

*J. Griffith*



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

APPLICATION FOR VARIANCE REQUEST

Case Number: \_\_\_\_\_

Date 4/25/22



Applicant: Bryon Griffith

Applicant's Address: 79326 Diamondhead Drive East, Diamondhead MS 39525

Applicant's Email Address: Bgriffith.cr2@gmail.com

Applicant's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) (228) 731-0023

Property Owner: Bryon Griffith

Owner's Mailing Address: 79326 Diamondhead Drive East, Diamondhead MS 39525

Owner's Email Address Bgriffith.cr2@gmail.com

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) (228) 731-0023

Tax Roll Parcel Number: Bryon Griffith

Physical Street Address: 79326 Diamondhead Drive East, Diamondhead MS 39525

Legal Description of Property: Lots 22 & 23 Deer Run Estates

Zoning District: R2 – Medium Density Residential

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

Request for approval to construct 2<sup>nd</sup> Accessory Building (Utility Shed to be sited  
at right rear of property (over 200' from road front property line, and over 100'  
from rear of home). Homesite is atypical in size for this area of Diamondhead,  
Conjoined lots = 43478 sq. ft. (just shy of an acre), >4x size of surrounding lots.

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 Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.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

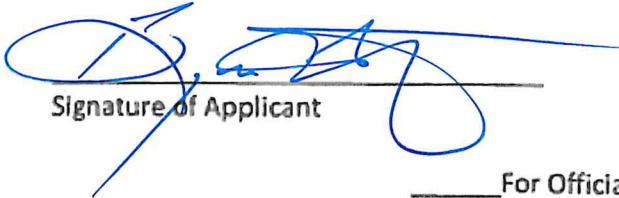
That additional information may be required by the Planning Commission prior to final disposition.

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 May 24, 2022 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 Bryon Griffith

Street Address 79326 Diamondhead Drive E, Diamondhead MS 39525

Statement Describing Variance Request

My wife and I are requesting a one-time variance from the existing building ordinance pertaining to the limitation of only one accessory building per homesite. We are specifically requesting a variance to allow the construction of a 2<sup>nd</sup> Accessory Building (Utility Shed) to be sited at the right rear quadrant of the property. The property has a covered patio in the rear courtyard that was approved permitted and approved as the 1<sup>st</sup> accessory building.

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: \_\_\_\_\_

The requested variance (special condition) is unique to this homesite and, to the best of my understanding, will not affect surrounding or similar properties. Our homesite is comprised of 2 separate and atypically large building lots (collectively they represent 44,000 sq. ft. of land (just shy of 1 acre). We followed all of the legal processes to combine these lots in 2020. The point being that the construction of 2 separate accessory buildings would have been in direct compliance and allowed on this land area if the lots had remained uncombined. We fully support the primary intent of the City's ordinance to help safeguard against overcrowding limited area building lots. We would like to point out that in this build, the shed will sit over 200' from the front property lot line, and over 100' from the rear of the house behind a standing grove of trees. Additionally, we would like to note that the combined square footage of the existing covered patio (336) and this utility shed (312) – (648 combined) would fall well below the 30% of living area square footage rules. Our home is currently 3300 sq. ft. living, 5000 sq. ft. under roof, which allows us up to 990 sq. ft. of accessory building per the current ordinance.

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

Response: Yes. Whether; (1) by virtue of grandfathered accessory structures prior to the Incorporation of Diamondhead as a City, (2) by the retention of separable and unique sub-lots on combined multi-lot build sites, or (3) by isolated approval of prior variance requests, numerous homesites throughout Diamondhead enjoy more than one accessory structure.

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

Response: No, we did not cause the special condition. The lots, though now conjoined, allow for the structure (shed) to be built without triggering the need For a variance. In point of fact, the 1<sup>st</sup> accessory structure (covered patio) sits entirely within the perimeter of Lot 22 , and this shed will sit entirely within the perimeter of Lot 23.

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

Response: No, we do not perceive that the variance we are requesting will give us any special privilege or rights not available to owners of similar properties given similar underlying structural circumstances.



# Sketch Drawings



## 16'x24' Utility Garden Shed – Custom Site Built

Standard 8' Walls, 4:12 Roof Pitch (approx. 12' Peak)

Slab Foundation, 10 ga. Highway wire steel reinforced

Hardi plank siding to match main house

Colors (White and Blue to match main house)

Roof, Silver Galvalume to match main house and patio cover

# Shed Variance Application: 4/25/22

Bryon & Yvonne Griffith  
79326 Diamondhead Dr. E  
Diamondhead, MS 39525  
(228) 731-0023

