



BOARD OF ADJUSTMENT
ORDER OF ITEMS
JANUARY 13, 2020

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: November 18, 2019

NEW BUSINESS

Variance

Application by **Matt Hall** (1578) for a variance to allow a rear setback of less than 20 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4090 Delbridge Court North on the north side of Delbridge Court North and west of Delbridge Court East Parcel #2-07-1-11-02-0-00028-00 Section 11 Township 2 Range 7 and is zoned PUD (District 2)

Application by **Luis Hernandez** (1580) for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 100 Northstar Dr on the east side of Northstar Dr and south of Green River Rd Parcel #3-09-3-05-01-0-0-00238-00 Section 5 Township 3 Range 9 and is zoned A-R (District 4)

Application by **Landon Holmes** (1581) for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 11305 Cedar Point Cv on the west side of Cedar Point Cv and south of Mosby Ln Parcel #3-06-7-36-02-0-00007-00 Section 36 Township 3 Range 6 and is zoned A (District 5)

Application by **Will Kasner** (1585) for a variance to allow an accessory building to be located in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3143 Red Banks Rd. N on the north side of Red Banks Rd N and west of Old Pigeon Roost Rd Parcel #2-05-5-16-02-0-00007-00 Section 16 Township 2 Range 5 and is zoned A (District 1)

Conditional Use

Application by **Ann Kimberlin (1548)** for a Conditional Use to allow private club/lodge (events venue) in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8650 Center Hill Rd, on the east side of Center Hill Road and south of Stateline Rd, Parcel #1-05-5-21-00-0-00010-00 in Section 21, Township 1, Range 5 and is zoned A-R. (District 1)

Application by **Wayne & Ellen Davis (1549)** for a Conditional Use in accordance with the DeSoto County Zoning Ordinance to allow a mobile home under hardship conditions. Subject property is located at 4639 Pounders Road on the south side of Pounders Road and east of Fogg Road in Section 29, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, January 13, 2020, in the Planning Commission Conference Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Tom Williams, Earl Ward, Phillip Steward and Rudy Davis. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Sam Barber, Board Attorney.

Board of Adjustment Chairman Mr. Ward called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated November 18, 2019. Mr. Steward made a Motion to approve the minutes as corrected. Mr. Davis 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 January 23, 2020, at 5:00 p.m. due to the Thanksgiving Holiday. She then stated any appeals filed will be heard by the Board of Supervisors on February 18, 2020.

NEW BUSINESS

Variance

Application by Matt Hall (1578) for a variance to allow a rear setback of less than 20 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4090 Delbridge Court North on the north side of Delbridge Court North and west of Delbridge Court East Parcel #2-07-1-11-02-0-00028-00 Section 11 Township 2 Range 7 and is zoned PUD (District 2)

Mr. Hopkins presented the application by Matt Hall for a variance to allow a rear setback of less than 20 ft. Mr. Matt Hall was present to represent the application.

Mr. Hall stated that the backyard is very narrow and oddly shaped. He stated he would be building a pool and would like to build an outdoor living space as well. He then stated due to the size and the shape of the yard he would need to have a rear setback of 5 feet instead of 20 feet.

Mr. Ward asked if there was 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 Matt Hall for a variance to allow a rear setback of less than 20 ft. The Motion was passed with a unanimous vote.

Application by Luis Hernandez (1580) for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 100 Northstar Dr on the east side of Northstar Dr and south of Green River Rd Parcel #3-09-3-05-01-0-0-00238-00 Section 5 Township 3 Range 9 and is zoned A-R (District 4)

Mr. Hopkins presented the application by Luis Hernandez for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure. Mr. Luis Hernandez was present to represent the application.

Mr. Hernandez stated that he would like to build a shed to replace the old shed to store his trucks and cars in.

Mr. Steward asked if it would be used for commercial use. Mr. Hernandez stated it would only be for personal use.

Mr. Davis asked how tall the building will be. Mr. Hernandez stated it would be approximately 10 ft. tall.

Mr. Steward asked if the building will be enclosed. Mr. Hernandez stated it will not be enclosed; it will be more like a carport.

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

Mr. Davis made a Motion and Mr. Steward seconded the Motion to approve the application by Luis Hernandez for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure. The Motion was passed with a unanimous vote.

Application by Landon Holmes (1581) for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 11305 Cedar Point Cv on the west side of Cedar Point Cv and south of Mosby Ln Parcel #3-06-7-36-02-0-00007-00 Section 36 Township 3 Range 6 and is zoned A (District 5)

Mr. Hopkins presented the application by Landon Holmes for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure. Mr. Landon Holmes was present to represent the application.

Mr. Holmes stated he is asking to build a 40x60 building with a lean to. He stated he is building it to store his RV and boat in.

Mr. Williams asked where the building would be located on the property. Mr. Holmes stated that it will be located behind the home.

Mr. Hopkins asked how far the building will be located from the side property line. Mr. Holmes stated it would be located approximately 15 feet from the side property line. Mr. Hopkins asked how tall the building will be. Mr. Holmes stated that the building will be 14-16 feet tall. Mr. Hopkins asked what color the building will be. Mr. Holmes stated that the building will white to match the color of the house.

Mr. Ward asked if there was 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 Landon Holmes for a variance to allow an accessory building to be larger than 50% of the square footage of the primary structure. The Motion was passed with a unanimous vote.

Application by Will Kasner (1585) for a variance to allow an accessory building to be located in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3143 Red Banks Rd. N on the north side of Red Banks Rd N and west of Old Pigeon Roost Rd Parcel #2-05-5-16-02-0-00007-00 Section 16 Township 2 Range 5 and is zoned A (District 1)

Mr. Hopkins presented the application by Will Kasner for a variance to allow an accessory building to be located in the designated front yard of the double frontage lot. Mr. Will Kasner was present to represent the application.

