



BOARD OF ADJUSTMENT  
ORDER OF ITEMS  
February 8, 2021

CALL TO ORDER: 7:00  
APPROVAL OF MINUTES: January 11, 2021

NEW BUSINESS

**Variance**

Application by **Katina Gillard (1634)** for a variance to allow a fence taller than 3 ft. in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6195 Chippewa on the west side of Chippewa and north of Knightsbridge Ln Parcel #1-05-8-33-07-0-00107-00 Section 33 Township 1 Range 5 and is zoned PUD (District 1)

Application by **Michael Schmidt (1635)** for a variance to allow an accessory building larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2185 Hwy 305 N on the west side of Hwy 305 and north of Bethel Rd Parcel #2-06-5-21-00-0-00021-00 Section 21 Township 2 Range 6 and is zoned A-R (District 5)

Application by **Kim Sellers (1636)** 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 13688 Whispering Pines on the north side of Whispering Pines and west of Steeple Chase Parcel #2-05-3-05-01-0-00011-00 Section 5 Township 2 Range 5 and is zoned A-R (District 1)

**Conditional Use**

Application by **New Cingular Wireless PCS, LLC (1562)** for a Conditional Use to allow a Cell Tower in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1650 Holly Springs Rd on the north side of Holly Springs Rd and east of McIngvale Parcel #3-07-4-17-00-0-00010-00 Section 17 Township 3 Range 7 and is zoned A-R (District 5)

Application by **Atmos Energy (1563)** for a Conditional Use to allow a utility substation in accordance with the DeSoto County Zoning Ordinance. Subject property is located at on the east side of Hwy 305 and north of Ingrams Mill Road. Parcel #306515000 0000600 Section 17 Township 3 Range 7 and is zoned A (District 5)

Application by **Gilmore Yackey (1564)** for a Conditional Use for an extension to allow a bed and breakfast in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2601 & 2575 Delta Crest Cv on the west side of Delta Crest Cv and south of W. Commerce Parcel #3-09-4-18-04-0-00036-00 Section 18 Township 3 Range 9 and is zoned A-R (District 4)

Application by **Liberty Institutional Baptist Church (1565)** for a Conditional Use to allow a cemetery in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 9201 Center Hill Rd on the west side of Center Hill Rd and north of Stateline Rd Parcel #1-05-4-17-00-0-00001-00 Section 17 Township 1 Range 5 and is zoned A-R (District 1)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, February 8, 2021, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Tom Williams, Phillip Steward, Mike Hancock, Earl Ward and Mike Duncan. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks, Mauri Staten 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 January 11, 2021. Mr. Steward made a Motion to approve the minutes as corrected. Mr. Duncan 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 February 18, 2021, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on March 15, 2021.

## NEW BUSINESS

### Variance

**Application by Katina Gillard (1634) for a variance to allow a fence taller than 3 ft. in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6195 Chippewa on the west side of Chippewa and north of Knightsbridge Ln Parcel #1-05-8-33-07-0-00107-00 Section 33 Township 1 Range 5 and is zoned PUD (District 1)**

Mr. Hopkins presented the application by Katina Gillard for a variance to allow a fence taller than 3 ft. in the designated front yard. Mr. Glover Gillard was present to represent the application.

Mr. Gillard stated they wanted to bring the fence out 6 ft. from the edge of the driveway to allow for a double gate.

Mr. Williams asked if the fence will be cedar. Mr. Gillard stated it will be cedar.

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

**Application by Michael Schmidt (1635) for a variance to allow an accessory building larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2185 Hwy 305 N on the west side of Hwy 305 and north of Bethel Rd Parcel #2-06-5-21-00-0-00021-00 Section 21 Township 2 Range 6 and is zoned A-R (District 5)**

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

Mr. Schmidt stated the shop was given to him and he would like to be able to use it on his property. Mr. Ward asked what the building will be used for. Mr. Schmidt stated the building will be used for personal storage. Mr. Ward asked if the building will be used for a commercial business. Mr. Schmidt stated it would not be used for a commercial business. Mr. Schmidt stated it would not be used for a commercial business.

Mr. Steward asked if the building will be metal. Mr. Schmidt stated it is a metal building.

Mr. Duncan asked if there will be utilities. Mr. Schmidt stated there will be electricities.

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

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

**Application by Kim Sellers (1636) 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 13688 Whispering Pines on the north side of Whispering Pines and west of Steeple Chase Parcel #2-05-3-05-01-0-00011-00 Section 5 Township 2 Range 5 and is zoned A-R (District 1)**

Mr. Hopkins presented the applicaiotn by Kim Sellers for a variance to allow an accessory building in the designated front yard of a double frontage lot. Mrs. Kim Sellers was present to represent the application.

