



Agenda Item 2016-0078

City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222-4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official

Ronald R. Jones

DATE: April 29, 2016

SUBJECT: Recommendation of Planning & Zoning Commission-
Landmark Contractors; Case File Number 2016-00052

At its meeting on Tuesday, April 26, 2016, the Planning & Zoning Commission by a
unanimously vote approved the variance as petitioned by Landmark Contractors.

Landmark Contracting represented by David Malley has filed an application requesting a rear
yard setback variances from the Zoning Ordinance (Article 4.7.5 E I c) to allow the construction
of a single family structure within 10' of generally the northwest property line.

The property address is 227 Fairway Villas Circle. The tax parcel numbers are 067P-0-35-
200.000. The property is located northwest of and adjacent to Fairway Villas Circle and east of
Golf Club Drive. The rear yard setback required is 20'.

The staff report and application are attached. If you have any questions or comments, please
advise.

Attachments



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

STAFF REPORT TO CITY COUNCIL

DATE: April 29, 2016

CASE FILE NUMBER: 2016-00052

APPLICANT: Landmark Contractors represented by David Malley

PROPERTY OWNER: Landmark Contractors

TAX PARCEL NUMBER: 067P-0-35-200.000

PHYSICAL STREET ADDRESS: 227 Fairway Villas Circle

LEGAL DESCRIPTION: Replat of Fairway Villas Subdivision, Lot 15-R

ZONING DISTRICT: R-3 High Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Landmark Contracting represented by David Malley has filed an application requesting a rear yard setback variances from the Zoning Ordinance (Article 4.7.5 E I c) to allow the construction of a single family structure within 10' of generally the northwest property line.

The property address is 227 Fairway Villas Circle. The tax parcel numbers are 067P-0-35-200.000. The property is located northwest of and adjacent to Fairway Villas Circle and east of Golf Club Drive. The rear yard setback required is 20'.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: April 26, 2016

RECOMMENDATION TO CITY COUNCIL: To **approve** the variance as petitioned; Commissioners voted unanimously.

Article 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.

ATTACHMENTS: Application



MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
April 26, 2016
5:30 p.m. CST

1. Chairman Hensley called the meeting to order at 5:33 p.m. CST.
2. Commissioner Bower recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Garrison.
4. Clerk Tammy Garber called roll- Present: Commissioners Bice, Garrison, Hensley, Crosby, Williams, Bowers and Commissioner Milton present via teleconference. Absent: None

Also present: City Attorney Derek Cusick, Ron Jones Building Official, Joshua Hayes Deputy Building Official and Minutes Clerk Tammy Garber.

5. **Confirmation of the Agenda**

Commissioner Garrison moved, seconded by Commissioner Bice, to approve the agenda with Case File 2016-00008 withdrawn.

Ayes: Bice, Garrison, Hensley, Crosby, Williams, Bowers and Milton Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

6. **Approve Minutes.** —

Commissioner Bice moved, seconded by Commissioner Garrison, to approve the Minutes of March 22, 2016 as presented.

Ayes: Bice, Garrison, Hensley, Crosby, Bowers and Milton: Abstain: Williams. Nays: None. Absent: None.

MOTION CARRIED

Commissioner Garrison moved, seconded by Commissioner Bower to approve the Minutes of April 12, 2016 as presented.

Ayes: Bice, Garrison, Hensley, Bowers and Milton: Abstain: Crosby and Williams. Nays: None. Absent: None.

MOTION CARRIED

7. New Business –

CASE FILE NUMBER 2016-00052

Landmark Contracting represented by David Malley has filed an application requesting a rear yard setback variances from the Zoning Ordinance (Article 4.7.5 E I c) to allow the construction of a single family structure within 10' of generally the northwest property line.

The property addresses are 227 and 229 Fairway Villas Circle. The tax parcel numbers are 067P-0-35-200.000 and 067P-0-35-199.000, respectively. The properties are located northwest of and adjacent to Fairway Villas Circle and east of Golf Club Drive. The property is located in an R-3 zoning district. The rear yard setback required is 20'. The Case File Number is 201600052.

David Malley presented the proposed request with the removal of property address 229 Fairway Villas Circle from consideration and answered questions from the commissioners. At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request. Nancy Swanton and John Sneddon addressed the Commission with no opposition of this variance request.

Commissioner Garrison moved, seconded by Commissioner Bice to approve the variance in the matter of Case File Number 2016-00052 as requested.

Ayes: Bice, Garrison, Hensley, Crosby, Williams, Bowers and Milton Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

CASE FILE NUMBER 2016-00062

Sandra L. Merdinyan has filed an application requesting a rear yard setback variance from the Zoning Ordinance (Article 4.7.5 E ii c) to allow the construction of a 10' x 28' deck within 0' of generally the northwest property line.

