



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, May 23, 2018
2ND FLOOR CITY HALL – COMMUNITY DEVELOPMENT,
110 West Main Street, 4:00 PM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. APPROVAL OF THE MINUTES:
 - A. Consideration of the unapproved minutes for March 28, 2018
- V. NEW BUSINESS
 - A. VA 18-02 Request by John Tomlinson for Variance relief from sidewalk and street design requirements for a proposed subdivision located on the south side of Highway 182 +/-530' east of the intersection with Stark Road in an R-E zone with the parcel # 102D-00-015.00.
- VI. PLANNER REPORT
- VII. ADJOURN

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
MARCH 28, 2018**

The Board of Adjustments & Appeals held their special called meeting at 4:00 PM on March 28, 2018, in the Community Development Department at City Hall. Members present were Kim Moreland Ward 1, Jerry Jefferson Ward 2, Bo Richardson Ward 3, Robert Camp Ward 4, Marco Nicovich Ward 5, Chairman Bill Webb Ward 6, and Shawn Sullivan Ward 7. Attending the Board members were the City Planner Daniel Havelin, Assistant City Planner Emily Corban, and Community Development Director Buddy Sanders.

A CONSIDERATION OF THE WRITTEN AGENDA

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CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, MARCH 28, 2018
2ND FLOOR CITY HALL – COMMUNITY DEVELOPMENT,
110 West Main Street, 4:00 PM**

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. APPROVAL OF THE MINUTES:
 - A. Consideration of the unapproved minutes for November 29, 2017
- V. NEW BUSINESS
 - A. VA 18-01 Request by David Cole for Variance relief from rear and side setback requirements located at 400 Laurel Hill Drive in an R-1 zone with the property #106D-00-158.21
 - B. Consideration and approval of the Board of Adjustments and Appeals 2018 Public Meeting Schedule.
- VI. PLANNER REPORT

VII. ADJOURN

The Board considered the matter of approval of the written agenda dated March 28, 2018. Upon the motion of Mr. Nicovich seconded by Mr. Jefferson, the Board voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF
THE SPECIAL CALL MEETING OF NOVEMBER 29, 2017**

After discussion and upon the motion of Mr. Nicovich, duly seconded by Ms. Moreland, the motion to approve the Minutes of the November 29, 2017 Special Call Board of Adjustments and Appeals meeting received unanimous approval.

NEW BUSINESS

**A. CONSIDERATION OF VA 18-01 REQUEST BY DAVID COLE FOR
VARIANCE RELIEF FROM REAR AND SIDE SETBACK
REQUIREMENTS LOCATED AT 400 LAUREL HILL DRIVE IN AN R-1
ZONE WITH THE PROPERTY #106D-00-158.21**

City Planner Daniel Havelin introduced the case. The applicant currently has an existing accessory structure (shed) located in the backyard of his residence. The applicant would like to modify the existing structure to an accessory dwelling to allow family to stay in the structure while they are visiting. Accessory structures do not have setback requirements for rear and side yard. An accessory dwelling has to meet the rear and side setback requirements. The existing structure is approximately two feet off the rear and side property line. The applicant is requesting relief of 33' on the rear setback and 8' on the side yard setback. A conditional use will also be required to locate an accessory dwelling on the property. The applicant will be attending the April 10 Planning and Zoning meeting

to request a conditional use. If the request for Variance and Conditional Use are recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the May 1, 2018 meeting.

27 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News March 13, 2018. As of this date, the Planning Office has received 2 phone calls and 1 email requesting information about the request.

Chairman Webb opened the public hearing.

The applicant, Mr. David Cole, came forward to speak in favor of the request.

Calling for and receiving no other comments, the Board Chair closed the public hearing.

After discussion among the Board Members Ms. Moreland moved to approve the variance request with the condition that the Conditional Use must be approved by the Planning and Zoning Commission and Board of Alderman which was seconded by Mr. Sullivan, and the Board voted 7 to 0 to approve VA 18-01.

B. Consideration and approval of the Board of Adjustments and Appeals 2018 Public Meeting Schedule.

The Board of Adjustments and Appeals discussed amending the meeting date for the December BOAA meeting, moving it from December 26 to December 19. After discussion, and upon the motion of Mr. Nicovich which was seconded by Ms. Moreland, the Board voted 7 to 0 to approve the 2018 Public Meeting Schedule, as amended.

ADJOURNMENT

There being no further business before the Board of Adjustments & Appeals, the Board adjourned the meeting.

Bill Webb, Chair

Daniel Havelin, City Planner

DRAFT



THE CITY OF STARKVILLE
PLANNING DEPARTMENT
BOARD OF ADJUSTMENTS & APPEALS
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Board of Adjustments & Appeals
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: VA 18-02 Request by John Tomlinson for Variance relief from sidewalk and street design requirements for a proposed subdivision located on the south side of Highway 182 +/-530' east of the intersection with Stark Road in an R-E zone with the parcel # 102D-00-015.00.
Date: May 23, 2018

The purpose of this report is to provide information regarding Variance Request by John Tomlinson for Variance relief from sidewalk and street design requirements for a proposed subdivision located on the south side of Highway 182 +/-530' east of the intersection with Stark Road in an R-E zone with the parcel # 102D-00-015.00. Please see attachments 1- 4.

