

Planning & Zoning Commission Meeting

11/10/2020

Variance Request

Athena Tzuanos

63732 Diamondhead Drive North

Objections:

Ernie Knoblock	747 Mahalo Hui Drive
John Campbell	73642 Diamondhead Drive North
Kristy Cosby	637 Banyan Street
Patricia Terry	63730 Diamondhead Drive North
Henry Stout	632 Banyan Street
Jeffrey MacLain	636 Banyan Street
Thomas Nicholls	63733 Diamondhead Drive North

Ronald Jones

From: Michael J. Reso
Sent: Tuesday, November 10, 2020 12:23 PM
To: Ronald Jones
Subject: Fwd: P&Z

Sent from my iPhone

Begin forwarded message:

From: Ernie Knobloch <eknobloch@dhpooa.org>
Date: November 10, 2020 at 12:20:05 PM CST
To: "Michael J. Reso" <mreso@diamondhead.ms.gov>, Nancy Depreo
<NDepreo@diamondhead.ms.gov>
Subject: P&Z

I drove by the house in question and saw the shed.

In my opinion, it's absolutely ridiculous to have a shed in the front yard.

EK

Ronald Jones

From: John Campbell <campbe2212@gmail.com>
Sent: Monday, November 9, 2020 3:14 PM
To: Ronald Jones
Subject: storage building on property line in front yard

On the corner of Diamondhead North and Banyan St. The owner has placed a storage building on the property line and in the front yard. This does not comply with the city code and must be removed. More and more people are violating our codes. Please Help!

Thanks,

John Campbell

cc: ndepro@diamondhead.ms.gov

Ronald Jones

From: Kristy Cosby <nf786a@cableone.net>
Sent: Friday, November 6, 2020 5:08 PM
To: Ronald Jones
Subject: Shed (63732 Diamondhaed North

I am writing concerning the shed that was put up in front of this house ,, its a eyesore ! Also its not on a slab its on cement blocks ... not sure how this was allowed in the first place ... I have lived on 637 Banyan st for 16 years ,, we have taken very good care of our yard and home and followed the rules of Diamondhead ,, I do NOT know these people its nothing personal .. we never get involved in petty Neighbor issues ,, I don't care who's dog poops in who's yard ,, what color someone paints their door .. etc ,, however this is not only breaking the rules its an eyesore and can ruin property values ..they have a garage and a yard this is unacceptable ,,I have yet to see anyone else with a shed in their front yard .. please consider having this taken down .. also the shed is backed up right next to house on 632 Banyan st .. I wouldn't want to look out my from porch and look at a shed ... I appreciate your consideration on this matter and we will be attending the meeting this Tuesday ...

Sincerely ,
Kristy Cosby

Ronald Jones

From: pattery171@gmail.com
Sent: Saturday, November 7, 2020 11:33 AM
To: Ronald Jones
Subject: Mrs. Athena Tzuanos request for Variance

Dear Mr. Jones,

I received your letter regarding the above request . I live at 63730 Diamondhead Dr. North and wish to state that I do not object to anyone having a shed but do not feel thee should be one in the front yard. I understand that zoning does not permit any resident from having a shed in the front yard, This does not present a positive image of our neighborhood. Mrs. Tzuanos has a fenced back yard that would provide the appropriate placement of the shed.

I am unable to attend the hearing and wanted to share my thoughts on the subject with you.

Sincerely,

Patricia Terry
63730 Diamondhead Dr. North

228-342-0887
pattery171@gmail.com

Ronald Jones

From: Thomas Nicholls <tommynicholls1953@icloud.com>
Sent: Friday, November 6, 2020 2:59 PM
To: Ronald Jones
Subject: Fwd: Athena Tzuanos Variance

My address is 63733 Diamondhead Dr. North (across the street from Ms. Tzuanos

Sent from my iPhone

Begin forwarded message:

From: Thomas Nicholls <tommynicholls1953@icloud.com>
Date: November 6, 2020 at 2:51:28 PM CST
To: rjones@diamondhead.ms.gov
Subject: Athena Tzuanos Variance

I am writing in great opposition to the variance that Ms. Tzuanos is requesting to be given to her. The shed is totally illegal, looks terrible and is just inches from her neighbors property line. She replaced a smaller shed with the current bigger one. When she was approached by Mr. Jones regarding the original smaller shed she lied to him and told him the shed was grandfathered in. Mr. Stoutt (her next door neighbor) has photos of the shed which was erected well after her purchasing the home. I can't even begin to list all of the infractions that Ms. Tzuanos has created prior to this issue and continues to do at this time. I can provide instances upon request. If she is granted a variance that will be telling all of the residents that they can basically do as they please. Please do NOT grant her the variance that she is requesting. She has a back yard where shed could be placed, if that's even legal. Thank you for your consideration.

