



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

APPLICATION FOR VARIANCE REQUEST

Case Number: 202300389

Date 7/11/23

Applicant: D.R. Horton

Applicant's Address: 1641 B Popp's Ferry Rd Biloxi MS 39532

Applicant's Email Address: Dascale@DRHorton.com

Applicant's Contact Number: (Home) 228-215-1943 (Work) _____ (Cell) _____

Property Owner: D.R. Horton

Owner's Mailing Address: same

Owner's Email Address _____

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

Tax Roll Parcel Number: _____

Physical Street Address: 87134 Highpointe Dr.

Legal Description of Property: 7 The Preserve

Zoning District: R-2

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height) lot size, rear setback 20'-5" = 15' 5" variance

Approved house plan by city is slightly too deep to fit within Building setback. Requesting variance to keep style of home similar to surrounding homes

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 Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.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

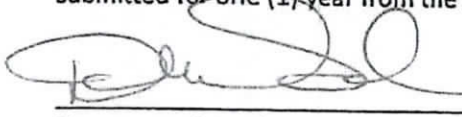
That additional information may be required by the Planning Commission prior to final disposition.

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 8/ September 26th 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 D. P. Horton

Street Address 87134 High pointe DR

Statement Describing Variance Request

Requesting VARIANCE in order to keep similar home
sign & style with surrounding homes in neighborhood

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, only this property due to home sign to match
other homes next to this property

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?

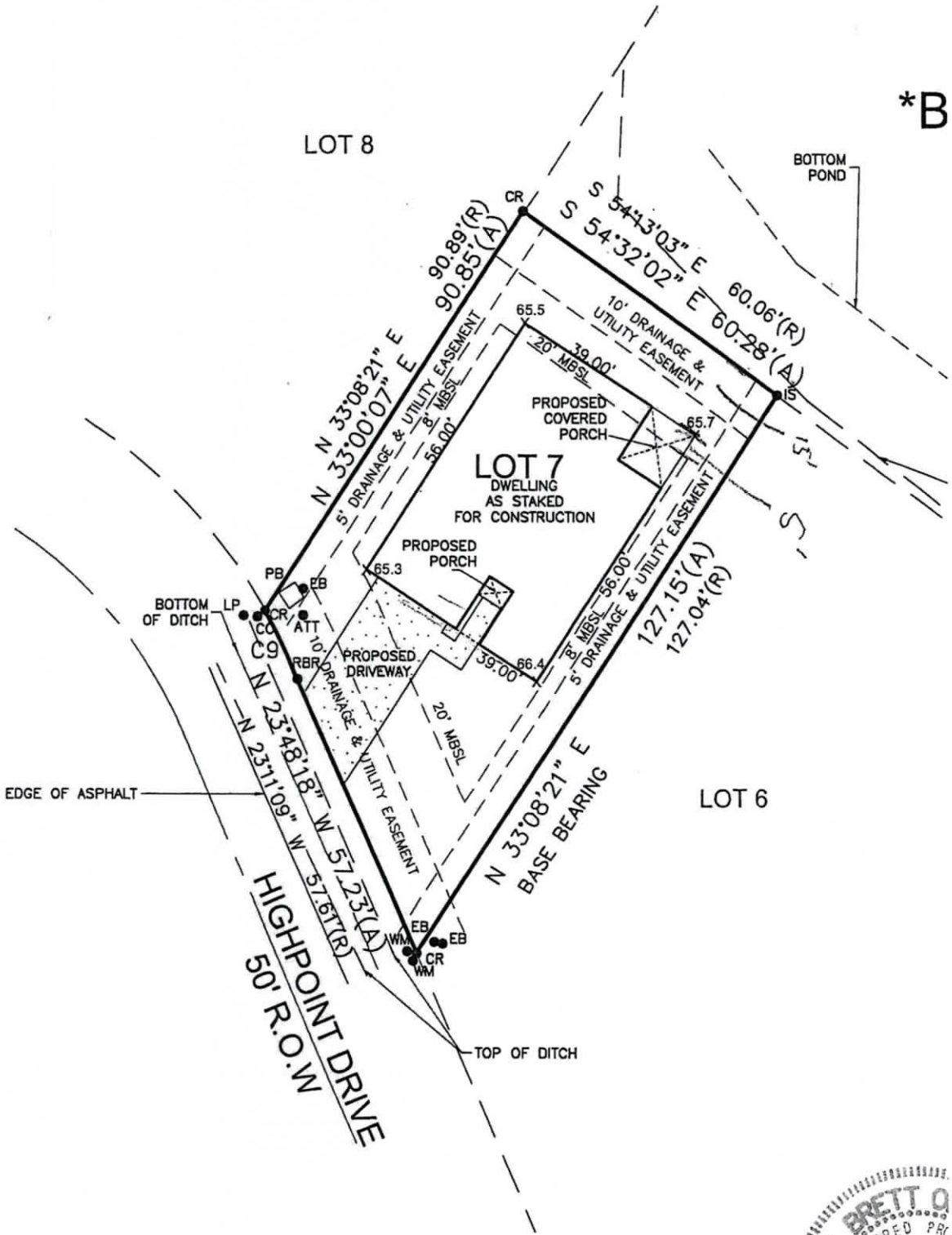
Response: No special privileges, just keeping the neighborhood
uniform throughout

FOR CONSTRUCTION ONLY
THIS IS NOT A CLOSING SURVEY (SEE :



*B

C9
 R=110.00'
 L=13.94'(R)
 L=14.22'(A)
 Δ=7°24'23"
 S 24°50'16" E
 14.21'(CHORD)



P O L Y
S U R V E Y I N G

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11"x17" PRINT	S-(42)
SCALE: 1' = 30"	
FILE NAME: 2305-0844	
SURVEY DATE: 6/7/2023	
FIELD DATE: 6/5/2023	
DRAWN BY: A. LARA	
CHECKED BY: JBO	





5000 Diamondhead Circle · Diamondhead, MS 39525

Phone: 228.222.4626 Fax: 228-222-4390

TO: City Council and City Manager

FROM: J. Pat Rich, Development Coordinator

DATE: September 27, 2023

SUBJECT: D. R. Horton Rear Yard Setback Variance

D. R. Horton requests a variance to allow the construction of a residence within 15' of the front property line. The variance is 5'. The property line was moved 5' to allow access to the detention pond for maintenance.

The Planning & Zoning Commission voted 4-0 to recommend the variance.



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STAFF REPORT TO PLANNING COMMISSION

DATE: September 25, 2023

NATURE OF REQUEST: D. R. Horton has filed an application requesting a variance from the Zoning Ordinance (Article 4.19) to allow the construction of a residence within 15' of the rear property line. The property address is 87134 Highpoint Drive. The legal description is The Preserve Phase 1, Lot 7. The property is in an R-2 zoning district. The rear yard setback is 20'. The variance requested is 5'. The Case File Number is 202300389.

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. *To accommodate detention pond, the rear property line was moved 5'.*
- 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. *The house met the setback requirements prior to the property line adjustment.*
- 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.