



BOARD OF ADJUSTMENT
ORDER OF ITEMS
April 12, 2021

CALL TO ORDER: 7:00
APPROVAL OF MINUTES: March 8, 2021

NEW BUSINESS

Variance

Application by **Matthew Arnold (VAR-000016-2021)** for a variance to allow an accessory building larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4185 Green Hill Drive on the north side of Green Port Drive and west of Green Hill Drive Parcel #**308827010 0003200** Section 27 Township 3 Range 8 and is A (District 5)

Application by **Robert Higginbotham (VAR-000017-2021)** for a variance to allow a front setback of less than 50 feet lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2796 Cyrene Drive on the north side of Cyrene Drive and east of Ginners Ln Heights Dr Parcel #**307833010 0004100** Section 33 Township 3 Range 8 and is zoned A (District 5)

Application by **Jamar Johnson (Var-000019-2021)** for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8282 Jack Thomas Cove on the east side of Ross Meadows Ln and north of Jack Thomas Cove Parcel #**206516120 0001700** Section 16 Township 2 Range 6 and is zoned R30 (District 5)

Application by **Aaron Moore (Var-000020-2021)** for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8824 Mitchell Grove on the east side of Mitchell Grove and north of Mitchell Grove Rd North Parcel #**206516110 0010600** Section 16 Township 2 Range 6 and is zoned R30 (District 5)

Application by **Clayton Griffin (Var-000021-2021)** for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3786 Marie Lane on the south side of Mitchell Grove and north of Marie Lane North Parcel # **206516110 0009200** Section 16 Township 2 Range 6 and is zoned R30 (District 5)

Application by **Ellen Swafford (Var-000022-2021)** for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 14559 Choctaw Ridge

on the south side of Choctaw Ridge and west of S Briar Ln Parcel # **105833080 0006500** Section 33 Township 1 Range 8 and is zoned R20 overlay (District 1)

Application by **Martha Edgar (VAR-000004-2021)** for a variance to allow a rear setback of less than 30 feet and a side setback of less than 8 ft in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4042 Maryan Court on the north side of Maryan Court and east of Malone Rd N Parcel # **2076230300037100** Section 23 Township 7 Range 7 and is zoned R1 (District 5)

Application by **Earl Humphrey (Var-000005-2021)** for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8821 Mitchell Grove Rd N on the south side of Mitchell Grove and east of Mitchells Grove Ln Parcel # **206516110 0010700** Section 16 Township 2 Range 6 and is zoned R30 (District 5)

Conditional Use

Application by **Stephen Dodd (CU-000002-2021)** for a Conditional Use to allow a bed and breakfast in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1725 Highway 305 on the west side of Highway 305 and south of Acorn Woods Dr Parcel # **206828000 0000101** Section 28 Township 2 Range 6 and is zoned A (District 5)

Application by **Ben Smith (CU-000015-2021)** for a Conditional Use to allow a nursery / greenhouse accordance with the DeSoto County Zoning Ordinance. Subject property is located at 13555 Goodman Road East on the south side of Highway 305 and east of Reliance Drive Parcel # **105932000 0001001** Section 32 Township 1 Range 5 and is zoned AR (District 1)

Application by **Bob Barber (CU-000018-2021)** for a Conditional Use to allow a church / place of worship accordance with the DeSoto County Zoning Ordinance. Subject property is located on the south side of Highway 78 and south of Miller Road Parcel # **2054180000002102** Section 18 Township 2 Range 4 and is zoned C4 (District 1)

Application by **Cora White (CU-000014-2021)** for a Conditional Use to allow a second Mobile home due to hardship conditions in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3546 Boyd Rd on the east side of Boyd Rd and south of Sullivan Rd Parcel # **309521000000906** Section 21 Township 3 Range 9 and is zoned A (District 4)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, April 12, 2021, in the Board Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Tom Williams, Phillip Steward, Mike Hancock and Earl Ward. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Sam Barber, Board Attorney.

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 March 8, 2021. Mr. Ward made a Motion to approve the minutes as corrected. Mr. Steward 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 22, 2021, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on May 17, 2021.

