



BOARD OF ADJUSTMENT  
ORDER OF ITEMS  
April 10, 2023

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

**OLD 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)**

**NEW BUSINESS**

**Variance**

**Application by Carlos Silva (VAR-001765-2023) for a variance to allow an accessory building with a side setback of less than 15 feet and to allow the building to be larger than 50% the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4958 Tucker Ridge Road on the east side of Tucker Ridge Road and south of Church Road West Parcel #2091120100003100 Section 12 Township 2 Range 9 and is zoned A-R (District 3)**

**Application by Aubrey Cook (VAR-001766-2023) for a variance to allow an accessory building in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3962 Windemere Drive South on the north side of Windemere Drive South and west of Malone Road North Parcel #2075220100000400 Section 22 Township 2 Range 7 and is zoned A-R (District 5)**

**Application by Patrick Woodson (VAR-001767-2023) for a variance to allow an accessory building in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2662 Turkey Creek Drive on the east side of Turkey Creek Drive and west of Hwy 305 Parcel #206521080000100 Section 21 Township 2 Range 6 and is zoned A-R (District 5)**

**Application by Richard Nguyen (VAR-001768-2023) 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 9422 Byhalia Road on the north side of Byhalia Road and east of Hwy 305 Parcel #206834000001104 Section 34 Township 2 Range 6 and is zoned A (District 1)**

**Application by Tamra Madden (VAR-001769-2023) 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 3480 Woodland Lake Drive on the north side of Woodland Lake Drive and west of Bluff Road Parcel #3094190100010100 Section 4 Township 3 Range 7 and is zoned A (District 5)**

**Application by Kreunen Farms LLC (VAR-001770-2023) for a variance to allow a fence taller than 3 ft. on double frontage lots along Starlanding Road East Lots 67, 68, 69, 70, 80, 81,90, 91, 92, 93, 152,153, and 154 in Williams Ridge Subdivision in accordance with DeSoto County Zoning Ordinance. Subject property is located north of Starlanding Road East and east of Getwell Road Section 22 Township 2 Range 7 and is zoned PUD (District 5)**

**Application by Dream Home Construction (VAR-001771-2023) for a variance to allow an attached accessory building on a corner lot with a front setback of less than 40 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3065 Cypress Lake Drive on the west side of Cypress Lake Drive and south of Nolan Road Parcel #2065151400003700 Section 15 Township 2 Range 6 and is zoned R-30 (District 1)**

**Application by Justin Easley (VAR-001772-2023) for a variance to allow an accessory building in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4142 Starlanding Road East on the north side of Starlanding Road East and east of Malone Road North Parcel #2076230400063400 Section 22 Township 2 Range 7 and is zoned R-1 (District 5)**

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, April 10, 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 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 March 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 April 20, 2023, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on May 1, 2023.

### **OLD 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)**

Ms. Hendricks presented the application by Martir Mejia for a variance to allow a fence taller than 3 ft. in the designated front yard of a corner lot. Mr. Mejia was present to represent the application.

Mr. Mejia stated the following:

- want to build a fence
- 6 feet tall
- cedar or regular pine
- pond in back yard
- want to extend driveway

Mr. Hancock asked what materials would be used. Mr. Mejia said probably cedar.

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

Mr. Duncan made a Motion and Mr. Steward seconded the Motion to approve the application by Martir Mejia 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.

## **NEW BUSINESS**

### **Variance**

**Application by Carlos Silva (VAR-001765-2023) for a variance to allow an accessory building with a side setback of less than 15 feet and to allow the building to be larger than 50% the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4958 Tucker Ridge Road on the east side of Tucker Ridge Road and south of Church Road West Parcel #2091120100003100 Section 12 Township 2 Range 9 and is zoned A-R (District 3)**

Ms. Hendricks presented the application by Carlos Silva for a variance to allow an accessory building with a side setback of less than 15 feet. She stated that the accessory building was going to be attached to the primary structure and was to be considered part of the primary structure so there was no need for a variance for the size, only the setback. Mr. Silva was present to represent the application.

Mr. Silva stated the following:

- thought he was measuring the right distance for the set back but measured wrong
- building is too close to property line

Mr. Duncan asked what the distance was between the house and the garage. Mr. Silva stated it was around 20 feet. Ms. Hendricks stated that the garage is attached by a breezeway and Mr. Silva thought he had the 15 feet setback.

Mr. Williams asked Mr. Silva how much the building was off from having the 15 feet. Ms. Hendricks stated that Mr. Silva was off by 2 ½ feet.

Mr. Williams asked if there had been any calls about this application. Ms. Hendricks replied no. Mr. Williams asked if there was anyone present to speak for or against the application. There was no one present.

