



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, JULY 25, 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 June 27, 2018
- V. NEW BUSINESS
 - A. VA 18-04 Request by Bill Mann on behalf of GM Realty for Variance relief from awning height and sidewalk requirements for a commercial development located at 210-211 Jackson St in a T-5 zone with the property #118P-00-354.00 and 102A-00-015.01
 - B. VA 18-05 Request by Clay Weeks and Sandy Reese for Variances from street width requirements and street dedication requirements for a proposed condominium development located on the east side of Louisville Street at the intersection of Linden Circle in a C-1/R-5 zone with the parcel # 102G-00-156.01, 102G-00-166, and 102G-00-167.
- VI. PLANNER REPORT
- VII. ADJOURN

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
JUNE 27, 2018**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on June 27, 2018, in the Community Development Department at City Hall. Members present were Kim Moreland Ward 1, Jerry Jefferson Ward 2, Bo Richardson Ward 3, Marco Nicovich Ward 5, Chairman Bill Webb, Ward 6 and Shawn Sullivan Ward 7. Absent from the meeting was Robert Camp Ward 4. 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, 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

The Board considered the matter of approval of the written agenda dated June 27, 2018. Upon the motion of Mr. Nicovich seconded by Ms. Moreland, the Board voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF
THE MEETING OF MAY 23, 2018**

After discussion and upon the motion of Mr. Nicovich, duly seconded by Ms. Moreland, the motion to approve the Minutes of the May 23, 2018 Board of Adjustments and Appeals meeting received unanimous approval.

NEW BUSINESS

**A. CONSIDERATION OF 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**

City Planner Daniel Havelin introduced the case. The applicant, Oktibbeha County, is requesting 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. The applicant 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.

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).

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.

Chairman Webb opened the public hearing. Ms. Garrard 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, Mr. Sullivan, moved to deny the requests which was seconded by Mr. Nicovich, and the Board voted 3 to 3 to deny VA 18-03.

ADJOURNMENT

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

Bill Webb, Chair

Daniel Havelin, City Planner



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 18-04 Request by Bill Mann on behalf of GM Realty for Variance relief from awning height and sidewalk requirements for a commercial development located at 210-211 Jackson St in a T-5 zone with the property #118P-00-354.00 and 102A-00-015.01
Date: July 25, 2018

The purpose of this report is to provide information regarding Variance Request by Bill Mann on behalf of GM Realty for a variance from awning height and sidewalk requirements for a commercial development at 210 and 211 Jackson Street with the property numbers 118P-00-354.00 and 102A-00-015.01. Please see attachments 1- 7.

PROPOSED USE & BACKGROUND:

The applicant is requesting relief from Clearance height for encroachments into the right of way (request #1) and sidewalk width (request #2). The applicant is requesting relief 6' 4" in lieu of the required 8'-0" clearance required by code. The applicant is requesting a 4' sidewalk in lieu of the 5' sidewalk required by code for two sections of the sidewalk in front of 211 Jackson St. The applicant attended a Development Review Committee meeting on February 25, 2016 and has since received site plan approval. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the August 7, 2018 meeting.

NOTIFICATION:

19 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 July 10, 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 phone call requesting information.

VARIANCE REQUESTS FROM:

- 1. Request 1:** APPENDIX A- ZONING, ARTICLE VII- DISTRICT REGULATIONS, SEC T. TRANSECT DISTRICTS, §4- SPECIFIC TO T5 DISTRICTS, 7.3 BUILDING FORM, (e)

§ 4 - SPECIFIC TO T5 DISTRICTS.

Lots located within the T5 District shall be subject to the requirements of this section.

7.3 BUILDING FORM

- The Principal Entrance of any Secondary Building shall be oriented toward a Frontage Line, Driveway or the Facade of an Outbuilding.*
- The maximum height of a Primary Building shall be four (4) stories as specified on Table 3 and on Table 12.*

- (c) *The maximum height of a Secondary Building shall be four (4) stories as specified on Table 3 and on Table 12.*
- (d) *The maximum height of an Outbuilding shall be two (2) stories as specified on Table 3 and on Table 12.*
- (e) *Awnings, Arcades, and Galleries may Encroach the Public Frontage 100% of its width but must clear the Sidewalk vertically by at least eight (8) feet.*
- (f) *Stoops, Lightwells, balconies, bay windows and terraces may Encroach the first Lot Layer 100% of its depth.*
- (g) *A first Story Residential or Lodging Use shall be raised a minimum of three (3) feet from the average grade of the Walkway.*
- (h) *Loading docks and service areas shall be permitted on Frontages by Exception.*
- (i) *In the absence of a building Facade along any part of a Frontage Line, a Streetscreen shall be built along the same vertical plane as the Facade.*
- (j) *Streetscreens shall be between three and a half (3.5) and eight (8) feet in height. The Streetscreen may be replaced by a hedge or fencing by Exception. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.*
- (k) *Buildings with a Commercial Use and paved setback may use the Setback area for outdoor seating.*