PROPOSED USE & BACKGROUND:

The applicant is proposing to develop a 15 lot subdivision on property he currently owns along the south side Highway 182. Part of the concept for the development is to create large lots with a rural feel. To accomplish this, the applicant is requesting relief from part of the sidewalk requirements and the standard street design requirements. Due to issues with slope and existing infrastructure that would have to be modified, the applicant is requesting to not be required to place sidewalks along Highway 182 from property line to property line. The applicant is also requesting relief from the requirement to place a 5' sidewalk on both sides of the road in the proposed development. The proposed plan has a 6' sidewalk on at least one side of the road throughout the development. The proposed street design also requires variances from street width, typical curb design and storm drainage standards. The 2016 Comprehensive Plan lists the property's placetype as Rural Neighborhood. The Rural Neighborhood placetype recommends low density neighborhoods. The applicant attended a Development Review Committee meeting on May 17, 2018. If the requests for Variance are recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the June 5, 2018 meeting.

NOTIFICATION:

36 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News on May 7, 2018 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one office visit requesting information about the request.

VARIANCE REQUESTS FROM:

Request #1 is to not place a sidewalk along Highway 182 and to not place sidewalks along both sides of proposed roads within the subdivision. Variance from Sec. 98-54. - Sidewalk requirements (1).

- (1) Sidewalks shall be required within the right-of-way on both sides of all new public or non-city owned streets located within the City of Starkville Sidewalk Development Area or subdivisions as expressed in subsection 98-53(1). Sidewalks shall be required from lot line to lot line within the right-of-way along the frontage of existing public or non-city owned streets located within the city. If sidewalks are not located within public right-of-way, appropriate easements shall be provided if the sidewalk parallels public roadways.
- (2) Provisions for sidewalk construction shall be included as part of site plan review, subdivision approval and/or as part of the plans submitted for obtaining a building permit. For all non-single family residential developments and non-agricultural zoned developments, a separated, continuous sidewalk shall be provided from right-of-way to primary entranceway(s) which will address adequate interior pedestrian connectivity.
- (3) Sidewalks shall be at least five feet in width, with at least 36 inches of clearance in the sidewalk path, and shall meet the requirements set forth in the Americans with Disabilities Act (ADA) of 1990 and City of Starkville's sidewalk specifications and details. Wider walks, to a maximum of eight feet, may be required by the City of Starkville along thoroughfares in commercial, industrial, or multi-family areas due to anticipated traffic and the development of the area. In the instances where the longitudinal slope of an existing, adjacent street exceeds the maximum allowed by ADA, the proposed sidewalk shall be constructed at a longitudinal slope less than or equal to the longitudinal slope as the existing, adjacent street.
- (4) The construction of all sidewalks and the materials and component parts thereof shall be subject to the acceptance of the City of Starkville Building Department and shall meet all standards and requirements set forth in the Americans with Disabilities Act of 1990 and the City of Starkville's sidewalk specifications and details. Asphalt and slick-surfaced sidewalks are prohibited.
- (5) All sidewalks shall include, either within the corner or within the curb area immediately adjacent thereto, ramps allowing access to the sidewalk and street by variously-able person as per ADA requirements. Existing curb and gutter may require removal to provide a smooth transition to the street crosswalk.
- (6) Unless otherwise specified by the development review committee, a landscape strip of at least two feet width between the sidewalk and the edge of the road or back edge of the curb shall be required for all sidewalks to help keep all pedestrian ways free and clear of obstructions and to further provide a safe pedestrian-friendly environment.
- (7) Exceptions to this article shall be made where required by federal law or federally mandated recommendations or requirements.
- (8) Should development occur anywhere in the following area, such development is exempted from the requirement of constructing any sidewalks: The Starkville

Industrial Park defined for this purpose as property west of Industrial Park Road including, Miley Drive, Airport Road, and Pollard Road.

(Ord. No. 2012-05, § 4, 6-5-12)

Request #2 is to install a 22' wide street instead of the required 31' wide street. Variance from *Appendix B- Subdivisions, Article VI.- Minimum Design Standards, Sec. 1- Street Plan (6)(b).*

6. *The proposed street system of the subdivision shall extend existing streets or projections at the same or greater width, but in no case less than the required minimum width.*

a. *Street right-of-way width shall not be less than the following:*

Expressways, arterial streets and freeways, as specified by the comprehensive plan.

Major streets, 80-foot minimum.

Marginal access streets, 50-foot minimum.

Collector streets, 60-foot minimum.

Minor streets, 50-foot minimum.

Culs-de-sac, 50-foot minimum.

Culs-de-sac, turnabouts, 50-foot radius.

Alleys, 20 feet.

b. *Minimum roadway width shall be as follows:*

Expressways, arterial streets and freeways, as specified by the comprehensive plan.

Major streets, 49 feet back of curb to back of curb.

Collector streets, 41 feet back of curb to back of curb.

Minor streets, 31 feet back of curb to back of curb.

Culs-de-sac, 31 feet back of curb to back of curb.

Culs-de-sac turnarounds, 40 feet from center of circle to outer curb (40-foot radius).

Alleys, 16 feet.

