



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, FEBRUARY 27, 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 JANUARY 23, 2019
- V. NEW BUSINESS
 - A. VA 19-02 REQUEST BY TEP STARKVILLE, LLC TO ALLOW REDUCTION IN FRONT SETBACKS FOR A MIXED USE DEVELOPMENT LOCATED APPROXIMATELY 360' SOUTHEAST OF THE CENTER OF THE INTERSECTION OF HIGHWAY 12 EAST AND PAT STATION ROAD DIRECTLY EAST OF THE LA QUINTA INN WITH THE PARCEL # 117-25-021.00
 - B. VA 19-03 REQUEST BY CYNTHIA HOOD ON BEHALF OF LINDSEY WARNER TO ALLOW A SIGN WITHIN FIVE FEET OF THE PROPERTY LINE LOCATED 303 HOSPITAL ROAD IN A C-1 ZONE WITH THE PARCEL # 118J-00-042.00
 - C. VA 19-04 REQUEST BY NEIL COUVILLION FOR A VARIANCE FROM FRONT SETBACK REQUIREMENTS FOR A PROPOSED SINGLE FAMILY HOME IN AN R-5 ZONE LOCATED AT 105 GILLESPIE ST WITH THE PARCEL # 102A-00-196.00
 - D. VA 19-05 REQUEST BY BALTON SIGN CO. ON BEHALF OF JOE DUNLAP FROM WALL SIGN SIZE REQUIREMENTS FOR GATEWAY TIRE LOCATED AT 1301 STARK ROAD WITH THE PARCEL # 103H-00-016.07
- VI. PLANNER REPORT
- VII. ADJOURN

**UNAPPROVED
MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
JANUARY 23, 2019**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on January 23, 2019, in the Community Development Department at City Hall. Members present were Kim Moreland, Ward 1, Jerry Jefferson, Ward 2, Robert Camp, Ward 4, Chairman Bill Webb, Ward 5. Absent from the meeting was Bo Richardson, Ward 3, Marco Nicovich, Ward 6, and Shawn Sullivan, Ward 7. Attending the Board members were 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, JANUARY 23, 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 January 2, 2019
- V. NEW BUSINESS
 - A. VA 19-02 REQUEST BY TEP STARKVILLE, LLC TO ALLOW REDUCTION IN FRONT SETBACKS FOR A MIXED USE DEVELOPMENT LOCATED APPROXIMATELY 360' SOUTHEAST OF THE CENTER OF THE INTERSECTION OF HIGHWAY 12 EAST AND PAT STATION ROAD DIRECTLY EAST OF THE LA QUINTA INN WITH THE PARCEL # 117-25-021.00
- VI. PLANNER REPORT
- VII. ADJOURN

The Board considered the matter of the approval of the written agenda dated January 23, 2019. 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 JANUARY 2, 2019

After discussion and upon the motion of Ms. Moreland, seconded by Mr. Camp, the motion to approve the Minutes of the January 2, 2019 Board of Adjustments and Appeals meeting received unanimous approval.

NEW BUSINESS

- A. VA 19-02 REQUEST BY TEP STARKVILLE, LLC TO ALLOW REDUCTION IN FRONT SETBACKS FOR A MIXED USE DEVELOPMENT LOCATED APPROXIMATELY 360' SOUTHEAST OF THE CENTER OF THE INTERSECTION OF HIGHWAY 12 EAST AND PAT STATION ROAD DIRECTLY EAST OF THE LA QUINTA INN WITH THE PARCEL NUMBERS 117-25-021.00

The Chairman indicated that there was no applicant present for the public hearing and entertained a motion to table the item until the next meeting. After discussion among the Board Members, Ms. Moreland moved to table the request, which was seconded by Mr. Camp, and the Board voted 4 to 0 to table the item until the next meeting.

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 February 27, 2019 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 19-02 Request by TEP Starkville LLC for Variance relief from front setback requirements on two properties located approximately 360' southeast of the center of the intersection of Highway 12 East and Pat Station Road directly east of the La Quinta Inn in a C-2 and R-5 zoning district with the property #117-25-021.00
Date: February 27, 2019

The purpose of this report is to provide information regarding the variance request by TEP Starkville LLC for a front setback variance on two properties located approximately 360' southeast of the center of the intersection of Highway 12 East and Pat Station Road directly east of the La Quinta Inn in a C-2 and R-5 zoning district with the property #117-25-021.00. Please see attachments 1- 4.

PROPOSED USE & BACKGROUND:

TEP Starkville, LLC is in the process of developing a mixed use development on the site. The development consists of two parcels. Parcel 1 will be a multi-family development and parcel 2 will be a mixed use development with commercial and multi-family residential. In order to achieve the proposed site plan, a front setback variance from the proposed new road will be required. The requested variance on parcel 2 is to reduce the front setback requirement from 20' to 10'. The requested variance on parcel 1 is to reduce the front setback requirement from 25' to 10'. The applicant is requesting relief from Appendix A-Zoning, Article VII. - District Regulations, Section G. (3) and Section L (4). The applicant attended a Development Review Committee meeting on November 8, 2018. In addition to the request, the Applicant has been approved for a Preliminary Plat and Rezoning for the site by the Board of Aldermen. There is a pending Conditional Use request for mixed use (commercial/residential) on parcel 1 scheduled to be heard by the Board of Aldermen on February 5, 2019. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the February 5, 2019 meeting.

NOTIFICATION:

8 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 24, 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 requesting information about the request.

VARIANCE REQUESTS FROM:

Sec. L. - C-2 business (general business) zoning district regulations.

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial streets or near the intersection of two or more arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

- 1. See chart for uses permitted.*
- 2. See chart for uses which may be permitted as an exception.*
- 3. Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.*
- 4. Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.*
- 5. Maximum height of building or structures: 45 feet.*
- 6. Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.*
- 7. Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.*
- 8. All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.*
 - a) The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.*
 - b) The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.*
 - c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.*
- 9. All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period on no longer than 12 months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.*

(Ord. No. 2014-4, 9-16-14)

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.

- 4. Off-street parking requirements: See article VII of this ordinance for requirements for other uses.*
- 5. All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.*
 - a) The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.*
 - b) The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.*
 - c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.*
- 6. All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period of no longer than twelve months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.*

(Ord. No. 2007-5, § 1, 4-17-07; Ord. No. 2014-5, 9-16-14)

