



**BOARD OF ADJUSTMENT
ORDER OF ITEMS
MARCH 12, 2018**

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: February 12, 2018

NEW BUSINESS

Variance

Application by **Kevin Montgomery (1508)** for a variance to allow a gravel driveway on a lot zoned R-30 in accordance with Article XV, Paragraph 2(a), Page 132 of the DeSoto County Zoning Ordinance. Subject property is located at 5819 Chessie Drive on the west side of Chessie Drive and north of Miller Station Loop Parcel #2-05-2-04-05-0-00001-00 Section 4, Township 2 Range 5 and is zoned R-30 (District 1)

Application by **Torchwood AIU, LLC (1509)** for a variance to allow a front setback of less than 50 ft. in accordance with Lakes of Delta Bluffs Planned Unit Development approval. Subject property is located on Lot 202 of Estates of Delta Bluffs PUD on the east side of Towering Oaks Lane and north of Soaring Oaks Drive Parcel #1-09-7-26-06-0-00202-00 Section 26, Township 1, Range 9 and is zoned PUD (District 3)

Application by **Torchwood AIU, LLC (1510)** for a variance to allow a front setback of less than 50 ft. in accordance with Lakes of Delta Bluffs Planned Unit Development approval. Subject property is located on Lot 203 of Estates of Delta Bluffs PUD on the east side of Towering Oaks Lane and north of Soaring Oaks Drive Parcel #1-09-7-26-06-0-00203-00 Section 26, Township 1, Range 9 and is zoned PUD (District 3)

Application by **Torchwood AIU, LLC (1511)** for a variance to allow a front setback of less than 50 ft. in accordance with Lakes of Delta Bluffs Planned Unit Development approval. Subject property is located on Lot 222 of Lakes of Delta Bluffs PUD on the east side of Soaring Oaks Drive and east of Towering Oaks Lane Parcel #1-09-7-26-07-0-00222-00 Section 26, Township 1, Range 9 and is zoned PUD (District 3)

Application by **Torchwood AIU, LLC (1512)** for a variance to allow a front setback of less than 50 ft. in accordance with Lakes of Delta Bluffs Planned Unit Development approval. Subject property is located on Lot 224 of Lakes of Delta Bluffs PUD on the

south side of Soaring Oaks Drive and east of Towering Oaks Lane Parcel #1-09-7-26-07-0-00224-00 Section 26, Township 1, Range 9 and is zoned PUD (District 3)

Application by **Torchwood AIU, LLC (1513)** for a variance to allow a front setback of less than 50 ft. in accordance with Lakes of Delta Bluffs Planned Unit Development approval. Subject property is located on Lot 225 of Lakes of Delta Bluffs PUD on the south side of Soaring Oaks Drive and east of Towering Oaks Lane Parcel #1-09-7-26-07-0-00225-00 Section 26, Township 1, Range 9 and is zoned PUD (District 3)

Conditional Use

Application by **M&I Properties (1517)** for a Conditional Use to allow gas pumps as an accessory use for a convenience store in accordance with Article VII, Paragraph 1, Section C(4) Page 61 of the DeSoto County Zoning Ordinance. Subject property is located on the west side of Red Banks Road and south of Byhalia Road, Parcel #3-05-3-06-02-0-00001-00 in Section 3, Township 3, Range 5 and is zoned C-1. (District 1)

Application by **Charles Charnes and Denise Cutrone (1518)** for a Conditional Use to allow private club/lodge in accordance with Article V, Paragraph 1, Section C(30) Page 26 of the DeSoto County Zoning Ordinance. Subject property is located at 5415 Robertson Gin Road, on the west side of Robertson Gin Road and south of Clifton Road, Parcel #3-08-8-34-00-0-00009-00 in Section 34, Township 3, Range 8 and is zoned A. (District 5)

Application by **Greg Craigen (1519)** for a Conditional Use under Article V, Paragraph 2, Section C (13), Page 30 of the DeSoto County Zoning Ordinance to extend a Conditional Use of an existing auto repair shop. Subject property is located at 1710 Holly Springs Road on the north side of Holly Springs Road and west of Jaybird Road, Parcel #3-07-4-17-00-0-00010-01 in Section 17, Township 3, 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, March 12, 2018, in the Planning Commission Conference Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Phillip Steward, Tom Williams, Earl Ward and Rudy Davis. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Sam Barber, 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 February 12, 2018. Mr. Williams made a Motion to approve the minutes as presented. Mr. Ward 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 March 22, 2018, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on April 16, 2018, at 11:00 a.m.

