

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
MAY 22, 2019**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on May 22, 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, Marco Nicovich, Ward 6. Absent from the meeting were Chairman Bill Webb, Ward 5 and Shawn Sullivan, Ward 7. Attending the Board members were City Planner Daniel Havelin, Assistant City Planner Emily Corban, and Community Development Director Dr. Simon Kim.

A CONSIDERATION OF THE WRITTEN AGENDA

**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
SPECIAL CALL 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. PLANNER REPORT

VII. ADJOURN

The Board considered the matter of the approval of the written agenda dated May 22, 2019. Upon the motion of Ms. Moreland seconded by Mr. Richardson, the Board voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF
THE MEETING OF MARCH 27, 2019**

After discussion and upon the motion of Ms. Moreland, seconded by Mr. Jefferson, the motion to approve the Minutes of the March 27, 2019 Board of Adjustments and Appeals meeting received unanimous approval.

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.**

This is 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. 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.

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. Chairman Bill Webb opened the public hearing.

The applicant Jason Perry 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. Richardson moved to approve VA 19-08, which was seconded by Ms. Moreland and the Board voted 5 to 0 to recommend approval of this request.

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.

This is a 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. 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.

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. Chairman Bill Webb opened the public hearing.

The applicant, Neil Heitzmann, 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, Ms. Moreland moved to approve VA 19-08, which was seconded by Mr. Camp, and the Board voted 5 to 0 to recommend approval of this request.

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.

This is a 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. 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 extend 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.

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notice. As of this date, the Planning Office has received one phone call requesting information.

Chairman Bill Webb opened the public hearing.

The applicant, Neil Heitzmann, 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, Ms. Moreland moved to approve VA 19-09, which was seconded by Mr. Camp, and the Board voted 5 to 0 to recommend approval of this request.

ADJOURNMENT

After discussion, Mr. Camp moved to adjourn which was seconded by Mr. Jefferson, and the Board voted unanimously to adjourn until 4:00 p.m. on June 26, 2019 in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Marco Nicovich, Vice-Chairman

Daniel Havelin, City Planner