



5000 Diamondhead Circle · Diamondhead, MS 39525

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STAFF REPORT TO PLANNING COMMISSION

DATE: September 25, 2023

NATURE OF REQUEST: Mike Scardino has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a fence within 5' of the front property line. The property address is 10846 Koloa Street. The tax parcel number is 067H-2-25-141.000. The property is in an R-2 zoning district. The front yard setback is 20'. The variance requested for the fence is 15'. The Case File Number is 202300416.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: September 26, 2023

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

The staff recommends approving 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. *This house was built in 2009 within 17' of the front property line. To park a boat in the backyard, a 12' gate is required.*
- 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. *Other properties in the immediate area have fences that do not meet the setback requirement.*
- C. That special conditions and circumstances, if any, *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 *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.