



Project No.: PL-1754
Request: Request for a fence variance to encroach 10-foot into the setback
Location: The subject property is located on the south side of Millers Way, east side of Wooten Dr, more specifically 1946 Wooten Dr, in Sections 25 Township 2, and Range 8
Applicant: George Woldt, owner.
Date: September 12, 2023

INTRODUCTION:

Mr. Woldt is requesting a fence variance to encroach 10-foot into the setback. The gate is described in the attached exhibits. The subject property is located on the south side of Millers Way, east side of Wooten Dr, more specifically 1946 Wooten Dr, in Sections 25 Township 2, and Range 8.

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: I'm asking for a 10' fence variance for one side of my property

- 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: I would like to park RV on the only side of my property that is ac date HOA requirements

- 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: currently because of my corner lot only 10 ' from house is allowed

- 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: This variance will not impede on visibility of intersection.

OTHER COMMENTS:

1. If approved, the applicant shall submit all necessary building permits required for the construction of the gate.
2. In evaluating any variance request, evidence of a non-economic hardship resulting from the strict enforcement of the Ordinance requirements must be identified. A variance should not be approved if suitable alternative locations are available that would meet the requirements of the Ordinance. Where other compliant locations are available, approval of a variance would be considered as being just for the mere convenience of the applicant, not as a result of the presence of an unnecessary hardship.
3. 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.

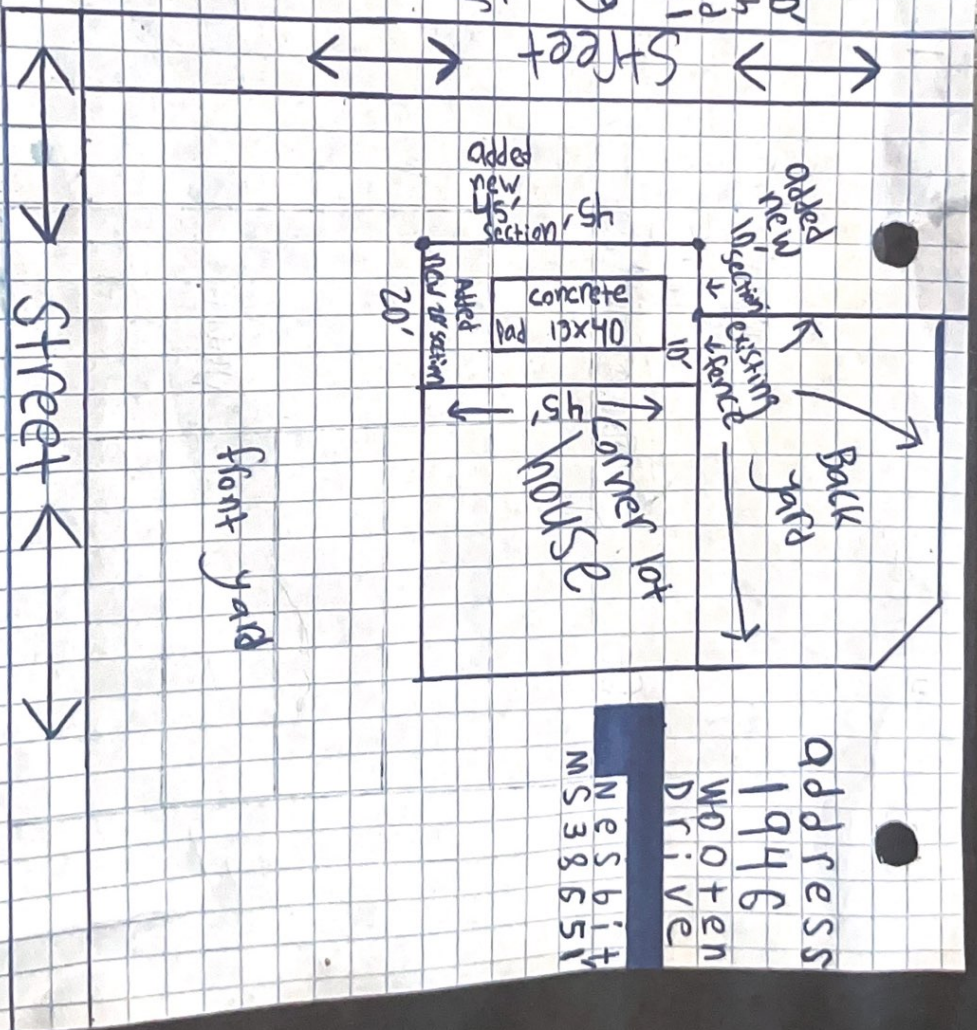
PROPOSED MOTIONS:

1. A motion to **approve** a request of a fence variance to encroach 10-foot into the setback. The gate is described in the attached exhibits. The subject property is located on the south side of Millers Way, east side of Wooten Dr, more specifically 1946 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 approve a request of a fence variance to encroach 10-foot into the setback. The gate is described in the attached exhibits. The subject property is located on the south side of Millers Way, east side of Wooten Dr, more specifically 1946 Wooten Dr, in Sections 25 Township 2, and Range 8. based upon the following findings

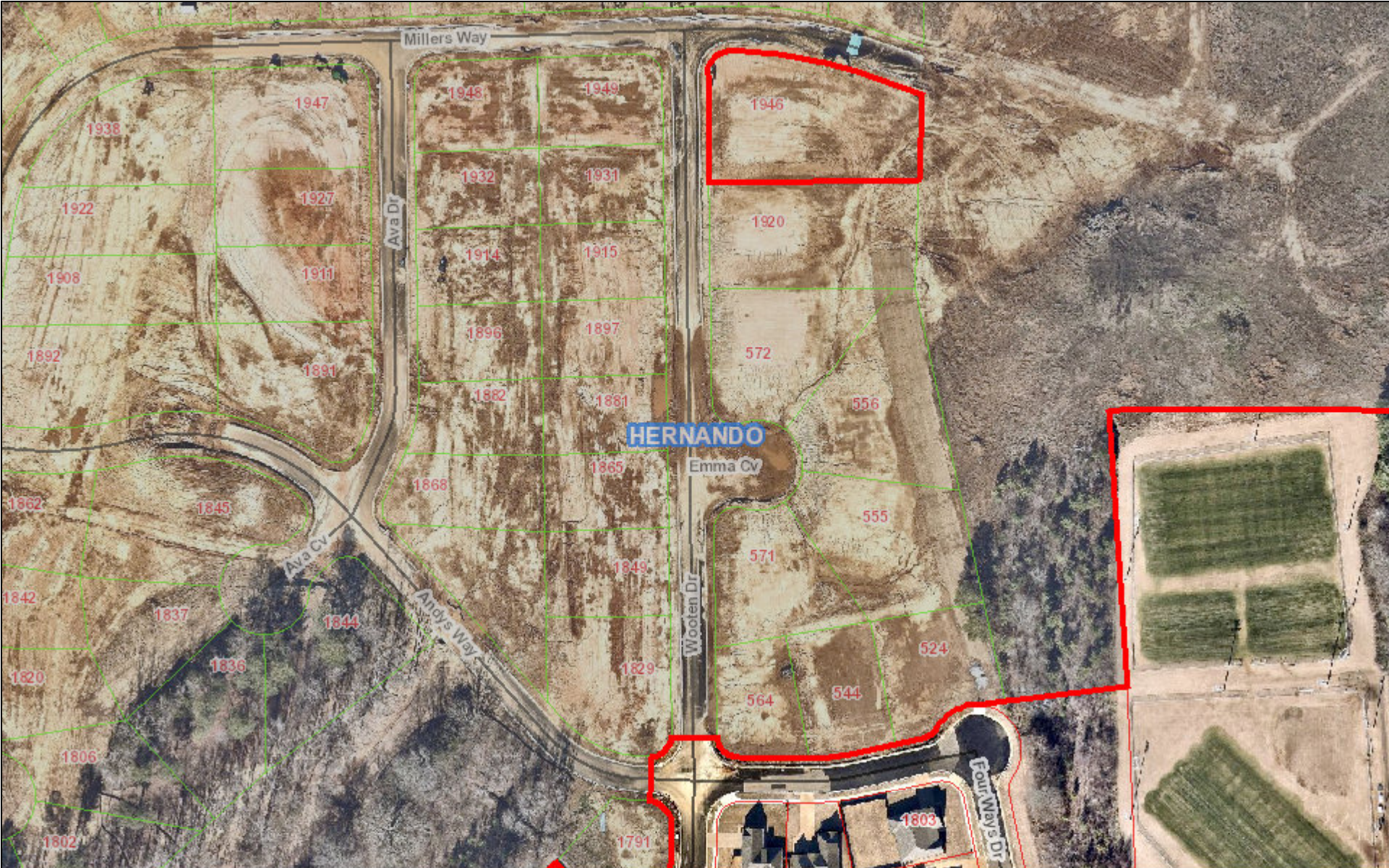
- A. *That the special conditions and circumstances that exist **are not** peculiar to the land, structures, or buildings involved, and **are** generally applicable to other lands, structures, or buildings in the same district.*
 - B. *That the literal enforcement of the provisions of these standards **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.