Mr. Hancock asked if the building was on a slab. Mr. Silva stated yes.

Mr. Hancock made a Motion and Mr. Duncan seconded the Motion to approve the application by Carlos Silva for a variance to allow an accessory building with a side setback of less than 15 feet. The Motion passed with a unanimous vote.

**Application by Aubrey Cook (VAR-001766-2023) for a variance to allow an accessory building in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is**

**located at 3962 Windemere Drive South on the north side of Windemere Drive South and west of Malone Road North Parcel #2075220100000400 Section 22 Township 2 Range 7 and is zoned A-R (District 5)**

Ms. Hendricks presented the application by Aubrey Cook for a variance to allow an accessory building in the designated front yard of a corner lot. Mr. Cook was present to represent the application.

Mr. Cook stated the following:

- building will actually be 25 feet from the house
- building will be 12' x 21' tubular carport that is pre-fabricated
- need to keep wife's car out of the weather
- did not realize that the side yard was considered front yard because of corner lot
- trees are located along property line so nobody will be able to see building from road

Mr. Williams asked if there had been any calls about this application. 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. Hancock made a Motion and Mr. Steward seconded the Motion to approve the application by Aubrey Cook for a variance to allow an accessory building in the designated front yard of a corner lot. The Motion passed with a unanimous vote.

**Application by Patrick Woodson (VAR-001767-2023) for a variance to allow an accessory building in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2662 Turkey Creek Drive on the east side of Turkey Creek Drive and west of Hwy 305 Parcel #2065210800000100 Section 21 Township 2 Range 6 and is zoned A-R (District 5)**

Ms. Hendricks presented the application by Patrick Woodson for a variance to allow an accessory building in the designated front yard of a corner lot. Mr. Woodson was present to represent the application.

Mr. Woodson stated the following:

- building a detached garage to the side of the house
- building will be 24'x30'
- corner lot

Mr. Hancock asked what material would be used for the roof. Mr. Woodson stated it would be shingle just like the house. Mr. Hancock asked how tall the building would be. Mr. Woodson stated the ceiling inside would be 9 feet tall and the building would have the same roof pitch as the house. He stated that all of the materials would be the same as the house.

Mr. Duncan asked if it would be a side load garage. Mr. Woodson said the building would be to the left of the driveway and the door would face the road. He stated that the garage doors would match the garage door on the house.

Mr. Duncan asked if the garage would have electricity. Mr. Woodson replied yes. Mr. Hancock asked if the building would have plumbing. Mr. Woodson said that the building would just be basic and not have plumbing.

Mr. Williams asked if there had been any calls on this application. There had been none. 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 Patrick Woodson for a variance to allow an accessory building in the designated front yard of a corner lot. The Motion passed with a unanimous vote.

**Application by Richard Nguyen (VAR-001768-2023) 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 9422 Byhalia Road on the north side of Byhalia Road and east of Hwy 305 Parcel #2068340000001104 Section 34 Township 2 Range 6 and is zoned A (District 1)**

Ms. Hendricks presented the application by Richard Nguyen for a variance to allow an accessory building in the designated front yard. Mr. Nguyen was present to represent the application.

Mr. Nguyen stated the following:

- built a gazebo 21 feet from the house
- it is approximately 240 feet off Byhalia Road
- approximately 38.5 feet off the easement road

Ms. Hendricks stated that the building is already built and that the inspector found it while conducting an inspection. She stated that the builder did not realize that he needed a permit for this structure.

Mr. Hancock asked what the building would be used for. Mr. Nguyen stated that they planned to use it to just sit outside and enjoy. Mr. Hancock asked if he would be parking cars in it. Mr. Nguyen replied no.

Mr. Williams asked if there had been any calls on this application. 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 on the application.

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

**Application by Tamra Madden (VAR-001769-2023) 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 3480 Woodland Lake Drive on the north side of Woodland Lake Drive and west of Bluff Road Parcel #3094190100010100 Section 4 Township 3 Range 7 and is zoned A (District 5)**

Ms. Hendricks presented the application by Tamra Madden for a variance to allow a fence taller than 3 ft. in the designated front yard of a corner lot. Mr. and Mrs. Madden were present to represent the application.

Mr. Chris Madden stated the following:

- pointed out features on property
- pointed out where they wanted the fence to be placed
- stated that people trespass on property often to go fishing
- wants to put up an iron fence

Mr. Williams asked how tall the fence would be. Mr. Madden stated 5 or 6 feet.

Mr. Hancock asked how big the gate would be over the driveway. Mr. Madden stated it would be more than the width of the driveway, probably 12 feet wide.

