



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, NOVEMBER 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 7, 2018
- V. NEW BUSINESS
 - A. VA 18-11 Request by Jason Pepper for Variance relief from sidewalk requirements located at southwest corner of South Jackson Street and Highway 12 in a C-2/R-3 zone with the property #102H-00-019.00, 102H-00-020.00, 102H-00-020.01, 102H-00-023.00, 102H-00-022.00, 102H-00-024.00, 102H-00-025.00, 102H-00-026.00, and 102H-00-021.00.
 - B. VA 18-12 Request by Jason Pepper for Variance relief from front yard and rear yard setback for proposed duplexes to be constructed on two properties located at 314 and 300 Scales Street in an R-2 zone with the property #s 102B-00-051.00 and 102B-00-052.00.
- VI. PLANNER REPORT
- VII. ADJOURN

UNAPPROVED
MINUTES OF THE SPECIAL CALL
MEETING OF THE BOARD OF
ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
NOVEMBER 7, 2018

The Board of Adjustments & Appeals held their meeting at 4:00 PM on November 7, 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 were Robert Camp, Ward 4, and Shawn Sullivan, Ward 7. Attending the Board members was the City Planner Daniel Havelin.

A CONSIDERATION OF THE WRITTEN AGENDA

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

VIII. ADJOURN

The Board considered the matter of approval of the written agenda dated September 26, 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 SEPTEMBER 26, 2018**

After discussion and upon the motion of Mr. Nicovich, seconded by Ms. Moreland, the motion to approve the Minutes of the September 26, 2018 Board of Adjustments and Appeals meeting received unanimous approval.

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.

City Planner Daniel Havelin introduced the case by explaining that this is a request for a Variance from the front setback requirements for a subdivision in an R-3A zone located on the north side of Garrard Road. The setback reduction request is from 25 feet to 10 feet. Parking will be located along the side and rear of the lot. 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.

Chairman Bill Webb opened the public hearing. Calling for and receiving no comments, the Chairman closed the public hearing. After discussion among the Board Members, Ms. Moreland moved to approve the request, which was seconded by Mr. Richardson, and the Board voted 4-0 to approve VA 18-09.

ADJOURNMENT

After discussion, the Board adjourn until 4:00 p.m. on November 28, 2018 in the second floor conference room located at 110 West Main Street, Starkville, MS.

Bill Webb, 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 18-11 Request by Jason Pepper for Variance relief from sidewalk requirements located at southwest corner of South Jackson Street and Highway 12 in a C-2/R-3 zone with the property #'s 102H-00-019.00, 102H-00-020.00, 102H-00-020.01, 102H-00-023.00, 102H-00-022.00, 102H-00-024.00, 102H-00-025.00, 102H-00-026.00, and 102H-00-021.00
Date: November 28, 2018

The purpose of this report is to provide information regarding a Variance Request by Jason Pepper on behalf of 4/JI LP, Josey, Joel D. & Little, Reginald B. and Josey, and Joel D. et al for a variance from the sidewalk requirements located at the southwest corner of South Jackson Street and Highway 12 in a C-2/R-3 zone with the property #'s 102H-00-019.00, 102H-00-020.00, 102H-00-020.01, 102H-00-023.00, 102H-00-022.00, 102H-00-024.00, 102H-00-025.00, 102H-00-026.00, and 102H-00-021.00. Please see attachments 1- 4.

PROPOSED USE & BACKGROUND:

This is a request to change the requirement that the "record owner of property" be required to construct sidewalks after subdividing the property. The request is to place the responsibility for constructing all required sidewalks on Lot 2 on the future developer of Lot 2. The sidewalks required for Lot 1 will be constructed by the record owner. The applicant is requesting relief from Section 98-53. The applicant attended a Development Review Committee meeting on October 4, 2018 to discuss the Preliminary Plat application. On November 13, 2018 the Planning and Zoning Commission recommended approval of the Preliminary Plat and the Rezoning of 3 lots from R-3 to C-2. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the December 4, 2018 meeting.

NOTIFICATION:

54 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 November 6, 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.

