



BOARD OF ADJUSTMENT  
ORDER OF ITEMS  
June 10, 2019

CALL TO ORDER: 7:00  
APPROVAL OF MINUTES: May 13, 2019

**OLD BUSINESS**

**Variance**

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)

**NEW BUSINESS**

**Variance**

Application by **Joe Warren (1554)** for a variance to allow an accessory building to be located in the designated front yard in accordance with Article X, Paragraph 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 1905 Hwy 305 on the west side of Hwy 305 and south of Bethel Road Parcel # 2-06-8-28-02-0-00003-00 Section 28, Township 2 Range 6 and is zoned A-R (District 5)

Application by **Tommy Marsh (1555)** for a variance to allow an accessory building to be located in the designated front yard in accordance with Article X, Paragraph 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 2194 Itasca on the east side of Itasca Dr and north of Big Horn Dr Parcel # 2-07-6-23-01-0-000084-00 Section 23, Township 2 Range 7 and is zoned R-1 (District 5)

Application by **Shane Carlson (1556)** for a variance to allow a fence to be located in the designated front yard in accordance with Article X, Paragraph 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 6240 River Birch on the north side of River Birch and west of Hickory Estates Parcel # 1-09-7-25-04-0-00021-00 Section 25, Township 1 Range 9 and is zoned R-2 (District 3)

Application by **Jared Woods** (1557) for a variance to allow a setback of less than 50 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 807 Lee Road on the north side of McBride Rd and west of Lee Rd Parcel #3-06-1-01-00-0-00012-06 in Section 1, Township 3 Range 6 and is zoned A. (District 1)

Application by **Robert Wier** (1558) for a variance to allow a proposed side setback of less than 15 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is at 6833 Vaiden Road on the south side of Vaiden and west of Craft Road Parcel # 306307000 0000305 Section 07, Township 3 Range 6 and is zoned A (District 5)

### **Conditional Use**

Application by **Lynn Ford (1542)** for a Conditional Use under Article V, Paragraph 2, Section C (11), Page 27 of the DeSoto County Zoning Ordinance to allow a mobile home under hardship conditions. Subject property is at 1530 Starlanding West, on the north side of Old Starlanding Road and east of Robertson Road, in Section 14, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)

The DeSoto County Board of Adjustment met at 7:00 p.m. on Monday, June 10, 2019, in the Planning Commission Conference Room of the County Administration Building in Hernando, Mississippi. The following Board members were present: Earl Ward, Tom Williams and Rudy Davis. Staff members present included Bennie Hopkins, Austin Cardosi, Ashley Hendricks and Robert Quimby, Board Attorney.

Board of Adjustment Chairman Mr. Ward called the meeting to order and asked whether any member of the Board recommended changes to the Minutes dated May 13, 2019. Mr. Davis made a Motion to approve the minutes as corrected. Mr. Ward 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 20, 2019, at 5:00 p.m. She then stated any appeals filed will be heard by the Board of Supervisors on July 15, 2019, at 9:30 a.m.

## **OLD BUSINESS**

### **Variance**

**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 stated this item was tabled from the May 13, 2019 meeting to allow the building inspector to look at the condition of the mobile home. He stated that the building inspector visited the mobile home and stated it is in good condition.

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

Mr. Ward made a Motion and Mr. Davis seconded the Motion to approve the application by Nohemi Tello for a Variance to allow a mobile home older than 10 years old. The Motion was passed with a unanimous vote.

## **NEW BUSINESS**

### **Variance**

**Application by Joe Warren (1554) for a variance to allow an accessory building to be located in the designated front yard in accordance with Article X, Paragraph 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 1905 Hwy 305 on the west side of Hwy 305 and south of Bethel Road Parcel # 2-06-8-28-02-0-00003-00 Section 28, Township 2 Range 6 and is zoned A-R (District 5)**

Mr. Hopkins presented the application by Joe Warren for a Variance to allow an accessory building to be located in the designated front yard. Mr. Joe Warren was present to represent the application.

Mr. Warren stated the reason he needs to build the building in the proposed location is due to the slope in his back yard and the location of the septic and field lines.

Mr. Williams asked what size the building will be. Mr. Warren stated that it is 24x30 metal building. Mr. Williams asked what color the building will be. Mr. Warren state the building will be brown to match the house.

Mr. Williams asked what the building will be used for. Mr. Warren stated that the building will be used for storage. Mr. Williams asked if the building will have a concrete floor. Mr. stated it will have a concrete floor and a gravel driveway.

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

Mr. Williams made a Motion and Mr. Davis seconded the Motion to approve the application by Joe Warren for a Variance to allow an accessory building to be located in the designated front yard with the stipulation it will be used for storage and not for residential use. The Motion was passed with a unanimous vote.

