



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

**CALL TO ORDER: 7:00**

**APPROVAL OF MINUTES: March 11, 2019**

**NEW BUSINESS**

**Variance**

Application by **Brian Tadlock (1543)** for a variance to allow an accessory building within the designated front yard and larger than 100% of the square footage of the primary structure in accordance with Article X, Paragraph 6 & 7, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 14870 Old Pigeon Roost on the north side of Old Pigeon Roost and east of Pigeon Roost Rd Ext Parcel #2-05-5-16-03-0-00029-00 Section 16, Township 2 Range 5 and is zoned A (District 1)

Application by **Ever Anchondo (1544)** for a variance to allow an accessory building larger than 125% of the square footage of the primary structure in accordance with Article X, Paragraph 7, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 5340 Hwy 51 S on the east side of Hwy 51 S and north of Sterlin Lane Parcel #3-07-9-31-00-0-00006-01 Section 31, Township 3 Range 7 and is zoned A (District 5)

Application by **Cole Meyers (1545)** 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 7123 Jackson Landing on the west side of Jackson Landing and north of Kenner Place Dr. Parcel #1-05-8-28-00-0-00031-01 Section 28, Township 1 Range 5 and is zoned R-20 (District 1)

Application by **Tony Lane (1546)** for a variance to allow a front setback of less than 50 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2313 Getwell Rd S on the west side of Getwell Rd S and south of Valley Gate Dry Parcel #3-07-5-16-00-0-00006-02 in Section 16, Township 3 Range 7 and is zoned A. (District 5)

## **Conditional Use**

Application by **Anthony & Leah Grant (1535)** for a Conditional Use under Article V, Paragraph 2, Section C (13), Page 30 of the DeSoto County Zoning Ordinance to allow a Conditional Use for an auto repair shop. Subject property is located at 3017 Red Banks Road on the west side of Red Banks Road and north of Hwy 178, Parcel #2-05-4-17-00-0-00005-00 in Section 17, Township 2, Range 5 and is zoned Agricultural (A). (District 1)

The Desoto County Board of Adjustment met at 7:00 p.m. on Monday, March 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, Taylor Rivera 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 11, 2019. Mr. Davis made a Motion to approve the minutes as presented. Mr. Steward seconded the Motion. The Motion was passed with a unanimous vote.

Mr. Bennie Hopkins 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. He stated the deadline to file an appeal on items heard at this meeting is March 21, 2019, at 5:00 p.m. He then stated any appeals filed will be heard by the Board of Supervisors on April 15, 2019, at 9:30 a.m.

## **NEW BUSINESS**

### **Variance**

**Application by Brian Tadlock (1543) for a variance to allow an accessory building within the designated front yard and larger than 100% of the square footage of the primary structure in accordance with Article X, Paragraph 6 & 7, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 14870 Old Pigeon Roost on the north side of Old Pigeon Roost and east of Pigeon Roost Rd Ext Parcel #2-05-5-16-03-0-00029-00 Section 16, Township 2 Range 5 and is zoned A (District 1)**

Mr. Hopkins presented the application by Brian Tadlock for a variance to allow an accessory building within the front yard and larger than 100% of the square footage. Mr. Brian Tadlock was present to present the application.

Mr. Tadlock stated that he wanted to put a shop in the back corner of his property located behind his other storage shed, however, he still thought he would need a Variance for the size of the structure.

Mr. Duncan asked if there was another shed located on Mr. Tadlocks property. Mr. Cardosi and Hopkins both stated that there was currently a mobile home and shed located on this property.

Mr. Duncan asked if this would be used for commercial use, or if it would be used for personal storage. Mr. Tadlock said it would be used only for personal storage.

Mr. Davis asked the size of the structure and Mr. Steward wanted to know what it is going to look like. Mr. Tadlock stated that it would have 14 to 16 foot bay doors and it would be a metal building.

Mr. Duncan 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 Brian Tadlock for a variance to allow a shop over 100% of the square footage in the rear yard with these conditions:

1. Maximum square footage is 3,000 sqf;
2. The location of the storage building will be in the rear yard; and
3. It will only be used for personal storage

The Motion was passed with a unanimous vote.

**Application by Ever Anchondo (1544) for a variance to allow an accessory building larger than 125% of the square footage of the primary structure in accordance with Article X, Paragraph 7, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 5340 Hwy 51 S on the east side of Hwy 51 S and north of Sterlin Lane Parcel #3-07-9-31-00-0-00006-01 Section 31, Township 3 Range 7 and is zoned A (District 5)**

Mr. Steward made a Motion to table the application due to the applicant not being present. Mr. Williams seconded the motion. The Motion was passed with a unanimous vote.

**Application by Cole Meyers (1545) 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 7123 Jackson Landing on the west side of Jackson Landing and north of Kenner Place Dr. Parcel #1-05-8-28-00-0-00031-01 Section 28, Township 1 Range 5 and is zoned R-20 (District 1)**

Mr. Hopkins presented the application by Cole Meyers for a variance to allow a fence to be taller than 3 ft. within the front yard. Mr. Cole Meyers was present to present the application.

Mr. Duncan questioned the placement of the fence in relation to the house. Mr. Meyers stated that his house had at least 40 foot setbacks from the front of the property line.

Mr. Davis asked how tall of a fence he wanted to put on the property. Mr. Meyers stated that he wanted a 6 ft cedar fence like many of the surrounding properties had. Mr. Meyers also stated that he wanted to use this type of fence so it would match and make the neighborhood look good.

