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**Project No.:** PL-1748

**Request:** Request for a fence variance to encroach 10-foot into the setback

**Location:** The subject property is located on the south of Andys Way, West side of Wooten Dr, more specifically 1971 Wooten Dr, in Sections 25 Township 2, and Range 8

**Applicant:** Tyler Jaap, Property-Owner

**Date:** September 12<sup>th</sup>, 2023

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### **INTRODUCTION:**

Mr. Jaap is requesting a fence variance to encroach 10-foot into the setback. The fence is described in the attached exhibits. The subject property is located on the south side of Andys Way, West side of Wooten Dr, more specifically 1971 Wooten Dr, in Sections 25 Township 2, and Range 8. Tyler Jaap, the owner, is representing the application.

### **DISCUSSION:**

A Zoning Variance is based upon the concept of “unnecessary hardship.” In other words, whether or not the strict enforcement of the requirements of the Ordinance will impose on the applicant an unnecessary hardship as a result. In considering any Zoning Variance for approval or denial, the Planning Commission must make specific findings concerning the following questions to determine if an “unnecessary hardship” exists:

- 1. That special conditions and circumstances exist that are peculiar to the land, structures, or buildings involved, and are not generally applicable to other lands, structures, or buildings in the same district.**

Applicant Response: Fence extension of 6 ft from Andy's way.

- 2. That the literal enforcement of the provisions of these standards would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance.**

Applicant Response: No other individuals affected by extension, only extends to edge of where driveway is.

- 3. That the special conditions and circumstances do not result from the actions of the applicant and are not based upon economic considerations.**

Applicant Response: Still within property line, does not keep others from proper transit or entry to any public utility, road, or sidewalk.

4. **That granting the variance requested would not confer on the applicant any special privilege that is otherwise denied by this Ordinance to other lands, structures, or buildings in the same district.**

Applicant Response: Provides better coverage of backyard while assisting in better aesthetic to property. Driveway now aligns with fence.

