



BOARD OF ADJUSTMENT
ORDER OF ITEMS
March 13, 2023

CALL TO ORDER: 7:00
APPROVAL OF MINUTES: February 13, 2023

NEW BUSINESS

Variance

Application by Martir Mejia (VAR-001759-2023) for a variance to allow an for a variance to allow a fence taller than 3 ft. in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7085 Scarlet Street on the south side of Scarlet Street and east of Craft Road North Parcel #2069320600033100 Section 32 Township 2 Range 6 and is zoned PUD (District 5)

Application by Brent Frost (VAR-001760-2023) 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 11320 Whispering Pines on the north side of Whispering Pines and east of Hacks Cross Road Parcel #2061010000001700 Section 1 Township 2 Range 6 and is zoned A-R (District 1)

Application by Renata Walton (VAR-001761-2023) for a variance to allow an for a variance to allow a fence taller than 3 ft. in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3140 Cypress Run Cove on the east side of Cypress Run Cove and north of Nolan Road Parcel #2065151400003000 Section 15 Township 2 Range 6 and is zoned R-30 (District 1)

Application by Ronnie Pollard (VAR-001762-2023) 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 1569 Horn Lake Road on the west side of Horn Lake Road and south of Nesbit Road

Parcel #2089290000001701 Section 29 Township 2 Range 8 and is zoned A-R (District 4)

Application by Lehman Roberts (VAR-001763-2023) for a variance to allow an accessory building taller than 35 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6158 Hwy 51 S on the east side of Hwy 51 S and south of Breshears Road Parcel #407306000000400 Section 6 Township 4 Range 7 and is zoned M-2 (District 5)

Application by Sky Lake Construction (VAR-001764-2023) for a variance to allow an accessory building in the designated side yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 263 Getwell Road South on the west side of Getwell Road S and south of Byhalia Road Parcel #3072040000001700 Section 4 Township 3 Range 7 and is zoned A (District 5)

Conditional Use

Application by Stafford and Christy Houston (CU-001627-2023) for a conditional use to allow a private club and lodge to be used as a venue for special events in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4715 Church Road West on the south side of Church Road W and east of Fogg Road N Parcel #2083080000000106 Section 8 Township 2 Range 8 and is zoned A-R (District 4)

Application by William Wixon (CU-001628-2023) for a conditional use to allow a privately owned sports facility in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2185 Lester Road on the south side of Lester Road and east of Tchulahoma Road Parcel #2078280000000710 Section 28 Township 2 Range 7 and is zoned A-R (District 5)

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

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 February 13, 2023. Mr. Steward made a Motion to approve the minutes as

presented. Mr. Duncan 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 March 23, 2023, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on April 17, 2023.

NEW BUSINESS

Variance

Application by Martir Mejia (VAR-001759-2023) for a variance to allow a fence taller than 3 ft. in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7085 Scarlet Street on the south side of Scarlet Street and east of Craft Road North Parcel #2069320600033100 Section 32 Township 2 Range 6 and is zoned PUD (District 5)

Mr. Hopkins stated that the applicant was not present to represent the application and it will be heard at the next Board of Adjustment meeting on April 10, 2023.

Application by Brent Frost (VAR-001760-2023) 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 11320 Whispering Pines on the north side of Whispering Pines and east of Hacks Cross Road Parcel #2061010000001700 Section 1 Township 2 Range 6 and is zoned A-R (District 1)

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

Mr. Frost stated the following:

- lake behind house
- can't put barn directly behind the house
- did have a barn on the very back of the property but a tornado destroyed it
- want to put a new barn to the side of house
- live on a corner lot

Mr. Williams noted that the whole backyard was a large pond. He asked if there had been any calls about the application. Mr. Hopkins stated that there had been some calls and a couple of emails in support of the application.

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

Mr. Duncan asked what materials were going to be used. Mr. Frost replied that it would be a steel building. Mr. Steward asked what colors would be used. Mr. Frost stated the building would be green as shown in the staff report. He said that you really won't be able to see the building and that it would not be very tall.