The property address 291 Highpoint Drive. The tax parcel number is 067K-2-36-172.000. The property is located northwest of and adjacent to Highpoint Drive and east of Golf Club Drive. The property is located in an R-3 zoning district. The rear yard setback required is 20'. The Case File Number is 201600062.

Bill Leonhardt represented Sandra L. Merdinyan in the proposed variance request. Mr. Leonhardt requested to amend the petition to allow the construction of a 10' x 22' deck instead of a 10' x 28' deck. Mr. Leonhardt answered questions from the commissioners.

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Crosby moved, seconded by Commissioner Garrison to approve the variance in the matter of Case File Number 2016-00062 as requested.

Ayes: Bice, Garrison, Hensley, Crosby, Williams, Bowers and Milton Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

8. Unfinished Business Open Public Comments to Non-Agenda items –

Bonnie Seckso spoke in reference to the status of the JCB properties and was advised that the case had been withdrawn without prejudice.

9. Commissioners' Comments – None

10. Communication / Announcements.

Ron Jones discussed reviewing both Accessory Structures and Pervious Pavement Systems and revise the Zoning Ordinance accordingly.

11. Adjourn: Commissioner Bice moved, seconded by Commissioner Crosby, to adjourn at approximately 6:08 p.m. CST.

Ayes: Bice, Garrison, Hensley, Crosby, Williams, Bowers and Milton Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

Nita Hensley, Chairman
Planning & Zoning
City of Diamondhead, MS

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

APPLICATION FOR VARIANCE REQUEST

CASE NO. 2016 0052

RECEIVED
DATE MAR 09 2016
BY: _____

APPLICANT: Fairway Villas, LLC

APPLICANT'S ADDRESS: 1079 Tina Ledner Vic Faye Rd, Pass Christian, MS 39571

APPLICANT'S TELEPHONE: (HOME) 228-669-4444 (WORK) _____

PROPERTY OWNER: Fairway Villas, LLC

MAILING ADDRESS: SAME

TELEPHONE NUMBER: (HOME) 228-669-4444 (WORK) _____

TAX ROLL PARCEL NUMBER: _____

STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: 227 & 229 Fairway Villas Circle
Diamondhead, ms 39525

STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING
COVERAGE) (SIGNAGE - SIZE - HEIGHT) To request a 10' rear yard setback
on lots 15-R and 14-R, Fairway Villas Subdivision

ZONING DISTRICT R-4

e-mail address: malleyent@aol.com
applicant
representative David Malley

REQUIRED ITEMS:

*Address
individually
for each
variance*

- A. A statement describing the variance request and the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically...
- THE CONDITIONS FOR GRANTING A VARIANCE:**
- 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?
 - ② WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
 - ③ ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
 - ④ WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?
- B. 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.
- C. 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.
- D. Payment of fee for Variance Request: ^{100.00} \$500.00 as per Ordinance 2012-020

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}~~500.00~~ 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 designated 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 April 26, 2016 at 530 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.

Janene L Malley
Signature of Applicant

Janene L Malley
Signature of Property Owner

_____ For Official Use Only _____

- ^{100.00} () ~~500.00~~
- () Copy of Deed, Lease or Contract
- () Site Plan
- () Parking Spaces
- () List of Property Owners

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

Fairway Villas

Requesting a 10 foot rear setback on lots 14 & 15. Other similar lots in the subdivision have 10 foot rear setbacks. This setback was not requested on these lots in the original replat of the subdivision due to a large retaining wall at the rear of these lots.

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?

Yes. The surrounding properties, with similar depths already have 10 foot rear setbacks.

2. Would literal interpretation of the zoning ordinance deprive the owner/applicant of rights commonly enjoyed by other properties in the same zoning district?

Yes. The surrounding properties, with similar depths already have 10 foot rear setbacks.

3. Are the special conditions or circumstances not caused by the owner/applicant?

These conditions were created as these setbacks were inadvertently left off the original re-plat.

4. Would the requested variance not give the owner/applicant any special privileges or rights not shared by owners of similar properties?