#### **OTHER COMMENTS:**

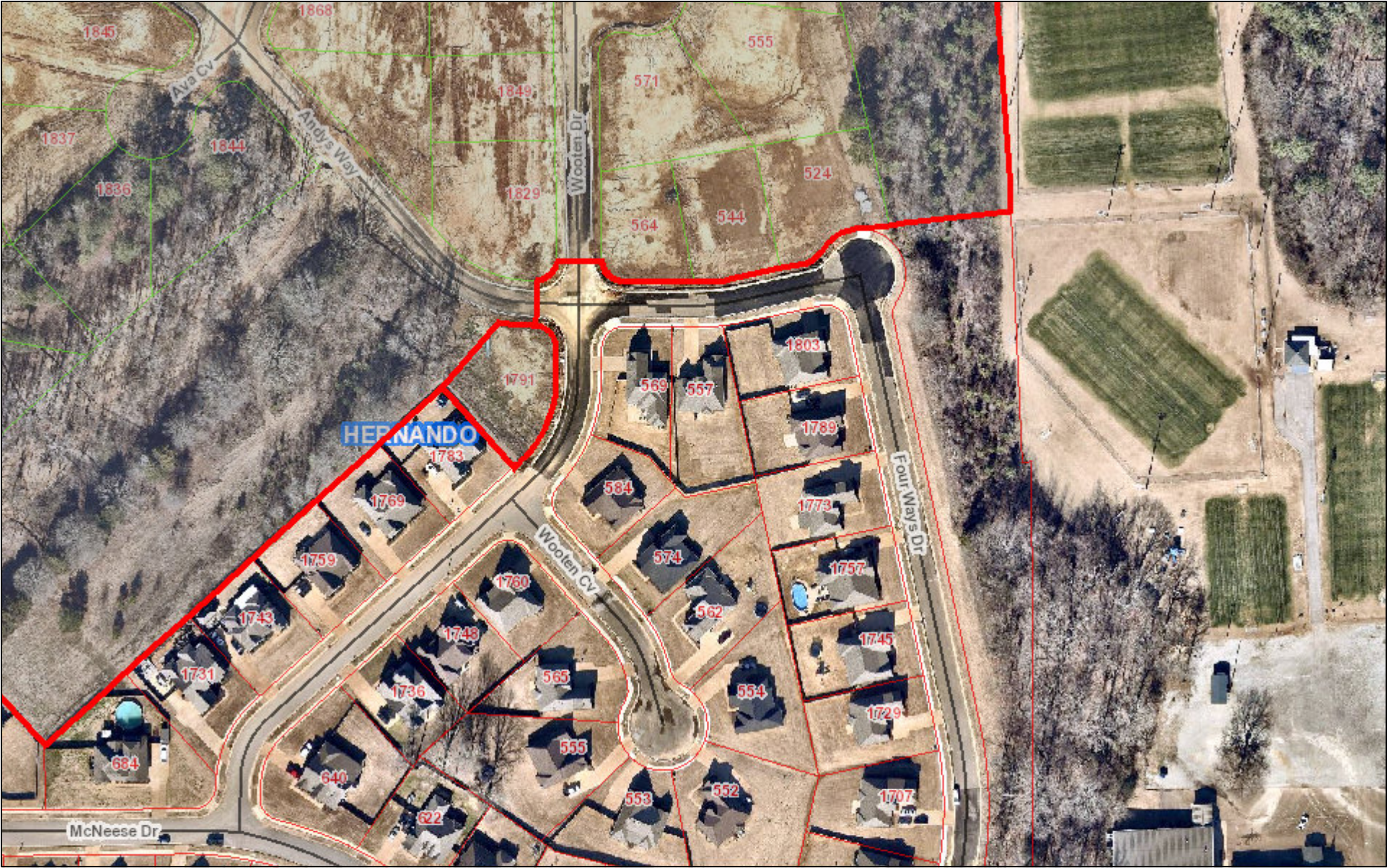
1. If approved, the applicant shall submit all necessary building permits required for the construction of the fence.
2. In accordance with Article XVI §c. ¶ v. Any person or persons aggrieved by any decision of the Planning Commission may appeal within 10 days to the City of Hernando Board of Aldermen, who may affirm, reverse, remand, or modify the decision as may be proper. Parties aggrieved by decisions of the City of Hernando Board of Aldermen may seek review by a Court of Record as provided by law. If an appeal is made, the appeal shall be submitted in writing to the Office of Planning as prescribed above.

#### **PROPOSED MOTIONS:**

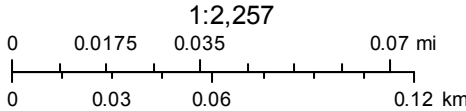
1. A motion to **approve** a Request to approve a fence variance to encroach 10-foot into the setback, as described in the attached exhibits. The subject property is located on the south side of Andys Way, West side of Wooten Dr, more specifically 1971 Wooten Dr, in Sections 25 Township 2, and Range 8 based upon the following findings:
  - A. *That the special conditions and circumstances that exist **are** peculiar to the land, structures, or buildings involved, and are not generally applicable to other lands, structures, or buildings in the same district.*
  - B. *That the literal enforcement of the provisions of these standards **would** deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance.*
  - C. *That the special conditions and circumstances **do not** result from the actions of the applicant and are not based upon economic considerations.*
  - D. *That granting the variance requested **would not** confer on the applicant any special privilege that is otherwise denied by this Ordinance to other lands, structures, or buildings in the same district.*
2. A motion to **deny** a Request to approve a fence variance to encroach 10-foot into the setback, as described in the attached exhibits. The subject property is located on the south side of Andys Way, West side of Wooten Dr, more specifically 1971 Wooten Dr, in Sections 25 Township 2, and Range 8 based upon the following findings:
  - A. *That the special conditions and circumstances that exist **are not** peculiar to the land, structures, or buildings involved, and **are** generally applicable to other lands, structures, or buildings in the same district.*