2. Request 2: SEC. 98-54. - SIDEWALK REQUIREMENTS.

- (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.*

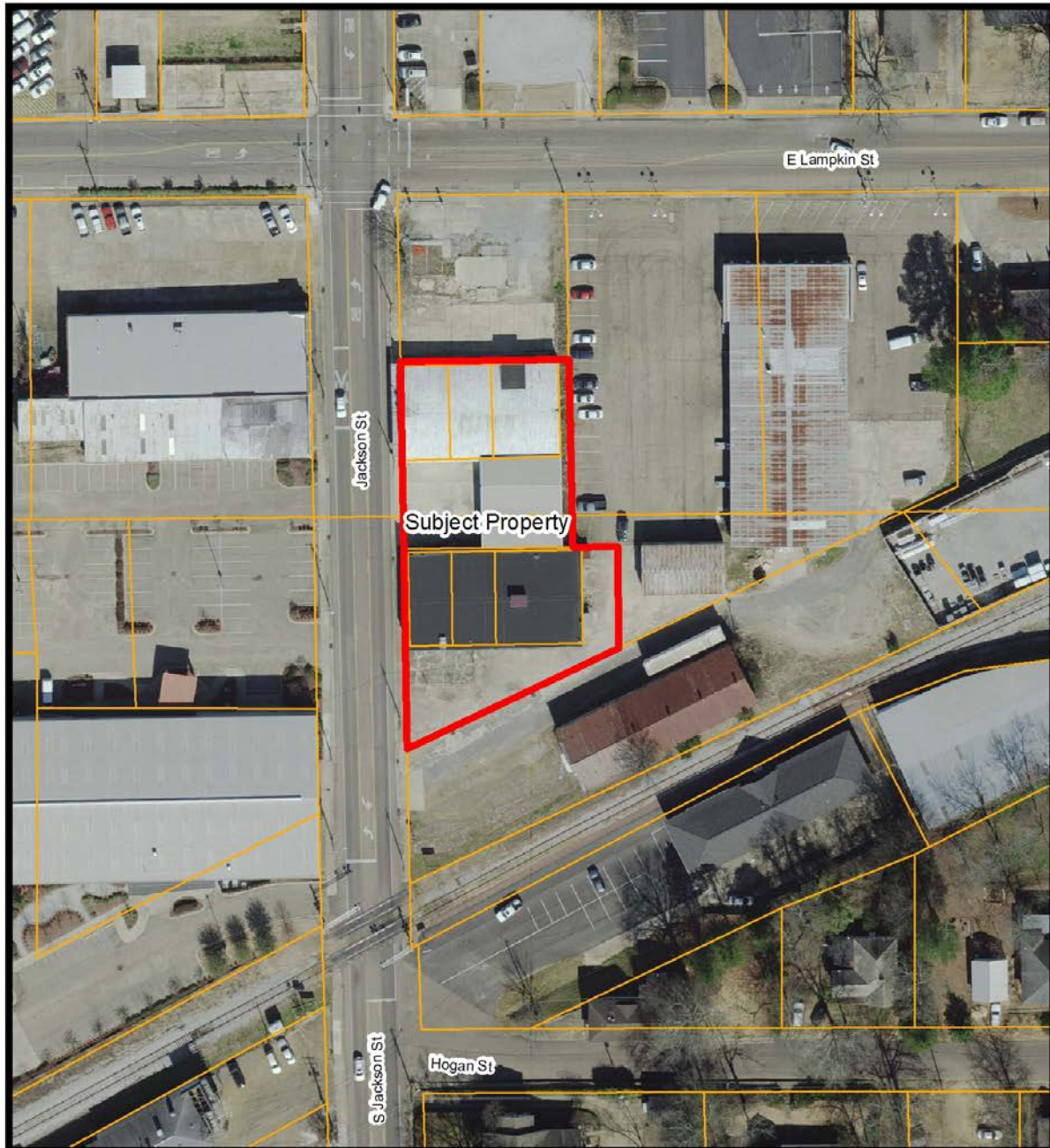
VARIANCE REQUEST REQUIREMENTS:

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 18-04 Aerial



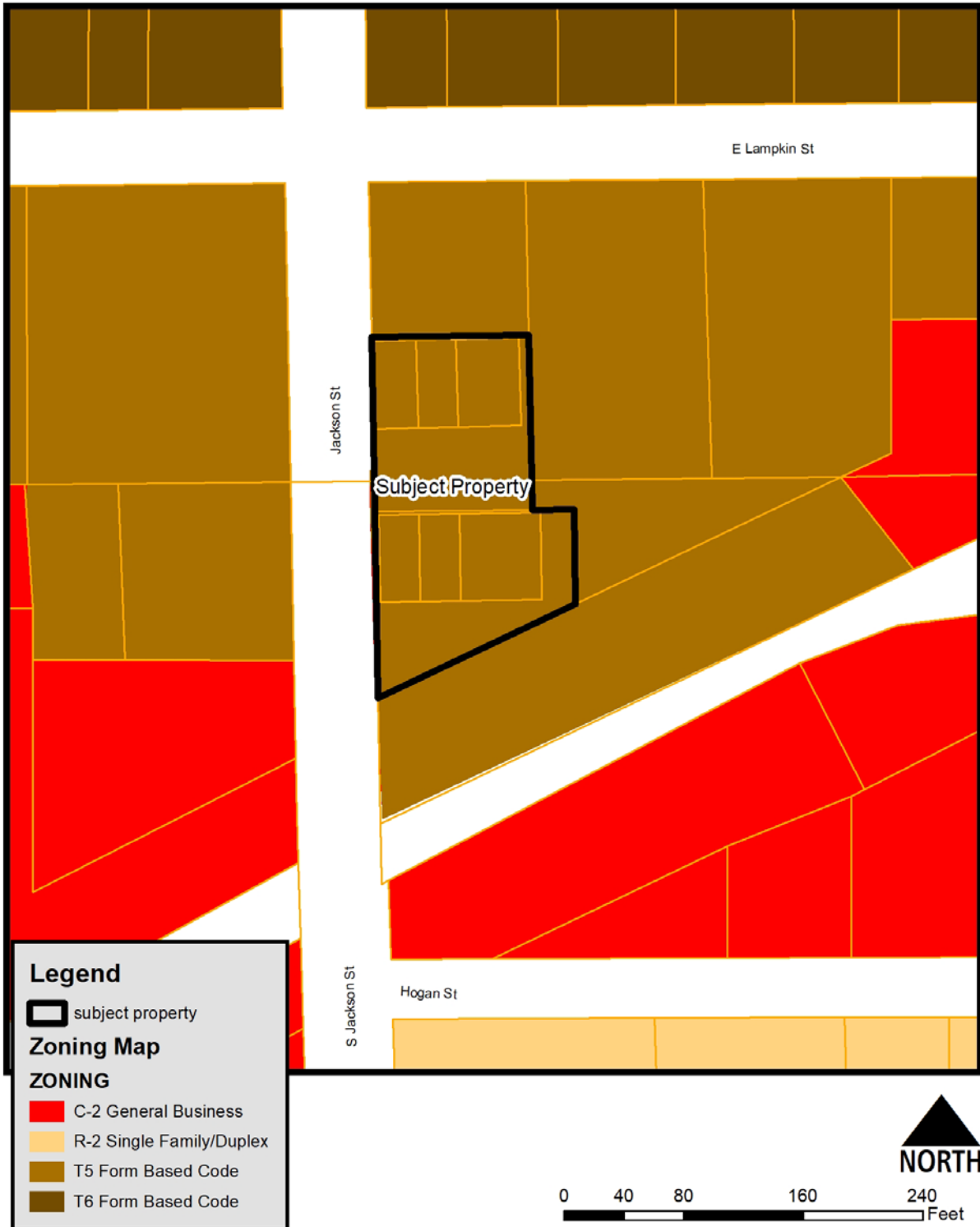
Legend

 subject property

0 40 80 160 240
Feet



Attachment 2
VA 18-04 Zoning



Attachment 2- Applicant Statement

BILL MANN, ARCHITECT
5726 Blackjack Road P.O. Box 80297
STARKVILLE, MISSISSIPPI 39759
Phone: 662-323-0358 Fax: 662-323-8406
Email: bw_mann39759@yahoo.com

June 26, 2018

VARIANCE REQUEST 'A'

In regards to the Hewlett Building (210) and the Body Shop Building (211)
along the Jackson Street city sidewalk.

We are requesting relief from the 8'-0" minimum height requirement for the angled awning braces and the existing concrete canopies. The angled brace's lowest measurements taken flush with the exterior wall vary from 6'-4" to 8'-4". Measurements taken 12"-16" off of the exterior wall (shoulder width) comply with the 8'-0" minimum height.

The requested variance is the minimum variance that will make possible the reasonable use of the buildings and maintain the character of the buildings.

The awnings and braces are compatible with other awnings along Main Street and Lampkin Street, with at least as much height (Connections, Moe's BBQ).

The requested variance will not impact the health, safety or comfort of pedestrians on the public sidewalk.

