



**BOARD OF ADJUSTMENT
ORDER OF ITEMS
February 11, 2019**

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: January 14, 2019

OLD BUSINESS

Variance

Application by **Pintail Construction (1537)** for a variance to allow a front setback of less than 40 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3535 Anna Dr on the south side of Anna Dr and east of Fossil Hill Dr Parcel #3-07-5-22-03-0-00041-00 in Section 22, Township 3 Range 7 and is zoned R-30. (District 5)

NEW BUSINESS

Variance

Application by **Bridgforth Homes, LLC (1539)** for a variance to allow a fence to be taller than 3 ft located within the designated front yard in accordance with Article X, Paragraph 2, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 4281 Lundy Bend E. on the west side of Lundy Bend E. and south of Woodgate Lane Ext. Parcel #2-07-1-11-04-0-00157-00 Section 11, Township 2 Range 7 and is zoned PUD (District 2)

Application by **Charles Herren (1540)** for a variance to allow an accessory building 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 1001 Crocket Loop N. on the south side of Crocket Loop and west of Boone Dr Parcel #2-08-7-35-02-0-00130-00 Section 35, Township 2 Range 8 and is zoned A (District 4)

Application by **Steve & Marla Tow (1541)** for a variance to allow an accessory building 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 1979 Sunset Farms

on the west side of Sunset Farms and north of W. Commerce St Parcel #3-08-2-09-01-0-00027-00 Section 9, Township 3 Range 8 and is zoned A (District 4)

Application by **Michael Anderson (1542)** for a variance to allow an accessory building 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 4365 Pleasant Hill Road on the west side of Pleasant Hill Road and south of Church Road Parcel #2-07-1-12-00-0-00009-01 Section 12, Township 2 Range 7 and is zoned A-R (District 2)

Conditional Use

Application by **Jason & Cynthia Coleman (1534)** for a Conditional Use to allow private club/lodge in accordance with Article V, Paragraph 1, Section C(30) Page 26 of the DeSoto County Zoning Ordinance. Subject property is located at 4036 Robertson Gin Road, on the east side of Robertson Gin Road and north of Clifton Road, Parcel #3-08-7-26-00-0-00003-00 in Section 26, Township 3, Range 8 and is zoned A. (District 5)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, February 11, 2019, in the Planning Commission Conference Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Mike Duncan, Phillip Steward, Tom Williams, Earl Ward and Rudy Davis. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Sam Barber, Board Attorney.

Board of Adjustment Chairman Mr. Steward called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated January 14, 2019. Mr. Davis made a Motion to approve the minutes as corrected. Mr. Ward 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 21, 2019, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on March 18, 2019, at 9:30 a.m.

OLD BUSINESS

Variance

Application by Pintail Construction (1537) for a variance to allow a front setback of less than 40 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3535 Anna Dr on the south side of Anna Dr and east of Fossil Hill Dr Parcel #3-07-5-22-03-0-00041-00 in Section 22, Township 3 Range 7 and is zoned R-30. (District 5)

Mr. Hopkins presented the Variance application by Pintail Construction to allow a front setback of less than 40 ft. Mr. Bryant Jernigan was present to represent this application.

Mr. Duncan asked if the home has been built. Mr. Jernigan stated the house is built and they are ready to close on the house this week. Mr. Duncan asked when the applicant determines the house would not meet setback. Mr. Jernigan stated that he determined it would not meet setback after the slab was poured.

Mr. Steward stated he is concerned that this item has been on the Board of Adjustment agenda for over 90 days and the applicant did not show up for the first two meetings. Mr. Jernigan stated that they missed the first meeting because his business partner's son has cancer and had to be taken to St. Jude and Mr. Jernigan was sick the night of the second meeting.

Mr. Duncan asked if construction continued while they were waiting on the approval of the Variance. Mr. Jernigan stated construction did continue while they were waiting on the approval.

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

Mr. Williams asked who owns the neighboring lot. Mr. Jernigan stated that lot has been sold.

Mr. Ward asked for confirmation that the applicant found out the house was not in compliance and still continued to build the house before getting approval. Mr. Jernigan stated that once they found out they were not in compliance they stopped work until approval was given.

Mr. Williams made a Motion and Mr. Davis seconded the Motion to approve the application by Pintail Construction for a variance to allow a front setback of less than 40 ft. The Motion passed in a 4-1 vote, with Mr. Steward voting no.

NEW BUSINESS

Variance

Application by Bridgforth Homes, LLC (1539) for a variance to allow a fence to be taller than 3 ft located within the designated front yard in accordance with Article X, Paragraph 2, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 4281 Lundy Bend E. on the west side of Lundy Bend E. and south of Woodgate Lane Ext. Parcel #2-07-1-11-04-0-00157-00 Section 11, Township 2 Range 7 and is zoned PUD (District 2)

Mr. Hopkins presented the application by Bridgforth Homes. LLC for a variance to allow a fence to be taller than 3 ft located within the designated front yard. Mr. Keith Williams was present to present the application.

Mr. Keith Williams stated they constructed a fence on the lot and were not aware that the fence could not be 6 ft tall on the street side of the house. He then stated that he was trying to give the home more of a back yard due to the odd shape of the lot.

Mr. Tom Williams asked if the fence blocks the line of site. Mr. Hopkins stated that it does not.

Mr. Steward 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 Bridgforth Homes. LLC for a variance to allow a fence to be taller than 3 ft. located within the designated front yard. The Motion was passed with a unanimous vote.

