



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

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: March 14, 2016

NEW BUSINESS

Conditional Use

Application by **William and Alisha Harris** (1484) for a conditional use under Article V, Paragraph 1, Section C, (18), Page 23 of the DeSoto County Zoning and Subdivision Regulations to allow a second mobile home for hardship. Subject property is located at 8030 Crestview Road, on the south side of Wheeler Road, between Crestview Road and Tulane Road, Parcel # 4-08-5-16-01-0-00001-00 in Section 16, Township 4, Range 8 and is zoned Agricultural. (District 5)

Application by **Larry Walker (Larry's Place) (1474)** for an extension of time and an expansion use of a Conditional Use to allow lodge or private club in accordance with Article V, Paragraph 2, Section C(5) Page 27 of the DeSoto County Zoning Ordinance. Subject property is located at 2185 Lester Road, on the south side of Lester Road and east of Tchoulaoma Road, Parcel #2-07-8-28-00-0-00007-10 in Section 28, Township 2, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, April 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, Earl Ward and Rudy Davis. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Robert Quimby, Board Attorney.

Board of Adjustment Chairman Mr. Steward called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated March 14, 2016. Mr. Ward made a Motion to approve the minutes as presented. Mr. Davis 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 April 21, 2016, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on May 18, 2015, at 11:00 a.m.

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Mr. Hopkins presented the application by William and Alisha Harris for a Conditional Use to allow a second mobile home for hardship in the A zone. Ms. Alisha Harris was present to present the application.

Ms. Harris stated she and her husband would like to be able to but a mobile home on her parents property for financial reasons. She stated she is pregnant and her husband works nights; for safety reasons she would like to be close to her parents.

Mr. Ward asked what kind of time frame the applicant would need for a mobile home on the property. Ms. Harris stated 2 to 3 years would be more than enough time. Mr. Duncan asked if the applicant would be comfortable with 5 years. Ms. Harris stated she would be.

Mr. Ward made a Motion to approve the Conditional Use to allow a second mobile home for hardship in the A zone with the following condition:

1. For a time limit of five (5) years until April 11, 2021.

Mr. Williams seconded the motion. The Motion was passed with a unanimous vote.

Application by Larry Walker (Larry's Place) (1474) for an extension of time and an expansion use of a Conditional Use to allow lodge or private club in accordance with Article V, Paragraph 2, Section C(5) Page 27 of the DeSoto County Zoning Ordinance. Subject property is located at 2185 Lester Road, on the south side of Lester Road and east of Tchoulahoma Road, Parcel #2-07-8-28-00-0-00007-10 in Section 28, Township 2, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)

Mr. Hopkins presented the Conditional Use application by Larry Walker for an extension of time and an expansion of the use of a Conditional Use to allow a lodge or private club. Mr. Larry Walker was present to present the application.

Mr. Walker came forward and stated that he would like to have an extension on the time of his existing Conditional Use to allow a restaurant and would like to expand the use to be allowed to hold special events such as birthday parties, repasses and ball games.

Mr. Ward stated he is concerned with the hours of operation on Sunday. Mr. Walker stated his business would not be open until 2:00 a.m. on Sunday, he would only be open until 8:00 or 9:00 p.m. on Sunday.

Mr. Ward stated he is also concerned with how many times the Sherriff's Department has been called to the establishment.

Mr. Steward asked how long the restaurant has been in operation. Mr. Walker stated his restaurant has been open for about 22 years.

Mr. Steward asked if there was anyone to speak for or against this item.

Sherriff Bill Rasco came forward and stated his department has had numerous calls for such things as shootings, alcohol related problems, and disturbance calls. He then stated he doesn't understand why alcohol is involved in kid-related events such as baseball games. He then stated that the people who come to these events are from outside of DeSoto County. Sherriff Rasco stated he is concerned with the late operational hours. He then stated there is not a regularly operating restaurant at this location; food is only cooked during special events. He stated he is also concerned with shots being fired at the establishment.

Mr. Steward asked Mr. Walker to explain the calls mentioned by the Sherriff. Mr. Walker stated there have been fights at his restaurant but the people that were causing trouble are no longer coming to events.

Mr. Ward asked if the restaurant serves beer. Mr. Walker stated he will not allow that crowd to come anymore. Mr. Steward asked what type of crowd he is referring to. Mr. Walker stated the younger, underage crowd.

Mr. Davis asked when ballgames would take place if allowed. Mr. Walker stated that ball games would take place on Saturday and Sunday only.

There was discussion of alcohol being served at kids' events.

Mr. Duncan asked if anything has happened since the last time Mr. Walker came before the Board. Sherriff Rasco stated they have been monitoring the site pretty closely. He then stated a review of social media indicates rappers will still be coming to the establishment.

There was discussion of earlier hours and no alcohol being allowed at the site.

Sherriff Rasco stated he is not against anyone having a business, but since he has been in office Larry's Place has been a nightmare.

Mr. Quimby advised that the applicant is only requesting a restaurant and to hold special events. He can let kids play baseball on the property without getting a Conditional Use.

There was discussion of when it goes from being a baseball field with random games to being a special event or ball tournament.

Mr. Hopkins stated that conditions could be placed on approval such as:

- Security must be present at all events
- Earlier hours
- Specific list of the type of events allowed
- Review required in 6 months

Sherriff Rasco stated that Mr. Walker has had security at his events in the past and it has been inefficient.

Mr. Ward made a Motion to deny the application by Larry Walker for an extension of time and an expansion of the use of a Conditional Use to allow a lodge or private club because it would adversely affect the character of the neighborhood, adversely affect the general welfare of the county, overtax public utilities or community facilities and would be in conflict with the Comprehensive Plan. Mr. Duncan seconded the Motion. The Motion was passed with a unanimous vote.

There was discussion that maybe the applicant could meet with staff, Sherriff Rasco and the Supervisor for that District and try and restructure the use out there.