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 19-02- Aerial



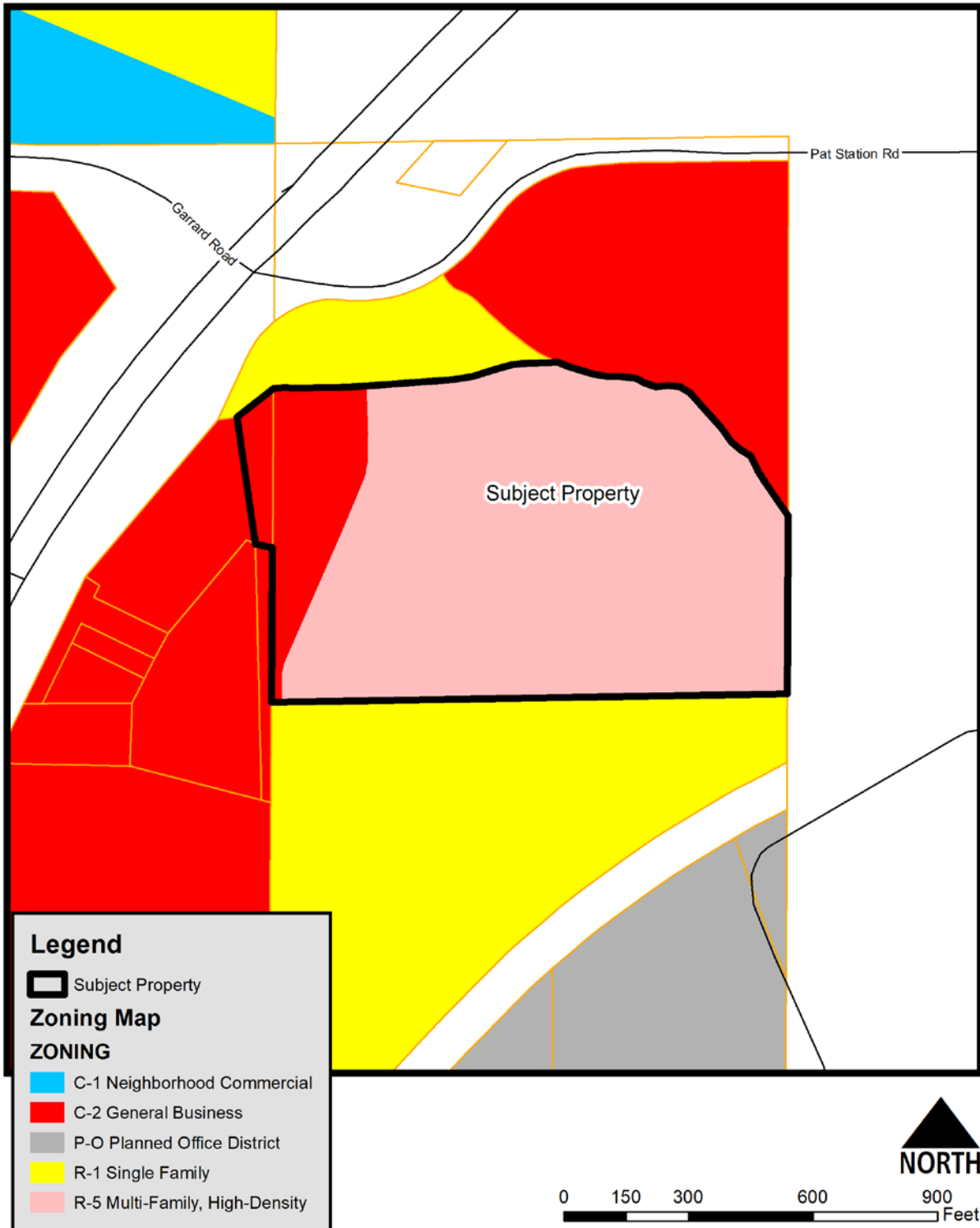
Legend

 Subject Property

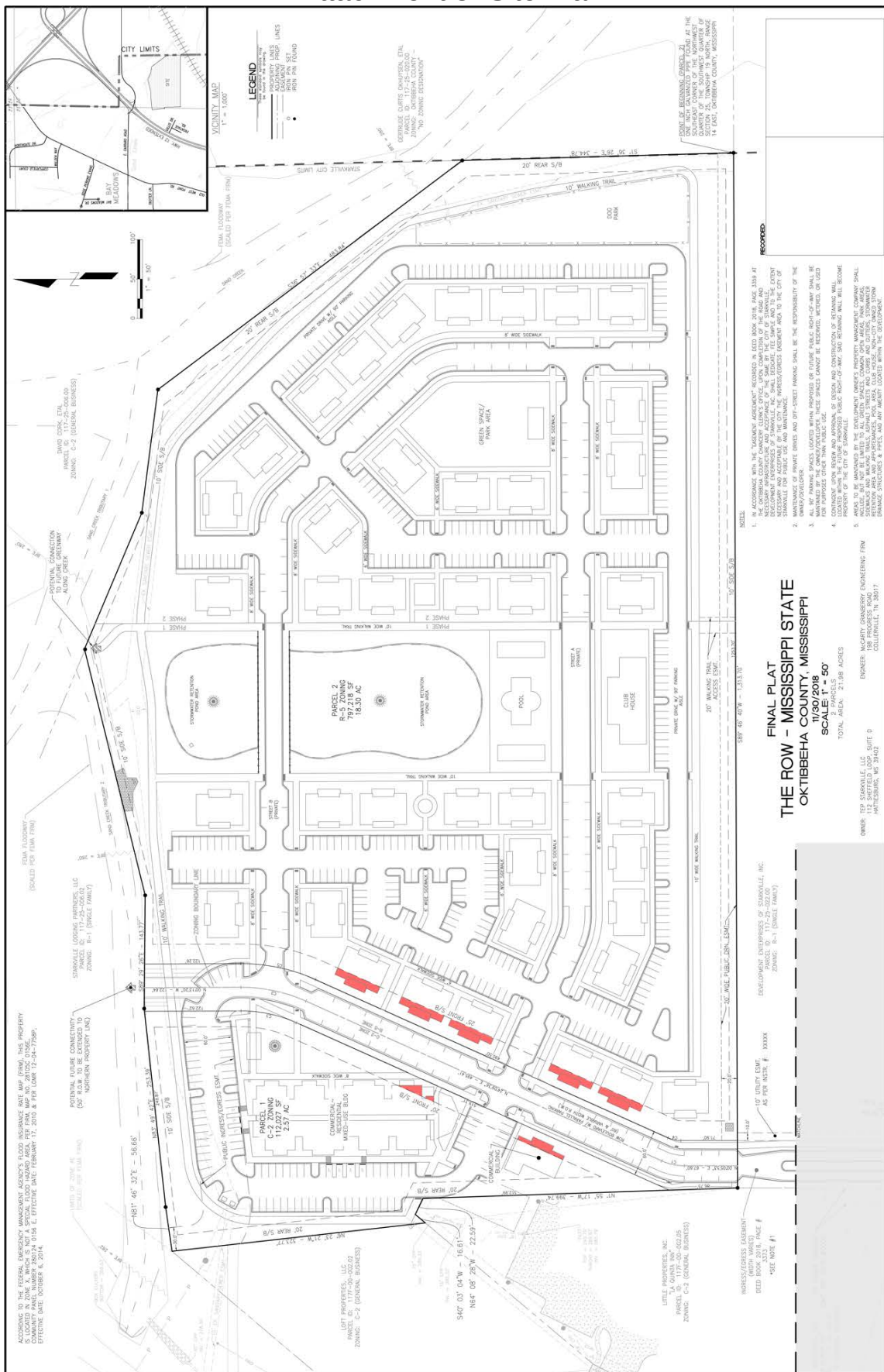
0 150 300 600 900
Feet



Attachment 2
VA 19-02- Zoning



Attachment 3- Site Plan



[illegible]



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 19-03 Request by Cynthia Hood on behalf of Lindsey Warner to allow for a sign within five feet of the property line located 303 Hospital Road in a C-1 zone with the parcel # 118J-00-042.00
Date: February 27, 2019

The purpose of this report is to provide information regarding the variance request by Cynthia Hood on behalf of Lindsey Warner to allow for a monument sign within five feet of the property line located 303 Hospital Road in a C-1 zone with the property number 118J-00-042.00. Please see attachments 1- 3.

PROPOSED USE & BACKGROUND:

The applicant is requesting relief from setback requirements from the right-of-way for monument signs. The applicant is currently in the process of renovating and expanding the existing dental office. As part of this, site plan approval was given by the Development Review Committee. Due to some existing site constraints, the applicant applied for and received a landscape waiver from the Board of Aldermen on June 5, 2018. The applicant is requesting a variance to locate a new monument style sign within the five-foot sign setback from the right-of-way. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the March 5, 2019 meeting.

NOTIFICATION:

15 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 January 21, 2019 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 inquiring about the request.

VARIANCE REQUESTS FROM:

Appendix A. Article IX Signage; Sec. D Sign requirements for zoning districts.