Request #3 is to not have the required piping for storm drainage. Variance from *Appendix B- Subdivisions, Article VII.- Improvements, Sec. 1- Required improvements (5)(a)(d) and Chapter 98- Street, Sidewalks and Other Public Places, Article IV.- Street Specifications- Minimum General Specifications for Construction of Streets, Sec. 98-85- Storm Drainage.*

Sec. 1- Required improvements

5. Stormwater drainage:

- a. Every subdivision shall be served by storm drainage facilities, including drains, sewers, catchbasins, culverts and other facilities.
- b. *In cases where the size of such storm sewer would make the cost prohibitive in relation to the value of the land, and the city does not have sufficient funds allocated to participate in the cost for such improvements, such areas shall be planned and shown on the plat in dotted lines. They shall be shown as areas of proposed future development but shall be excluded from the proposed subdivision.*
- c. *All drainage facilities shall be designed to serve the entire drainage area.*
- d. All surface water drainage shall be transported to existing storm sewers, or to drainage facilities approved by the city engineer.
- e. *The city engineer shall approve all proposed drainage facilities.*
- f. *Lakes, ponds, creeks and similar areas will be accepted for public maintenance only if a sufficient amount of land is dedicated as a public recreation area or park, or if such area constitutes a necessary part of the drainage control system of the subdivision. All such areas must be approved by the park and recreation commission and accepted by the board of aldermen before approval is granted for the final plat.*
- g. *Areas subject to periodic flooding caused by poor drainage facilities will not be accepted by the board of aldermen unless the subdivider takes all the necessary steps specified by the city engineer to eliminate all such flooding.*

Sec. 98-85. - Storm drainage.

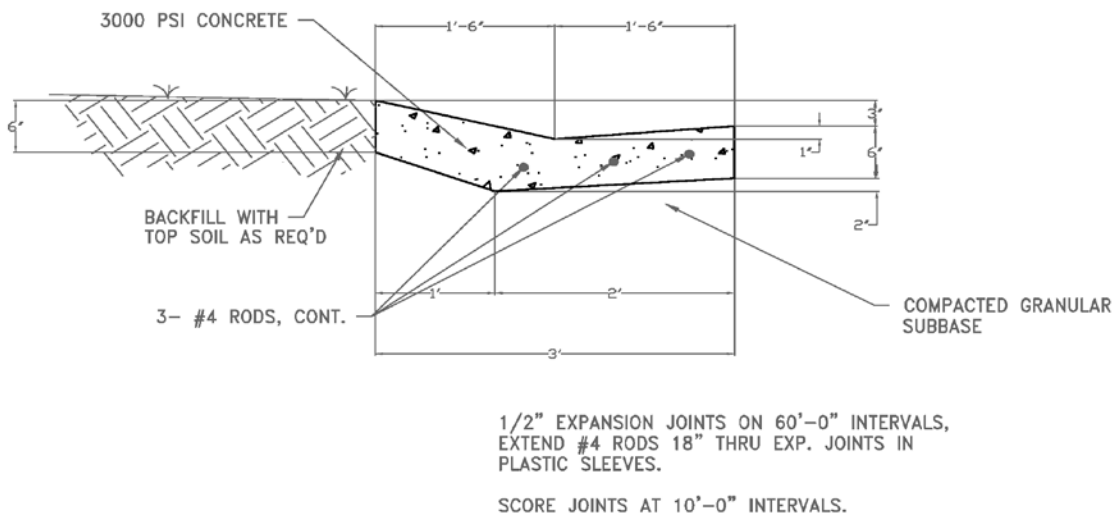
- (1) *Minimum sizes of culverts below streets are 15 inches and must meet ASTM C76 R.C.C.P. Metal or plastic pipes may be used below private driveways with permission of street department or building department. In cases where box culverts are required, plans and specifications are to be submitted to city engineer for approval.*
- (2) *Culverts are to be placed in prepared trenches with firmly tamped bottoms of select backfill or with natural material cut to grade so as to support pipes.*
- (3) *Minimum depth of coverage of culvert pipe is one-half diameter of pipe where wheel loads are imposed on conduit. In other areas, coverage will be as topography permits.*
- (4) *Minimum grade of culverts shall be 0.2 percent or two feet per second velocity with pipe flowing one-fourth full.*
- (5) *Ends of culverts shall be protected against undercutting and erosion with headwalls. Headwalls may further be protected by solid sod or rip rap or other stabilized material.*

- (6) Computations for drainage areas proving flow are to be indicated or drawings to assure proper sizing of drainage conduits and structures.
- (7) Conduits from drainage structures are to be installed full length and terminate with headwalls as shown on the street and drainage plans and as on approved subdivision plans. All storm water conduits, ditches or other such methods of conveying water away from the street shall be reinforced concrete pipe, pre-approved plastic pipe or at a minimum concrete lined ditches. The drainage structure shall extend from the street to the backside of the proposed structure (see Zoning Ordinance for the City of Starkville Back Yard Setback). All water, sewer and storm sewer crossings are to be shown in plan and profile, and all inverts shown are to be carefully coordinated.
- (8) Drainage plans shall not be submitted "piecemeal" but sub mined in the form of a "Master layout plan" and each increment of development shall basically conform to the overall "master development" or "master layout plan."

