



BOARD OF ADJUSTMENT
ORDER OF ITEMS
JUNE 8, 2020

CALL TO ORDER: 7:00
APPROVAL OF MINUTES: May 11, 2020

NEW BUSINESS

Variance

Application by **Keith & Kim Stribling** (1588) for a variance to allow a side setback of less than 100 ft. for a mobile home in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8085 Flicker Ridge Rd on the south side of Flicker Ridge Rd and west of Baldwin Rd Parcel #2-09-8-34-02-0-00051-00 Section 34 Township 2 Range 9 and is zoned A (District 4)

Application by **Arthur Harris** (1589) for a variance to allow a fence taller than 3 ft to be located in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6461 Houston Lane on the west side of Houston Ln and south of Choctaw Ridge Dr Parcel # 1-05-8-3.3-05-0-00089-00 Section 33, Township 1 Range 5 and is zoned R-20 (District 1)

Application by **Carter Bryant** (1590) for a variance to allow a front setback of less than 50 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 5264 Belmont Rd on the east side of Belmont Rd and north of Belmont Estates Dr Parcel # 3-07-9-31-05-0-00001-00 Section 31, Township 3 Range 7 and is zoned A (District 5)

Application by **Joseph Miller** (1591) for a variance to allow a fence taller than 3 ft to be located in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1194 Merloun Rd on the east side of Merloun Rd and south of Hawks View Parcel # 2-06-9-30-04-0-00264-00 Section 30, Township 2 Range 6 and is zoned PUD (District 5)

Application by **Mario Tate** (1592) for a variance to allow a fence taller than 3 ft to be located in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 14251 Aspen Ln on the west side of Aspen Ln and north of Stateline Rd Parcel # 1-05-5-16-02-0-00011-00 Section 16, Township 1 Range 5 and is zoned A-R (District 1)

Application by **Larry Boyce** (1593) for a variance to allow an accessory building in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 460 Deer Trail Dr on the north side of Deer Trail Dr and east of Hwy 51 Parcel # 3-07-4-19-03-0-00006-00 Section 19, Township 3 Range 7 and is zoned A (District 5)

Application by **Lawson Culver** (1594) for a variance to allow a fence taller than 3 ft to be located in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3440 Long Bridge Rd W. on the east side of Long Bridge Rd W and south of Long Bridge Rd Parcel # 2-06-6-14-02-0-00067-00 Section 14, Township 2 Range 6 and is zoned R-30 (District 1)

Application by **Francis Estep** (1595) for a variance to allow a side setback of less than 100 ft. for a mobile home in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7232 Austin Rd on the north side of Austin Rd and east of Poplar Corner Parcel #2-09-1-11-00-0-00008-00 Section 11 Township 2 Range 9 and is zoned A-R (District 3)

Conditional Use

Application by **Francis Estep (1550)** for a Conditional Use to allow a change in a nonconforming use in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7232 Austin Rd on the north side of Austin Rd and east of Poplar Corner Parcel #2-09-1-11-00-0-00008-00 Section 11 Township 2 Range 9 and is zoned A-R (District 3)

Application by **Patrick Sullivan/Clearway Energy Group (1551)** for a Conditional Use to allow a utility substation/solar farm in accordance with the DeSoto County Zoning Ordinance. Subject property is located on the south side of Old Hwy 61 and west of West Railroad Ave. Parcel # 1-09-9-32-00-0-00002-00, 1-09-9-32-00-0-00003-00, 1-09-9-32-00-0-00004-00, 1-09-9-32-00-0-00005-00 and 1-09-8-33-00-0-00002-00 in Section 32&33 Township 1 Range 9 and is zoned A (District 3)

The Desoto County Board of Adjustment met at 7:00 p.m. on Monday, June 8, 2020, in the Planning Commission Conference Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Tom Williams, Rudy Davis, Phillip Steward and Mike Duncan. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Sam Barber, Board Attorney.

Board of Adjustment Chairman Mr. Duncan called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated May 11, 2020. Mr. Davis 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 June 18, 2020, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on July 20, 2020.

NEW BUSINESS

Variance

Application by Keith & Kim Stribling (1588) for a variance to allow a side setback of less than 100 ft. for a mobile home in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 8085 Flicker Ridge Rd on the south side of Flicker Ridge Rd and west of Baldwin Rd Parcel #2-09-8-34-02-0-00051-00 Section 34 Township 2 Range 9 and is zoned A (District 4)

Mr. Hopkins presented the application by Keith Stribling for a variance to allow a mobile home less than 100 ft from the side property line. Mr. Keith Stribling was present to represent the application.

