



**BOARD OF ADJUSTMENT
ORDER OF ITEMS
MARCH 13, 2017**

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: February 13, 2017

NEW BUSINESS

Variance

Application by **Brittany Toliver (1480)** for a variance to allow an accessory building to be located within the designated front yard in accordance with Article X, Paragraph 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 1663 Deerwood Place on the south side of Deerwood Place and east of McIngvale Road. Parcel #3-07-9-32-00-0-00038-00 Section 32, Township 3 Range 7 and is zoned A (District 5)

Application by **Bill Darby (1481)** for a variance to allow an accessory building to be located within the designated front yard in accordance with Article X, Paragraph 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 4115 Byhalia Road on the south side of Byhalia Road and east of Malone Road. Parcel #3-07-1-02-00-0-00025-02 Section 2, Township 3 Range 7 and is zoned A (District 5)

Application by **Antonio Davis (1482)** for a variance to allow an accessory building and a fence taller than 3 feet to be located within the designated front yard in accordance with Article X, Paragraph 2 & 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 3125 Nikki Lake Drive on the south side of Nikki Lakes Drive and west of Nikki Ridge Dr. East. Parcel #2-08-5-21-03-0-00023-00 Section 21, Township 2 Range 8 and is zoned A-R (District 4)

Conditional Use

Application by **The Well at Lewisburg/Corey Truett (1502)** for a Conditional Use to allow restaurant in accordance with Article V, Paragraph 2, Section C(9) Page 30 of the DeSoto County Zoning Ordinance. Subject property is located at 56 Vaughn Lane, on the

west side of Vaughn Lane and south of Byhalia Road, Parcel #3-06-2-04-00-0-00003-00 in Section 4, Township 3, Range 6 and is zoned A-R. (District 5)

Application by **Jerry Lee Lewis, III (1503)** for a Conditional Use renewal of an existing conditional use in the “A-R” zone to allow privately operated tours of home and grounds in accordance with Article V, Paragraph 2, Section C(13) Page 30 of the DeSoto County Zoning Ordinance. Subject property is located at 1595 Malone Road, on the west side of Malone Road and south of Pleasant Hill Road, Parcel #2-07-8-27-00-0-00022-00 in Section 27, 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, 2017, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Philip Steward, Rudy Davis, Earl Ward, Mike Duncan, and Tom Williams. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Tony Nowak, Board Attorney.

Board of Adjustment Co-Chairman Mr. Duncan called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated February 13, 2017. Mr. Davis made a Motion to approve the minutes as presented. Mr. Williams 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 March 23, 2017, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on April 17, 2017, at 11:00 a.m.

NEW BUSINESS

Variance

Application by Brittany Toliver (1480) for a variance to allow an accessory building to be located within the designated front yard and allow an accessory building to be larger than 50% of the square footage of the primary structure in accordance with Article X, Paragraph 2, 6 & 7, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 1663 Deerwood Place on the south side of Deerwood Place and east of McIngvale Road. Parcel #3-07-9-32-00-0-00038-00 Section 32, Township 3 Range 7 and is zoned A (District 5)

Mr. Hopkins presented the application by Brittany Toliver for a Variance to allow an accessory building in the designated front yard and to allow the accessory building to be larger than 125% of the square footage of the primary structure. Bradley and Brittany Toliver were present to represent the application.

Mr. Bradley Toliver came forward and stated that he currently stores things in three off-site storage facilities for things needed for his business. He stated he built this shop at his home to store his personal items such as a boat, trailers and lawn equipment. He stated the land drops off in the rear and was not suitable for building. He then stated he didn't realize that he could not put the storage building in that location since other neighbors had their accessory buildings in their front yards. Mr. Toliver then stated he thought the contractor who built the building had pulled all necessary permits. He stated the color of the storage building will match the home.

Mr. Duncan asked if there was anyone to speak for or against it.

Donna Harper - 1720 Deerwood Place – came forward and stated the land is level in the Tolivers' backyard and the topography of the land is not being represented correctly.

There was discussion of the topography of the lot.