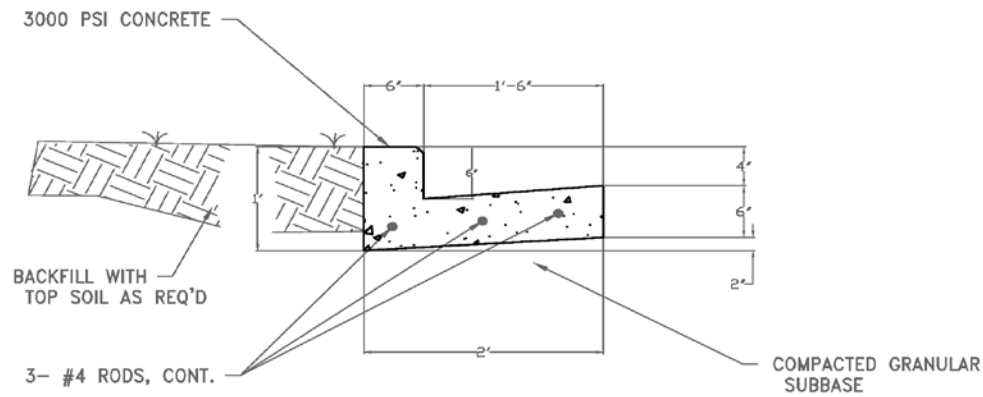
Request #4 is to not have the required curb and gutter. Variance from Chapter 98- Street, Sidewalks and Other Public Places, Article IV.- Street Specifications- Minimum General Specifications for Construction of Streets, Sec. 98-84- Curbs and Gutters.

Sec. 98-84. - Curbs and gutters.

- (1) Curbs and gutters shall be constructed of not less than 28-day compressive strength 3000 concrete. Under certain conditions, formed asphalt or concrete curbs may be authorized for residential area.
- (2) Concrete curb shapes and sizes should be as detailed below.



ROLL-OVER CURB and GUTTER

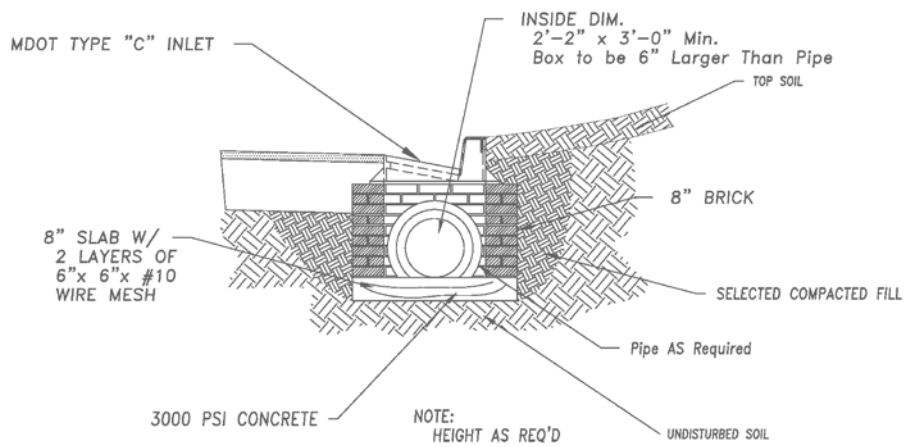


1/2" EXPANSION JOINTS ON 60'-0" INTERVALS,
EXTEND #4 RODS 18" THRU EXP. JOINTS IN
PLASTIC SLEEVES.

SCORE JOINTS AT 10'-0" INTERVALS.

