



BOARD OF ADJUSTMENT
ORDER OF ITEMS
March 14th, 2022

CALL TO ORDER: 7:00
APPROVAL OF MINUTES: February 14th, 2022

NEW BUSINESS

Variance

Application by Jennifer Hill (**VAR-001695-2022**) for a variance to allow an accessory building in the designated front yard with a front setback of less than 50 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4844 Fox Bend Drive on the east side of Fox Bend Drive and west of Fox Glen Drive Parcel **#3067260100001800** Section 26 Township 3 Range 6 and is zoned A (District 5)

Application by Graeber Rayner (**VAR-001696-2022**) for a variance to allow an accessory building in the designated front yard with a front setback of less than 40 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6161 Castleton Cv on the west side of Castleton Cv and south of Knightsbridge Ln Parcel **#105833010 0002000** Section 33 Township 1 Range 5 and is zoned R-30 (District 1)

Application by Lynn Starkey (**VAR-001697-2022**) for a variance to allow an accessory building in the designated front yard of a double frontage lot and a front setback less than 40 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 10481 Spring River Cove on the north side of Green River Road and west of American River Drive Parcel **#2099320300007200** Section 32 Township 2 Range 9 and is zoned A-R Overlay (District 3)

Application by Ashley Johnston (**VAR-001698-2022**) for a variance to allow a lot smaller than 1.5 acres in the "A" zone in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8093 Vale Cv on the west side of Vale Cove and south of Wheeler Rd Parcel **#408515010 0000500** Section 15 Township 4 Range 8 and is zoned A (District 5)

Application by Kerri Horne (**VAR-001699-2022**) for a variance to allow an accessory building in the designated side yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7615 Byhalia Rd on the south side of Byhalia Rd and east of Craft Rd Parcel **#306305000000500** Section 5 Township 3 Range 6 and is zoned A-R (District 5)

Application by Jerry Ford (**VAR-001700-2022**) for a variance to allow an accessory building larger than 100% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4785 Belmont Rd on the west side of Belmont Rd and north of Savage Rd Parcel **#307930000004700** Section 30 Township 3 Range 7 and is zoned A (District 1)

Application by Goldie Scott/James Wright (**VAR-001701-2021**) for a variance to allow a mobile home more than 10 years old with side setbacks of less than 100 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2109 Wright Road on East Side of Wright Road and north of Red Banks Road North Parcel **#205420020000600** Section 20 Township 2 Range 5 and is zoned A (District 1)

Conditional Use

Application by Daphne Tennial (**CU001610-2022**) for a conditional use for a mobile home on less than 3 acres in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2306 Red Banks Rd N on south side of Red Banks Road and west of Hwy 78 Parcel **#205420000001701** Section 20 Township 2 Range 5 and is zoned A (District 1)

Application by Laura Smith (**CU001611-2022**) for a conditional use for an expansion of a conditional use for a dog kennel in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 5018 Fogg Road on east side of Fogg Road and south of Davis Ln Parcel **#308931000000303** Section 31 Township 3 Range 5 and is zoned A (District 5)

Other

Appeal of Building Official's decision – April Ford

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, March 14, 2022, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Earl Ward, Phillip Steward, Mike Hancock, Tom Williams and Mike Duncan. Staff members present included Bennie Hopkins, Austin Cardosi, and Celeste Sanders. Board of Adjustment attorney Mr. Sam Barber was also present.

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 February 14, 2022. Mr. Duncan made a Motion to approve the minutes as corrected. Mr. Steward seconded the Motion. The Motion was passed with a unanimous vote.

Ms. Celeste Sanders 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 24, 2022, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on April 18, 2022.

NEW BUSINESS

Variance

Application by Jennifer Hill (VAR-001695-2022) for a variance to allow an accessory building in the designated front yard with a front setback of less than 50 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4844 Fox Bend Drive on the east side of Fox Bend Drive and west of Fox Glen Drive Parcel #3067260100001800 Section 26 Township 3 Range 6 and is zoned A (District 5)

Mr. Hopkins presented the application by Jennifer Hill for a variance to allow an accessory building in the designated front yard with a front setback of less than 50 feet. Mrs. Jennifer Hill was present to represent the application.

Mrs. Hill stated that she her lot basically has three front yards. She has a pool that is not shown on the map and sprinkler system that prevents her from placing the building behind her house that's why they would like to place it in front of the house.

Mr. Williams asked what materials would be used on the building. Mrs. Hill said it would be metal in a beige color and the roof would be the same.

Mr. Steward asked what the building would be used for to which Mrs. Hill replied just for personal storage.