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

Mr. Williams made a Motion and Mr. Duncan seconded the Motion to approve the application by Tamra Madden 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 Kreunen Farms LLC (VAR-001770-2023) for a variance to allow a fence taller than 3 ft. on double frontage lots along Starlanding Road East Lots 67, 68, 69, 70, 80, 81,90, 91, 92, 93, 152,153, and 154 in Williams Ridge Subdivision in accordance with DeSoto County Zoning Ordinance. Subject property is located north of Starlanding Road East and east of Getwell Road Section 22 Township 2 Range 7 and is zoned PUD (District 5)**

Ms. Hendricks presented the application by Kreunen Farms LLC for a variance to allow a fence taller than 3 ft. on double frontage lots along Starlanding Road East Lots 67, 68, 69, 70, 80, 81,90, 91, 92, 93, 152,153, and 154 in Williams Ridge Subdivision. Mr. Nick Kreunen was present to represent the application.

Mr. Kreunen stated the following:

- oversight on original rezoning

- should have included it in the process to rezone to PUD
- want to make sure fences along Starlanding Road are uniform and match; must be cedar and must be 6 feet tall
- would like for fences to be 11 to 12 feet off of Starlanding Road
- want the residents of these properties to have privacy
- want fence in this location not to impede on drainage

Mr. Hancock asked why this variance didn't include all of the lots along Starlanding Road. Mr. Kreunen stated that several homeowners had already come before the Board of Adjustment to get variances to put their fences up. Mr. Kreunen said he was trying to cleanup this oversight so every owner would not have to come in to get a variance. Ms. Hendricks said Mr. Kreunen was asking for this blanket variance so every one of these homeowners and future homeowners wouldn't have to come before the BOA for a variance. Mr. Kreunen also stated that this blanket variance would clear up any confusion on where the fence should be placed along Starlanding Road.

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

Mr. Hancock made a Motion and Mr. Steward seconded the Motion to approve the application by Kreunen Farms LLC (VAR-001770-2023) for a variance to allow a fence taller than 3 ft. on double frontage lots along Starlanding Road East Lots 67, 68, 69, 70, 80, 81,90, 91, 92, 93, 152,153, and 154 in Williams Ridge Subdivision. The Motion passed with a unanimous vote.

**Application by Dream Home Construction (VAR-001771-2023) for a variance to allow an attached accessory building on a corner lot with a front setback of less than 40 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3065 Cypress Lake Drive on the west side of Cypress Lake Drive and south of Nolan Road Parcel #2065151400003700 Section 15 Township 2 Range 6 and is zoned R-30 (District 1)**

Ms. Hendricks presented the application by Dream Home Construction for a variance to allow an attached accessory building on a corner lot with a front setback of less than 40 feet. Mr. Sean Green was present to represent the application.

Mr. Green stated the following:

- we messed up the measurement on the setback for this structure
- carport is attached to the house, a porte cochere
- put the form boards up in the right spot that met the setbacks, engineer surveyed then the concrete guys moved the form boards so when the final survey was done they realized that it no longer met the setback requirements



Ms. Hendricks stated that the setbacks on both sides were less than the required 40 feet.

Mr. Green stated that the house does meet all required setbacks, it is just the carport.

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

Mr. Duncan made a Motion and Mr. Hancock seconded the Motion to approve the application by Dream Home Construction for a variance to allow an attached accessory building on a corner lot with a front setback of less than 40 feet. The Motion passed with a unanimous vote.

**Application by Justin Easley (VAR-001772-2023) for a variance to allow an accessory building in the designated front yard of a corner lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4142 Starlanding Road East on the north side of Starlanding Road East and east of Malone Road North Parcel #2076230400063400 Section 22 Township 2 Range 7 and is zoned R-1 (District 5)**

Ms. Hendricks presented the application by Justin Easley for a variance to allow an accessory building in the designated front yard of a corner lot. Mr. Easley was present to represent the application.

Mr. Easley stated the following:

- live in the back of the Bridgetown neighborhood
- there was an existing accessory building in this location but it burned down from an electrical fire
- lost everything in the building in the fire
- also had damage to the side of the house
- had a new slab poured to put up a new building
- original homeowner did not get a variance for the original accessory building
- the new building will be less than 50% of the primary structure

Mr. Hancock asked what the building would be used for. Mr. Easley replied with the following information:

- building will be used for storage of a camper, boat, equipment, etc.
- work as a contractor and did have to do some upgrades to the house from the fire damage so there are some building supplies on the property now
- the building will be metal horizontal siding to match the horizontal siding on the house
- building will have same doors to match those on the house
- will paint the house to match the shop: off white and grey

Mr. Hancock asked when the building burned. Mr. Easley said late January.