D. Buffer district (B-1) and commercial districts (C-1 and C-3):

- 1. Monument signs advertising the name of a business and services rendered by a business shall not exceed 80 square feet in area and shall be a minimum of five feet from the edge of the paved road, back of curb or the right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection. Monument signs shall not exceed eight feet in height above the finished grade. Multiple on-site signs advertising the name and services provided by the same business must be separated by a minimum of 330 linear feet of frontage along a public roadway.*

2. *Wall signs are permitted in this zone and the aggregate square footage of all wall signs displayed upon an individual wall shall not exceed 50 percent of the total square footage of the individual wall, not to exceed 150 square feet, where the square footage of the wall is measured in its entirety without regard to the placement or number of windows and doors. If the primary structure is located more than 200 feet from the nearest adjacent public roadway, the square footage may be increased to 250 square feet.*
3. *Those signs hanging or projecting over the right-of-way shall be placed a minimum of eight feet above the finished grade, shall not present a danger to the public and shall not alter the walking path of the public.*
4. *Banners are allowed only by permit in the B-1, C-1 and C-3 zoning districts.*
5. *Awning, marquee and monument signs are permitted in these zoning districts.*
6. *The following signs are prohibited: Off-site outdoor advertising signs (billboards), roof signs, inflatable displays, flashing signs, pole signs, post signs, multi-tenant business signs electronic message board signs, non-seasonal decorative lighting, and portable signs.*

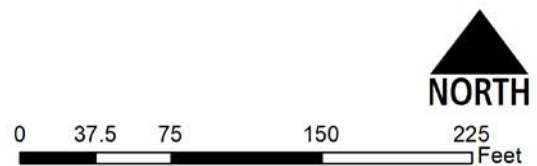
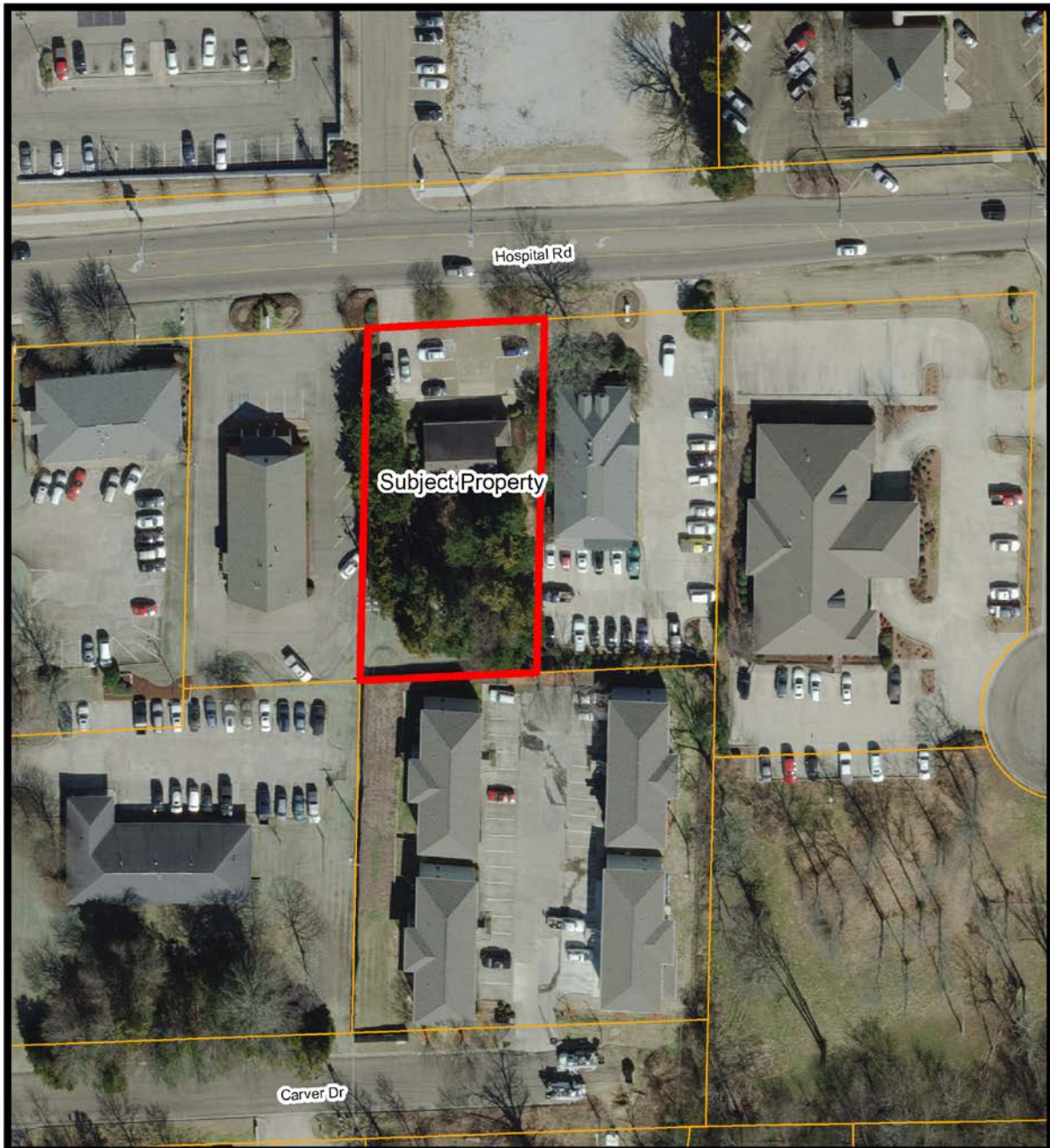
VARIANCE REQUEST REQUIREMENTS:

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

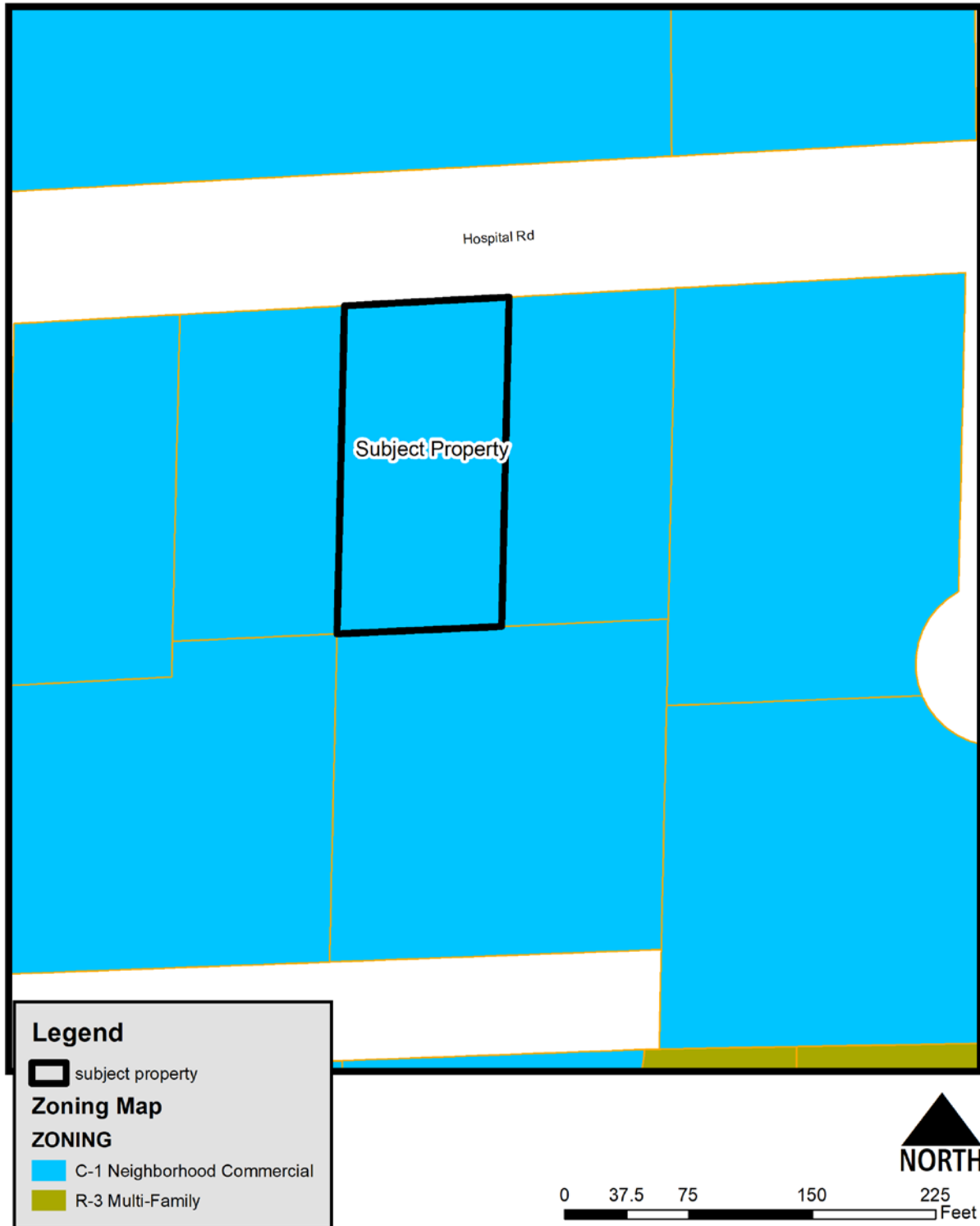
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the 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 19-03- Aerial



