



BOARD OF ADJUSTMENT  
ORDER OF ITEMS  
May 10, 2021

CALL TO ORDER: 7:00  
APPROVAL OF MINUTES: April 12, 2021

NEW BUSINESS

**Variance**

Application by **John Stevenson (VAR- 000012-2021)** for a variance to allow an accessory building in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4126 Spring Place Dr on the east side of Spring Place Dr and north of College Rd Parcel #2071110100003800 Section 11 Township 2 Range 7 and is PUD (District 2)

Application by **Pamela Murphy (VAR- 000038-2021)** for a variance to allow a front setback of less than 50 feet and a side setback of less than 15 ft in accordance with the DeSoto County Zoning Ordinance. Subject property is located on the north side of Vaiden Rd and east of Anderson Ln Parcel #3062040000001400 Section 4 Township 3 Range 6 and is zoned A (District 5)

Application by **Daniel Robertson (VAR-000039-2021)** for a variance to allow a side setback of less than 100 feet for a mobile home in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6990 Angie Dr on the east side of Angie Dr and east of Robertson Gin Rd Parcel #4081020000001302 Section 2 Township 4 Range 8 and is zoned A (District 5)

Application by **Virginia Jones (VAR- 000043-2021)** for a variance to allow a side setback of less than 100 feet for a mobile home and for a mobile home to be more than 10 years old in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7008 Angie Dr on the east side of Angie Dr and east of Robertson Gin Rd Parcel #4081020000001303 Section 2 Township 4 Range 8 and is zoned A (District 5)

Application by **Larry Brown (VAR-000046-2021)** for a variance to allow an accessory building in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4620 Thompson Ln on the east side of Thompson Ln and north of

Holly Springs Rd Parcel #**3058280200001400** Section 28 Township 3 Range 5 and is A (District 1)

Application by **DeWarren Faulkner (VAR-000030-2021)** for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3870 Marie Lane on the north side of Marie Ln and east of Mitchells Grove Ln Parcel #**2065161100011600** Section 16 Township 2 Range 6 and is zoned R30 (District 5)

### **Conditional Use**

Application by **Walter Roop (CU-000033-2021)** for an expansion of an approved Conditional Use for a resort in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4428 Getwell Rd on the east side of Getwell Rd and south of Bolin Rd Parcel # **3078270000000304** Section 27 Township 3 Range 7 and is zoned A (District 5)

Application by **Daniel Robertson (CU-000040-2021)** for a Conditional Use to allow a Mobile home on less than 3 acres in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6990 Angie Dr on the east side of Angie Dr and east of Robertson Gin Rd Parcel #**4081020000001302** Section 2 Township 4 Range 8 and is zoned A (District 5)

Application by **Virginia Jones (CU-000044-2021)** for a Conditional Use to allow a Mobile home on less than 3 acres in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7008 Angie Dr on the east side of Angie Dr and east of Robertson Gin Rd Parcel #**4081020000001303** Section 2 Township 4 Range 8 and is zoned A (District 5)

Application by **Stafford Houston (CU-000047-2021)** for a Conditional Use for a wedding/event venue in accordance with the DeSoto County Zoning Ordinance. Subject property is located on the west side of Getwell Rd and south of Byhalia Rd Parcel # **3072040000001700** Section 4 Township 3 Range 7 and is zoned A (District 5)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, May 10, 2021, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Tom Williams, Phillip Steward, Mike Duncan, Mike Hancock and Earl Ward. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Sam Barber, Board Attorney.

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 12, 2021. Mr. Hancock made a Motion to approve the minutes as corrected. Mr. Steward 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 20, 2021, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on June 21, 2021.

### **Variance**

**Application by John Stevenson (VAR- 000012-2021) 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 4126 Spring Place Dr on the east side of Spring Place Dr and north of College Rd Parcel #2071110100003800 Section 11 Township 2 Range 7 and is PUD (District 2)**

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

Mr. Stevenson stated they are requesting the variance because of the topography of the property. He stated there is an elevation change of 30 ft. from the front yard to the rear yard and the water flows down behind the home. He then stated this is the only location to place a garage on the property and there are similar structures allowed in the subdivision.