Mr. Steward asked what Mr. Easley did and what he was going to use the building for. Mr. Easley said that he was a contractor. He said he did anything and everything except pools and flower beds. He stated that he just wanted to store his personal equipment – camper, boat, etc. – in the building. He said the walls of the building would be 16 feet tall and the overhead doors would be 14 feet tall to accommodate his camper. The building will be 30 feet by 50 feet.

Mr. Hancock asked if the building would match the house and Mr. Easley replied yes.

Mr. Steward asked if there was an HOA in the neighborhood. Mr. Easley replied that there was an HOA.

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

Mrs. Christy Barclay of 4273 Windermere Drive was present to speak. Mrs. Barclay stated the following:

- handed out photos to the Board of Adjustment
- the HOA objects to this variance request
- displeased with the actions Mr. Easley has taken without permission from the HOA
- like the current color of the house
- metal buildings are not allowed in the neighborhood
- when he went to get HOA approval to replace his building that burned they granted him permission to build a building of similar size
- Mr. Easley stated the building was going to be bigger than the old one
- Mr. Easley did not submit his plans to the HOA
- Mr. Easley is running his construction building from his home
- there is construction material on his property and another property
- HOA feels misled by this process
- Mr. Easley's business address is listed as his home address
- Mr. Easley is setting up to need a conditional use to have a business at his home
- this area is zoned R-1 platted and recorded
- Mr. Easley does not have the required 59 feet setback on either side
- the HOA has not approved this project

Mr. Steward asked Mr. Easley if the color he is painting his house is not approved by the HOA. Mr. Easley replied that the color on the house now is the raw cement siding that he just installed to fix the fire damage. He stated that the cement board has to be painted. Mr. Easley said that he spoke to Sam of the HOA and that Sam stated that he would approve anything the county approved and that he made Sam aware of everything he was planning on doing.

Mr. Steward asked if the building was going to match the house. Mr. Easley replied that the building was going to be metal running horizontal to match the horizontal siding of the house. He said the doors would match the doors on the

house. Mr. Easley said that right now there was a temporary storage tent to house his stuff since the building was gone. He stated that the items on the other property line he thought was on his property.

Mr. Duncan stated that the BOA could only rule on the accessory building and have no control over HOA rules or regulations. Mr. Steward stated that the BOA encourages Mr. Easley and the HOA to work together to come up with a solution they can both agree on and be happy with. He said that they need to work out any grievances they might have.

Mr. Duncan stated that Mr. Easley would not be approved to run a construction business here at his home. Mr. Easley replied that he does not operate his business here. He stated that he rents a commercial space to operate his business. He said that the accessory building was for personal use as a shop.

Mr. Barber stated that this application was for a variance and not a conditional use. He explained that Mr. Easley was not asking to run his business from his house. Mr. Easley replied that he can get his business address changed to a post office box if that would help. Mr. Barber stated that he had not seen Mr. Easley's business filing. He said that sometimes the paperwork address is just listed as where Mr. Easley gets his mail and not actually used for his business.

Ms. Hendricks stated that Mr. Easley would need to fill out home occupation permit paperwork if he was working out of a home office to make it legal.

Mr. Easley stated that right now he had equipment and supplies on his property because he had no building.

Mrs. Barclay replied with the following:

- Sam on the HOA agreed but requested plans and details of the building and they had not received those
- the HOA would be okay with a residence based business
- Mr. Easley has doubled the size of the building and widened his driveway
- by approving this variance the BOA is allowing him to do these things
- Mr. Easley will be bringing construction equipment into the neighborhood
- thought Mr. Easley needed 59 feet from the right of way on both sides, 59 feet from utility easements

Mr. Easley replied with the following:

- new building is only 6 feet wider than the original building
- the old building was 22 x 24
- new building is still less than half the square footage of the primary structure

Ms. Hendricks stated that online his house measures about 3300 square feet.

Mr. Easley stated that there had been an addition put on the back of the house.

Mr. Williams asked when the house was built. Ms. Hendricks replied in 1990.

Mr. Easley said that he assumed the shop was built at the same time as the addition.

Mr. Steward said that it sounded like Mr. Easley and the HOA could work together to get this all straightened out.

Mr. Williams stated that the BOA cannot approve the building to be used for commercial use.

Mr. Easley stated that his RV is 44 feet long so that was why the building had to be 50 feet long.

Mr. Hancock made a Motion and Mr. Steward seconded the Motion to approve application by Justin Easley (VAR-001772-2023) for a variance to allow an accessory building in the designated front yard of a corner lot. 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.