



**BOARD OF ADJUSTMENT
ORDER OF ITEMS
January 11, 2016**

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: December 14th, 2015

NEW BUSINESS

Variance

Application by **Merle Holliman (1444)** for a Variance to allow an accessory building in excess of the allowable maximum size in accordance with Article X, Paragraph 6 Page 101 of the DeSoto County Zoning Ordinance. Subject property is located at 3964 Jaybird, on the east side of Jaybird Road and north of Bolin Road , Parcel #3-07-5-21-00-0-00018-00 in Section 21, Township 3, Range 5 and is zoned A. (District 5)

Application by **Debra Summerford (1446)** for a Variance to allow a variance to allow class 8 truck parking in AR in accordance with Article XV, Page 123 of the DeSoto County Zoning Ordinance. Subject property is located at 6177 Primrose Lane, on the south side of Primrose Lane and west of Hwy 301 Parcel #1-09-7-36-03-0-00003-00 in Section 36, Township 1, Range 9 and is zoned AR. (District 3)

Application by **Nathan Arnold (1447)** for a Variance to allow an accessory building in excess of the allowable maximum size in accordance with Article X, Page 103 the DeSoto County Zoning Ordinance. Subject property is located at 4045 Green Meadow Dr., on the west side of Green Meadow Dr. and north of Green Village Drive, Parcel #3-08-7-26-01-0-00012-00 in Section 26, Township 3, Range 8 and is zoned A. (District 5)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, January 11, 2016, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Tom Williams, Mike Duncan, Phillip Steward and Rudy Davis. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Robert Quimby, Board Attorney.

Board of Adjustment Chairman Mr. Williams called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated December 14, 2015. Mr. Davis made a Motion to approve the minutes as presented. Mr. Duncan seconded the Motion. The Motion was passed with a unanimous vote.

Ms. Ashley Hendricks explained the meeting process, the provisions for Board approval of a Conditional Use and a Variance under the DeSoto County Zoning Ordinance, and the appeal process. She stated the deadline to file an appeal on items heard at this meeting is January 21, 2016 at 5:00 p.m. She then stated any appeals filed for Board actions taken at this meeting will be heard by the Board of Supervisors on February 16, 2015, at 11:00 a.m.

NEW BUSINESS

Variance

Application by Merle Holliman (1444) for a Variance to allow an accessory building in excess of the allowable maximum size in accordance with Article X, Paragraph 6 Page 101 of the DeSoto County Zoning Ordinance. Subject property is located at 3964 Jaybird, on the east side of Jaybird Road and north of Bolin Road , Parcel #3-07-5-21-00-0-00018-00 in Section 21, Township 3, Range 5 and is zoned A. (District 5)

Mr. Hopkins presented the application by Merle Holliman for a Variance to allow an accessory building larger than 50% of the square footage of the primary structure. He stated Mr. Merle Holliman was present to represent the application.

Mr. Holliman stated he is asking for a Variance to build a storage building on the rear of his property to store lawn equipment and tractors. He stated the existing storage building on the site is currently being torn down.

Mr. Steward asked if the proposed building would be a metal building. Mr. Holliman stated the proposed storage building would be metal sheeting on a wood structure. Mr. Steward asked what size the building would be. Mr. Holliman stated the building would be 36'x30'.

Mr. Williams asked if there was anyone to speak for or against the item. There was no one present.

Mr. Stewart made a Motion to approve the Variance application by Merle Holliman to allow an accessory building larger than 50% of the square footage of the primary structure at 3964 Jaybird based on staff recommendations and findings that special conditions and circumstances exist which are peculiar to the land, structure, or building involved; literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district; special conditions and circumstances do not result from the actions of the applicant; and granting the Variance will not confer on the applicant any special privilege that is denied by the ordinance to other lands, structures, or buildings in the same zoning district. Mr. Duncan seconded the motion. The Motion was passed with a unanimous vote.

Application by Debra Summerford (1446) for a Variance to allow a variance to allow class 8 truck parking in AR in accordance with Article XV, Page 123 of the DeSoto County Zoning Ordinance. Subject property is located at 6177 Primrose Lane, on the south side of Primrose Lane and west of Hwy 301 Parcel #1-09-7-36-03-0-00003-00 in Section 36, Township 1, Range 9 and is zoned AR. (District 3)

Mr. Hopkins presented the application by Debra Summerford for a Variance to allow parking of a class 8 truck on a residential lot in the AR zone. He stated Ms. Debra Summerford was present to represent the application.

Ms. Debra Summerford came forward and stated that she researched the property before purchasing and did not find any restrictions on this property to keep them from parking a class 8 truck on the property. She stated that prior to purchasing this property her husband parked his truck at a truck stop and the truck was broken into numerous times. She then stated that after purchasing the home on Primrose Drive they installed a limestone drive/parking pad to park the truck on. Ms. Summerford stated the truck is only parked on the property approximately 45-48 times per year.

Mr. Stewart asked what route is used to the house. Ms. Summerford stated the route used is Goodman Road to Hwy 301 to Primrose Drive.