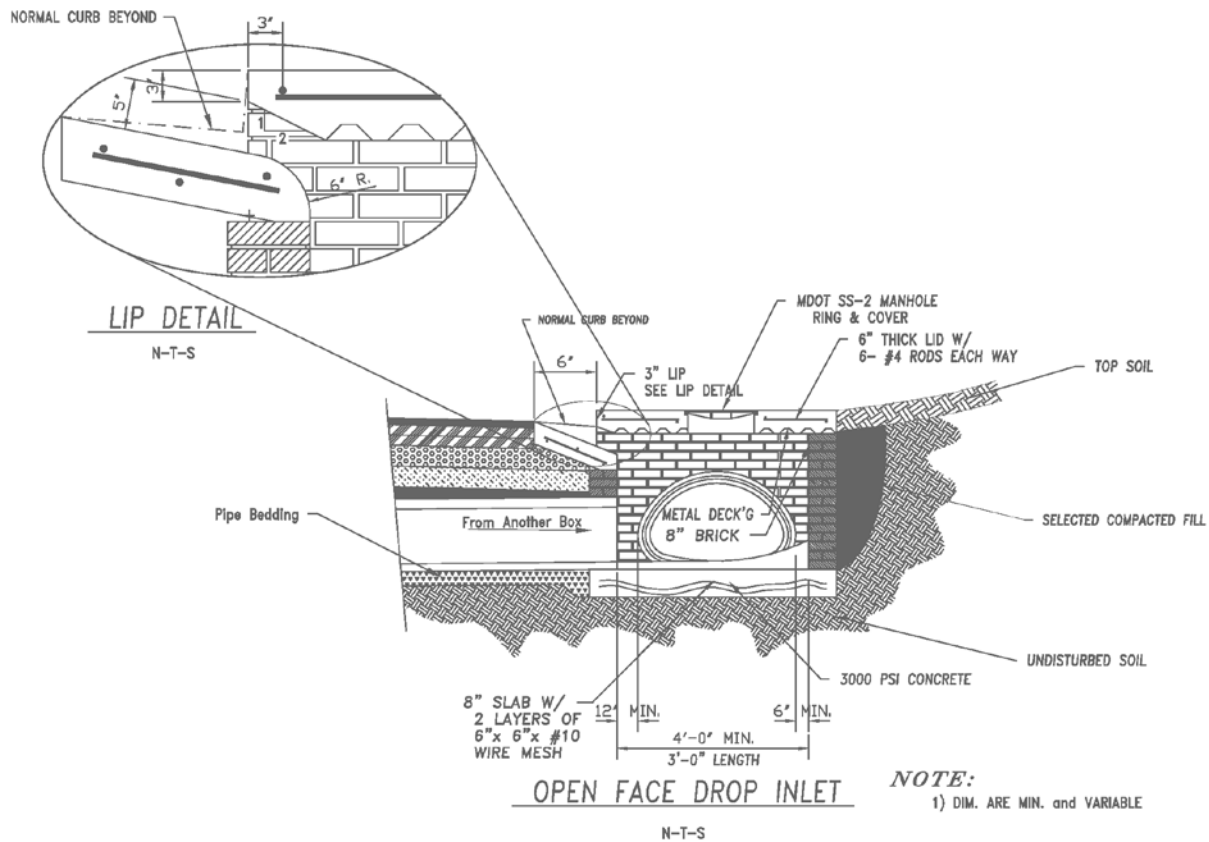
CONVENTIONAL CURB and GUTTER

- (3) Concrete curb and gutters shall be backfilled within 72 hours after stripping.
- (4) Concrete curb and gutter forms shall not exceed ten feet in length and a one-half inch pre-molded expansion joint filler shall be installed each 30 feet. Exceptions may be granted by city engineer.
- (5) Concrete curb and gutters shall have not less than three #4 bars of steel placed as indicated.
- (6) Curbs and gutters shall be placed on lines and grades conforming to the approved construction drawings and conform to slopes indicated to assure complete drainage and proper flow of storm water without destruction and puddling.
- (7) Placement of curb and gutter shall be on compacted base or sub-base materials of same character as balance of paving base or sub-base material.
- (8) Drainage structures shall be provided at all low points in major, minor and collector streets. Distances between drainage structures shall not exceed 500 feet. Acceptable designs for drainage structures are shown at Exhibit "A".



GRATE DROP INLET

Exhibit A



- (9) Driveways entering streets are to be a 90 degree angle to the street center line or as close to this angle as possible.
- (10) Driveways shall be constructed so as to permit passenger vehicles to enter or leave the street without bumping or dragging and shall not obstruct the flow of water. Builders shall not tear out or modify curbs or streets to construct driveways without obtaining permission from street department or building department.

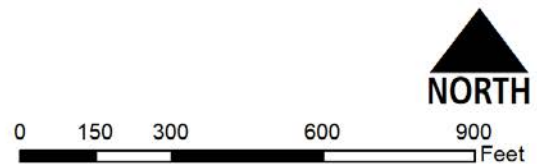
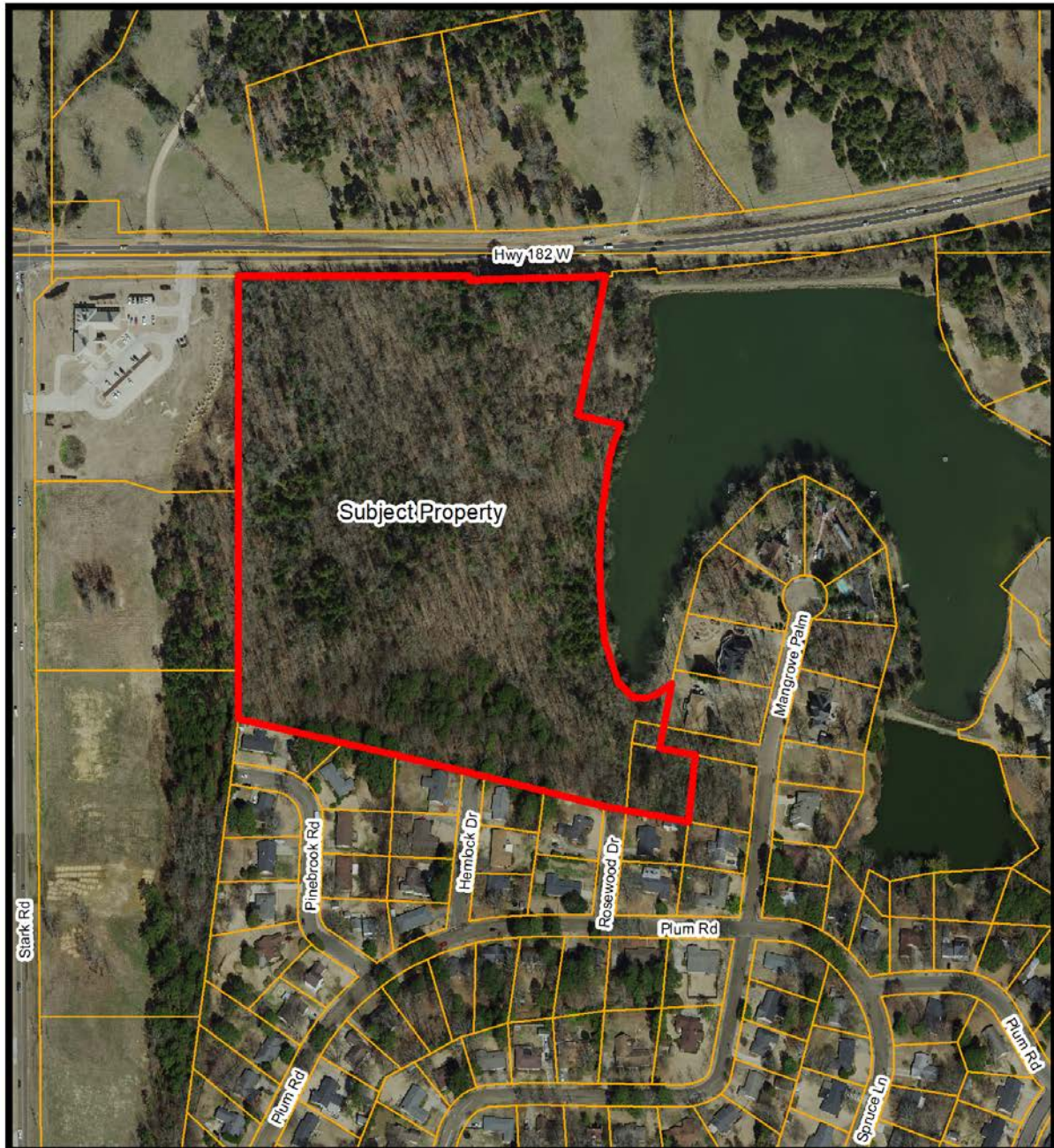
VARIANCE REQUEST REQUIREMENTS:

Appendix A, Article VI, Section K outlines four conditions a Variance request needs to meet:

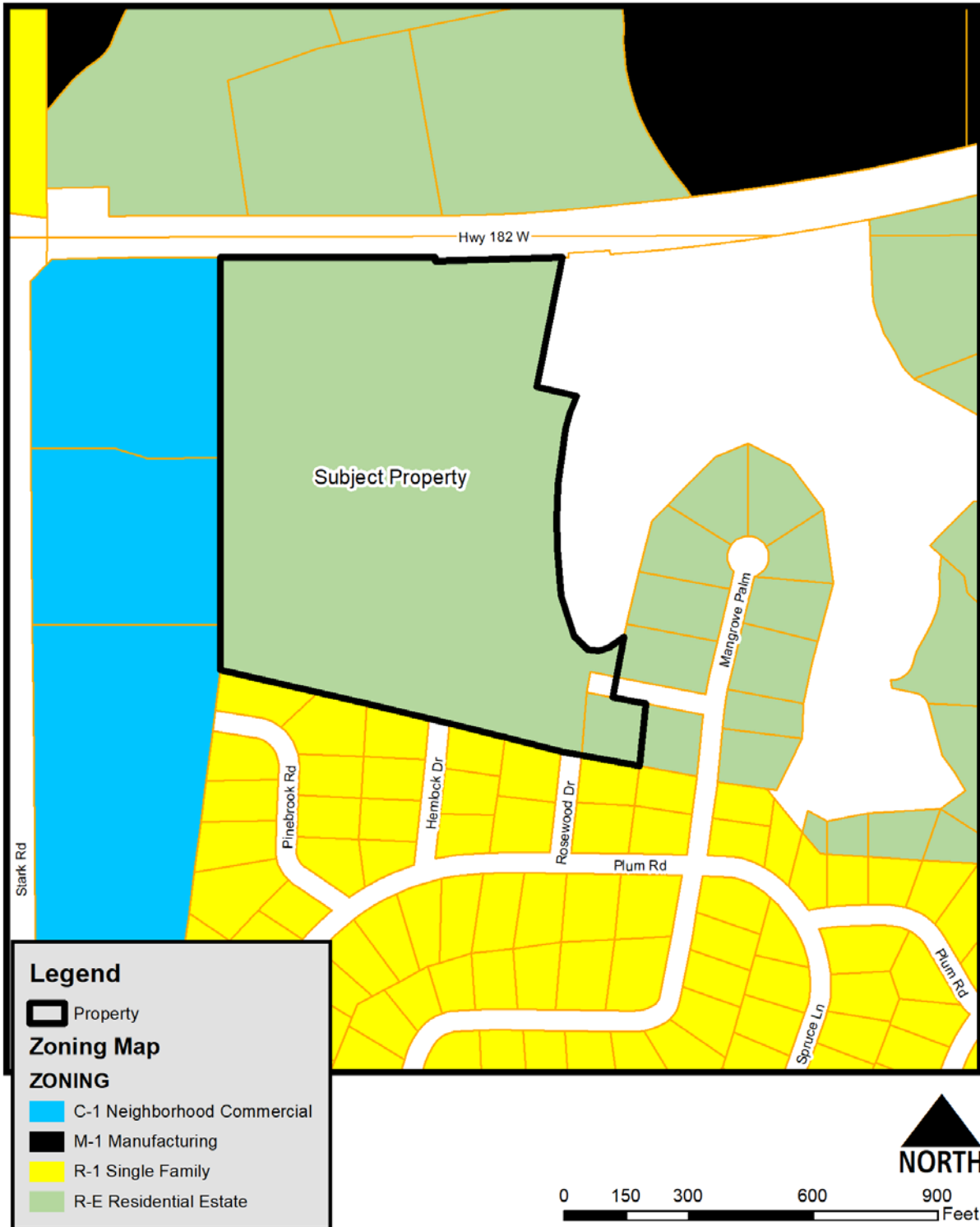
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the board of adjustments and appeals unless and until a written application for a variance shall be submitted, demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and the same conditions are not applicable to other land, structures and buildings in the same district.
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
3. That the special conditions and circumstances have not resulted from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district. In granting any variance, the board of adjustments and appeals shall have the authority to prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. Under no circumstances shall the board of adjustments and appeals grant a variance to permit a use other than a use permitted generally, or by special exception, in the district involved, nor shall a variance be granted to any use expressly or by implication prohibited by the terms of this ordinance in said district.