Mr. Stribling came forward and stated the reason for the proposed location on the site is due to the location of the existing septic system and trees on the property.

Mr. Duncan asked if the existing mobile home could be moved and the new mobile home be placed in the same spot. Mr. Stribling stated they would have to remove trees due to the new mobile home being larger than the existing mobile home and it would all so cover the existing septic system.

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

Mr. Davis made a Motion and Mr. Williams seconded the Motion to approve the application by Keith Stribling for a variance to allow a mobile home less than 100 ft from the side property line. The Motion was passed with a unanimous vote.

Application by Arthur Harris (1589) for a variance to allow a fence taller than 3 ft to be located in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 6461 Houston Lane on the west side of Houston Ln and south of Choctaw Ridge Dr Parcel # 1-05-8-3.3-05-0-00089-00 Section 33, Township 1 Range 5 and is zoned R-20 (District 1)

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

Mr. Duncan asked how tall the fence would be. Mr. Harris stated it would be a 6 ft tall privacy fence.

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

Mr. Steward made a Motion and Mr. Duncan seconded the Motion to approve the application by Arthur Harris 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 Carter Bryant (1590) for a variance to allow a front setback of less than 50 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 5264 Belmont Rd on the east side of Belmont Rd and north of Belmont Estates Dr Parcel # 3-07-9-31-05-0-00001-00 Section 31, Township 3 Range 7 and is zoned A (District 5)

Mr. Hopkins presented the application by Carter Bryant for a variance to allow a front setback of less than 50ft. Mr. Carter Bryant was present to represent the application.

Mr. Duncan asked if the house is existing. Mr. Bryant stated that it is not.

Mr. Bryant stated that the lot is very hilly and had to put fill dirt on the site to make a building pad. He stated that he wants to situate the house at the best location on the fill dirt.

Mr. Duncan asked if the house could be moved north on the property. Mr. Bryant state that there is a steep drop off to the north.

Mr. Steward asked if this would be his personal house. Mr. Bryant state it will be. Mr. Duncan asked if there was anyone to speak for or against the item. There was no one.

Mr. Duncan made a Motion and Mr. Williams seconded the Motion to the application by Carter Bryant for a variance to allow a front setback of less than 50ft. The Motion was passed with a unanimous vote.

Application by Joseph Miller (1591) for a variance to allow a fence taller than 3 ft to be located in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 1194 Merloun Rd on the east side of Merloun Rd and south of Hawks View Parcel # 2-06-9-30-04-0-00264-00 Section 30, Township 2 Range 6 and is zoned PUD (District 5)

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

Mr. Duncan asked how tall the fence would be. Mr. Miller stated it would be a 6 ft tall privacy fence.

Mr. Williams asked if the fence will be on the Hawks View Dr. side. Mr. Miller stated that it will be.

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

Mr. Steward made a Motion and Mr. Williams seconded the Motion to approve the application by Joseph Miller 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 Mario Tate (1592) for a variance to allow a fence taller than 3 ft to be located in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 14251 Aspen Ln on the west side of Aspen Ln and north of Stateline Rd Parcel # 1-05-5-16-02-0-00011-00 Section 16, Township 1 Range 5 and is zoned A-R (District 1)

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

Mr. Duncan asked how tall the fence would be. Mr. Tate stated it would be a 6 ft tall privacy fence.

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

Mr. Davis made a Motion and Mr. Duncan seconded the Motion to approve the application by Mario Tate 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 Larry Boyce (1593) for a variance to allow an accessory building in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 460 Deer Trail Dr on the north side of Deer Trail Dr and east of Hwy 51 Parcel # 3-07-4-19-03-0-00006-00 Section 19, Township 3 Range 7 and is zoned A (District 5)

Mr. Hopkins presented the application by Larry Boyce for a variance to allow an accessory building in the designated front yard. Mr. Larry Boyce was present to represent the application.

Mr. Steward asked what the garage will be used for. Mr. Boyce stated that it will be a 2 car detached garage.

Mr. Williams asked what the garage will be constructed of. Mr. Boyce stated the garage will be wood or metal. Mr. Steward asked what color. Mr. Boyce stated the color will match his home.