Mr. Stevenson stated he has received approval from the HOA for the garage.

Mr. Williams asked if the garage will be the same materials as the home. Mr. Stevenson stated that it will be the same material.

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

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

**Application by Pamela Murphy (VAR- 000038-2021) for a variance to allow a front setback of less than 50 feet and a side setback of less than 15 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located on the north side of Vaiden Rd and east of Anderson Ln Parcel #3062040000001400 Section 4 Township 3 Range 6 and is zoned A (District 5)**

Mr. Hopkins presented the application by Pam Murphy for a variance to allow a front setback of less than 50 feet and a side setback of less than 15 ft. Mr. Bob Farley was present to represent the application.

Mr. Farley stated the house will face south toward Vaiden Rd and asking for the variance to be able to fit the home on the property. He then stated the proposed home would be 45 ft. from Anderson Ln and 10 ft. from the east property line. He stated there are neighbors present who will speak about a 25 ft easement on the property, the proposed home will be 20 feet outside the easement. Mr. Farley stated the proposed site would keep the house as far from Anderson Ln to allow for the widening of Anderson Ln.

There was discussion of the easement.

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

Mr. Elon Murphree stated he is concerned about the 25 ingress/egress easement he has for access to his property. There was discussion of the easement and Mr. Farley stated the home would be 20 ft from the easement so would not encroach the easement at all. Mr. Murphree stated there is a water meter at the 30 ft right of way line. Mr. Hancock stated that was something that Mr. Murphree would need to speak with the Road Department about.

Mr. Hancock made a Motion and Mr. Duncan seconded the Motion to approve the application by Pam Murphy for a variance to allow a front setback of less than 50 feet and a side setback of less than 15 ft. The Motion was passed with a unanimous vote.

**Application by Daniel Robertson (VAR-000039-2021) for a variance to allow a side setback of less than 100 feet for a mobile home in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6990 Angie Dr on the east side of Angie Dr and east of Robertson Gin Rd Parcel #4081020000001302 Section 2 Township 4 Range 8 and is zoned A (District 5)**

Mr. Hopkins presented the applications by Daniel Robertson for a variance to allow a side setback of less than 100 ft for a mobile home and a conditional use to allow a mobile home on less than 3 acres. Mr. Daniel Robertson was present to represent the applications.

Mr. Robertson stated he wants to replace the old mobile home on the property with a new mobile home.

Mr. Hancock asked how long the existing mobile home has been on the property. Mr. Robertson stated it has been on the property about 20 years.

Mr. Duncan asked if the mobile home will encroach on both the side setbacks. Mr. Cardosi stated that it will encroach on both sides.

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

Mr. Hancock made a Motion and Mr. Duncan seconded the Motion to approve the application by Daniel Robertson for a variance to allow side setbacks of less than 100 ft for a mobile home. The Motion was passed with a unanimous vote.

Mr. Hancock made a Motion and Mr. Duncan seconded the Motion to approve the application by Daniel Robertson for a conditional use to allow a mobile home on less than 3 acres for Mr. Daniel Robertson's lifetime or 30 years until May 10 2051. The Motion was passed with a unanimous vote.

**Application by Virginia Jones (VAR- 000043-2021) for a variance to allow a mobile home older than 10 years old and for a mobile home to be more than 10 years old in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7008 Angie Dr on the east side of Angie Dr and east of Robertson Gin Rd Parcel #4081020000001303 Section 2 Township 4 Range 8 and is zoned A (District 5)**

Mr. Hopkins presented the applications by Virginia Jones for a variance to allow mobile home older than 10 years old and a conditional use to allow a mobile home on less than 3 acres. Mr. Lonnie Jones was present to represent the applications.

