



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
SPECIAL CALL MEETING OF WEDNESDAY, JANUARY 2, 2019
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 28, 2018
- V. NEW BUSINESS
 - A. VA 19-01 REQUEST BY RYAN ASHFORD ON BEHALF OF PETERS ROCK TEMPLE TO ALLOW FOR A SIDEWALK VARIANCE AT 223 DR. MARTIN LUTHER KING DRIVE WEST WITH THE PROPERTY NUMBERS 118O-00-158.00 AND 118O-00-156.00.
 - B. CONSIDERATION OF THE 2019 BOARD OF ADJUSTMENTS AND APPEALS MEETING SCHEDULE
- VI. PLANNER REPORT
- VII. ADJOURN

UNAPPROVED

**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



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 19-01 Request by Ryan Ashford on behalf of Peters Rock Temple to allow for a sidewalk variance at 223 Dr. Martin Luther King Drive West with the property numbers 118O-00-158.00 and 118O-00-156.00.
Date: January 2, 2019

The purpose of this report is to provide information regarding Variance Request by Ryan Ashford on behalf of Peters Rock Temple to allow for a sidewalk variance at 223 Dr. Martin Luther King Drive West with the property numbers 118O-00-158.00 and 118O-00-156.00. Please see attachments 1-4.

PROPOSED USE & BACKGROUND:

Peters Rock Temple is in the process of adding a new addition and parking to the existing building. The original site plan showed a sidewalk along the south side of Highway 182. After construction began, it was determined by the applicant after discussion with MDOT that constructing the sidewalk from property line to property line was not feasible. The applicant is requesting to construct a sidewalk from the eastern property line to the eastern edge of the west entrance drive. This request is for relief from Chapter 98, Article III, Section 98-54. The applicant attended a Development Review Committee meeting on November 28, 2018 to modify the approved site plan. The applicant received an exception from sign requirements from the Planning and Zoning Commission on July 10, 2018. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the January 15, 2019 meeting.

NOTIFICATION:

29 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 December 8, 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 regarding this request.

VARIANCE REQUESTS FROM:

1. Sec. 98-64. -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.*

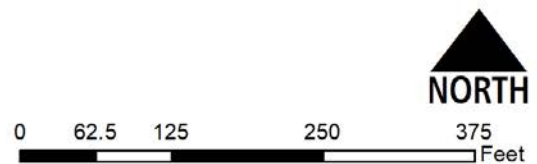
VARIANCE REQUEST REQUIREMENTS:

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

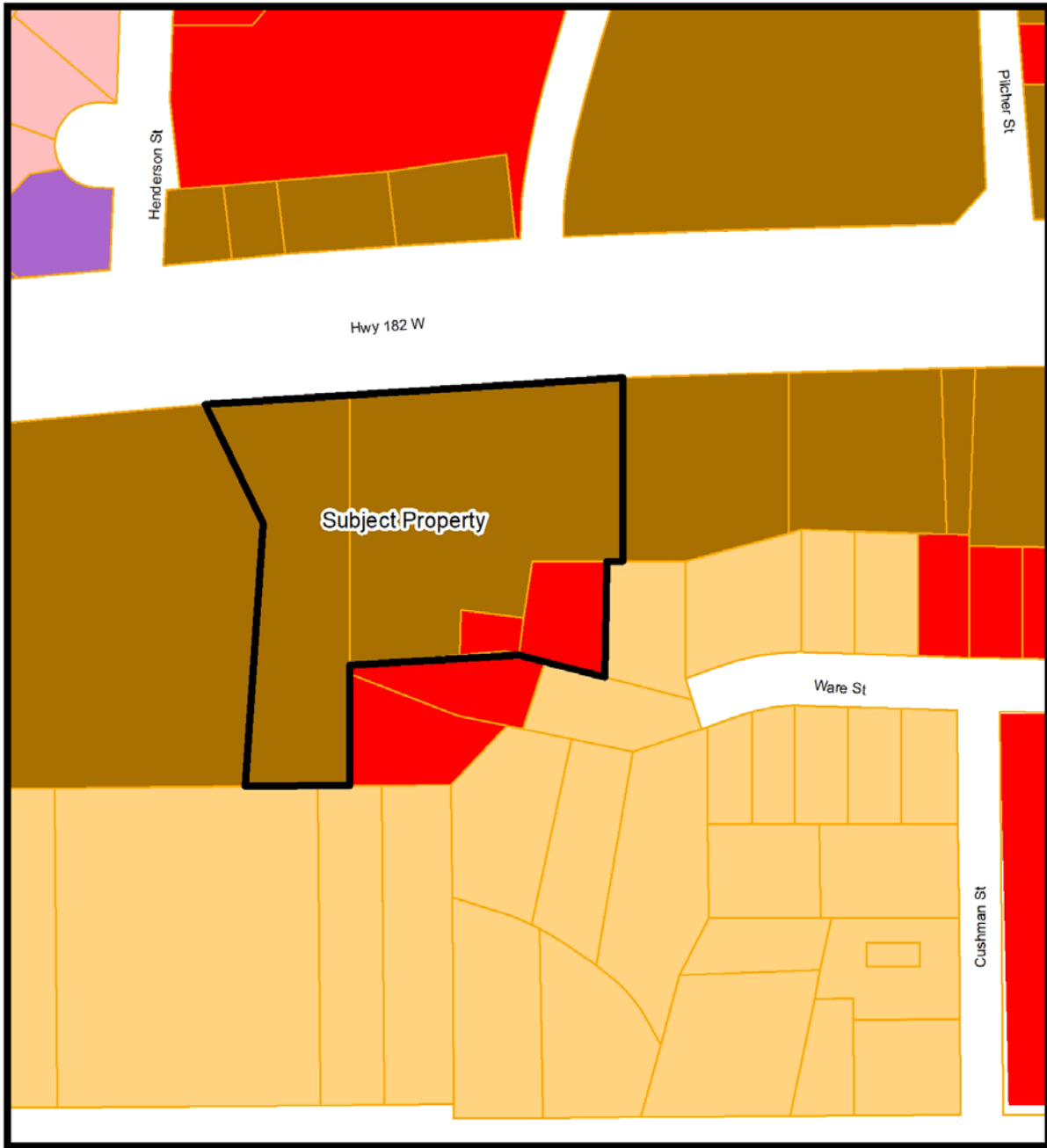
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the 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 19-01 Aerial