The Code of Ordinances is somewhat contradictory, as the graphic example for Awnings and Signs (Table 8) states an 8'-0" Maximum clearance, applying to all Transect Districts.

Code of Ordinances, Appendix A - Zoning, Article VII - District Regulations,
Sec. T. - Transect Districts, § 2 - General to All Transect Districts, Table 8

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June 26, 2018

VARIANCE REQUEST 'B'

In regards to the Hewlett Building (210) and the Body Shop Building (211)
along the Jackson Street city sidewalk.

We are requesting to install substantial masonry landscaped planters in front of the two buildings at the locations where the awning braces and existing concrete canopies are below the required 8'-0" height restriction. By installing the planters, pedestrian traffic would be directed to avoid walking below these points.

211 Jackson has 2 existing curved concrete canopies that extend 2'-1" over the public sidewalk, measuring to 7'-2" and 7'-4". The building is approximately 75 years old and these canopies have never caused harm or a problem with pedestrians walking along the sidewalk.

The requested variance will make possible the reasonable use of the buildings and maintain the character of the buildings.

The requested variance will maintain a minimum 4'-0" sidewalk clearance at these points.

Attachment 4



Jackson Square _ Hewlett Building _ 210 Jackson Street _ Parcel 384 _ T5 District

Attachment 5



Jackson Square _ Body Shop Building _ 211 Jackson Street _ Parcel 15.02 _ T5 District

Attachment 6



Jackson Square _ Hewlett Building _ 210 Jackson Street _ Parcel 384 _ T5 District

Attachment 7



Jackson Square _ Body Shop Building _ 211 Jackson Street _ Parcel 15.02 _ T5 District



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)
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Subject: VA 18-05 Request by Clay Weeks and Sandy Reese for Variances from street width requirements and street dedication requirements for a proposed condominium development located on the east side of Louisville Street at the intersection of Linden Circle in a C-1/R-5 zone with the parcel # 102G-00-156.01, 102G-00-166, and 102G-00-167
Date: July 25, 2018

The purpose of this report is to provide information regarding Variance Request by Clay Weeks and Sandy Reese for Variances from street width requirements and street dedication requirements for a proposed condominium development located on the east side of Louisville Street at the intersection of Linden Circle in a C-1/R-5 zone with the parcel # 102G-00-156.01, 102G-00-166, and 102G-00-167. Please see attachments 1- 3.

PROPOSED USE & BACKGROUND:

The applicant is planning to construct a subdivision on Louisville and would like to vary from several requirements. The applicant would like to vary from the requirement that streets be dedicated to the City of Starkville in a development greater than 2 acres. They would also like to provide security with a vehicular gate at the entrance of the property. The roads will be constructed to City Standards but the applicant wishes to keep them in private ownership by the condo association (request #1). The applicant is requesting relief from street width of 31 feet to a reduced street width of 20 feet (request #2). The applicant attended a Development Review Committee meeting on May 31, 2018. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the August 7, 2018 meeting.

NOTIFICATION:

12 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 July 10, 2018 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone calls against this request.

VARIANCE REQUESTS FROM:

Request 1: SEC. 26-285- IMPROVEMENTS (D) (1)

Sec. 26-285. - Improvements.

(a) Building Code. All applicable provisions of the adopted International Building Code for new condominium and multi-family construction or conversion shall be complied with.

- (b) Zoning Code. A zoning verification letter shall be obtained from the City Planner prior to the construction of a condominium or prior to a condominium conversion. All applicable provisions of the city's adopted zoning ordinances shall be complied with.
- (c) Establishment and maintenance of utilities. Utility lines located within a lot or parcel of land and serving only one lot or parcel shall not be maintained by the city except as notated on the approved site plan. See City of Starkville Code of Ordinances chapter 110, utilities, section 110-1 et seq.

(d) Streets and alleys.

(1) All developments whose parcel size is greater than or equal to two acres which require roadways for development shall include roadways, which may also include alleys, to be dedicated to the City of Starkville in accordance with the City of Starkville's street specifications.

(2) Developments whose parcel size is less than two acres and is not a part of a larger development plan or phased development whose total development size exceeds two acres, may include public roadways, which may also include alleys, or private roadways, which may also include private alleys. All private roadways and alleys shall conform to the following:

- a. Streets and alleys shall conform to the private street roadway cross-sections as reflected in the City of Starkville Code of Ordinances, chapter 98, streets, sidewalks and other public places.
- b. All pavement cross-sections, curb and gutter, storm drainage, construction procedures and other street related requirements shall conform to the City of Starkville's street specifications.
- c. The paving and street construction shall be performed in one-stage as outlined in the City of Starkville's street specifications.
- d. Appropriate access and utility easements shall be provided as depicted in the private street cross-sections as included in the applicable code section(s) in the Starkville Code of Ordinances, chapter 98, streets, sidewalks and other public places. The following language shall be included on both the face of the plat as well as in the condominium declaration regarding easements:

"The undersigned owner of (development), as shown on the final plat and as described in the condominium declarations, does convey to the City of Starkville, Mississippi, along with the right of ingress and egress, all utilities and utility easements to be used by the City of Starkville, Mississippi for providing public services, along with permanent, and perpetual utility easements.