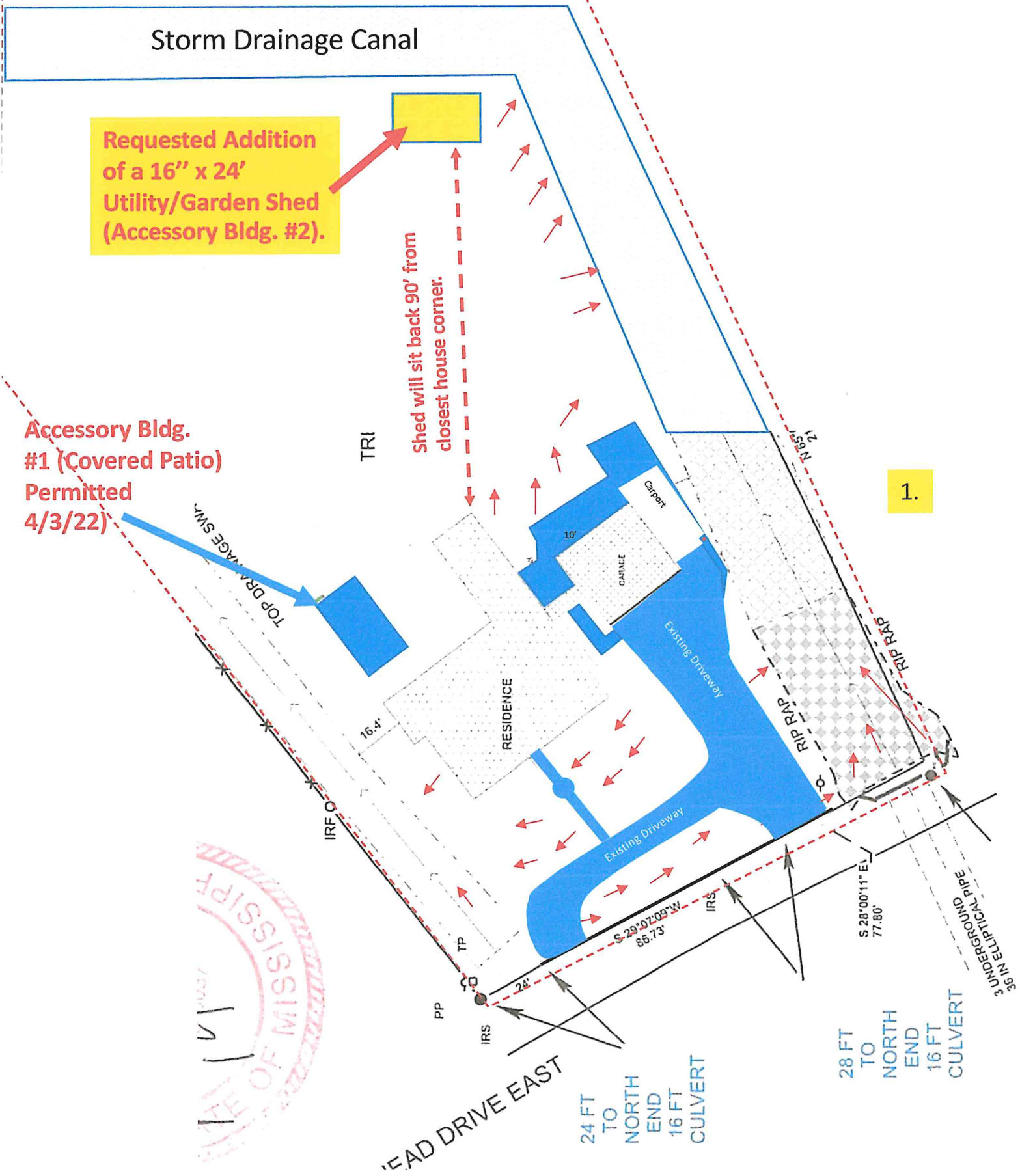
Storm Drainage Canal

Requested Addition  
of a 16' x 24'  
Utility/Garden Shed  
(Accessory Bldg. #2).

Shed will sit back 90' from  
closest house corner.

Accessory Bldg.  
#1 (Covered Patio)  
Permitted  
4/3/22)

1.

