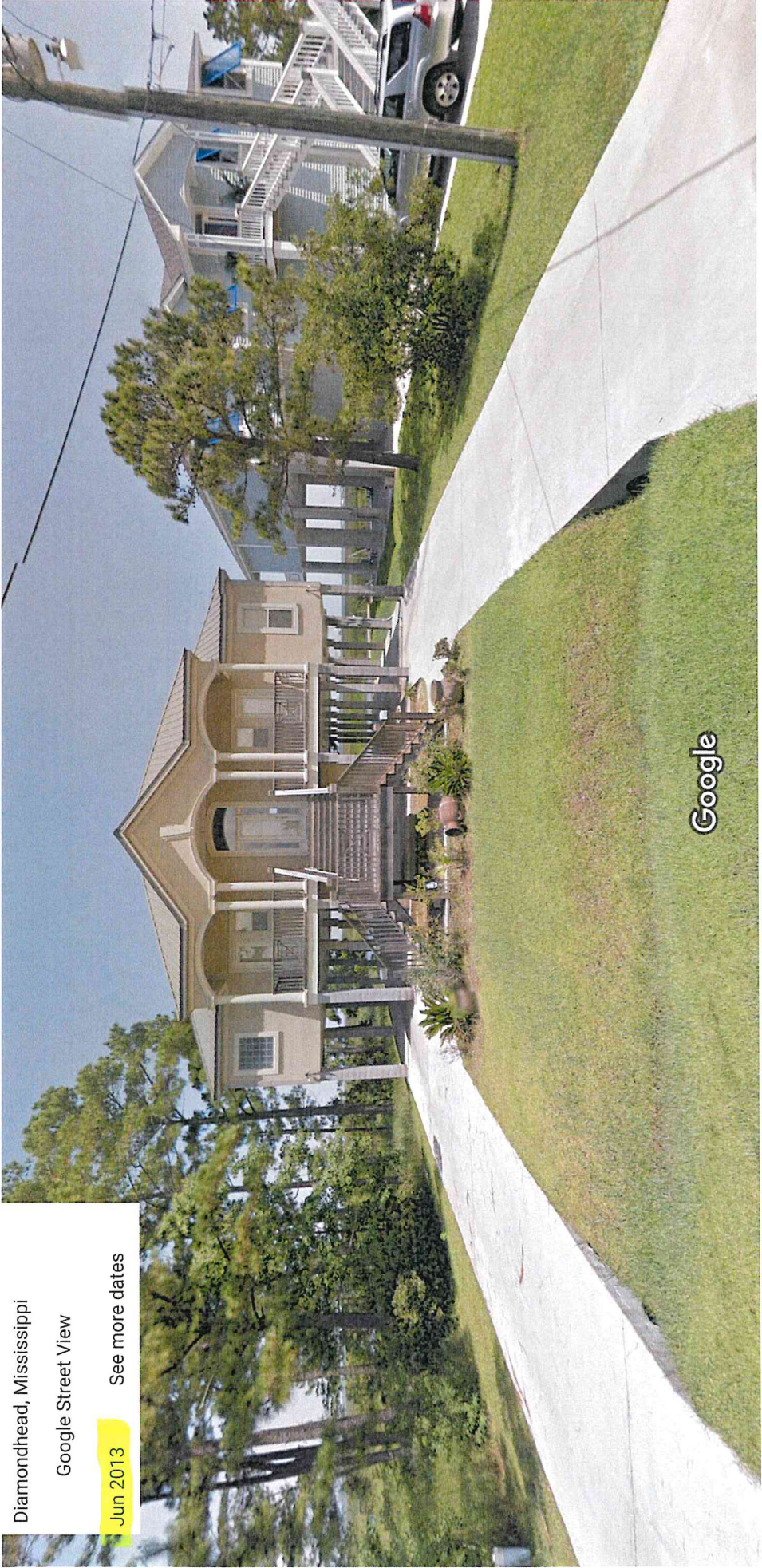
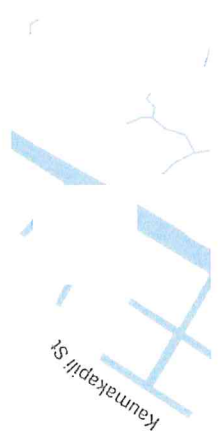


Image capture: Jun 2013 © 2023 Google





65' x,y







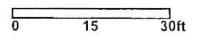


**Parcels**  
**132R-0-10-118.000**

Parcel Number: 132R-0-10-118.000  
 Owner Name: MITCHELL DENNIS JR  
 Owner Address: 14510 LAKEPOINT BEND LANE  
 Owner City, State ZIP: CYPRESS, TX 77429  
 Physical Address: 1430 HANAKEALOHA PLACE  
 Improvement Type: BHS  
 Year Built: 2008  
 Base Area: 288  
 Adjusted Area: 288  
 Actual Total Value: 69231  
 Taxable Total Value: 0  
 Estimated Tax: 1295.42  
 Homestead Exemption: No  
 Deed Book: 2022

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**DIAMOND CONTRACTOR**  
♦ Custom Home Builders ♦  
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♦ 487-7739 ♦  
228-609-7511

02.22.2023