It is understood and agreed that the City of Starkville is held harmless from liability or payment of compensation to the abutting property owners, or entity deriving therefrom, for damages resulting from utility line failures or damages to improvements within the aforementioned easements, up to, but not limited to buildings, light fixtures, mailboxes, ornamental landscaping, turf grass, fences, along with private road surfaces, curbs and gutters, sidewalks, as a result of ingress, egress and the maintenance or replacement of utilities."

- e. Ownership of the private street shall be with the Condominium Association and shall be included as part of the condominium declaration.

(e) Parking.

- (1) For developments which include public roadways, which may also include alleys, the minimum required parking shall be located outside of the right-of-way.*
- (2) For developments which include private roadways, which may also include alleys, the minimum required parking shall be:*
 - a. On-street parallel parking as depicted in the private street cross-sections as included as reflected in the City of Starkville Code of Ordinances, chapter 98, or*
 - b. Off-street parking which is located outside of the access and utility easement as depicted in the private street cross-sections as included as an reflected in the City of Starkville Code of Ordinances, chapter 98.*

(f) Sidewalks.

- (1) Sidewalks shall be constructed to allow for interior connectivity between all common spaces and public spaces to individual units. Any variance from this requirement shall be considered by the board of adjustments and appeals for its substantial compliance with the intent of the ordinance and all applicable federal and state regulations.*

(Ord. No. 2012-3, § II, 2-7-12)

Request 2: SEC. 98-83- PAVING AND STREET CONSTRUCTION (2) (C)

- (1) Construction: Construction of all subdivision streets, both residential and commercial, shall be performed in one of the two following manners:*
 - (a) Two-stage construction. The first stage shall consist of installing all improvements up to the wearing surface in accordance with the approved infrastructure plans and the city's adopted codes and specifications. The subdivider shall execute an agreement with the city agreeing to install or provide the final layer of asphalt and any other required improvements and shall submit a bond to the city. The bond amount will be calculated by the city engineer and shall not be less than 150 percent of the estimated construction cost of the outstanding improvements. No bond shall be accepted unless it is enforceable by or payable to the city in a sum specified above and in a form with surety and conditions approved by the attorney for the city. When certificates of occupancy have been issued by the building department for 85 percent of the subdivision lots, the final wearing surface shall be applied after all repairs to the roadway have been completed as directed by the city engineer. The date of the placement of the asphalt shall be submitted to and approved by the city engineer prior to installation. The bond will be released by the city after a final inspection and certification is provided by the subdivider's engineer of record that the final improvements have been installed in accordance with the city's adopted codes and specifications.*
 - (b) One stage construction. The subdivider shall install all improvements including the wearing surface in accordance with the approved infrastructure plans and the city's adopted codes and specifications. The subdivider shall execute a bond to the city. The bond amount will be calculated by the city engineer and shall not be less than 100 percent of the estimated construction cost of installation of the final asphalt wearing surface plus any other outstanding improvements. No bond shall be accepted unless it is enforceable by or payable to the city in a sum specified above and in a form with surety and conditions approved by the attorney for the city. The*

subdivider shall sign an agreement with the city agreeing to maintain the asphalt roadway until the bond is released and install any other required improvements. When certificates of occupancy have been issued by the building department for 85 percent of the subdivision lots, the subdivider shall contact the city engineer to schedule a final inspection. The subdivider shall complete any repairs to the roadway as directed by the city engineer. The city will release the bond after the subdivider completes repairs and the city engineer approves them and certification is provided by the subdivider's engineer of record that the improvements have been installed in accordance with the city's adopted codes and specifications.

For subdividers who began their subdivision roadway improvements as a two-stage construction but would like to convert to one-stage construction prior to 85 percent build out, the following process shall be followed:

The subdivider shall submit a bond to the city and shall execute an agreement with the city agreeing to maintain the asphalt roadway until the bond is released and install any other required improvements. The bond amount will be calculated by the city engineer and shall not be less than 100 percent of the estimated construction cost of installation of the final asphalt wearing surface plus any other outstanding improvements. No bond shall be accepted unless it is enforceable by or payable to the city in a sum specified above and in a form with surety and conditions approved by the attorney for the city. The final wearing surface shall be applied after all repairs to the roadway have been completed as directed by the city engineer. The date of the placement of the asphalt shall be submitted to and approved by the city engineer prior to installation. When certificates of occupancy have been issued by the building department for 85 percent of the subdivision lots, the subdivider shall contact the city engineer to schedule a final inspection. The subdivider shall be required to complete any repairs to the roadway as directed by the city engineer. The city will release the bond after the subdivider completes repairs and the city engineer approves them and certification is provided by the subdivider's engineer of record that the improvements have been installed in accordance with the city's adopted codes and specifications.

