



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, MAY 22, 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 MARCH 27, 2019
- V. NEW BUSINESS
 - A. VA 19-08 REQUEST BY LEWKO PROPERTIES FOR VARIANCE RELIEF FROM WALL SIGN SIZE REQUIREMENTS FOR A BUSINESS LOCATED AT 311 HIGHWAY 12 WEST SUITE B AND C IN A C-2 ZONING DISTRICT WITH THE PROPERTY #102G-00-032.00
 - B. VA 19-07 REQUEST BY NEIL HEITZMANN FROM THE LOCATION REQUIREMENTS FOR AN ACCESSORY STRUCTURE FOR A RESIDENCE LOCATED AT 92 FRENCHMAN STREET IN AN R-3 ZONE WITH THE PROPERTY NUMBER 102H-00-191.18.
 - C. VA 19-09 REQUEST BY NEIL HEITZMANN FROM THE LOCATION REQUIREMENTS FOR AN ACCESSORY STRUCTURE FOR A RESIDENCE LOCATED AT 71 FRENCHMAN STREET IN AN R-3 ZONE WITH THE PROPERTY NUMBER 102H-00-191.17.
- VI. ADJOURN

**UNAPPROVED
MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
MARCH 27, 2019**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on March 27, 2019, 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 5, 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, MARCH 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 FEBRUARY 27, 2019
- V. NEW BUSINESS
 - A. VA 19-06 REQUEST BY 4/J I LP FROM THE SIDEWALK REQUIREMENTS FOR A LOT SUBDIVISION LOCATED APPROXIMATELY 1700' WEST OF THE INTERSECTION OF LYNN LANE AND SOUTH MONTGOMERY ON THE NORTHSIDE OF LYNN LANE WITH THE PARCEL NUMBER 201I-00-013.00.
- 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 Mr. Nicovich seconded by Mr. Camp, the Board voted unanimously to approve the written agenda.

CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 27, 2019

After discussion and upon the motion of Mr. Nicovich, seconded by Mr. Camp, the motion to approve the Minutes of the February 27, 2019 Board of Adjustments and Appeals meeting received unanimous approval.

NEW BUSINESS

- A. VA 19-06 REQUEST BY 4/J I LP FROM THE SIDEWALK REQUIREMENTS FOR A LOT SUBDIVISION LOCATED APPROXIMATELY 1700' WEST OF THE INTERSECTION OF LYNN LANE AND SOUTH MONTGOMERY ON THE NORTHSIDE OF LYNN LANE WITH THE PARCEL NUMBER 2011-00-013.00.

This parcel is located on the north side of Lynn Lane approximately 1700' west of South Montgomery. The applicant, 4/J I LP, is in the process of subdividing the existing lot into two lots. Lot 1 is in the process of being sold for a future development. Lot 2 will be retained by the applicant for future sale for development. Due to the lender's requirements, Lot 1 cannot be sold until final plat approval is granted by the Board of Aldermen.

The proposed subdivision of the lot triggers the requirements that a 5' sidewalk be placed from lot line to lot line along Lynn Lane. The sidewalks would have to be built or bonded prior to final platting the property. Any sidewalk constructed prior to final plat could be potentially damaged by future construction activities. A bond on any uninstalled sidewalk would have to be supplied by the applicant and would remain active until a Certificate of

Occupancy is issued for any future development at which time the applicant would no longer own the property.

The applicant is asking for a variance based on the financial hardship of either having to construct the sidewalks prior to sale of the property or bonding the sidewalks until the properties are fully developed. The applicant has provided a cost estimate that is located in your staff report as attachment 3 "sidewalk variance application notes".

11 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 March 8, 2019 and a sign was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone calls regarding the application.

Chairman Bill Webb opened the public hearing.

Jason Pepper, representing the applicant, 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. Nicovich moved to approve VA 19-06, which was seconded by Mr. Sullivan, and the Board voted 5 to 0.

ADJOURNMENT

After discussion, Mr. Nicovich moved to adjourn which was seconded by Ms. Moreland, and the Board voted unanimously to adjourn until 4:00 p.m. on March 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 19-08 Request by Lewko Properties for Variance relief from wall sign size requirements for a business located at 311 Highway 12 West Suite B and C in a C-2 zoning district with the property #102G-00-032.00
Date: May 22, 2019

The purpose of this report is to provide information regarding a variance request by Lewko Properties for relief from sign size requirements for a business located at 311 Highway 12 West Suite B and C in C-2 zoning district with the property #102G-00-032.00. Please see attachments 1- 5.

PROPOSED USE & BACKGROUND:

The applicant is the owner of the commercial strip center located at 311 Highway 12 West. A new tenant, Home Store Furniture, is moving into Suite B and C. On March 6, 2019, an application for a wall sign was approved by City staff. The wall sign has a total square footage of 143.39, which is less than the maximum allowed of 150 total square footage for all signage (attachment 4). On April 15, 2019, an application was received for an additional wall sign with a total square footage of 29.28 (attachment 5). The additional sign brings the total wall signage to 172.67 square feet which is more than the 150 square feet total allowed.

The current code allows for wall signs to be increased to a maximum of 250 square feet if the primary structure is located more than 200 feet from the nearest adjacent public roadway. The building that the tenant's space is located in is 41 feet from Louisville Street, 61 feet from Chestnut Drive, and 422 feet from Highway 12. The tenant space that is being leased by the business is 209 feet from Louisville Street, 61 feet from Chestnut Drive, and 422 feet from Highway 12. Chestnut Drive is located to the rear of the building and any signage on the front would not be visible from Chestnut Drive. The applicant is requesting relief from the distance requirement to allow for an increase in the square footage of a wall sign. If the request for Variance is recommended for approval, the applicant's request will be heard by the Board of Aldermen at the June 4, 2019 meeting.

