



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
SPECIAL CALL MEETING OF WEDNESDAY, NOVEMBER 07, 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 September 26, 2018
- V. NEW BUSINESS
 - A. VA 18-09 Request by Crosstown Development on behalf of Mike Kraker from front setback requirements for the proposed Cottages of Starkville subdivision located on the north side of Garrard Road +/- 660' west of Old West Point Road in a R-3A zoning district with the parcel number 117C-00-036.01.
- VI. PLANNER REPORT
- VII. ADJOURN

UNAPPROVED

MINUTES OF THE MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS THE CITY OF STARKVILLE, MISSISSIPPI SEPTEMBER 26, 2018

The Board of Adjustments & Appeals held their meeting at 4:00 PM on September 26, 2018, in the Community Development Department at City Hall. Members present were Kim Moreland, Ward 1, Bo Richardson, Ward 3, Robert Camp, Ward 4, Marco Nicovich, Ward 5, and Shawn Sullivan, Ward 7. Absent from the meeting were Jerry Jefferson, Ward 2, and Chairman Bill Webb, Ward 6. Due to the absence of Chairman Bill Webb, Vice Chairman Marco Nicovich acted as Chairman. Attending the Board members were the City Planner Daniel Havelin and Assistant City Planner Emily Corban.

A CONSIDERATION OF THE WRITTEN AGENDA

OFFICIAL AGENDA BOARD OF ADJUSTMENTS & APPEALS CITY OF STARKVILLE, MISSISSIPPI MEETING OF WEDNESDAY, SEPTEMBER 26, 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 August 22, 2018
- V. NEW BUSINESS
 - A. VA 18-08 Request by R.G. Troxel on behalf of Wendelta Property Holdings LLC for a variance from the sidewalk requirements for the Wendy's restaurant located at 100 Highway 12 West with the property number 102A-00-215.00.
 - B. VA 18-09 Request by Game Day Retreats LLC for Variance relief from front set back requirements located at 624 South Montgomery Street in an R-3 zone with the property #102H-00-192.00
- VI. PLANNER REPORT

VII. ADJOURN

The Board considered the matter of approval of the written agenda dated September 26, 2018. Upon the motion of Ms. Moreland, seconded by Mr. Sullivan, the Board voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF
THE MEETING OF AUGUST 22, 2018**

After discussion and upon the motion of Ms. Moreland, duly seconded by Mr. Sullivan, the motion to approve the Minutes of the July 25, 2018 Board of Adjustments and Appeals meeting received unanimous approval.

NEW BUSINESS

**A. CONSIDERATION OF VA 18-08 REQUEST BY R.G. TROXEL ON BEHALF OF
WENDELTA PROPERTY HOLDINGS LLC FOR A VARIANCE FROM THE
SIDEWALK REQUIREMENTS FOR THE WENDY'S RESTAURANT LOCATED AT
100 HIGHWAY 12 WEST WITH THE PROPERTY NUMBER 102A-00-215.00**

City Planner Daniel Havelin introduced the case by explaining that this is a request for a Variance from required sidewalks for the Wendy's restaurant located at 100 Highway 12 West. The applicant recently renovated the restaurant. As part of this project, the Building Department required that ADA compliant sidewalks with connections to the building be installed. The applicant submitted a \$50,000 bond for the sidewalk to obtain a temporary Certificate of Occupancy. The applicant has since requested a variance in place of installing the required sidewalks. 23 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 September 11, 2018 and a sign 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.

Vice Chairman Marco Nicovich opened the public hearing.

Mr. Butch Troxel came forward to speak in favor of the request.

Mr. Joyner Williams, Starkville Head Building Official, came forward to answer questions regarding the bonding of the sidewalk.

Calling for and receiving no other comments, the Acting Board Chair closed the public hearing. After discussion among the Board Members, Ms. Moreland moved to deny the request, which was seconded by Mr. Sullivan, and the Board voted 4-0 to deny VA 18-08.

B. CONSIDERATION OF VA 18-09 REQUEST BY GAME DAY RETREATS LLC FOR VARIANCE RELIEF FROM FRONT SET BACK REQUIREMENTS LOCATED AT 624 SOUTH MONTGOMERY STREET IN AN R-3 ZONE WITH THE PROPERTY #102H-00-192.00

City Planner Daniel Havelin introduced the case by explaining this is a request for a reduction in the front yard setback for phase II of the Sundance Condominiums at 624 South Montgomery St. The applicant is requesting to reduce the front yard setback from 25' to 20'. This would place him 10' behind the southern neighbor's (Windermere) front setback. 32 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 September 11, 2018 and a sign was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one phone call inquiring about this request.

