



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, OCTOBER 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 AUGUST 21, 2019
- V. NEW BUSINESS
 - A. VA 19-12 REQUEST FOR A VARIANCE FROM SETBACK REQUIREMENTS FOR A PROPERTY LOCATED AT 301 YEATES STREET IN A R-2 ZONE WITH THE PARCEL # 102A-00-506.00
- VI. ADJOURN

**UNAPPROVED
MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
AUGUST 28, 2019**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on August 28, 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, 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, AUGUST 28, 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 JULY 11, 2019
 - B. CONSIDERATION OF THE UNAPPROVED MINUTES FOR JULY 24, 2019
- V. NEW BUSINESS
 - A. VA 19-11 REQUEST BY OCEDA FOR VARIANCE RELIEF FROM SIGN REQUIREMENTS FOR NORTH STAR INDUSTRIAL PARK IN A M-1 ZONE WITH THE PARCEL NUMBERS 115-21-007.01, 115-21-007.00, 115 -21-010.00, 115 -21-010.01, 115-21-010.02, 115 -22-026.00, 155-21-006.00, AND 114-20-003.00
- VI. PLANNER REPORT
- VII. ADJOURN

The Board considered the matter of the approval of the written agenda dated August 28, 2019. Upon the motion of Mr. Nicovich seconded by Mr. Jefferson, the Board voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF
THE MEETING OF JULY 11, 2019**

After discussion and upon the motion of Mr. Nicovich, seconded by Mr. Jefferson, the motion to approve the Minutes of the July 11, 2019 Board of Adjustments and Appeals meeting as amended received unanimous approval.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF
THE MEETING OF JULY 24, 2019**

After discussion and upon the motion of Mr. Nicovich, seconded by Mr. Camp, the motion to approve the Minutes of the July 24, 2019 Board of Adjustments and Appeals meeting as amended received unanimous approval.

NEW BUSINESS

A. VA 19-11 REQUEST BY OCEDA FOR VARIANCE RELIEF FROM SIGN REQUIREMENTS FOR NORTH STAR INDUSTRIAL PARK IN A M-1 ZONE WITH THE PARCEL NUMBERS 115-21-007.01, 115-21-007.00, 115 -21-010.00, 115 -21-010.01, 115-21-010.02, 115 -22-026.00, 155-21-006.00, AND 114-20-003.00

City Planner Daniel Havelin presented the request. This is a variance request by Joshua Davis on behalf of OCEDA (Oktibbeha County Economic Development Association for Variance relief from multi-tenant sign size and separation distance requirements for North Star Industrial Park located in a M-1 zone. The applicant is requesting relief from two sign requirements.

The first request for variance is from the maximum square footage allowed for a multi-tenant sign. The second request is from the required separation distance between multi-tenant

signs. OCEDA is proposing to place two signs, one on each side of the entrance from Highway 389. The proposed signs have a square footage of approximately 200 square feet each and are placed 150 feet apart. The sign ordinance allows for a maximum of 100 feet for a multi-tenant sign and a minimum separation of 330 feet between signs for the same development.

The subject property was rezoned from C-2, R-4, and R-5 to M-1 on January 3, 2017. The preliminary plat for the subdivision and a variance from street standards was approved by the Board of Aldermen on December 19, 2017. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the September 3, 2019 meeting.

7 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 August 1, 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 email in favor of the request.

Chairman Bill Webb opened the public hearing.

Joshua Davis, representing the applicant, came forward to speak in favor of the request.

Mary Bell came forward to speak against the request.

Leah Ellis came forward to speak against the request.

Betty Bell came forward to speak against the request.

Calling for and receiving no comments, the Chairman closed the public hearing. After discussion among the Board Members, Mr. Webb moved to deny VA 19-11, which was seconded by Mr. Nicovich and the Board voted 7 to 0 to recommend denial of this request.

ADJOURNMENT

After discussion, Mr. Camp moved to adjourn which was seconded by Mr. Sullivan, and the Board voted unanimously to adjourn until 4:00 p.m. on October 23, 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 19-12 request for a variance from setback requirements for a property located at 301 Yeates Street in a R-2 zone with the parcel # 102A-00-506.00
Date: October 23, 2019

The purpose of this report is to provide information regarding a variance request by Heather Osborne from setback requirements for a property located at 301 Yeates Street in a R-2 zone with the parcel # 102A-00-506.00. Please see attachments 1- 4.

PROPOSED USE & BACKGROUND:

The applicant is proposing to purchase and redevelop the property. The proposal is to remove the existing house and build a single unit residential dwelling on the property. The Proposed structure would generally be in the same footprint as the existing structure. The existing structure currently does not meet the setback requirements for an R-2 zone. A variance from setback requirements is needed to build a new structure at that location. The existing structure's front setback is +/- 5'. The proposed structure's front setback is +/- 5'. The existing structure's northern side setback is +/- 9.8'. The proposed structure's northern side setback is +/-7'. The existing structure currently encroaches on the right-of-way of the railroad. The proposed structure's southern side setback is +/-2'. The lot is triangle shaped and therefore has no rear lot line. The proposed structure is +/-69' from the lot corner to the east. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 5, 2019 meeting.