NOTIFICATION:

30 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 May 6, 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 regarding this request.

VARIANCE REQUESTS FROM:

Appendix A, Article IX. – Signage, Sec. D. – Sign requirements for zoning districts, C. Commercial district (C-2) and manufacturing district (M-1), (2), A

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.

VARIANCE REQUEST REQUIREMENTS:

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

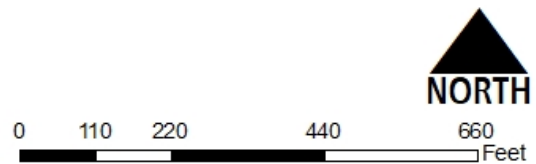
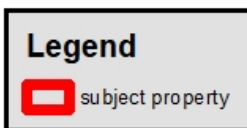
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the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

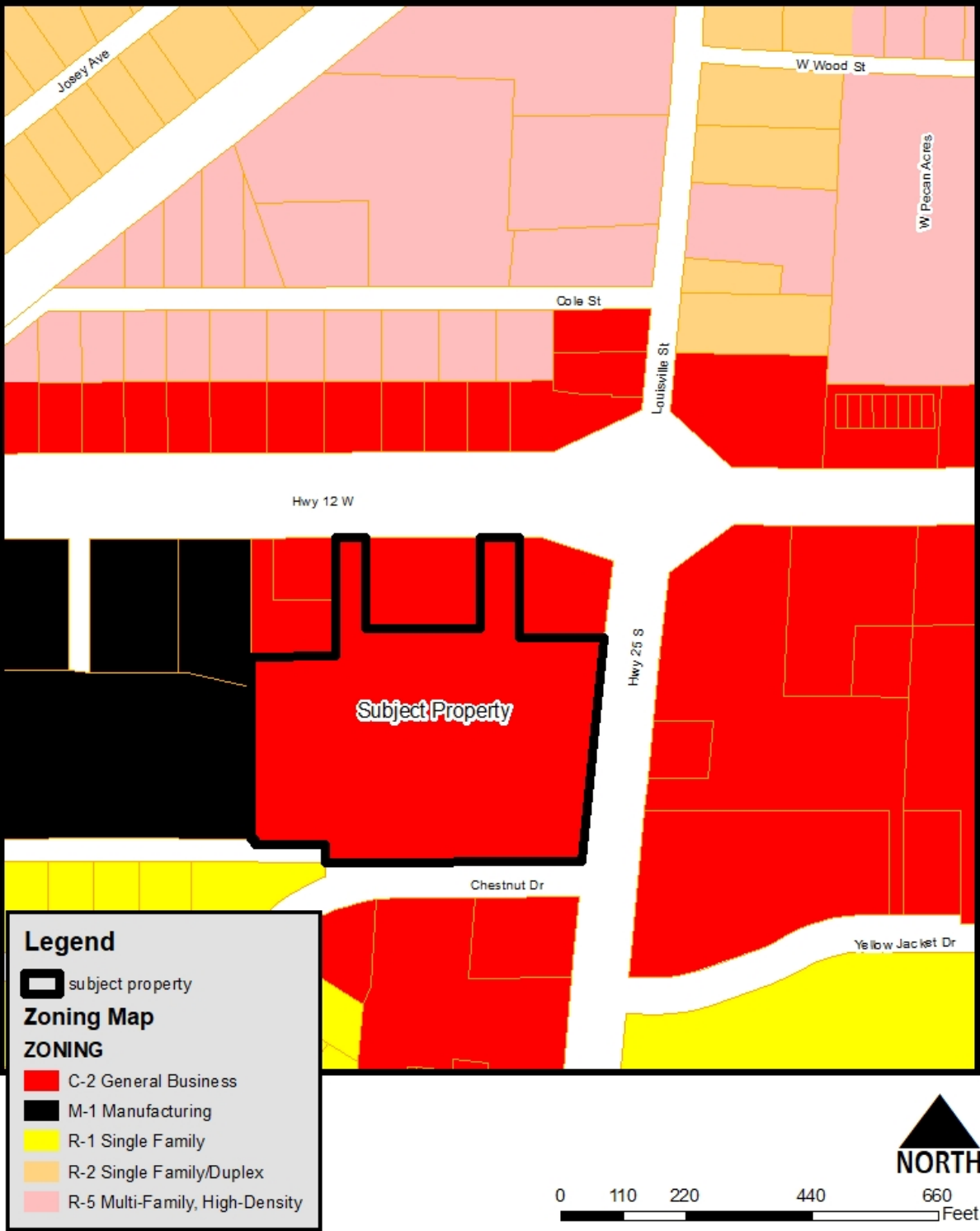
REQUESTED CONDITIONS:

1. A maximum of 175 square feet of total wall sign shall be allowed for the current tenant of suite B and C only.

Attachment 1
VA 19-08- 311 Hwy 12 W



Attachment 2
VA 19-08- 311 Hwy 12 W



Attachment 3- Proposed Additional Wall Sign

1-800-728-8889		
MID-SOUTH SIGNS COLUMBUS, MS / SHEPHERD, AL / MEMPHIS, TN		
APPROVAL INFORMATION & CONFIRMATION		
☐ Proof is approved. Proceed with production of order. ☐ Proof is approved with corrections. Make corrections as indicated and proceed with production of order.		
SIGNATURE _____ PRINT NAME _____ DATE _____		
I have reviewed this proof in regard to sign type, color, quantity, and accuracy of work, product, and lead time, quality, and installation, per specifications.		
NOTES: THE SIGN IS A PROPERTY OF MATTRESS CENTER, INC. IT IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER. IT IS THE PROPERTY OF MATTRESS CENTER, INC. ALL RIGHTS ARE RESERVED. IT IS THE PROPERTY OF MATTRESS CENTER, INC. ALL RIGHTS ARE RESERVED.		
MEMBER MSA		
Client: MATTRESS CENTER		
Location: STARKVILLE, MS		
Drawn By: JEANNE		
Date: 4/16/2018		
Approved By:		
Sheet:		
Scale:		
File: MATTRESS CENTER 3		
serving the mid-south since 1978		