NEW BUSINESS

Variance

Application by Matthew Arnold (VAR-000016-2021) for a variance to allow an accessory building larger than 50% of the square footage of the primary structure in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4185 Green Hill Drive on the north side of Green Port Drive and west of Green Hill Drive Parcel #308827010 0003200 Section 27 Township 3 Range 8 and is A (District 5)

Mr. Hopkins presented the application by Matthew Arnold for a variance to allow an accessory building larger than 50% of the primary structure and to allow an accessory building in the designated front yard of a double frontage lot. Mr. Matthew Arnold was present to represent the application.

Mr. Arnold stated he would like to build a hanger/shop on his property but due to his lot being a corner lot the area he wants to build the hanger is considered a front yard. The actual location would be beside and to the rear of his home.

There was discussion of there being numerous hangers in the subdivision.

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

Mr. Ward made a Motion and Mr. Steward seconded the Motion to approve the application by Matthew Arnold for a variance to allow an accessory building larger than 50% of the primary structure and to allow an accessory building in the designated front yard of a double frontage lot. The Motion was passed with a unanimous vote.

Application by Robert Higginbotham (VAR-000017-2021) for a variance to allow a front setback of less than 50 feet lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 2796 Cyrene Drive on the north side of Cyrene Drive and east of Ginners Ln Heights Dr Parcel #307833010 0004100 Section 33 Township 3 Range 8 and is zoned A (District 5)

Mr. Hopkins presented the application by Robert Higginbotham for a variance to allow a front setback of less than 50 feet. Mr. Robert Higginbotham was present to represent the application.

Mr. Higginbotham stated they are asking for the variance because they are trying to line the new home up with the other homes and due to it being a corner lot it has two front yard setbacks. He stated the developer of the subdivision has approved the placement of the on the property.

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

Mr. Hancock made a Motion and Mr. Williams seconded the Motion to approve the application by Robert Higginbotham for a variance to allow a front setback of less than 50 feet. The Motion was passed with a unanimous vote.

Application by Jamar Johnson (Var-000019-2021) for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8282 Jack Thomas Cove on the east side of Ross Meadows Ln and north of Jack Thomas Cove Parcel #206516120 0001700 Section 16 Township 2 Range 6 and is zoned R30 (District 5)

Mr. Hopkins presented the application by Jamar Johnson for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. Mr. Jamar Johnson was present to represent the application.

Mr. Johnson stated his HOA requires you have your shed behind a fence and the location would require the fence to be in the designated front yard because he has a corner lot.

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

Mr. Hancock made a Motion and Mr. Steward seconded the Motion to approve the application by Jamar Johnson for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. The Motion was passed with a unanimous vote.

Application by Aaron Moore (Var-000020-2021) for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is

located at 8824 Mitchell Grove on the east side of Mitchell Grove and north of Mitchell Grove Rd North Parcel #206516110 0010600 Section 16 Township 2 Range 6 and is zoned R30 (District 5)

Mr. Hopkins presented the application by Aaron Moore for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. Mr. Aaron Moore was present to represent the application.

Mr. Moore stated that he has a corner lot and the location he would like to build his property line is considered the front yard.

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

Mr. Steward made a Motion and Mr. Ward seconded the Motion to approve the application by Aaron Moore for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. The Motion was passed with a unanimous vote.

Application by Clayton Griffin (Var-000021-2021) for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3786 Marie Lane on the south side of Mitchell Grove and north of Marie Lane North Parcel # 206516110 0009200 Section 16 Township 2 Range 6 and is zoned R30 (District 5)

Mr. Hopkins presented the application by Clayton Griffin for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. Mr. Clayton Griffin was present to represent the application.

Mr. Griffin stated that he has a corner lot and the location he would like to build his property line is considered the front yard.

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

Mr. Hancock made a Motion and Mr. Steward seconded the Motion to approve the application by Clayton Griffin for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. The Motion was passed with a unanimous vote.

Application by Ellen Swafford (Var-000022-2021) for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 14559 Choctaw Ridge on the south side of Choctaw Ridge and west of S Briar Ln Parcel # 105833080 0006500 Section 33 Township 1 Range 8 and is zoned R20 overlay (District 1)

Mr. Hopkins presented the application by Ellen Swafford for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. Ms. Ellen Swafford was present to represent the application.