Mr. Williams made a Motion and Mr. Ward seconded the Motion to approve the Variance to allow an accessory building in the designated front yard and to allow the accessory building to be larger than 125% of the square footage of the primary structure. The Motion was passed with a unanimous vote.

Application by Bill Darby (1481) for a variance to allow an accessory building to be located within the designated front yard in accordance with Article X, Paragraph 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 4115 Byhalia Road on the south side of Byhalia Road and east of Malone Road. Parcel #3-07-1-02-00-0-00025-02 Section 2, Township 3 Range 7 and is zoned A (District 5)

Mr. Hopkins presented the application by Bill Darby for a Variance to allow an accessory building to be located within the designated front yard. Mr. Darby was present to present the application.

Mr. Darby stated he would like to have a double garage and that the garage could not be located in the rear yard due to drainage issues. He then stated the garage could not be attached to the house because it would not be able to meet setbacks for the side property line. He stated the proposed garage would be bricked to match his home.

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

Mr. Ward made a Motion and Mr. Williams seconded the Motion to approve a Variance to allow an accessory building to be located within the designated front yard conditioned that the accessory building be bricked to match the home. The Motion was passed with a unanimous vote.

Application by Antonio Davis (1482) for a variance to allow an accessory building and a fence taller than 3 feet to be located within the designated front yard in accordance with Article X, Paragraph 2 & 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 3125 Nikki Lake Drive on the south side of Nikki Lakes Drive and west of Nikki Ridge Dr. East. Parcel #2-08-5-21-03-0-00023-00 Section 21, Township 2 Range 8 and is zoned A-R (District 4)

Mr. Hopkins presented the application by Antonio Davis for a Variance to allow an accessory building and a fence taller than 3 feet both to be located within the designated front yard. Mr. Davis was present to present the application.

Mr. Antonio Davis came forward and stated that due to the levee located on the property there would be no backyard to fence due to the lot being a corner lot. He stated he would like to tie into the common open space fence along the road. He stated he would like to have a fenced yard for his children's safety. Mr. Davis stated that in order to locate his detached garage in his rear yard he would have to cut into the levee.

Mr. Duncan stated it appears the applicant is limited to a building location due to the levee and the topography of the lot.

Mr. Ward asked what building material the fence will be constructed of. Mr. Davis stated the developer approved a wood privacy fence. Mr. Ward asked if the fence around the common open space is wood. Mr. Davis confirmed that the fence around the common open space is constructed of wood. Mr. Davis presented pictures of the fence around the common open space.

Mr. Steward stated there is a garage attached to the home. Mr. Davis stated he would like the detached garage to store an antique car and 4-wheelers in.

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

Mr. Davis made a Motion and Mr. Duncan seconded the Motion to approve a Variance to allow an accessory building to be located within the designated front yard and a fence taller than 3 feet to be constructed within the designated front yard conditioned that the accessory building be bricked to match the home and the fence not to exceed 6 ft. in height and be constructed of wood. The Motion was passed with a unanimous vote.

Conditional Use

Application by The Well at Lewisburg/Corey Truett (1502) for a Conditional Use to allow restaurant in accordance with Article V, Paragraph 2, Section C(9) Page 30 of the DeSoto County Zoning Ordinance. Subject property is located at 56 Vaughn Lane, on the west side of Vaughn Lane and south of Byhalia Road, Parcel #3-06-2-04-00-0-00003-00 in Section 4, Township 3, Range 6 and is zoned A-R. (District 5)

Mr. Hopkins presented the application by The Well at Lewisburg/Corey Truett for a Conditional Use to allow a restaurant. Mr. Corey Truett was present to present the application.

Mr. Corey Truett came forward and stated he is asking to open a non-profit café in their church. He stated the hours of operation will be 6:00 a.m. to 4:00 p.m. He then stated 10% (is this right? What about the other 90%. This sounds like it's a for profit entity) of all profits will go back into the community. He stated they have received clearance from the Fire Marshall and from a structural engineer. Mr. Truett then stated the addition will match the existing church building.