Attachment 4- Approved Wall Sign

Home Store 46" 327 1/2"		Home Store Furniture 30" 186 3/4"		TOTAL SQ. FT. = 143.49	
				SQ. FT. = 104.58	
				SQ. FT. = 38.91	
(1) 46" SET L.E.D. LIGHTED CHANNEL LETTERS WITH (1) 30" SET OF L.E.D. LIGHTED CHANNEL LETTERS *WHITE TRIMCAP, WHITE RETURNS PROCESS BLUE ON HOUSE/TAGLINE					
					
1-800-728-8869					
MID-SOUTH SIGNS COLUMBUS, MS / SHEFFIELD, AL / MEMPHIS, TN					
APPROVAL INFORMATION & CONFIRMATION					
☐ Proof is approved. Proceed with production of order. ☐ Proof is approved with corrections. Make corrections as indicated and proceed with production of order.					
SIGNATURE _____ PRINT NAME _____ DATE _____					
USE OF THIS DRAWING FOR ALTERNATE LOCATIONS WILL RESULT IN A DESIGN FEE. DRAWINGS REMAIN THE SOLE PROPERTY OF MID-SOUTH SIGNS, INC.					
NOTICE: THIS DESIGN IS AN ORIGINAL DESIGN BY MID-SOUTH SIGNS, INC. IT IS SUBMITTED FOR USE IN CONNECTION WITH THIS PROJECT ONLY. IT CANNOT BE COPIED, ALTERED OR REPRODUCED IN ANY MANNER. USE OF THIS DRAWING FOR ALTERNATE LOCATIONS WILL RESULT IN A DESIGN FEE. DRAWINGS REMAIN THE SOLE PROPERTY OF MID-SOUTH SIGNS, INC.					
MEMBER ASSA AMERICAN SIGN ASSOCIATION					
Client: HOMESTORE FURNITURE Location: STARKVILLE, MS Drawn By: JEANNIE Approved By: Sheet: Scale: Date: 2/6/2019 File: HOMESTORE FURNITURE 4					
serving the mid-south since 1978					

Attachment 5- Tenant Space Distance from Adjacent Roads





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 19-07 Request by Neil Heitzmann from the location requirements for an accessory structure for a residence located at 92 Frenchman Street in an R-3 zone with the property number 102H-00-191.18.
Date: May 22, 2019

The purpose of this report is to provide information regarding a variance Request by Neil Heitzmann from the location requirements for an accessory structure for a residence located at 92 Frenchman St. in an R-3 zone with the property number 102H-00-191.17. Please see attachments 1- 6.

PROPOSED USE & BACKGROUND:

The applicant is requesting relief from the location requirements of a proposed architectural feature at a residence at 92 Frenchmen St. The proposed architectural feature is a pergola whose proposed dimensions are 10' by 16' and would extend 10 feet off the main structure and 5 feet into the required setback. The applicant is requesting a variance to extend the architectural feature (accessory structure) more than 2 feet into the required side setback. The accessory structure would extend 5 feet into the side setback adjacent to Frenchman Street. On February 21, 2017 the Board of Aldermen approved a variance from front setback requirements for the subdivision, approving 20' in lieu of the required 25' front setback. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the June 4, 2019 meeting.

NOTIFICATION:

37 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 May 6, 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 requesting information.

VARIANCE REQUESTS FROM:

APPENDIX A- ZONING, ARTICLE VI. GENERAL PROVISIONS, SEC. B (5)

Sec. B. - Location of accessory structures on residential lots.

Accessory structures in residential districts and on any lot used primarily for residential purposes shall conform to the following regulations:

- 1. No accessory structure shall be erected in any required front or side yard. Accessory structures shall not exceed 45 feet in height except as provided in article VII hereof,*

and shall not cover more than 30 percent of any required rear yard and shall be at least five feet from any other structure on the same lot.

2. On any lot adjoining along its side lot line another lot which is in a residential district, no part of any accessory building which is not an integral part of the main building shall be located within 60 feet of any front lot line.
3. On any corner lot adjoining in the rear another lot which is in a residential district, no part of any structure within 25 feet of the common lot line shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along such side street.
4. It is the intent of this ordinance that accessory structures shall not include living quarters.
5. **Projecting architectural features. Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and for the ordinary projections of sills, beltcourses, cornices, buttresses, eaves and similar architectural features, provided that such projections shall not extend more than two feet into any required yard.** Open fire escapes may extend into any required yard not more than 3½ feet.
6. **Fences and walls.** No fence or wall that obstructs sight shall be erected or altered in any required front yard to exceed a height of three feet.

ZONING DISTRICT REGULATIONS:

APPENDIX A- ZONING, ARTICLE VII. DISTRICT REGULATIONS, SEC. E

Sec. E. - R-3 residential zoning regulations.

