



BOARD OF ADJUSTMENT
ORDER OF ITEMS
May 9th, 2022

CALL TO ORDER: 7:00
APPROVAL OF MINUTES: April 11th, 2022

NEW BUSINESS

Variance

Application by Dustin Hatton (**VAR-001707-2022**) for a variance to allow an accessory building larger than 100% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3936 Horn Lake Road the west side of Horn Lake Rd and south of Austin Rd Parcel **#208417000000800** Section 17 Township 2 Range 8 and is zoned A-R (District 4)

Application by Daniel Kilzi (**VAR-001708-2022**) a variance to allow an accessory building larger than 125% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7312/7316 Hwy 301 on the north side of Hwy 301 and the west side of Old Hwy 301 Parcel **#2097260000001000** Section 26 Township 2 Range 9 and is zoned A-R (District 4)

Application by LaMont Barber (**VAR-001709-2022**) 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 13835 River Grove Lane on the south side of Whispering Pines and the east side of Center Hill Road Parcel **#2053050200002300** Section 5 Township 2 Range 5 and is zoned R-20 (District 1)

Application by Cedric Davis (**VAR-001710-2022**) 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 2737 Cypress Lake Drive on the west side of Cypress Lake Drive and the north side of Woolsey Road Parcel **#2065220700005100** Section 22 Township 2 Range 6 and is zoned R-30 (District 1)

Conditional Use

Application by Jason Coleman (**CU-001612-2022**) for a conditional use for an extension of time for a previous conditional use for 30 years to allow a private club or lodge to be used as a venue for special events. Subject property is located at 4036 Robertson Gin Road, on the east side of Robertson Gin Road and north of Clifton Road, Parcel **#3087260000000300** Section 26 Township 3 Range 8 and is zoned A (District 5)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, May 9, 2022, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Phillip Steward, Tom Williams, Earl Ward, Mike Hancock and Mike Duncan. Staff members present included Bennie Hopkins, Ashley Hendricks and Celeste Sanders. 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 April 11, 2022. Mr. Ward made a Motion to approve the minutes as corrected. Mr. Hancock 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 May 19, 2022, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on June 20, 2022.

NEW BUSINESS

Variance

Application by Dustin Hatton (VAR-001707-2022) for a variance to allow an accessory building larger than 100% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3936 Horn Lake Road the west side of Horn Lake Rd and south of Austin Rd Parcel #2084170000000800 Section 17 Township 2 Range 8 and is zoned A-R (District 4)

Mr. Hopkins presented the application by Dustin Hatton to an accessory building larger than 100% of the square footage of the primary structure. Mr. Hatton was present to represent the application.

Mr. Hatton stated the following:

- 1300 square foot house with no storage
- inherited the house from his grandmother, trying to get rid of outbuildings & hay
- no garage
- need storage
- want to put a metal building on property to house equipment & hay
- would get rid of other buildings on property

Mr. Duncan asked if it would be a metal building with a slab. Mr. Hatton stated there would be a slab except the lean-to where the hay would go.

Mr. Williams asked if there had been any calls regarding this application to which Mr. Hopkins responded no. Mr. Williams then asked if there was anyone present to speak for or against the application. There was no one present.

Mr. Williams asked what colors the building would be. Mr. Hatton stated that it would be earth tones.

Mr. Hancock asked about the proposed driveway. Mr. Hatton stated that for now it would be limestone gravel for now, hope to pave if prices go down. The driveway would be 100 feet +/- downhill to the barn which is out of sight. Mr. Hancock then asked if the barn would have electricity and water to which Mr. Hatton replied no, just dry storage.

Mr. Steward asked if the proposed building would be about 3 times the size of the house. Mr. Hatton stated yes, that he would get rid of the existing buildings to clean up the property.

Mr. Duncan made a Motion and Mr. Hancock seconded the Motion to approve the application by Dustin Hatton for a variance to allow an accessory building larger than 100% of the square footage of the primary structure. The Motion passed with a unanimous vote.

Application by Daniel Kilzi (VAR-001708-2022) a variance to allow an accessory building larger than 125% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7312/7316 Hwy 301 on the north side of Hwy 301 and the west side of Old Hwy 301 Parcel #2097260000001000 Section 26 Township 2 Range 9 and is zoned A-R (District 4)

Mr. Hopkins presented the application by Daniel Kilzi to allow an accessory building larger than 125% of the square footage of the primary structure. Mr. Daniel Kilzi was present to represent the application.

Mr. Kilzi stated the following:

- numbers presented are off
- 2 houses on property – house and single wide mobile home which total 2000 sf
- people living in both houses
- pointed out buildings on property that he plans to demolish that should not be counted in the numbers

Mr. Hopkins stated that the staff goes by the primary structure.

Mr. Williams asked what the building would be used for. Mr. Kilzi responded with the following information:

- owns a landscaping business
- wants to be able to lock up equipment
- cuts a lot of grass
- building would be about 1920 square feet
- 12' tall
- post frame construction, 6x6 post on concrete pillars
- metal building
- light grey with black trim

Mr. Hopkins pointed out that Mr. Kilzi cannot operate his business on this property, he can only store equipment in this proposed building. No other users can come pick up equipment, should only be Mr. Kilzi.

