



5000 Diamondhead Circle • Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

TO: City Council and City Manager

FROM: J. Pat Rich, Development Coordinator

DATE: August 29, 2025

SUBJECT: 3 Whispering Branch Way Rear Yard Setback Variance

- 0' RYSB variance requested for addition.
- Advised by Staff to get a survey and submit permit before construction.
- Constructed without permit or survey.
- 7" encroachment on Oaks POA common property.

The Planning & Zoning Commission voted unanimously to recommend denying the variance.



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www.diamondhead.ms.gov

STAFF REPORT TO PLANNING COMMISSION

DATE: August 26, 2025

NATURE OF REQUEST: Reid A. Parker has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow an addition (covered patio) within 0' of the rear yard setback. The property address is 3 Whispering Branch Way. The tax parcel number is 123A-3-03-028.000. The property is in a R-3 zoning district. The rear yard setback for an addition is 20'. The variance requested is 20'. The Case File Number is 202500448.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: August 26, 2025

RECOMMENDATION TO PLANNING COMMISSION: To **deny** the variance as petitioned.

The staff recommends denying the variance based on the following findings of fact.

- A. That special conditions and circumstances *do* exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district.
- B. That literal interpretation of the provisions of this title *would not* deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title.
- C. That special conditions and circumstances, if any, *do* result from the actions of the applicant. *Applicant was aware of variance requirement before building.*
- D. That granting the variance requested *will* confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district.
- E. The variance, if authorized, *will not* represent the minimum variance that will afford relief and *will not* represent the least modification possible of the regulation in issue.
- F. The Variance *does* observe the spirit of the Ordinance and *will not* change the character of the district (area).
- G. The Variance *will* observe the spirit of the Comprehensive Plan.
- H. That the Variance requested *will not* result in any change in use or density of the subject property.

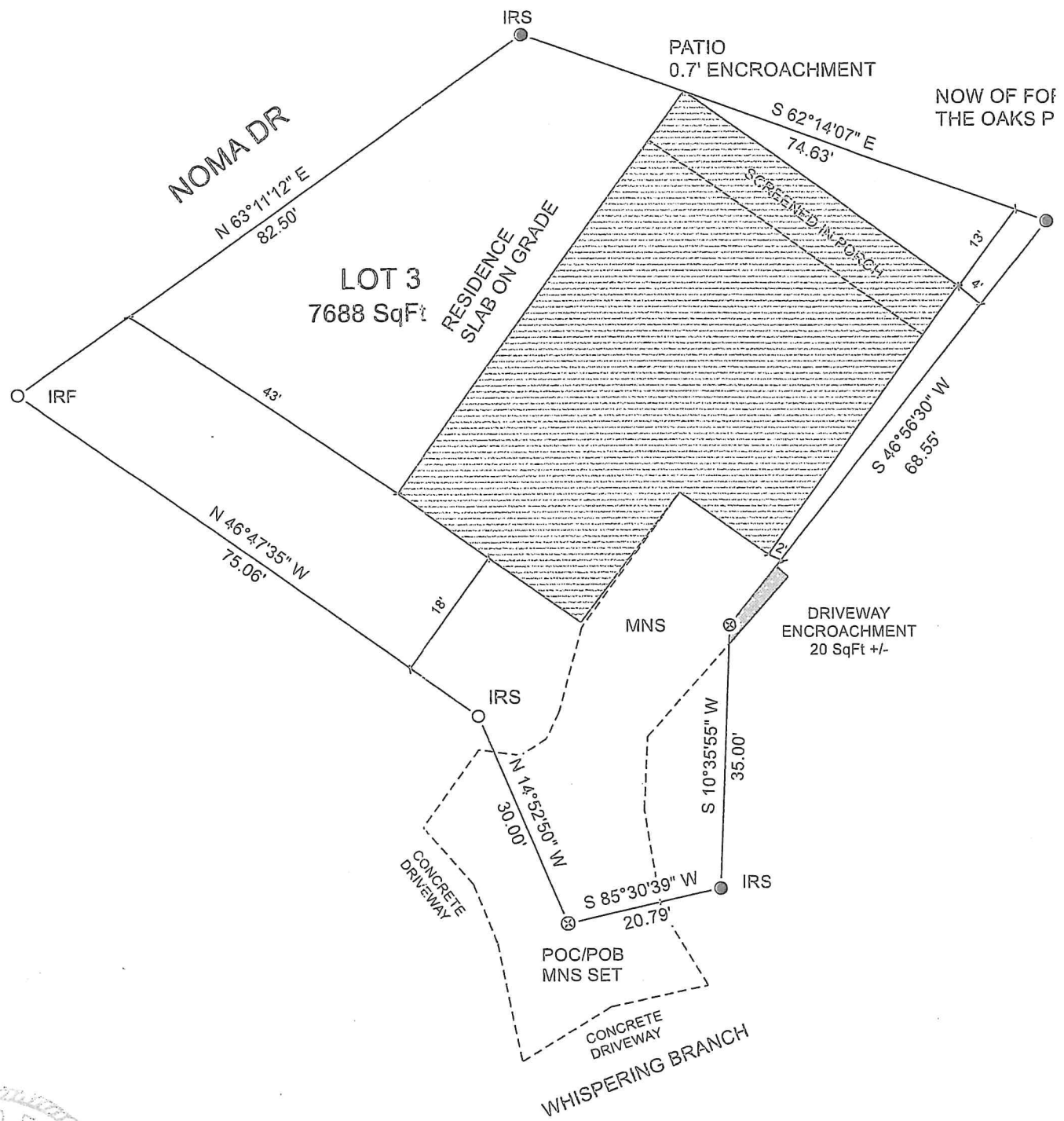
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5000 Diamondhead Circle
Diamondhead, MS 39525
Ph: 228-222-4626
FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST 202500448