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Mr. Hopkins presented the application by Kevin Montgomery for a variance to allow a gravel driveway on a lot zoned R-30. Mr. Kevin Montgomery was present to present the application.

Mr. Austin Cardosi explained that in 2016 the applicant revised the plat for this 6 acre lot to not be a part of Miller Station Subdivision. He then stated because the lot was still zoned R-30 it would be required to have a paved driveway as is required by the Parking Ordinance.

Mr. Montgomery came forward and stated during the Board of Supervisors meeting to approve the revision of the subdivision plat, they were told that they would be able to have a gravel driveway. He stated while planning the construction of their home they had not planned to install the paved driveway.

Mr. Davis asked if the driveway would be made of clay gravel. Mr. Montgomery stated the driveway would be made of limestone.

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

Mr. Davis made a Motion and Mr. Williams seconded the Motion to approve the application by Kevin Montgomery for a variance to allow a gravel driveway on a lot zoned R-30. The Motion was passed with a unanimous vote.

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Mr. Hopkins stated all of the lots in the above applications were owned by Torchwood AIU, LLC and are all in the same development and would like to present them all together.

Mr. Hopkins presented the applications by Torchwood AIU, LLC for variances to allow a front setback of less than 50 ft. for lots 202, 203, 222, 224 and 225 of Delta Bluffs PUD.

Mr. Robbie Jones, Mr. Trip Folk and Mr. Donnie Chambliss were present to present the applications.

Mr. Robbie Jones stated that they are requesting the variances because the elevation ranges by 20 to 25 feet on these lots and that due to the extreme elevation changes on the lots building sites are very tight.

Mr. Steward asked if most of the lots are developed in this section of the development. Mr. Jones stated there are some that are developed.

Mr. Davis asked what the minimum house size is in the development. Mr. Jones stated the minimum house size is 2,150 sqf.

Mr. Steward asked if there was anyone to speak for or against these items.

Lee Murphy – 7696 Soaring Oaks Dr. – came forward and had the following concerns:

- They had to build up there lots with dirt be able to have a building site
- Sight distance will be diminished if a home is allowed to be closer to the property line on the corner lot
- Traffic safety
- All the other homes in the area are setback off the road

Mr. Hopkins stated that if approved the home will 35 feet off of the property line. He then stated he is not an engineer but there are other lots in the county that have a front setback of 35 feet.

Toney Banks – 1811 Nottaway Dr. – came forward and has the following concerns:

- He had to do a lot of dirt work on his lots
- Traffic safety

Mr. Sam Barber explained that these are five applications and the Board can grant or deny the applications individually.

Mr. Trip Folk stated there are 36 lots in the large lot portion of this development and they are only requesting variances for 5 lots. He stated that in other parts of the development there are lots with front setbacks of only 25-30 feet. He then stated these lots have drop offs on them.

Mr. Donnie Chambliss stated on Lot 203, the corner lot, if the variance is approved he will situate the lot so that the home will be further from the side property line. He then stated there a lot of trees and gully's between the lots.

Mr. Williams stated he feels the lots will not be buildable if the variances are not granted.

Conditional Use

Application by M&I Properties (1517) for a Conditional Use to allow gas pumps as an accessory use for a convenience store in accordance with Article VII, Paragraph 1, Section C(4) Page 61 of the DeSoto County Zoning Ordinance. Subject property is located on the west side of Red Banks Road and south of Byhalia Road, Parcel #3-05-3-06-02-0-00001-00 in Section 3, Township 3, Range 5 and is zoned C-1. (District 1)

Mr. Hopkins stated a representative for M&I Properties was present and has a request.