Mr. Davis asked what the width of Primrose Drive is. Ms. Summerford stated she was not sure the width of Primrose Drive.

Mr. Davis asked what the weight limit is on Primrose Drive. Ms. Summerford stated that when they researched the property prior to purchasing they found no restrictions.

Mr. Stewart asked if there were any bridges or culverts on the street or onto the property. Ms. Summerford stated there were not.

Mr. Williams asked if there are any County road restrictions that would prevent this. Mr. Quimby stated Mr. Andy Swims, County Road Manager, was present to address road restrictions. Mr. Swims stated that Primrose Drive is posted with a "No Trucks" sign to protect the road from the repetitive driving of class 8 vehicles; it was repaved last year. On posted roads, the weight limit is 15,000 lbs. Even if the road were not posted, the

weight limit would be 30,000 lbs pursuant to State law. It is estimated that the Summerfords' tractor and cab unloaded weigh 21,000 lbs.

Mr. Stewart asked when the applicant purchased the home. Ms. Summerford stated they purchased the home in October of 2015. She then stated she researched the Parking Ordinance adopted in 2015 and the ordinance did not include A-R zoned property in the parking restrictions.

Mr. Quimby explained the Off-Street Parking Ordinance. Class 8 trucks are prohibited in residential zones. One aspect of the A-R zone is residential. Thus, in the A-R zone, you must look to see if the property in question is primarily agricultural or residential. With the Summerfords' property being utilized solely for residential use, the ordinance would prohibit the parking of a class 8 vehicle.

Mr. Stewart asked if the tractor and trailer or just the tractor would be parked on the property. Ms. Summerford stated both and that the weigh varied depending on the load.

Mr. Stewart asked if the applicant made sure they would be allowed to park the truck on the property prior to purchasing the property. Ms. Summerford stated they hired a real estate agent to find the property and that this particular property's covenants did not restrict the parking of the class 8 truck on the lot. Mr. Quimby explained that covenants are private contracts between the homeowner and their HOA; the County does not enforce covenants.

Mr. Stewart asked how the applicant found out she needed a Variance in order to park on the property. Ms. Summerford stated there was a notice on her door from the DeSoto County Environmental Services Department.

Ms. Summerford stated the sign was not there when they purchased the property.

Mr. Davis stated that, based upon his familiarity with 2 axel trucks such as the one in question, he is concerned that the asphalt street will be damaged by the truck during the heat of the summer when the asphalt gets soft.

Mr. Duncan stated even if the Board of Adjustment approves the Variance to park the class 8 truck on the property, the applicant will not be able to access the property due to the weight limits on the road. Ms. Summerford their truck is no heavier than the garbage truck that goes up and down the road.

Mr. Stewart asked what the policy is on a violation of the weight limit on a road. Mr. Swims stated the violator will be ticketed by the DeSoto County Sherriff Department. Ms. Summerford stated a Sherriff's Deputy came to her home due to the Class 8 truck being on her property. She stated that she told the deputy that the sign recently was installed and the deputy told her that the sign went up after she purchased her home they

would be “grandfathered in”. Mr. Swims stated the County does not “grandfather” posted signs.

Mr. Williams asked if there was anyone to speak for or against this item. There was no one.

Mr. Davis made a Motion to deny the application by Debra Summerford for a Variance to allow parking of a class 8 truck on a residential lot in the AR zone based upon staff, legal, and road management recommendations and also because it will confer on the applicant a special privilege that is denied by the ordinance to other lands, structures, or buildings in the same zoning district. Mr. Steward seconded the Motion. The Motion was passed with a unanimous vote.

Application by Nathan Arnold (1447) for a Variance to allow an accessory building in excess of the allowable maximum size in accordance with Article X, Page 103 the DeSoto County Zoning Ordinance. Subject property is located at 4045 Green Meadow Dr., on the west side of Green Meadow Dr. and north of Green Village Drive, Parcel #3-08-7-26-01-0-00012-00 in Section 26, Township 3, Range 8 and is zoned A. (District 5)

Mr. Hopkins presented the application by Nathan Arnold for a Variance to allow an accessory building larger than 50% of the square footage of the primary structure. He stated Mr. Nathan Arnold was present to represent the application. Mr. Cardosi stated the applicant has received approval from the HOA for the storage building.

Mr. Williams asked what the accessory building would be used for. Mr. Arnold stated it will be used for personal storage for a boat, a mustang and lawn equipment.

Mr. Williams asked if there was anyone present to speak for or against the application. There was no one.

Mr. Duncan made a Motion to approve the Variance application by Nathan Arnold to allow an accessory building larger than 50% of the square footage of the primary structure at 4045 Green Meadow Drive based on staff recommendations and findings that special conditions and circumstances exist which are peculiar to the land, structure, or building involved; literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district; special conditions and circumstances do not result from the actions of the applicant; and granting the Variance will not confer on the applicant any special privilege that is denied by the ordinance to other lands, structures, or buildings in the same zoning district. Mr. Davis seconded the motion. The Motion was passed with a unanimous vote.