Attachment 2
VA 19-03- Zoning



Attachment 3- Applicant Statement and Supporting Documents

Justification for Variance request for:

Dr. Lindsey Warner
303 Hospital Road
Starkville, MS

1-14-2019

Dr. Warner would like to locate her sign in the 5' Landscape Setback at the front of her property. This is because her site and building were constructed in the 1970's, and the adjacent properties have been built since that time. There is very poor visibility of her clinic from the street approaches, and she has very little space for any sign. She says that patients have difficulty finding her, and they report that they almost have wrecks trying to drive while looking for her entry. (See attached drawing)

The ROW at her entry is 18' from the street curb, and an additional 5' landscape setback would place her sign at 23'+plus from the curb, where it will be very difficult to see. The commercial lots in close vicinity to her property have signs at 8', 11' and 13' from the curb.

[illegible]



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 19-03 Request by Neil Couvillion for a variance from front setback requirements for a proposed single family home in a R-5 zone located at 105 Gillespie St. with the parcel # 102A-00-196.0
Date: February 27, 2019

The purpose of this report is to provide information regarding a variance request by Neil Couvillion on behalf of Ryan and Kerbie Looney for a variance from front setback requirements for a proposed single-family home in a R-5 zone located at 105 Gillespie St. with the parcel # 102A-00-196.0. Please see attachments 1- 3.

PROPOSED USE & BACKGROUND:

The applicant is requesting relief from front setback requirements for a proposed single-family dwelling. The applicant is requesting a setback 10 ft. of in lieu of the required 25 ft. setback for R-5 zoning districts. The applicants are in the process of designing a new traditional style single-family home on an existing small lot. They would like to place the driveway and parking along the side and rear of the house. To do this, they will need relief from the front setback requirement. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the March 5, 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 January 24, 2019 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received two phone calls inquiring about the request.

VARIANCE REQUESTS FROM:

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.

- 4. Off-street parking requirements: See article VII of this ordinance for requirements for other uses.
- 5. All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.
 - a. The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.
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 - c. The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.
- 6. All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period of no longer than twelve months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.

(Ord. No. 2007-5, § 1, 4-17-07; Ord. No. 2014-5, 9-16-14)

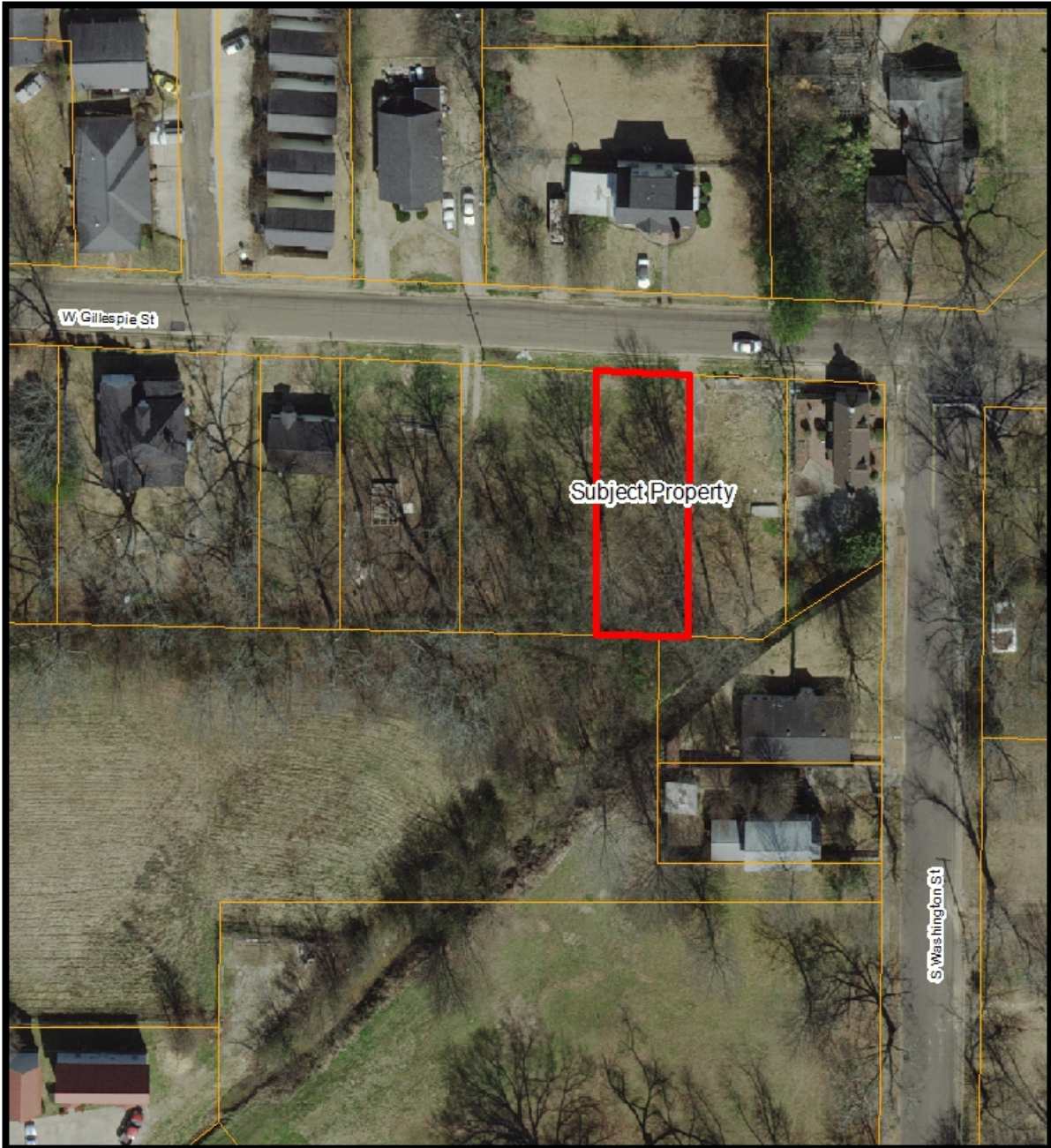
VARIANCE REQUEST REQUIREMENTS:

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:

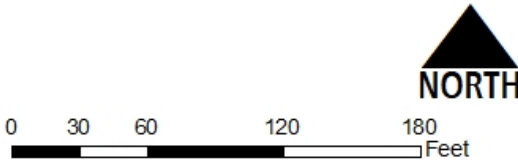
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and the same conditions are not applicable to other land, structures and buildings in the same district.
2. That literal interpretation of the provisions of this ordinance would deprive 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 19-04- Aerial

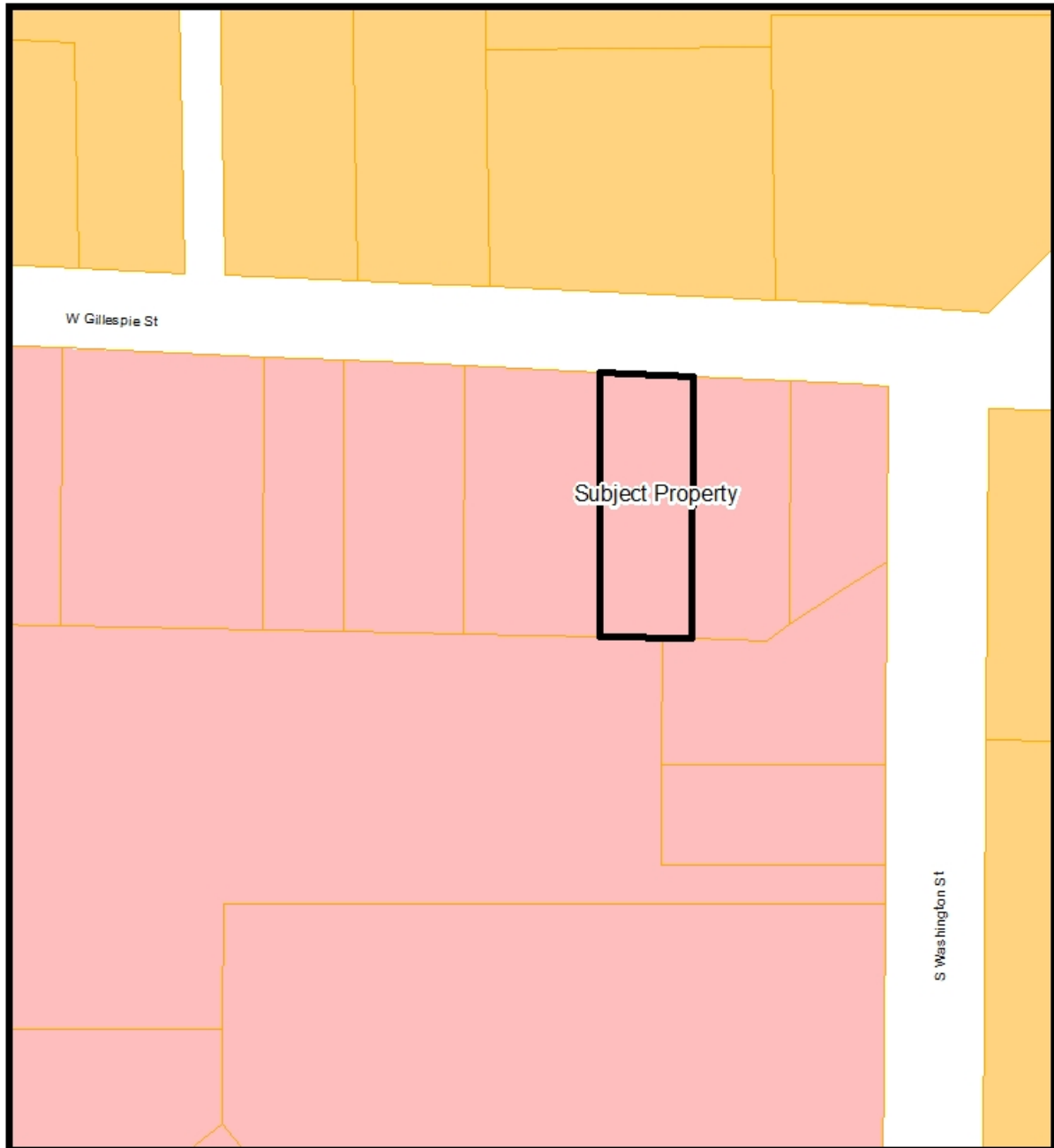


Legend

 subject property



Attachment 2
VA 19-04- Zoning



Attachment 3: Applicant Statement and Supporting Documents



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: Neil Couvillion Phone: 418-7450
Address: PO Box 2564 Starkville, MS 39760
E-mail address: neil@couvilliondesignbuild.com

PROPERTY OWNER INFORMATION

Name: Ryan & Kerbie Looney Phone: 418-5334
Address: 312 Leigh Lane Starkville, MS 39759
E-mail address: kerbielooney@yahoo.com

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

APPLICATION INFORMATION

Street Address/Location: Undeveloped Lot
Tax Map/Parcel ID Number: Being part of Lot 1-A and part of Lot 1-B, Block 42 Zoning: R-5 
Variance Sought: Front Yard Setback
Dimension Requested: 10' Dimension Required: 25'

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

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

Reason for request:

The front setback adjustment is in line with an existing porch of a house that burned down on the neighboring property to the east. This setback emphasizes a historic / traditional neighborhood style with front of house being closer to street creating a more intimate scale.

Property to the NORTH: Zoning <u>R-2</u>	☒ Current Use <u>Single Family</u>
Property to the EAST: Zoning <u>R-5</u>	☒ Current Use <u>Vacant Lot</u>
Property to the SOUTH: Zoning <u>R-5</u>	☒ Current Use <u>Multi Family</u>
Property to the WEST: Zoning <u>R-5</u>	☒ Current Use <u>Vacant Lot</u>

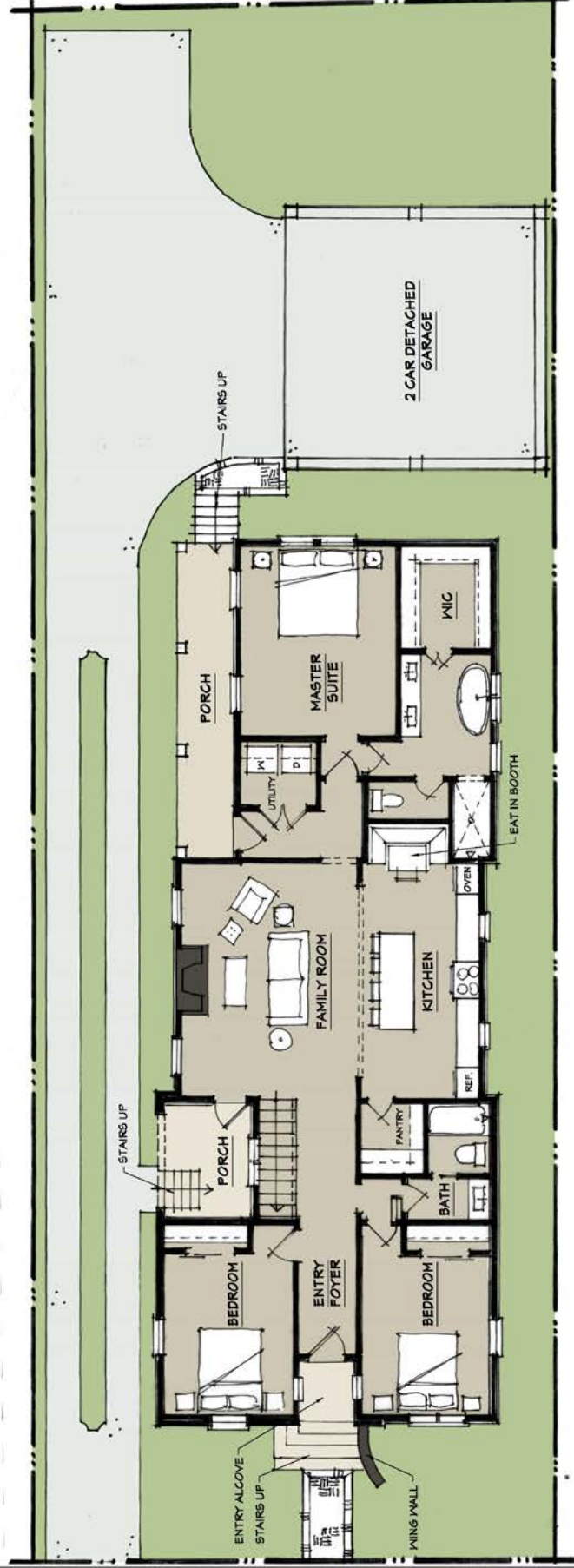
☐ Application Fee ☐ Legal Description ☐ [Notarized Owner Authorization](#)