Sent from my iPhone



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

RECEIVED
NOV 06 2020
BY: 4:24 pm

TO: Ms. Athea Tzuanos and adjacent property owners

FROM: Ronald R. Jones, Building Official

DATE: October 9, 2020 *Ronald R. Jones*

SUBJECT: Notice of Public Hearing

Ms. Athena Tzuanos has filed an application requesting a variance from the Zoning Ordinance (Article 4.18 D ii f (municode)) to allow the placement of an existing shed (9' x 15') without a permit extending beyond the front façade of the house facing Banyan Street. The shed is 25' from the property line on Banyan. This lot is a corner lot having 2 front yard setbacks on Banyan Street and Diamondhead Drive North.

The property address is 63732 Diamondhead Drive North. The tax parcel number is 068R-3-41-037.000. The legal description is Diamondhead Subdivision Phase #1, amended Unit 2 and , Block 2, Lot 12. The property is located in an R-2 zoning district.

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 a regularly scheduled meeting on **Tuesday, November 10, 2020 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.

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.

Dear Mr. Jones,
My name is Jeffrey Machain and I reside at 636 Banyan Street, Athena Tzuanos. The shed is not situated to where it is legal and it needs to be moved to her backyard. It is unsightly and not legally positioned. That shed is not doing anything to help our property values. If she is allowed to keep the shed where it is that tells many others that they can do as they wish. Thanks, Jeffrey A. Machain

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Ronald Jones

From: Thomas Nicholls <tommynicholls1953@icloud.com>
Sent: Friday, November 6, 2020 2:51 PM
To: Ronald Jones
Subject: Athena Tzuanos Variance

I am writing in great opposition to the variance that Ms. Tzuanos is requesting to be given to her. The shed is totally illegal, looks terrible and is just inches from her neighbors property line. She replaced a smaller shed with the current bigger one. When she was approached by Mr. Jones regarding the original smaller shed she lied to him and told him the shed was grandfathered in. Mr. Stoutt (her next door neighbor) has photos of the shed which was erected well after her purchasing the home. I can't even begin to list all of the infractions that Ms. Tzanous has created prior to this issue and continues to do at this time. I can provide instances upon request. If she is granted a variance that will be telling all of the residents that they can basically do as they please. Please do NOT grant her the variance that she is requesting. She has a back yard where shed could be placed, if that's even legal. Thank you for your consideration.

Sent from my iPhone

Ronald Jones

From: Wally Stout <stouthenry@hotmail.com>
Sent: Sunday, November 8, 2020 4:04 PM
To: Nancy Depreo; Ronald Jones
Cc: Pat Rich
Subject: PUBLIC HEARING ICO MS ATHENA TZUANOS OF 63732 DIAMONDHEAD DRIVE NORTH ON TUESDAY, NOVEMBER 10, 2020 AT 6:00 PM
Attachments: PROPERTY LINE.JPG; FRONT PORCH.JPG; TZUANOS DRAWING.pdf; STOUT DRAWING.pdf; STOUT VS TZUANOS.docx



Dear Mayor Depreo,

Please refer to the attachments for my input concerning Ms. Tzuanos' request for variance.

Respectfully submitted,
Henry Stout



November 8, 2020

To whom it may concern,

Ms. Tzuanos has requested a variance to have a shed in her front yard on the pretense that blocking her neighbors would provide safety for herself and children. I am the neighbor and take offense to the shed blocking the breeze and view from my deck as well as the presumption that I am a threat to anyone's safety. It also fails to meet the zoning restrictions for sheds.

I am a sixty-year-old retired Navy Chief with over twenty years of active duty service to our nation. I'm currently a federal employee at the Naval Oceanographic Office where I've worked for eighteen years. Throughout my federal service I've maintained at least a secret clearance and have avoided any situations that might put my service or reputation at risk. I've never been arrested, nor have I ever been accused of a crime. I want peace and ignore many threats to try to preserve it. I will gladly grant anyone of authority to perform a background check on me.

My wife is a fifty-seven-year-old full-time housewife struggling with COPD. She doesn't threaten anyone. She wants peace also.

I've typed Ms. Tzaunos' responses to the questions asked on the variance along with my comments in italics on the following pages. Additionally, I've attached Ms. Tzuanos' erroneous drawing and my corrected drawing of the properties with the shed's position annotated and some pictures which may be helpful in making an informed decision about whether or not to grant the variance.

