



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 2022-00464

Date 10/6/2022

Applicant: J White Homes, LLC Jason J White M.M

Applicant's Address: 296 Beauvoir Rd Ste 100-173

Applicant's Email Address: jwhite2030@bellsouth.net

Applicant's Contact Number: (Home) Same (Work) \_\_\_\_\_ (Cell) 985-209-0835

Property Owner: J White Homes, LLC Jason J White M.M

Owner's Mailing Address: 296 Beauvoir Rd Ste 100-173

Owner's Email Address jwhite2030@bellsouth.net

Owner's Contact Number: (Home) Same (Work) Same (Cell) 985-209-0835

Tax Roll Parcel Number: 0675-1-36-054.000

Physical Street Address: 982 Ala Moana Place

Legal Description of Property: 22 BLK 1 Diamondhead Phase #2 Unit #7

Zoning District: R-2

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)  
(Signage-Size-Height) Applying for 9 inches variant on the left and right side. Please reference sheet 1  
10' SFSB 9'3" on each side

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 Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.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 November 8, 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.

Jan J White M.M  
Signature of Applicant

J White Homes, LLC  
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 J White Homes, LLC

Street Address 982 Ala Moana Place

Statement Describing Variance Request

Applying for a 9 inch variant on the left and right side setback. I designed this house when the setback ~~where~~ were 8 feet. With this approval I would be able to build a brick 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: yes the new code changed to a 10 side setback on September 7th 2021.

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: Other properties where able to build with 8 foot side setback prior to September 7, 2021.

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

Response: yes. I started the design before purchasing the lot from the seller. The purchase was delayed by uncontrollable factor from the ~~seller~~

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

Response: By providing the 9 inch variant, <sup>this</sup> would allow J White Homes to build a house with ~~Bricks~~ <sup>Bricks</sup>. This would be better for the Diamondhead Community aesthetics.

To Whom It Concerns

J White Homes, LLC is applying for a 9 inches variant side set back on the left and right side for 982 Ala Moana Place. The parcel # is 067J-1-36-054.000. The reason I am applying for this variance is because I started designing this house plan before the side set back changed from 8 feet to 10 feet. The side set back changed to 10 feet on September 7, 2021. I started the purchase process of 982 Ala Moana Place back on March 2021. The closing was delayed due to some uncontrollable reason from the seller. The right side of this lot faces the back yard of two homes which have 20 feet set-backs. The left side is vacant lot. This lot is not a square lot. It provides 38 feet of buildable area in the front and 32.3 in the rear. Several houses in the surrounding area have 8 feet side set- backs.

I appreciate your consideration in this matter.

Thanks

Jason J White M.M

J White Homes, LLC

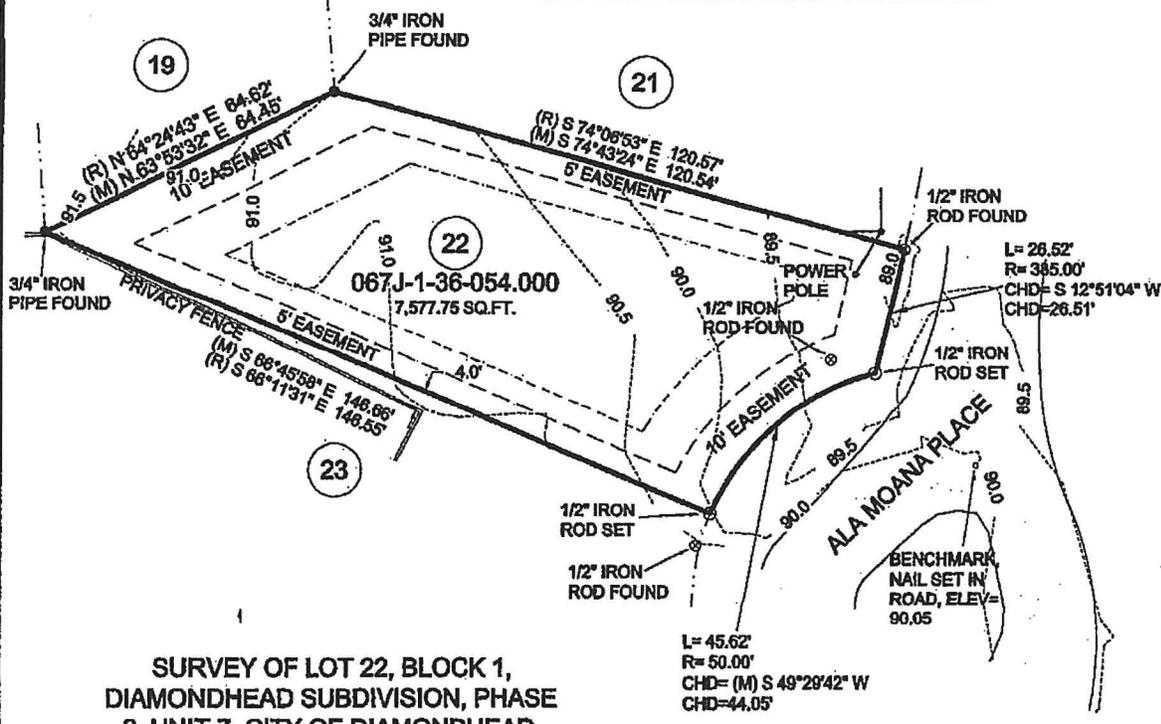
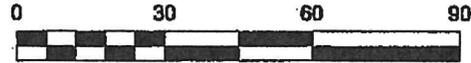
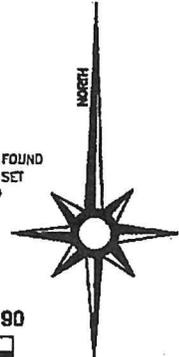


