



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, AUGUST 22, 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 July 25, 2018
- V. NEW BUSINESS
 - A. VA 18-06 Request by Brian McCaskill for Variance relief from setback requirements for a residence at 102 Sawgrass Road, also known as Lot 69 of Country Club Estates
 - B. VA 18-07 Request by Jay Fowler Real Estate LLC for a variance from the required lot area per unit for a proposed multi-family building at 701 and 707 North Montgomery Street with the property numbers 118I-00-002.03 and 118I-00-002.00.
- VI. PLANNER REPORT
- VII. ADJOURN

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
JULY 25, 2018**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on July 25, 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, and Chairman Bill Webb, Ward 6. Absent from the meeting was Robert Camp, Ward 4, 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, 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 May 23, 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

The Board considered the matter of approval of the written agenda dated July 25, 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 JUNE 27, 2018**

After discussion and upon the motion of Mr. Nicovich, duly seconded by Ms. Moreland, the motion to approve the Minutes of the June 27, 2018 Board of Adjustments and Appeals meeting received unanimous approval.

NEW BUSINESS

**A. CONSIDERATION OF 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**

City Planner Daniel Havelin introduced the case. The applicant, Bill Mann on behalf of GM Realty, is requesting Variance relief from awning height and sidewalk requirements for a commercial development located at 210-211 Jackson St in a T-5 zone.

Request #1 is clearance height for encroachments into the right of by the new awning and the existing concrete canopies. The applicant is requesting a height of 6'4" in lieu of the required 8'.

Request #2 is for sidewalk widths. The applicant is proposing to install planters underneath the concrete canopies to help mitigate the risk. In doing so, the sidewalk width

will be reduced to 4'. 1' below the required 5'.

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 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 one phone call requesting information about the request.

Chairman Webb opened the public hearing. Mr. Bill Mann 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. Nicovich, moved to approve both the requests which was seconded by Mr. Jefferson, and the Board voted 4 to 0 to approve VA 18-04.

B. CONSIDERATION OF 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

City Planner Daniel Havelin introduced the case. The applicants, Clay Weeks and Sandy Reese, are requesting 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.

Request #1 is for relief from the requirement to make all roads public on condo developments over 2 acres in size. The applicant is requesting to have private roads with security gate access.

Request # 2 is for relief from the required street width of 31'. The applicant is

proposing 20'.

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 about the request.

Chairman Webb opened the public hearing. Jason Pepper, representing the applicants, 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. Richardson, moved to approve both the requests which was seconded by Ms. Moreland, and the Board voted 4 to 1 to approve VA 18-05, with Mr. Nicovich being the dissenting vote.

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 18-07 Request by Jay Fowler Real Estate LLC for a variance from the required lot area per unit for a proposed multi-family building at 701 and 707 North Montgomery Street with the property numbers 118I-00-002.03 and 118I-00-002.00
Date: August 22, 2018

The purpose of this report is to provide information regarding a Variance Request by Jay Fowler Real Estate LLC for a variance from the required lot area per unit for a proposed multi-family building at 701 and 707 North Montgomery Street with the property numbers 118I-00-002.03 and 118I-00-002.00. Please see attachments 1- 3.

PROPOSED USE & BACKGROUND:

The applicant is proposing to constructing two eight-unit apartment buildings on two existing parcels with existing four-unit complexes called the Acadian Court. The applicant is requesting relief from the minimum lot area per unit. The applicant is requesting a minimum lot area of 1,544 ft (701 North Montgomery St) and 1,589 ft (707 North Montgomery) in lieu of the 1,800 square feet required per unit. The applicant attended a Development Review Committee meeting on August 2, 2018. The subject properties were rezoned from C-2 to R-5 on August 7, 2018 based on error in the map. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the September 4, 2018 meeting.

NOTIFICATION:

17 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 on Tuesday August 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 phone call requesting information.

VARIANCE REQUESTS FROM:

1. Article VIII Sec. G 3(a)- minimum lot area, per unit: 1,800 sq. ft.

Sec. G. - R-5 residential zoning regulations.

These [R-5 residential] districts are intended to be composed mainly of multifamily dwellings, although a wide range of dwelling types is also permitted. Mobile homes, mobile home parks, and mobile home subdivisions are also permitted under certain special conditions. Appropriate supporting facilities to accommodate higher density multifamily districts are permitted and the character of this residential district is protected by requiring certain yard and area standards to be met. [The following regulations apply to R-5 districts:]

1. See chart for permitted uses.

2. See chart for uses which may be permitted as a special exception.
3. Required lot area and width, yards, building areas and height for residences:

a) Minimum lot area, per unit: 1,800 square feet.

b) Minimum lot width at building line:

Single-family and multifamily dwelling of less than eight units: 50 feet.

Townhouse dwelling: 16 feet.

Multifamily dwelling of eight units or more: 100 feet.

c) Minimum depth of front yard: 25 feet.

d) Minimum width of side yard: 5 feet.

e) Minimum depth of rear yard: 20 feet.

f) Maximum height of structure: 45 feet.