Vice Chairman Marco Nicovich opened the public hearing. Jason Pepper, representing the applicant, 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. Camp moved to approve the request, which was seconded by Ms. Moreland, and the Board voted 4 to 0 to approve VA 18-09.

ADJOURNMENT

After discussion, and upon the motion of Ms. Moreland, duly seconded by Ms. Sullivan, the motion to adjourn until 4:00 p.m. on October 24, 2018 in the second floor conference room located at 110 West Main Street, Starkville MS, was unanimously approved.

Marco Nicovich, Vice Chairman

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 18-10 Request by Crosstown Development on behalf of Mike Kraker from front setback requirements for the proposed Cottages of Starkville subdivision located on the north side of Garrard Road +/- 660' west of Old West Point Road in a R-3A zoning district with the parcel number 117C-00-036.01
Date: November 13, 2018

The purpose of this report is to provide information regarding a Variance Request by Crosstown Development on behalf of Mike Kraker from front setback requirements for the proposed Cottages of Starkville subdivision located on the north side of Garrard Road +/- 660' west of Old West Point Road in a R-3A zoning district with the parcel number 117C-00-036.01. Please see attachments 1- 6.

PROPOSED USE & BACKGROUND:

The applicant is in the process of developing a subdivision off of Garrard Rd. The applicant is requesting relief from front setback requirements in a R-3A zone. The applicant is requesting a front setback of 10 feet in lieu of the 25 feet that is required. The applicant attended a Development Review Committee meeting on September 6, 2018. The Board of Aldermen approved the preliminary plat for the proposed subdivision on September 18, 2018. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 20, 2018 meeting.

NOTIFICATION:

52 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 October 16, 2018 and a sign 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.

VARIANCE REQUESTS FROM:

Sec. R. - R-3A single-family, medium-density.

- A. *Intent. These districts are intended to be composed of single-family dwellings. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring minimum yard and area standards. R-3A zoning districts shall be more restrictive than the R-3 (multi-family) district but less restrictive than the R-1 (single-family) district.*
- B. *Required lot area and width, yards, building areas and height for single-family dwellings: Front setback: 25 feet
Side setback: 5 feet*

Rear setback: 20 feet

Minimum lot area: 5,000 square feet

Minimum width at building line: 50 feet

Maximum building height: 45 feet

C. Off-street parking. A minimum of three off-street parking spaces shall be provided for each dwelling unit.

D. Permitted and conditional uses shall be as follows:

1. The following uses are permitted by right in the R-3A zoning district:

a. Single-family dwelling.

b. Garden.

c. Home occupation.

2. The following uses are allowed by conditional use in the R-3A zoning district:

a. Church or place of worship.

b. Golf course, not including commercial driving ranges; need not be enclosed within structure.

c. Public utilities.

d. Recreational facilities.

E. Comprehensive plan. The R-3A zoning district shall be considered a medium density residential land use classification allowing a maximum gross density of eight dwelling units per acre, as allowed per Table 32 of the city's comprehensive plan.

(Ord. No. 2008-9, § II, 11-4-08)

VARIANCE REQUEST REQUIREMENTS:

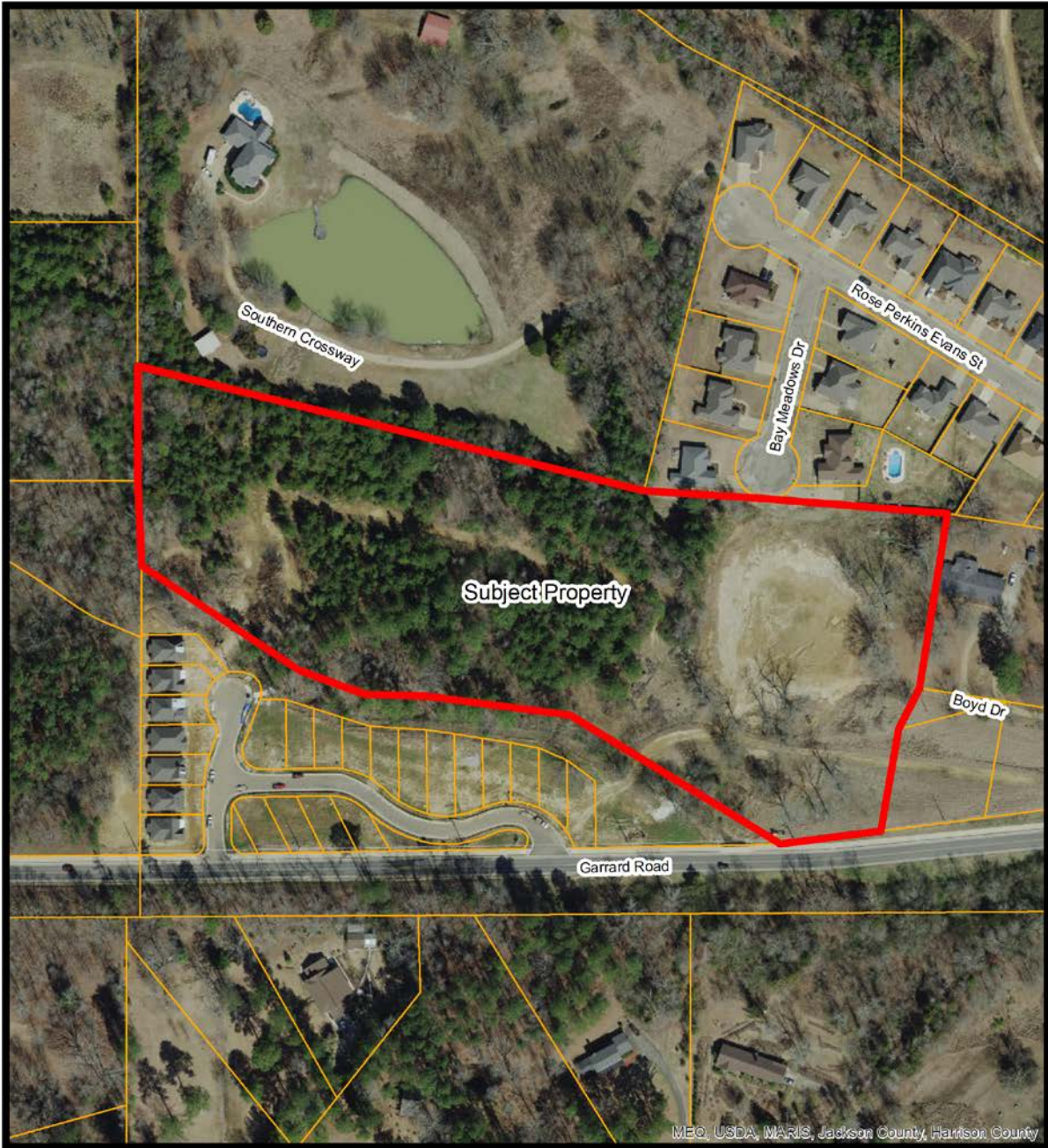
Appendix A, Article VI, Section K outlines four conditions a Variance request needs to meet:

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

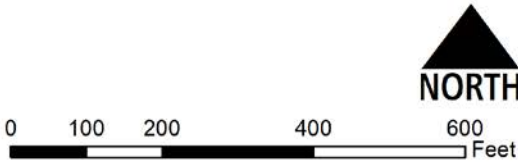
with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. Under no circumstances shall the Board of Adjustments and Appeals grant a variance to permit a use other than a use permitted 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 18-10 Aerial