Mr. Duncan asked if the building would have electricity. Mrs. Hill said it would not.

Mr. Ward asked if the building would be used for any type of commercial work to which Mrs. Hill replied no.

Mr. Hancock asked what the size of the building would be. Mrs. Hill said it would be 30' x 50'. Mrs. Hill stated that she has a well between the house and the proposed shop that also affects where the building will go.

Mr. Ward asked what the distance would be between the building and the back property line. Mrs. Hill thought it would be 15 feet. Mr. Williams stated that on the map it would be 35 feet from the street. Mr. Hancock asked that since it would be setback less than 50 feet would Mrs. Hill need a variance for that. Mr. Cardosi stated no.

Mr. Williams asked if there was anyone there to speak for or against this application. No one was there.

Mr. Steward made a Motion and Mr. Duncan seconded the Motion to approve the application by Jennifer Hill for a variance to allow an accessory building in the designated front yard with a front setback of less

than 50 feet as shown on applicant exhibit. The Motion was passed with a unanimous vote.

Application by Graeber Rayner (VAR-001696-2022) for a variance to allow an accessory building in the designated front yard with a front setback of less than 40 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6161 Castleton Cv on the west side of Castleton Cv and south of Knightsbridge Ln Parcel #105833010 0002000 Section 33 Township 1 Range 5 and is zoned R-30 (District 1)

Mr. Hopkins presented the application by Graeber Rayner to allow an accessory building in the designated front yard with a front setback of less than 40 feet. Mr. Rayner was present to represent the application.

Mr. Rayner stated that part of his lot is in the 100 year floodplain. Placing the building in the proposed location would avoid the floodplain. The building would be at the end of the cul-de-sac, out of view and in the trees.

Mr. Hancock asked what the size of the building would be. Mr. Rayner stated it will be 50 feet by 22 feet.

Mr. Duncan asked if the building could be any closer to the house to which Mr. Rayner responded that he did not want to cut down trees and the building will be out of the way in this location.

Mr. Hancock asked what the building will be used for to which Mr. Rayner replied he was going to use it to store his RV. Mr. Hancock asked if the building would be open or enclosed. Mr. Rayner stated that it would be closed to store his RV, lawn mower, tools, etc. Mr. Hancock asked if the building would be at least 16 feet tall and Mr. Rayner said yes.

Mr. Williams asked if there had been any calls regarding this application or anyone here to speak. No one had called and no one was present to speak for or against.

Mr. Williams asked what the materials would be used for the building. Mr. Rayner stated that it would be metal. Mr. Williams asked what color to which Mr. Rayner stated a beige or brown to match his house. Mr. Williams asked if the building would have electricity to which Mr. Rayner said yes, to charge batteries.

Mr. Duncan made a Motion to approve the application by Graeber Rayner to allow an accessory building in the designated front yard with a front setback of less than 40 feet and Mr. Ward seconded the Motion. The Motion was passed with a unanimous vote.

Application by Lynn Starkey (VAR-001697-2022) for a variance to allow an accessory building in the designated front yard of a double frontage lot and a front setback less than 40 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 10481 Spring River Cove on the north side of Green River Road and west of American River Drive Parcel #2099320300007200 Section 32 Township 2 Range 9 and is zoned A-R Overlay (District 3)

Mr. Hopkins presented the application by Lynn Starkey for a variance to allow an accessory building in the designated front yard of a double frontage lot and a front setback less than 40 feet. Mr. Lynn Starkey was present to represent the application.

Mr. Starkey stated he is building a garage. It will be simple and straight in line with the driveway. The building will be used to store cars and as his workshop.

Mr. Steward asked what materials would be used for the building. Mr. Starkey replied that it would be a wood framed, metal building.

Mr. Williams asked if there would be electricity to which Mr. Starkey replied yes.

Mr. Duncan asked about the setbacks since it is a corner lot with 3 frontages. Mr. Cardosi stated that the front setback was good, it was the 2nd frontage where the building encroaches.

Mr. Williams asked if the building was only to be used for storage to which Mr. Starkey replied yes.

Mr. Williams asked if anyone was there to speak and there was no one present.

Mr. Williams made a Motion to approve the application by Lynn Starkey for a variance to allow an accessory building in the designated front yard of a double frontage lot and a front setback of less than 40 feet. Mr. Hancock seconded the Motion. The Motion was passed with a unanimous vote..

