



BOARD OF ADJUSTMENT
ORDER OF ITEMS
February 13, 2023

CALL TO ORDER: 7:00
APPROVAL OF MINUTES: January 9, 2023

NEW BUSINESS

Variance

Application by Nick Woolsey (**VAR-001755-2022**) for a variance to allow an accessory building in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 10969 West Commerce on the south side of W Commerce and west of Bluff Road Parcel **#309417000000504** Section 17 Township 3 Range 9 and is zoned A (District 4)

Application by Heather Ray (**VAR-001756-2023**) for a variance to allow an accessory building in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 363 Savage Road on the south side of Savage Road and east of Highway 51 Parcel **#3079310300000500** Section 31 Township 3 Range 7 and is zoned A (District 5)

Application by Rachel Arellano-Torres (**VAR-001757-2023**) for a variance to allow a front building setback of less than 50 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1231 Baldwin Road South on the west side of Baldwin Road South and south of Newell Road Parcel **#3092100200001000** Section 10 Township 3 Range 9 and is zoned A (District 4)

Application by Aaron Baddley (**VAR-001758-2023**) for a variance to allow an accessory building in the designated front yard and to allow the building to be larger than 100% the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4585 Fogg Road on the west side of Fogg Road and south of West Oak Grove Road Parcel **#3089300000002202** Section 30 Township 3 Range 8 and is zoned A (District 5)

Conditional Use

Application by Mary Lou Phillips (**CU-001626-2023**) for a conditional use for a mobile home in hardship conditions in accordance with the DeSoto County

Zoning Ordinance. Subject property is located at 14395 Harden Road on south side of Harden Road and east of Old Pigeon Roost Road Parcel #205516040000500 Section 16 Township 2 Range 5 and is zoned A (District 1)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, February 13, 2023, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Phillip Steward, Mike Hancock, Tom Williams and Mike Duncan. Staff members present included Bennie Hopkins, Ashley Hendricks and Celeste Sanders. Board of Adjustment attorney Mr. Sam Barber was also present by phone.

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 January 9, 2023. Mr. Duncan made a Motion to approve the minutes as presented. Mr. Hancock seconded the Motion. The Motion was passed with a unanimous vote.

Mrs. Celeste Sanders explained the meeting process and the appeal process. She stated the deadline to file an appeal on items heard at this meeting is February 23, 2023, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on March 20, 2023.

NEW BUSINESS

Variance

Application by Nick Woolsey (VAR-001755-2022) for a variance to allow an accessory building in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 10969 West Commerce on the south side of W Commerce and west of Bluff Road Parcel #309417000000504 Section 17 Township 3 Range 9 and is zoned A (District 4)

Mr. Hopkins presented the application by Nick Woolsey for a variance to allow an accessory building in the designated front yard. Mr. Woolsey was present to represent the application.

Mr. Woolsey stated the following:

- wants to put up a storage building
- one side will have an awning for a ski boat, pontoon boat, tractor and some other equipment
- land behind the house is all gulley

- in front of the house is the only flat area to put the shop building
- will be a 40x60 metal building that will cost around \$64,000

Mr. Hancock asked if the building will be seen from the road. Mr. Woolsey replied no, that his property is way off the road with lots of trees

Mr. Duncan asked what the existing building on the property was. Mr. Woolsey stated that was his house and there was currently nothing in the spot where he wants to build the shop.

Mr. Hopkins stated that there is a house on the property in front of Mr. Woolsey's property and you have to drive right by that house to access Mr. Woolsey's property. He stated that you have to drive through a big dip to get to Mr. Woolsey's house. Mr. Hopkins reminded the Board of Adjustment members of the following:

- concerns have been voiced by neighbors and a supervisor about the current state of Mr. Woolsey's property
- the county has been out there to investigate
- there is an environmental services aspect due to numerous vehicles parked in the yard
- Mr. Woolsey is not allowed to run a salvage business on his property
- Any vehicles on the property must be his personally
- allowing Mr. Woolsey to construct this building should help alleviate the issues
- Mr. Woolsey has made an effort to clean things up

Mr. Hancock asked how many cars had been removed from the property. Mr. Woolsey replied with the following:

- removed 16 or 18 cars, possibly as many as 23
- was recycling the vehicles
- using the money to put toward building the shop
- he stated he could get more money by taking the vehicles apart and then selling the parts
- puts the parts in large bins then takes the bins to sell
- not running a business, no people coming to his property
- used to be in law enforcement and does not want anyone on his property
- have 4 hot rods, 4-5 Harley motorcycles, 2 tractors, and some other vehicles/ Equipment

Mr. Duncan asked if he was selling equipment to people and Mr. Woolsey said no.