(2) Street widths:

- (a) Major streets—49 feet back of curb to back of curb.*
- (b) Collector street—41 feet back of curb to back of curb.*
- (c) Minor streets—31 feet back of curb to back of curb.*

- (3) Pavement wearing surface shall be not be less than 1.5 inches thick asphaltic concrete conforming to M.D.O.T. Specification #403.*
- (4) Bituminous black base shall be at thickness designated hereinafter for the type street constructed.*

CHART I

<i>MATERIAL</i>	<i>MAJOR STREET</i>	<i>COLLECTOR STREET</i>	<i>MINOR STREET</i>
<i>WEARING SURFACE BITUMINOUS BASE SUBGRADE</i>	<i>2"</i>	<i>2"</i>	<i>2"</i>
<i>BITUMINOUS BASE</i>	<i>7"</i>	<i>6"</i>	<i>5"</i>
<i>SUBGRADE</i>	<i>COMPACTED</i>	<i>EXISTING</i>	<i>SUBGRADE</i>
<i>*STABILITY*</i>	<i>3.26</i>	<i>2.92</i>	<i>2.58</i>

CHART II

<i>MATERIAL</i>	<i>MAJOR STREET</i>	<i>COLLECTOR STREET</i>	<i>MINOR STREET</i>
<i>WEARING SURFACE</i>	<i>2"</i>	<i>2"</i>	<i>1½"</i>
<i>BITUMINOUS BASE</i>	<i>3"</i>	<i>3"</i>	<i>2½"</i>
<i>CLAY GRAVEL SUBBASE</i>	<i>12"</i>	<i>10"</i>	<i>10"</i>
<i>*STABILITY*</i>	<i>3.22</i>	<i>3.00</i>	<i>2.61</i>

CHART III

<i>MATERIAL</i>	<i>MAJOR STREET</i>	<i>COLLECTOR STREET</i>	<i>MINOR STREET</i>
<i>WEARING SURFACE</i>	<i>2"</i>	<i>2"</i>	<i>1½"</i>
<i>BITUMINOUS BASE</i>	<i>3"</i>	<i>3"</i>	<i>1½"</i>
<i>CEMENT TREATED SUBBASE</i>	<i>6"</i>	<i>5"</i>	<i>8"</i>
<i>*STABILITY*</i>	<i>3.34</i>	<i>3.10</i>	<i>3.07</i>

**CALCULATED FROM AASHTO VALUES*

- (5) Clay gravel sub-base course shall be of thickness designated hereinafter for the type of street constructed and have P.I. between 4 and 15, M.D.O.T. Specifications #304.*
- (6) Street construction other than that indicated above will be considered provided that a soils lab - employing one or more registered engineers - makes a comprehensive study of conditions existing on the site, laboratory analysis of soil borings and a written report of findings and recommendations to be given to the city engineer for approval. Design single wheel loading criteria is as follows:*
 - (1) Major streets 15,000 lbs.*
 - (2) Collector 10,000 lbs.*
 - (3) Minor streets 5,000 lbs.*
- (7) Natural subgrade (except where clay or sandy subgrade is present) shall be thoroughly dried and compacted to not less than 95 percent density for a 12-inch depth before application of clay gravel sub-base or bituminous black base.*
- (8) Clay gravel sub-base course shall be mechanically compacted to 95 percent density at optimum moisture content in not greater than four-inch lifts with 15-ton sheep foot roller.*
- (9) Prime clay gravel sub-base course with EA-I emulsified asphalt at rate of 0.30 to 0.35 gallons per square yard before placing asphaltic base course.*
- (10) Tack asphaltic base course with 55-1 emulsified asphalt prior to placing wearing surface at rate of 0.10 gallons per square yard.*
- (11) City engineer or other designated city official shall be notified as each operation of work commences so as to provide continuous inspection of work being performed.*
- (12) Testing shall be done at areas specified by city engineer. Testing shall be generally as outlined below:*
 - (a) Subgrade: One density test each 400 LF.*
 - (b) Sub-base course. One density tests each 400 LF.*
 - (c) Asphaltic base and surface course: One density test and Marshall test each 400 LF.*
- (13) Moisture content. No paving shall be applied to wet clay gravel sub-base course or no base applied to wet compacted subgrade. Paving is intended to be done during warm and dry summer and fall months. Paving delayed until marginal fall or early winter is so delayed at developer's risk and work applied to wet or damp subgrade will be removed unless field density or other density tests indicate stability of sub-base or base has not been lost.*
- (14) Soft or unstable conditions found existing in the roadway construction or during excavation for construction shall be removed as directed by the city engineer and field corrective measures shall be employed as directed.*

