

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
NOVEMBER 28, 2018**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on November 28, 2018, in the Community Development Department at City Hall. Members present were Kim Moreland, Ward 1, Jerry Jefferson, Ward 2, Bo Richardson, Ward 3, Robert Camp, Ward 4, Chairman Bill Webb, Ward 6, and Shawn Sullivan, Ward 7. Absent from the meeting was Marco Nicovich, Ward 5. Attending the Board members was 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
SPECIAL CALL 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 a R-2 zone with the property #s 102B-00-051.00 and 102B-00-052.00.

VI. PLANNER REPORT

VII. ADJOURN

The Board considered the matter of approval of the written agenda dated November 28, 2018. Upon the motion of Ms. Moreland seconded by Mr. Jefferson, the Board voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF
THE MEETING OF NOVEMBER 7, 2018**

After discussion and upon the motion of Ms. Moreland, seconded by Mr. Jefferson, the motion to approve the Minutes of the November 7, 2018 Board of Adjustments and Appeals meeting received unanimous approval.

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.**

City Planner Daniel Havelin introduced the case by explaining that 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.

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 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.

Chairman Bill Webb opened the public hearing. Jason Pepper came forward to speak in favor of the request. Calling for and receiving no comments, the Chairman closed the public hearing. After discussion among the Board Members, Mr. Sullivan moved to approve the request, which was seconded by Ms. Moreland, and the Board voted 5 to 0 to approve VA 18-11.

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.

Board Member, Robert Camp, recused himself from the discussion and vote for VA 18-12. City Planner Daniel Havelin introduced the case by explaining that 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 with a duplex from each lot. 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 Board was informed that 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. The Conditional Use request is dependent on the site plan. The Commission tabled the issue due to the site plan showing the reduced setback. The Commission felt that approval of the request would approve the setback variance.

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 sign 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). 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 depending the outcome of the Conditional Use request.

Chairman Bill Webb opened the public hearing. Joe Fratesi came forward to speak against the Request. George Dunn came forward to speak against the request. Lynn Infanger came forward to express her concern regarding keeping trees on the property but didn't state whether she was for or against the request. Jason Pepper came forward to speak in favor of the request.

Calling for and receiving no additional comments, the Chairman moved into

discussion among the Board Members. Mr. Sullivan moved to deny the request, which was seconded by Mr. Webb, and the Board voted 4 to 1 to deny VA 18-12.

ADJOURNMENT

After discussion, Ms. Moreland moved to adjourn which was seconded by Mr. Jefferson, and the Board voted unanimously to adjourn until 4:00 p.m. on December 19, 2018 in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Bill Webb, Chairman

Daniel Havelin, City Planner