Submitted by: Neil Couvillion Date: 1/18/2019

LOONEY RESIDENCE

CUSTOM HOME

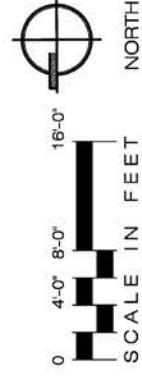
JANUARY 18, 2019



FIRST FLOOR PLAN
scale: 1/8" = 1'-0"



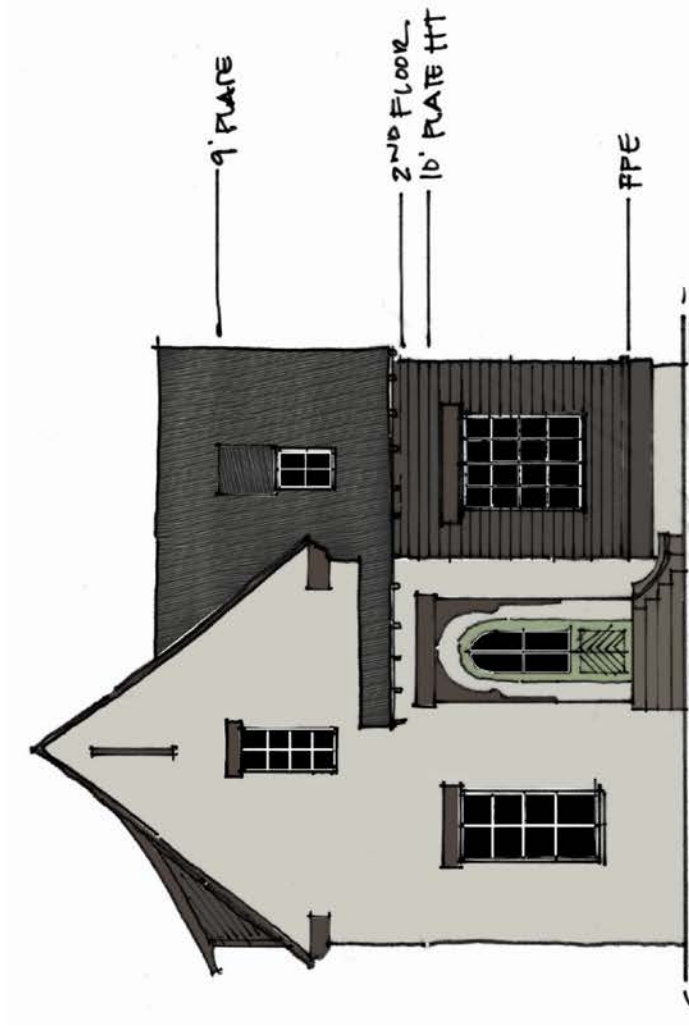
covillion
DESIGN+BUILD



LOONEY RESIDENCE

CUSTOM HOME

JANUARY 18, 2019



FRONT ELEVATION

scale: 3/16" = 1'-0"



couvillion
DESIGN+BUILD



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 19-05 Request by Balton Sign Co. for Variance relief from wall sign signage size requirements for a business located at 1301 Stark Road in a C-2 with the parcel #103H-00-016.07
Date: February 27, 2019

The purpose of this report is to provide information regarding the variance request by Balton Sign Co. on behalf of Joe Dunlap for relief from wall sign size requirements for a business located at 1301 Stark Road in a C-2 zoning district with the parcel # 103H-00-016.07. Please see attachments 1- 3.

PROPOSED USE & BACKGROUND:

The applicant has recently remodeled the existing business. As part of the remodel, new signage is being proposed. The applicant is requesting to use wall signage that has a total square footage of 239 square feet. The maximum allowed within a C-2 zoning district is 150 square feet. The applicant is requesting relief from 150 square foot requirement for wall signs. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the March 5, 2019 meeting.

NOTIFICATION:

10 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 January 31, 2019 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 this request.

VARIANCE REQUESTS FROM:

Appendix A- Zoning, Article IX.- Signage, Sec. D.- Sign requirements for zoning districts.

C. Commercial district (C-2) and manufacturing district (M-1). The following signs are permitted in the C-2 and M-1 zoning districts of the City of Starkville under the following conditions:

2. Wall signs.

a) Wall signs are permitted and the aggregate square footage of all wall signs displayed upon an individual wall shall not exceed 50 percent of the total square footage of the individual wall, not to exceed 150 square feet, where the square footage of the wall is measured in its entirety without regard to the placement or number of windows and doors. If the primary structure is located more than

200 feet from the nearest adjacent public roadway, the square footage may be increased to 250 square feet.

- b) Those signs hanging or projecting over the right-of-way shall be placed a minimum of eight feet above the finished grade, shall not present a danger to and shall not alter the walking path of the public.*

(Ord. No. 2015-3, 2011-2, § 4, 4-5-11)

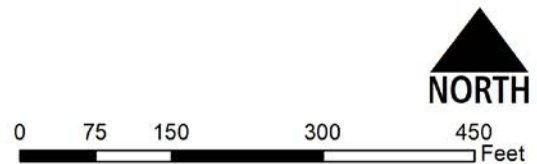
VARIANCE REQUEST REQUIREMENTS:

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

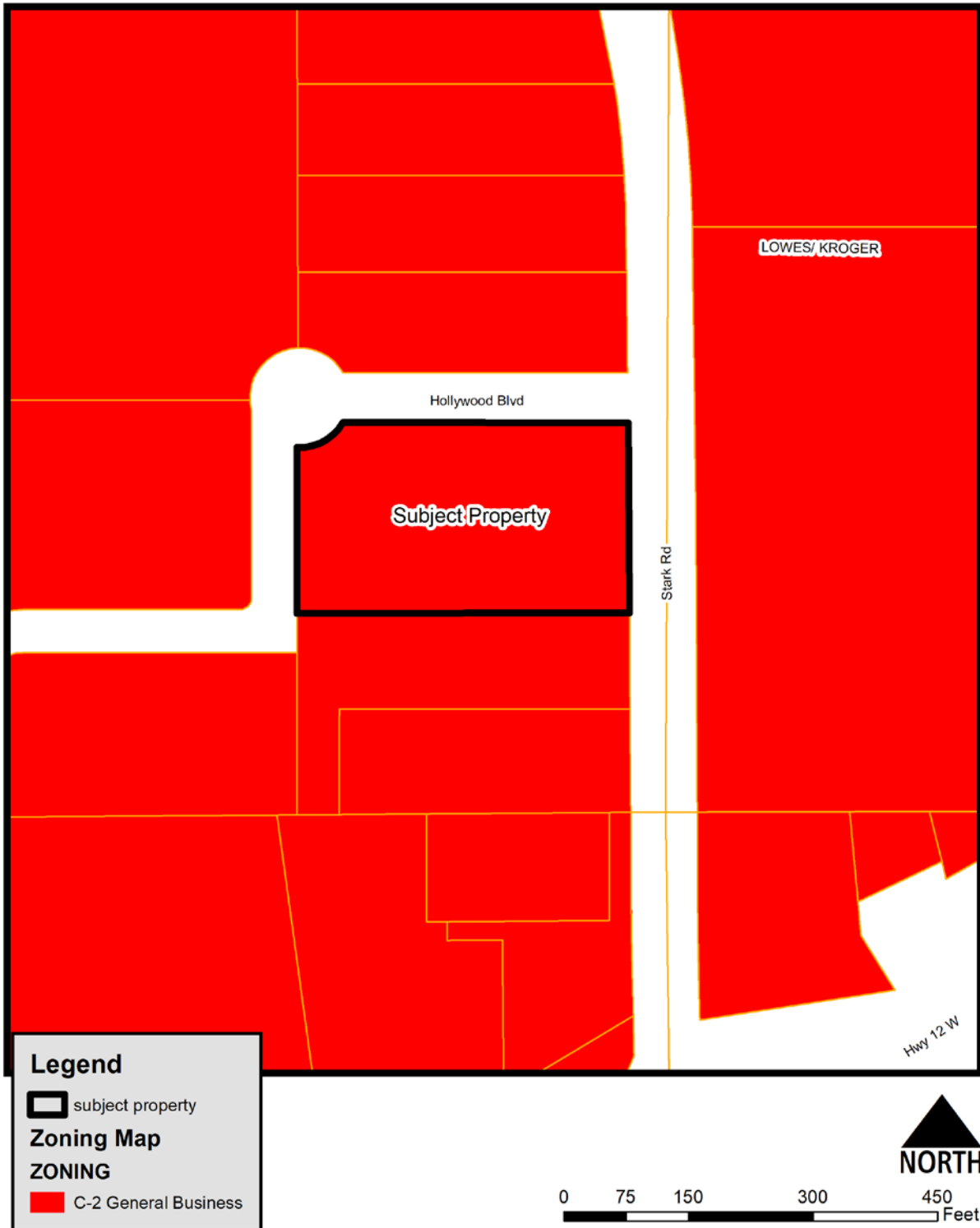
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the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

