



**BOARD OF ADJUSTMENT
ORDER OF ITEMS
MAY 14, 2018**

CALL TO ORDER: 7:00

APPROVAL OF MINUTES: April 9, 2018

NEW BUSINESS

Variance

Application by **Gerald Payne (1517)** for a variance to allow a side setback of less than 15 ft. Article V, Paragraph 2, Section D of the DeSoto County Zoning Ordinance. Subject property is located at 7350 Center Hill Road on the east side of Center Hill Road and north of Goodman ,Parcel # 105828000 0001400 in Section 28, Township 1, Range 5 and is zoned Agricultural-Residential (AR). (District 1)

Conditional Use

Application by **Geraldine McDonnell (1524)** for a Conditional Use to allow an expansion of a cemetery in accordance with Article V, Paragraph 1, Section C(19) of the DeSoto County Zoning Ordinance. Subject property is located east of 8691 Bethel Road on the south side of Bethel and west of Highway 305, Parcel #206828000 0000100 in Section 28, Township 2, Range 8 and is zoned A. (District 5)

Application by **Rodney Brooks (1525)** for a Conditional Use to allow a second mobile home on a site of 3 acres, for a family hardship under Article V, Paragraph 2, Section C (18) of the DeSoto County Zoning Ordinance. Subject property is located at 3310 Robert Drive on the north side of North Cockrum Road and east of Robert Drive ,Parcel #306623010 000180001 in Section 23, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

Application by **Terry Carr (1523)** for a Conditional Use to allow an intensive farming operation, similar to a feed lot under Article V, Paragraph 2, Section C (11) of the DeSoto County Zoning Ordinance. Subject property is located on the east side of Blythe Road and South of Old Hwy 61 ,Parcel # 209307000 0000300 in Section 07, Township 2, Range 9 and is zoned Agricultural (A). (District 3)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, May 14, 2018, in the Planning Commission Conference Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Phillip Steward, 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 Chairman Mr. Steward called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated April 9, 2018. Mr. Ward made a Motion to approve the minutes as presented. Mr. Duncan 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 May 24, 2018, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on June 18, 2018, at 9:30 a.m.

NEW BUSINESS

Variance

Application by Gerald Payne (1517) for a variance to allow a side setback of less than 15 ft. Article V, Paragraph 2, Section D of the DeSoto County Zoning Ordinance. Subject property is located at 7350 Center Hill Road on the east side of Center Hill Road and north of Goodman ,Parcel # 105828000 0001400 in Section 28, Township 1, Range 5 and is zoned Agricultural-Residential (AR). (District 1)

Mr. Hopkins presented the variance application by Gerald Payne to allow a side setback of less than 15 ft. Ms. Monice Payne was present to present the application.

Ms. Monice Payne – 7350 Center Hill Rd. – came forward and stated Gerald Payne is her son and not able to attend the meeting. She stated her son wants to rebuild his home that burned and would like to have a double car garage instead of a single car garage.

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

Mr. Williams asked who lives at 7340 Center Hill Rd. Ms. Payne stated that they have been neighbors for over 20 years and does not feel they would be opposed to it.

Mr. Williams made a Motion and Mr. Davis seconded the Motion to approve the Variance request by Gerald Payne to allow a side setback of less than 15 ft. The Motion was passed with a unanimous vote.

Conditional Use

Application by Geraldine McDonnell (1524) for a Conditional Use to allow an expansion of a cemetery in accordance with Article V, Paragraph 1, Section C(19) of the DeSoto County Zoning Ordinance. Subject property is located east of 8691 Bethel Road on the south side of Bethel and west of Highway 305, Parcel #206828000 0000100 in Section 28, Township 2, Range 8 and is zoned A. (District 5)

Mr. Hopkins presented the Geraldine McDonnell application for a Conditional Use to allow an expansion of a cemetery. Mr. Jessie Medlin was present to present the application.

Mr. Medlin came forward and stated he is the Chairman of the Lebanon Cemetery Committee. He then stated they are out of space on the current property and Ms. McDonnell has agreed to sell 1.23 acres to them to add to the current cemetery. He stated the cemetery is well taken care of and has been there since the early 1800's. \

Mr. Williams asked why this is a Conditional Use application instead of a Variance application. Mr. Hopkins stated that is how it is worded in the Ordinance.