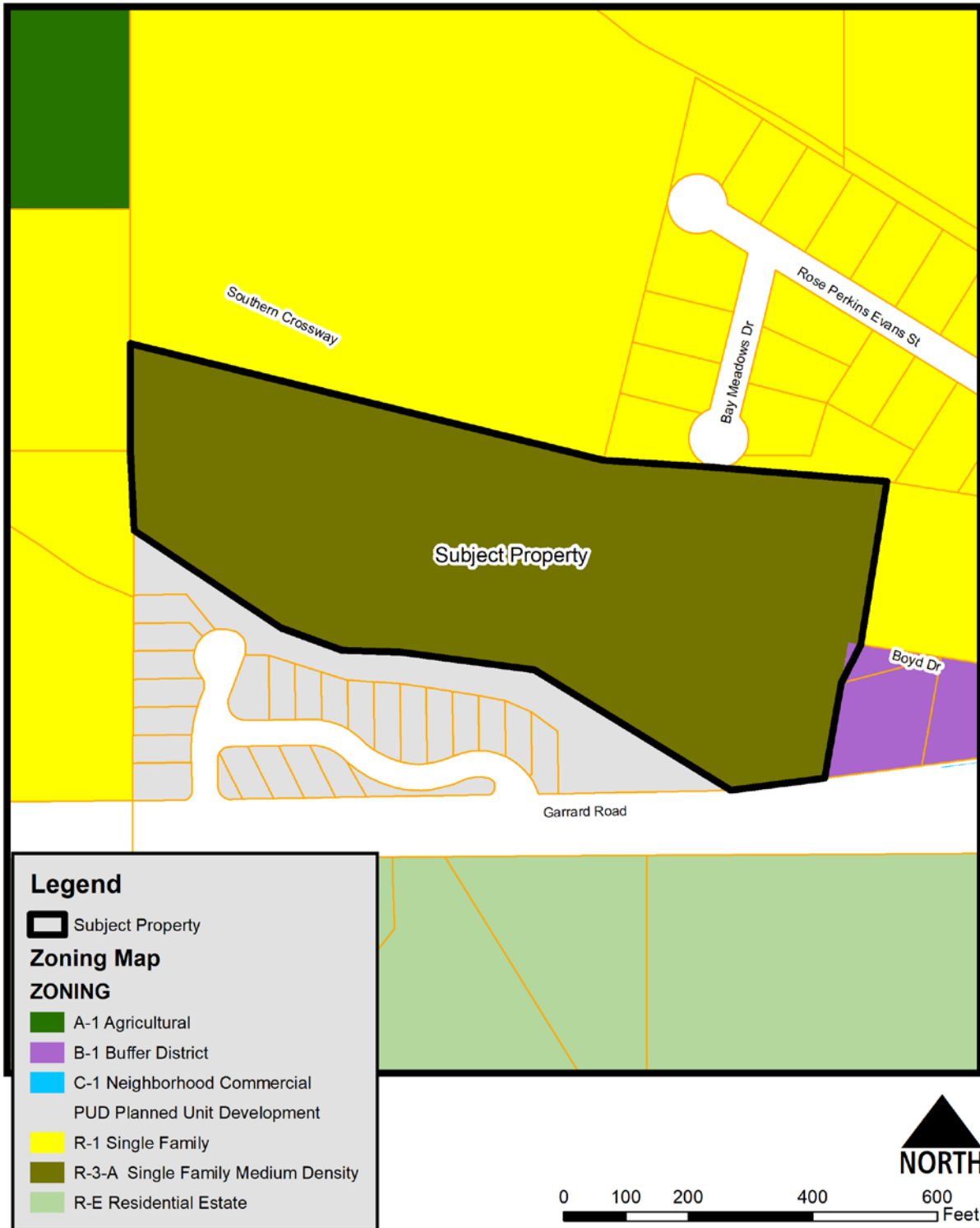


Legend

 Subject Property



Attachment 2
VA 18-10 Zoning



Attachment 3



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: Crosstown Development Phone: (601) 955-4590
Address: P.O. Box 2756, Madison, MS 39130
E-mail address: trey@crosstown.ms todd@crosstown.ms

PROPERTY OWNER INFORMATION

Name: Mike Kraker Phone: (662) 312-5136
Address: 501 South Montgomery St. #19, Starkville, MS 39759
E-mail address: mkraker@bellsouth.net

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

APPLICATION INFORMATION

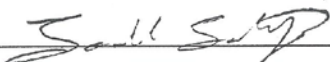
Street Address/Location: _____
Tax Map/Parcel ID Number: 177c-00-036.01 Zoning: _____
Variance Sought: Setback
Dimension Requested: 10' Dimension Required: 25'
Section(s) of the Code of Ordinances from which variance is being sought:

Reason for request:

Our vision for the The Cottages of Starkville is to create a traditional neighborhood feel, complete with front porches and sidewalks. By moving the homes closer to the street, we are able to achieve the architectural look we seek; also, we create parking in the rear of the residences.