These [R-3 residential] districts are intended to be composed mainly of multifamily residential properties, with single-family and duplex properties permitted. Under special conditions, mobile home subdivisions and mobile home parks are also permitted. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring certain minimum yard and area standards. [The following regulations apply to R-3 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, one-family dwelling: 5,000 square feet.
 - b) Minimum lot area, duplex dwelling: 7,000 square feet.
 - c) Minimum lot area, triplex dwelling: 9,000 square feet.
 - d) Minimum lot area, fourplex dwelling: 11,000 square feet.
 - e) Minimum lot width at the building line:
 - One-family dwelling: 50 feet.
 - Duplex, triplex or fourplex: 70 feet.
 - f) Minimum depth of front yard: 25 feet.
 - g) Minimum depth of rear yard: 20 feet.
 - h) **Minimum width of each side yard: Five feet.**
 - i) Maximum height of structure: 45 feet.
4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

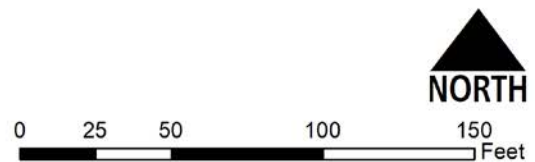
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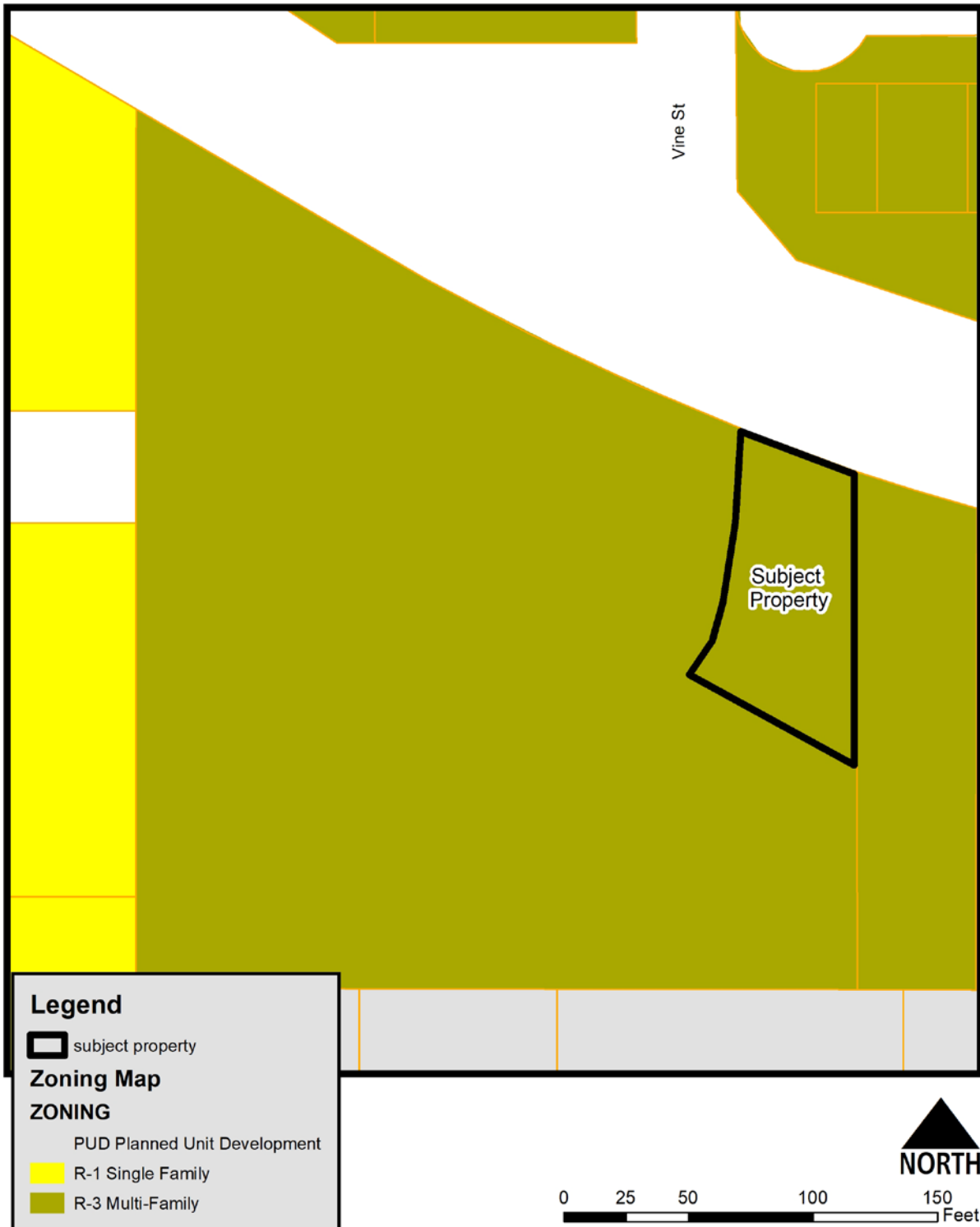
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1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and the same conditions are not applicable to other land, structures and buildings in the same district.
2. That literal interpretation 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.
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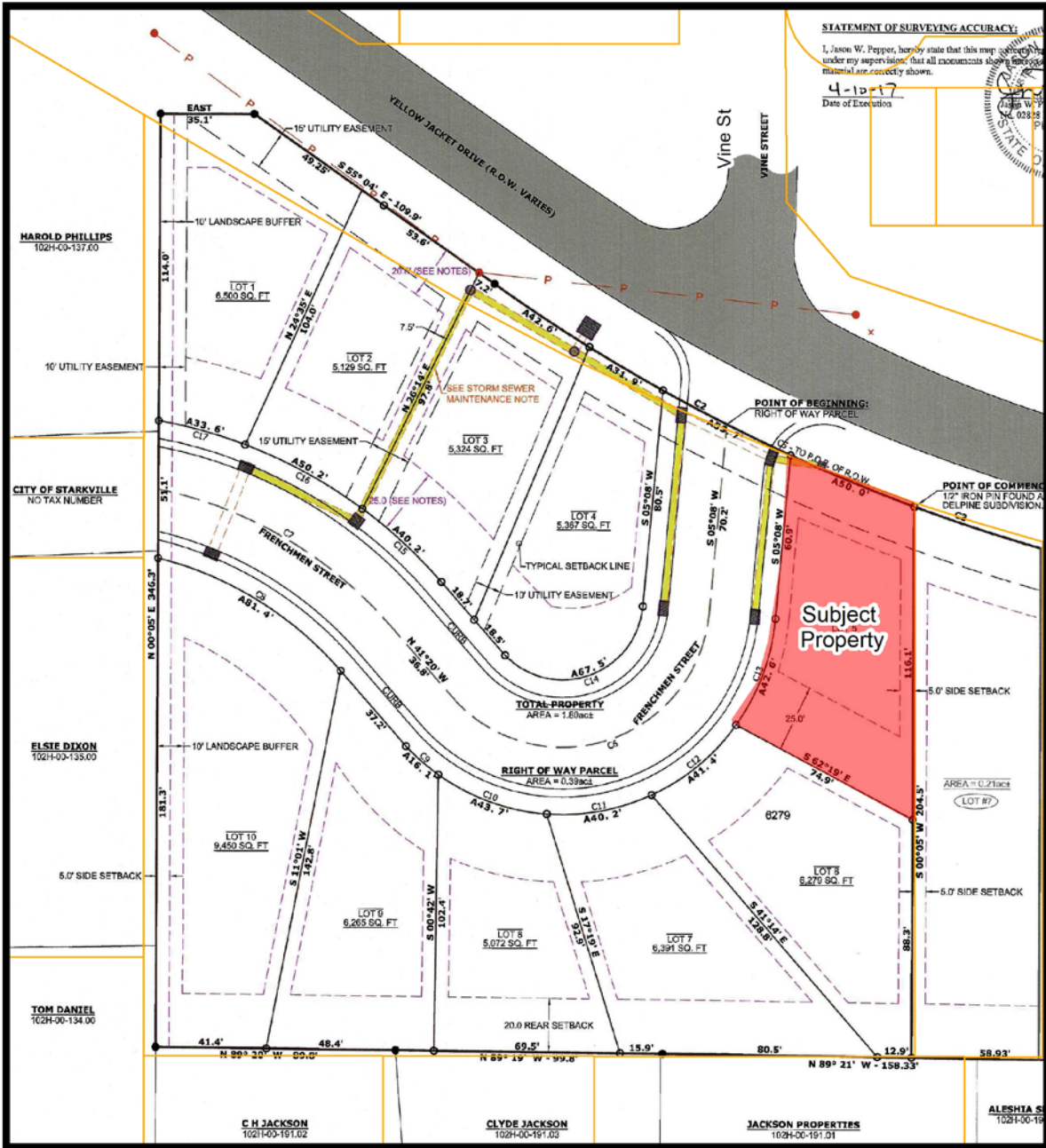
Attachment 1
VA 19-07- Aerial