- B. *That the literal enforcement of the provisions of these standards **would not** deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance.*
  - C. *That the special conditions and circumstances **do** result from the actions of the applicant, and/or are based upon economic considerations.*
  - D. *That granting the variance requested **would** confer on the applicant any special privilege that is otherwise denied by this Ordinance to other lands, structures, or buildings in the same district.*
3. The Planning Commission may wish to **table** the item to the next regularly scheduled meeting in the event the Commission should feel that they need additional information submitted by the applicant or if the Commission feels that they need more time to consider the request.

# Aerial Map



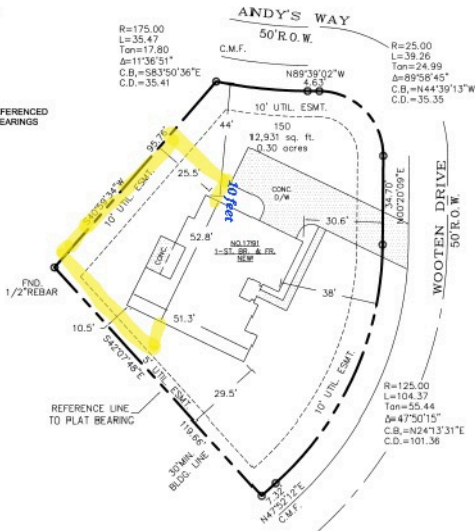
August 11, 2023







NORTH REFERENCED TO PLAT BEARINGS



NOTE: EASEMENTS SHOWN ARE FROM RECORDED SUBDIVISION PLATS ONLY. THE SURVEYOR DOES NOT WARRANT THAT NO OTHER EASEMENTS EXIST.  
NO UNDER GROUND UTILITIES LOCATED

FINAL SURVEY  
BUILDER: NEW LEGACY HOMES

**FORSYTHE**  
LAND SURVEYING L.L.C.

8725 HIGHWAY 51 NORTH  
SOUTHAVEN, MISSISSIPPI 38671

CELL (901) 351-7193  
OFFICE (662) 393-3347

mark@mforsthe.com

LOT # 150  
SECTION "C"  
WINNINGHAM ESTATES SUBDIVISION  
1791 WOOTEN DRIVE  
  
DESOTO COUNTY, MISSISSIPPI  
SECTION 25, T-2-S, R-8-W  
PLAT BOOK 141, PAGE 12

CLASS "C" SURVEY  
AREA: 12,931± S.F.  
DATE: NOVEMBER 8, 2022  
FILE: WIN150  
W.O. NUMBER:  
SCALE: 1" = 30'  
CKD BY (\_\_\_\_\_/\_\_\_\_\_)

I HEREBY CERTIFY THAT I, OR SOMEONE UNDER MY DIRECT SUPERVISION, SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THIS PLAT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS SURVEY WAS MADE BY USING PHYSICAL FEATURES FOUND ON THE GROUND AND FROM AVAILABLE RECORDED INFORMATION AND THIS SURVEY ALSO MEETS THE MINIMUM STANDARDS SET FORTH BY THE STATE OF MISSISSIPPI

FEMA FLOODPLAIN OR FLOODWAY DETERMINATION NOT PROVIDED ON THIS SURVEY.

