



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, JUNE 27, 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 May 23, 2018
- V. NEW BUSINESS
 - A. VA 18-03 Request by Oktibbeha County for Variance relief from sidewalk requirements for a proposed FEMA Community Safe Room at southeast corner of the intersection of Lynn Lane and Industrial Park Road in a M-1 zone with the property #102K-00-012.00
- VI. PLANNER REPORT
- VII. ADJOURN

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
MAY 23, 2018**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on May 23, 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, and Shawn Sullivan Ward 7. Absent from the meeting was Chairman Bill Webb, Ward 6. 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

**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

The Board considered the matter of approval of the written agenda dated May 23, 2018. Upon the motion of Ms. Moreland 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 MARCH 28, 2018**

After discussion and upon the motion of Mr. Camp, duly seconded by Ms. Moreland, the motion to approve the Minutes of the March 28, 2018 Special Call Board of Adjustments and Appeals meeting received unanimous approval.

NEW BUSINESS

**A. CONSIDERATION OF 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.**

City Planner Daniel Havelin introduced the case. 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.

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 May 7, 2018. As of this date, the Planning Office has received 1 phone call and 1 office visit requesting information about the request.

Vice-Chairman Nicovich opened the public hearing.

Representing the applicant, Mr. Saunders Ramsey, came forward to speak in favor of the request.

Ms. Kay Shurden came forward to express concern about traffic issues on Hwy 12.

Ms. Maria Peterson came forward to express concern about the preservation of the existing canopy cover on the subject property.

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

After discussion among the Board Members, Mr. Bo Richardson moved to approve all four variance requests which was seconded by Ms. Kim Moreland, and the Board voted 7 to 0 to approve VA 18-02 request #1, #2, #3, and #4.

ADJOURNMENT

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

Marco Nicovich, Vice-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 18-03 Request by Oktibbeha County for Variance relief from sidewalk requirements for a proposed FEMA Community Safe Room at southeast corner of the intersection of Lynn Lane and Industrial Park Road in a M-1 zone with the property #102K-00-012.00
Date: June 27, 2018

The purpose of this report is to provide information regarding the Variance Request by Oktibbeha County for Variance relief from sidewalk requirements for a proposed FEMA Community Safe Room at southeast corner of the intersection of Lynn Lane and Industrial Park Road in a M-1 zone with the property #102K-00-012.00. Please see attachments 1- 4.

PROPOSED USE & BACKGROUND:

The applicant, Oktibbeha County, is proposing to build a community safe room. The proposed structure has a maximum occupancy of 555 persons as listed on the preliminary site plans. In an effort to reduce cost, the applicant is requesting relief from all sidewalk requirements. The Board of Aldermen granted a Landscape Waiver from part of landscape requirements for the project at the June 5, 2018 meeting. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the July 3, 2018 meeting.

NOTIFICATION:

14 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 24, 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 Lynn Lane or Industrial Park Road and to not provide a connector sidewalk to the street. 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)

VARIANCE REQUEST FROM SIDEWALK REQUIREMENTS:

Sec. 98-60. - Request for variance.

- (1) *A request for a variance from the requirements of this article shall be submitted in writing to the building department for consideration by the board of adjustments and appeals. The reason for the request and the proposed justification for the variance shall be specified in the application. The application for the variance should list the details of*

