



BOARD OF ADJUSTMENT  
ORDER OF ITEMS  
MARCH 9, 2020

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: February 10, 2019

NEW BUSINESS

**Variance**

Application by **Gilmore Yackey (1583)** for a variance to allow a front setback of less than 35 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2575 Delta Crest Cv on the south side of Delta Crest Cv and east of Kelly Rd Parcel #2-08-9-32-00-0-00004-19 Section 32 Township 2 Range 8 and is zoned A-R (District 4)

Application by **Scott Dauberger (1586)** for a variance to allow an accessory building to be larger than 75% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4825 Cherry Tree Dr on the east side of Cherry Tree Dr and south of Church Rd Parcel #2-06-3-07-02-0-00055-00 Section 7 Township 2 Range 6 and is zoned A-R (District 2)

**Conditional Use**

Application by **Larry Lockley (1550)** for a Conditional Use to allow a second mobile home on a site of 3 acres, for a family hardship under Article V, Paragraph 2, Section C (18) of the DeSoto County Zoning Ordinance. Subject property is located at 8507 Airport Drive on the west side of Airport Road and south of Wheeler Drive, Parcel #4-08-5-16-00-0-00024-00 in Section 16, Township 4, Range 8 and is zoned Agricultural (A). (District 5)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, March 9, 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, Rudy Davis and Mike Duncan. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Sam Barber, Board Attorney.

Board of Adjustment Chairman Mr. Duncan called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated February 10, 2020. Mr. Ward 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 March 19, 2020, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on April 20, 2020.

## NEW BUSINESS

### Variance

**Application by Gilmore Yackey (1583) for a variance to allow a front setback of less than 35 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2575 Delta Crest Cv on the south side of Delta Crest Cv and east of Kelly Rd Parcel #2-08-9-32-00-0-00004-19 Section 32 Township 2 Range 8 and is zoned A-R (District 4)**

Mr. Hopkins presented the application by Gilmore Yackey for a variance to allow a front setback of less than 35 ft. Mr. Gilmore Yackey was present to represent the application.

Mr. Duncan asked if the lots are combined. Mr. Cardosi stated that the lots were combined.

Mr. Yackey stated that the cove actually goes onto Lot 48 and the house will actually be 35 ft. from the edge of the pavement. He then stated that the topography is bad and there are huge drop-offs. He stated that the location proposed is the only decent spot on the property to build.

Mr. Yackey stated that the HOA for Delta Crest has approved the plans and the location.

Mr. Williams asked if the driveway will be on Delta Crest Cv. or Kelly Rd. Mr. Yackey stated that it will be on Delta Crest Cv.

Mr. Duncan asked if there was anyone to speak for or against the item there was no one.

Mr. Ward made a Motion and Mr. Davis seconded the Motion to approve the application by Gilmore Yackey for a variance to allow a front setback of less than 35 ft. The Motion was passed with a unanimous vote.

**Application by Scott Dauberger (1586) for a variance to allow an accessory building to be larger than 75% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4825 Cherry Tree Dr on the east side of Cherry Tree Dr and south of Church Rd Parcel #2-06-3-07-02-0-00055-00 Section 7 Township 2 Range 6 and is zoned A-R (District 2)**

Mr. Hopkins presented the application by Scott Dauberger for a variance to allow an accessory building to be larger than 75% of the square footage of the primary structure. Mr. Scott Dauberger was present to represent the application.

Mr. Dauberger stated that he would like build a 2400sqf accessory building to his trailer and race cars.

Mr. Williams asked how far the building would be from the side property line. Mr. Dauberger stated that he was told it needed to be at least 5 ft. from the side property line but plans to put it a little further than that from the property line.

Mr. Davis asked what the building will be made of. Mr. Dauberger stated that it will be a metal building.

Mr. Hopkins stated that the applicant will be working with the Flood Plain manager about how to situate and build the building in the flood plain.

Mr. Duncan asked if there will be any utilities in the building. Mr. Dauberger stated that there will be electricity.

Mr. Williams asked what color the building will be. Mr. Dauberger stated his neighbors building is tan with brown trim and he is leaning toward the same.

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

Mr. Duncan made a Motion and Mr. Williams seconded the Motion to approve the application by Scott Dauberger for a variance to allow an accessory building to be larger than 75% of the square footage of the primary structure. The Motion was passed with a unanimous vote.

### **Conditional Use**

**Application by Larry Lockley (1550) for a Conditional Use to allow a second mobile home on a site of 3 acres, for a family hardship under Article V, Paragraph 2, Section C (18) of the DeSoto County Zoning Ordinance. Subject property is located at 8507 Airport Drive on the west side of Airport**

**Road and south of Wheeler Drive, Parcel #4-08-5-16-00-0-00024-00 in Section 16, Township 4, Range 8 and is zoned Agricultural (A). (District 5)**

Mr. Hopkins presented the application by Larry Lockley for a conditional use to allow a second mobile home on a site of 3 acres for a family hardship. Mr. Larry Lockley was present to represent the application.

Mr. Lockley stated that there was an existing mobile home on the property that was destroyed by a tornado in January. He stated that the mobile home was used by family members. He stated he would like to replace the mobile home on the property for his niece who has cancer to live in.

Mr. Cardosi explained that staff could not find record of approval of the original mobile home since it is a second mobile home on the property when he came in to replace the mobile home damaged by the tornado.

There was discussion of if water gets on to the property during heavy rains.

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

Mr. Williams made a Motion and Mr. Davis seconds the Motion to approve the application by Larry Lockley for a conditional use to allow a second mobile home on a site of 3 acres for a family hardship for 20 years, until March 9, 2040. The Motion was passed with a unanimous vote.

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