



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, JULY 24, 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 MAY 22, 2019
- V. NEW BUSINESS
 - A. VA 19-10 REQUEST BY ANDY FORNEA FOR VARIANCE RELIEF FROM FRONT SETBACK REQUIREMENTS FOR A PROPOSED SUBDIVISION IN AN R-3A ZONE WITH THE PARCEL NUMBERS 102I-00-005.00, 102I-00-006.00 AND 102I-00-002.00
- VI. ADJOURN

**UNAPPROVED
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.

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 19-09, 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



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 19-10 Request by Andy Fornea for Variance relief from front setback requirements for a proposed subdivision in an R-3A zone with the parcel numbers 102I-00-005.00, 102I-00-006.00 and 102I-00-002.00
Date: July 24, 2019

The purpose of this report is to provide information regarding a variance request by Andy Fornea for Variance relief from front setback requirements for a proposed subdivision in an R-3A zone with the parcel numbers 102I-00-005.00, 102I-00-006.00 and 102I-00-002.00. Please see attachments 1- 5.

PROPOSED USE & BACKGROUND:

The applicant is requesting relief from front setback requirements for 79 lots in a proposed subdivision in an R-3A zoning district. The applicant is requesting a 15' front setback in lieu of the 25' required for front setback. They are requesting a reduced minimum front setback to bring the front of the homes closer to the street to create a more pedestrian friendly streetscape and to allow for a covered porch to extend out beyond the front façade of the house and front-loaded garage. The applicant attended a Development Review Committee meeting on June 13, 2019. The subject property was rezoned from R-1/C-2 to R-3A on November 6, 2018. A preliminary plat for the subdivision was approved by the Board of Aldermen on July 16, 2019. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the August 6, 2019 meeting.

NOTIFICATION:

43 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 June 22, 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 and one in office visit requesting information.

VARIANCE REQUESTS FROM:

Appendix A, Article. R. - R-3A single-family, medium-density.

- A. *Intent. These districts are intended to be composed of single-family dwellings. Appropriate neighborhood supporting facilities are provided for and the district's open residential character is protected by requiring minimum yard and area standards. R-3A zoning districts shall be more restrictive than the R-3 (multi-family) district but less restrictive than the R-1 (single-family) district.*

- B. *Required lot area and width, yards, building areas and height for single-family dwellings:*

Front setback: 25 feet

Side setback: 5 feet

Rear setback: 20 feet

Minimum lot area: 5,000 square feet

Minimum width at building line: 50 feet

Maximum building height: 45 feet

- C. *Off-street parking. A minimum of three off-street parking spaces shall be provided for each dwelling unit.*

- D. *Permitted and conditional uses shall be as follows:*

1. *The following uses are permitted by right in the R-3A zoning district:*

- a. *Single-family dwelling.*
- b. *Garden.*
- c. *Home occupation.*

2. *The following uses are allowed by conditional use in the R-3A zoning district:*

- a. *Church or place of worship.*
- b. *Golf course, not including commercial driving ranges; need not be enclosed within structure.*
- c. *Public utilities.*
- d. *Recreational facilities.*

- E. *Comprehensive plan. The R-3A zoning district shall be considered a medium density residential land use classification allowing a maximum gross density of eight dwelling units per acre, as allowed per Table 32 of the city's comprehensive plan.*

(Ord. No. 2008-9, § II, 11-4-08)