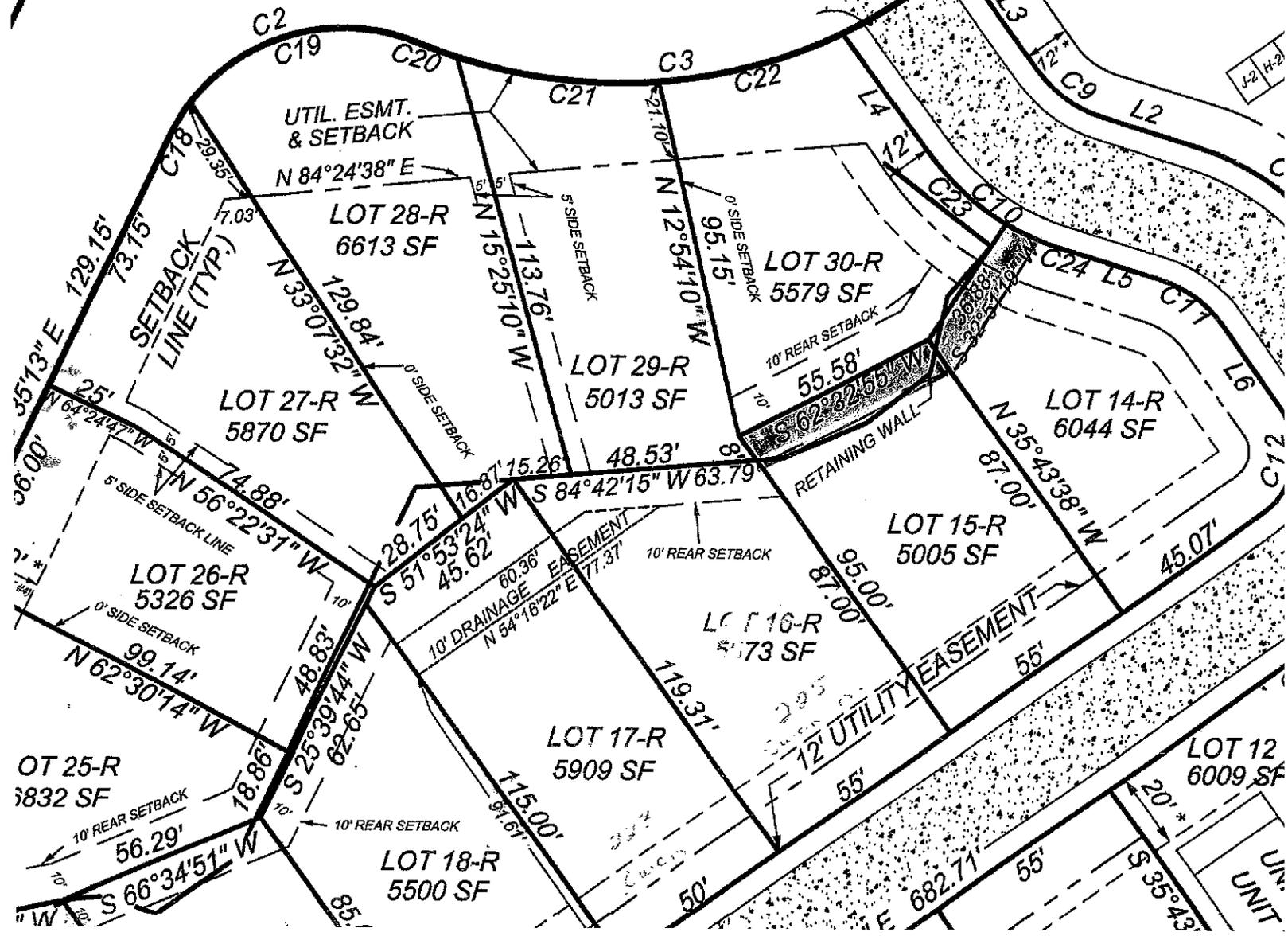
No.