VARIANCE REQUESTS FROM:

Sec. 98-53. - Permit requirement and installation.

- (1) Within all newly platted single-family residential subdivision developments and commercial subdivision developments, sidewalks shall be shown on all subdivision plans and plats and installation shall be required in the following manner:
 - (a) On developed lots, sidewalks shall be completed prior to the issuance of either a certificate of occupancy or certificate of completion for each individual lot, and
 - (b) All required sidewalks on undeveloped lots shall be completed by the record owner of property within two years of the acceptance of infrastructure facilities and roadways by the city. Should the owner refuse to complete the sidewalk installation, the city shall perform the remaining improvements and shall levy and collect taxes by special assessment in accordance with state statute.
- (3) Any property outside the sidewalk development area, as identified in this article, that is in the process of being developed or for which the developer is currently in the process of obtaining a building permit, shall be exempted from the requirements of the existing ordinance during the 30-day time period from the date of passage of this article to its effective date.

Sidewalks are required within all new subdivisions; however, those subdivisions occurring outside of the City of Starkville Sidewalk Development Area are required only to provide internal sidewalks and not connections to adjacent properties with no sidewalks. In the event that sidewalks exist adjacent to a new subdivision outside of the sidewalk development area, connections must be made from the subdivision to the existing system. Developments within the sidewalk development area shall provide sidewalk connection to adjacent, undeveloped property or properties and any adjacent, existing sidewalk.

- (2) For all other new development projects, or construction improvements equating to or greater than \$100,000.00 and where the cost of sidewalk installation does not exceed ten percent of the total construction improvement cost, and located within the City of Starkville Sidewalk Development Area, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a certificate of occupancy. Provided, however, that this specific provision does not apply to single family residential development projects and development projects in agricultural zoned areas, when those two categories of development projects are not otherwise affected by additional sections of this article. Developments shall provide sidewalk connection from lot line to lot line, to adjacent, undeveloped property or properties and any adjacent, existing sidewalk. Builders putting up new houses or improving residential structures on existing lots in existing subdivisions with public streets which were accepted by the city prior to the sidewalk ordinance shall not be required to install sidewalks.
- (3) For all new buildings and new roadway infrastructure developed by the city, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a certificate of occupancy. For all improvements to municipal buildings, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a certificate of occupancy.
- (4) The city will maintain a line item in the city's budget and that budget shall be dedicated to the installation of sidewalks conforming to the standards and requirements of this article and in conjunction with the city improvements to arterial, major, and collector streets as defined by the comprehensive plan. These sidewalks shall be constructed in

conjunction with the roadway improvements where this budget amount and existing right-of-way allow. For city improvements to arterial, major, and collector streets as defined by the comprehensive plan where non-conforming sidewalks currently exist, the installation of sidewalks conforming to the standards and requirements of this article shall be required prior to a final inspection where this budget amount and existing right-of-way allow.

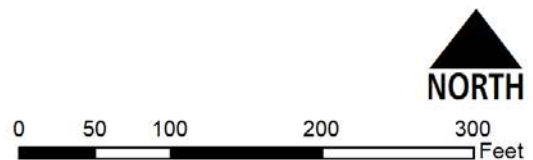
VARIANCE REQUEST REQUIREMENTS:

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

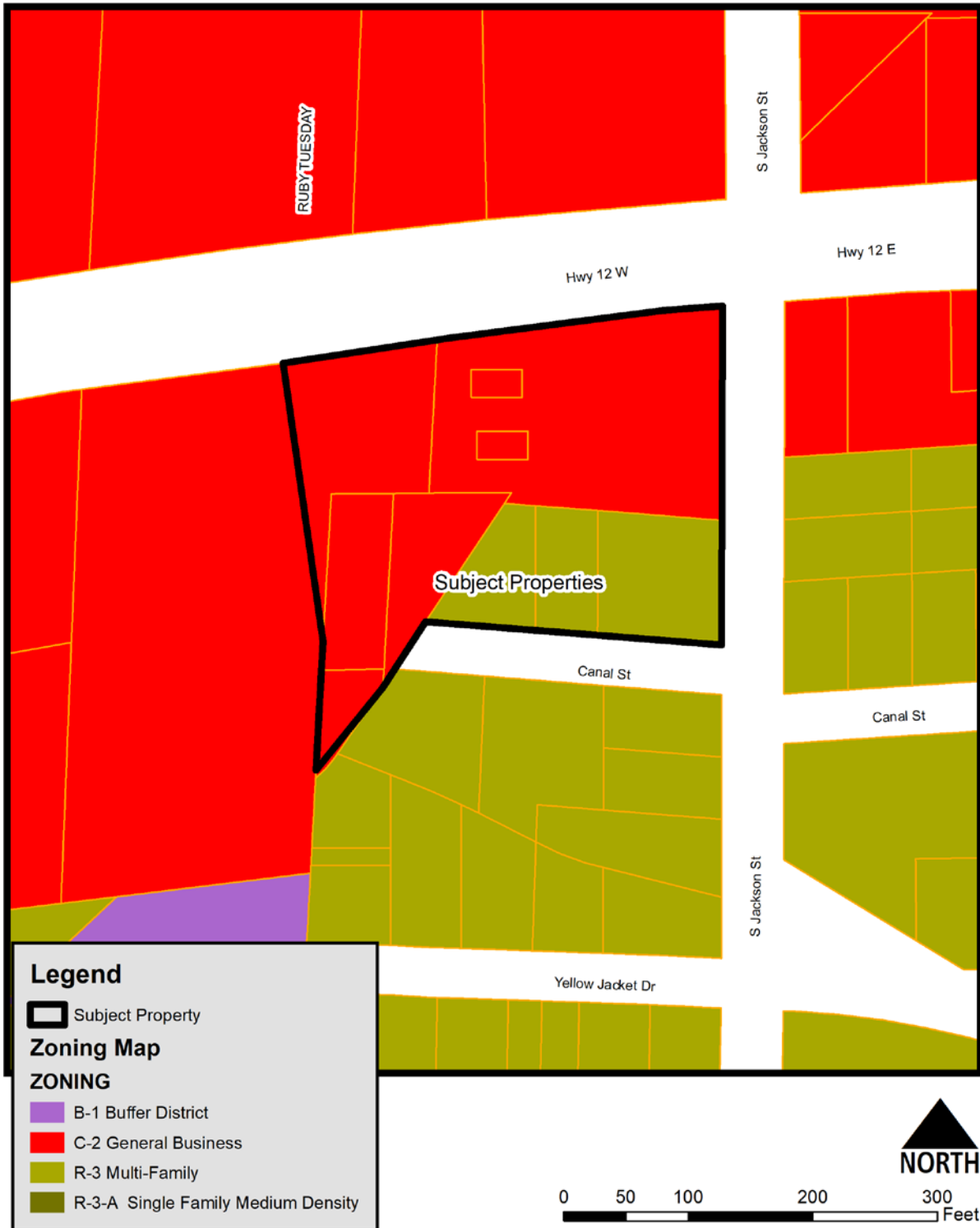
To authorize an appeal in specific cases, such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the 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 18-11 Aerial



Attachment 2 VA 18-11 Zoning



[illegible]

LEE'S OF STARKVILLE, INC.
DEED BOOK 2011, PAGE 6306
LOT 31-D
BLOCK 39-B

Attachment 4- Applicant Statement

Section of the Code of Ordinances from which variance is being sought:

Sec. 98-53. - Permit requirement and installation.

(b)

All required sidewalks on undeveloped lots shall be completed by the record owner of property within two years of the acceptance of infrastructure facilities and roadways by the city. Should the owner refuse to complete the sidewalk installation, the city shall perform the remaining improvements and shall levy and collect taxes by special assessment in accordance with state statute.

Request:

Amend the above ordinance to allow a change from “record owner of property” being required to complete sidewalks and allow the developer of the property to be responsible for sidewalk construction prior to a certificate of occupancy being issued for the new development.