Mr. Hopkins stated the mobile home is currently located in Arkansas and is being gifted by ministry to the applicant.

Mr. Jones stated he is here to represent his mother, Virginia Jones.

Mr. Steward asked how old the mobile home is. Mr. Jones stated they are not sure. Mr. Hopkins stated he would guess the mobile home is a late 1980's or early 1990's model. He stated a building inspector can look at it and discuss anything that needs to be replaced or upgraded.

Mr. Hancock asked if there is a mobile home currently on the property. Mr. Jones stated there is not, the mobile home was destroyed by a tornado.

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

Mr. Steward made a Motion and Mr. Williams seconded the Motion to approve the application by Virginia Jones for a variance to allow mobile home older than 10 years old. The Motion was passed with a unanimous vote.

Mr. Steward made a Motion and Mr. Hancock seconded the Motion to approve the application by Virginia Jones for a conditional use to allow a mobile home on less than 3 acres for 25 years until May 10, 2046 conditioned upon the mobile home being inspected by the Building Official. The Motion was passed with a unanimous vote.

**Application by Larry Brown (VAR-000046-2021) for a variance to allow an accessory building in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4620 Thompson Ln on the east side of Thompson Ln and north of Holly Springs Rd Parcel #3058280200001400 Section 28 Township 3 Range 5 and is A (District 1)**

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

There was discussion that although it appears the building is in the side yard according to our Zoning Ordinance it is considered to be on the front yard.

Mr. Brown stated the topography in the rear yard will not allow for the building to be moved further back. He stated there is a drop in the rear. He then stated the building will be 200 ft from the road and 226 ft from the side of the house. He stated the building will only have a pedestrian door on the front of the building.

Mr. Hancock asked what the building will be used for. Mr. Brown stated that it will be used for lawn equipment and housing for his dog.

Mr. Duncan asked if it will be a metal building. Mr. Brown stated it will be a metal building. Mr. Williams asked what color the building will be. Mr. Brown stated the building will be brown.

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

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

**Application by DeWarren Faulkner (VAR-000030-2021) for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3870 Marie Lane on the north side of Marie Ln and east of Mitchells Grove Ln Parcel #2065161100011600 Section 16 Township 2 Range 6 and is zoned R30 (District 5)**

Mr. Hopkins presented the application by DeWarren Faulkner for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. Mr. DeWarren Faulkner was present to represent the application.

Mr. Faulkner stated that he wants to build a 6 ft tall cedar fence and to build it closer to the road to be able to enclose his patio.

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

Mr. Duncan made a Motion and Mr. Ward seconded the Motion to approve the application by DeWarren Faulkner for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. The Motion was passed with a unanimous vote.

### **Conditional Use**

**Application by Walter Roop (CU-000033-2021) for an expansion of an approved Conditional Use for a resort in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4428 Getwell Rd on the east side of Getwell Rd and south of Bolin Rd Parcel # 3078270000000304 Section 27 Township 3 Range 7 and is zoned A (District 5)**

Mr. Hopkins presented the application by Walter Roop for an expansion of an approved conditional use for a resort. Mr. Walter Roop was present to represent his application.

Mr. Roop gave an overview of his current operation. He then stated he wants to increase the number of guests allowed at events. He stated that he has had a non-profit organization contact him about holding a fishing rodeo at his property but under the current conditions of approval he would not be able to allow them to. He then listed the following changes he is requesting:

- **Use of home and detached garage for wedding and event venue.**
- **Small home outdoor pa system is allowed for wedding music and children's birthday parties;**
- **Only vendor/caterers may serve alcohol for their event. No hard liquor allowed. Bolin Grove Farms themselves will not be providing, selling or serving alcohol. All vendors and service providers must provide certificates of insurance prior to or at the time of entry onto the Premises or they will not be allowed to enter.**
- **One approved food truck vendor is allowed at events.**
- **Private and group outings may be up to 150 people or less;**
- **Small weddings shall be limited to 150 people or less. Parking attendant and security will be provided for over 100 people;**
- **Private parties are allowed indoors after dark until 10:00pm**
- **Smoking is prohibited except at the fire pit, which is the only designated smoking area for the Event.**