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 19-10 Aerial



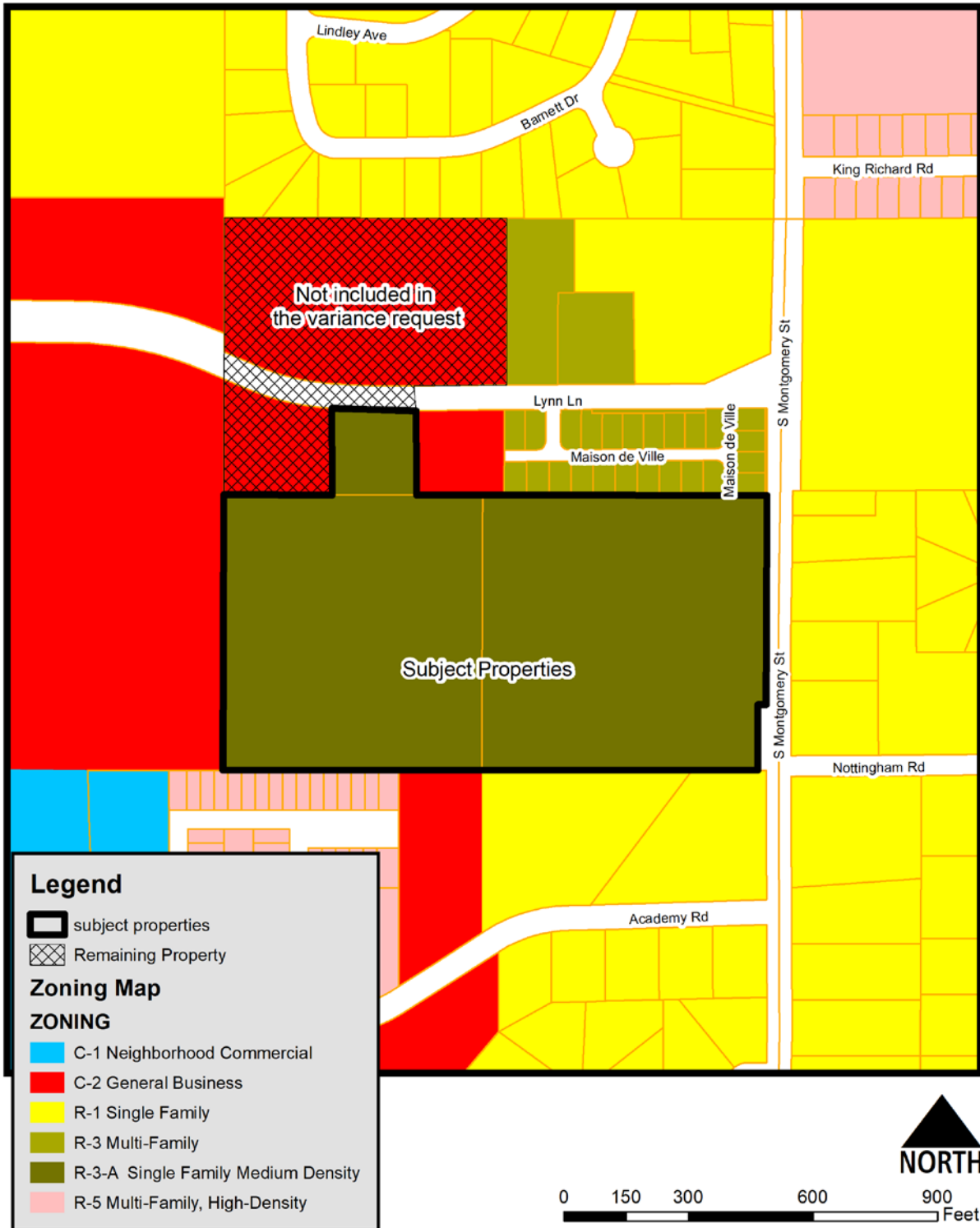
Legend

-  subject properties
-  Remaining Property

0 150 300 600 900 Feet



Attachment 2 VA 19-10 Zoning



Attachment 3- Applicant Statement



July 12, 2019

RE: Valentine Property – Andy Fornea Development
Front Yard Variance Request

To the Members of the Board of Adjustments and Appeals,

Thank you for taking the time to review this variance request to allow the front yard setback to be reduced from 25' down to 15'. This request would apply to each of the proposed 79 single family lots on the approved preliminary plat. The overall intent of this development is to create a well-designed, sustainable and memorable neighborhood with many of the same qualities found in the historic residential areas in Starkville. When homes/porches can be pulled closer to the street, this can create a visual value that helps to create a unique sense of place in a neighborhood. These principles are rooted in New Urbanist concepts following in the footsteps of America's first unique neighborhoods and streetscapes. By reducing the front yard setback, we will be able to implement the following neighborhood design objectives:

- Create appropriate pedestrian scale between the front of the homes and the public streets by bringing front porches closer to the sidewalk. Achieving this pedestrian scale and providing direct pathways from the front porches to the public sidewalks encourages interaction between residents and is critical to fostering a real sense of community within this neighborhood.
- Allow front porches to extend beyond the garage façade to highlight the architectural design details on the front of the homes, thus masking the visual of the garage door from the public streetscape.
- Provide substantial architectural design flexibility to create a wider variety of home footprint layouts and façade treatments, which will allow for a rich architectural style throughout the neighborhood.

The enclosed exhibits highlight the design improvements described above that can be made by allowing the reduction of the front yard setback. The standard 25' front setback will eliminate the visual interest provided by the front porch and create a tangible disconnection between the home and the public streetscape, which will reduce neighbor interaction and serve as a barrier to establishing the sense of community essential to long lasting, quality neighborhoods.

We look forward to discussing this variance request at the July 24th Board Meeting and answering any questions you may have at that time. Thank you for your time and consideration.

Best,
Mike

A handwritten signature in blue ink, appearing to read "Mike Hogstrom".

Michael Hogstrom, Owner
Onsite Design + Development
mike@onsitedd.com
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2253885282

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Baton Rouge, LA 70809

Attachment 4-Exhibit from Applicant



Attachment 5- Exhibit from Applicant