Property to the NORTH: Zoning _____ Current Use _____
Property to the EAST: Zoning _____ Current Use _____
Property to the SOUTH: Zoning _____ Current Use _____
Property to the WEST: Zoning _____ Current Use _____

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

Submitted by: Todd Sandridge  Date: 9/17/2018

50' R.O.W. BAY MEADOWS

TOOD MESA

NEEL HETTMAN

SANDRIDGE CIRCLE (50' R.O.W.)

PACE COVE (50' R.O.W.)

DETON

GREEN SPACE

COMMON AREA

CREEKSIDE COVE (R.O.W. VARIES)

GARRARD ROAD (50' R.O.W.)

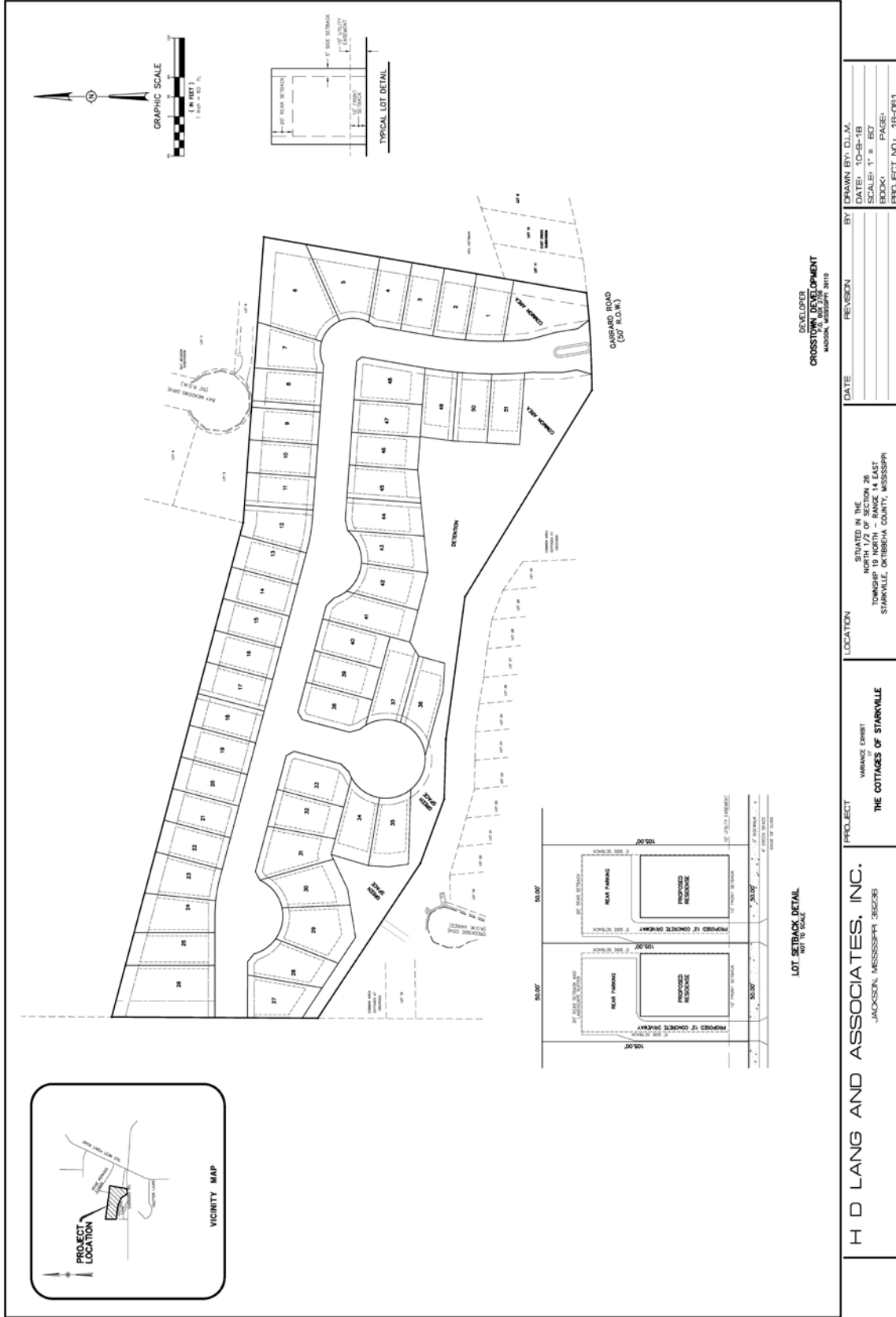
EXISTING 8' SANITARY

EXISTING 12' SANITARY

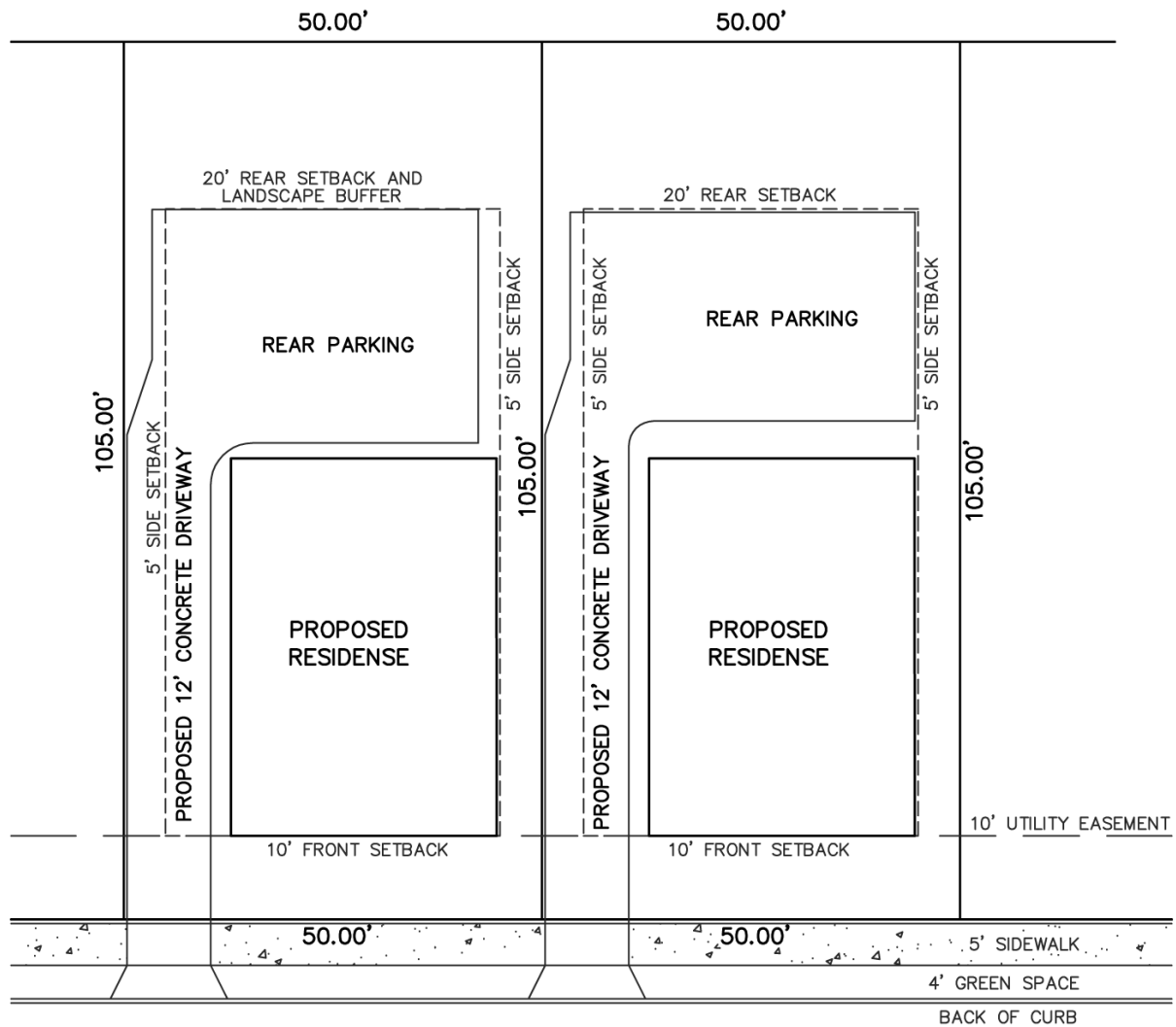
LOT 1 through LOT 50

Various dimensions and bearings are provided for the lot boundaries and easements.

Attachment 5- Proposed Revised Plat with Setbacks



Attachment 6- Site Sketch



LOT SETBACK DETAIL
NOT TO SCALE