Mr. Duncan asked if the barn would have concrete floors and utilities. Mr. Frost said it would have a concrete floor but would not have utilities.

Mr. Williams asked if there was an HOA in this area. Mr. Hopkins replied no. Ms. Hendricks stated that this portion of the neighborhood was not included in Whispering Pines neighborhood.

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

Application by Renata Walton (VAR-001761-2023) for a variance to allow a fence taller than 3 ft. in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3140 Cypress Run Cove on the east side of Cypress Run Cove and north of Nolan Road Parcel #2065151400003000 Section 15 Township 2 Range 6 and is zoned R-30 (District 1)

Mr. Hopkins presented the application by Renata Walton for a variance to allow a fence taller than 3 ft. in the designated front yard of a corner lot. Mr. Anthony Brown of 1625 Liberty Road, Moscow, TN was present to represent the application.

Mr. Brown stated he was Ms. Walton's cousin and was building the fence for her. He stated the following:

- she purchased the lot next to her and wants to enclose her property with a fence
- she wants to build a pool on the lot next to her house that she purchased
- only the corner lot will have the fence on the front yard
- the pool will straddle the line between the lot her house is on and the other lot
- there is a gully running along the back of her property and on the north side
- she needs a ditch along the road to divert water to the back of her lot
- there was a house pad on the lot she purchased, took the dirt from that to fill in and build up her backyard

Mr. Steward said it looked like she needed to get the county engineers to look at all the drainage issues happening on her property and around her lots.

Mr. Duncan asked if she just wanted to put up a 6 foot tall fence around the extra lot and connect it to her house. Mr. Brown said yes, that she can't use most of her backyard so this lot to the side would be her usable yard.

Mr. Duncan asked what materials would be used for the fence. Mr. Brown said that it would be a 6 foot tall fence and that he was going to use treated cedar planks with 2x8 post and 2x4's between. Mr. Duncan asked if Mr. Brown would be building the fence and he said yes.

Mr. Brown asked if Ms. Walton would be responsible for working on the drainage issues. Mr. Hopkins stated that Ms. Walton would need to talk to the developer, Mr. Chad Fisher, and the county engineer to resolve those issues.

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

There was some discussion about Ms. Walton working on resolving all the drainage issues before she put in a pool.

Mr. Duncan made a Motion and Mr. Steward seconded the Motion to approve the application by Renata Walton for a variance to allow a fence taller than 3 ft. in the designated front yard of a corner lot. The Motion passed with a unanimous vote.

Application by Ronnie Pollard (VAR-001762-2023) 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 1569 Horn Lake Road on the west side of Horn Lake Road and south of Nesbit Road Parcel #2089290000001701 Section 29 Township 2 Range 8 and is zoned A-R (District 4)

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

Mr. Pollard stated the following:

- want to put in a storage shed/man cave
- already has a clearing at the location he wants to place the shed
- won't be able to see the building from the road
- presented images of what the building would look like to the board

Mr. Duncan stated it looked like the proposed location was the only place the building could go on the property. Mr. Pollard said yes.

Mr. Steward asked if there would be plumbing in the building. Mr. Pollard said yes.

Mr. Williams asked if there had been any calls about this application. Ms. Hendricks stated there had been none. Mr. Williams asked if there was anyone present to speak on the application. There was no one present to speak for or against.

Mr. Williams stated that it looks like the building would be hidden and this was the only place it could go. Mr. Williams asked if there were two ponds on the property. Mr. Pollard replied that one pond had been drained and was going to become a horse pasture.

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

Application by Lehman Roberts (VAR-001763-2023) for a variance to allow an accessory building taller than 35 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6158 Hwy 51 S on the east side of Hwy 51 S and south of Breshears Road Parcel #407306000000400 Section 6 Township 4 Range 7 and is zoned M-2 (District 5)

Mr. Hopkins presented the application by Lehman Roberts for a variance to allow an accessory building taller than 35 feet. Mr. Tyler Jordan was present to represent the application.