Case Number: 25B012

Date 7/18/25

Applicant: REID A. PARKER

Applicant's Address: 3 WHISPERING BRANCH WAY

Applicant's Email Address: REIDAPARKER618@GMAIL.COM

Applicant's Contact Number: (Home) — (Work) — (Cell) 228 547-4482

Property Owner: REID A. PARKER

Owner's Mailing Address: 3 WHISPERING BRANCH WAY

Owner's Email Address REID A PARKER 618 @ GMAIL . COM

Owner's Contact Number: (Home) — (Work) — (Cell) 228 547-4482

Tax Roll Parcel Number: 132A-3-03-028.000

Physical Street Address: 3 WHISPERING BRANCH

Legal Description of Property: LOT 3, BLOCK 10 THE OAKS PH II

Zoning District: R-3

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

(Signage-Size-Height) SIDE YARD PATIO EXTENSION WITH COVER
AND CONCRETE DECK, SIZE 12'X44' WITH SCREENS.

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.

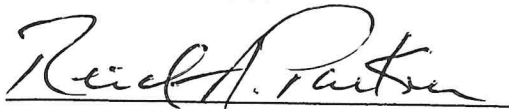
That additional information may be required by the Planning Commission prior to final disposition.

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 AUGUST 26 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 N/A
- ☐ List of Property Owner N/A

- ☒ Application Signed
- ☒ Written Project Description N/A
- ☐ Drainage Plan NA
- ☐ Notarized Statement NA

REQUIRED ITEM A

Property Owner Reid A. Parker

Street Address 3 WHISPERING BRANCH, DIAMONDHEAD MS.

Statement Describing Variance Request

Request Variance from the 20' set back
requirement in the rear of property ³⁹⁵²⁵

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: yes,

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: yes

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

Response: yes, caused by original placement
of the home on the lot (1978)

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

Response: yes, no restrictions would apply
to any other owners in the
entire neighborhood

CORPORATE RESOLUTION
THE OAKS PROPERTY OWNERS ASSOCIATION, INC.

THAT WHEREAS, The Oaks Property Owners Association, Inc. is the legal and rightful owner of "All that certain real property as described on that certain plat o the Oaks, Phase I, Diamondhead, as recorded in Plat Book No. 5, at Pages 15-16, of the Records in the Office of the Chancery Clerk of Hancock County, Mississippi" which now, after the sale of 100 lots, specifically means and includes all the common areas located within, and,

WHEREAS, the 2025 Board of Directors of The Oaks Property Owners Association, Inc. were duly elected by the home owners of The Oaks and in that regard the Board of Directors have been provided the right to exercise all the powers usually appertaining to each of the offices of the respective Board Member, and further, the By-Laws provide additional powers and duties as the Board of Directors may, from time to time, determine, and

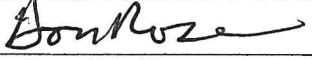
WHEREAS, The Oaks property owners, Reid and Regina Parker, of 3 Whispering Branch, Diamondhead, Mississippi and have requested a variance of the normal five (5) foot setback from The Oaks Common Area property line to accommodate an honest and unfortunate mistake of measurement wherein a newly constructed screened patio addition to said 3 Whispering Branch house is seven (7) inches inside that five (5) foot setback and to demolish and reconstruct the patio or even part of the patio that is within the setback would be costly considering the monies spent do date on said construction.