Application by Ashley Johnston (VAR-001698-2022) for a variance to allow a lot smaller than 1.5 acres in the "A" zone in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8093 Vale Cv on the west side of Vale Cove and south of Wheeler Rd Parcel #408515010 0000500 Section 15 Township 4 Range 8 and is zoned A (District 5)

Mr. Hopkins presented the application by Ashley Johnston for a variance to allow a lot smaller than 1.5 acres in the "A" zone. Mr. Aaron Johnston and Mrs. Ashley Johnston were both present to represent the application.

Mr. Johnston stated that there is a 15 feet drop from a high ridge. He would like to put a shed for a tractor and lawn mower on the ridge and a swingset/play area for his kids.

Mr. Steward asked if Mr. Johnston was buying the property. Mr. Johnston said yes.

Mr. Cardosi explained the survey. The variance is for Lot 5 which is 0.3 acres and less than the required acreage.

Mr. Williams asked if there had been any calls regarding this application or if there was anyone here to speak for or against the application. There was no one.

Mr. Williams asked to verify that this variance was to allow a lot to be under 1.5 acres. Mr. Cardosi stated yes.

Mr. Williams asked what the building would look like. Mr. Johnston stated it would be neutral colors.

Mr. Hancock made a Motion to approve the application by Ashley Johnston for a variance to allow a lot smaller than 1.5 acres in the "A" zone. Mr. Steward seconded the Motion. The Motion passed with a unanimous vote.

Application by Kerri Horne (VAR-001699-2022) for a variance to allow an accessory building in the designated side yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7615 Byhalia Rd on the south side of Byhalia Rd and east of Craft Rd Parcel #306305000000500 Section 5 Township 3 Range 6 and is zoned A-R (District 5)

Mr. Hopkins presented the application by Kerri Horne for a variance to allow an accessory building in the designated side yard. Mrs. Horne was present to represent the application.

Mrs. Horne stated that they would have to cut down a bunch of trees to put the building behind their house. There is already a nook with no trees in the location they want to put the building.

Mr. Williams asked if they had a fenced in backyard to which Mrs. Horne stated yes but the gate is not big enough to get the storage shed through the gate.

Mr. Duncan asked what size the building would be. Mrs. Horne stated it would be 10 feet by 20 feet and it will match the house. Mr. Duncan then asked if the building would be on a pad and Mrs. Horne said no, it would be on blocks. She stated that the building would be to get stuff out of the garage so they could park in garage.

Mr. Duncan asked if this was going to be a pre-fabricated building that would be moved onto the site. Mrs. Horne stated, yes it would be built off site then it would be delivered and installed.

Mr. Duncan made a Motion to approve the application by Kerri Horne for a variance to allow an accessory building in the designated side yard. Mr. Hancock seconded the Motion. The Motion was passed with a unanimous vote.

Application by Jerry Ford (VAR-001700-2022) for a variance to allow an accessory building larger than 100% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4785 Belmont Rd on the west side of Belmont Rd and north of Savage Rd Parcel #3079300000004700 Section 30 Township 3 Range 7 and is zoned A (District 1)

Mr. Hopkins presented the application by Jerry Ford for a variance to allow an accessory building larger than 100% of the square footage of the primary structure. Mr. Ford was present to represent the application.

Mr. Ford stated that his home is roughly 1100 square feet, has a barn that is about 250 square feet and he wants to put a 30 x 36 building on his property which puts him over the allowable square footage. The building would be used as a garage for storage.

Mr. Duncan asked if it would be a metal building to which Mr. Ford responded yes.

Mr. Steward asked what would be stored in the building. Mr. Ford stated a boat, a trailer and other items.

Mr. Williams asked how the building would be accessed. Mr. Ford pointed out the location of his driveway and the access to the building. He also stated that the building would be about 15 feet off the corner of his property.

Mr. Williams asked if there had been any calls in regards to this application. There have been none. He then asked if there was anyone here in favor or against this application.

Mrs. Deborah Williams of 4800 Belmont Road spoke in favor of the application and said that she approves Mr. Ford having a barn. Mrs. Williams lives across the road.

Mr. Williams asked if the building would match the existing house. Mr. Ford stated that it would. Mr. Williams then asked if there would only be electrical in the building to which Mr. Ford replied yes.

Mr. Hancock made a Motion to approve the application by Jerry Ford for a variance to allow an accessory building larger than 100% of the square footage

of the primary structure. Mr. Duncan seconded the Motion. The Motion passed with a unanimous vote.