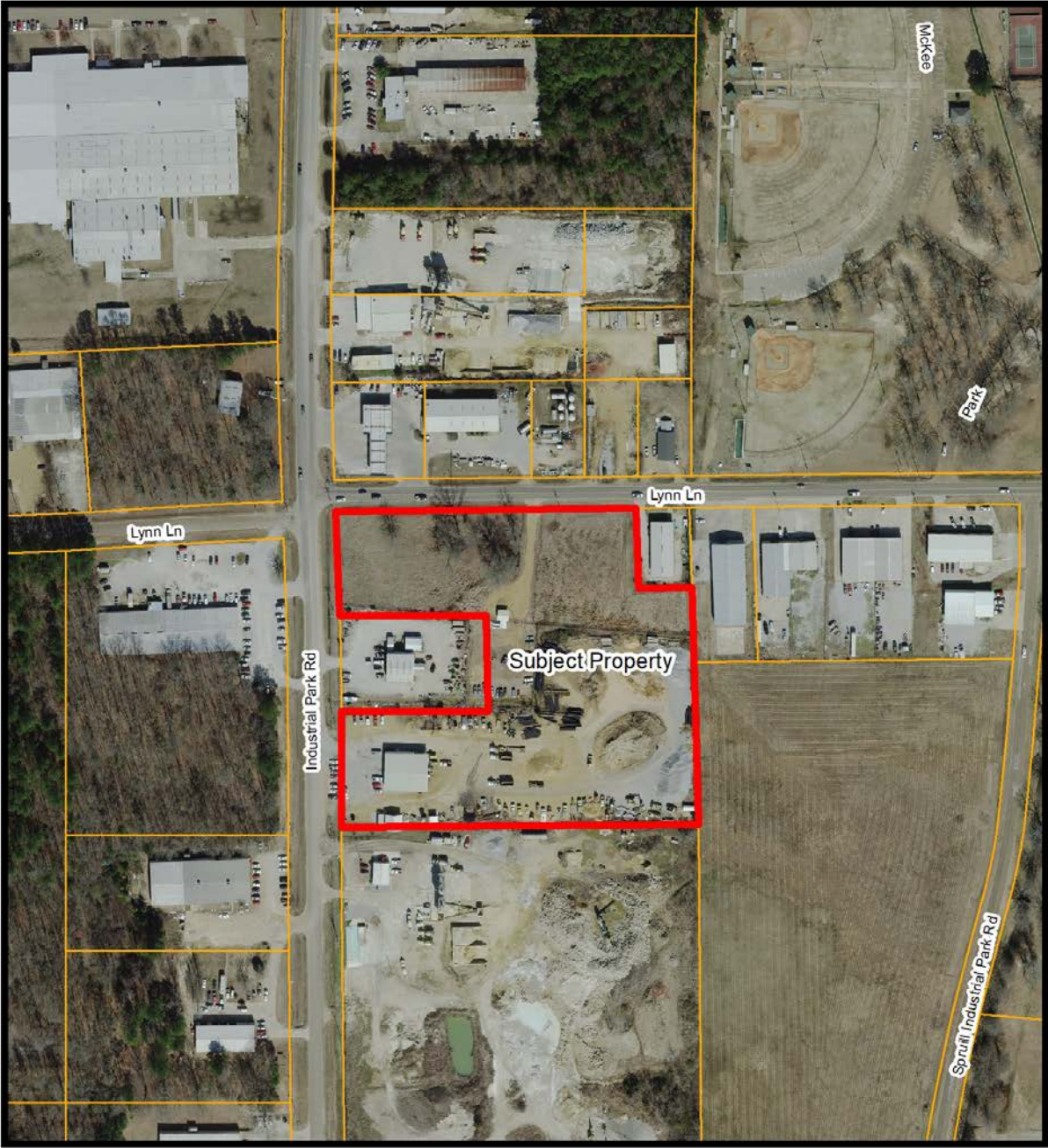
the project and include engineering design work, survey information and/or other supporting documentation. The sole criteria to be evaluated in granting variance shall be that the cost of constructing the sidewalk constitutes an undue hardship as defined in subsection 90-60(3).