Attachment 2
VA 19-07- Zoning

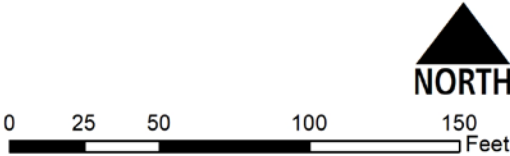


Attachment 3 VA 19-07- Lot Location



Legend

subject property



Attachment 4- Application



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 Heitzman Phone: 662-418-4633
Address: 501 S. MONTGOMERY #19, STARKVILLE, MS
E-mail address: nheitzmann@gmail.com

PROPERTY OWNER INFORMATION

Name: Neil Heitzman Phone: 662-418-4633
Address: 501 S. MONTGOMERY #19, STARKVILLE, MS
E-mail address: nheitzmann@gmail.com

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

APPLICATION INFORMATION

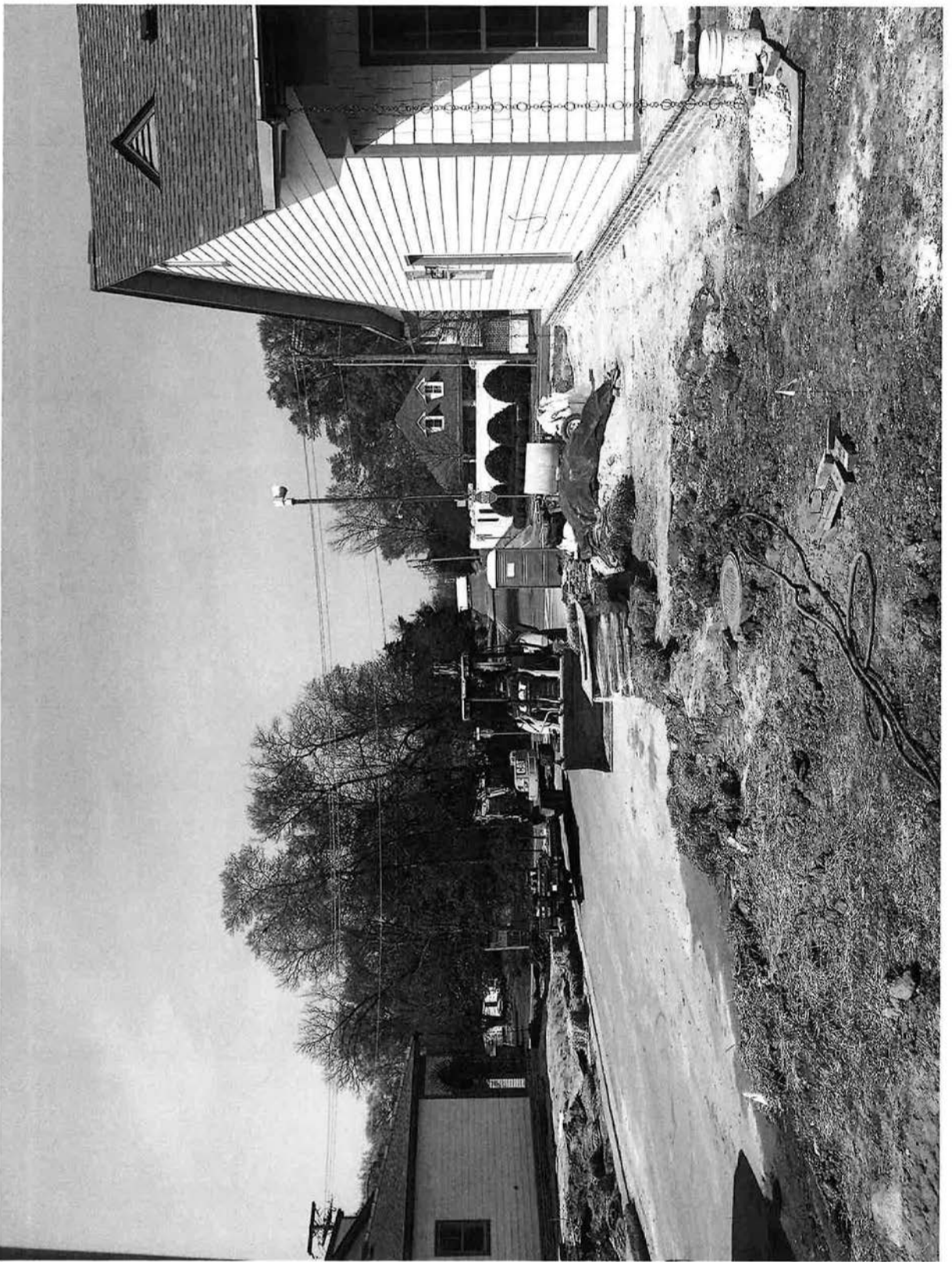
Street Address/Location: Frenchman Street and Yellow Jacket Drive
Tax Map/Parcel ID Number: 102H-00-191.18 Zoning: R-3
Variance Sought: Extending roof line for a pergola to property line and incorporating supporting poles into the fence.
Dimension Requested: _____ Dimension Required: _____
Section(s) of the Code of Ordinances from which variance is being sought:
Appendix A. Zoning Article VI. General Provisions. Sec. B Location of accessory structure on residential lots.
Reason for request:
To add a pergola to the side of an existing home as a decorative structure over a patio.
Legal Description: Lot 5 of The Marigny Subdivision
Property to the NORTH: Zoning R-3 Current Use Residential
Property to the EAST: Zoning R-3 Current Use Residential
Property to the SOUTH: Zoning R-3 Current Use Residential
Property to the WEST: Zoning R-3 Current Use Residential

☒ Application Fee ☒ Legal Description ☒ Notarized Owner Authorization

Submitted by: _____ Date: _____

Attachment 5- Pictures of Site





Attachment 6- Example of Pergola (Accessory Structure)





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)
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Subject: VA 19-07 Request by Neil Heitzmann from the location requirements for an accessory structure for a residence located at 71 Frenchman Street in an R-3 zone with the property number 102H-00-191.17.
Date: May 22, 2019

The purpose of this report is to provide information regarding the variance request by Neil Heitzmann from the location requirements for an accessory structure for a residence located at 71 Frenchman St. in an R-3 zone with the property number 102H-00-191.17. Please see attachments 1- 5.

PROPOSED USE & BACKGROUND:

The applicant is requesting relief from the location requirements of a proposed architectural feature at a residence at 71 Frenchmen St. The proposed architectural feature is a pergola whose proposed dimensions are 12' by 16' and would extends 12 feet off the main structure and 3 feet into the required setback. The applicant is requesting a variance to extend the architectural feature (accessory structure) more than 2 feet into the required side setback. The accessory structure would extend 5 feet into the side setback adjacent to Frenchman Street. On February 21, 2017 the Board of Aldermen approved a variance from front setback requirements for the subdivision, approving 20' in lieu of the required 25' front setback. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the June 4, 2019 meeting.

NOTIFICATION:

37 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 May 6, 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 requesting information.

VARIANCE REQUESTS FROM:

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Sec. B. - Location of accessory structures on residential lots.

Accessory structures in residential districts and on any lot used primarily for residential purposes shall conform to the following regulations:

- 1. No accessory structure shall be erected in any required front or side yard. Accessory structures shall not exceed 45 feet in height except as provided in article VII hereof,*

and shall not cover more than 30 percent of any required rear yard and shall be at least five feet from any other structure on the same lot.

2. On any lot adjoining along its side lot line another lot which is in a residential district, no part of any accessory building which is not an integral part of the main building shall be located within 60 feet of any front lot line.
3. On any corner lot adjoining in the rear another lot which is in a residential district, no part of any structure within 25 feet of the common lot line shall be nearer the side street lot line than the least depth of any front yard required for a dwelling on such adjoining lot along such side street.
4. It is the intent of this ordinance that accessory structures shall not include living quarters.
5. **Projecting architectural features. Every part of a required yard shall be open and unobstructed from the ground to the sky except for permitted accessory structures and for the ordinary projections of sills, beltcourses, cornices, buttresses, eaves and similar architectural features, provided that such projections shall not extend more than two feet into any required yard.** Open fire escapes may extend into any required yard not more than 3½ feet.
6. **Fences and walls.** No fence or wall that obstructs sight shall be erected or altered in any required front yard to exceed a height of three feet.

ZONING DISTRICT REGULATIONS:

APPENDIX A- ZONING, ARTICLE VII. DISTRICT REGULATIONS, SEC. E

Sec. E. - R-3 residential zoning regulations.