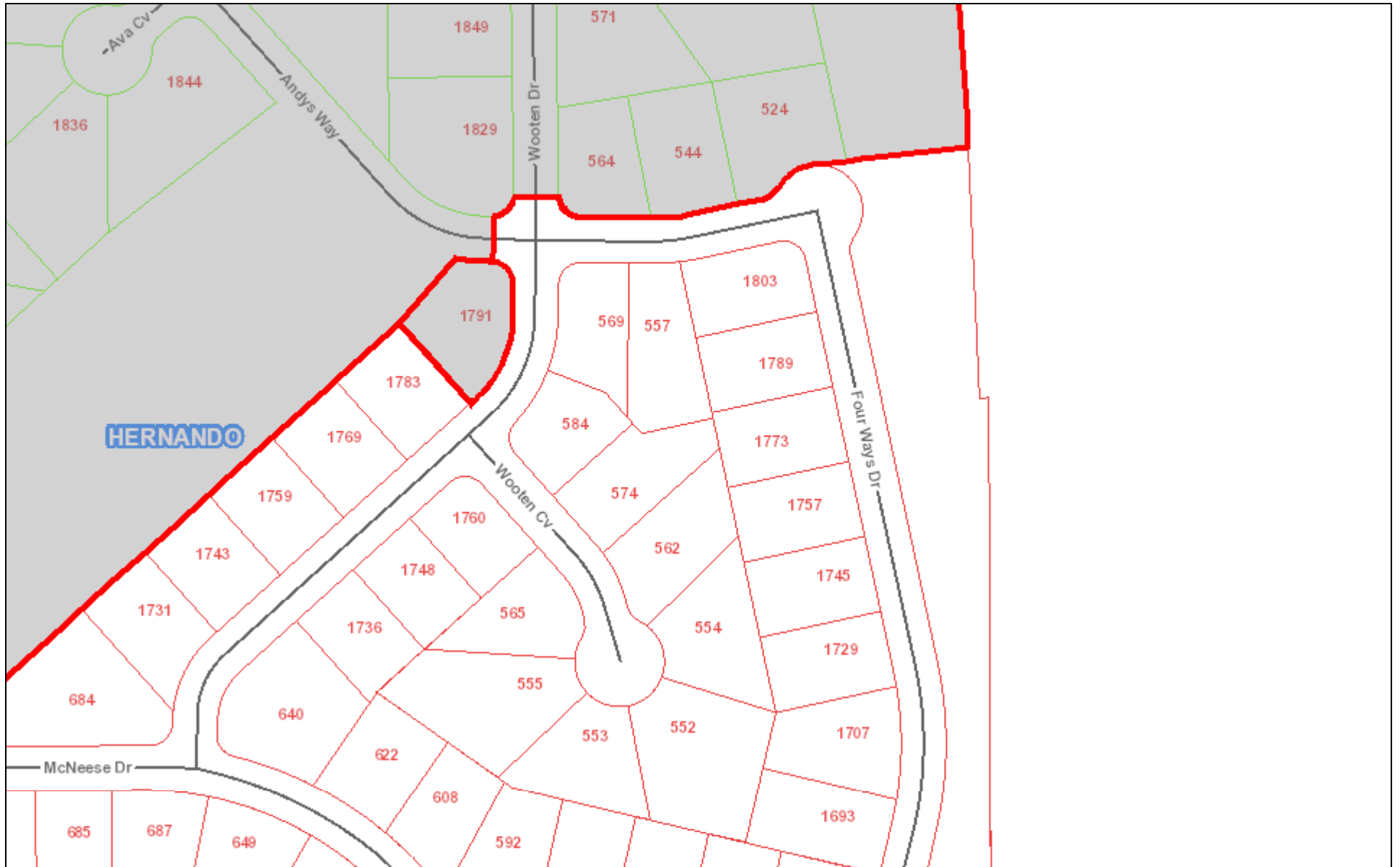
THIS SURVEY IS SUBJECT TO ALL CODES, REGULATIONS AND RESTRICTIONS, SUBDIVISION COVENANTS, EASEMENTS AND RIGHTS OF WAY OF RECORD.