Mr. Steward asked if there is a formula for how many graves can be in a certain space. Mr. Medlin stated they would need to get an engineer to determine the number of graves that will be able to fit in the acreage that is being added.

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

Mr. Duncan made a Motion and Mr. Ward seconded the Motion to approve the Geraldine McDonnell application for a Conditional Use to allow an expansion of a cemetery with no time limitation. The Motion was passed with a unanimous vote.

Application by Rodney Brooks (1525) for a Conditional Use to allow a second mobile home on a site of 3 acres, for a family hardship under Article V, Paragraph 2, Section C (18) of the DeSoto County Zoning Ordinance. Subject property is located at 3310 Robert Drive on the north side of North Cockrum Road and east of Robert Drive ,Parcel #306623010 000180001 in Section 23, Township 3, Range 6 and is zoned Agricultural (A). (District 5)

Mr. Hopkins presented Rodney Brooks application for a Conditional Use to allow a second mobile home on a site of 3 acres, for a family hardship. Mr. Hugh Swindoll was present to present the application.

Mr. Swindoll came forward and stated that his parents have health issues and need assistance and he is requesting to place a second mobile home on the site to be able to live on the site to care for his parents.

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

Mr. Steward asked where the second mobile home is going to be located. Mr. Swindoll stated the mobile home will be placed between the current home and the northern property line.

Mr. Ward made a Motion and Mr. Duncan seconded the Motion to approve the Rodney Brooks application for a Conditional Use to allow a second mobile home on a site of 3 acres, for a family hardship with the following conditions:

1. Shall be for Mr. and Mrs. Rodney Brooks use only; and
2. Shall be for the lifetime of Mr. and Mrs. Rodney Brooks.

The Motion was passed with a unanimous vote.

Application by Terry Carr (1523) for a Conditional Use to allow an intensive farming operation, similar to a feed lot under Article V, Paragraph 2, Section C (11) of the DeSoto County Zoning Ordinance. Subject property is located on the east side of Blythe Road and South of Old Hwy 61 ,Parcel # 209307000 0000300 in Section 07, Township 2, Range 9 and is zoned Agricultural (A). (District 3)

Mr. Hopkins presented the Terry Carr application for a Conditional Use to allow an intensive farming operation, similar to a feed lot. Mr. Terry Carr was present to present the application.

Mr. Carr came forward and stated he is requesting to operate a preconditioning lot; it is not a feed lot. He stated it will be a place to give shots and such to cattle.

Mr. Ward asked how many head of cattle is expecting on the property. Mr. Carr stated it just depends. He stated in the summer the number of cattle on the site will be low and in the winter the number of cattle will be higher. Mr. Ward stated he feels this is still a feed lot. Mr. Carr stated there will not be as many cows at his site as would be at a feed lot.

Mr. Steward asked if he has a contract. Mr. Carr stated he does not have a contract at this time.

Mr. Ward asked how he plans to dispose of the waste. Mr. Carr stated it will run-off in to the pasture. Mr. Carr stated he will only be using 20-30 acres for this agriculture use.

Mr. Davis asked where the runway is in relationship to the portion of his property he plans to use for this operation. Mr. Carr stated the runway is at the north end of his property.

Mr. Williams asked if there was any opposition to this application. Mr. Hopkins stated there were no calls but there was discussion of where the potential building will be located. Mr. Steward asked if Mr. Carr had an idea of where the proposed building will

go on the property. Mr. Carr stated it would be located near the north property line. There was discussion about determining the location the building.

Mr. Williams asked if the applicant would keep row crops on the property. Mr. Carr stated that yes does plan to keep row crops on the property; that is how he pays for the land.

Mr. Hopkins asked what the maximum number of cattle he anticipates to be on the property. Mr. Carr stated he anticipates he will have 600 head of cattle on the property this year and 1200 next year. Mr. Williams asked how long will the cattle be on the property. Mr. Carr stated the cattle will be on the property approximately 45 days at a time.

Mr. Steward 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 Terry Carr application for a Conditional Use to allow an intensive farming operation for 20 years until May 14, 2038. The Motion was passed with a unanimous vote.

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