As for the defense that a shed had been grandfathered in, please see Google Maps images of January, 2008 (<https://goo.gl/maps/wx9CFUC7NneLXznHA>), and June of 2013 (<https://goo.gl/maps/mU2dpinZKw2wBQ6h6>). Both images prove that no shed had been at that house prior to Ms. Tzuanos' arrival.

Respectfully submitted,

Henry W. Stout



APPLICATION FOR VARIANCE REQUEST

State purpose of variance:

Ms. Tzuanos: Shed or privacy fence on side of house.

Mr. Stout: *It's actually the front of the house as defined in 9.8.J. of Appendix A (Zoning) in the Diamondhead Code of Ordinances.*

“J. No fence shall be constructed in the required front yard building setback area of R-1, R-2, R-3, R-4, MH, C-1, C-2, T, I, PR, or PFR zoning districts. In the situation of a corner lot, each street-side frontage shall be considered as a front yard.”

Statement Describing Variance Request:

Ms. Tzuanos: I need to put a shed or privacy fence on side of my house to block my neighbors for the safety of myself and kids.

Mr. Stout: *As stated above the applicant wishes to place a shed or fence in her front yard. To the best of my knowledge Madison Walstrum is Athena Tzuanos' only child. Isabella Grace is Athena's boyfriend's (Terri Thoennes') child. Sheds and fences don't provide safety. The residents of 63732 Diamondhead Drive North have created numerous safety issues for our community ranging from reckless driving and illegal burns to rodent harboring. A shed in their front yard creates a safety issue for my home because it would provide cover for burglars or anyone else who might try to enter my home illegally. It also creates a false sense of privacy and space for them which encourages them to be even noisier and less considerate of their neighbors. It also limits access to their back yard which is sorely in need of cleaning.*

DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?

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

Mr. Stout: *No special conditions and/or circumstances exist.*

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

Ms. Tzuanos: No it would not due to it being on the side of my house.

Mr. Stout: *No. Once again, the shed is in their front yard. I request literal interpretation of the Zoning Ordinance.*



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

Ms. Tzuanos: No it is not us-this is safety issue for myself and my children.

Mr. Stout: *No special conditions and/or circumstances exist.*

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

Ms. Tzuanos: No it would not.

Mr. Stout: *The variance would give the applicant a special privilege because sheds and fences are not permitted in front yards of Diamondhead dwellings in accordance with 9.8.J. of Appendix A (Zoning) in the Diamondhead Code of Ordinances as previously stated. It also deprives my wife and I of approximately 45 degrees of view from our deck and a substantial portion of the natural prevailing north breeze we had appreciated.*

The drawing submitted by Ms. Tzuanos misrepresents the position of the shed because it is most certainly NOT 12 feet from the property line. Please see my corrected drawing attached.

The following information is an excerpt from our zoning ordinance concerning sheds with my comments included in italics:

4.18. - ACCESSORY USES.

D. Residential Accessory Building, Structure or Use.

Permitted residential accessory buildings, structures or uses include

(f) Setbacks: The structure shall not be located in front of nor within ten (10') feet of the principal building and not within five (5') feet from a side lot line, nor within ten (10') feet of a rear lot line. If the height exceeds fifteen (15') feet, the accessory structure shall meet the required setbacks of the primary structure.

The shed is four feet in front of the principal building extending sixteen feet beyond.

The shed is within 10' of primary structure (actually about three feet).

The shed is also within 5' of the side lot line (actually about three feet).

Additionally, it extends fourteen feet beyond my front porch and is 10x16 vice 9x15.





RECEIVED
NOV 08 2020
BY: 9:30 AM.



RECEIVED
NOV 08 2020
BY:

RECEIVED
NOV 08 2020
BY:

TELLER GARRETH M

NICHOLS THOMAS C LIFE ESTATE

DIAMONDHEAD DR N

3

GEEREN MIRIAM B

TERR PATRICIA A

38

13

71.9'

167.9'

90'

80'

MATTHEWS JOSHUA

127.2'

117.2'

LOOKS NOT
HERE?

37

TZANIOS ATHENA

12

80'

128.2'

STOUT HENRY W

36

11

128.7'

AGAPIS LIVING TRUST

35

DRAWNWAY

61.6'

61.9'

632 SHED
Banyan St

40'

DIAMONDHEAD DR N

BANYAN ST

149.7'

DAUGHER TYRONALD ETUX

51

71.7'

RECEIVED
NOV 08 2020
BY:

October 23, 2020

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1 inch = 35 feet