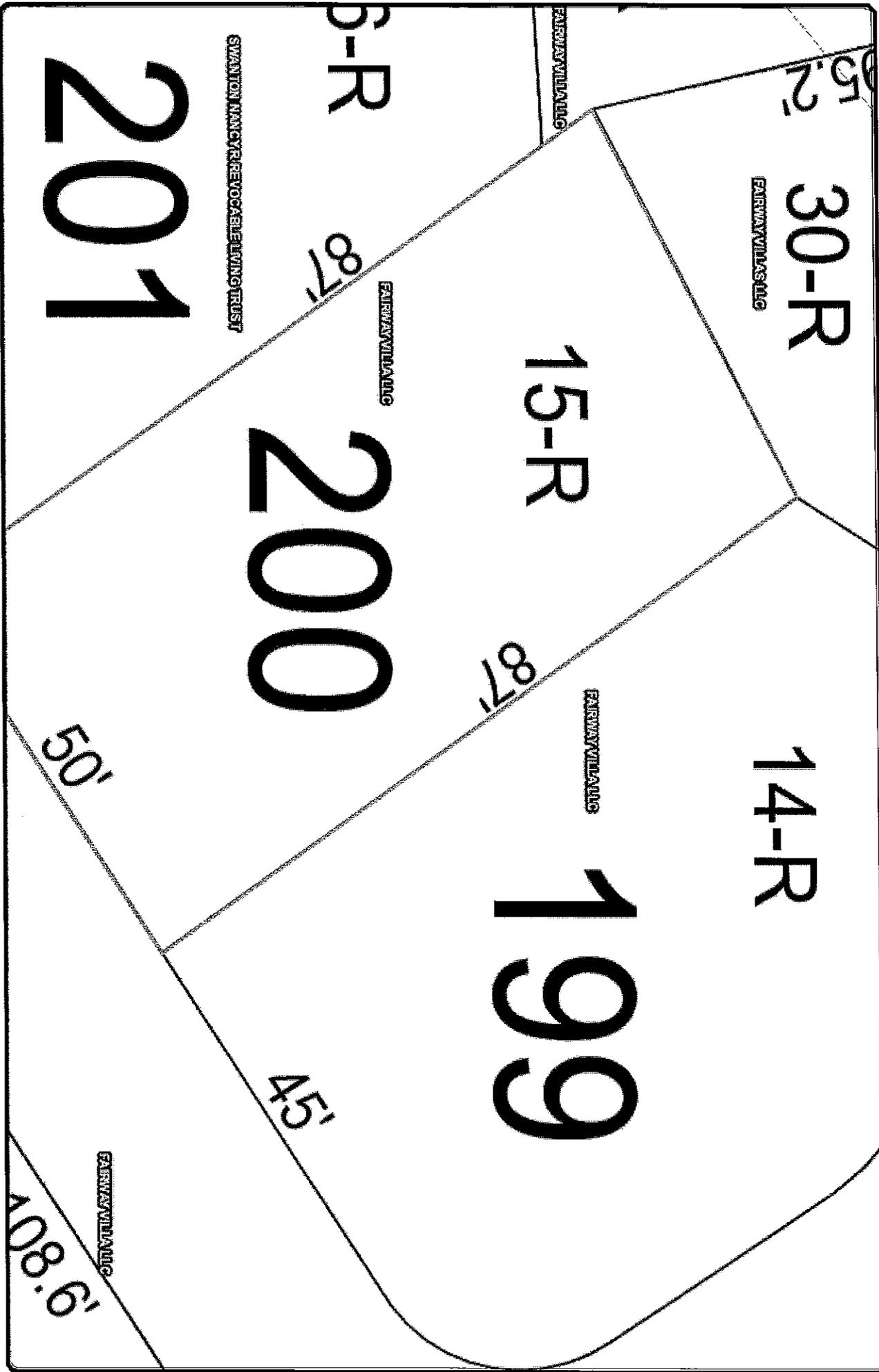
LOT OF Y VILLAS

-7-14 DIAMONDHEAD, MS
S 13 THROUGH 19 OF THE
AIRWAY VILLAS

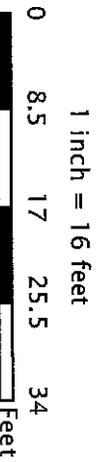
- current 10' setbacks
- requested 10' setbacks

COUNTRY CLUB C
LOT 1:
29,186





DISCLAIMER: Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold Hancock County harmless from and against any damage, loss or liability arising from any use of the map product. Users are cautioned to consider carefully the provisional nature of the maps and data before using it for decisions that concern personal or public safety or the conduct of business that involves monetary or operational consequences. Conclusions drawn from, or actions undertaken, on the basis of such maps and data, are the sole responsibility of the user.



April 5, 2016



Agenda Item - 2016-0079

City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222-4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

TO: Mayor, City Council and City Manager

FROM: Ronald R. Jones, Building Official *Ronald*

DATE: April 29, 2016

SUBJECT: Recommendation of Planning & Zoning Commission-
Sandra L. Merdinyan; Case File Number 2016-00062

At its meeting on Tuesday, April 26, 2016, the Planning & Zoning Commission by a unanimously vote approved the variance as amended.

Sandra L. Merdinyan has filed an application requesting a rear yard setback variance from the Zoning Ordinance (Article 4.7.5 E ii c) to allow the construction of a 10' x 28' deck within 0' of generally the northwest property line.

The property is located northwest of and adjacent to Highpoint Drive and east of Golf Club Drive. The rear yard setback required is 20'. **Mr. Leonhardt amended the request to construct a 10' x 22' deck instead of a 10' x 28' deck.**

The staff report and application are attached. If you have any questions or comments, please advise.