(15) *When circumstances dictate that roadbed be cut below existing grade, French drains may be required behind the curbs to eliminate the possibility of ground water seeping under roadway.*

(Ord. No. 2011-4, § C, 12-6-11)

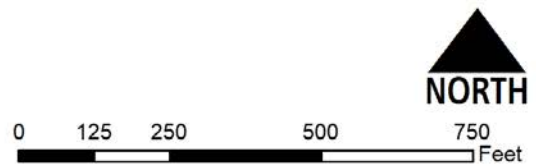
VARIANCE REQUEST REQUIREMENTS:

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

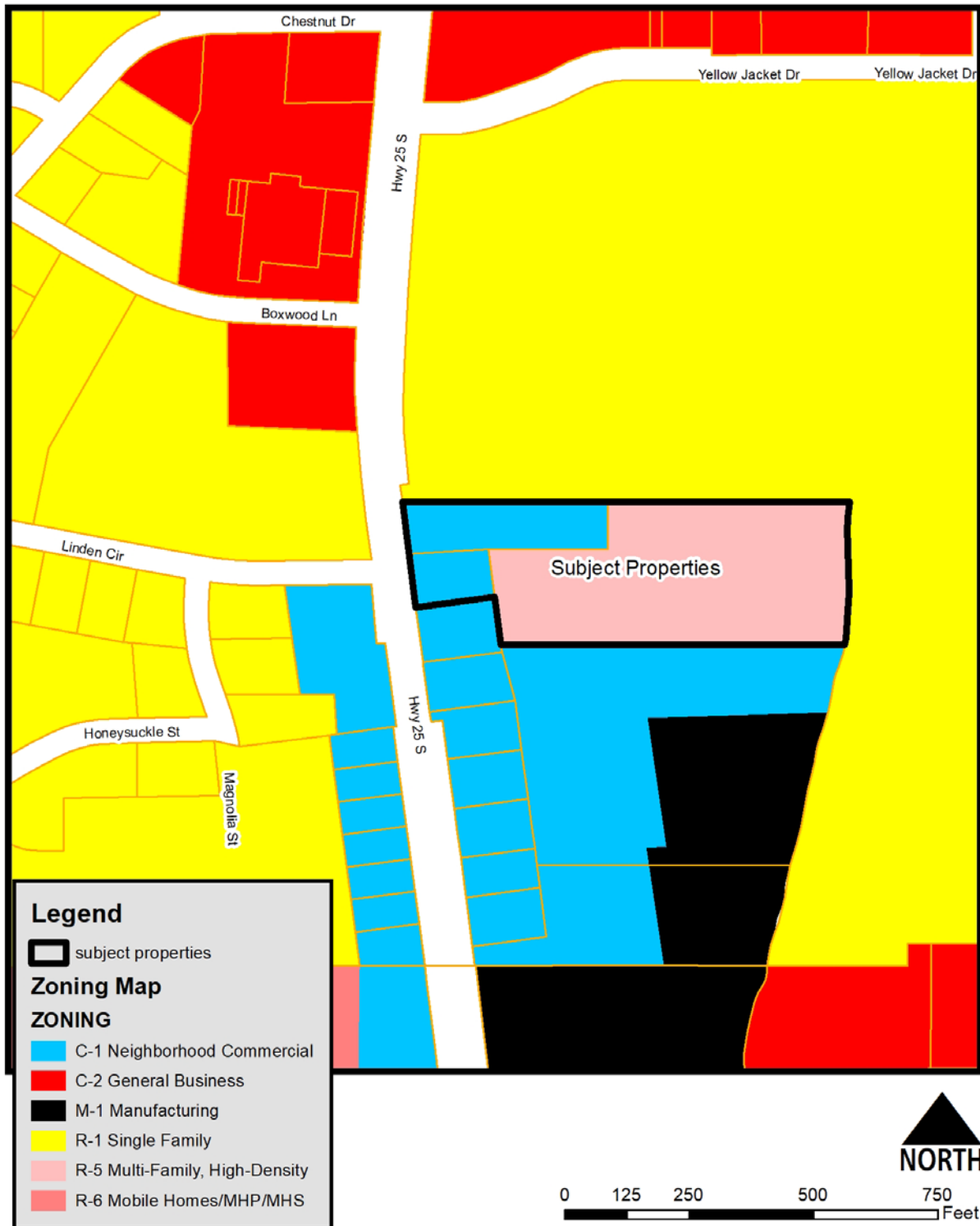
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the 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 18-05 Aerial



