



5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

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

TO: City Council and City Manager

FROM: J. Pat Rich, Development Coordinator

A handwritten signature in black ink, appearing to read "J. Pat Rich", is positioned to the right of the "FROM:" line.

DATE: March 28, 2025

SUBJECT: Donna Goedde Side Yard Setback Variance

Donna Goedde requested a variance to the 10' side yard setback for a garage addition/extension. The variance requested was 6'6". The Planning Commission recommendation is 5' with the condition of gutters and downspouts required.

- Side yard setback for addition is 10'.
- Lot narrows from 76' front to 49' rear.
- Similar variances for additions have been granted.
- The addition will not encroach the 5' drainage/utility easement and will have minimal, if any, impact on drainage.
- There was 1 objection by adjoining neighbor (in packet).

The Planning & Zoning Commission voted 6-0 to recommend approving the variance as amended.



Commissioner Bennett  
Commissioner Brewer  
Commissioner Debrow  
Commissioner Parrish  
Commissioner Harwood  
Commissioner Raymond  
Commissioner Nicaud

## AGENDA PLANNING AND ZONING COMMISSION

Tuesday, March 25, 2025

6:00 PM CST

Council Chambers, City Hall  
and via teleconference, if necessary

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### Call to Order

### Statement of Purpose

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

### Pledge of Allegiance

### Roll Call

### Confirmation or Adjustments to Agenda

### Approval of Minutes

2. Approval of February 25, 2025 minutes.

### Architectural Review

### New Business

*passed  
6-0*

3. Robert J. Gros has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.7) to allow the re-subdivision of the lot to be 9,426 square feet. The property address is 659 Koula Drive. The tax parcel number is 067N-2-35-168.000. The property is in a R-10 zoning district. The minimum lot size is 10,000 square feet. The variance requested is 574 square feet. The Case File Number is 202500087.

*passed  
6-0*

4. Donna Goedde has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the extension of the existing garage within 3'6" of the side yard property line. The property address is 896 Maili Way. The tax parcel number is 067J-2-36-024.000. The property is in an R-6 zoning district. The side yard setback is 10 feet. The variance requested is 6'6". The Case File Number is 202500100.

### Unfinished Business

5. Tabled variance request for David C. Dreher, Jr. at 8438 Kimo Ct.
6. Tabled Text Amendment to Article 6 – Off-street Parking and Loading. The proposed text amendment is to remove "residential yards," and make the following changes to 6.1 – General Provisions, "This includes median areas and roadways." and remove "b) Overflow parking for residential uses shall be located between the garage the nearest side lot line, but in no case shall the overflow be located in front of the house unless located on a circular drive." from Article 6.1.4 – Location of Parking Lot. The Case File Number is 202500003.



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## STAFF REPORT TO PLANNING COMMISSION

DATE: March 25, 2025

NATURE OF REQUEST: Donna Goedde has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the extension of the existing garage within 3'6" of the side yard property line. The property address is 896 Maili Way. The tax parcel number is 067J-2-36-024.000. The property is in an R-6 zoning district. The side yard setback is 10 feet. The variance requested is 6'6". The Case File Number is 202500100.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: March 25, 2025

RECOMMENDATION TO PLANNING COMMISSION: To <sup>Approve</sup> ~~deny~~ the variance as <sup>of SI</sup> ~~petitioned~~ with the added condition of gutters & down spouts on the extension. 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. *Lot is pie shaped, 76' wide at the front narrowing to 49'.*
- B. That literal interpretation of the provisions of this title *would* deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title. *There are many residences in the R-6 District that have garage extensions.*
- C. That special conditions and circumstances, if any, *do not* result from the actions of the applicant. *Conditions are created by lot design, curved in front and narrowing in rear.*
- D. That granting the variance requested *will not* confer on the applicant any special privilege that is denied by this title to other lands, structures, or buildings in the same zoning district. *There are many residences in the R-6 District that have garage extensions.*
- 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. *This request would allow the structure in the 5' Drainage and Utility Easement, which is not allowed.*
- 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.