- (2) The board of adjustments and appeals shall sit in a quasi-judicial capacity to hear and decide all variance requests from the requirements of this article. A formal written application for a variance along with all supporting documentation shall be filed with the building department for consideration according to the submittal schedule to the board of adjustments and appeals which will be taken up at its next available meeting.*
- (3) The determination of whether undue hardship exists shall be based solely on the cost per linear foot to install sidewalks as prescribed in section 98-54. The sidewalk construction cost estimate used to claim undue hardship should include only items that are related to the sidewalk installation. It shall not include any items that would be required as part of the project in the absence of the requirement to include sidewalks imposed by this article. The transportation committee shall meet quarterly to review and document the average unit price for sidewalk construction for the purposes of establishing a standard metric against which to measure the proposed construction costs. These unit prices shall be determined based upon quarterly posted construction bid averages provided by the Mississippi Department of Transportation (MDOT) and consultation with the city engineer. The board of adjustments and appeals shall determine that sidewalk construction constitutes an undue hardship on the applicant only if the estimated cost of sidewalk construction, per linear foot, is more than two times the average rate as documented by the transportation committee.*
 - (a) The following procedures shall apply to all applications for a variance:*
 - (1) The application for variance shall state the specific variances sought and the reasons for the variance(s). The following information shall be provided to the city engineer in the application:*
 - i. A site plan or survey, showing the proposed subdivision or development and the location of the required sidewalk.*
 - ii. A site plan showing that all alternative sidewalk configurations that may meet the standards of this article, such as routing the sidewalk along open drainage that parallels the road, have been given due consideration.*
 - iii. A site plan showing the proposed subdivision or development and the location of any sidewalk the applicant is proposing to put in if their requested variance is granted.*
 - iv. An itemized cost estimate for sidewalk installation that shall provide line item quantities, unit price, and extended price for each type of work required to complete the sidewalk (earthwork, concrete sidewalk, retaining wall, etc.) for the proposed site. For sidewalk construction requiring large earthwork volumes (greater than 300 cubic yards), a volume calculation shall be submitted with the cost estimate along with supporting documentation to justify the calculation. If alternate sidewalk routes are possible that meet the standards of this article the provided estimate shall be based on the least costly conforming route.*
 - (2) It shall be the responsibility of the applicant to provide sufficient justification for the granting of the variance.*

- (3) *Applications prepared and certified by a registered landscape architect or a professional engineer licensed in the State of Mississippi may be subject to review by the city engineer.*
- (4) *Any application containing information and data not prepared and certified by a registered landscape architect or professional engineer licensed in the State of Mississippi shall be reviewed by the city engineer.*
- (5) *After hearing and upon consideration of the application, evidence and applicable law, the board of adjustments and appeals shall grant or deny the variance request. If the variance application is granted, the board of adjustment and appeals may attach conditions to the variance as it deems necessary to further the purpose of this article.*
- (b) *If a variance is granted, it shall be granted upon findings by the board of adjustments and appeals that the following criteria have been met:*
 - (1) *That failure to grant the variance would result in an undue hardship to the applicant as defined in subsection 98-60(3); and*
 - (2) *That the necessity for a variance is not the result of conditions on the property which have been self-imposed by the applicant or previous owners; and*
 - (3) *That the variance is not based on the proposed sidewalk connecting to an existing, adjacent sidewalk.*
- (c) *If a variance is not granted, the board of adjustments and appeals shall prepare a letter to the applicant stating that the request was denied. The applicant will then have ten days to file a written appeal with the building department to bring the variance request before the board of aldermen. The board of aldermen will hear the variance request at its next regularly scheduled meeting following the filing of the written appeal.*

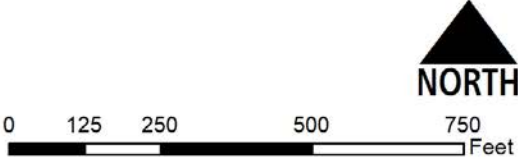
(Ord. No. 2012-05, § 10, 6-5-12)