Attachments



City of Diamondhead

5000 Diamondhead Circle, Diamondhead, MS 39525

Phone: (228) 222.4626

FAX: (228) 222-4390

www.diamondhead.ms.gov

STAFF REPORT TO CITY COUNCIL

DATE: April 29, 2016

CASE FILE NUMBER: 2016-00062

APPLICANT: Sandra L Merdinyan represented by Bill Leonhardt

PROPERTY OWNER: Sandra L Merdinyan

TAX PARCEL NUMBER: 067K-2-36-172.000

PHYSICAL STREET ADDRESS: 291 High Point Drive

LEGAL DESCRIPTION: 291 HIGHPOINT TOWNHOMES PHASE 4

ZONING DISTRICT: R-3 High Density Single Family

TYPE OF APPLICATION: Variance

NATURE OF REQUEST: Sandra L. Merdinyan has filed an application requesting a rear yard setback variance from the Zoning Ordinance (Article 4.7.5 E ii c) to allow the construction of a 10' x 28' deck within 0' of generally the northwest property line.

The property is located northwest of and adjacent to Highpoint Drive and east of Golf Club Drive. The rear yard setback required is 20'. Mr. Leonhardt amended the request to construct a 10' x 22' deck instead of a 10' x 28' deck.

DATE OF PUBLIC HEARING BEFORE PLANNING COMMISSION: April 26, 2016

RECOMMENDATION TO CITY COUNCIL: To **approve** the variance as amended; Commissioners voted unanimously.

Article **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.

ATTACHMENTS: Application



MINUTES

PLANNING AND ZONING COMMISSION
Diamondhead, Mississippi
Diamondhead City Hall Council Chambers
April 26, 2016
5:30 p.m. CST

1. Chairman Hensley called the meeting to order at 5:33 p.m. CST.
2. Commissioner Bower recited the Statement of Purpose.
3. Pledge of Allegiance was led by Commissioner Garrison.
4. Clerk Tammy Garber called roll- Present: Commissioners Bice, Garrison, Hensley, Crosby, Williams, Bowers and Commissioner Milton present via teleconference. Absent: None

Also present: City Attorney Derek Cusick, Ron Jones Building Official, Joshua Hayes Deputy Building Official and Minutes Clerk Tammy Garber.

5. Confirmation of the Agenda

Commissioner Garrison moved, seconded by Commissioner Bice, to approve the agenda with Case File 2016-00008 withdrawn.

Ayes: Bice, Garrison, Hensley, Crosby, Williams, Bowers and Milton Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

6. Approve Minutes. –

Commissioner Bice moved, seconded by Commissioner Garrison, to approve the Minutes of March 22, 2016 as presented.

Ayes: Bice, Garrison, Hensley, Crosby, Bowers and Milton: Abstain: Williams. Nays: None. Absent: None.

MOTION CARRIED

Commissioner Garrison moved, seconded by Commissioner Bower to approve the Minutes of April 12, 2016 as presented.

Ayes: Bice, Garrison, Hensley, Bowers and Milton: Abstain: Crosby and Williams. Nays: None. Absent: None.

MOTION CARRIED

7. New Business –

CASE FILE NUMBER 2016-00052

Landmark Contracting represented by David Malley has filed an application requesting a rear yard setback variances from the Zoning Ordinance (Article 4.7.5 E i c) to allow the construction of a single family structure within 10' of generally the northwest property line.

The property addresses are 227 and 229 Fairway Villas Circle. The tax parcel numbers are 067P-0-35-200.000 and 067P-0-35-199.000, respectively. The properties are located northwest of and adjacent to Fairway Villas Circle and east of Golf Club Drive. The property is located in an R-3 zoning district. The rear yard setback required is 20'. The Case File Number is 201600052.

David Malley presented the proposed request with the removal of property address 229 Fairway Villas Circle from consideration and answered questions from the commissioners.

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request. Nancy Swanton and John Sneddon addressed the Commission with no opposition of this variance request.

Commissioner Garrison moved, seconded by Commissioner Bice to approve the variance in the matter of Case File Number 2016-00052 as requested.

Ayes: Bice, Garrison, Hensley, Crosby, Williams, Bowers and Milton Nays: None. Absent: None

MOTION CARRIED UNANIMOUSLY

CASE FILE NUMBER 2016-00062

Sandra L. Merdinyan has filed an application requesting a rear yard setback variance from the Zoning Ordinance (Article 4.7.5 E ii c) to allow the construction of a 10' x 28' deck within 0' of generally the northwest property line.

The property address 291 Highpoint Drive. The tax parcel number is 067K-2-36-172.000. The property is located northwest of and adjacent to Highpoint Drive and east of Golf Club Drive. The property is located in an R-3 zoning district. The rear yard setback required is 20'. The Case File Number is 201600062.

Bill Leonhardt represented Sandra L. Merdinyan in the proposed variance request. Mr. Leonhardt requested to amend the petition to allow the construction of a 10' x 22' deck instead of a 10' x 28' deck. Mr. Leonhardt answered questions from the commissioners.