Mr. Jordan stated the following:

- building the shop for fabrication and maintenance
- need the building to be taller for the crane on trolley system
- the roll up door has to be tall enough to have clearance for equipment
- crane is 30.75 feet tall, must have 1 foot minimum of clearance which would put it at 32 feet minimum clearance
- will only have 1 foot between the building girder and the clearance of the crane
- the outer wall will be 37 feet tall and the ridge of the roof will be 44 feet at the peak

Mr. Williams asked how much time was left on this property. Ms. Hendricks stated that there was no current conditional use due to this being in M-2 zone. Mr. Williams asked if this property was 158 acres. Mr. Jordan stated the property was ½ mile off of Highway 51 and you can't see the buildings from the highway. He stated that there are 3 asphalt silos on the property now and you can't see them off Highway 51 now.

Mr. Williams asked if they owned the property to the north also. Mr. Jordan stated that someone else owned that property, Mr. Daniel Gill, and they had spoken to him about the new building and he had no issues.

Mr. Williams asked if there was anyone present to speak for or against the application. There was no present to speak for or against the application. Mr. Williams asked if there had been any calls on the application. Ms. Hendricks stated that there had been no calls and that she had advised Mr. Jordan to speak to the adjacent property owners which he did.

Mr. Steward made a Motion and Mr. Duncan seconded the Motion to approve the application by Lehman Roberts for a variance to allow an accessory building taller than 35 feet. The Motion passed with a unanimous vote.

Application by Sky Lake Construction (VAR-001764-2023) for a variance to allow an accessory building in the designated side yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 263 Getwell Road South on the west side of Getwell Road S and south of Byhalia Road Parcel #3072040000001700 Section 4 Township 3 Range 7 and is zoned A (District 5)

Mr. Hopkins presented the application by Sky Lake Construction for a variance to allow an accessory building in the designated side yard. Mr. Johnny McBride was present to represent the application.

Mr. Williams asked if the accessory building was to the side of the house. Mr. Hopkins stated that the building was in the side yard.

Mr. Duncan asked if this was an existing building. Mr. Hopkins replied yes.

Mr. Johnny McBride stated the following:

- this house is on Getwell with a wrought iron fence in the front
- there is a pond in the back so an accessory building can't go there

Mr. Williams asked if the accessory building was the same color as the house. Mr. McBride stated the building matched the house and was built with identical materials.

Mr. Williams asked if there had been any calls about this application. Ms. Hendricks stated there had been none. Mr. Williams asked if there was anyone present to speak for or against the application. There was no one present to speak.

Mr. Duncan made a Motion and Mr. Steward seconded the Motion to approve the application by Sky Lake Construction for a variance to allow an accessory building in the designated side yard. The Motion passed with a unanimous vote.

Conditional Use

Application by Stafford and Christy Houston (CU-001627-2023) for a conditional use to allow a private club and lodge to be used as a venue for special events in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4715 Church Road West on the south side of Church Road W and east of Fogg Road N Parcel #2083080000000106 Section 8 Township 2 Range 8 and is zoned A-R (District 4)

Mr. Hopkins presented the application by Stafford and Christy Houston for a conditional use to allow a private club and lodge to be used as a venue for special events. Mr. and Mrs. Houston were present to represent the application.

Mr. Houston stated the following:

- bought the property in May of 2022
- Ashley Hall is a wedding venue
- the chapel has been cleaned up
- the 1st building on the left is the Fountain Room and will be turned into a day spa
- the next building is a 10 room inn that is being remodeled
- the restaurant was shut down and they are opening it back up
- putting in pickleball courts
- hoping to build our house on the back of the property

Mr. Hopkins stated that there was a conditional use under the previous owner. The Planning Department advised the Houston's to get an updated conditional use under their names because they now own the property.