Attachment 2 VA 18-05 Zoning



Attachment 3- Application and 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: Jason Pepper Phone: (888) 963-9063
Address: 834 Hwy 12 W #180
E-mail address: jasonpepper@peppersurveying.com

PROPERTY OWNER INFORMATION

Name: Clay Weeks and Sandy Reese Phone: _____
Address: _____
E-mail address: _____

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

APPLICATION INFORMATION

Street Address/Location: 901/903 Louisville Street and the property behind 903 Louisville Street
Tax Map/Parcel ID Number: 102G-00-156.01/166/167 Zoning: R-5/C-1
Variance Sought: See Attachment
Dimension Requested: _____ Dimension Required: _____
Section(s) of the Code of Ordinances from which variance is being sought:
Sec. 26-285-Improvements (d) (1) and Sec. 98-83 - Paving and Street Construction (2) (c)
Reason for request:
See attachment.

Property to the NORTH: Zoning R-1 Current Use Starkville High School
Property to the EAST: Zoning R-1 Current Use Starkville High School
Property to the SOUTH: Zoning C-1 Current Use Undeveloped (Starkville Schools)
Property to the WEST: Zoning C-1/R-1 Current Use Residential/Commercial

☒ Application Fee ☐ Legal Description ☒ [Notarized Owner Authorization](#)

Submitted by:  Date: 6/22/2018

Variance from the requirement of Sec. 26-285-Improvement (d) (1):

The developer would like to vary from the requirement that streets be dedicated to the City of Starkville in a development greater than 2 acres. The developer wants to provide security by placing a vehicular "gate" at entrance to the property. The gate will open once vehicles are photographed and will not require key codes or other "keys" for entrance. Additionally, other security cameras will be located within the project for security and possibly connections with the Starkville Police Department. The roadways will meet the requirements of the City of Starkville structurally, but it is wished to keep them in private ownership by the condo association. Also, the existing property is narrow, north to south, and dedication of a 50 foot right of way (100-feet total for looped road) will not allow room for building construction.

Variance from the requirement of Sec. 98-83. - Paving and street construction. (2) (c):

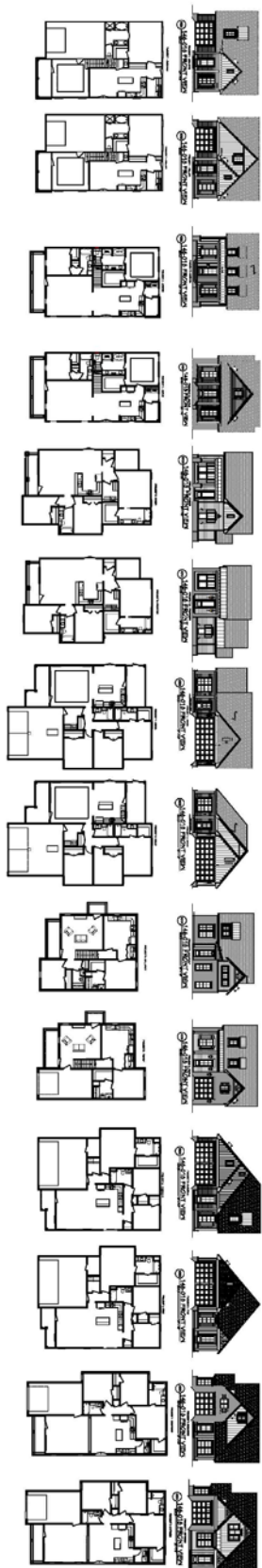
The developer would like to vary from the street width of 31 feet to a street width of 20 feet. The Fire Department has previously agreed in principle to the reduction in width of the street. The existing property is narrow, north to south, and a 31-foot-wide street (62 feet total for looped road) will not allow room for building construction.

Dimensions and house placements are for planning purposes and may not reflect the final design.



101 PROPOSED DEVELOPMENT
SCALE 1" = 30'

102 PROPOSED PLANS
SCALE 1" = 30'



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Plans produced for:
Scott May

House Plan Zone, LLC, has exercised great care and effort in the development of these plans and the completion of these construction documents. However, due to the great variance in building codes and site specific conditions, House Plan Zone, LLC, assumes no responsibility for any damages, including structural failure resulting from errors, omissions or deficiencies in the design. House Plan Zone, LLC, fully understands that these plans are intended to be used as a guide only and that the user is responsible for obtaining all necessary permits and approvals from local building codes. All dimensions to be verified on site prior to construction. If a foundation plan has been included in these plans, it is general in nature and shall be verified by a licensed engineer prior to construction.

Date: 05.23.16
Drawn By: J.A.L.
Plan Number: 146-016
Project Name:
SHEET NUMBER

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