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. Ward seconded the Motion to approve the application by Cole Meyers for a variance to allow a fence taller than 3 ft located within the designated front yard. The Motion was passed with a unanimous vote.

**Application by Tony Lane (1546) for a variance to allow a front setback of less than 50 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2313 Getwell Rd S on the west side of Getwell Rd S and south of Valley Gate Dr Parcel #3-07-5-16-00-0-00006-02 in Section 16, Township 3 Range 7 and is zoned A. (District 5)**

Mr. Hopkins presented the application by Tony Lane for a variance to allow a front setback of less than 50 ft. Mr. Tony Lane was present to present the application.

Mr. Lane stated that he wanted to build a cover for his camper and place a fence less than 3 ft tall out of the right of way. He stated that his property is located in a dangerous spot on the road and the fence would help protect his property.

Mr. Hopkins stated that Mr. Lane had a pad adjacent to his house and the back of his property has a drop off. Mr. Steward requested Mr. Lane show them where the drop off was on his property.

Mr. Duncan asked if there was anyone in the room to speak against this item.

Ms. Joan Richards – 2632 Oak Woods Dr E. came forward and stated her concerns:

- Worried that someone would be living in the camper
- Wanted to know if it was going to be a permanent location

Mr. Hopkins stated that it was against the DeSoto County Ordinance to allow anyone to live in a camper. Mr. Lane verified that no one would be living in the camper and that this would be a permanent place for his camper to go since it would be covered.

Mr. Ward made a Motion and Mr. Steward seconded the Motion to approve the application by Tony Lane for a variance to allow a front setback of less than 50 ft. The Motion was passed with a unanimous vote.

### **Conditional Use**

**Application by Anthony & Leah Grant (1535) for a Conditional Use under Article V, Paragraph 2, Section C (13), Page 30 of the DeSoto County Zoning Ordinance to allow a Conditional Use for an auto repair shop. Subject property is located at 3017 Red Banks Road on the west side of Red Banks Road and north of Hwy 178, Parcel #2-05-4-17-00-0-00005-00 in Section 17, Township 2, Range 5 and is zoned Agricultural (A). (District 1)**

Mr. Hopkins presented the application by Anthony & Leah Grant for a Conditional Use to allow an auto repair shop. Ms. Leah Grant was present to present the application.

Ms. Grant wanted to amend the size of her parcel in the staff report. She stated that they recently bought the 150 acres behind their parcel. Ms. Grant stated that she wanted to use this property for a small family business where her husband could work on a few cars per week.

Mr. Duncan asked if they would be adding on to the shop, or if they were going to keep it the same size. Ms. Grant stated that they would keep the shop the same size of 50x60, and that they would also live on the property as well. She stated that they wanted to make the shop look more aesthetically pleasing, and would not have any storage on the outside of the building. Ms. Grant said she wanted a fence and a commercial dumpster. Ms. Grant stated that they only wanted the business to be open from 8:00 am to 5:00 pm, Monday to Friday. She also stated that they might have a part time worker in the future, but no one is hired as of now.

Mr. Duncan asked if they would have a paint booth inside of this shop. Ms. Grant stated that they would have an OSHA approved equipment and disposal.

Mr. Duncan asked if anyone was there to speak on this item.

Ms. Lynn Harper – 3131 Red Banks Rd

- Concerned about the esthetic look of the community
- Concerned about decreasing property value

Mr. Thomas Harper – 3131 Red Banks Rd

- Concerned about traffic in the area being a hazard
- Concerned about the look of the area and where the cars will be parked

Ms. Lisa Jones – 3024 Red Banks Rd

- Concerned about parking

Mr. Hopkins stated that in the past on Conditional Uses that the board has approved 5 year businesses with specific conditions. Mr. Hopkins stated that this would not change the zoning of the property.

Mr. Duncan asked what the zoning ordinance stated about the use of signs and location of signs. Mr. Adams stated that the allowance for sign square footage was 5 foot.

Ms. Grant stated that the sign would go on the building and it would be 24x12 in size and that it would not light up.

Mr. Duncan questioned how many cars would be allowed in this zone. Mr. Hopkins verified that 5 cars based on the report, but since it was zoned A that you could park the cars wherever, as long as they were not junk cars.

Ms. Grant stated that there would only be 3 to 4 cars there a week at max, but they would be behind a fence so it would not affect the esthetics of the area.

Mr. Duncan wanted to know what would happen if they went against the max allowance of usage. Mr. Hopkins stated that if they were not in compliance then they would have to come back to the Board of Adjustment to determine a plan.

Mr. Davis asked Ms. Grant how long she wanted to apply for her business. Ms. Grant asked for 10 years. Mr. Duncan told Ms. Grant that once they determined the length of the business that she would be able to come back and reapply for a longer time.

Mr. Ward made a Motion and Mr. Davis seconded the Motion to approve the application by Mr. Anthony and Leah Grant for a Conditional Use to allow an auto repair shop with the following conditions:

1. The hours of operation shall be 8:00 a.m. to 5:00 p.m. Monday through Saturday;
2. There shall be no vehicles left outside unless they are parked back of the property;
3. There shall be no work on Saturday or Sunday; and
4. Shall have a time limit of 5 years, until March 11, 2024.

The Motion was passed with a unanimous vote.

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