Ms. Swafford stated that she has a corner lot and the location she would like to build his property line is considered the front yard.

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

Mr. Steward made a Motion and Mr. Hancock seconded the Motion to approve the application by Ellen Swafford for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. The Motion was passed with a unanimous vote.

Application by Martha Edgar (VAR-000004-2021) for a variance to allow a rear setback of less than 30 feet and a side setback of less than 8 ft in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 4042 Maryan Court on the north side of Maryan Court and east of Malone Rd N Parcel #2076230300037100 Section 23 Township 7 Range 7 and is zoned R1 (District 5)

Mr. Hopkins presented the application by Martha Edgar for a variance to allow a rear setback of less than 30 feet and a side setback of less than 8 ft. Ms. Martha Edgar was present to represent the application.

Ms. Edgar stated that she would like to build a garage to store her golf cart, lawn equipment and a car and that due to the size of her back yard she cannot meet the required setbacks. She stated she has HOA approval for the garage and the location.

Ms. Meleiah Tyus came forward and confirmed the building was approved by the HOA.

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

Mr. Steward made a Motion and Mr. Ward seconded the Motion to approve the application by Martha Edgar for a variance to allow a rear setback of less than 30 feet and a side setback of less than 8 ft. The Motion was passed with a unanimous vote.

Application by Earl Humphrey (Var-000005-2021) for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8821 Mitchell Grove Rd N on the south side of Mitchell Grove and east of Mitchells Grove Ln Parcel # 206516110 0010700 Section 16 Township 2 Range 6 and is zoned R30 (District 5)

Mr. Hopkins presented the application by Earl Humphrey for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. Mr. Earl Humphrey was present to represent the application.

Mr. Humphrey stated that he has a corner lot and the location he would like to build his property line is considered the front yard.

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

Mr. Steward made a Motion and Mr. Ward seconded the Motion to approve the application by Earl Humphrey for a variance to allow a fence taller than 3 ft in the designated front yard of a double frontage lot. The Motion was passed with a unanimous vote.

Conditional Use

Application by Stephen Dodd (CU-000002-2021) for a Conditional Use to allow a bed and breakfast in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1725 Highway 305 on the west side of Highway 305 and south of Acorn Woods Dr Parcel # 206828000 0000101 Section 28 Township 2 Range 6 and is zoned A (District 5)

Mr. Hopkins presented the application by Stephen Dodd for a conditional use to allow a bed and breakfast. Mr. Stephen Dodd was present to represent the application.

Mr. Dodd stated he wants to open a small B&B and plans to use the existing mother-in-law wing that is attached to his home. He stated the space could be 2 bedrooms and is handicap accessible. He stated the use would not increase traffic or increase the fire hazard.

Mr. Steward stated he liked the simplicity of the project.

Mr. Hancock asked how many guests Mr. Dodd anticipates would stay at the B&B. Mr. Dodd stated he anticipates it would be 2-4 guests.

Mr. Hancock stated he has concerns because the County opted out of requiring sprinkler in residential codes where the Fire Code would require sprinklers in this type use, as well as exit signs. He then stated he feels it will increase the fire hazard. Mr. Hopkins stated our codes are adopted and we reviewed that section of home as residential based on the interpretation of the IRC.

Mr. Hancock asked if people staying at the B&B would be allowed to cook. Mr. Dodd stated they will be allowed to cook. Mr. Hancock stated he thinks there should be a residential hood system on the stove, emergency lights and exit signs.

Mr. Ward asked how many exits there are in the structure. MR. Dodd said there are two exits. Mr. Hancock asked if the smoke detectors are wired together. Mr. Dodd stated they are not.

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

Mr. Steward made a Motion and Mr. Ward seconded the Motion to approve the application by Stephen Dodd for a conditional use to allow a bed and breakfast for a time limit of 10 years until April 12, 2031 with the following conditions:

1. Must have emergency lights;
2. Must have emergency signs;
3. Must have fire extinguishers, a Class K in the kitchen and 2 lb. in the living room a residential hood extinguishing system above the stove; and
4. Must have smoke detectors that talk to each other.

