

MINUTES OF THE TUPELO PLANNING COMMITTEE
CITY COUNCIL CHAMBERS | CITY HALL
NOVEMBER 4, 2024

CALL TO ORDER

Chair Bentley Nolan called the meeting to order. Scott Davis, Lindsey Leake, Leslie Mart, Patti Thompson, Pam Hadley, Victor Flietas and Mark Williams were present. Staff members Director of Development Services Tanner Newman, Planning Consultant Pat Faulkner and Zoning Technician Mandolyn Shurden were also present. Chair Bentley Nolan opened with a prayer and Mr. Leake led the Pledge of Allegiance.

Chair Bentley Nolan presented an opening statement of the Committee's purpose and reviewed how it conducts business. The Staff and Committee were then asked to introduce themselves.

REVIEW OF SEPTEMBER 30, 2024 MINUTES

Mr. Nolan asked the committee to review and approve September 30, 2024 minutes. Mr. Williams made a motion to approve the minutes with the corrections that were noted in the emails as related to COMP24-10, stating that Janet Gaston was present as the Ward 6 Councilmember and not only a resident. In addition, it be corrected that Scott Davis made the second motion to FLEX24-07 and the motion for RZ24-02. Second motion made for approval by Mr. Flietas. Unanimous vote for approval by voting members. Ms. Mart recused herself from the vote since she was not present at the September 30 meeting.

OPEN REGULAR SESSION

REPORT OF COUNCIL ACTION

Mr. Newman reported that City Council approved the Rezoning and Major Site Plan application for Target.

OLD BUSINESS

None.

NEW BUSINESS

FLEXVAR24-07 3116 TONY MOORE RD

The Department of Development Services reviewed and recommended approval of a request for a flexible variance for an accessory building larger than the allowed 35%. Mr. Newman noted that a carport attached to the house wouldn't need a variance and invited the applicant to speak.

Applicant #1) Ronnie White 3116 Tony Moore Rd.

Mr. White presented his request to the Committee and stated that he wishes to build a carport to store his tractor to protect it from the weather.

Mr. Flietas asked Mr. Moore if he had plans to attach the carport either to the structure already existing or to the house itself. Mr. Moore said he has no plans to attach the carport. Mr. Flietas asked Mr. Moore if he understood that he would not need a variance if the carport were attached to the house. Mr. Moore confirmed that he understood.

Nolan then opened the floor for comments from the public.

PUBLIC COMMENT

Ernest Ray (2867 Beasley Drive) raised concerns about a different matter, receiving a letter about property purchases. Mr. Newman clarified that this agenda item was focused solely on the carport variance for Mr. Moore's property and explained the public notice procedure.

COMMITTEE DISCUSSION

Ms. Thompson described the request as straightforward, explaining that Mr. Moore wants to build a detached carport in the back that won't be visible from the road, and the planning department has no issues with it. Ms. Mart inquired about the carport size, and Mr. Davis stated that Mr. Moore's application requested 360 square feet. Given the lot size and depth, Mr. Davis saw no problem with up to a 100 square feet difference. Mr. Newman highlighted that Development Services receive many calls about outdoor storage and commended Mr. Moore for wanting to store his belongings properly. Ms. Mart wanted documentation of the carport size, and Mr. Nolan confirmed that it was included in the original application, which was 360 square feet. Mr. Davis mentioned there were two applications: one for the variance and one for residential construction.

Ms. Hadley made a motion to approve FLEXVAR24-07; the motion was seconded by Mr. Davis and approved by unanimous vote from the committee.

Mr. Nolan told Mr. Moore that staff would be in touch with him for his next steps.

APPEAL24-01 421 WEST FRANKLIN

The Department of Development Services received a request from Mr. Clarence Smith to appeal a staff decision by the Development Services to deny his request to remodel a storage building into an accessory dwelling in the rear yard of 421 West Franklin to serve as a rental duplex. The property is zoned Medium Density Residential.

Mr. Newman presented the staff analysis and explained that the request was denied because it did not meet the requirement that the property owner must be the principal dweller of the unit. The denial was detailed in a letter from Marilyn Vail issued on October 2, 2024. Mr. Faulkner discussed the request on-site with the applicant, considering Mr. Smith's ownership of neighboring properties as a means to provide oversight. However, the requirement of owner residency on the specific property and the affidavit language would need to be recorded to not allow for any scope of reversal or a variance to meet the unit. Mr. Newman stated that the request does not meet the city's development code, and the staff recommendation is to uphold the denial as it does not meet the requirements for a flexible use.

