



**BOARD OF ADJUSTMENT
ORDER OF ITEMS
APRIL 9, 2018**

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: March 12, 2018

OLD BUSINESS

Application by **M&I Properties (1517)** for a Conditional Use to allow gas pumps as an accessory use for a convenience store in accordance with Article VII, Paragraph 1, Section C(4) Page 61 of the DeSoto County Zoning Ordinance. Subject property is located on the west side of Red Banks Road and south of Byhalia Road, Parcel #3-05-3-06-02-0-00001-00 in Section 3, Township 3, Range 5 and is zoned C-1. (District 1)

NEW BUSINESS

Variance

Application by **Trinity Health Care (1514)** for a Variance to allow an philanthropic religious institution on less than 5 acres in accordance with Article V, Paragraph 2, Section C(2) Page 29 of the DeSoto County Zoning Ordinance. Subject property is located on the north side of Goodman Road and east side of Black Oak Drive, Parcel #1-09-7-25-00-0-00011-00 in Section 25, Township 1, Range 9 and is zoned R-2. (District 3)

Application by **James Knight (1516)** for a variance to allow an accessory building to be larger than 50% 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 7757 Hwy 51 S located on the west side of Hwy 51 S and south of Gaines Road. Parcel #4-08-1-12-00-0-00019-02 Section 12, Township 4 Range 8 and is zoned A (District 5)

Application by **Clifton Deese (1515)** for a variance to allow an accessory building to be located within the designated front yard and to be larger than 50% 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 11355 First Cypress

Cove on the north side of First Cypress Cove and north of Cypress Drive. Parcel #3-09-4-18-03-0-00037-00 Section 18, Township 3 Range 9 and is zoned A-R (District 4)

Conditional Use

Application by **Trinity Health Care (1520)** for a Conditional Use to allow an philanthropic religious institution in accordance with Article V, Paragraph 2, Section C(2) Page 29 of the DeSoto County Zoning Ordinance. Subject property is located on the north side of Goodman Road and east side of Black Oak Drive, Parcel #1-09-7-25-00-0-00011-00 in Section 25, Township 1, Range 9 and is zoned R-2. (District 3)

Application by **Benitez, Francisco (1521)** for an extension of a Conditional Use to allow a mobile on less than 3 acres under Article V, Paragraph 1, Section C (18), Page 22 of the DeSoto County Zoning Ordinance. Subject property is at 1278 Red Banks Road, on the east side of Red Banks Road and north of Fariview Road, Parcel #2059290000001900 in Section 29, Township 2, Range 5 and is zoned Agricultural (A). (District 1)

Application by **Charles Anderson, III (1522)** for a Conditional Use under Article V, Paragraph 1, Section C (), Page 30 of the DeSoto County Zoning Ordinance for a Conditional Use to allow auto repair shop. Subject property is located at 8545Vaiden Road on the south side of Vaiden Road and east of Anderson Lane, Parcel #3-06-2-09-00-0-00003-04 in Section 9, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, April 9, 2018, in the Planning Commission Conference Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Mike Duncan, 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 Co-Chairman Mr. Duncan called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated March 12, 2018. Mr. Davis made a Motion to approve the minutes as presented. Mr. Williams 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 April 19, 2018, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on May 21, 2018, at 11:00 a.m.

OLD BUSINESS

Application by M&I Properties (1517) for a Conditional Use to allow gas pumps as an accessory use for a convenience store in accordance with Article VII, Paragraph 1, Section C(4) Page 61 of the DeSoto County Zoning Ordinance. Subject property is located on the west side of Red Banks Road and south of Byhalia Road, Parcel #3-05-3-06-02-0-00001-00 in Section 3, Township 3, Range 5 and is zoned C-1. (District 1)

Mr. Hopkins stated the applicant has withdrawn this application.

NEW BUSINESS

Variance

Application by Trinity Health Care (1514) for a Variance to allow a philanthropic religious institution on less than 5 acres in accordance with Article V, Paragraph 2, Section C(2) Page 29 of the DeSoto County Zoning Ordinance. Subject property is located on the north side of Goodman Road and east side of Black Oak Drive, Parcel #1-09-7-25-00-0-00011-00 in Section 25, Township 1, Range 9 and is zoned R-2. (District 3)

Mr. Hopkins presented the Trinity Health Care application for a Variance to allow a philanthropic religious institution on less than 5 acres. He then stated there is a companion application for a Conditional Use to allow a philanthropic religious institution. Mr. Vance Dailey was present to represent to represent the application.

Mr. Vance Dailey – 1708 Roberts Cove – came forward and stated that the proposed site would be where Life Fellowship Church is currently located on Goodman Roads in

Walls. He stated the idea is for the facility to be a hub for various churches to facilitate different outreach services. He stated one of the outreach programs would be for a medical clinic to serve uninsured or underinsured citizens. He then stated another outreach program currently being implemented at another location but would be moved here if approved is a tutoring program for students in the area.

Mr. Duncan asked if the building will remain a church. Mr. Dailey stated yes the church will continue to operate in the building on Sundays.

Mr. Duncan asked what physical changes will be made to the building. Mr. Dailey stated the changes made to the building will be interior remodeling if the Conditional Use is approved to accommodate the medical clinic. Mr. Williams asked if the services provided would be medical or mental. Mr. Dailey stated it would be medical at first and maybe later add therapy.

Mr. Williams asked what kind of signage there will be. Mr. Dailey stated this is the early stages so not completely sure what type of signage at this but will definitely meet all County sign regulations. Mr. Tony Boyd, Campus Pastor, came forward and stated they plan to use the same Life Fellowship signage and if approved will only change the Life Fellowship sign to say the Dream Center.