*Mobile homes on individual lots shall comply with the provisions of article VII, section E.
Mobile home parks and mobile home subdivisions shall comply with provisions of article VII, section H.*

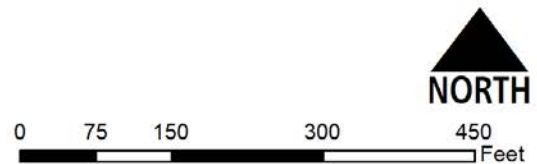
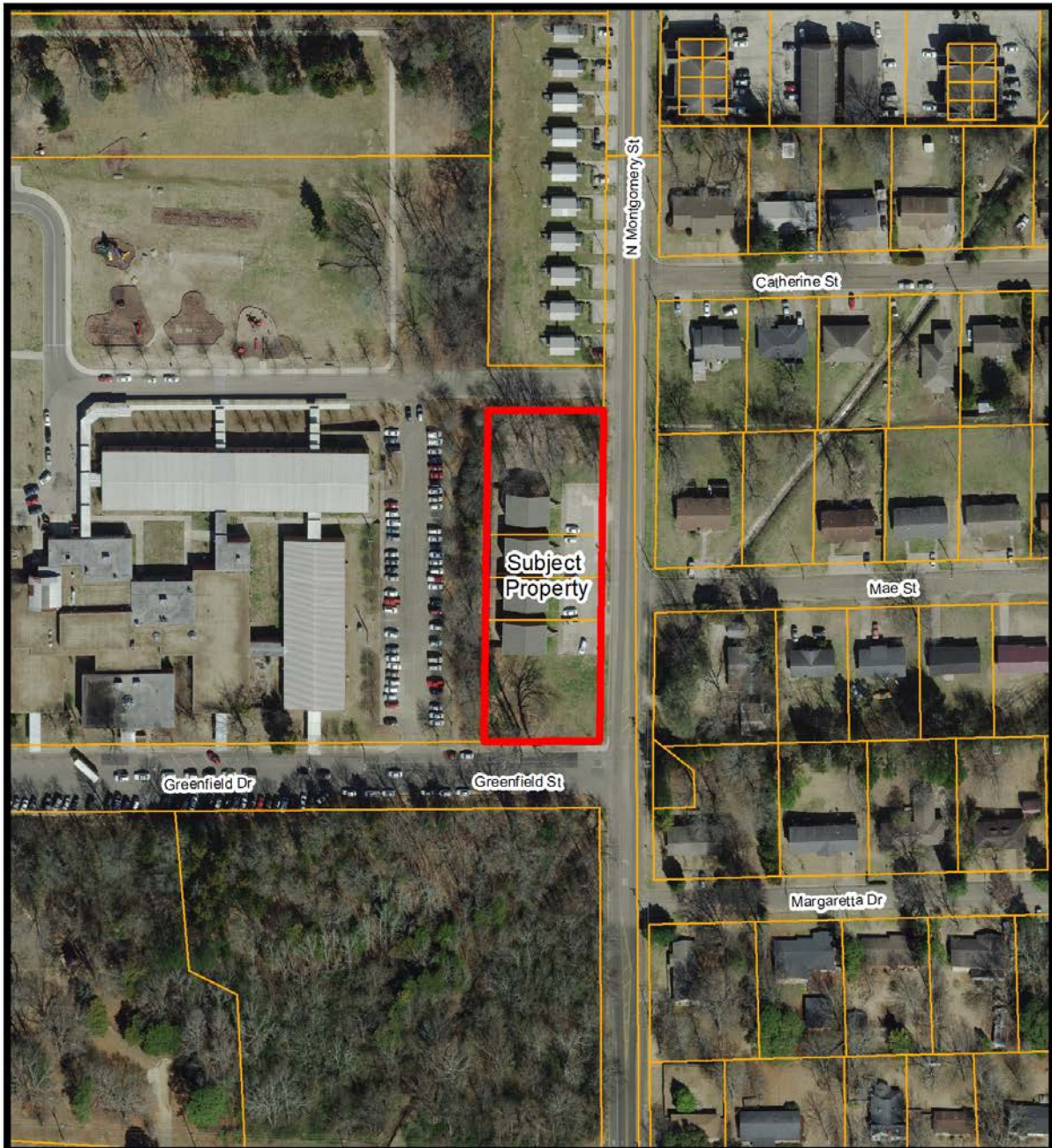
VARIANCE REQUEST REQUIREMENTS:

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

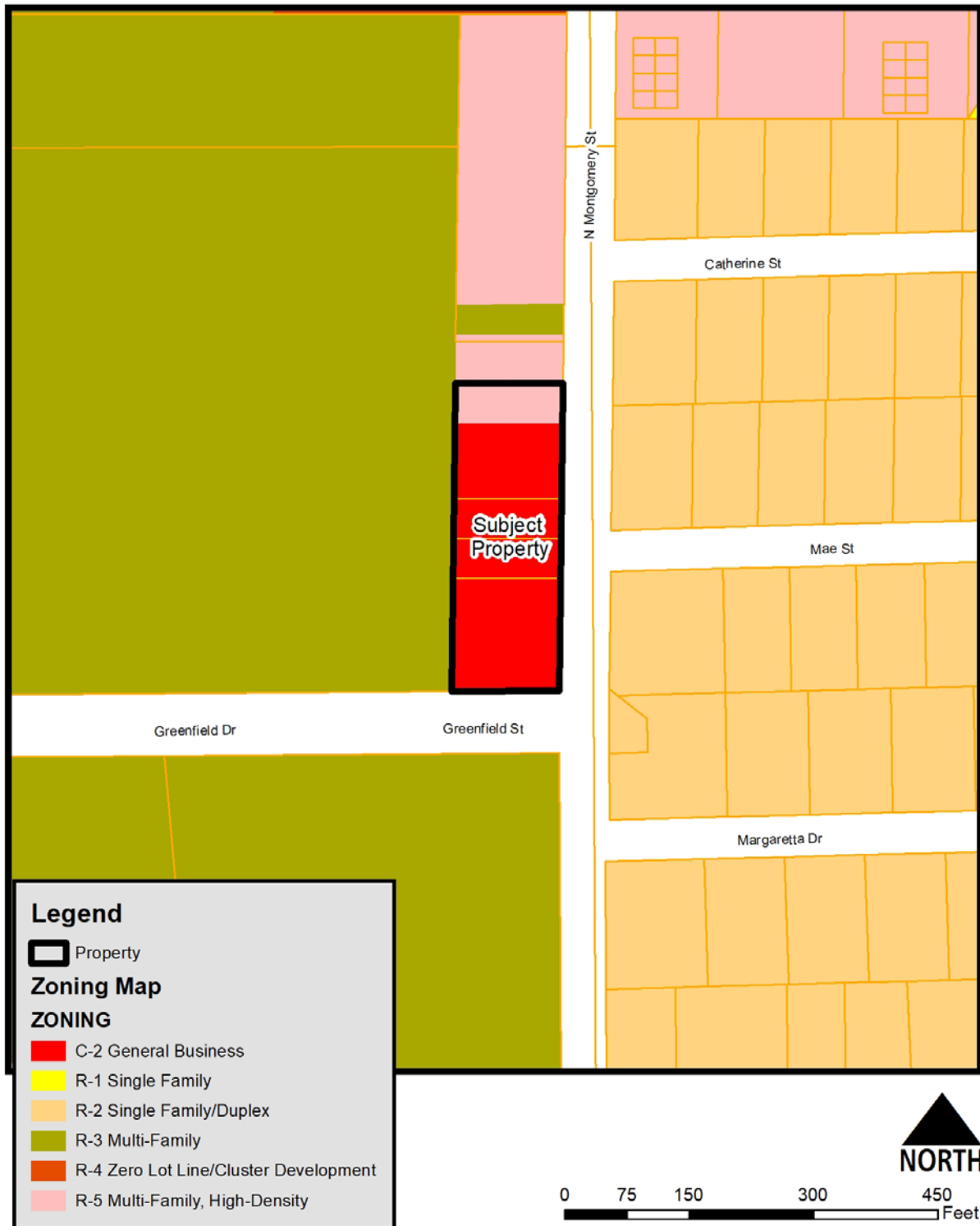
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the 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 18-07 Aerial



Attachment 2 VA 18-07 Zoning



Attachment 3- Site Plan



SHEET NO.
C-03 of 13

PEPPER + WOOTEN
ENGINEERING SURVEYING PLANNING DESIGN
& ASSOCIATES, LLC

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ST. ARBONVILLE, MISSOURI 63779
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TEL: 636. 408-9040
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2



C-04 of 13	SHEET NO.	SITE PLANS ADDITIONS TO ACADIA COURT APARTMENTS STARKVILLE, MISSISSIPPI		PWA PROJECT NO.: 18-004-C DWG. FILE: 18-04 SITE_REV 1.dwg DATE: July 18, 2018 DRAWN BY: JWH	PROJECT TYPE: ZONING PROJECT JURISDICTION: CITY OF STARKVILLE ARCHITECTURAL APPROVAL: N/A	RESIDENTIAL C-2 (GENERAL BUSINESS) CITY OF STARKVILLE N/A	PEPPER + WOOTEN [ENGINEERING • PLANNING • DESIGN & ASSOCIATES, LLC] 1000 UNIVERSITY BLVD., SUITE 300 STARKVILLE, MS 39228-4000 TEL: 662-343-6661 FAX: 662-343-6662 www.pepperwooten.com
		REVISIONS: 07/09/2018 REVISED PER CITY REQUEST FOR A PULP BUILDING	ARCHITECT OF RECORD: GEORGE H. CHANDLER (OTHER CONSULTANTS)	SITE PLAN PER CURRENT ZONING ORDINANCE			