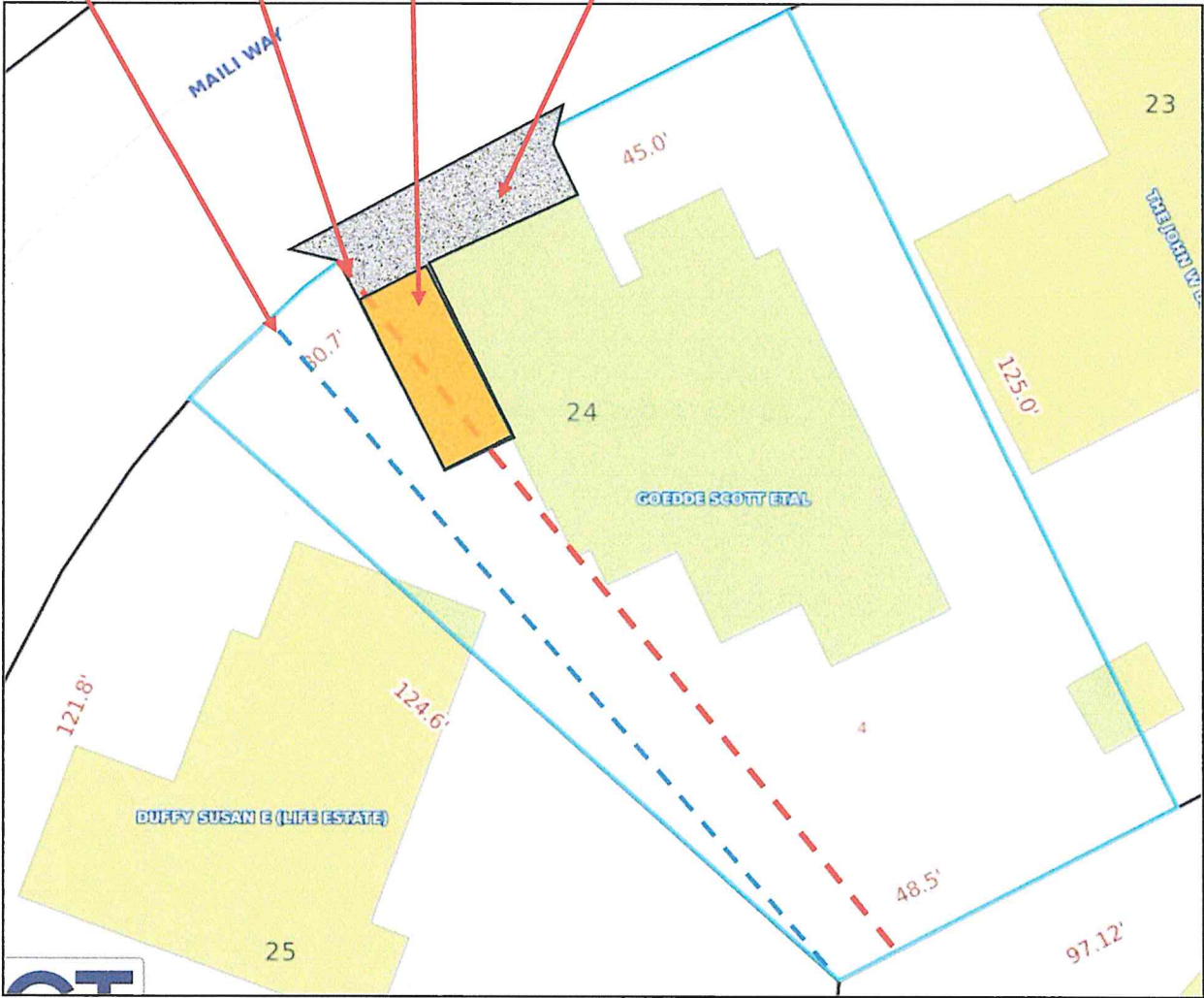
# Exhibit A-2

Right (West)  
Property Line

10' Side  
Setback

9'x24' Garage  
Extension  
Approval  
Request

Existing Driveway  
and Side Parking



**Exhibit A-3  
Elevation Illustration**









TO WHOM IT MAY CONCERN:  
26FEB2025


CITY OF DIAMONDHEAD BUILDING & PLANNING

I DANIEL DUFFY (SUSAN DUFFY- OWNER) LIVE DIRECTLY NEXT TO THE GOEDDE'S AT 896 MAILI WAY.

IT IS MY UNDERSTANDING THAT THEY ARE WANTING TO ADD AN ADDITION GARAGE TO THEIR HOME AND THERE IS A SLIGHT VARIENCE.

WE HAVE NO ISSUE WITH THIS GARAGE BEING BUILT ONTO THEIR HOME.