Mr. Steve Canizaro with IPD came forward and stated the applicant would like to have this item tabled until the April 9, 2018 Board of Adjustment meeting. He stated the applicant and the engineer for this item are both out of town this week.

Mr. Hopkins stated also the Board of Supervisors are requiring the applicant to obtain signatures on the plat for subdivision of a lot that is a part of this application and the applicant is still trying to obtain all the signatures.

Ms. Kim LeBaron stated there are several neighbors here to speak on this item and the April 19, 2018 meeting may a conflict for them to be at to speak. She then asked why only four homeowners are required to sign the plat and not all homeowners in Stonewall Estates. Mr. Bill Welch stated he lives across the street from the site and wanted to know if his signature will be required on the plat. Mr. Hopkins stated that the Board of Supervisors as part of the approval of the subdivision determined the affected parties who needed to sign the plat where the 4 property owners included on that original plat of the subdivision. He showed a copy of the plat and who the Board deemed were the affected parties.

Mr. Williams made a Motion and Mr. Davis seconded the Motion to table the M&I Properties Conditional Use application until the April 9, 2018. The Motion was passed with a unanimous vote.

Application by Charles Charnes and Denise Cutrone (1518) for a Conditional Use to allow private club/lodge in accordance with Article V, Paragraph 1, Section C(30) Page 26 of the DeSoto County Zoning Ordinance. Subject property is located at 5415 Robertson Gin Road, on the west side of Robertson Gin Road and south of Clifton Road, Parcel #3-08-8-34-00-0-00009-00 in Section 34, Township 3, Range 8 and is zoned A. (District 5)

Mr. Hopkins presented the application by Charles Charnes and Denise Cutrone for a Conditional Use to allow a private club/lodge. Ms. Denise Cutrone was present to present the application.

Ms. Denis Cutrone came forward and stated they recently purchased the 130 acres adjacent to their property that was previously approved for a subdivision but that would

like to preserve the area as rural. She then stated they are requesting a Conditional Use to be allowed to operate an events facility to host weddings and party rentals.

Mr. Steward asked if there will be indoor and outdoor music. Ms. Cutrone stated the indoor and outdoor music will be kept to a minimum sound level and there will be no outside music after 11:00 pm.

Mr. Ward asked what the distance is from Clifton Road. Mr. Charles Charnes stated it is about ¼ to ½ mile from the proposed site.

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

Several neighbors came in support of the application.

Charlie and Roni Terry – 5464 Robertson Gin Road – came forward and stated they live across the street from the proposed site and are in support of the project.

William Elrod came forward and stated he lives very close to the property and is not concerned about the potential noise at all.

Mr. Ward made a Motion and Mr. Williams seconded the Motion to approve the Conditional Use by Charles Charnes and Denise Cutrone to allow a private club/lodge for 10 years, until March 12, 2028. The Motion was passed with a unanimous vote.

Application by Greg Craigen (1519) for a Conditional Use under Article V, Paragraph 2, Section C (13), Page 30 of the DeSoto County Zoning Ordinance to extend a Conditional Use of an existing auto repair shop. Subject property is located at 1710 Holly Springs Road on the north side of Holly Springs Road and west of Jaybird Road, Parcel #3-07-4-17-00-0-00010-01 in Section 17, Township 3, Range 7 and is zoned Agricultural-Residential (A-R). (District 5)

Mr. Hopkins presented the Conditional Use application by Greg Craigen to extend the time of an existing Conditional Use to allow an auto repair shop. Mr. Greg Craigen was present to present the application.

Mr. Craigen came forward and stated that he is requesting to extend the time limitation of his existing Conditional Use.

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

Mr. Davis made a Motion and Mr. Ward seconded the Motion to approve the Conditional Use to allow an auto repair shop for 10 years, until March 12, 2028. The Motion was passed with a unanimous vote.

Mr. Davis made a Motion and Mr. Williams seconded the Motion to adjourn. The Motion was passed with a unanimous vote.