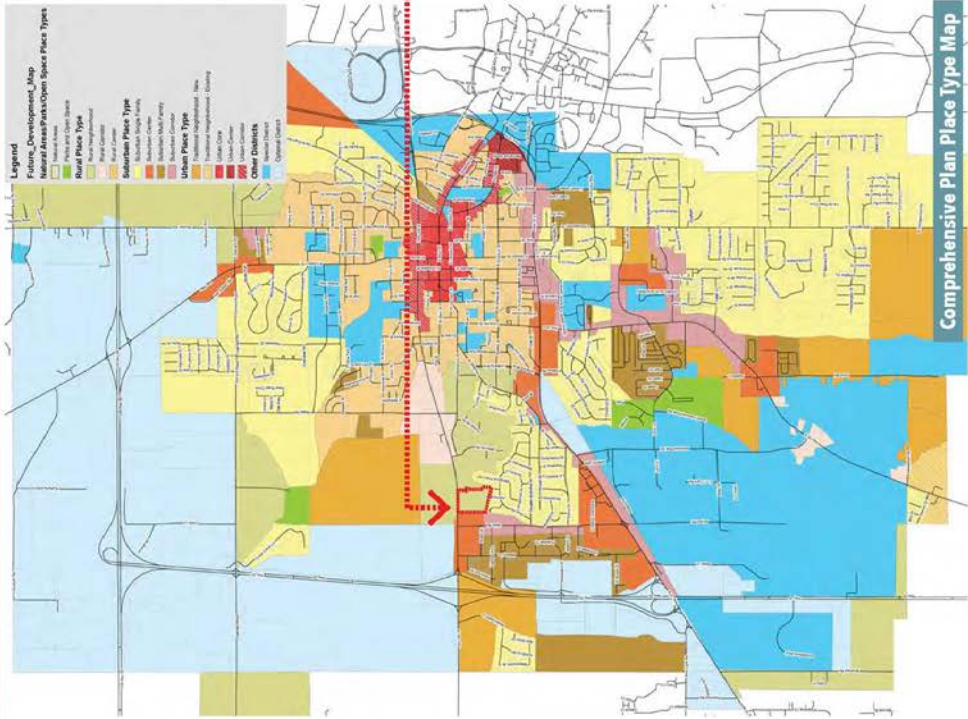
Attachment 1
VA 18-02 Aerial



Attachment 2
VA 18-02 Zoning



Residential Development Project Overview



Comprehensive Plan Place Type Map



Conceptual Site Plan

Attachment 3
Applicant Statement

Highway 182 Sidewalk Variance

VARIANCE REQUEST OVERVIEW:

This variance seeks a release from constructing a sidewalk that would be required along Highway 182.

VARIANCE JUSTIFICATION:

The north edge of the subject property borders Highway 182 and current code requires a sidewalk in this area. The existing topography however presents problems with placement of a future sidewalk. Along the east side of the property is an already eroding steep bank from when the Highway was last expanded by MDOT. The only natural spot for a sidewalk is against the road. MDOT policy requires a 5' buffer from this type of road which would require significant grading to create a pad for the sidewalk and reroute existing drainage (see figure 2). Along the west side of the site is a drainage area and culvert. Currently, there is only a narrow place path (less than 5') up against the road to walk. Additional drainage pipe/culvert or a bridge would be required in this area. The attached cost estimate supports the undue hardship (x2 typical cost) associated with this sidewalk.

The current speed limit in this area is 45 MPH and the road does not have a curb and gutter system. This limited separation (5') and lack of buffer between the road and sidewalk creates a pedestrian and vehicular conflict. Moving the sidewalk further from the road would alleviate these safety concerns but require even more substantial grading and drainage work. Additionally, there are no sidewalks to the east of the subject property. Due to Long Lake, there will not be a development trigger that will require a sidewalk in this area at any point.



1. Northwest Edge of Property Bordering HWY 182

Currently, stormwater from the existing property and drainage swales on the southern side of Highway 182 move through a culvert on the northwest portion of the site (see contours on master plan). As shown in the figure on the left, a required sidewalk would require an extension of this culvert, significant earthwork, and a fence for pedestrian safety. An alternate route on the low side of the culvert would still require bridging across the drainage area and a longer route with more grading to meet ADA requirements regarding slope percentage.