SIGNED



3/8/25

DANIEL DUFFY ON BEHALF OF SUSAN DUFFY (MOTHER)

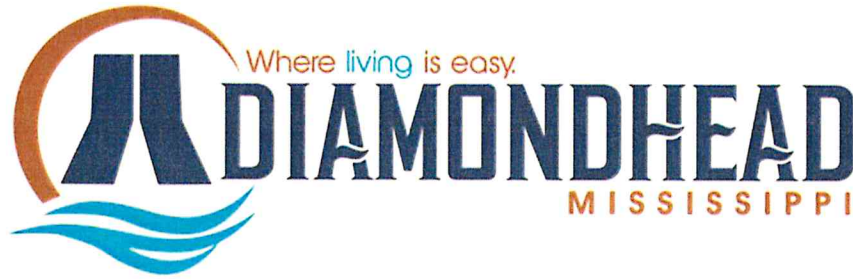
3/13/25

Ms. Susan Duffy, as owner, does not agree with  
issuing this variance



228-342-0223

3/25/25 Ms Duffy would not support 5' variance



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Phone: 228.222.4626 Fax: 228-222-4390  
www.diamondhead.ms.gov

TO: Donna Goedde and adjacent property owners

FROM: J. Pat Rich, Development Coordinator *J. Pat Rich*

DATE: March 10, 2025

SUBJECT: Variance request before the Planning & Zoning Commission

Donna Goedde has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the extension of the existing garage within 3'6" of the side yard property line. The property address is 896 Maili Way. The tax parcel number is 067J-2-36-024.000. The property is in an R-6 zoning district. The side yard setback is 10 feet. The variance requested is 6'6". The Case File Number is 202500100.

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.

The Planning and Zoning Commission will consider this application at its next regularly scheduled meeting on **Tuesday, March 25, 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 [prich@diamondhead.ms.gov](mailto:prich@diamondhead.ms.gov) or 228-242-1613.

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

Donna Goedde has filed an application requesting a variance from the Zoning Ordinance (Article 3.4.8) to allow the extension of the existing garage within 3'6" feet of the side yard property line.

The property address is 896 Maili Way. The tax parcel number is 067J-2-36-024.000. The property is in an R-6 zoning district. The side yard setback is 10 feet. The variance requested is 6'.6' feet. The Case File Number is 202500100.

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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203500100



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

APPLICATION FOR VARIANCE REQUEST

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

Date 2//27/25

Applicant: Bryon Griffith (David Rush Construction LLC)

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: Donna Goedde

Owner's Mailing Address: 896 Maili Way, Diamondhead MS 39525

Owner's Email Address: Dlg219@gmail.com

Owner's Contact Number: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Cell) (414) 403-7821

Tax Roll Parcel Number: 067J-2-36-024.000

Physical Street Address: 896 Maili Way, Diamondhead MS 39525

Legal Description of Property: DIAMONDHEAD PH 2 UN 2 BLK 4 LO

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 extend (widen) existing garage 9' x 24' over existing parking pad. Project would maintain existing front (N), left side (E), and rear (S) setback restrictions as complied with in the build of the existing residential structure. The project would require a variance to the right (W) side property line of between 3'-6.5'. The variance requested stems from the unique pie shaped angularity of the owner's lot, compounded by the particularly sharp arc of path of Maili Way at the confluence of the lot frontage of this property.**

## 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.

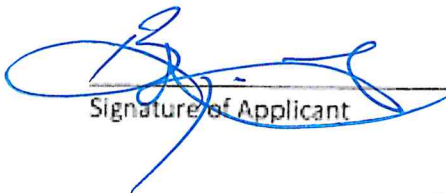
That additional information may be required by the Planning Commission prior to final disposition.

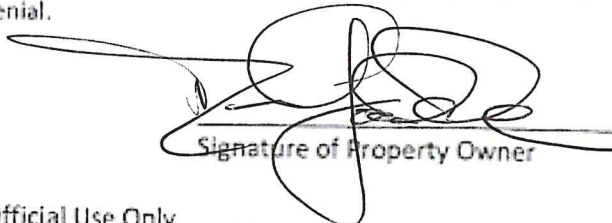
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on March 25, 2025 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 Donna Goedde

Street Address 896 Maili Way

Statement Describing Variance Request

My husband (Scott Goedde) and I are requesting a one-time variance from the existing building ordinance pertaining to the limitation of the 10' side setback ordinance. We are specifically requesting approval to extend (widen) our existing garage 9' x 24' over our existing parking pad. The widened garage maintains existing front, left side, and rear setback restrictions.. The project would require a variance to the right (West) side property line of between 3'-6.5'. The variation stems from the pie shaped angularity of our lot compounded by the sharp arc of Maili Way at our house.

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 our homesite and, to the best of our understanding, will not adversely effect surrounding or similar properties. The unique geometric angles created by our narrow (45' back line) and (75' front line) which seam into Maili Way right at the confluence of the hard SE arc it takes to line up to Diamondhead Dr. E would make our project breach the West side Property line 3' nearest Maili Way at the NW corner of the new construction, and 6.5' at the back end SW corner.

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. 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, the special condition requested is caused by our requested widening of our existing garage. No external factors are related to this request.**

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 circumstances.**