Mr. Steward asked if the only difference in the current business plan was the request for outside music. Mr. Houston replied with the following information:

- have some brides that want to have a band outside at their weddings on a Friday or Saturday nights. The bands would typically shut down at 11pm.
- want to be able to allow outside music if clients want it at their event.
- typically people book the whole property for wedding festivities
- they will not be blaring loud music every night

Mr. Williams asked if there was anyone present to speak for or against the application. There was no one present. Mr. Williams asked if there had been any phone calls about the application. There had been none.

Mr. Williams asked if this property had been operating as a private lodge and event venue for a while. Mr. Hopkins stated yes. Mr. Hopkins said that a time frame was needed for the conditional use and the new scope of business needed to be part of the conditional use.

Mr. Duncan asked how many years were being requested. Mr. Houston stated that he would like 20 years if possible.

Mr. Steward asked what would be involved in the day spa. Mr. Houston replied with the following information:

- hoping to offer manicures, pedicures, facials and massages
- will be open to the public
- brides come for weddings and would like to be able to offer these services to
The wedding party

Mr. Steward asked if they would be open on Sundays. Mr. Williams said that the business plan stated they will be open Tuesday through Sunday for wedding events.

Mr. Williams asked if most of the customers were from out of town. Mr. Houston replied that most of the people are locals. He said there is a lot of money hosting weddings. He stated he also owns The Gin and they had 68 weddings there last year. He said they just wanted to get Bonne Terre up and running again.

Mr. Duncan made a Motion to approve the application by Stafford and Christy Houston for a conditional use to allow a private club and lodge to be used as a venue for special events for a time period of 20 years or March 13, 2043 based on the included Scope of Business presented by the applicant:

BONNE TERRE SCOPE OF BUSINESS

Ashley Hall

Venue rental for weddings and other events.

The venue can hold up to 250 people. Events will be held from 8:00am-midnight. Weddings will have either a DJ or band inside Ashley Hall. Occasionally we will have live, amplified music outside until 11:00pm.

Most weddings/events will be held Friday, Saturday or Sunday with the occasional event Monday-Thursday.

The Inn

10 rooms for rent

The Restaurant (BT Prime)

We are remodeling and reopening the restaurant. It will be an upscale steakhouse.

Hours of operation will be Tuesday-Sunday 11:00am-11:00pm. These times and days could change depending on demand.

The restaurant will accommodate 85 people.

We will employ 12 people

We will have live, amplified music inside and outside occasionally.

The Fountain Room

At the present time this is a small meeting room with three bedrooms above. We are going to convert this into a day spa. It would be open to the public, but it would enhance the experience to someone staying at the inn.

Hours of operation will be Monday-Friday 10:00am-7:00pm and Saturday 8:00am-5:00pm.

We can accommodate 15 guests.

We will employ 8 people.

We are also going to add two pickleball courts to be used by customers staying at the inn.

The courts could possibly be open to public for clinics, camps, etc.

Conditional Use

On special occasions there will be live music outside.
Depending on the event, we will be using shuttle service.
At a later date we are going to build our personal house on the property.

Mr. Steward seconded the Motion. The Motion passed with a unanimous vote.

Application by William Wixon (CU-001628-2023) for a conditional use to allow a privately owned sports facility in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2185 Lester Road on the south side of Lester Road and east of Tchulahoma Road Parcel #207828000000710 Section 28 Township 2 Range 7 and is zoned A-R (District 5)

Mr. Hopkins presented the application by William Wixon for a conditional use to allow a privately owned sports facility. Mr. Daniel Bennett of 2517 Caffey Street, Hernando was present to represent the application. Mr. Hopkins stated that this property used to be Larry's Place.