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

Mr. Williams made a Motion and Mr. Davis seconded the Motion to approve the application by Larry Boyce for a variance to allow an accessory building in the designated front yard. The Motion was passed with a unanimous vote.

Application by Lawson Culver (1594) for a variance to allow a fence taller than 3 ft to be located in the designated front yard in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 3440 Long Bridge Rd W. on the east side of Long Bridge Rd W and south of Long Bridge Rd Parcel # 2-06-6-14-02-0-00067-00 Section 14, Township 2 Range 6 and is zoned R-30 (District 1)

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

Mr. Cardosi stated that the fence was existing when Mr. Culver purchased the home and this request is just to make the fence legal. Mr. Hopkins stated that Staff received a couple of calls from neighbors, but staff explained that there will not be a change in the location of the fence.

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

Mr. Steward made a Motion and Mr. Davis seconded the Motion to approve the application by Lawson Culver 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 Francis Estep (1595) for a variance to allow a side setback of less than 100 ft. for a mobile home in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7232 Austin Rd on the north side of Austin Rd and east of Poplar Corner Parcel #2-09-1-11-00-0-00008-00 Section 11 Township 2 Range 9 and is zoned A-R (District 3)

This application was heard with the accompanying Conditional Use application.

Conditional Use

Application by Francis Estep (1550) for a Conditional Use to allow a change in a nonconforming use in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 7232 Austin Rd on the north side of Austin Rd and east of Poplar Corner Parcel #2-09-1-11-00-0-00008-00 Section 11 Township 2 Range 9 and is zoned A-R (District 3)

Mr. Hopkins presented the applications by Francis Estep for a conditional use to allow a change in a nonconforming use and a variance to allow a side setback of less than 100 ft. for a mobile home. Mr. Don Estep was present to represent the application.

Mr. Don Estep came forward and stated that his father recently passed away and his mother cannot take care of the property; that is why they are subdividing the property and selling the house and larger portion of the land. He stated they are keeping the mobile home and one acre of land for his mother to live in. Mr. Duncan asked if they condition the approval that once Mrs. Estep passes away the mobile home will have to be removed from the property. Mr. Estep stated the person who is purchasing the home and land will have first option to purchase the one acre. There was discussion of how to word the conditional use approval to require that the mobile home is removed after Mrs. Estep passes. Mr. Estep asked if the people who currently live in the mobile home who will be taking care of his mother be allowed to remain in the mobile home after she passes. He stated his mother really cares for the family who lives there and they have taken care of Mrs. Estep. Mr. Davis asked if they could approve it for 20 years for Mrs. Estep and the current occupants.

Mr. Duncan made a Motion and Mr. Williams seconded the Motion to approve the application by Francis Estep for a variance to allow a side setback of less than 100 ft. for a mobile home. The Motion was passed with a unanimous vote.

Mr. Steward made a Motion and Mr. Williams seconded the Motion to approve the application by Francis Estep for a conditional use to allow a change in a nonconforming use to allow the mobile home on the 1 acre property for 15 years until June 8, 2035. The Motion was passed with a unanimous vote.

Application by Patrick Sullivan/Clearway Energy Group (1551) for a Conditional Use to allow a utility substation/solar farm in accordance with the DeSoto County Zoning Ordinance. Subject property is located on the south side of Old Hwy 61 and west of West Railroad Ave. Parcel #1-09-9-32-00-0-00002-00, 1-09-9-32-00-0-00003-00, 1-09-9-32-00-0-00004-00, 1-09-9-32-00-0-00005-00 and 1-09-8-33-00-0-00002-00 in Section 32&33 Township 1 Range 9 and is zoned A (District 3)

Mr. Hopkins presented the application by Patrick Sullivan/Clearway Energy Group for a conditional use to allow a utility substation/solar farm. Mr. Walt Dinkelacker and Mr. Nick Manley were present to represent the application. Mr. Serge Theroux and Ms. Jennifer Sherwood were present via Zoom Conference to make presentations for the application.

Ms. Sherwood and Mr. Theroux made a power point presentation that gave an overview and key dates of the project. They explained the solar project process and the site design of the project.

Mr. Duncan asked how the existing land will be altered. Mr. Theroux stated they do not plan to do mass grading and the site will have internal earth type roads. Mr. Duncan asked what the plan is for foliage control of grass, etc. Mr. Theroux stated they use occasional mowing as the foliage control.