Address
 1946
 Wooten
 Drive
 Nesbit
 MS 38651

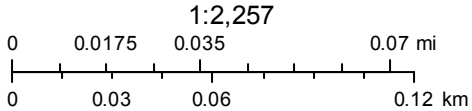
CUSTOMER
 Would like
 to add 13' x 40'
 broom finish
 concrete well
 for 10' motor
 offset existing
 fence with 11'
 corner of front
 corner to back
 for total of 20x45
 with 12' gate for
 RV entrance, HOA
 requires residents
 to park all RV's
 behind fence



Aerial Map



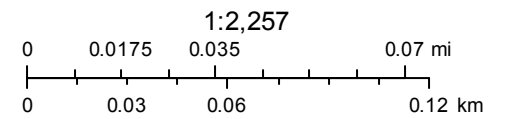
August 11, 2023



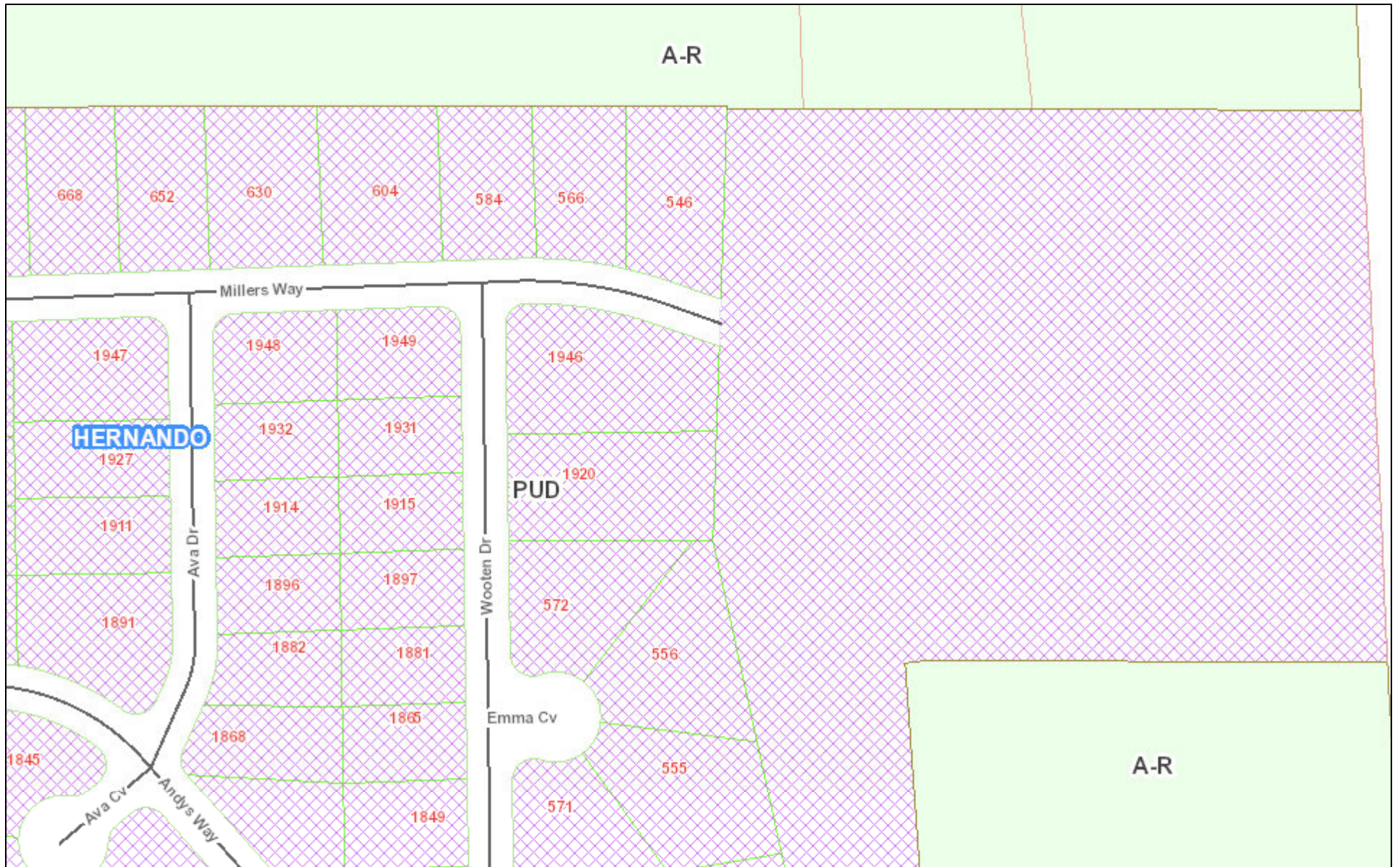
Site Map



August 11, 2023



Zoning Map



August 11, 2023

