



BOARD OF ADJUSTMENT
ORDER OF ITEMS
May 13, 2019

CALL TO ORDER: 7:00
APPROVAL OF MINUTES: April 8, 2019

NEW BUSINESS

Variance

Application by **Alonzo Derrington (1550)** for a variance to allow an accessory building 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 1970 Swinnea on the east side of Swinnea Road and north of Pleasant Hill Road Parcel #2-07-9-29-00-0-00029-00 Section 29, Township 2 Range 7 and is zoned A-R (District 5)

Application by **Justin Moore (1551)** for a variance to allow a gravel driveway on a lot zoned AR in accordance with Article XV, Paragraph 2(a), Page 132 of the DeSoto County Zoning Ordinance. Subject property is located at 3820 Misty Oaks Lane on the east side of Misty Oaks Lane and south of Austin Road Parcel #2-08-4-17-01-0-00036-00 Section 17, Township 2 Range 8 and is zoned A-R (District 4)

Application by **Nancy Sinowetsky (1552)** for a variance to allow a side setback of less than 100 ft in accordance with Article V, Paragraph 2, Section C(11) of the DeSoto County Zoning Ordinance and a variance to allow more than one residence on an A-R zoned parcel in accordance with Residential Site Development Regulations Chart of the DeSoto County Zoning Ordinance. Subject property is located at 3465 Hwy 305 on the west side of Hwy 305 and north of Stewart Road, Parcel # 2-06-5-16-00-0-00027-05 in Section 16, Township 2, Range 6 and is zoned A-R (District 5)

Application by **Nohemi Tello (1553)** for a Variance to allow a mobile home older than 10 years in accordance with Article V, Paragraph 2, Section B (11), Page 30 of the DeSoto County Zoning Ordinance. Subject property is located at 9344 Barbee Road on the north side of Barbee Road and west of Highway 301 , Parcel # 309828000 0000313 in Section 28, Township 2, Range 9 and is zoned A (District 4)

Conditional Use

Application by **Nancy Sinowetsky (1538)** for a Conditional Use under Article V, Paragraph 2, Section C (11), Page 30 of the DeSoto County Zoning Ordinance to allow a mobile home under hardship condition in the A-R Zone. Subject property is located at 3465 Hwy 305 on the west side of Hwy 305 and north of Stewart Road, Parcel # 2-06-5-16-00-0-00027-05 in Section 16, Township 2, Range 6 and is zoned A-R (District 5)

Application by **Kreunen Farms, LLC (1539)** for a Conditional Use to allow gas pumps as an accessory use for a convenience store in accordance with the PUD text of Williams Ridge PUD. Subject property is located on the east side of Getwell Road and north of Starlanding Road, Parcel #2-07-5-22-00-0-00001-00 in Section 22, Township 2, Range 7 and is zoned PUD. (District 5)

Application by **Verizon Wireless/Polk Ln (1540)** for a Conditional Use under Article V, Paragraph 1, Section C (33), Page 23 of the DeSoto County Zoning Ordinance to allow a wireless telecommunications tower exceeding 35 feet in height. Subject property is at 4450 Polk Ln, Parcel # 2-05-3-07-00-0-00002-06 on the east side of Polk Ln and north of Hwy 178 in Section 7, Township 2, Range 5 and is zoned Agricultural-Residential (A-R). (District 1)

Application by **Verizon Wireless/Bryant (1541)** for a Conditional Use under Article V, Paragraph 1, Section C (33), Page 23 of the DeSoto County Zoning Ordinance to allow a wireless telecommunications tower exceeding 35 feet in height. Subject property is at 8059 Hwy 301, Parcel # 1-09-6-24-00-0-00008-00 on the west side of Hwy 301 and north of DeSoto Road in Section 24, Township 1, Range 9 and is zoned Agricultural-Residential (A-R). (District 3)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, May 13, 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. Steward called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated April 8, 2019. Mr. Davis made a Motion to approve the minutes as corrected. Mr. Williams seconded the Motion. The Motion was passed with a unanimous vote.

Mr. Mike Duncan 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. Mr. Hopkins stated the deadline to file an appeal on items heard at this meeting is May 23, 2019, at 5:00 p.m. He then stated any appeals filed will be heard by the Board of Supervisors on June 17th, 2019, at 9:30 a.m.

NEW BUSINESS

Variance

Application by Alonzo Derrington (1550) for a variance to allow an accessory building 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 1970 Swinnea on the east side of Swinnea Road and north of Pleasant Hill Road Parcel #2-07-9-29-00-0-00029-00 Section 29, Township 2 Range 7 and is zoned A-R (District 5)

Mr. Hopkins presented the variance by Alonzo Derrington to allow an accessory building larger than 50% of the square footage of the primary structure. Mr. Derrington was present to represent the application.

Mr. Derrington came forward and stated that he already has an existing structure on the NE corner of his property, but it was too far for him to use. He stated that he wanted a new barn closer to his house so it was more easily accessible.

Mr. Ward asked what the purpose of the barn would be. Mr. Derrington stated it would be for personal storage and projects.