Mrs. Sellers stated she wants to put a garage at the end of her driveway. She stated when they had someone fix the pad for the garage she did not realize that she would have to meet a front setback on the side of the house along the street. She stated it will be a metal building on a concrete slab with a bathroom to use when their pool is built. Mrs. Sellers stated there are other garages in the same location on other lots but the difference is that her lot is a corner lot. She stated there is a drop off on the rear of the property.

Mr. Duncan asked if there will be any brick on the building. Mrs. Sellers stated when they looked at the covenants before purchasing the building there was no requirement for brick so they purchased a metal building. Mr. Duncan asked what color the building will be. Mr. Duncan asked what color the building will be, Mrs.

Sellers stated the building will be gray to match the color they will be painting the dormers on the existing house. She stated there will be a row of skinny evergreens planted along the side of the garage along Steeplechase Dr. She then stated the lights will match on the house.

Mrs. Sellers stated that the plat notes a 75 front setback which is more restrictive than what is normally required in the AR zone. She represented two letters of support from neighbors.

Mr. Hancock asked if other garages in the neighborhood are brick. Mrs. Sellers stated they are, but it is not required in the covenants.

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

Mrs. Terri Maffitt – 13705 Whispering Pines – came forward and had the following concerns:

- They were required to sign restrictive covenants at the closing of their home that required brick or wood for garages
- Will lower the property values in the area
- She will have to look at the building because it is across the street from her property
- There is space in the rear yard for the garage
- Does not keep in character with the neighborhood

Mr. Williams asked if there is an HOA. Mrs. Maffitt stated there is not an HOA but the neighbors were required to sign covenants when they signed contracts on their homes. She then stated the neighbors pay to maintain the subdivision entrance and the lot where the sewage lagoon is located.

Mr. Duncan asked if construction has begun on the garage. Mrs. Sellers stated the dirt work and retaining wall are completed and that form boards and plumbing rough in are in place. She then stated she was not aware that the contractor building the garage had not pulled a permit.

Allen Sims – 13771 Whispering Pines – came forward and had the following concerns:

- Under the impression there were restrictive covenants
- The garage will sit prominently in the neighborhood
- Will decrease property values
- Feels the garage should be in the back yard, because the back yard is very flat
- The building is metal and not brick

Regina Osei – 13848 Whispering Pines – came forward and stated she feels the garage should be brick.

James Wright – 13597 Whispering Pines – came forward and stated he feels they need to install a fence to hide the building.

Mrs. Sellers stated they didn't use brick for the building because it was not required and would be cost prohibitive.

Mr. Steward asked why not put the garage in the back yard. Mrs. Sellers stated it would interfere with drainage if put in the back yard and there are 3 pear trees her father planted and if moved it would kill the trees.

Mr. James Sellers came forward and stated they are willing to brick halfway up the front of the garage and will have carriage doors.

Mr. Sam Barber advised the County cannot enforce covenants whether recorded or not.

Mr. Duncan stated the Board should only look at the merits of the variance not necessarily the aesthetics.

Corey Sims – 13771 Whispering Pines – came forward and stated all the homes in the neighborhood have 2-3 car garages and feels this building location is just for convenience.

There was discussion of the dirt work that has been done and the cost of moving the location.

Mr. Hancock made a Motion and Mr. Steward seconded the Motion to deny the application by Kim Sellers for a variance to allow an accessory building in the designated front yard of a double frontage lot. The Motion passed in a 4-1 vote.

### **Conditional Use**

**Application by New Cingular Wireless PCS, LLC (1562) for a Conditional Use to allow a Cell Tower in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1650 Holly Springs Rd on the north side of Holly Springs Rd and east of McIngvale Parcel #3-07-4-17-00-0-00010-00 Section 17 Township 3 Range 7 and is zoned A-R (District 5)**

**Application by Atmos Energy (1563) for a Conditional Use to allow a utility substation in accordance with the DeSoto County Zoning Ordinance. Subject property is located at on the east side of Hwy 305 and north of Ingrams Mill Road. Parcel #306515000 0000600 Section 17 Township 3 Range 7 and is zoned A (District 5)**

**Application by Gilmore Yackey (1564) for a Conditional Use for an extension to allow a bed and breakfast in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2601 & 2575 Delta Crest Cv on the west side of Delta Crest Cv and south of W. Commerce**

**Parcel #3-09-4-18-04-0-00036-00 Section 18 Township 3 Range 9 and is zoned A-R (District 4)**

**Application by Liberty Institutional Baptist Church (1565) for a Conditional Use to allow a cemetery in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 9201 Center Hill Rd on the west side of Center Hill Rd and north of Stateline Rd Parcel #1-05-4-17-00-0-00001-00 Section 17 Township 1 Range 5 and is zoned A-R (District 1)**