



BOARD OF ADJUSTMENT
ORDER OF ITEMS
February 14th, 2022

CALL TO ORDER: 7:00
APPROVAL OF MINUTES: January 10th, 2022

NEW BUSINESS

Variance

Application by Marshall Odum (**VAR-001692-2022**) for a variance to allow a front setback of less than 50 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7051 Odum Crossing on the south side of Odum Crossing and east of Marshall Farms Drive Parcel **#2096140300000800** Section 14 Township 2 Range 9 and is zoned A-R (District 4)

Application by Michael Short (**VAR-001693-2022**) for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 10794 Woolsey Road on the north side of Woolsey and west of Bethel Road Parcel **#2066230000002204** Section 5 Township 4 Range 7 and is zoned A (District 1)

Conditional Use

Application by Edwin Maxwell (**CU001609-2022**) for a mobile home in hardship conditions in A-R zone in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1902 Laughter Road on East Side of Laughter Road and south of Watson Place Blvd Parcel **#2077250000000600** Section 25 Township 2 Range 7 and is zoned AR (District 5)

Application by Goldie Scott and James Wright (**CU001608-2022**) for a conditional use in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2109 Wright Road on East Side of Wright Road and north of Red Banks Road North Parcel **#2054200200000600** Section 20 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 14, 2022, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Earl Ward, Phillip Steward, Mike Hancock, Tom Williams and Mike Duncan. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks, and Celeste Sanders.

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 10, 2022. Mr. Ward made a Motion to approve the minutes as corrected. 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 February 24, 2022, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on March 21, 2022.

NEW BUSINESS

Variance

Application by Marshall Odum (VAR-001692-2022) for a variance to allow a front setback of less than 50 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7051 Odum Crossing on the south side of Odum Crossing and east of Marshall Farms Drive Parcel #2096140300000800 Section 14 Township 2 Range 9 and is zoned A-R (District 4)

Mr. Hopkins presented the application by Marshall Odum for a variance to allow a front setback of less than 50 feet. Mr. Marshall Odum was present to represent the application.

Mr. Cardosi described the proposed location of the house.

Mr. Odum stated that the house would sit too close to the creek behind the property without a variance. His lot is in a cul-de-sac with nothing around it.

Mr. Duncan asked if any work had been done yet. Mr. Odum responded that form boards had been put up to get the survey done.

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

Mr. Hancock stated that the 100 year floodline shown on the survey made it look like Mr. Odum didn't need to move the house forward on the property.

Mr. Cardosi stated that there was a 15 foot drop from the woods line to the creek to which Mr. Odum agreed.

Mr. Ward made a Motion and Mr. Steward seconded the Motion to approve the application by Marshall Odum for a variance to allow a front setback of less than 50 feet as shown on applicant exhibit. The Motion was passed with a unanimous vote.

Application by Michael Short (VAR-001693-2022) for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 10794 Woolsey Road on the north side of Woolsey and west of Bethel Road Parcel #2066230000002204 Section 5 Township 4 Range 7 and is zoned A (District 1)

Mr. Hopkins presented the application by Michael Short to allow an accessory building to be larger than 50% of the square footage of the primary structure. Mr. Short was present to represent the application.

Mr. Short stated that he had bought more land than what was being shown on the site and location map. He purchased 0.75 acres last year which made his property 0.25 shy of the amount of land he needed to put the building up without a variance. His new piece of property is just not showing up on the map or on the database yet. Mr. Short showed the location of his house since it was not showing up on the aerial image.

Mr. Hopkins stated that Mr. Short is still short on acreage and still needs a variance.

Mr. Williams asked if anyone had called or if anyone was here to speak for or against this application.

Ms. Virginia Woolsey of 10365 Woolsey Road was present. She stated that she has concerns about having a business on the road. She is worried about traffic and property values if a large shop building was placed on this property. She had questions about what the building is going to be used for and if a construction company was going to be run from this location.

Mr. Williams asked what the purpose of the building was. Mr. Short stated that the building was for personal use to store his boat, camper, equipment, etc.

Mr. Steward asked if the building was being built for commercial use to which Mr. Short replied no.