These [R-3 residential] districts are intended to be composed mainly of multifamily residential properties, with single-family and duplex properties permitted. Under special conditions, mobile home subdivisions and mobile home parks are also permitted. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring certain minimum yard and area standards. [The following regulations apply to R-3 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, one-family dwelling: 5,000 square feet.
 - b) Minimum lot area, duplex dwelling: 7,000 square feet.
 - c) Minimum lot area, triplex dwelling: 9,000 square feet.
 - d) Minimum lot area, fourplex dwelling: 11,000 square feet.
 - e) Minimum lot width at the building line:
 - One-family dwelling: 50 feet.
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 - f) Minimum depth of front yard: 25 feet.
 - g) Minimum depth of rear yard: 20 feet.
 - h) **Minimum width of each side yard: Five feet.**
 - i) Maximum height of structure: 45 feet.
4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

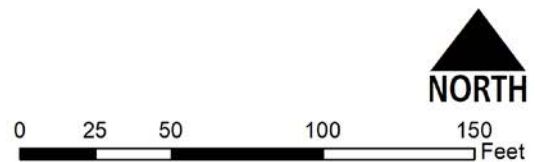
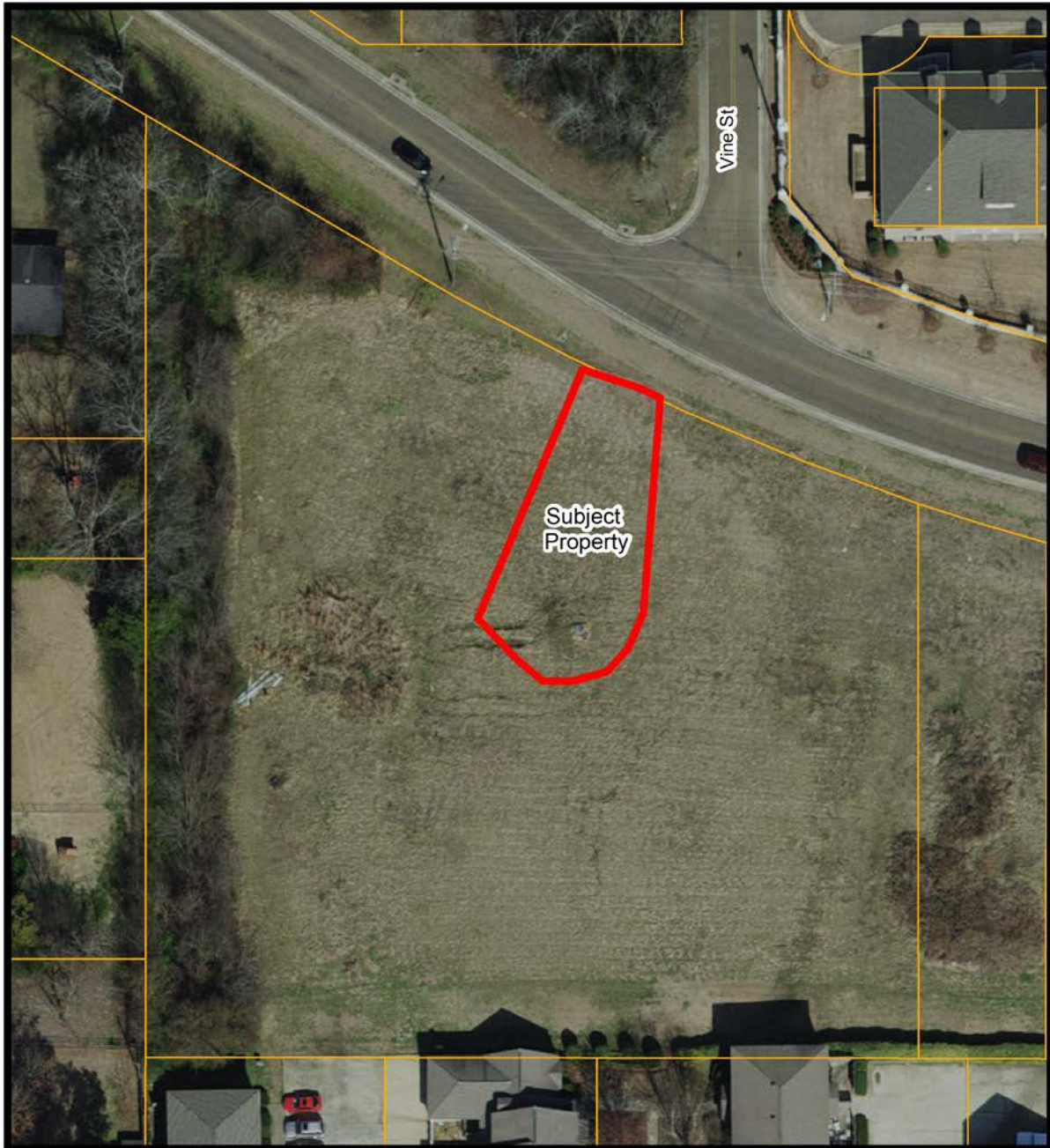
VARIANCE REQUEST REQUIREMENTS:

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

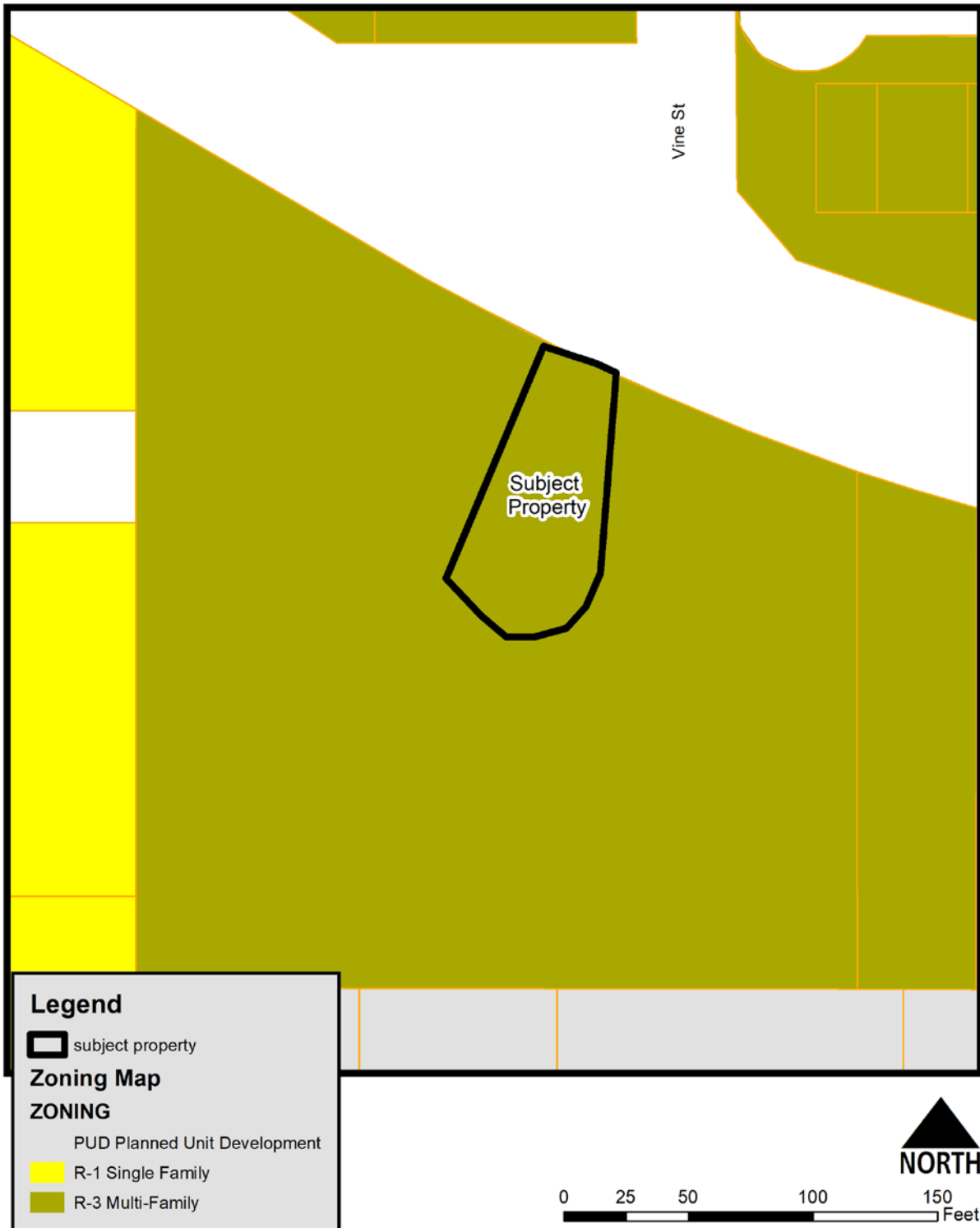
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the 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 19-09- Aerial



Attachment 2
VA 19-09- Zoning



STATEMENT OF SURVEYING ACCURACY:

I, Jason W. Pepper, hereby state that this map was prepared under my supervision; that all measurements shown hereon were made by me or by persons under my direct supervision; and that all measurements shown hereon are correct as shown.

4-10-17
Date of Execution

Subject Property
TOTAL PROPERTY AREA = 1.60 acres
RIGHT OF WAY PARCEL AREA = 0.39 acre

LOT 1 6,500 SQ. FT.
LOT 2 5,129 SQ. FT.
LOT 3 5,324 SQ. FT.
LOT 4 5,324 SQ. FT.
LOT 5 5,328 SQ. FT.
LOT 6 6,265 SQ. FT.
LOT 7 5,072 SQ. FT.
LOT 8 5,391 SQ. FT.

STREETS AND EASEMENTS:
YELLOW JACKET DRIVE (P.O.W. VARIES)
VINE ST
FRENCHMEN STREET
10' UTILITY EASEMENT
10' LANDSCAPE BUFFER
5.0' SIDE SETBACK
20.0 REAR SETBACK

ADJACENT OWNERS:
HAROLD PHILLIPS 1021-CO-137.00
CITY OF STARKVILLE NO TAX NUMBER
ELSIE DIXON 1021-HQ-133.00
TOM DANIEL 1021-HQ-134.00
C H JACKSON 1021-HQ-161.02
CLYDE JACKSON 1021-HQ-161.03
JACKSON PROPERTIES 1021-HQ-161.01
ALESHIA S 1021-HQ-161.01

subject property



Attachment 4- Application



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 Heitzman Phone: 662-418-4633
Address: 501 S. MONTGOMERY # 19, STARKVILLE, MS 39759
E-mail address: nheitzmann@gmail.com

PROPERTY OWNER INFORMATION

Name: Neil Heitzmann Phone: 662-418-4633
Address: 71 Frenchmen ST, STARKVILLE MS 39759
E-mail address: nheitzmann@gmail.com

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

APPLICATION INFORMATION

Street Address/Location: Frenchman Street and Yellow Jacket Drive
Tax Map/Parcel ID Number: 102H-00-191.17 Zoning: R-3
Variance Sought: Extending roof line for a pergola into setback line.

Dimension Requested: _____ Dimension Required: _____

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

Appendix A. Zoning Article VI. General Provisions. Sec. B Location of accessory structure on residential lots.

Reason for request:

To add a pergola to the side of an existing home as a decorative structure over a patio.

Legal Description: Lot 4 of The Marigny Subdivision

Property to the NORTH: Zoning R-3 Current Use Residential

Property to the EAST: Zoning R-3 Current Use Residential

Property to the SOUTH: Zoning R-3 Current Use Residential

Property to the WEST: Zoning R-3 Current Use Residential

☐ Application Fee ☐ Legal Description ☐ Notarized Owner Authorization

Submitted by: _____ Date: _____

Attachment 5- Example of Pergola (Accessory Structure)