Mr. Hopkins stated that because Mr. Woolsey was in the A zone he was allowed to park vehicles in the grass. Mr. Hopkins stated that we were just here to address the variance request, anything outside of the building was an environmental services issue.

Mr. Williams asked if there was anyone present to speak for or against the application.

Mr. Don Bennett of 10765 West Commerce was present to speak. Mr. Bennett stated the following:

- he used to own the property that is not Mr. Woolsey's
- sold it to the Teague's then they sold the back part to Mr. Woolsey
- there was a stipulation when the property was sold to the Teague's there was a stipulation that there would be no containers on the property
- Mr. Woolsey has at least 6 containers
- the state of Mr. Woolsey's property is devaluing property values
- definitely environmental issues
- there is a reason that the zoning ordinance states that accessory buildings need to be placed in back yards
- have a problem when the state of the neighbor's property is affecting my property value

Mr. Tyler Wright of 5275 Dean Road was present to speak. He stated the following:

- Mr. and Mrs. Teague are my grandparents
- they live at 10961 West Commerce and Mr. Woolsey drives through their property to access his property, share a driveway
- worried about the commercial aspect, Mr. Woolsey running a business
- if grandparents decide to sell their property Mr. Woolsey's property will affect property values

Mr. Duncan stated again that the issue before the BOA tonight was a variance to allow an accessory building in the designated front yard. He stated that the BOA could not control any environmental issues. Mr. Hancock agreed that environmental issues were out of the BOA's jurisdiction. Mr. Duncan asked Mr. Woolsey if the proposed location of the building was the only place it could go. Mr. Woolsey stated yes, that because of the topography of the property this was the only flat spot.

Mr. Williams stated that the proposed building could help hide the mess the neighbors were concerned about.

Mr. Hancock made a Motion and Mr. Duncan seconded the Motion to approve the application by Nick Woolsey for a variance to allow an accessory building in the designated front yard. The Motion passed with a 3-1 vote with Mr. Steward voting no.

Application by Heather Ray (VAR-001756-2023) for a variance to allow an accessory building in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 363 Savage Road on the south side of Savage Road and east of Highway 51 Parcel #307931030000500 Section 31 Township 3 Range 7 and is zoned A (District 5)

Mr. Hopkins presented the application by Heather Ray for a variance to allow an accessory building in the designated front yard. Mrs. Ray was present to represent the application.

Mrs. Ray stated the following:

- building currently on property has been there for more than 22 years
- nowhere else to put a building
- would like to tear down the existing pole barn and put up a metal building

Mr. Duncan asked if the new building would have a concrete floor and power. Mrs. Ray replied yes.

Mr. Williams asked what the building would be used for. Mrs. Ray said the building would be used to store 4 wheelers and other equipment. Mr. Williams stated that it looked like this was a secluded area. Mrs. Ray responded that yes, it was a secluded area, there was no room behind the house and that this was the only flat part of their property.

Mr. Williams asked if it would be a metal building. Mrs. Ray said yes, a 26x30 building.

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

Mr. Steward made a Motion and Mr. Hancock seconded the Motion to approve the application by Heather Ray for a variance to allow an accessory building in the designated front yard. The Motion passed with a unanimous vote.

Application by Rachel Arellano-Torres (VAR-001757-2023) for a variance to allow a front building setback of less than 50 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1231 Baldwin Road South on the west side of Baldwin Road South and south of Newell Road Parcel #3092100200001000 Section 10 Township 3 Range 9 and is zoned A (District 4)

Mr. Hopkins presented the application by Rachel Arellano-Torres for a variance to allow a front building setback of less than 50 feet. Mrs. Arellano-Torres and her father were present to represent the application.

Mr. Williams asked if the variance was needed for the setback being 30 feet instead of 50 feet. Mr. Hancock said yes, because of the ditch running through the property.

Mr. Hopkins stated that there is a right-of-way for a future road to the north of the property so because of that this is considered a corner lot with two frontages and that is why they need a variance on the setback.

Mr. Williams asked if there had been any calls or if anyone was present to speak for or against the application.