Mr. Williams asked where the transformers will be. Mr. Theroux explained the conversation from DC to AC process. Mr. Duncan asked how it will enter the energy grid. Mr. Theroux stated there is a transmission line to Entergy transmission boxes. Mr. Duncan asked if the transmission lines will be overhead or underground. Mr. Theroux stated the lines will be overhead.

Mr. Steward asked what the economic impact would be on the community. Mr. Theroux stated that there will be 800 temp jobs for 12 months and 1-5 permanent jobs for operations and maintenance.

Mr. Steward asked how many acres are included in the site. Mr. Theroux stated there approximately 600 acres included in the site.

Mr. Davis asked if traffic to the site will be using Old Hwy 61. Mr. Theroux confirmed traffic from the site will utilize Old Hwy 61. Mr. Davis stated he is concerned about the roadway due to 3 churches in the area; he doesn't want to see the road destroyed by the increased traffic. Mr. Duncan stated that it appears the only traffic will be during the time of construction. Mr. Theroux stated they will take satellite imagery of the road before the start of the project and once

construction is complete will repair the road to the existing condition or better. He then stated there will only be light truck traffic during maintenance.

There was discussion of the screening of the solar panels on the 600 acres.

Mr. Duncan asked what type of fencing there will be around the proposed site. Mr. Theroux stated there will be a chain link fence and they are looking for visual screening of the fence, such as slates and for portions that are visible from Old Hwy 61 they are looking vegetative trees and plants that are native to the area.

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

Mr. Randy Denton came forward to speak on behalf of the Shelton M. Blythe Estate and has the following concerns:

- The land has been prime Delta farm land
- How many acres are included in the project
- If the land will be rated commercial if the conditional use is approved
- If the property is owned by the Sullivan Rev. Trust and how it was purchased
- Timeline upon approval to start of the project
- The average height of the panels
- Lifetime of the plant
- Construction traffic and number of workers coming to the site
- Aesthetics
- Losing more farm area in DeSoto County

Mr. Hopkins stated if approved the property would remain zoned Agricultural.

Mr. Manley stated the property is currently owned by the Sullivan Rev. Trust and is currently under an option to purchase.

Mr. Theroux stated that the land will remain in crop until 2022 and that the plant being built will not alter the land. He then explained how the plant will be built and that the land can be returned to farm land after the life of the project, which is approximately 30 years.

Mr. Theroux stated the average height of the panels is 3-5 feet above grade where mounted. He then stated the maximum height of the plant is 8-9 ft total. Mr. Duncan asked what the height of the perimeter fence will be. Mr. Theroux stated the fence will be a standard 6 ft fence with an additional 3 feet of barbwire at the top for a total fence height of 9 feet.

Mr. Denton asked who the power will be sold to. Mr. Theroux stated they are under a nondisclosure contract so he cannot specifically name the company. Mr. Denton stated so there is not an identified user and uncertainty of the path of energy. Mr. Theroux stated they will inject the power into Entergy's grid.

Mr. Theroux stated the construction workers could be brought to the site by bus as needed.

Mr. Theroux stated they are looking at aesthetic plans to include vinyl slats and natural local vegetation.

Mr. Theroux stated it is important to their company not to disrupt the community and value community partnership. Mr. Denton stated he challenges the company to use local workers, local landscapers, etc. He then stated that he ask they reconsider this as a use for this site but understands landowners property rights.

Mr. Williams stated solar is the cleanest energy. He then stated he sees a need to study this a little further and would like to table this application until the next Board of Adjustment meeting. Mr. Manley stated that the applicant would agree to table for 30 days to be able to meet with Mr. Denton and other neighbors. Ms. Sherwood stated she would like to cultivate an outreach community meeting.

Mr. Williams made a Motion and Mr. Steward seconded the Motion to table the application by Patrick Sullivan/Clearway Energy Group for a conditional use to allow a utility substation/solar farm until the July 13, 2020 Board of Adjustment meeting at 7:00 pm. The Motion was passed with a unanimous vote.

Mr. Jim Sayles came forward and had the following concerns:

- Will the fencing continue on Sanders Road
- Will there be an earth berm
- This is flat landscape
- Is there a demand currently in place for this type of power
- This is taking away one commodity for another commodity
- Any radio frequency impacts

Betty Blythe came forward and stated that farmers are losing the Delta Farm lands and farmers need to make a living also.

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