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

Mr. Ward what are the proposed hours of operation. Mr. Dailey stated the hours of operation would be 8:00 a.m. to 5:00 p.m.

Mr. Ward asked what road the parking lot is accessed from. Mr. Dailey stated the parking lot is accessed from Black Oak Drive.

Mr. Williams made a Motion and Mr. Davis seconded the Motion to approve the application by Trinity Health Care for a variance to allow a philanthropic religious institution on less than 5 acres. The Motion was passed with a unanimous vote.

Mr. Williams made a Motion and Mr. Ward seconded the Motion to approve the Conditional Use by Trinity Health Care to allow a philanthropic religious institution for 7 years, until April, 2025. The Motion was passed with a unanimous vote.

Application by James Knight (1516) for a variance to allow an accessory building to be larger than 50% 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 7757 Hwy 51 S located on the west side of Hwy 51 S and south of Gaines Road. Parcel #4-08-1-12-00-0-00019-02 Section 12, Township 4 Range 8 and is zoned A (District 5)

Mr. Hopkins presented the application by James Knight for a Variance to allow an accessory building to be larger than 50% of the square footage of the primary structure. Mr. James Knight was present to present the application.

Mr. Duncan asked if the building was already built. Mr. Knight stated that it is, he was not aware that a permit was needed for the building.

Mr. Duncan asked if there was anyone here for or against this item.

Mr. Williams made a Motion and Mr. Duncan seconded the Motion to approve the application by James Knight for a Variance to allow an accessory building to be larger than 50% of the square footage of the primary structure. The Motion was passed with a unanimous vote.

Application by Clifton Deese (1515) for a variance to allow an accessory building to be located within the designated front yard and to be larger than 50% 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 11355 First Cypress Cove on the north side of First Cypress Cove and north of Cypress Drive. Parcel #3-09-4-18-03-0-00037-00 Section 18, Township 3 Range 9 and is zoned A-R (District 4)

Mr. Hopkins presented the application by Clifton Deese for a variance to allow an accessory building to be located within the designated front yard and to allow an accessory building to be larger than 50% of the square footage of the primary structure. Mr. Clifton Deese was present to present the application.

Mr. Dees stated he would like to build the garage but would need a variance to build a garage the size he would need do to how small his home is. He then stated he could not build behind the home due to the drop off into the lake. He presented a list of nearby structures and how far they are from the road.

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

Mr. Williams made a Motion and Mr. Duncan seconded the Motion to approve the application by Clifton Deese for a variance to allow an accessory building to be located within the designated front yard and to allow an accessory building to be larger than 50% of the square footage of the primary structure. The Motion was passed with a unanimous vote.

Conditional Use

Application by Trinity Health Care (1520) for a Conditional Use to allow an philanthropic religious institution in accordance with Article V, Paragraph 2, Section C(2) Page 29 of the DeSoto County Zoning Ordinance. Subject property is located on the north side of Goodman Road and east side of Black Oak Drive, Parcel

#1-09-7-25-00-0-00011-00 in Section 25, Township 1, Range 9 and is zoned R-2. (District 3)

This item was heard earlier in the meeting with the companion Variance application.

Application by Benitez, Francisco (1521) for an extension of a Conditional Use to allow a mobile on less than 3 acres under Article V, Paragraph 1, Section C (18), Page 22 of the DeSoto County Zoning Ordinance. Subject property is at 1278 Red Banks Road, on the east side of Red Banks Road and north of Fariview Road, Parcel #2059290000001900 in Section 29, Township 2, Range 5 and is zoned Agricultural (A). (District 1)

Mr. Hopkins presented the application by Francisco Benitez for a Conditional Use to allow a mobile on less than 3 acres. Mr. James Nelson was present to present the application.

Mr. James Nelson came forward and stated he is Mr. Benitez's neighbor. He then stated that he had an agreement with Mr. Benitez to sell him an acre so that he would have the required acreage for the mobile home, but due to a job loss he had to refinance a couple of years ago and he cannot sell him the acre until the mortgage is paid in full. He then stated he plans to be able to sell Mr. Benitez the acre in in 2-3 years.

Mr. Duncan asked if there was anyone here 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 Francisco Benitez for a Conditional Use to allow a mobile on less than 3 acres for 5years until April 9, 2023. The Motion was passed with a unanimous vote.

Application by Charles Anderson, III (1522) for a Conditional Use under Article V, Paragraph 1, Section C (), Page 30 of the DeSoto County Zoning Ordinance for a Conditional Use to allow auto repair shop. Subject property is located at 8545Vaiden Road on the south side of Vaiden Road and east of Anderson Lane, Parcel #3-06-2-09-00-0-00003-04 in Section 9, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

Mr. Hopkins presented the application by Charles Anderson, III for a Conditional Use to allow auto repair shop. Mr. Charles Anderson, III was present to present the application.

Mr. Anderson stated that auto repair started as a hobby and in 2015 he applied for a business license for a mobile repair business. He stated that due to the rain this past year he needed a place to work indoors, but he does not want to run a full time repair shop at his location. He stated he just needs a place to work when the weather is bad.

Mr. Davis asked if most of the work on the vehicles is done indoors at the site. Mr. Anderson stated that all work on vehicles at the site will be done indoors.

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

Mr. Duncan made a Motion and Mr. Davis seconded the Motion to approve the application by Charles Anderson, III for a Conditional Use to allow auto repair shop for 5 years until April 9, 2023. The Motion was passed with a unanimous vote.

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