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

Mr. Steward made a Motion and Mr. Ward seconded the Motion to approve the variance by Alonzo Derrington 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 Justin Moore (1551) for a variance to allow a gravel driveway on a lot zoned AR in accordance with Article XV, Paragraph 2(a), Page 132 of the DeSoto County Zoning Ordinance. Subject property is located at 3820 Misty Oaks Lane on the east side of Misty Oaks Lane and south of Austin Road Parcel #2-08-4-17-01-0-00036-00 Section 17, Township 2 Range 8 and is zoned A-R (District 4)

Mr. Hopkins presented the variance application by Justin Moore to allow a gravel driveway on a lot zoned AR. Mr. Justin Moore was present to represent the application.

Mr. Moore explained that there were four other homes in the neighborhood with gravel driveways, and did not realize that his needed to be paved.

Mr. Duncan asked Mr. Cardosi why other driveways were not paved in this neighborhood. Mr. Cardosi explained that those drives were there before the applicable zoning regulations were in place.

Mr. Davis asked when the building permit was pulled & Mr. Steward wanted to know where the driveway would be placed. Mr. Moore stated that the permit was pulled in 2017 and the driveway was over 300 ft away from the road. Mr. Moore also showed the board pictures of the other driveways.

Mr. Duncan asked if there was an HOA. Mr. Moore said no. Mr. Duncan also asked about the building codes and regulations.

Mr. Davis asked how much of the driveway would be required to be paved. Mr. Cardosi stated that code would require the entire driveway to be paved.

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. Williams seconded the Motion to approve the variance application by Justin Moore to allow a gravel driveway on a lot zoned AR. The Motion was passed with a unanimous vote.

Application by Nohemi Tello (1553) for a Variance to allow a mobile home older than 10 years in accordance with Article V, Paragraph 2, Section B (11), Page 30 of the DeSoto County Zoning Ordinance. Subject property is located at 9344 Barbee Road on the north side of Barbee Road and west of Highway 301 , Parcel # 309828000 0000313 in Section 28, Township 2, Range 9 and is zoned A (District 4)

Mr. Hopkins presented the variance by Nohemi Tello to allow a mobile home older than 10 years old. Ms. Tello was present to represent the application.

Mr. Duncan asked if the mobile home was already in place. Ms. Tello explained that the mobile home would be moved from Country Haven in Nesbit, MS to Barbie Road.

Mr. Ward asked why the Hardship application was presented in 2016 and they are just now moving the mobile home. Ms. Tello explained that she did not have the funding to move the mobile home until now.

Mr. Davis asked if this was a double wide trailer. Ms. Tello said yes.

Mr. Steward asked what the hardship was for back in 2016. Mr. Cardosi stated that the hardship was for the acreage and zoning. He also explained that the past application presented was for a conditional use, but this application was strictly for a variance for the age of the mobile home.

Ms. Tello stated that the mobile home was in good condition and this would be a safer option for her children.

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

Mr. Ward made a Motion to table this item until the inspector comes out and looks at the mobile home. Mr. Davis seconded the Motion to table the item until June 10, 2019 at 7:00 pm. The Motion was passed with a unanimous vote.

Conditional Use (and Sinowetski Variance)

Application by Nancy Sinowetsky (1552) for a variance to allow a side setback of less than 100 ft in accordance with Article V, Paragraph 2, Section C(11) of the DeSoto County Zoning Ordinance and a variance to allow more than one residence on an A-R zoned parcel in accordance with Residential Site Development Regulations Chart of the DeSoto County Zoning Ordinance. Subject property is located at 3465 Hwy 305 on the west side of Hwy 305 and north of Stewart Road, Parcel # 2-06-5-16-00-0-00027-05 in Section 16, Township 2, Range 6 and is zoned A-R (District 5)

Application by Nancy Sinowetsky (1538) for a Conditional Use under Article V, Paragraph 2, Section C (11), Page 30 of the DeSoto County Zoning Ordinance to allow a mobile home under hardship condition in the A-R Zone. Subject property is located at 3465 Hwy 305 on the west side of Hwy 305 and north of Stewart Road, Parcel # 2-06-5-16-00-0-00027-05 in Section 16, Township 2, Range 6 and is zoned A-R (District 5)

Mr. Hopkins presented the Conditional Use application and associated side setback variance by Nancy Sinowetsky to allow a mobile home under hardship condition. Ms. Nancy Sinowetsky was present to represent the application.

Ms. Sinowetsky stated that she wanted the mobile home to be placed on her property for her elderly parents.

Mr. Steward asked where the mobile home would be placed and how far away it would be from the current home. Ms. Sinowetsky stated that it would be 30 ft away from the current home and would be placed to the side. Ms. Sinowetsky stated that she would remove the mobile home once her parents passed.

Mr. Duncan asked how long she lived at the residence for. Ms. Sinowetsky stated they moved in February 2019.

Mr. Duncan asked if there was anyone to speak for or against the item.

Larry Vaughn – 3500 Hwy 305

- Concerned about applicant renting out mobile home once parents pass,
- Wanted mobile home to be removed once parents passed.

