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SEP 28 2020
BY: RJA 8:00AM

5000 Diamondhead Circle
Diamondhead, MS 38525
Ph: 228-222-4626
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Parcel #
068 R-3-41-037.000

APPLICATION FOR VARIANCE REQUEST

Case Number: 202000422

Date: 9/23/20

Applicant: Athena Tzuanos

Applicant's Address: 43732 Diamondhead Dr. N Diamondhead MS

Applicant's Email Address: atzuanos@ymail.com

Applicant's Contact Number: (Home) _____ (Work) _____ (Cell) (985) 285-7300

Property Owner: Athena Tzuanos

Owner's Mailing Address: S/A

Owner's Email Address: S/A

Owner's Contact Number: (Home) _____ (Work) _____ (Cell) S/A

Tax Roll Parcel Number: _____

Physical Street Address: 43732 Diamondhead Dr. N Diamondhead MS 39517

Legal Description of Property: _____

Zoning District: _____

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

(Signage-Size-Height)

Shed or Privacy fence on side of house

REQUIRED FORMS:

1. A statement describing the variance requested and the reasons why it complies with the criteria for variances provided in Section 16.8.5, specifically:
THE CONDITIONS FOR GRANTING THIS VARIANCE ARE: (SEE ATTACHED SHEET #4)
 - a. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION, AND ALL OTHER SURROUNDING OR SIMILAR PROPERTIES?
 - b. WOULD LITERAL INTERPRETATION OF THE CODE OR A FINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
 - c. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
 - d. WOULD THE REQUESTED VARIANCE DEPRIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OTHERS OF SIMILAR PROPERTIES?
2. The property address and the name and mailing address of the owner of each lot within 500 feet of the subject property, and a map with parcels keyed to the ownership and address data.
3. Site plans, preliminary building elevations, preliminary improvements if plans or other maps or drawings, sufficiently dimensional as required to illustrate the following, to the extent related to their variance application:
 - a. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - b. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - c. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - d. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and on off-site facilities or improvements related to or necessitated by the proposed use.
4. The zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
5. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

D. Payment of fee for Variance request: \$100.00 as per Ordinance 2012-010

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.

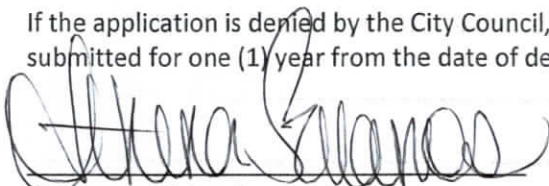
That additional information may be required by the Planning Commission prior to final disposition.

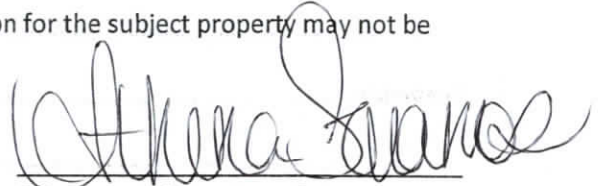
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on _____ at _____ 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 _____

Street Address _____

Statement Describing Variance Request

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: _____

- 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: _____

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

Response: _____

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

Response: _____

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REQUIRED ITEM A

Property Owner Athena Tzouanos

Street Address 113732 Diamondhead Dr. N

Statement Describing Variance Request

I will need to put a wind or privacy fence on side of my house to block my neighbors for the safety of myself & kids.

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: This is a special request & circumstance that was not caused by myself.

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: No it would not due to it being on the side of my home.

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

Response: No it is not - this is safety issue for myself & my children.

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

Response: No it would not.

STATEMENT OF UNDERSTANDING

As the applicant and owner/s for the requested Vacant Lot, the City of Diamondhead (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, then the application fee is forfeited to the City of Diamondhead.

As the applicant and owner/s (we) or the designated representative, we do hereby certify that the public hearing.

All information provided with this application is true and correct to the best of my own knowledge.

And this application represents only property owned by me (we) and that any other adjoining property owners must apply for a variance on his own behalf.

All required attachments have been provided to the City of Diamondhead.

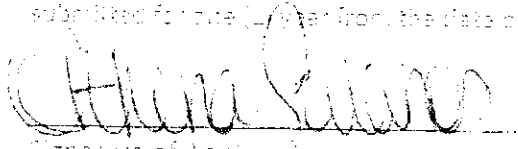
That additional information may be required by the Planning Commission prior to final disposition.

