



BOARD OF ADJUSTMENT
ORDER OF ITEMS
June 13th, 2022

CALL TO ORDER: 7:00
APPROVAL OF MINUTES: May 9th, 2022

NEW BUSINESS

Variance

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)

Application by Antonio Davis (**VAR-001711-2022**) for a variance to allow an accessory building in the designated side yard 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 7689 Soaring Oaks Drive on the south side of Soaring Oaks Drive and north of Highway 302 Parcel **#1097260700022600** Section 26 Township 1 Range 9 and is zoned PUD (District 3)

Application by James Stafford (**VAR-001712-2022**) 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 11662 Oak Drive on the east side of Oak Drive and north of First Oak Cove Parcel **#3094180300019900** Section 18 Township 3 Range 9 and is zoned A-R (District 4)

Application by Ryan Veach (**VAR-001713-2022**) 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 13781 Highlands Crest Drive on the south side of Highlands Crest Drive and the west side of Center Hill Road Parcel **#2053080900050900** Section 8 Township 2 Range 5 and is zoned PUD (District 1)

Application by Jason May (**VAR-001714-2022**) 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 5861 Belmont Road on the west side of Belmont Road and south of Slocum Road Parcel **#3079310700001200** Section 31 Township 3 Range 7 and is zoned A (District 5)

Conditional Use

Application by Ann Thompson (**CU-001613-2022**) for a conditional use for a mobile home in hardship conditions in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 9486 Nolan Road on West Side of Nolan Road and north of Woolsey Road North Parcel **#2065150000002300** Section 15 Township 2 Range 6 and is zoned A-R (District 1)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, June 13, 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, Celeste Sanders and Mauri Staten. 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 May 9, 2022. 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, 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 June 16, 2022, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on July 18, 2022.

NEW BUSINESS

Variance

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 application had been withdrawn by the applicant.

Application by Antonio Davis (VAR-001711-2022) for a variance to allow an accessory building in the designated side yard 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 7689 Soaring Oaks Drive on the south side of Soaring Oaks Drive and north of Highway 302 Parcel #1097260700022600 Section 26 Township 1 Range 9 and is zoned PUD (District 3)

Mr. Hopkins presented the application by Antonio Davis to have an accessory building in the designated side yard and to allow the building to be larger than 50% the square footage of the primary structure. Mr. Davis was present to represent the application.

Mr. Davis stated the following:

- lot is lower than neighbors
- lots of utilities on property
- water flows down the edges of the property to the back
- has trees and stumps buried on property
- all of these factors determined placement of building in side yard

- when built house did not finish out bonus room because costs went up
- need a storage space, garage to park dirt bikes, trucks, four wheelers and have a man cave
- building will be 24' by 80', back part will be bonus room/man cave

Mr. Hancock asked if there would be electricity or plumbing to which Mr. Davis responded probably plumbing on the outside for water hoses. He also stated that he would like to put in a bathroom but that would depend on the drop to the septic tank. He was planning on putting in electricity.

Mr. Williams asked if there had been any calls on the application and Mr. Hopkins stated there had been none.

Mr. Steward asked if the building would be insulated to which Mr. Davis said yes.

Mr. Hancock asked about the HOA. Mr. Davis stated that the plan had been approved by the HOA.

Mr. Duncan asked about the materials of the building. Mr. Davis stated that the HOA had approved a metal building with brick 4' up all the way around, a metal roof and electric doors. Mr. Davis also stated that all colors would match the house.

Mr. Steward made a Motion and Mr. Hancock seconded the Motion to approve the application by Antonio Davis for a variance to allow an accessory building in the designated side yard and to allow the building to be larger than 50% of the square footage of the primary structure. The Motion passed with a unanimous vote.

Application by James Stafford (VAR-001712-2022) 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 11662 Oak Drive on the east side of Oak Drive and north of First Oak Cove Parcel #3094180300019900 Section 18 Township 3 Range 9 and is zoned A-R (District 4)

Mr. Hopkins presented the application by James Stafford to allow an accessory building in the designated front yard. Mr. James Stafford was present to represent the application.

Mr. Stafford stated the following:

- just closed a business and needs a place to store files and equipment
- simple portable building to set on ground
- this is the only flat spot on the property, it drops 35 feet from the road to the lake
- lots of hills and valleys on the property
- house is 250 feet from road
- would cost too much money to bring in dirt to level a spot somewhere else on lot

Mr. Steward asked where the building would be. Mr. Stafford responded it would be up by the road.

Mr. Williams asked if there was anyone present to speak for or against the application. There was no one. He then asked if there had been any calls concerning the application and Mr. Hopkins responded there had been none.

Mr. Duncan asked if the shed would have flooring and Mr. Stafford responded that there would be ¾" plywood with a coating over joists.

Mr. Barber asked what the front setback was on this property. Mr. Hopkins stated that it was at least 50'. This lot is not as big as the AR zoning prescribes in this area and that the right-of-way is 30'.

Mr. Stafford said that the shed would be 9.6' off the property line and set at an angle due to a curve in the road.

Mr. Steward made a Motion and Mr. Hancock seconded the Motion to approve the application by James Stafford to allow an accessory building in the designated front yard. The Motion passed with a unanimous vote.

Application by Ryan Veach (VAR-001713-2022) 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 13781 Highlands Crest Drive on the south side of Highlands Crest Drive and the west side of Center Hill Road Parcel #2053080900050900 Section 8 Township 2 Range 5 and is zoned PUD (District 1)

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

Mr. Veach stated the following:

- don't have much usable space on that side of the house
- would like to move fence out 10 feet
- have small kids and need more room for them and their toys
- one day hope to get a pool and moving the fence out would allow more room to do that

Mr. Williams asked if Mr. Veach was just asking for approval for moving this one section of the fence out. Mr. Veach stated yes.