**NOTES:**

- 1.) FIELD SURVEY PERFORMED WITH A COMBINATION OF TOPCON GR5 GPS RECEIVER AND TOPCON GPT-9000A ROBOTIC TOTAL STATION.
- 2.) STATE PLANE COORDINATES AND BEARINGS SHOWN HEREON ARE DERIVED BY COMBINATION OF GPS STATIC OBSERVATION AND EARL DUDLEY, INC. RTK NETWORK, AND ARE BASED ON SPC (2301 MS E).
- 3.) ELEVATIONS SHOWN ARE BASED ON NAVD83, GEOID 2008.
- 4.) THIS SURVEY HAS BEEN PREPARED BY INFORMATION PROVIDED BY CLIENT AND LIMITED RESEARCH IN COURTHOUSE WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THIS SURVEY MAY NOT SHOW ALL EASEMENTS AND OTHER RESTRICTIONS OF RECORD. SURVEYOR WILL BE MADE AVAILABLE TO ADD SUCH FEATURES TO THIS SURVEY IF A CURRENT TITLE REPORT OR ABSTRACT OF TITLE IS PROVIDED TO HIM BY PROPER AUTHORITY.
- 5.) UNLESS OTHERWISE NOTED THIS SURVEY IS LIMITED TO ABOVE GROUND AND VISIBLE UTILITIES. A MISSISSIPPI ONE CALL SHOULD BE MADE BEFORE ANY DIGGING @ 1-800-227-6477.
- 6.) BUILDING SETBACKS, ELEVATIONS, WETLAND DETERMINATION AND ET CETERA TO BE PRESCRIBED BY APPROPRIATE GOVERNING BODIES.

**LEGEND:**

- ☒ --- IRON ROD FOUND
- --- IRON PIPE FOUND
- --- IRON ROD SET
- ⊗ --- SPIKE FOUND
- ⊕ --- SPIKE SET
- ⊠ --- CONCRETE MONUMENT FOUND
- --- CONCRETE MONUMENT SET
- ⊞ --- LIGHTARD KNOT FOUND
- (M) --- AS MEASURED
- (R) --- AS PER RECORD
- APP --- AS PER PLAT
- IRF --- IRON ROD FOUND
- IRS --- IRON ROD SET



**SURVEY OF LOT 22, BLOCK 1,  
DIAMONDHEAD SUBDIVISION, PHASE  
2, UNIT 7, CITY OF DIAMONDHEAD,  
HANCOCK COUNTY, MISSISSIPPI**

**REFERENCE MATERIALS:**  
1.) RECORDED SUBDIVISION PLAT

THIS IS TO CERTIFY THAT I HAVE MADE A SURVEY OF THE PROPERTY SHOWN HEREON AND THAT ALL DIMENSIONS AND OTHER DATA SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*Clifford A. Crosby*  
CLIFFORD A. CROSBY, P.L.S.      DATE: 8/12/2022