Application by Charles Herren (1540) for a variance to allow an accessory building 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 1001 Crocket Loop N. on the south side of Crocket Loop and west of Boone Dr Parcel #2-08-7-35-02-0-00130-00 Section 35, Township 2 Range 8 and is zoned A (District 4)

Mr. Hopkins presented the application by Charles Herren for variance to allow an accessory of a building within the designate4d front yard. Mr. Charles Herren was present to present the application.

Mr. Herrin stated that his lot is a corner lot so he has to front yards. He would like to build a garage but has a pool in the rear yard.

Mr. Ward asked about the red storage building on the property. Mr. Herrin stated it is a small storage building that was on the property when he purchased it and just moved it down in the hollow.

Mr. Duncan asked how far the garage would be from the house. Mr. Herren stated that it would be 21 feet from the house.

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

Mr. Ward stated that the red storage building needs to be painted a neutral color.

Mr. Steward made a Motion and Mr. Davis seconded the Motion to approve the application by Charles Herren for variance to allow an accessory of a building within the designate4d front yard. The Motion was passed with a unanimous vote.

Application by Steve & Marla Tow (1541) for a variance to allow an accessory building 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 1979 Sunset Farms on the west side of Sunset Farms and north of W. Commerce St Parcel #3-08-2-09-01-0-00027-00 Section 9, Township 3 Range 8 and is zoned A (District 4)

Mr. Hopkins presented the application by Steve and Marla Tow for a variance to allow an accessory building within the designated front yard. Mr. Steve Tow was present to present the application.

Mr. Ward stated that he went by the property and does not feel the building will be very visible at the proposed location.

Mr. Duncan asked why the applicant wanted to place the building on that spot. Mr. Tow stated that due to water run-off issues this is the best location to place.

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. Steward seconded the Motion to approve the application by Steve and Marla Tow for a variance to allow an accessory building within the designated front yard. The Motion was passed with a unanimous vote.

Application by Michael Anderson (1542) for a variance to allow an accessory building 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 4365 Pleasant Hill Road on the west side of Pleasant Hill Road and south of Church Road Parcel #2-07-1-12-00-0-00009-01 Section 12, Township 2 Range 7 and is zoned A-R (District 2)

Mr. Hopkins presented the application by Michael Anderson for a variance to allow an accessory building to be located in the designated front yard. Mr. Michael Anderson was present to present the application.

Mr. Duncan asked if the slab has been poured. Mr. Anderson stated that it has and that the building is complete.

Mr. Anderson stated that he could not put the garage in the rear yard due to the septic system and field lines.

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. Williams seconded the Motion to approve the application by Michael Anderson for a variance to allow an accessory building to be located in the designated front yard. The Motion was passed with a unanimous vote.

Conditional Use

Application by Jason & Cynthia Coleman (1534) for a Conditional Use to allow private club/lodge in accordance with Article V, Paragraph 1, Section C(30) Page 26 of the DeSoto County Zoning Ordinance. Subject property is located at 4036 Robertson Gin Road, on the east side of Robertson Gin Road and north of Clifton Road, Parcel #3-08-7-26-00-0-00003-00 in Section 26, Township 3, Range 8 and is zoned A. (District 5)

Mr. Hopkins presented the application by Jason & Cynthia Coleman for a Conditional Use to allow a private club/lodge. Mr. Billy Myers and Mr. Jason Coleman were present to present the application.

Mr. Myers presented pictures of the barn proposed to be the event venue. He also presented diagrams of the layout of the property.

Mr. Ward asked if alcohol will be allowed at the venue. Mr. Myers stated he assumed it would be allowed at the wedding receptions and such. Mr. Ward stated that he is concerned with the consumption of alcohol so close to the ball fields. Mr. Myers stated

that the applicant is asking for a Conditional Use to be in compliance if hosting an event that they charge a fee for.

Mr. Myers stated to address traffic, historically with events that have occurred in the area such as firework shows and ball games there has never been any traffic issues.

Mr. Ward asked if approved this would be a commercial use. Mr. Myers stated it is not their intentions at this time but it could become commercial if it works in to that.

Mr. Duncan asked if they would serve alcohol or if it would only be brought in by the client. Mr. Coleman stated it would only be brought in by the client.

Mr. Coleman came forward and stated that the property has over 30 acres for parking in the rear. He then stated they have hosted an annual firework show for patients at St. Jude, raised hogs and had the Boy Scouts come out to see how they are cared for and butchered, grind corn to show school children how it is done, allowed baseball, soccer, and football practice on the property, hosted Women's club fundraisers and Men's Club meetings. He stated they are just asking for a Conditional Use to make the operation legal and to be able to charge a fee for usage if it gets to that point.

Mr. Steward asked where the animals are located in relation to the barn. Mr. Coleman stated that the animals are located behind the barn, in the tree line along the south property line.

Mr. Coleman stated he would also like to be allowed to continue to have the fireworks show once a year.

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

Ed McGinnis came forward and stated that they are neighbors of the property. He then stated that they skeet shoot on their property and don't want to bother their neighbors.

Kelly Jacobs came forward and stated she lives across the street from the proposed site and has never had any noise or traffic issues.

Mr. Davis asked if there were certain days of operation. Mr. Coleman stated that it would be mostly on weekends and the fireworks show will be Memorial Day weekend.

Mr. Steward made a Motion and Mr. Ward seconded the Motion to approve the application by Jason & Cynthia Coleman for a Conditional Use to allow a private club/lodge with the following conditions:

1. Events will last no later than 12:00 a.m.;
2. Will be for 20 years until February 11, 2039;
3. Approval is exclusive to Cynthia And Jason Coleman; and
4. Operations will be allowed seven days a week.

The Motion was passed with a unanimous vote.

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