- **No swimming or wading in lake at anytime**
- **Only service animals are permitted on the Premises (other than those belonging to Bolin Grove representatives).**
- **No person, guest, vendor, agent, contractor, invitee of Bolin Grove Farms customer or the customer shall bring any article of a flammable nature, explosives, illegal substances, or articles of a dangerous or offensive nature into or on the Premises.**

Mr. Roop stated there will be a security guard and parking attendant present during weddings.

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

Mary Davis came forward and stated she had her sons birthday party there and it is very family friendly. She then stated there are not a lot of places in Hernando to have kids birthday parties and feels this use would benefit the County.

Robert Latham came forward and stated he feels the operation will be an asset to the County.

Rick Hughes came forward and stated he is in favor of the operation.

Mr. Duncan asked how the home/garage will be used for events. Mr. Roop stated the drive through garage on the house would be used for birthday parties and for weddings with 50 guests or less.

Mr. Hancock asked what the size of the home is. Mr. Roop stated the house is 2,500 sqf. Mr. Hancock asked what size the garage is. Mr. Roop stated the garage is 1,500 sqf. Mr. Hancock asked if there will be any cooking inside the home. Mr. Roop stated there will be no cooking inside the home for events, cooking will be done inside the tent. Mr. Hancock asked what the home will be used for. Mr. Roop stated the home would be used for the wedding party to change and get ready for the event. Mr. Cardosi explained if approved the plan will go through the use and occupancy process.

There was discussion of how the use will be determined. Mr. Barber advised the application before the Board at this time is for approval of the use and if approved the code and occupancy will be looked at by the Building Department during the use and occupancy permit process.

Mr. Ward asked how many years the original approval was for. Mr. Hopkins stated the original approval was for 5 years.

Mr. Ward made a Motion and Mr. Hancock seconded the Motion to approve the application by Walter Roop for an expansion of an approved conditional use for a resort for 20 years until May 10, 2041 with the following conditions:



1. There shall not be any overnight stays;
2. Shall be allowed to grow and sell produce on the site;
3. Use of home and detached garage for wedding and event venue;
4. Small home outdoor pa system is allowed for wedding music and children's birthday parties;
5. Only vendor/caterers may serve alcohol for their event. No hard liquor allowed. Bolin Grove Farms themselves will not be providing, selling or serving alcohol. All vendors and service providers must provide certificates of insurance prior to or at the time of entry onto the Premises or they will not be allowed to enter;
6. One approved food truck vendor is allowed at events;
7. Private and group outings may be up to 150 people or less;
8. Small weddings shall be limited to 150 people or less. Parking attendant and security will be provided for over 100 people;
9. Private parties are allowed indoors after dark until 10:00pm;
10. Smoking is prohibited except at the fire pit, which is the only designated smoking area for the Event;
11. No swimming or wading in lake at any time;
12. No professional firework displays;
13. Only service animals are permitted on the Premises (other than those belonging to Bolin Grove representatives); and
14. No person, guest, vendor, agent, contractor, invitee of Bolin Grove Farms customer or the customer shall bring any article of a flammable nature, explosives, illegal substances, or articles of a dangerous or offensive nature into or on the Premises.

The Motion was passed with a unanimous vote.