Attachment 1
VA 18-03- Oktibbeha County

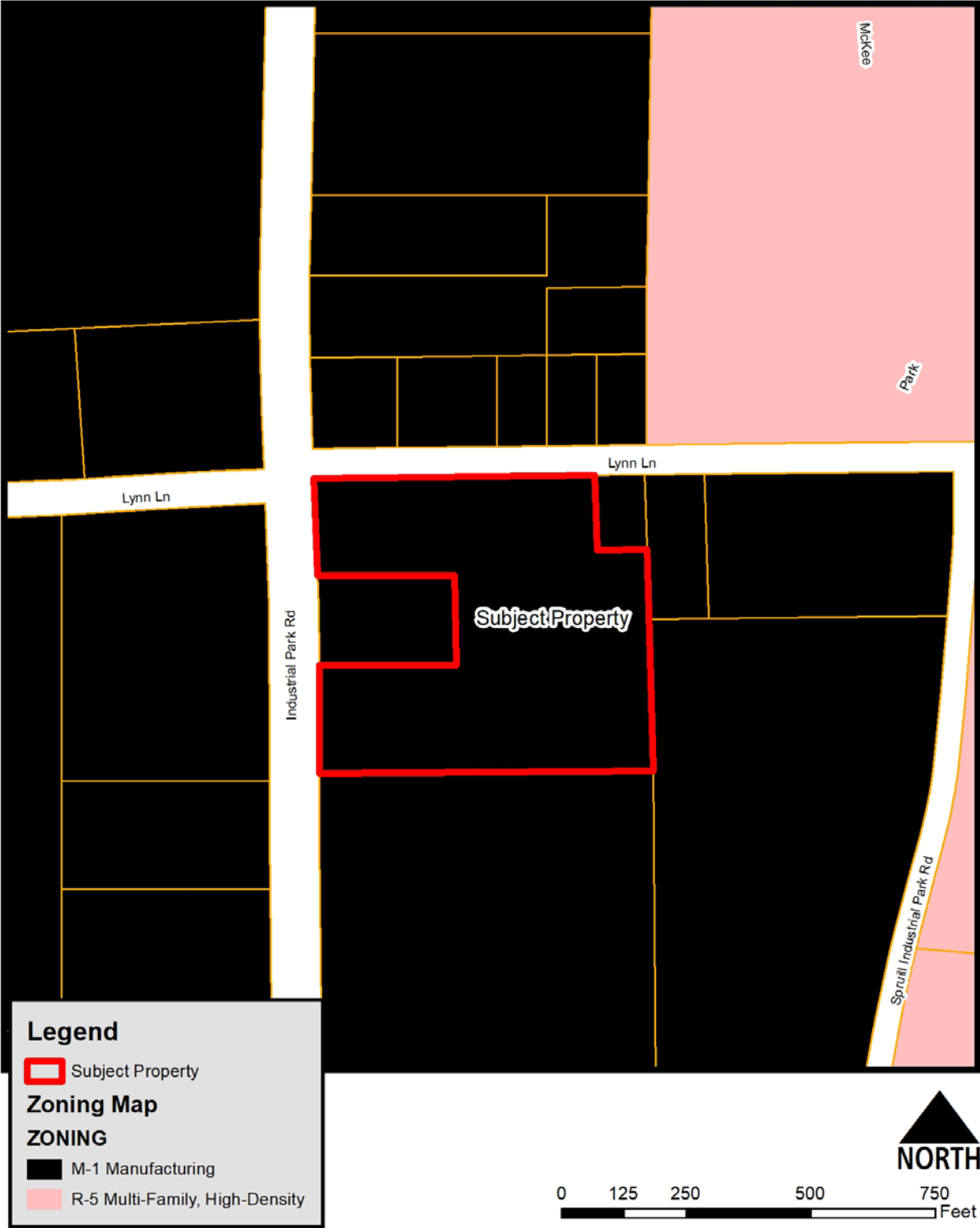


Legend

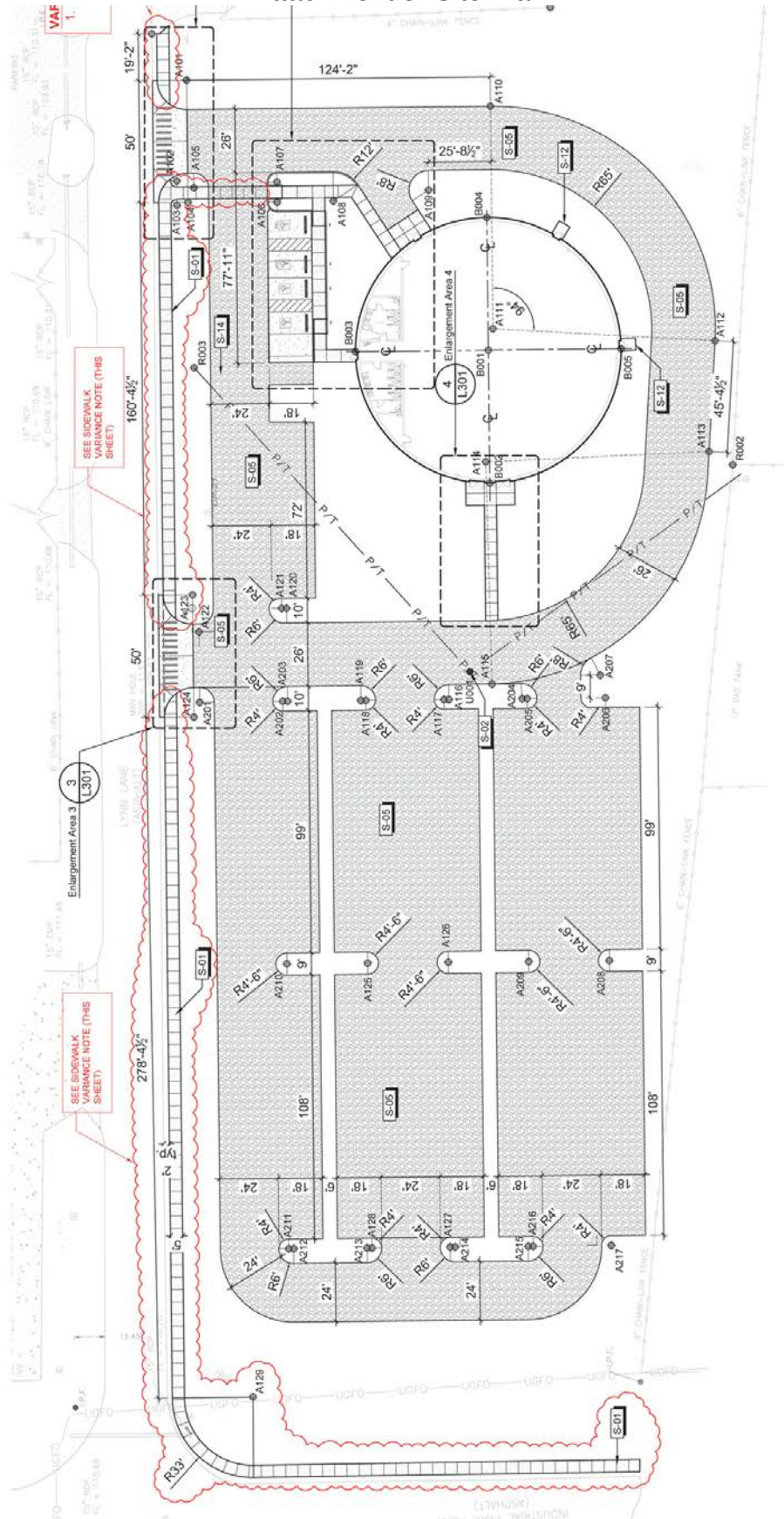
 Subject Property



Attachment 2
VA 18-03- Oktibbeha County



Attachment 3- Site Plan



Attachment 4- Applicant Statement



VARIANCE APPLICATION
City of Starkville Board of Adjustments & Appeals
City Hall, 110 West Main Street
Starkville, Mississippi 39759-2823
Phone: (662) 323-8012 Fax: (662) 323-4143
e-mail: buildingdept@cityofstarkville.org

APPLICANT / AGENT INFORMATION

Name: Oktibbeha County(Emily Garrard) Phone: (662) 323-1520
Address: P. O. Box 80285 Starkville, MS 39759
E-mail address: egarrard@gtpdd.com

PROPERTY OWNER INFORMATION

Name: Oktibbeha County Phone: (662) 323-1520
Address: P. O. Box 80285 Starkville, MS 39759
E-mail address: egarrard@gtpdd.com

If different from applicant, please attach notarized letter of authorization.

APPLICATION INFORMATION

Street Address/Location: 937 Lynn Lane, Starkville, MS 39759
Tax Map/Parcel ID Number: 102-K-00-012.00 Zoning: M-1
Variance Sought: Site Planning - Sidewalks
Dimension Requested: _____ Dimension Required: _____
Section(s) of the Code of Ordinances from which variance is being sought:
Site Planning

Reason for request:

A variance is requested based on cost to omit installing sidewalks in the highlighted area shown alone L401. Oktibbeha County request a variance to self-perform the installation of the gravel parking lot in the area indicated by the highlighted area in the attached drawing L300.

Property to the NORTH: Zoning _____ Current Use Gas Station
Property to the EAST: Zoning _____ Current Use City Equipment Shed
Property to the SOUTH: Zoning _____ Current Use County Road Shop
Property to the WEST: Zoning _____ Current Use Manufacturing

☒ Application Fee ☒ Legal Description ☐ Notarized Owner Authorization

Submitted by: Emily Garrard Date: 5-11-18