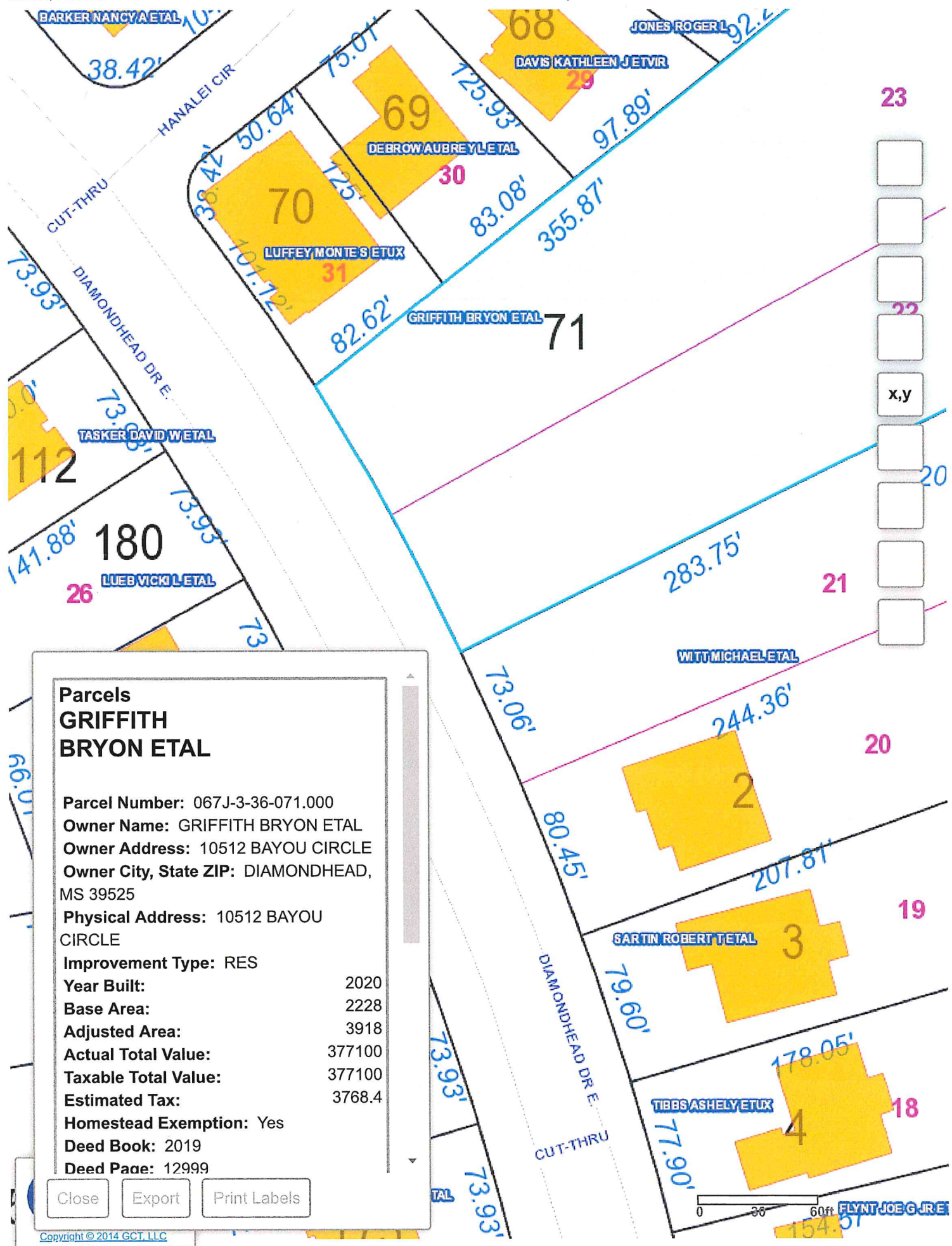


DIAMOND DRIVE EAST

24 FT  
TO  
NORTH  
END  
16 FT  
CULVERT

28 FT  
TO  
NORTH  
END  
16 FT  
CULVERT





23

22

x,y

20

21

20

19

18

**Parcels**  
**GRIFFITH BRYON ETAL**

Parcel Number: 067J-3-36-071.000  
 Owner Name: GRIFFITH BRYON ETAL  
 Owner Address: 10512 BAYOU CIRCLE  
 Owner City, State ZIP: DIAMONDHEAD, MS 39525  
 Physical Address: 10512 BAYOU CIRCLE  
 Improvement Type: RES  
 Year Built: 2020  
 Base Area: 2228  
 Adjusted Area: 3918  
 Actual Total Value: 377100  
 Taxable Total Value: 377100  
 Estimated Tax: 3768.4  
 Homestead Exemption: Yes  
 Deed Book: 2019  
 Deed Page: 12999

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

Bryon Griffith has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a 2<sup>nd</sup> accessory building (utility shed).

The property address is 79326 Diamondhead Drive East. The tax parcel number is 067J-3-36-071.000. The property is in a R-2 zoning district. There shall only be one accessory structure on a property. The variance requested is to allow a second accessory structure. The Case File Number is 202200206.

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, May 24, 2022, 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.





5000 Diamondhead Circle ·  
Diamondhead, MS 39525-3260  
Phone: 228.222.4626 Fax: 228-222-4390  
www.diamondhead.ms.gov

TO: Bryon Griffith and adjacent property owners

FROM: J. Pat Rich   
Development Coordinator

DATE: May 6, 2022

SUBJECT: Variance application request before the Planning & Zoning Commission

Bryon Griffith has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a 2<sup>nd</sup> accessory building (utility shed).

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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 228-242-1613.