The Motion was passed with a unanimous vote.

Application by Ben Smith (CU-000015-2021) for a Conditional Use to allow a nursery/greenhouse accordance with the DeSoto County Zoning Ordinance. Subject property is located at 13555 Goodman Road East on the south side of Highway 305 and east of Reliance Drive Parcel # 105932000 0001001 Section 32 Township 1 Range 5 and is zoned AR (District 1)

Mr. Hopkins presented the application by Ben Smith for a conditional use to allow a nursery/greenhouse. Mr. Ben Smith was present represent the application.

Mr. Smith said Mr. Rodriquez purchased 40 acres and cut out six residential lots off of the front of the property and would like to use the remainder of the property for his landscape/nursery business. He then stated the trees/shrubs generated on the property would be for by his landscape business only.

Mr. Smith stated he does not feel the use would increase the fire hazard, does not feel it is out of character for the neighborhood, does not feel it will overtax public utilities and will improve the general welfare of the County.

Mr. Williams asked if trees will be left along Goodman Road. Mr. Smith stated there will be 6 residential lots along Goodman Rd. Mr. Cardosi stated there would be a 60 ft. wide strip of land between the houses to access the property requested to be used as a nursery/greenhouse.

There was discussion of traffic generation and hours of operation. Mr. Rodriquez stated the hours of operation will be 7:00 am to 5:00 pm Monday-Friday and on Saturday only if they need to.

Mr. Hancock asked where dead trees/shrubs are disposed of. Mr. Rodriquez stated they are disposed of at Yard Works.

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

Mr. Ward made a Motion and Mr. Steward seconded the Motion to approve the application by Ben Smith for a conditional use to allow a nursery/greenhouse for 20 years until April 12, 2041. The Motion was passed with a unanimous vote.

Application by Bob Barber (CU-000018-2021) for a Conditional Use to allow a church / place of worship accordance with the DeSoto County Zoning Ordinance. Subject property is located on the south side of Highway 78 and south of Miller Road Parcel #2054180000002102 Section 18 Township 2 Range 4 and is zoned C4 (District 1)

Mr. Hopkins presented the application by Bob Barber for a Conditional Use to allow a church/place of worship. Mr. Bob Barber was present to represent the application.

Mr. Barber stated the First Pentecostal Church would like to locate at this site and because it is zoned C-4 and a church is a conditional use. He stated there are 65-75 people who currently attend the church. He then presented a possible site plan for the church.

Mr. Steward asked how the property will be accessed. Mr. Barber stated the property will be accessed by Old Hwy 78. Mr. Steward asked if traffic will cross the railroad tracks. Mr. Cardosi stated the only crossing of the railroad would be at Center Hill Rd.

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

Mr. Hancock made a Motion and Mr. Williams seconded the Motion to approve the application by Bob Barber for a Conditional Use to allow a church/place of worship for 30 years until April 12, 2051 for the exclusive use of First Pentecostal Church. The Motion was passed with a unanimous vote.

Application by Cora White (CU-000014-2021) for a Conditional Use to allow a second Mobile home due to hardship conditions in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3546 Boyd Rd on the east side of Boyd Rd and south of Sullivan Rd Parcel # 3095210000000906 Section 21 Township 3 Range 9 and is zoned A (District 4)

Mr. Hopkins presented the application by Cora White for a Conditional Use to allow a second mobile home due to hardship conditions. Ms. Dorothy Dockery was present to represent the application.

Ms. Dockery stated she is requesting to place a mobile home on the property and keep the existing mobile home on the property and keep the existing mobile home on the property. She stated the new mobile home would be for her mom and the existing one will be for family members to stay in to take care of her mom from time to time.

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

Mr. Ward made a Motion and Mr. Steward seconded the Motion to approve the application by Cora White for a Conditional Use to allow a second mobile home due to hardship conditions for 15 years or if Ms. Cora White passes away the mobile home will need to be removed or the conditional use renewed. The Motion was passed with a unanimous vote.

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