Reason for Request:

Any sidewalk built on Lot 2 would most likely have to be removed during development of the Lot.



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 18-12 Request by Jason Pepper for Variance relief from front yard and rear yard setback for proposed duplexes to be constructed on two properties located at 314 and 300 Scales Street in an R-2 zone with the property #s 102B-00-051.00 and 102B-00-052.00
Date: November 28, 2018

The purpose of this report is to provide information regarding a Variance Request by Jason Pepper for Variance relief from front yard and rear yard setback for proposed duplexes to be constructed on two properties located at 314 and 300 Scales Street in an R-2 zone with the property #s 102B-00-051.00 and 102B-00-052.00. Please see attachments 1- 4.

PROPOSED USE & BACKGROUND:

The applicant is requesting a variance to allow for a reduction in the front yard and rear yard setback for proposed duplexes to be constructed on two properties along Louisville and Scales Street. The two lots are being proposed to be subdivided into 5 lots. The request is to reduce the front setback from 25 feet to 10 feet for all proposed lots. The request is also to reduce the rear setback of proposed lot 5 from 35 feet to 15 feet. The applicant attended a Development Review Committee meeting on October 25, 2018. City staff requested that there be no access drives on Louisville St. in order to prevent traffic back-up at the intersection and that the Scales St. entrance be primarily right-in only to alleviate traffic back up on Scales St. in a westerly direction. The Planning and Zoning Commission tabled the conditional use request for duplexes at the November 13, 2018 meeting so that the applicant could attend the Board of Adjustments and Appeals meeting to discuss the variance request. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the January 1, 2019 meeting.

NOTIFICATION:

28 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 15, 2018 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received 1 in person visit against the request and 1 letter against the request (see attachment 4).

VARIANCE REQUESTS FROM:

1. Appendix A. Article VII. District Regulations. Sec. D. R-2 zoning regulations

These [R-2 residential] districts are intended to be composed of higher density single-family residential properties and, under special conditions, duplexes, along with appropriate neighborhood support facilities, with their character protected by requiring certain minimum yard and area standards to be met. [The following regulations apply to R-2 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: 7,500 square feet.
 - (b) Minimum lot width at the building line: 60 feet.
 - (c) Minimum depth of front yard: 25 feet.
 - (d) Minimum depth of rear yard: 35 feet.
 - (e) Minimum width of each side yard: 7½ feet.
 - (f) Maximum height of structure: 45 feet.
4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

VARIANCE REQUEST REQUIREMENTS:

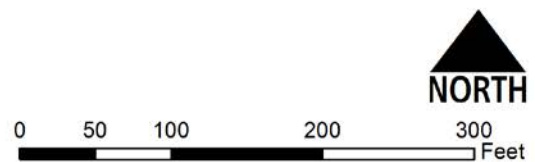
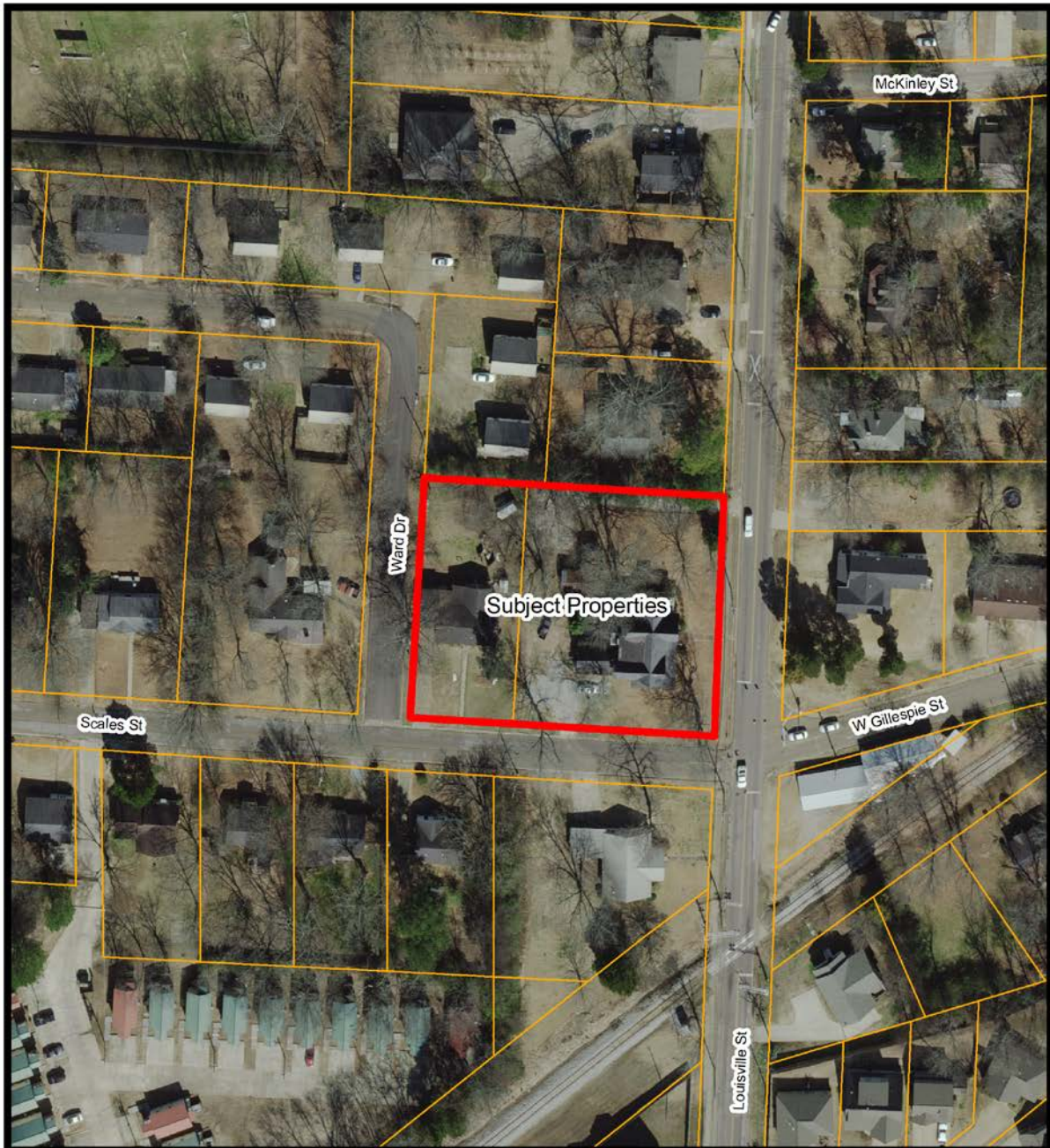
Appendix A, Article VI, Section K outlines four conditions a Variance request needs to meet:

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:

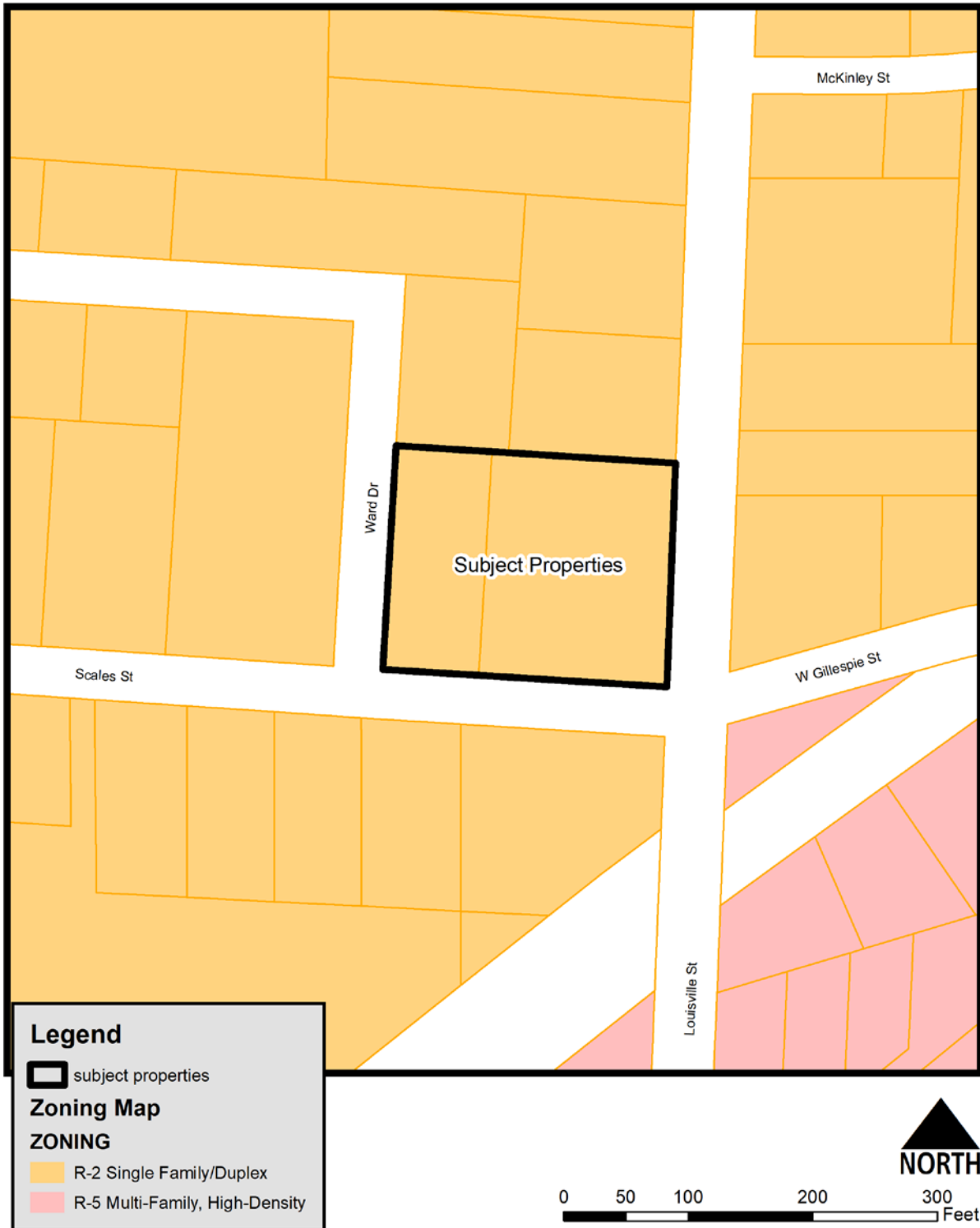
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and the same conditions are not applicable to other land, structures, and buildings in the same district.
2. That literal interpretation of the provisions of this ordinance would deprive 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 18-12 Aerial



Attachment 2 VA 18-12 Zoning



Attachment 3- 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: (662) 418-5942
Address: 843 Hwy 12 W #180
E-mail address: jasonpepper@peppersurveying.com

PROPERTY OWNER INFORMATION

Name: Fowler Construction, LLC Phone: (662) 832-7256
Address: _____
E-mail address: brent@fowlerconstruction.net

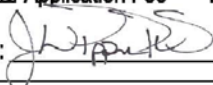
If different from applicant, please attach notarized letter of authorization.

APPLICATION INFORMATION

Street Address/Location: 314 Scales Street/300 Scales Street
Tax Map/Parcel ID Number: 102B-00-051.00/052.00 Zoning: R-2
Variance Sought: See Attachment
Dimension Requested: See Attachment Dimension Required: See Attachment
Section(s) of the Code of Ordinances from which variance is being sought:
See Attachment
Reason for request:
See Attachment

Property to the NORTH: Zoning R-2 Current Use Residential/Rental
Property to the EAST: Zoning R-2 Current Use Residential/Rental
Property to the SOUTH: Zoning R-2 Current Use Residential/Rental/Owner Occupied
Property to the WEST: Zoning R-2 Current Use Residential/Rental

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

Submitted by:  Date: 10/29/2018

Variance Sought: Reduction of Front Yard Minimum Depth from 25 feet to 10 feet on all lots.
 Reduction of Rear Yard Minimum Depth from 35 feet to 15 feet on Lot 5 only.