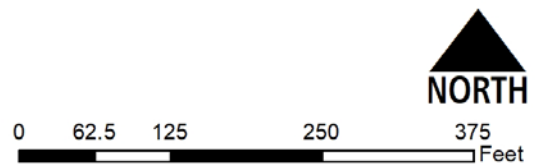


Attachment 2
VA 19-01 Zoning



Legend

 subject property



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: Pastor Michael Jones/Ryan Ashford Phone: (662) 323-5119 ;662.425.3481
Address: 223 Dr. Martin Luther King Drive West
E-mail address: petersrocktemple@bellsouth.net/ashfordr1@gmail.com

PROPERTY OWNER INFORMATION

Name: Peter's Rock Temple /Michael Jones Phone: (662) 323-5119
Address: 223 Dr. Martin Luther King Drive West, Starkville, MS 39759
E-mail address: petersrocktemple@bellsouth.net

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

APPLICATION INFORMATION

Street Address/Location: 223 MLK Jr. Drive West, Starkville, MS 39759
Tax Map/Parcel ID Number: 1180-00-158.00/1180-00-156 Zoning: T5 
Variance Sought: Con ditional
Dimension Requested: _____ Dimension Required: _____
Section(s) of the Code of Ordinances from which variance is being sought:

Reason for request:

To omit the sidewalk along the South side of Hwy 182 because there is already one continuous sidewalk along the North side of Hwy 182. Also MDOT recommends omitting it due to a large drainage ditch & culvert that runs under Hwy 182 and it will require a bridge to cross over it.

Property to the NORTH: Zoning T5  Current Use Automobile Shop
Property to the EAST: Zoning T5  Current Use Peter's Rock Activity Center
Property to the SOUTH: Zoning . Current Use Residential Homes
Property to the WEST: Zoning T5  Current Use Vacant Land

☒ Application Fee ☐ Legal Description

☐ Notarized Owner Authorization

Submitted by: Ryan Ashford

Date: 11/28/18

Unapproved Site Plan



Sidewalk to be built

Sidewalk requesting to not be built



Board of Adjustments & Appeals

2019 Public Meeting Schedule

Advertised Submittal Deadline	Non-Advertised Submittal Deadline	Public Meeting Date
December 25, 2018	January 8, 2019	January 23, 2019
January 29, 2019	February 12, 2019	February 27, 2019
February 26, 2019	March 12, 2019	March 27, 2019
March 26, 2019	April 9, 2019	April 24, 2019
April 23, 2019	May 7, 2019	May 22, 2019
May 28, 2019	June 12, 2019	June 26, 2019
June 25, 2019	July 10, 2019	July 24, 2019
July 30, 2019	August 13, 2019	August 28, 2019
August 27, 2019	September 10, 2019	September 25, 2019
September 24, 2019	October 8, 2019	October 23, 2019
October 30, 2019	November 12, 2019	November 27, 2019
November 19, 2019	December 3, 2019	December 18, 2019
December 24, 2019	January 7, 2020	January 22, 2020

Advertised items, such as variances, require advertisement, notification, and posting

Non-Advertised items, such as appeals, do NOT require advertisements

Meetings begin at 4:00 pm in the Community Development on the 2nd floor at City Hall located at 110 West Main Street