Mr. Hopkins stated that there are some uses allowed because this is a home based business but there should be no employees or the public coming in and out of the building.

Ms. Woolsey stated that she was not really satisfied. Mr. Short is showing this address as his head office for his business. She is worried the building will be an eye sore.

Mr. Hancock asked if the building was going on the back of the property to which Mr. Short replied yes.

Mr. Ward asked what materials were being used. Mr. Short stated it would be a metal building.

Mr. Hancock asked if this was going to be your business address. Mr. Short stated that he runs his business out of his house.

Ms. Woolsey stated that 200 square feet was a very large building.

Mr. Williams stated that on the aerial it looked like the building would be hidden.

Ms. Woolsey asked about the property behind. Mr. Hancock responded that behind the property was a flood zone.

Mr. Hopkins reminded everyone that the issue here was to address the variance for a larger than allowed accessory building.

Mr. Hancock made a Motion to approve the application by Michael Short to allow an accessory building to be larger than 50% of the square footage of the primary structure and Mr. Steward seconded the Motion. The Motion was passed with a unanimous vote.

Application by Edwin Maxwell (CU001609-2022) for a mobile home in hardship conditions in A-R zone in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1902 Laughter Road on East Side of Laughter Road and south of Watson Place Blvd Parcel #207725000000600 Section 25 Township 2 Range 7 and is zoned AR (District 5)

Mr. Hopkins presented the application by Edwin Maxwell for a mobile home in hardship conditions in A-R zone. Mr. Edwin Maxwell was present to represent the application.

Mr. Maxwell stated that he moved to the property to take care of his father, Lonnie Jones. He had lived there all these years and was about to retire. He wants to stay where he is currently. He wants to work with his family to purchase the land so he can keep living there because it has been his home for over a quarter of his life.

Mr. Duncan asked if he moved there with Lonnie Jones. Did he live with his brother?

Mr. Cardosi asked Mr. Maxwell when he moved to the property to which Mr. Maxwell responded 1989.

Mr. Hancock asked if that was with Lonnie Jones and Mr. Maxwell stated yes.

Mr. Cardosi asked if 1988 was when Mr. Maxwell's brother moved in and if they got a conditional use. Mr. Maxwell stated he thought they did.

Mr. Duncan asked how long Mr. Maxwell has lived on the property. Mr. Maxwell said he has lived there for 32 years.

Mr. Cardosi asked who lives in 1902 and Mr. Maxwell said right now his daughter lives in the house at 1902. Mr. Cardosi asked if they had changed the mobile home or moved it. Mr. Maxwell stated that in 1997 he bought a new mobile home. Mr. Hopkins stated that was a replacement.

Mr. Williams asked who owns the land. Mr. Maxwell said that it was 35 acres.

Mr. Barber stated that there are 36 owners now. Mr. Maxwell has an equal right just like everyone else. Nothing states that one owner can't use it. Nothing the Board of Adjustment does can keep the other owners from doing whatever they want to do with the property.

Mr. Steward asked who has been paying the taxes. Mr. Maxwell responded that he has been paying the taxes.

Mr. Cardosi stated that Mr. Maxwell had a conditional use for the lifetime of his father and his father had passed away.

Mr. Barber stated that Mr. Maxwell is here tonight to prove whether or not he qualifies for a new hardship conditional use.

Mr. Hancock asked if there was anyone to speak for or against the item.

Mr. Elvin Jones stated he was the brother of Lonnie Jones. Lonnie Jones has died and Edwin Maxwell still had his trailer on the property. He said that Mr. Jones had left the property for his siblings. Mr. Jones moved onto the property when Edwin Maxwell was a child. They moved a trailer onto the property without the family knowing about it then they moved another trailer onto the property.

Mr. Barber stated that every heir has an equal, undivided interest in the entirety. They all have a right to the property as a whole.

Mr. Hancock asked again if Mr. Maxwell had been paying the taxes.

Mr. Maxwell stated that when his dad was alive, his dad paid the taxes. Then when the dad passed away, he and his brother paid the taxes but for the last 8 years he had been paying the taxes himself.

Mr. Evan Jones stated that when the dad, Mr. Lonnie Jones, had lived there the family agreed he would pay the taxes as rent for living there.