Mr. Newman emphasized that this is an appeal of the staff decision and not a variance request.

Applicant #1) Clarence Smith 423 West Franklin

Mr. Smith explained that he has a large storage house on a property he owns and wants to remodel it to accommodate his daughter, who currently lives with them. He wishes to provide her with more privacy by adding to the existing structure. Mr. Smith mentioned that the storage house is well-built on a concrete foundation, and he intends to make it more spacious to create suitable living conditions for his daughter. Mr. Smith highlighted that he lives next to the property, and his request is aimed at obtaining approval to build this addition for his daughter's benefit. Overall, Mr. Smith is seeking permission to remodel the storage house for his daughter's living space.

Ms. Hadley confirmed that the property is a rental duplex, and Mr. Smith owns it. Mr. Smith stated he is seeking to provide a secure place for his daughter to live in the storage house. Ms. Mart confirmed that Mr. Smith does not live in the duplex facing the street. Mr. Leake asked about incorporating the storage house property into Mr. Smith's main property, but Mr. Smith said it's not possible as his property is on the west side of the duplex. Overall, the discussion focused on clarifying the property details and the proposed use for Mr. Smith's daughter.

Mr. Nolan opened the floor for public comments.

PUBLIC COMMENT

Mary Ann Smith 423 West Franklin.

Ms. Smith explained that they've been living at their home for over forty years, and there's no space to build or add to their residence. She wants to help her daughter, who has some issues, by providing her with a living space nearby. Ms. Smith emphasized that the addition is not intended to be a rental property. Mr. Newman asked Mr. Faulkner about the affidavit language in the staff analysis. Mr. Faulkner stated that the matter is not about size or distance but a legal requirement that they live on the property where the unit is. Recording an affidavit would put it on record, and without it, he cannot recommend approval. Mr. Newman inquired about other options, such as combining the lots or changing the lot lines. Mr. Faulkner explained that the rear line does not go back far enough to incorporate the property effectively, and creating a new lot that would work is not possible. Ms. Mart asked if there was enough room to create a drive or street between the property line and the rental house in the front. Mr. Faulkner replied that it wouldn't create a different lot because the necessary frontage is already there. Mr. Williams asked if Mr. Smith could proceed with his request if he lived at the address in question. Mr. Faulkner confirmed that, in that case, there would be no issue.

COMMITTEE DISCUSSION

The Committee discussed concerns about future rental possibilities if Mr. Smith's request is approved. Mr. Davis highlighted that the change would be permanent and only allowed if Mr. Smith lives on the property. Ms. Mart noted that the duplex already provides potential living space for Mr. Smith's daughter. Mr. Smith stated that due to his daughter's issues, she couldn't stay in the duplex without disturbing other tenants. He emphasized the need for a separate unit for her. Various Committee members, including Mr. Davis and Ms. Mart, suggested connecting the storage house to the duplex to create a triplex, which Mr. Smith was willing to consider. Mr. Faulkner stated that connecting the buildings with a continuous roof would classify the structure as a triplex and not an accessory dwelling. Mr. Flietas emphasized the importance of following the law and noted that as it stands, Mr. Smith must live in the house for the accessory structure to be allowed.

Mr. Newman mentioned that the committee's role was to decide if the staff's decision was made in error, and they needed to find a solution. The Committee acknowledged the staff's judgment and suggested working with Mr. Smith on new plans if he decides to connect the buildings. Ms. Mart stated that this solution allows the committee to uphold the code and the staff's determination.

Ms. Thompson made a motion to uphold the denial on Appeal 24-01, motion was seconded by Ms. Mart, unanimous vote to uphold denial made by the committee.

Mr. Newman told applicant his next steps.

NEXT MEETING

Mr. Nolan set the next meeting for December 2nd at 6:00, with the work session to be on December 2 at 5:15.

The meeting was adjourned on a motion by Ms. Mart, seconded by Ms. Thompson. The in favor was unanimously approved.