FINAL  
SUREY

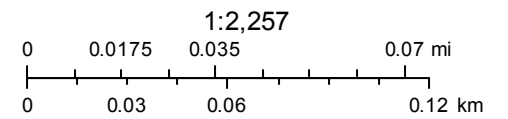


MARK R FORSYTHE  
MISSISSIPPI P.L.S. NO. 3048

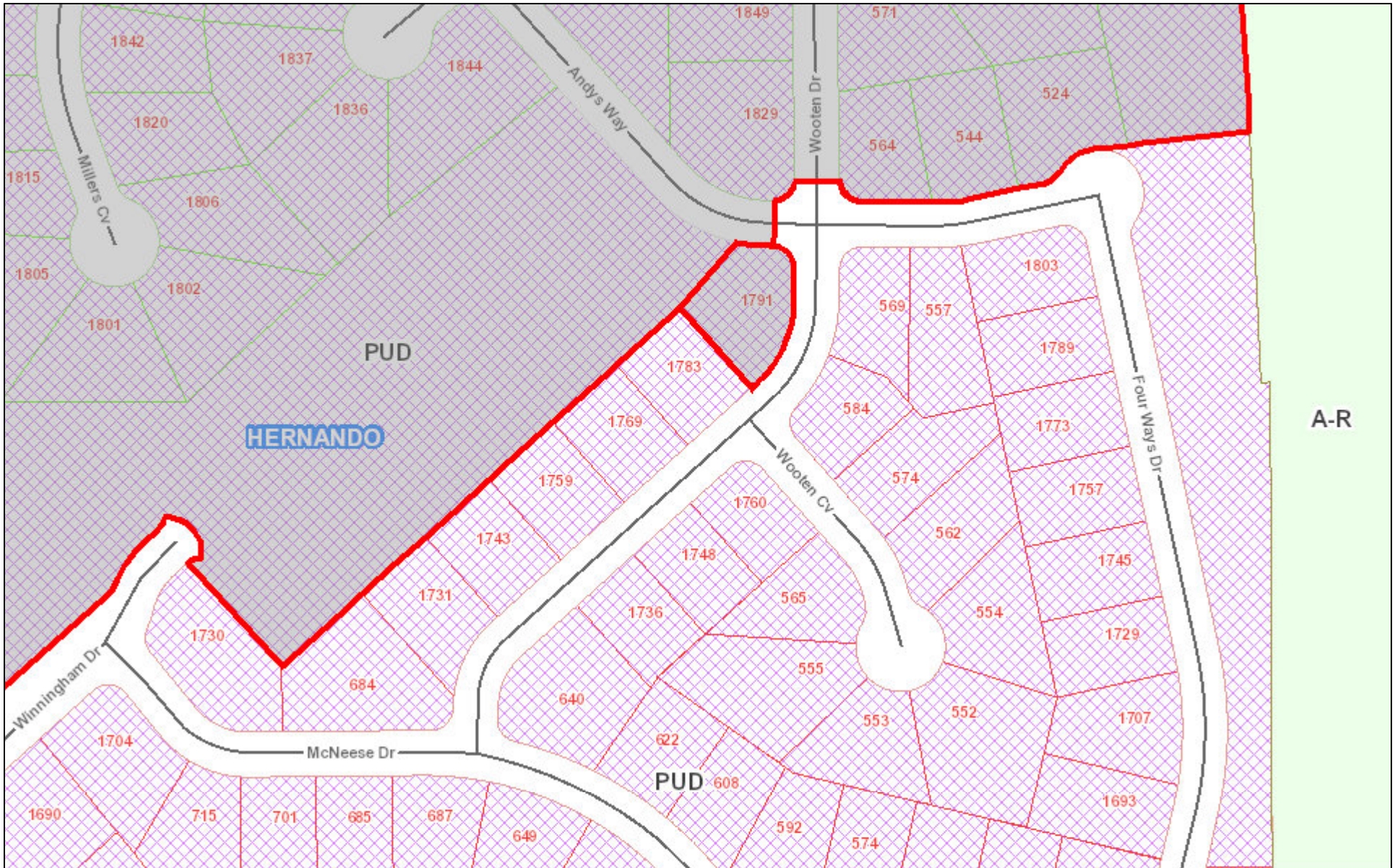
# Site Map



August 11, 2023



# Zoning Map



August 11, 2023