At this time, Commissioner Hensley called for any public comments or questions in reference to this variance request with none presented.

Commissioner Crosby moved, seconded by Commissioner Garrison to approve the variance in the matter of Case File Number 2016-00062 as requested.

Ayes: Bice, Garrison, Hensley, Crosby, Williams, Bowers and Milton Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

8. Unfinished Business Open Public Comments to Non-Agenda items –

Bonnie Seckso spoke in reference to the status of the JCE properties and was advised that the case had been withdrawn without prejudice.

9. Commissioners' Comments – None

10. Communication / Announcements.

Ron Jones discussed reviewing both Accessory Structures and Pervious Pavement Systems and revise the Zoning Ordinance accordingly.

11. Adjourn: Commissioner Bice moved, seconded by Commissioner Crosby, to adjourn at approximately 6:08 p.m. CST.

Ayes: Bice, Garrison, Hensley, Crosby, Williams, Bowers and Milton Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

Nita Hensley, Chairman
Planning & Zoning
City of Diamondhead, MS

City of Diamondhead
5000 Diamondhead Circle
Diamondhead, MS 39525



Office 228-222-4626
Fax 228-222-4390
www.Diamondhead.ms.gov

APPLICATION FOR VARIANCE REQUEST

CASE NO. 20160062
RECEIVED
DATE MAR 17 2016
BY: _____

APPLICANT: Sandra h. Merdinyan
APPLICANT'S ADDRESS: 291 Highpoint Dr.
APPLICANT'S TELEPHONE: (HOME) 228-222-5212 (WORK) 401-524-9996 ^{cell}
PROPERTY OWNER: Sandra h. Merdinyan
MAILING ADDRESS: 291 Highpoint Dr.
TELEPHONE NUMBER: (HOME) 228-222-5212 (WORK) 401-524-9996 ^{cell}
TAX ROLL PARCEL NUMBER: 06TK-2-36-172,000
STREET ADDRESS OR LEGAL DESCRIPTION OF PROPERTY: _____
291 Highpoint Dr. Diamondhead, MS 39525
STATE PURPOSE OF VARIANCE: (FRONT/SIDE/REAR/LOT SIZE/PARKING/BUILDING
COVERAGE) (SIGNAGE - SIZE - HEIGHT) _____
A 10'x28' deck in the rear of the building
ZONING DISTRICT _____

e-mail address: Smerdinyan@cox.net
applicant
representative leonhardt@cablone.net
228-424-8022

March 17, 2016 submission
April 26, 2016 Planning meeting
date

REQUIRED ITEMS:

*Address
individually
for each
variance*

- A. ✓ A statement describing the variance request and the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically...
 - ✓ THE CONDITIONS FOR GRANTING A VARIANCE:
 - ✓ 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?
 - ✓ ② WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
 - ✓ ③ ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
 - ✓ ④ WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?
- ✓ B. 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.
- C. 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.
- D. Payment of fee for Variance Request: ^{100.00} \$500.00 as per Ordinance 2012-020

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 ~~\$500.00~~^{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 designated 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.

Sandea L. Meidonyan
Signature of Applicant

Sandea Meidonyan
Signature of Property Owner

_____ For Official Use Only _____

- ~~\$500.00~~^{100.00}
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owners

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

City of Diamondhead,

My name is Sandra Merdinyan and I own 291 Highpoint Drive in Diamondhead. My property is located behind the seventeenth tee box of the Cardinal Golf Course. The property slants down toward my townhouse from the direction of the golf course and it slants down from left to right paralleling with my townhouse porch (while looking at the townhouse.). The property consists of hard pan dirt and multiple root systems from the numerous trees on, and adjacent to, the property.

I have had several landscapers out to ask about growing grass in this area. They all agree that with the lack of sunlight to this area, grass cannot be grown here. They have tried to do so, unsuccessfully in the past. Next, I invited several companies to see if I could build a paver patio in this area. They all agreed that, with the sand/ dirt landscape, a patio would not be feasible, especially because any sand put down under the pavers would be eroded during inclement weather, making for unsightly, but more importantly unsafe conditions. Also the above ground root systems and the uneven terrain would prohibit a smooth, safe patio.

My final idea was to build a deck. When I met with the building permit official, who was extremely helpful, I was told that my property is only about 10 feet away from the property line. This was very surprising as my townhouse is at least 80 feet away from the seventeenth tee box. The president of the Highpoint POA was shocked. His committee had already approved my deck. My plan was to build a deck going out 18 feet from my house and 28 feet wide. The reason I needed it that big is because a tree, that is only 9 1/2 feet from my porch will be in the middle of the deck, which removes usable area. The permit officer also told me that new codes state that anything built needs to be 20 feet away from the property line. Therefore, I am requesting the variance to be able to build a 10 feet by 28 feet deck.