Application by Goldie Scott/James Wright (VAR-001701-2021) for a variance to allow a mobile home more than 10 years old with side setbacks of less than 100 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2109 Wright Road on East Side of Wright Road and north of Red Banks Road North Parcel #2054200200000600 Section 20 Township 2 Range 5 and is zoned A (District 1)

Mr. Hopkins presented the application by Goldie Scott/James Wright for a variance to allow a mobile home more than 10 years old with side setbacks of less than 100 feet. Mr. James Wright and his son, Mr. James Wright were present to represent the application.

Mr. James Wright (son) stated that the insurance settlement on the mobile home that burned was low. He said that mobile home prices are high. The one that they can afford is more than 10 years.

Mr. Hopkins stated that there is a provision for is a mobile home is more than 10 years old but is in good shape.

Mr. Wright (son) stated that the mobile home is a 2008 which is 4 years older than is allowed. This mobile home is in good shape and much nicer than the one that burned down.

Mr. Duncan asked if the new mobile home would be going in the same spot where the previous one was to which Mr. Wright responded yes.

Mr. Hancock asked if there was any opposition to this application. There was none.

Mr. Duncan made a Motion to approve the application by Goldie Scott/James Wright for a variance to allow a mobile home more than 10 years old with side setbacks of less than 100 feet. Mr. Hancock seconded the Motion. The Motion passed with a unanimous vote.

Conditional Use

Application by Daphne Tennial (CU001610-2022) for a conditional use for a mobile home on less than 3 acres in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2306 Red Banks Rd N on south side of Red Banks Road and west of Hwy 78 Parcel #2054200000001701 Section 20 Township 2 Range 5 and is zoned A (District 1)

Mr. Hopkins presented the application by Daphne Tennial for a conditional use for a mobile home on less than 3 acres. Ms. Daphne Tennial was present to represent the application.

Mr. Williams asked if there was a mobile home currently on the property. Mr. Cardosi stated that yes, there is a mobile home currently on the property and Ms. Tennial just wants to replace it.

Ms. Tennial stated that the current mobile home needs a lot of work. It is more work than she wants to do so she wants to just get a new mobile home to replace it.

Mr. Steward asked where the new mobile home was going on the property. Ms. Tennial stated it will go in about the same place. The new mobile home will be moved over a little.

Mr. Duncan asked if the utilities for the new mobile home will match up to which Ms. Tennial replied yes.

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

Mr. Steward asked if there needs to be a timeframe on how long the mobile home is allowed. Mr. Barber stated yes.

Mr. Williams stated that the conditional use is just for Ms. Tennial and the mobile home should not be rented out.

Mr. Ward asked what the timeframe was for getting this done. Ms. Tennial stated that she currently lives in Oklahoma but is trying to get back home.

Mr. Duncan asked if the existing mobile home was empty now and Ms. Tennial said that it was.

Mr. Williams asked if any of her if any kids would be living here and Ms. Tennial said maybe. She stated that she has a child with special needs.

Mr. Steward made a Motion to approve the conditional use for a mobile home on less than 3 acres for the lifetime of Daphne Tennial and occupancy of her only with the condition that the existing mobile home be removed from the property. Mr. Hancock seconded the Motion. The Motion passed with a unanimous vote.

Application by Laura Smith (CU001611-2022) for a conditional use for an expansion of a conditional use for a dog kennel in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 5018 Fogg Road on east side of Fogg Road and south of Davis Ln Parcel #308931000000303 Section 31 Township 3 Range 5 and is zoned A (District 5)

Mr. Barber recused himself due to a conflict of interest.

Mr. Hopkins presented the application by Laura Smith for a conditional use for an expansion of a conditional use for a dog kennel. Ms. Laura Smith was present to represent the application.

Mr. Williams asked if this conditional use had been addressed in the past. Mr. Hopkins stated that it yes and they want to expand.

Mrs. Smith stated that they want to build an additional building to house more dogs. Mrs. Smith pointed out the proposed building location.

Mr. Hancock asked if a tree buffer had been planted as requested and Mrs. Smith said yes and pointed out the buffer.

Mr. Duncan asked if the new kennel would house the same number of dogs as the existing kennel. Mrs. Smith said the new one would house a few more than the existing one.

Mr. Steward asked if anyone had called about noise from the dogs. Mrs. Smith stated that they have not received any calls. That the dogs do not bark all day.

Mr. Williams asked if there was anyone here to speak for or against this application. There was no one present.

Mr. Duncan asked if the application was approved if it needed to be for a certain timeframe. Mr. Hancock asked if the board needed to approve the original conditional use at this time also.

Mr. Cardosi stated that Mrs. Smith is looking to amend the original conditional use.