THIS PROPERTY IS LOCATED IN F.I.R.M. ZONE "X" ACCORDING TO  
MAP NUMBER 28045C0263D DATED OCTOBER 16, 2009

SURVEY CLASS ~ "B" SCALE: 1" = 30'	FOR: J. WHITE HOMES	BEARINGS SHOWN HEREON ARE DERIVED BY: GPS OBSERVATION, STATE PLANE GRID, MS EAST
	DATE OF FIELD WORK: 8/5/2022	
PARTY CHIEF: DM.		INSTRUMENT MAN: TM
RODMAN: DM		DRAWN BY: CAG
DRAWING NUMBER: 16154 LOT 22		REVISED:



**CROSBY SURVEYING**  
 PROFESSIONAL LAND SURVEYING  
 716 LIVE OAK DRIVE  
 BILOXI, MISSISSIPPI 39532  
 PHONE: 228-234-1649  
 EMAIL: cliffordcrosby@cableone.net

2022 1754  
Recorded in the Above  
Deed Book & Page  
02-02-2022 11:20:50 AM  
Timothy A Kellar  
Hancock County

Prepared by:  
**David B. Pilger**  
Attorney at Law  
1406 Bienville Blvd., Suite 101  
Ocean Springs, MS 39564  
(228) 215-0011

Grantor:  
**Knight Investment Company, LLC**  
**A Mississippi limited liability company**  
987 Ana Hulu Street  
Diamondhead, MS 39525  
Telephone: (228) 493-9184

Return To:  
**David B. Pilger**  
Attorney at Law  
1406 Bienville Blvd., Suite 101  
Ocean Springs, MS 39564  
(228) 215-0011

Grantee:  
**J White Homes, LLC**  
**A Mississippi limited liability company**  
296 Beauvoir Road, Suite 100-173  
Biloxi, MS 39531  
Telephone: (985) 209-0835

**File No. B223121S**

**INDEXING INSTRUCTIONS: Lot 27, Blk 1, Diamondhead, Unit 7, Phase 2, Hancock County, MS**

STATE OF MISSISSIPPI  
COUNTY OF HANCOCK

**WARRANTY DEED**

FOR AND IN CONSIDERATION OF the price and sum of TEN AND NO/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, **Knight Investment Company, LLC, a Mississippi limited liability company**, do hereby sell, convey and warrant unto **J White Homes, LLC, a Mississippi limited liability company**, as joint tenants with right of survivorship and not as tenants in common, all of that certain tract, piece or parcel of land situated in Hancock County, Mississippi, together with all improvements, buildings, fixtures, and appurtenances thereunto belonging, and being more particularly described as follows, to-wit:

**Lot 27, Block 1, Diamondhead, Unit 7, Phase 2, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hancock County, Mississippi, in Plat Book 4, at Page 48.**

This being the same property as that conveyed to Knight Investment Company, LLC, A Mississippi limited liability company, by instrument recorded in Deed Book BB 249, Page 407, Land Deed Records of Hancock County, Mississippi.

The Corporate Resolution of Knight Investment Company, LLC, a Mississippi limited liability company is attached hereto as Exhibit "A".

If this property is bounded by water, this conveyance includes any natural accretion, and is subject to any erosion due to the action of the elements. Such riparian and littoral rights as exist are conveyed herewith but without warranty as to their nature or extent. If any portion of the property is below the mean high tide watermark, or is coastal wetlands as defined in the Mississippi Coastal Wetlands Protection Act it is conveyed by quitclaim only.

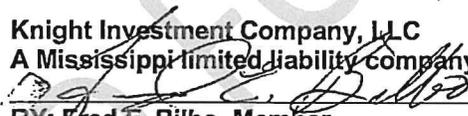
Grantor quitclaims any and all oil, gas, and other minerals owned, if any, to Grantee. No mineral search was requested or performed by preparer.

This conveyance is subject to any and all covenants, rights of way, easements, restrictions and reservations of record in the office of the Chancery Clerk of Hancock County, Mississippi.

It is agreed and understood that the taxes for the current year have been pro-rated as of this date on an estimated basis, and when said taxes are actually determined, if the proration as of this date is incorrect, the Parties hereto agree to make all necessary adjustments on the basis of an actual proration.

WITNESS MY SIGNATURE, on this the 25<sup>th</sup> day of January 2022.

**Knight Investment Company, LLC**  
**A Mississippi limited liability company**

  
BY: Fred E. Bilbo, Member

**CORPORATE ACKNOWLEDGMENT**

**STATE OF MISSISSIPPI**  
**COUNTY OF HANCOCK**

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Fred E. Bilbo**, the duly appointed member of **Knight Investment Company, LLC, a Mississippi limited liability company**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid entity, after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 25<sup>th</sup> day of January 2022.