I feel that my request meets the criteria set forth by the city.

- A. Almost all of the other property owners in Highpoint have a grassy area at the rear of their townhouses, sloping toward the golf course. (Exceptions to this are the other two townhouses in my building.) Some people have patios, tables and chairs and other outdoor furniture in this area. They are able to enjoy this outside space. The numerous trees and dirt landscape prohibit me from having an equitable, enjoyable outdoor area.
- B. As stated above, the condition of the land deprives me of the right to enjoy the property at the rear of my unit.
- C. The conditions of the property are not caused by me, as the owner. I have exhausted all other possibilities for making an area in which I could enjoy the outdoor property in the rear of my building.
- D. The variance would not give me any privileges or rights not shared by the other owners of Highpoint.

I have included the following with this application:

- A. The property address and name and mailing address of the owners of each lot within 300 feet of my property.
- B. The plot map of my property showing where the deck would be built.
- C. A more detailed drawing of the deck specifications.
- D. The application for the variance.

DIAMONDHEAD GOLF & COUNTRY CLUB HOMEOWNERS ASSOCIATION
 100 Diamondhead Circle • Diamondhead, MS 39234 Phone (334) 333-1900 / Fax (334) 333-1996
 Architectural Advice: 119 Wall Street (228) 433-1900, ext. 123

PERMIT FOR EXTERIOR INTERIOR WORK
HOUSING

RECEIVED
 APR 08 2016
 BY: _____

Property Owner's Name		Sandra Merdinyan			
Address	291 Highpoint Dr.				
City	Diamondhead	State	MS	Zip	39524
Telephone #	401-524-9996				

Property Description

Phase	Unit	291	Block		Lot		Highpoint 291
-------	------	-----	-------	--	-----	--	---------------

Roof	Color		Material	Wood Decking
------	-------	--	----------	--------------

Paint and Siding	Color	Highpoint Gray
------------------	-------	----------------

Removal of Diseased or Problem Trees	
<p>* This Deck Does Not Encroach on P.D.A. Golf Course. <i>[Signature]</i></p>	

Other	Request to build a 10' x 22' deck Add shrubbery and white stones
-------	---

Date	4/6/16	Signature of Property Owner	Sandra K. Merdinyan
Date	4/6/16	Approved By	<i>[Signature]</i>