Mr. Hancock made a Motion to approve the application for a conditional use for an expansion of a conditional use for a dog kennel and give them 10 years. Mr. Steward stated that he would recommend making it for 15 or 20 years instead. Mr. Ward stated he thought 20 years would be best. Mr. Hancock amended the Motion for 20 years and approve the application for a conditional use for an expansion of a conditional use for a dog kennel. Mr. Duncan seconded the Motion. The Motion passed with a unanimous vote.

Other

Appeal of Building Official's decision – April Ford

Mr. Hopkins presented the Appeal of Building Official's decision by Ms. April Ford. He stated that the building in question does not meet 2018 building codes.

Mr. Williams asked if this building had been brought before the board before to which Mr. Hopkins stated no. Mr. Cardosi stated that Ms. April Ford was present to represent the appeal.

Ms. Ford stated that she got her car deals license and part of obtaining that license was having a building. She has had the building renovated inside and out.

Mr. Kevin Durrett was also present to represent the appeal and stated that under the building code now the building does not conform. The building was used before and they have spent a lot of money to renovate it. The building was previously used as a car lot and they cleaned it up. Mr. Durrett understands that the building might need anchors and/or barriers which they are willing to do. He stated that they have already cleaned up the whole property and they just want to be able to use the building they renovated.

Mr. Hopkins stated that Ms. Ford came to get a Use & Occupancy permit and part of that process is for a building inspector to go out and inspect the building.

Ms. Ford stated that there is no restroom in the building but she has spoken to the neighboring store owner who has written a letter to give permission for use of their restroom.

Mr. Williams asked Mr. Daniel Pressgrove, County Building Inspector, to explain the situation.

Mr. Pressgrove stated the following:

- the codes speak to design requirements
- need a substantial foundation
- need to brace wall panels
- need sheer wall protection for gravity and lateral forces
- need wall panels to be braces for wind and seismic forces
- there are code requirements for the wall panels
- need tie downs to the foundation (there are bare minimums with anchorage)

Mr. Williams asked if there was a slab and Mr. Pressgrove stated no.

Mr. Duncan asked if this would be considered a temporary building or a mobile home. Mr. Pressgrove stated that mobile homes are built to code, set on piers on a pad, and the mobile home is tied down. This building is not considered the same as a mobile home. This building is used for storage purposes.

Mr. Hancock stated that for code purposes this building is classified as storage and they are trying to classify it as an office.

Ms. Ford stated that the building was previously used as an office.

Mr. Philip Steward stated that this building was built under different codes.

Mr. Hancock asked if when they building was purchased if it was used for storage. Ms. Ford stated yes.

Mr. Hancock asked Mr. Pressgrove how he would classify the building. Mr. Pressgrove stated he would classify the building as a storage building.

Mr. Williams made a Motion and Mr. Hancock seconded the Motion to adjourn. The Motion was passed with a unanimous vote. Mr. Hancock asked what would bring the building up to code. Mr. Pressgrove stated that it is not just one item, that they all work together to conform to code.

Mr. Williams asked if they needed bollards. Mr. Pressgrove stated that yes, they need something. He also stated that the building code does call for one unisex bathroom.

Mr. Hancock asked that is the building code requires the building to be anchored could the building be anchored to asphalt. Mr. Pressgrove stated that the applicants really need the guidance of an engineer to help tell them how to meet the codes and specifications.

Mr. Steward asked the applicants what it was they wanted the board to do. Mr. Durrett stated that they would like for the building inspector to tell them what to do to get up to code.

Mr. Hancock asked if the applicants had spoken to the Fire Marshall about how the building would be classified and if it was compliant to fire codes. Mr. Pressgrove stated that he had spoken to Mr. Scott Sanko about fire code compliance.

Mr. Hancock asked if Mr. Pressgrove was okay waiving the bathroom in the building and allowing them to use the bathroom in the neighboring building. Mr. Pressgrove stated that he was here to uphold the codes.

Mr. Hopkins stated that the objective was to get the building up to code to occupy. The applicants would still have to get site approval.

Mr. Steward asked if the applicants were asking for temporary use of the building for an office. Mr. Hopkins replied that the building is not up to code and does not comply. The 4 points on the memo are the minimum to possibly get the building up to code.

Mr. Hancock stated that the applicants need to get an engineer report, to get the building up to code then go back to the Planning Commission. The applicants need to use the Building Officials recommendations and bring the building up to office classification's minimum code. The building has to be designed by an engineer.

Mr. Hancock stated that the Motion should be denied and the Building Official's recommendations should be upheld. Mr. Steward seconded the Motion. The Motion was passed with a unanimous vote.

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