Section of Code of Ordinances from which variance is being sought:

ARTICLE VII. - DISTRICT REGULATIONS

Sec. D. - R-2 residential zoning regulations.

These R-2 residential districts are intended to be composed of higher density single-family residential properties and, under special conditions, duplexes, along with appropriate neighborhood support facilities, with their character protected by requiring certain minimum yard and area standards to be met. The following regulations apply to R-2 districts:

3. Required lot area and width, yards, building areas and height for residences:

(a) Minimum lot area: 7,500 square feet.

(b) Minimum lot width at the building line: 60 feet.

(c) Minimum depth of front yard: 25 feet.

(d) Minimum depth of rear yard: 35 feet.

(e) Minimum width of each side yard: 7½ feet.

(f) Maximum height of structure: 45 feet

Reason for Request:

In order to not have driveway connections for each lot, nor a driveway connection onto Louisville Street (as requested by City Staff), a request is being made to reduce certain setbacks so parking can be placed in the rear of the proposed buildings and the driveway connection be placed on Scales Street.



Attachment 4- Letter Against *Starkville Central Neighborhood Foundation*

Encouraging people to live, work & play in Starkville's historic neighborhoods.

November 19, 2018

City of Starkville Board of Adjustments and Appeals Members
110 W. Main Street
Starkville, MS 39759

Dear Starkville Board of Adjustments and Appeals Members,

The Starkville Central Neighborhood Foundation (SCNF) is a membership-based organization that was founded in 2004 and promotes, supports, and engages in the improvement and preservation of Starkville's traditional neighborhoods. Specifically, the SCNF is concerned with the historic homes and neighborhoods of central Starkville, including the Greensboro, Overstreet, Downtown, and Nash Street National Register Districts.

On behalf of the SCNF Board of Directors, I am writing to express our opposition to the variance request associated with the parcels located at 314 Louisville Street and 300 Scales Street (VA 18-12). The SCNF feels that it is extremely important that new development in our traditional neighborhoods add to the fabric and character of the existing neighborhoods and not detract from the area.

Unfortunately, based on the proposed site plan (*see attachment 1*) and associated variances, the resulting development would allow for a development pattern and style that is out of context for the area and injurious to the neighborhood. Specifically, the reduction of the front yard setback from 25 feet to 10 feet on all lots would result in a pattern that is inconsistent with all existing buildings along Louisville and Scales Street. The average setbacks for buildings along Louisville and Gillespie/Scales Street is approximately 35 feet. Allowing for buildings (especially buildings of the proposed size) to have a minimum setback of only 10 feet would be extremely out of context for the area (*see attachment 2*).

In addition to resulting in a development pattern that is out of context for the neighborhood, we believe that this variance application does not meet the standards for considering a variance as outlined in the City of Starkville's Code of Ordinance. Specifically:

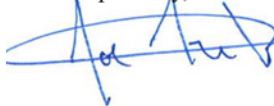
1. *Existence of special conditions or circumstances.* There are **no** special conditions or circumstances related to the land, buildings or structure;
2. *Conditions not created by applicant.* The conditions for the variance request is a result of the applicants' decision to locate five (5) duplex buildings on the site; and
3. *Hardship conditions exist.* **No hardship exists for the variance** and literal interpretation of the provisions of the land development regulations would not deprive the applicant of rights enjoyed by other properties in similar zoning district.

Finally, the granting of this variance to reduce the front yard setback would set a precedent and open the door to other property owners within the area to request similar variances. This would have the effect of damaging the historic character that exists in the neighborhood.

We respectfully ask that you deny this variance request due to the fact that it does not meet the standards for considering a variance and to ensure that we do not allow a development pattern and style that is out of context for the area.

Thank you for your consideration regarding this extremely important matter.

Respectfully,



Joseph N. Fratesi
President



Attachment 2