Kenny Alman – 3383 Hwy 305

- Concerned that applicant has not been living in the area long,
- Wanted mobile home to be removed after parents passed

Mr. Duncan made a Motion and Mr. Steward seconded the Motion to approve the Conditional Use application by Nancy Sinowetsky to allow a mobile home under hardship condition with the following conditions and the variance application as presented.

1. Mobile home is to be used only by parents (Robert & Barbra Thompson)
2. Mobile home must be removed in 12 months after the passing of parents.

The Motion was passed with a unanimous vote.

Application by Kreunen Farms, LLC (1539) for a Conditional Use to allow gas pumps as an accessory use for a convenience store in accordance with the PUD text of Williams Ridge PUD. Subject property is located on the east side of Getwell Road and north of Starlanding Road, Parcel #2-07-5-22-00-0-00001-00 in Section 22, Township 2, Range 7 and is zoned PUD. (District 5)

Mr. Hopkins presented the Conditional Use application by Kreunen Farms to allow gas pumps as an accessory use for a convenience store. Mr. Bob Barber was present to represent the application.

Mr. Barber stated that he wanted to place gas pumps with a canopy and nice architectural features. He stated that traffic would not be an issue because traffic lights would be in place. Also, water and sewer has already been approved.

Mr. Duncan asked if there were already gas pumps across the street. Mr. Barber said yes.

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

Mr. Duncan made a Motion and Mr. Steward seconded the Motion to approve the Conditional Use application by Kreunen Farms, LLC. The Motion was passed with a unanimous vote.

Application by Verizon Wireless/Polk Ln (1540) for a Conditional Use under Article V, Paragraph 1, Section C (33), Page 23 of the DeSoto County Zoning Ordinance to allow a wireless telecommunications tower exceeding 35 feet in height. Subject property is at 4450 Polk Ln, Parcel # 2-05-3-07-00-0-00002-06 on the east side of Polk Ln and north of Hwy 178 in Section 7, Township 2, Range 5 and is zoned Agricultural-Residential (A-R). (District 1)

Mr. Hopkins presented the Conditional Use application by Verizon Wireless/Polk Ln Ordinance to allow a wireless telecommunications tower exceeding 35 feet in height. Mr. David McGee was present to represent the application.

Mr. McGee stated that the site was 38 acres and they wanted to place a 185 ft tall tower in a wooded area, just south of a power line.

Mr. Steward asked if they were running power to that site and if there would be any solar panels. Mr. McGee stated they were adding fiber wire and there would not be any solar panels.

Mr. Davis asked how far the tower would be from the train tracks. Mr. McGee stated it would be at least 140 ft away from them. Mr. Davis also asked if there would be a fence placed around the tower. Mr. McGee stated a 6 ft fence with three rows of barbed wire would be in place.

Mr. Steward asked if there would be any back up power to the tower, and if there would be a lot of traffic to and from the tower. Mr. McGee stated that there would be a backup generator in case it was needed, and there would only be one person a month coming in to look at the tower.

Mr. Sam Barber stated that cell towers are under a Telecommunications Act and if they can prove a gap in coverage that it cannot be prohibited. The new act stated in January 2019, Section 332.

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

Mr. Steward made a Motion and Mr. Davis seconded the Motion to approve the Conditional Use application by Verizon Wireless/Polk Ln to allow a wireless

telecommunications tower exceeding 35 ft. The Motion was passed with a unanimous vote.

Application by Verizon Wireless/Bryant (1541) for a Conditional Use under Article V, Paragraph 1, Section C (33), Page 23 of the DeSoto County Zoning Ordinance to allow a wireless telecommunications tower exceeding 35 feet in height. Subject property is at 8059 Hwy 301, Parcel # 1-09-6-24-00-0-00008-00 on the west side of Hwy 301 and north of DeSoto Road in Section 24, Township 1, Range 9 and is zoned Agricultural-Residential (A-R). (District 3)

Mr. Hopkins presented the Conditional Use application by Verizon Wireless/Bryant Ordinance to allow a wireless telecommunications tower exceeding 35 feet in height. Mr. David McGee was present to represent the application.

Mr. McGee stated that the site is set back 350 ft off of the road, there was a lot of greenery surrounding the tower, and there were no structures in a 250 ft radius.

Mr. Duncan asked if the towers were monofold towers. Mr. McGee said yes.

Mr. Duncan asked if there was anyone to speak for or against the item.

Kristina House – 1692 Desoto Rd

- Concerned about location
- Concerned about resell value of her home
- Concerned about landscaping
- Concerned about looks of tower
- Concerned about length of construction

Mr. McGee stated that the tower was at least 315 ft away from their property, there were several rows of trees, and it would not affect their resell values. He stated that they looked into moving the tower, but there was not a better location. Mr. McGee stated it would take less than a month to finish construction.

Mr. Steward made a Motion and Mr. Williams seconded the Motion to approve the Conditional Use application by Verizon Wireless/Bryant to allow a wireless telecommunications tower exceeding 35 ft. The Motion was passed with a unanimous vote.

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