Mr. Ken Waldrip of 4033 Jessica Drive was present to speak. He stated the following:

- own the 21 acres behind the Arellano-Torres property

- just want to make sure that nothing affects the easement
- stated that there is a neighborhood going in the area and the land has been cleared already

Mr. Hancock stated that the variance application would not affect the right-of-way for the proposed street. He stated that they were asking for a setback that was 20 feet less than what was required.

Mr. Williams asked what kind of house was going to be built. Mrs. Arellano-Torres replied that it was going to be a 2400 square foot house, conventional foundation, board and batten with some brick.

Mr. Hancock made a Motion and Mr. Duncan seconded the Motion to approve the application by Rachel Arellano-Torres for a variance to allow a front setback of less than 50 feet. The Motion was approved with a unanimous vote.

Application by Aaron Baddley (VAR-001758-2023) for a variance to allow an accessory building in the designated front yard and to allow the building to be larger than 100% the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4585 Fogg Road on the west side of Fogg Road and south of West Oak Grove Road Parcel #308930000002202 Section 30 Township 3 Range 8 and is zoned A (District 5)

Mr. Hopkins presented the application by Aaron Baddley for a variance to allow an accessory building in the designated front yard and to allow the building to be larger than 100% the square footage of the primary structure. Mr. Aaron Baddley was present to represent the application.

Mr. Williams asked if this was where Black's store used to be. Mr. Baddley replied yes.

Mr. Duncan asked if this was the only place that the building could go. Mr. Baddley stated the following:

- yes, only place building can go
- property slopes from the front to the back
- won't be a tall building
- due to topography of land in area the neighbors won't even be able to see the building

Mr. Hancock asked what the building would be used for. Mr. Baddley replied:

- have 4 antique trucks, 2 antique cars, tractors, antique motorcycles, etc.
- will have a gravel floor
- will be a metal building, same colors as house
- basically a pole barn with sides

Mr. Hancock asked if the building would have electricity or plumbing. Mr. Baddley stated it would not, he would not be working out the building, just storing stuff.

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

Mr. Steward made a Motion and Mr. Hancock seconded the Motion to approve the application by Aaron Baddley for a variance to allow an accessory building in the designated front yard and to allow the building to be larger than 100% the square footage of the primary structure. The Motion passed with a unanimous vote.

Conditional Use

Application by Mary Lou Phillips (CU-001626-2023) for a conditional use for a mobile home in hardship conditions in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 14395 Harden Road on south side of Harden Road and east of Old Pigeon Roost Road Parcel #2055160400000500 Section 16 Township 2 Range 5 and is zoned A (District 1)

Mr. Hopkins presented the application by Mary Lou Phillips for a conditional use for a mobile home in hardship conditions. Ms. Phillips and family were present to represent the application.

Mr. Sammie Phillips of 153 Sandy Betts Road (???) stated the following:

- sister is deaf and dumb
- lost her husband
- lost her son that took care of her
- stays in the old mobile home
- want to replace the old mobile home with a newer, smaller one
- spending too much money trying to repair the old mobile home

Mr. Williams asked if they were going to remove the old mobile home. Mr. Phillips stated yes, not keeping the old one. Mr. Williams stated that you had to replace it with a mobile home that was 10 years old or newer. Mr. Phillips replied that they were aware of the age limit on mobile homes and that they were looking at a 2021 model.

Mr. Steward asked if there was anyone present to speak for or against the application or any phone calls. Ms. Hendricks stated that there had been no phone calls. There was no one present to speak for or against the application.

Mr. Williams asked who was going to be living in the mobile home. Mr. Phillips stated his sister, Pattie Huderson was the only person that would be living there.

Mr. Steward made a Motion to approve the application by Mary Lou Phillips for a conditional use for a mobile home in hardship conditions for the lifetime of Ms. Pattie Hudderson. Mr. Duncan seconded the Motion. The Motion passed with a unanimous vote.

Ms. Hendricks stated that the Board of Adjustment needed to elect officers for this year. She stated that the officers had only served 2 years and were allowed to serve 3 years.

Mr. Hancock made a Motion to leave the officers as they are now. Mr. Steward seconded the Motion. The Motion passed with a unanimous vote.

Mr. Duncan made a Motion and Mr. Hancock seconded the Motion to adjourn. The Motion passed with a unanimous vote.