Mr. Kilzi stated the following:

- he has a number of employees
- has 1 or 2 guys that will be picking up equipment
- not much traffic on this road
- don't think it will be an issue

Mr. Hopkins stated that employees cannot come to a place of business on this property every day because operating a business is not allowed in the A-R zone. The function of the building has to be incidental to residential uses.

Mr. Williams asked if Mr. Kilzi lived on the property. Mr. Kilzi stated that he does not live on the property. Mr. Hopkins asked if any of the residents on the property worked for Mr. Kilzi to which he replied no.

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

Mr. Ward made a Motion and Mr Hancock seconded the Motion to approve the application by Daniel Kilzi to allow an accessory building larger than 125% of the square footage of the primary structure. The Motion passed with a unanimous vote.

Application by LaMont Barber (VAR-001709-2022) 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 13835 River Grove Lane on the south side of Whispering Pines and the east side of Center Hill Road Parcel #2053050200002300 Section 5 Township 2 Range 5 and is zoned R-20 (District 1)

Mr. Hopkins presented the application by LaMont Barber for a variance to allow a fence taller than 3 ft. in the designated front yard of a corner lot. Mr. LaMont Barber was present to represent the application.

Mr. Barber stated the following:

- wants to maximize the backyard space
- has 5 kids and 8 grandkids
- want to have a place for the kids to play
- want to fence just on the other side of the AC unit
- fence will be inside the 30' setback

Mr. Williams asks how tall the fence will be to which Mr. Barber states it will be a 6 foot cedar fence.

Mr. Steward asks if there is a fence in the neighbor's yard that Mr. Barber will build his fence to connect to it. Mr. Barber states that there is a fence in the neighbor's yard.

Mr. Hancock made a Motion and Mr. Steward seconded the Motion to approve the application by LaMont Barber 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 Cedric Davis (VAR-001710-2022) 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 2737 Cypress Lake Drive on the west side of Cypress Lake Drive and the north side of Woolsey Road Parcel #2065220700005100 Section 22 Township 2 Range 6 and is zoned R-30 (District 1)

Mr. Hopkins stated that the applicant could not be present for this meeting and would like to table the application until the next meeting.

Mr. Duncan made a Motion and Mr. Williams seconded the Motion to table the application by Cedric Davis 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.

Conditional Use

Application by Jason Coleman (CU-001612-2022) for a conditional use for an extension of time for a previous conditional use for 30 years to allow a private club or lodge to be used as a venue for special events. Subject property is located at 4036 Robertson Gin Road, on the east side of Robertson Gin Road and north of Clifton Road, Parcel #3087260000000300 Section 26 Township 3 Range 8 and is zoned A (District 5)

Mr. Hopkins presented the application by Jason Coleman for a conditional use for an extension of time for a previous conditional use for 30 years to allow a private club or lodge to be used as a venue for special events. Mr. Jason Coleman was present to represent the application.

Mr. Coleman stated the following:

- just wants to add more time to the conditional use
- have really enjoyed the event space
- host many events – weddings, banquets for the high school, parties for various charitable organizations, veterans day, command center after the tornadoes, banquets for local stables, church functions
- have a son that is a senior in high school and one that is a junior in high school They have interest in continuing the running of the event space for many years
- asking for more time on conditional use so it can function until his retirement

Mr. Steward asked if Mr. Coleman was asking to expand the conditional use until 2052 for his lifetime to which Mr. Coleman stated yes. Mr. Steward asked if there had been any complaints.

Ms. Chris McGinnis of 3900 Robertson Gin Road stepped forward with the following concerns:

- part of her 90 acres shares a property line with the Coleman's
- does not have a problem with the venue

- can hear bands occasionally, the fireworks and the lighting in the front running during events
- concern is the 30 years – does that 30 years go with Dr. Coleman or does it go with the property if he decided to sell
- his children are interested but don't know what will happen
- would like to keep the amount of time at 20 years and the kids could come ask for more time down the road if they want to run the event space

Mr. Hancock asked if this property were to get annexed by the City of Hernando this would all go away – Mr. Coleman would have to then apply with the City? Mr. Hopkins responded that it would probably get grandfathered in with the city. Mr. Hopkins said that the timeframe is not forever and that if the conditions of the conditional use are violated it could be withdrawn.

Mr. Duncan asked if there were any stipulations on if something happened to Mr. Coleman, would the conditional use have to be re-done. Mr. Coleman stated that his wife is listed on the conditional use also.

Ms. McGinnis stated that she is concerned that if some of the conditions change, the use of his property could change which could affect the use of her property.

Mr. Ward made a Motion and Mr. Steward seconded the Motion to approve the application by Jason Coleman for a conditional use for an extension of time for a previous conditional use for 30 years to allow a private club or lodge to be used as a venue for special events with the following conditions:

1. Events will last no later than 12:00 a.m.;
2. Will be for 30 years until May 9, 2052;
3. Approval is exclusive to Cynthia And Jason Coleman; and
4. Operations will be allowed seven days a week.

The Motion passed with a unanimous vote.

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