

**Planning Department Staff Analysis / Tupelo Planning Committee**

<b>Application No:</b>	FLEXVAR 25-03	<b>Application Type:</b> Variance
<b>Meeting Date:</b>	July 7, 2025	<b>Parcel #:</b> 112B-04-003-02
<b>Applicant:</b>	Lucreshia Stanfield	<b>Status of Applicant:</b> owner
<b>Location:</b>	1718 Briar Ridge road	
<b>Purpose:</b>	To allow a side setback of 4.5 feet rather than the required 10 feet.	
<b>Present Zoning:</b>	Low Density Residential	
<b>Existing Land Use:</b>	Residential in construction	
<b>Surrounding Zoning:</b>	Low Density Residential	
<b>Setback Requirements:</b>	20 to 50 feet front, 10 feet side, and 10 feet on rear	
<b>Applicable Regulations:</b>	4.7.4, Development standards in Low Density Residential zoning districts; 12.16.2 Flexible variances	

**Driving Directions:** Take Main Street to Briar Ridge Road; south on Briar Ridge Road to intersection with Wilson Street. Subject property is on the northwest corner of the intersection.

**Application information:** The applicant obtained a permit to build a single family house on the property. However, the builder set stakes that appeared to establish the property line, but which were in fact not accurate. The adjoining property owner advised the applicant that the house was too close to the property line. The house is now substantially complete but cannot be approved for occupancy without some resolution of the setback violation.

**Required Findings for Approval of Variances:**

- (a) That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;

Not found; the lot does not have any characteristics that would have restricted where the house was placed and is large enough for the house to be located within the required setback limits.

- (b) That the special conditions or circumstances or practical difficulties do not result from the actions of the property owner or applicant, their agent, employee, or contractors;

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Not found: the placement of the house appears to have been the result of an error by a contractor.

- (c) That the granting of a variance will not result in advantages or special privileges to the applicant or property owner that this Code denies to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief;

Not found: granting the variance would result in the applicant being allowed to construct a house that encroaches in a required setback, which other property owners are required to comply with. The variance would negatively impact the adjoining property closest to the encroachment.

- (d) That the strict enforcement of this Code would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of this Code;

Not found: the owner could still have a house on the lot by either reducing the size of the house or buying some land from the adjacent owner.

- (e) That the variance shall not be materially detrimental to the health, safety or welfare of persons residing or working in the neighborhood. Consideration of the effects of the variance shall include but not be limited to, increases in activity, noise, or traffic resulting from any expansion of uses allowed by the variance;

Found: the house would not have any greater health or safety impacts if the variance is approved.

- (f) That the proposed use and the appearance of any proposed addition or alteration will be compatible with, and not negatively impact, nearby properties;

Not found: the reduced setback would not be consistent with the general appearance of the neighborhood and would have a negative impact on the value of the adjoining property.

- (g) That the variance will not result in the expansion of a nonconforming use.

Found: the proposed single family house is allowed by right in the Low Density Residential Zoning District.

Analysis:

Recommendation: Denial. The requested variance only meets two of the required tests for granting a variance. In particular it is noted that the

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variance request is only made necessary by the applicant's failure to correct the initial error in staking the property.