Mr. Kasner stated that he would like to build a 20x30 chop beside his house but due to it being a corner lot it is consider being in the front yard. He stated that the building will not be seen from Pigeon Roost Rd due to the wooded portion of the lot.

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

Mr. Williams asked what color the building will be. Mr. Kasner stated it will be a metal building and the color will match the house.

Mr. Steward made a Motion and Mr. Davis seconded the Motion to approve the application by Will Kasner for a variance to allow an accessory building to be located in the designated front yard of the double frontage lot. The Motion was passed with a unanimous vote.

Conditional Use

Application by Ann Kimberlin (1548) for a Conditional Use to allow private club/lodge (events venue) in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8650 Center Hill Rd, on the east

side of Center Hill Road and south of Stateline Rd, Parcel #1-05-5-21-00-0-00010-00 in Section 21, Township 1, Range 5 and is zoned A-R. (District 1)

Mr. Hopkins presented the application by Ann Kimberlin for a Conditional Use to allow a private lodge/club (events venue). Mr. Patrick Kimberlin was present to represent the application.

Mr. Ward asked if the applicant lives on the site. Mr. Kimberlin stated he does live on the site.

Mr. Ward asked if they will have security. Mr. Kimberlin stated they will have security on site during events.

Mr. Williams stated that there is an arena already on the property, what will you be changing or building on the property. Mr. Kimberlin stated that there will be very little changed to the property.

Mr. Ward asked if the applicant plans to have the events venue open on Sundays. Mr. Kimberlin stated they do plan to operate on Sundays. Mr. Kimberlin stated they do plan to operate on Sundays. Mr. Ward asked what the hours of operation would be on Sundays. Mr. Kimberlin stated that the hours of operation will be opening at 8:00 am on Sundays. Mr. Ward stated he could see opening at 1:00 p.m. on Sundays but not 8:00 a.m. Mr. Kimberlin stated that they are fine with opening at 1:00 p.m. on Sundays. Mr. Davis asked what time they will end on Sundays. Mr. Kimberlin stated they would end at 8:00 p.m. on Sundays.

Mr. Hopkins asked what type of music would be allowed at the events. Mr. Kimberlin stated DJ speakers would be the extent of the amplified music at the site.

Mr. Ward asked if they would have concessions serving food and alcohol. Mr. Kimberlin stated the clients would be responsible for catering the events.

Mr. Patrick explained where all the buildings and parking is located on the site. Mr. Williams asked if the remaining property is pasture land. Mr. Kimberlin stated that it is pasture land and hayfields.

Mr. Davis asked how close the activities would be to neighbors. Mr. Kimberlin stated that activities would be a pretty good distant from neighbors and does not feel any of the neighbors will hear noise from the operation.

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

Mr. Len Lawhon – 8405 Center Hill Rd – came forward and stated that he is for the application. He stated he lives directly across the street from the proposed site and feels it is a wonderful thing and will greatly supplement the farm income of the Kimberlins.

Mr. Steward made a Motion and Mr. Davis seconded the Motion to approve the application by Ann Kimberlin for a Conditional Use to allow a private lodge/club (events venue) with the following conditions:

1. The time limit shall be for 5 years until January 13, 2025; and
2. The hours of operation shall be Friday 5:00 p.m. – midnight, Saturday 9:00 a.m. - midnight and Sunday 1:00 p.m. – midnight.

The Motion was passed with a unanimous vote.

Application by Wayne & Ellen Davis (1549) for a Conditional Use in accordance with the DeSoto County Zoning Ordinance to allow a mobile home under hardship conditions. Subject property is located at 4639 Pounders Road on the south side of Pounders Road and east of Fogg Road in Section 29, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)

Mr. Hopkins presented the application by Wayne and Ellen Davis for a conditional use to allow a mobile home under hardship conditions. Mrs. Ellen Davis was present to represent the application. Mr. Hopkins stated that there have been previous approvals on the site for a mobile home under hardship conditions.

Mrs. Davis came forward and stated that her cousin is currently living in the mobile home with her granddaughter and her son in law who is on hospice. She stated her cousin is not in the best of health either. Mrs. Davis stated she had forgotten there was a conditional use for the mobile home until they came to the Building Department to pull permits to repair fire damage of their home and were not able to pull the permit due the expired Conditional Use.

Mr. Williams asked how far from Fogg Rd the property is located. Mrs. Davis said it is located approximately ¼ of mile from Fogg Rd.

Mr. Ward asked how long the applicant is requesting the Conditional Use for. Mrs. Davis stated she would like it for the lifetime of her cousin, Lin McEwen. Mr. Williams asked what will happen to the mobile home once Ms. McEwen passes away. Mrs. Davis stated that the mobile home would be removed from the property.

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

Mr. Williams made a Motion and Mr. Davis seconded the Motion to approve the application by Wayne and Ellen Davis for a conditional use to allow a mobile home under hardship conditions with the following conditions:

1. The time limit shall be for the lifetime of Lin McEwen.

The Motion was passed with a unanimous vote.

Mr. Cardosi stated that Board of Adjustment needs to elect officers for the coming year and that the current officers have only served one term. If the Board chooses to they could vote to keep the officers the same or could elect new officers.

Mr. Williams made a Motion and Mr. Davis seconded the Motion to nominate Mr. Mike Duncan as Chairman, Mr. Earl Ward as Co-Chairman, and Mr. Phillip Steward as Secretary. The Motion was passed with a unanimous vote.

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