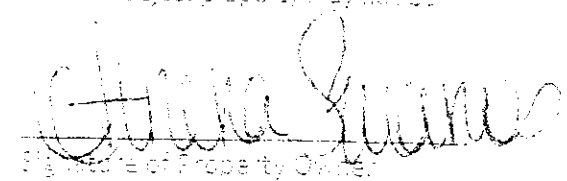
The City Council has accepted non-conforming use (the non-conforming use) has been made by the Planning Commission. If the evidence does not be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on _____ at _____ pm in the Council Chambers of the Diamondhead City Hall.

If a public hearing is necessary at my own request, the request must be made to the Zoning Office 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 apply to the City.

If the application is denied by the City Council, a new application on the subject property may not be submitted for one (1) year from the date of denial.


Signature of Applicant


Signature of Property Owner

_____ For City Use On _____

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner

- Application Signatures
- Written Project Description
- Drainage Plan NA ()
- Notarized Statement NA ()

the applicant is the authorized agent of the owner of the property.

- D. A statement describing the variance request and the reasons why it complies with the criteria for variances provided in Section 2.6.5.
- E. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
- F. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to the variance application:
 - i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.

2.6.3 Public Hearing and Notice.

2.6. VARIANCE PROCEDURE.

2.6.1. *Title and Purpose.*

Sections 2.6.1 through Section 2.6.7 shall be known as the variance procedure. This procedure is intended to provide relief from the terms of the Zoning Regulations when, because of special circumstances applicable to the property, the strict application of the Zoning Regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated.

- A. *Variance.* A modification from the provisions of the zoning ordinance of the City of Diamondhead, as determined by the Mayor and City Council for final disposition, in cases where enforcement of the zoning ordinance would result in unnecessary hardship.
- B. *Hardship.* For purposes of granting a variance hardship shall mean an unusual topographical situation or condition involving a particular property and which makes it impossible for the owner to use the property in the manner prescribed for the district by the zoning ordinance. A hardship exists only where the unusual situation or condition is not created by the owner of the property. A hardship as related to zoning is not to be confused with an economic, personal, or medical hardship.

2.6.2. *Application.*

Application for a variance shall be filed with the Zoning Administrator. Within ten (10) days of the receipt of an application for Variance, the Zoning Administrator shall transmit a full and complete copy of the application and provide any reports, comments, or recommendations made during staff and DRC review regarding the subject application to the Planning Commission. The application shall include the following:

- A. Name and address of the owner or applicant.
- B. A legal description of the property, which shall include, but not limited to: deed of current ownership (not a Deed of Trust), tax parcel number identification, and street address.
- C. If the applicant is not the legal owner of the property, a statement that

The Planning Commission shall act on the application not more than forty-five (45) days following the filing of said application. Notice shall be given as prescribed in Section 2.9.6.

2.6.4 Action by the Planning Commission.

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 on 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.

2.6.5 Findings.

The Planning Commission may recommend granting a variance provided affirmative findings of fact are made on each of the following criteria:

- A. That special conditions and circumstances 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. By way of example, special conditions or circumstances peculiar to land could include irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions.
- 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.
- C. That special conditions and circumstances do not result from the actions of the applicant.
- 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.
- E. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- F. The Variance would observe the spirit of the Ordinance and would not change the character of the district.
- G. The Variance would 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.

- i. In recommending that any variance be granted, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with the zoning ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance and punishable as determined within the zoning ordinance.
- j. Under no circumstances shall the Planning Commission or Mayor and City Council grant a variance to allow a use not permissible under the terms of the zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the zoning ordinance in said district.

2.6.6 Variance to Run with Land or Structure.

Unless pertaining to off-street parking and loading regulations, or otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change ownership of the site or structure to which it applies.

2.6.7 Legislative Disposition.

- A. The action by the Planning Commission related to variance applications shall be a recommendation to the Mayor and City Council. The Mayor and City Council shall examine all such applications, reports, and recommendations transmitted to it and shall take further action as it deems necessary and desirable to approve, disapprove, modify, or remand to the Planning Commission for further considerations. No land or structure for which the application for variance has been denied shall be considered again for the same variance request for at least one (1) year from the date such application was denied.
- B. The owner, agent, or lessee of property that requested a variance and subsequently was granted said variance by the Mayor and City Council must secure a building permit or certificate of zoning compliance within one (1) year of the variance being granted, or said variance will expire.

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OCT 04 2020
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