**Application by Daniel Robertson (CU-000040-2021) for a Conditional Use to allow a Mobile home on less than 3 acres in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6990 Angie Dr on the east side of Angie Dr and east of Robertson Gin Rd Parcel #4081020000001302 Section 2 Township 4 Range 8 and is zoned A (District 5)**

**\*\*\*This is item was heard with the accompanying Variance application \*\*\***

**Application by Virginia Jones (CU-000044-2021) for a Conditional Use to allow a Mobile home on less than 3 acres in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7008 Angie Dr on the east side of Angie Dr and east of Robertson Gin Rd Parcel #4081020000001303 Section 2 Township 4 Range 8 and is zoned A (District 5)**

**\*\*\*This is item was heard with the accompanying Variance application \*\*\***

**Application by Stafford Houston (CU-000047-2021) for a Conditional Use for a wedding/event venue in accordance with the DeSoto County Zoning**

**Ordinance. Subject property is located on the west side of Getwell Rd and south of Byhalia Rd Parcel # 3072040000001700 Section 4 Township 3 Range 7 and is zoned A (District 5)**

Mr. Hopkins presented the application by Stafford Houston for a conditional use to for a wedding/event venue. Mr. Stafford Houston was present to represent the application.

Mr. Houston stated he also “The Gin” events venue in Nesbit. He stated the proposed building for this application will be and look different from the building used by “The Gin”. He stated there will be an outdoor area for weddings as well. He then stated the new building will include a 5,000 sqf. ballroom with an all glass wall facing the lake. Mr. Houston presented a picture of the home in Hazlehurst, MS they plan to duplicate for the building to be used for weddings/events. He stated they will have valet/handicap parking. He then stated he will also build his personal home on the property. Mr. Houston stated he feels this operation will be an asset to the County.

Mr. Hopkin stated the building and site plan will go through Design Review and Site Plan Review if approved.

Mr. Hancock stated with the size of the structure it will need to be sprinkled, is there efficient water in the area for sprinklers. Mr. Houston stated there is a City of Hernando water line located near the property.

Mr. Ward asked if there will be a residence located in the venue building. Mr. Houston stated there will not, it will strictly be used as a venue.

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

Randy Denton – 11820 Norfolk – came forward and stated he is representing Goodman Oaks Church of Christ, the current owners of the property. He stated they purchased the property several years ago to expand a satellite site but are not going to expand now and have decided to sell the property. He stated they wanted something that reflects well in the community and feels these plans represent this.

Amanda Hoogestrat – 327 Getwell Rd- came forward and had the following concerns:

- Does not want a commercial business next door
- How it will effect utilities
- Increased noise
- Increased traffic
- Decreased traffic safety
- Decreased security
- Increased crime
- Entire area is residential
- Has a septic system

- Has current drainage issues
- Decreased property value

Mr. Hancock asked if the property is strictly for residential use. Mr. Hopkins stated that the zoning of the property allows for applications for a conditional use.

There was discussion of a temporary vs. a permanent use.

Mr. Williams asked what type of fencing is currently on the property. Ms. Hoogestrat stated there is barb wire fencing and trees that will have to be torn down if this is approved. Mr. Williams asked if there is a buffer planned between the site and the neighbors. Mr. Houston stated he is not planning to remove any trees between his property and the neighbors.

Ms. Hoogestrat stated she does not feel it fits the character of the neighborhood.

Mr. Houston stated he only anticipates having about 40 events a year. Mr. Hancock stated that is less events than a church would generate.

Joel Hoogestrat came forward and had the following concerns:

- Sewage
- Drainage
- Storm water issues
- Increased noise
- Not the right location
- Will be a nightclub

There was discussion about the difference between a rezoning and a conditional use application.

There was discussion of what the conditional use application is actually for. It was stated the application is for a wedding/events venue not a club, bar or nightclub.

Mr. Houston explained that 98% of events at the venue will be weddings, there may be some women's garden club meetings or Turkey Federation meetings held at the venue but the majority of the events will be weddings.

Mr. Hoogestrat stated he is still concerned with noise and traffic.

Mr. Houston stated his hours of operation will mostly be Friday-Sunday from 10:00 am until 11:00 pm. The music will be indoors and wedding ceremonies will be outdoors.

Mr. Ward made a Motion and Mr. Hancock seconded the Motion to approve the application by Stafford Houston for a conditional use to for a wedding/event venue for 25 years until May 10, 2046. The Motion was passed with a unanimous vote.

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