Mr. Duncan made a Motion and Mr. Steward seconded the Motion to approve the 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 Jason May (VAR-001714-2022) 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 5861 Belmont Road on the west side of Belmont Road and south of Slocum Road Parcel #3079310700001200 Section 31 Township 3 Range 7 and is zoned A (District 5)

Mr. Hopkins presented the application by Jason May for a variance to allow an accessory building in the designated side yard. Mr. Jason May was present to represent the application.

Mr. May stated the following:

- building will be a garage, pool house/entertainment area
- there are power lines on the lot and a steep hill on the lot
- the side yard is the only flat part to put building
- can't put building within 10 feet of house due to septic system
- there are woods behind the house

Mr. Duncan asked if it would be a metal building. Mr. May said yes, a 40 x 40 metal building.

Mr. Williams asked if the pool was already in place. Mr. May said the pool liner had been delivered but had not been installed.

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

Mr. Hancock asked if there would be electrical and plumbing. Mr. May replied yes, there would be electricity and plumbing. Mr. May stated that he plans to put a bathroom in the building. Mr. Hancock then asked what the building would be used for and Mr. May replied a hangout space/storage/parking/pool house. Mr. Hancock then asked if the building would be heated and cooled and Mr. May said yes.

Mr. Williams asked if there was a HOA and Mr. May said no.

Mr. Williams then asked if anyone had any questions. There were no more questions.

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

Conditional Use

Application by Ann Thompson (CU-001613-2022) for a conditional use for a mobile home in hardship conditions in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 9486 Nolan Road on West

**Side of Nolan Road and north of Woolsey Road North Parcel
#2065150000002300 Section 15 Township 2 Range 6 and is zoned A-R
(District 1)**

Mr. Hopkins presented the application by Ann Thompson for a conditional use for a mobile home in hardship conditions. Ms. Ann Thompson was present to represent the application.

Ms. Thompson stated the following:

- 7.5 acres
- brother lived in mobile home for 10+ years and passed away a month and a half Ago
- doesn't have anyone to help keep property up anymore
- mobile home currently on property is not big enough to accommodate her son and his family
- plan to tear down existing mobile home and replace with a new one
- she currently lives in the house but it is not big enough for her son and his family to live in

Mr. Duncan asked where the son lives now. Ms. Thompson stated he lives out a ways and the land he rents on is about to be sold. She stated they could move onto her property. She is leaving everything to her 13 year old grandson and granddaughter.

Mr. Duncan asked Ms. Thompson that if when she passed if her son and his family could then move into her house and get rid of the mobile home. Ms. Thompson replied with the following:

- her house needs a lot of work
- mobile home would be decent enough for them to stay in
- would need to tear down the house after she passed away

Mr. Hopkins stated that the hardship would be for Ms. Thompson and when the hardship was no longer there the mobile home would need to be removed.

Mr. Williams asked what the other buildings on the property were and Ms. Thompson pointed out that there are two sheds and a barn on the site. She also stated that there are a couple of RV's on her land that are just parked there when they are not being used for vacation.

Mr. Hopkins stated that the property is in the A-R zone in an unplatted subdivision which is treated as A zone.

Mr. Duncan asked if the existing mobile home is under a conditional use. He asked if Ms. Thompson had put the mobile home there. Ms. Thompson stated that the mobile home was on the property when she bought it in 1993. Mr. Duncan asked if the new mobile home would be grandfathered in and Mr. Hopkins replied that this was a replace on with one situation.

Mr. Williams asked if there was currently a septic system and water to which Ms. Thompson replied yes. Mr. Williams explained to Ms. Thompson that the new mobile home had to be 10 years old or newer.

Mr. Hopkins stated that he was unsure if there had been a conditional use for the brother that had been living in the existing mobile home. He stated that the existing mobile home had been grandfathered in and Ms. Thompson can only replace one with one with a hardship since she is in the A-R zone.

Mr. Steward asked if Ms. Thompson was requesting the conditional due to a hardship for her and something happened to her, her grandson would have to come back and make a new request for a conditional use. He asked why not make the conditional use for her son if her son was going to be the person living in the mobile home. Mr. Hopkins responded that the hardship is typically for the family member that needs help. Ms. Thompson stated that she is the one that needs help from her son. Mr. Barber stated that typically in the past the conditional use was given to the person who needs assistance. Mr. Barber said that once assistance is no longer needed then the CU is gone.

Ms. Thompson stated that she has a will and is leaving everything to her 14 year old grandson. Mr. Duncan asked if something were to happen and Ms. Thompson passed away before the grandson turned 18 what would happen. Mr. Barber responded with the following information:

- not sure what would happen
- 14 year old would not be making decisions as a minor
- his legal guardian would make decisions
- everything would probably go into a trust
- at that point the family would have to come back for a conditional use in their name(s)

Mr. and Mrs. Alan Niblett of 9360 Woolsey Road were present to speak. They had the following questions/concerns:

- own adjoining property
- Ms. Thompson keeps her 7.5 acres cut
- stated that she will definitely need help to maintain her property
- concerned about the placement of the new mobile home
- also asked if there were people living in the campers on the property
- what size mobile home was she going to replace the old one with

Ms. Thompson stated that there was no one living in the campers on the property. She also stated that the new mobile home would be a double wide to accommodate her son and his family.

Mr. Williams made a Motion and Mr. Hancock seconded the Motion to approve the conditional use for a mobile home in hardship conditions for the lifetime of Ann Thompson. The Motion was passed with a unanimous vote.

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