2. Northeast Edge of Property Bordering HWY 182

For a significant stretch of the northeastern edge of the site (roughly 340'), a required sidewalk would sit on top of an existing drainage swale between the MDOT required 5' buffer and a steep, existing bank. Constructing a sidewalk in this location would require the relocation of the drainage swale and low retaining walls or grading in areas where the sidewalk is impacted by the steep slope.



Highway 182 Context and Future Connectivity Concerns

Immediately to the east, along Hwy 182 is property owned by the Long Lake Association. It is currently a constructed dam for the Lake. With change of this property being extremely unlikely, this property will likely never be required to build a sidewalk and thus limit connectivity.

Interior Streetscape Variance

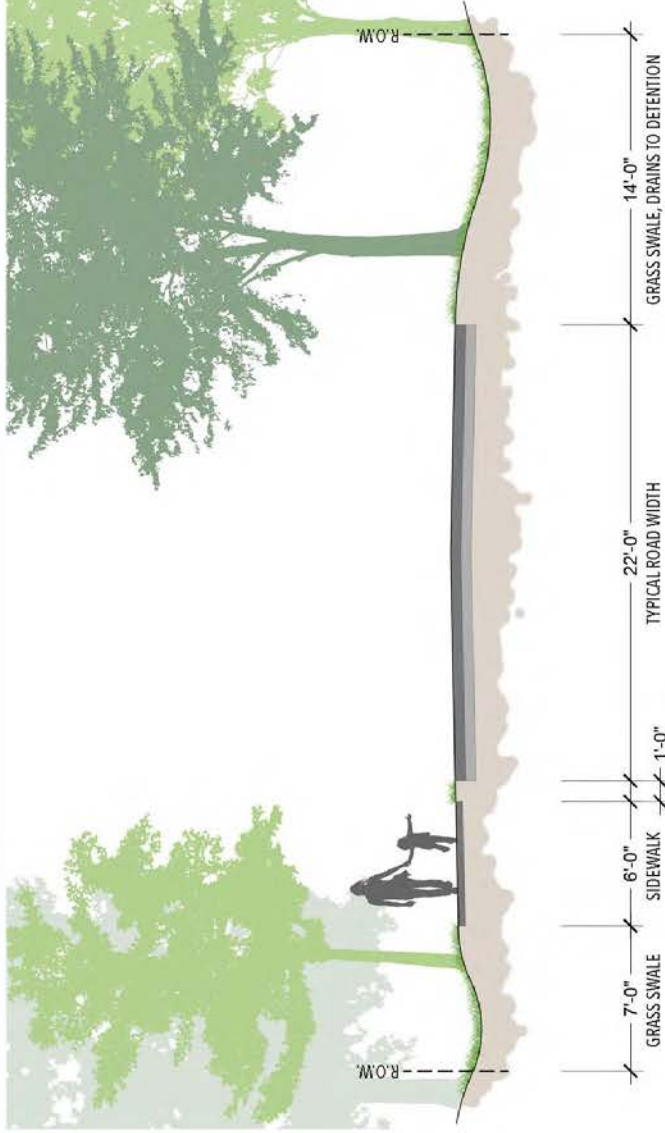
VARIANCE REQUEST OVERVIEW:

This variance seeks a narrower road width, grass swales instead of curb and gutter, and a single walking path alongside the proposed road.

VARIANCE JUSTIFICATION:

The subject property falls within the Rural Neighborhood Place Type as defined in the latest Comprehensive Plan for the City of Starkville. This place type supports low density residential development (page 49 of Comp. Plan), which is the proposed use associated with this variance request. Street types in Rural Areas (defined on page 78 and shown on the bottom right of this page) are not required to have sidewalks and can operate with a shared use path. Despite not being required in this place type, the proposed development still intends to have a dedicated walking path as shown in the typical section on this page and in the master plan included with the variance request.

These street types also encourage "open swale" drainage (page 78) within the rights-of-way for stormwater management. The comprehensive plan does not explicitly lay out road widths but the language of the Rural Neighborhood Place Type combined with the image (bottom right of this page) used in conjunction with this Place Type in the Comprehensive Plan appears to reflect a 22' road width. Where street widths are described in the comprehensive plan, 10-12' lane dimensions are referenced as typical travel lane widths (page 81, 83).



Site Context



Sensitive Street Type Inspiration Image from Starkville Comprehensive Plan

STREET DESIGN PARAMETERS

Sensitive Design Elements	Description	2 (max.)
Number of Lanes	No	No
Parking	No - shared use path	No
Sidewalks	Shared use path	Shared use path
Bicycle Facilities	Open swale, rain gardens, bioswales	No
Drainage	Natural, informal	Reinforced turf
Median	Reinforced turf	Optional
Streetscape	Optional	Optional
Shoulders	Optional	Optional
Lighting	Optional	Optional

RURAL NEIGHBORHOODS

Locations

Spatial Form

Land Uses

Density / Intensity

Development Form

Street Types

A photograph showing a wooden fence in the foreground, with a dirt road or path running alongside it. In the background, there is a dense line of green trees under a clear blue sky. The image is oriented horizontally on the page.