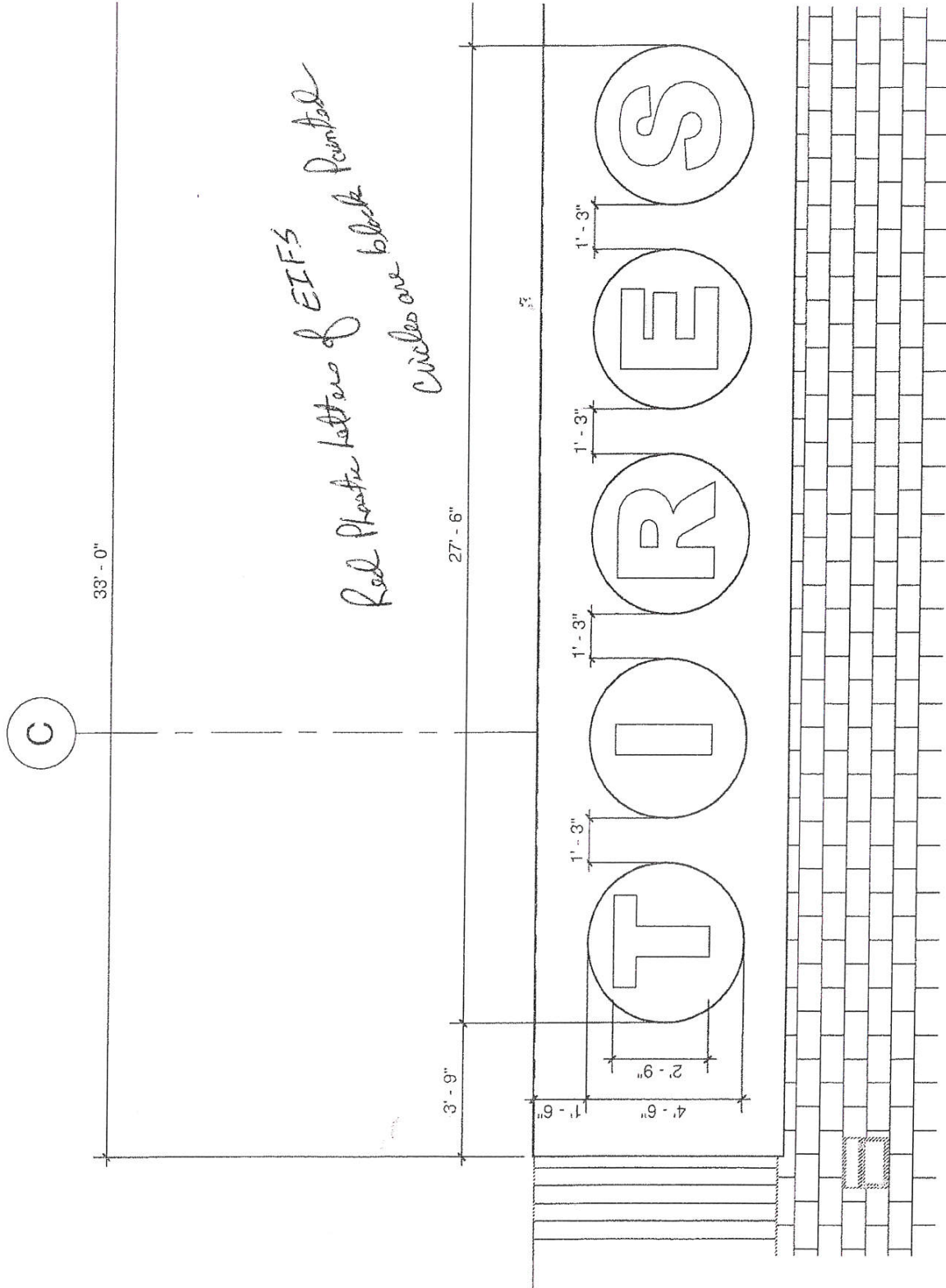
Attachment 1
VA 19-05 Aerial



Attachment 2
VA 19-05 Zoning



Attachment 3- Application

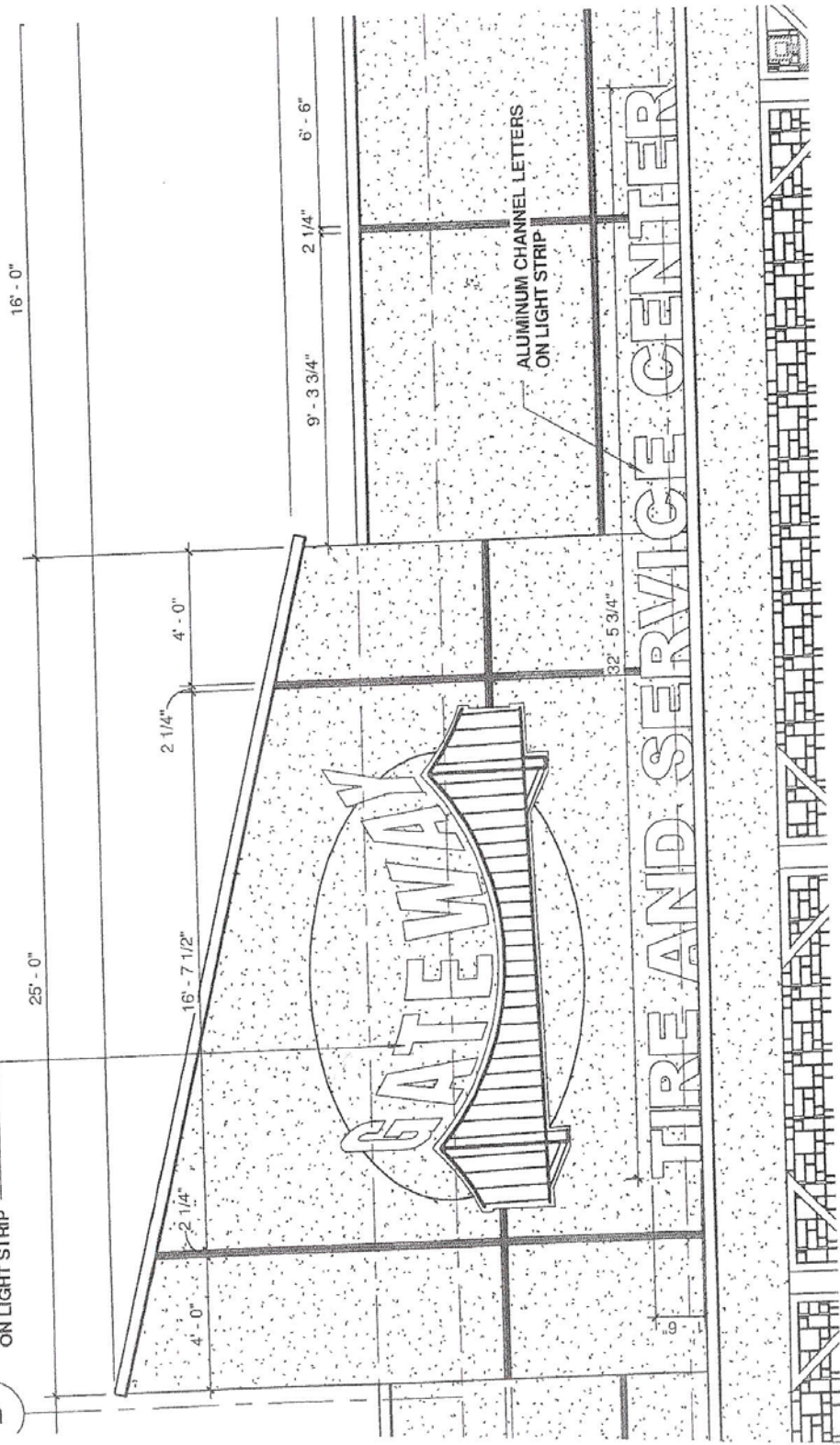


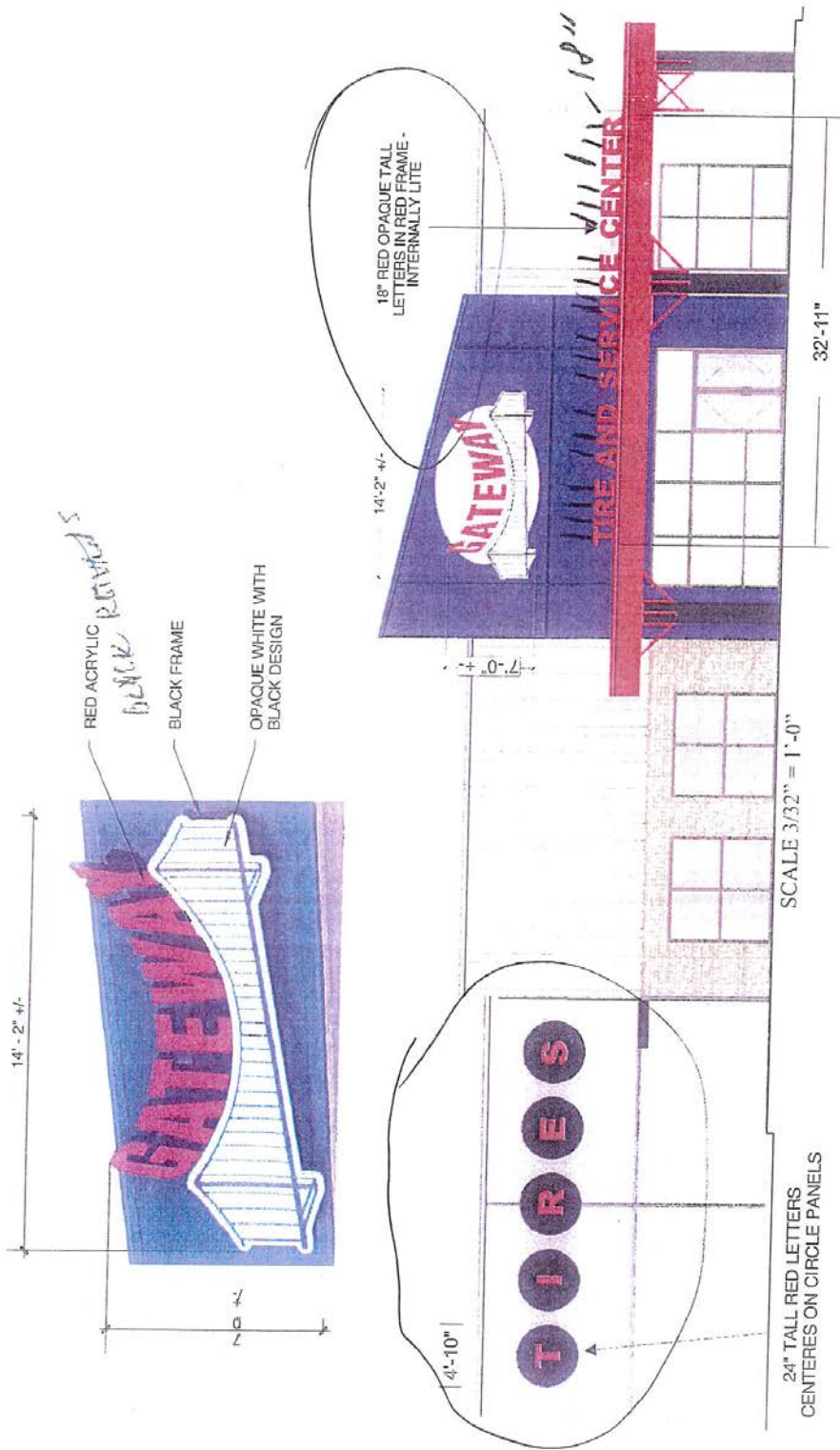
1 ENLARGED SIGNAGE

1/4" = 1'-0"

B

ALUMINUM CHANNEL LETTERS
ON LIGHT STRIP





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Sketch Date: 04/20/11 **Drawn By:** kim

Scale: AS NOTED

File Name: GATEWAY TIRES CLARKSVILLE (040611)

Account Representative: Bruce Litman

Address: 3055 SOUTHWALL ST. MEMPHIS, TN 38114
 PH: (901) 852-7371 FAX: (901) 458-2637
 www.baltonsigns.com

Client Approval: _____

Landlord Approval: _____

Signature Date: _____

CREATED FOR: GATEWAY TIRES

Scale: 3/32" = 1'-0"

Celebrating 50 Years

H.A. Balton

SIGN COMPANY & LIGHTING SERVICES

3055 SOUTHWALL ST. MEMPHIS, TN 38114
 PH: (901) 852-7371 FAX: (901) 458-2637
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Account Representative: Bruce Litman

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