Mr. Barry Bridgforth stated that he was an adjoining property owner and a friend of the family. He explained the history of the property. He stated that the family was ready to sell the property. He also said that Mr. Maxwell had moved his family into the brick house without asking everyone else. He does not think Mr. Maxwell should be living on the property. Mr. Maxwell has his trailer on the property against everyone else's will.

Mr. Williams asked if anyone else was here to speak.

Ms. Cleola Jones Powell stated that Mr. Maxwell would be the first choice to sell the property to.

Mr. Cardosi stated that Mr. Maxwell was approved in 1998 for Conditional Use #917. That conditional use has expired. The question is does Mr. Maxwell meet the hardship requirements and that is the issue before the board tonight.

Mr. Williams asked if anyone else wanted to speak. No one responded so Mr. Williams asked if anyone had a motion to discuss.

Mr. Steward asked if the board was to approve the proposal as written, how many years Mr. Maxwell was asking for.

Mr. Maxwell stated that he was willing to work with his family on this and stay as long as he can.

Mr. Steward made a Motion to approve application by Edwin Maxwell for a mobile home in hardship conditions in A-R zone for 5 years and Mr. Hancock seconded. Mr. Ward, Mr. Duncan, Mr. Steward and Mr. Hancock voted to approve. Mr. Williams voted to deny.

Mr. Shepherd stated that the family wants to sell the property and having a trailer on the property is not desired.

Mr. Steward stated that the family needed to get an attorney to work all of this out.

Mr. Williams stated that if they wanted to sell the property Mr. Maxwell would have to move. If the land sold, the conditional use goes away.

Mr. Bridgforth asked if the family could appeal.

Mr. Hopkins stated that yes, they could appeal within 10 days to the Board of Supervisors.

Application by Goldie Scott and James Wright (CU001608-2022) for a conditional use in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2109 Wright Road on East Side of Wright Road and north of Red Banks Road North Parcel #2054200200000600 Section 20 Township 2 Range 5 and is zoned A (District 1)

Mr. Hopkins presented the application by Goldie Scott and James Wright for a conditional use in hardship conditions. Mr. James Wright's son, James Wright was present to represent the application.

Mr. Wright stated that his aunt Goldie Scott's house burned down. She has an autistic son and daughter that both live with her. She can't afford to build a new house and they would like to put a mobile home on the property for them to live in. He said that Ms. Scott is on a fixed income and the family wants to help her with a home. He said the family has been lodging Ms. Scott and her two children the last 2 months while the insurance company is working through everything.

Mr. Ward asked if Ms. Scott was going to build back. Mr. Wright stated that the money she is supposed to get from insurance is just enough to get a mobile home but not enough to build back the house.

Mr. Williams asked who would be living in the mobile home. Mr. Wright said it would be Ms. Goldie Scott, her son Curtis and her daughter Goldie.

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

Mr. Williams asked how old Ms. Scott was to which Mr. Wright responded 83 years old.

Mr. Hancock asked if Mr. Wright was asking for the conditional use to be for the Ms. Scott's lifetime. Mr. Wright stated yes, that is what was needed.

Mr. Williams stated that if something happened to Ms. Scott they would need to re-apply to which Mr. Wright said he understood.

Mr. Steward asked if someone would be living with Ms. Scott. Mr. Wright said her son and daughter would be living with her.

Mr. Cardosi stated that the conditional use could say as long as the 3 of them live there.

Mr. Steward stated that we needed the names of the three residents.

Ms. Hendricks asked if the residents would be Goldie Scott (mother), Curtis Wright (son) and Goldie Scott (daughter) to which Mr. Wright said that was correct.

Mr. Duncan made a Motion to approve the application by Goldie Scott and James Wright for a conditional use in hardship conditions for Goldie Scott, Curtis Wright, and Goldie Scott Mack, for their lifetime, as long as they reside on the property and Mr. Hancock seconded the Motion to adjourn. The Motion was passed with a unanimous vote.

Mr. Cardosi stated that the board needed to elect new officers. Mr. Hancock made a motion to keep the officers the same and Mr. Steward seconded. The motion was passed with a unanimous vote.

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