Mr. Ward asked what the seating capacity will be. Mr. Truett stated the main area will seat 90-95 as set by the Fire Marshall.

Mr. Ward asked about how the parking will be handled. Mr. Truett stated there is parking in front of the church and they hope to build additional parking in the future.

Mr. Steward asked if there was anyone for or against this item. There was no one.

Mr. Ward made a Motion and Mr. Steward seconded the Motion to approve a Conditional Use to allow a non-profit restaurant at 56 Vaughn Lane with the following conditions:

1. The addition shall match the existing church building;
2. The hours of operation shall be Monday-Saturday from 6:00 a.m. until 5:00 p.m.;
and
3. Shall be approved for twenty (20) years, until March 13, 2037.

The Motion was passed with a unanimous vote.

Application by Jerry Lee Lewis, III (1503) for a Conditional Use renewal of an existing conditional use in the "A-R" zone to allow privately operated tours of home and grounds in accordance with Article V, Paragraph 2, Section C(13) Page 30 of the DeSoto County Zoning Ordinance. Subject property is located at 1595 Malone Road, on the west side of Malone Road and south of Pleasant Hill Road, Parcel #2-07-8-27-00-0-00022-00 in Section 27, Township 2, Range 7 and is zoned A-R. (District 5)

Mr. Hopkins presented the application Jerry Lee Lewis, III for a Conditional Use renewal of an existing conditional use in the "A-R" zone to allow privately operated tours of home and grounds. Mr. Jerry Lee Lewis, III was present to present the application.

Mr. Lewis came forward and presented detailed drawings illustrating the parking and traffic flow on to and off of the property. He then explained the route of the tours and stated at this time there will be no tours of the pool. He stated there have been sidewalks and ADA approved ramps added to the property.

Mr. Duncan asked why the original tours stopped. Mr. Lewis stated at the time there were family troubles and a divorce and the ex-wife was part of the company that held the tours so the tours were discontinued at that time.

Mr. Ward asked if there will be security and will they be able to handle any traffic issues that arise. Mr. Lewis stated there will be security on site and hope to alleviate any traffic issues as they will have tours by appointment only. Mr. Ward stated he is concerned there will still be some traffic congestion. Mr. Lewis stated there will be no buses coming on site due to the logistics; buses cannot easily fit into the gate.

Mr. Davis asked how many years he is requesting for approval. Mr. Lewis stated he would be happy with 10 years if possible.

Mr. Duncan asked if there will be 24/7 security. Mr. Lewis stated that there is security on the property at all times.

Mr. Steward asked if there was anyone to speak for or against this item.

Barbara Smith – Pleasant View Cove - came forward and is concerned with the following:

- Security
- Noise

Mr. Lewis stated the tours will only be of the home and the front grounds, the tours will not be near Ms. Smith's property.

Cindy Rushing came forward and stated she is concerned with increased traffic in the area.

Mr. Lewis stated they will advertise via a website and the tours will be by appointment only. He stated there will be no more than 8 tours a day with a maximum of 15 people per tour. Mr. Duncan asked if he could post a sign that states tours by appointment only. Mr. Lewis stated he will do that.

Mr. Williams asked what the hours of operation will be. Mr. Lewis stated Monday-Saturday 9:00 a.m. until 6:00 p.m.

There was discussion of whether there will be ample room for turning around to leave if someone does not have an appointment for a tour.

Mr. Duncan made a Motion and Mr. Davis seconded the Motion to approve a Conditional Use renewal of an existing conditional use in the "A-R" zone to allow privately operated tours of home and grounds with the following conditions:

1. Shall be approved for 10 years until March 13, 2027;
2. The hours of operation shall be Monday – Saturday from 9:00 a.m. until 6:00 p.m.;
3. There shall be no buses;
4. There shall be no more than 8 appointment only tours a day with a maximum of 15 people per tour;
5. There shall be a guard at the entrance during hours of operation; and
6. There shall be 24 hour security on site.

The Motion was passed with a unanimous vote.

Mr. Williams made a Motion to Adjourn. Mr. Ward seconded the Motion. The Motion was passed with a unanimous vote.