**Application by Tommy Marsh (1555) for a variance to allow an accessory building to be located in the designated front yard in accordance with Article X, Paragraph 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 2194 Itasca on the east side of Itasca Dr and north of Big Horn Dr Parcel # 2-07-6-23-01-0-000084-00 Section 23, Township 2 Range 7 and is zoned R-1 (District 5)**

Mr. Hopkins presented the application by Tommy Marsh for a Variance to allow an accessory building to be located in the designated front yard. Mr. Timmy Marsh was present to represent the application.

Mr. Marsh stated that the proposed building will be approximately 6 ft. past the corner of the house.

Mr. Ward asked if the building could be moved back. Mr. Marsh stated there is a large concrete patio and it would be better located on the lot in this location.

Mr. Davis asked how far the proposed building would be from the street. Mr. Marsh stated it is approximately 44 feet from the street.

Mr. Williams asked what the building material would be. Mr. Marsh stated that building would be made of siding and will have the same pitch as the home.

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

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

Mr. Davis made a Motion and Mr. Williams seconded the motion to approve the application by Tommy Marsh for a Variance to allow an accessory building to be located in the designated front yard. The Motion was passed with a unanimous vote.

**Application by Shane Carlson (1556) for a variance to allow a fence taller than 3 ft to be located in the designated front yard in accordance with Article X, Paragraph 6, Page 110 of the DeSoto County Zoning Ordinance. Subject property is located at 6240 River Birch on the north side of River Birch and west of Hickory Estates Parcel # 1-09-7-25-04-0-00021-00 Section 25, Township 1 Range 9 and is zoned R-2 (District 3)**

Mr. Hopkins presented the application by Shane Carlson for a variance to allow a fence taller than 3 ft to be located in the designated front yard. Mr. Shane Carlson was present to represent the application.

Mr. Carlson stated he would like a larger fenced area for his kids and dog to play and needs a variance due to being located on a corner lot with two front sides.

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

Mr. Davis made a Motion and Mr. Ward seconded the Motion to approve the application by Shane Carlson for a variance to allow a fence taller than 3 ft to be located in the designated front yard. The Motion was passed with a unanimous vote.

**Application by Jared Woods (1557) for a variance to allow a setback of less than 50 ft. in accordance with the DeSoto County Zoning Ordinance. Subject property is located at 807 Lee Road on the north side of McBride Rd and west of Lee Rd Parcel #3-06-1-01-00-0-00012-06 in Section 1, Township 3 Range 6 and is zoned A. (District 1)**

Mr. Hopkins presented the application by Jared Woods for a Variance to allow a front setback of less than 50 ft. Mr. Jared Woods was present to represent the application.

Mr. Woods stated that the house needs to be located closer than 50 ft. to the front property line due to the way the back yard drops off and if he moved the house back he would have to build the home on fill.

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

Larry Gansman – 1215 Lee Road – came forward and asked for clarification of the location of the house.

Mr. Ward made a Motion and Mr. Davis seconded the Motion to approve the application by Jared Woods for a Variance to allow a front setback of less than 50 ft. The Motion was passed with a unanimous vote.

**Application by Robert Wier (1558) for a variance to allow a proposed side setback of less than 15 feet in accordance with the DeSoto County Zoning Ordinance. Subject property is at 6833 Vaiden Road on the south side of Vaiden and west of Craft Road Parcel # 306307000 0000305 Section 07, Township 3 Range 6 and is zoned A (District 5)**

Mr. Hopkins presented the application by Robert Weir for a Variance to allow a side setback of less than 15 ft. Mr. Robert Weir was present to represent this application.

Mr. Cardosi explained that due to the zoning of the property the applicant would be allowed two residences on the property but due to the proposed proximity of the barn with living quarters and the house a variance is needed.

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

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

### **Conditional Use**

**Application by Lynn Ford (1542) for a Conditional Use under Article V, Paragraph 2, Section C (11), Page 27 of the DeSoto County Zoning Ordinance to allow a mobile home under hardship conditions. Subject property is at 1530 Starlanding West, on the north side of Old Starlanding Road and east of Robertson Road, in Section 14, Township 2, Range 8 and is zoned Agricultural-Residential (A-R). (District 4)**

Mr. Hopkins presented the Conditional Use application by Lynn Ford to allow a mobile home under hardship conditions. Mrs. Lynn Ford was present to represent the application.

Mrs. Ford came forward and stated there is an old mobile home on the property that she wants to remove and replace with a new mobile home for her daughter to have her close to help take care of Mrs. Ford's husband with medical issues.

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

Mr. Williams made a Motion and Mr. Davis seconded the Motion to approve the Conditional Use application by Lynn Ford to allow a mobile home under hardship conditions with following conditions:

1. Shall be for immediate family members lifetime;
2. Shall not be used for rental property; and
3. The old mobile home shall be removed within 1 year.

The Motion was passed with a unanimous vote.

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