(AFFIX SEAL)

My commission expires: \_\_\_\_\_



  
NOTARY PUBLIC

**CORPORATE RESOLUTION**

In a duly called meeting of all of the Members/Managers/Shareholders of the below named Company, it was unanimously approved by all of the Members/Managers/Board of Directors that **Fred E. Bilbo**, Member, has complete authority to execute any and all documents pertaining to the sale on behalf of the below name company for the property located at 9812 Ala Moana Place, Diamondhead, MS 39525 being described as:

**Lot 27, Block 1, Diamondhead, Unit 7, Phase 2, Hancock County, Mississippi, a subdivision according to the map or plat thereof on file and of record in the office of the Chancery Clerk of Hancock County, Mississippi, in Plat Book 4, at Page 48.**

So, approved and acknowledged this, the 25<sup>th</sup> day of January, 2022.

**Knight Investment Company, LLC  
A Mississippi Limited Liability Company**

  
BY: **Fred E. Bilbo, Member**

**CORPORATE ACKNOWLEDGMENT**

STATE OF MS  
COUNTY OF Hancock

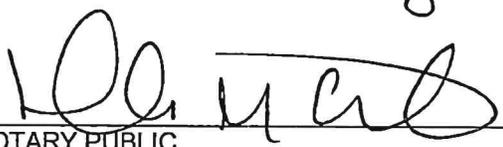
PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named **Fred E. Bilbo, Member of Knight Investment Company, LLC, a Mississippi Limited Liability Company**, who acknowledged before me that he signed, executed and delivered the above and foregoing instrument on the day and year thereof, for the use and purposes therein mentioned, for and on behalf of the aforesaid entity, after first having been duly authorized so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, on this the 25<sup>th</sup> day of January, 2022.

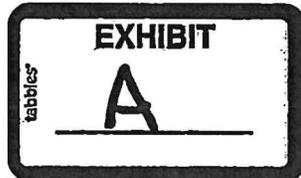
(AFFIX SEAL)

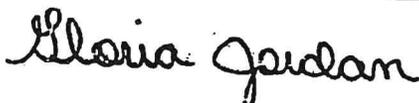


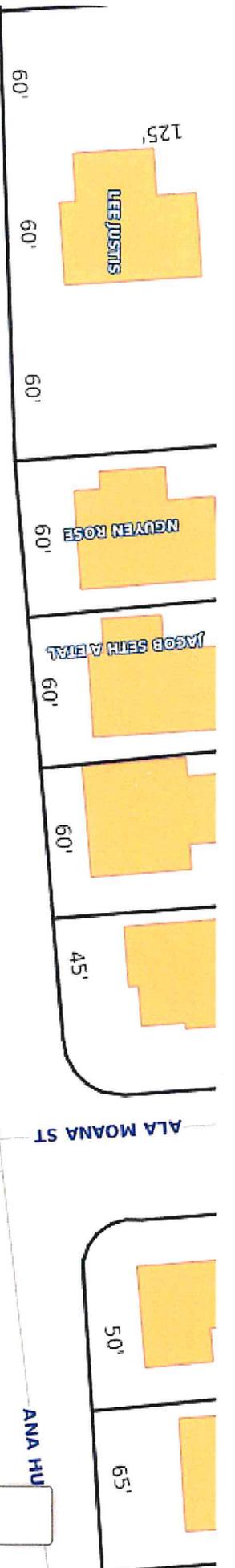
My commission expires: \_\_\_\_\_

  
NOTARY PUBLIC

Hancock County  
I certify this instrument was filed on  
02-02-2022 11:20:50 AM  
and recorded in Deed Book  
2022 at pages 1754 - 1756  
Timothy A Keller