THEREFORE, BE IT RESOLVED by the Board of Directors that a seven (7) inch variance of the five (5) foot setback be given and/or granted unto Reid and Regina Parker, as there will be no other construction on The Oaks Common Area immediately in and around the Reid and Regina Parker residence.

This resolution was adopted unanimously by the Board of Directors and shall become effective on the date of the passage of this Resolution.

IN WITNESS WHEREOF, it is hereby certified by the undersigned that the foregoing resolution was duly passed by the Members of The Oaks Board of Directors on the 13th day of May 2025.


THE OAKS PROPRETY OWNERS ASSOCIATION, INC.



Don Rose, President



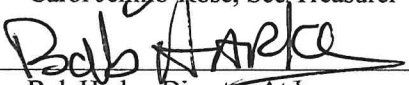
Georgia Howard, Director At Large



Barbara Manix



Carol Jemilo-Rose, Sec/Treasurer



Bob Harko, Director At Large

DIAMONDHEAD WATER & SEWER DISTRICT

REQUEST FOR AN ABANDONMENT OF EASEMENT

DATE: 6/19/25

PROPERTY OWNER OR OWNERS: Reid Parker

PHONE NUMBER: 228-547-4482

EMAIL ADDRESS: _____

DESIRE TO HAVE UTILITY EASEMENT ABANDONED BETWEEN:

PROPERTY DESCRIPTION: PHASE 2 UNIT _____ BLOCK 10 LOT 3

PHASE _____ UNIT _____ BLOCK _____ LOT _____

PHASE _____ UNIT _____ BLOCK _____ LOT _____

PROPERTY ADDRESS: 3 Whispering Branch

CUSTOMER SIGNATURE: Reid A. Parker

OFFICE USE ONLY:

DATE APPROVED: 6/19/25

APPROVED BY: [Signature]

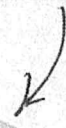
ABANDONMENT FEE: \$50.00 Pd CK# 3442

APPROVED BY BOARD: Motion 9.1.0 7/10/25 [Signature]

EMAILED COPY: (SIGN/DATE) [Signature] 7/11/25

NOMA DR

Abandonment of Easement



3

3 WHISPERING
BRANCH

4

4 WHISPERING
BRANCH

2

2 WHISPERING
BRANCH

APPROVED
JUN 19 2025
BY: W.C.

August 8, 2025 at 10:44 AM
1 Whispering Branch Way
Diamondhead MS 39525





5000 Diamondhead Circle •
Diamondhead, MS 39525-3260
Phone: 228.222.4626 Fax: 228-222-4390

TO: Reid A. Parker and adjacent property owners

FROM: J. Pat Rich, Development Coordinator

A handwritten signature in black ink that reads "J. Pat Rich".

DATE: August 5, 2025

SUBJECT: Variance request before the Planning & Zoning Commission

Reid A. Parker has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow an addition (covered patio) within 0' of the rear yard setback. The property address is 3 Whispering Branch Way. The tax parcel number is 123A-3-03-028.000. The property is in a R-3 zoning district. The rear yard setback for an addition is 20'. The variance requested is 20'. The Case File Number is 202500448.

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 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, August 26, 2025, 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 J. Pat Rich, Development Coordinator, at 228-242-1613 or prich@diamondhead.ms.gov.

NOTICE OF PUBLIC HEARING

PLANNING AND ZONING COMMISSION

DIAMONDHEAD, MS

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In accordance with the Comprehensive Zoning Ordinance Article 9.8, 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 period, or may be granted subject to conditions as the Planning Commission or Mayor and City Council may prescribe.

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PLANNING AND ZONING COMMISSION
DIAMONDHEAD, MS**

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