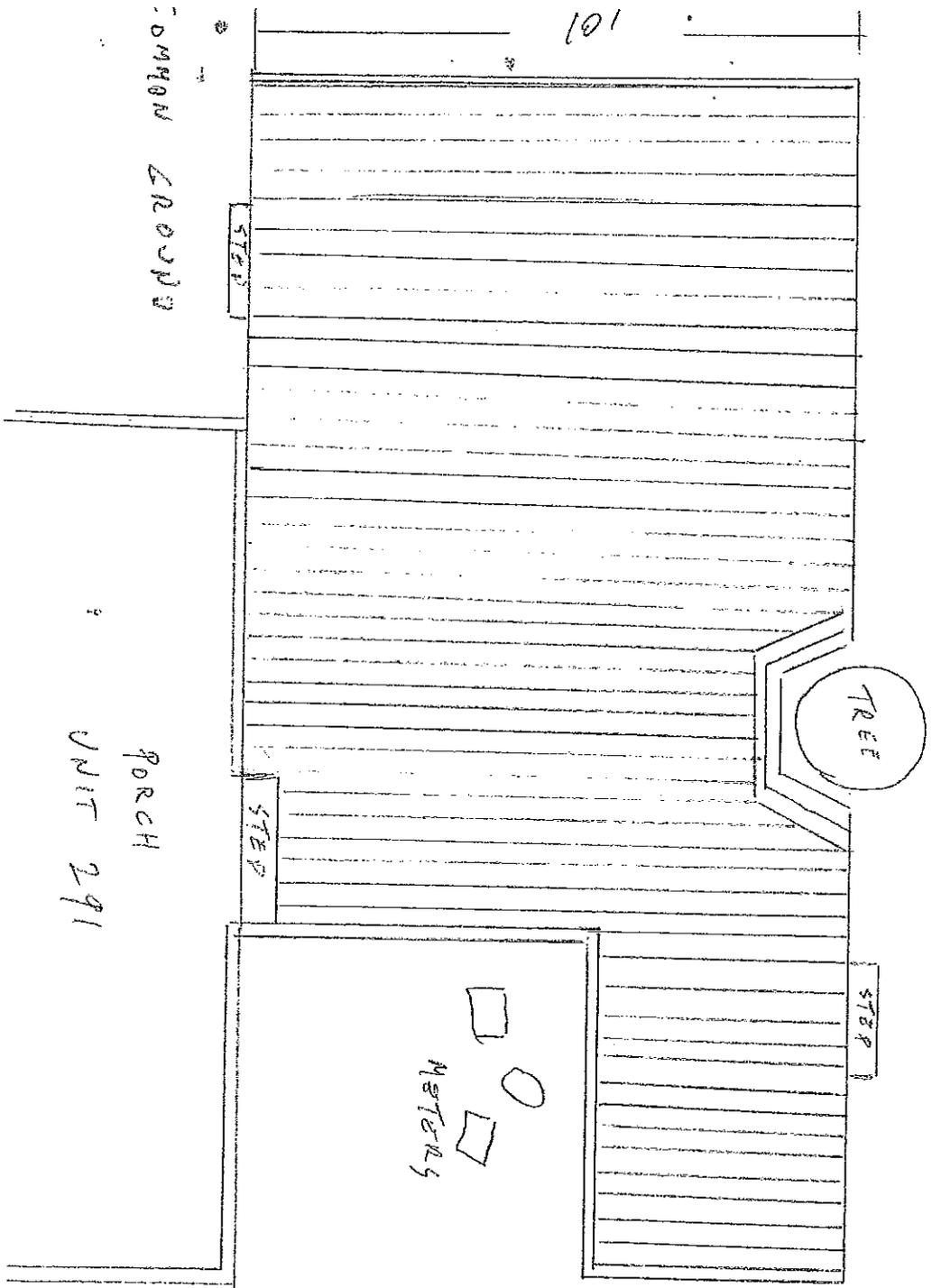
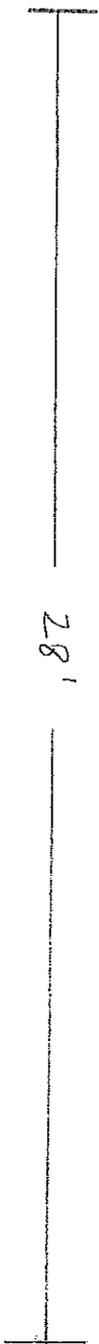
THIS PERMIT SHALL BE VOID IF NOT DISPLAYED ON LOCATION OF WORK OR IF WORK IS NOT COMMENCED WITHIN 90 DAYS AND WORK SHALL THEN BE PERFORMED DILIGENTLY UNTIL COMPLETION.

- * This 10x22 Ft. wooden deck appears to be 8' to 10' ft. as proposed from the rear property line.
- * This deck shall be constructed in such a manner in sections, to be removed at a later date if a conflict of boundaries arise.

Deck Proposal

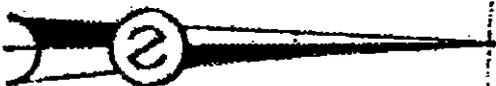
291 Highpoint Dr.
Sandra L. Merdinyan

COSTA MOUNTAIN
DESIGN



HANCOCK COUNTY, MISSISSIPPI

SCALE: 1" = 50'



17TH
FAIRWAY

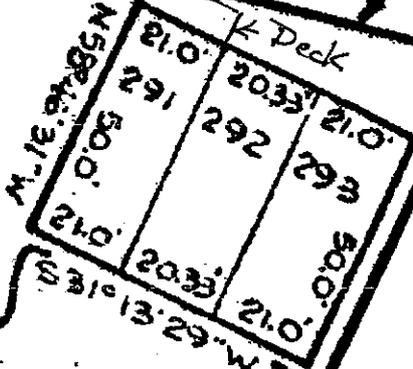
FUTURE
DEVELOPMENT

POINT OF
BEGINNING

N 20° 20' 27" E
55.09' ---

S 87° 52' E - 118.36'

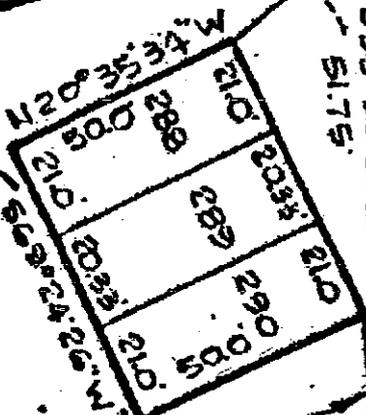
S 85° 30' 31" E
51.75'



S 58° 46' 31" E - 222.76'

N 89° 46' 04" E
31.51'

N 58° 46' 31" W
31.51'



N 12° 34' 58" W
102.58' ---

HIGH
POINT
PIASE 3
N 02° 08' E
65.0' ---

N 3° 16' 16" W
102.58' ---