Mr. Bennett stated that he and Mr. Wixon were partners in Midsouth Youth Sports that operates as Canes Southeast baseball organization. Mr. Bennett stated the following:

- have been renting the property for 5 years
- trying to purchase it at the moment
- need a conditional use to get an appraisal
- the property is past Grove Meadows on Lester Road
- it is fenced in completely
- have a baseball field in the back, buildings in the front
- operate from 5 pm to 8 pm
- rarely practice on Sundays
- generally it is just one age group practicing at a time or one team at a time
- try to stagger practices
- have a waiting room for parents
- have about 16 teams that use the facility

Mr. Duncan asked if they had been operating for a while. Mr. Bennett stated that the group had been functioning for 8 years but operating at this location 5 years. Mr. Duncan asked if they just needed a conditional use at this point. Mr. Bennett replied that they have been renting the property but are currently trying to purchase the property so they need a conditional use to get an appraisal. Mr. Duncan asked what kind of time limit they were looking for on the conditional use. Mr. Bennet said 20 years.

Mr. Steward asked if there was a full baseball field in the back of the property. Mr. Bennett replied yes. He described the property as follows:

- right at 7 acres
- quiet area
- pasture land around it
- practice is mostly indoors
- typically 5:30 to 7 is when they practice outdoors if weather allows
- kids range from 8 years old to 16 years old

Mr. Steward asked if they had any plans to expand. Mr. Bennet said no plans to expand at this time, currently just renovating the existing facilities.

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

Mr. Eligah Sledge of 2151 Lester Road was present to speak.

Mr. Sledge stated that he was here on behalf of himself and his daughter, Tonia Wright of 2245 Lester Road. Mr. Sledge had the following concerns:

- baseballs coming in his yard, nobody is cleaning them up and he hits them with his lawn mower
- the fence on the baseball facility property is in poor condition, with trees coming over and through it
- parts of the wooden fence have fallen down
- just wants them to clean everything up

Mr. Bennett responded by saying that they are in the process of doing a lot of work to the property. He said they don't own it yet. He said they try to spray it to keep weeds under control. He said he would make sure the fence was fixed. He stated that there was not a fence along the back because there are trees and shrubs along there.

Mr. Sledge replied with the following concerns:

- the chainlink fence comes to his yard and has trees and vines all on it
- the wooden fence along the front of the property has not been worked on
- part of the fence along his driveway is down
- players are practicing all over the field
- have no problem with kids coming in his yard to get their baseballs
- has a whole 5 gallon bucket filled with baseballs

Ms. Hendricks stated that Ms. Wright had called the office with concerns.

Mr. Steward said that these concerns and issues needed to be addressed. Mr. Bennett asked what Mr. Sledge would like them to do to make things right. Mr. Sledge said he would like the fences cleaned up and the baseballs picked up out of his yard. Mr. Steward said he understood why kids would be reluctant to go on private property to get the balls. Mr. Bennett stated that with Mr. Sledge's permission he would come get the balls out of his yard on a regular basis. Mr. Bennett also stated that they plan to put up a taller fence at some point.

Mr. Bennett stated that he is at most practices and would be happy to come pick up balls and take care of the trees. He said he would need to come up Mr. Sledge's driveway to get the baseballs.

Mr. Duncan stated that the kids need to let someone know if they hit a baseball on Mr. Sledge's property so they could go pick them up.

Mr. Williams asked if Mr. Bennett would be willing to put up a taller fence or netting. Mr. Bennett said he had no issues with doing that and once they own the facility there would be more improvements made.

Mr. Steward said Mr. Sledge could contact the Planning Department if the issues do not get resolved.

Mr. Bennett stated that this was the first time he was hearing about this issues in the three years they have used the facility and that now he knows and will be more aware to solve the problems.

Mr. Steward made a Motion to approve the application by William Wixon (CU-001628-2023) for a conditional use to allow a privately owned sports facility with the following provisions:

- 1) That the fence issues on the property be addressed - fence repaired, debris cleared and trees cleaned up if necessary
- 2) Any baseballs going into neighboring yards are removed by an agreed upon retrieval process
- 3) The Conditional use be granted for 20 years or March 13, 2043

Mr. Duncan seconded the Motion. The Motion passed with a unanimous vote.

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