ANA HULU ST

ANA HULU ST

ALA MOANA ST

ANA HU

ALA MOANA PL

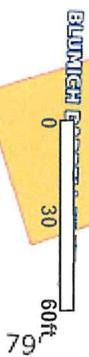
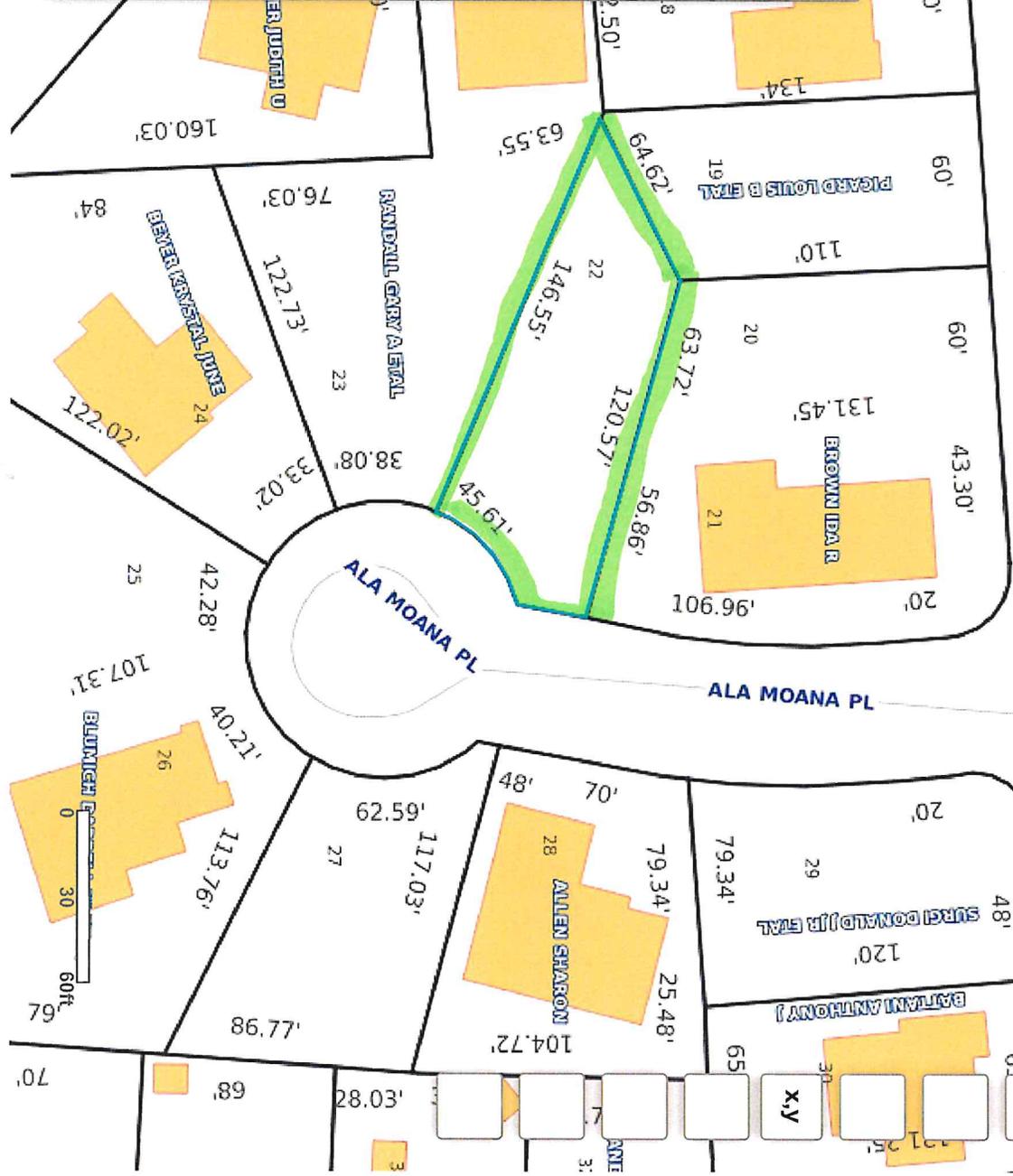
ALA MOANA PL

**Parcels**  
**067J-1-36-054.000**

Parcel Number: 067J-1-36-054.000  
 Owner Name: KNIGHT INVESTMENT CO LLC  
 Owner Address: P O BOX 6492  
 Owner City, State ZIP: DIAMONDHEAD, MS 39525  
 Physical Address: 982 ALA MOANA PL  
 Improvement Type:  
 Year Built: 0  
 Base Area: 0  
 Adjusted Area: 0  
 Actual Total Value: 6750  
 Taxable Total Value: 126,360,000  
 Estimated Tax: 126,360,000  
 Homestead Exemption: No  
 Deed Book: BB249  
 Deed Page: 401

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

J. White Homes, LLC, represented by Jason White has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a single family residence within 9'3" of both side yard property lines.

The property address is 982 Ala Moana Place. The tax parcel number is 067J-1-36-054.000. The property is in a R-2 zoning district. The side yard setbacks are 10'. The variance requested is 9" on each side yard for a total of 1'6". The Case File Number is 202200464.

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, 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, November 8, 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.