NOTIFICATION:

22 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 September 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 no phone calls about this request.

VARIANCE REQUESTS FROM:

Appendix A-Zoning, Article. VII-District Regulations Section D.- R-2 residential zoning requirements

Sec. D. - R-2 residential zoning regulations.

These [R-2 residential] districts are intended to be composed of higher density single-family residential properties and, under special conditions, duplexes, along with appropriate neighborhood support facilities, with their character protected by requiring certain minimum yard and area standards to be met. [The following regulations apply to R-2 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: 7,500 square feet.
 - (b) Minimum lot width at the building line: 60 feet.
 - (c) Minimum depth of front yard: 25 feet.
 - (d) Minimum depth of rear yard: 35 feet.
 - (e) Minimum width of each side yard: 7½ feet.
 - (f) Maximum height of structure: 45 feet.
4. Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.

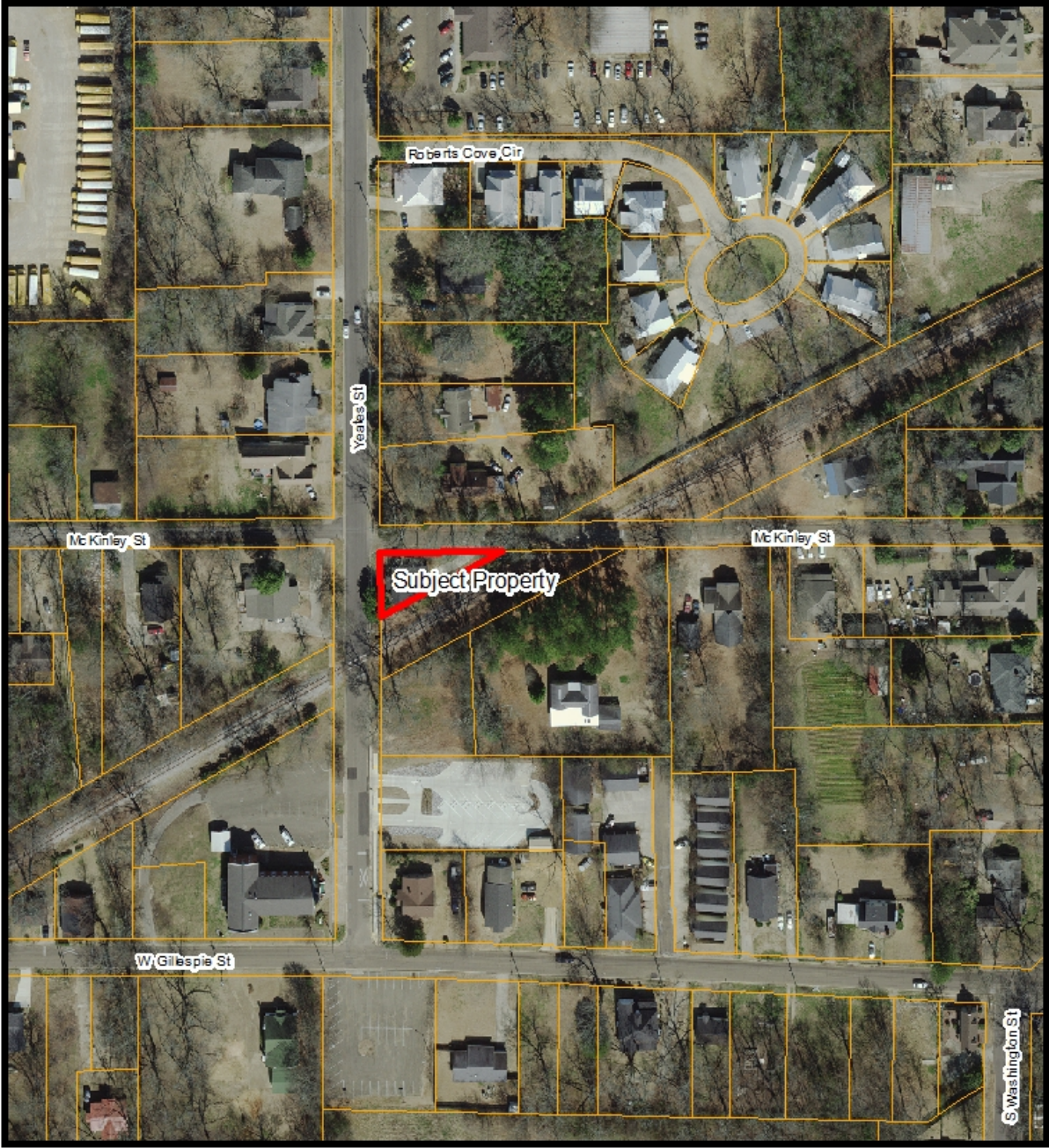
VARIANCE REQUEST REQUIREMENTS:

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 19-12- 301 Yeates St.

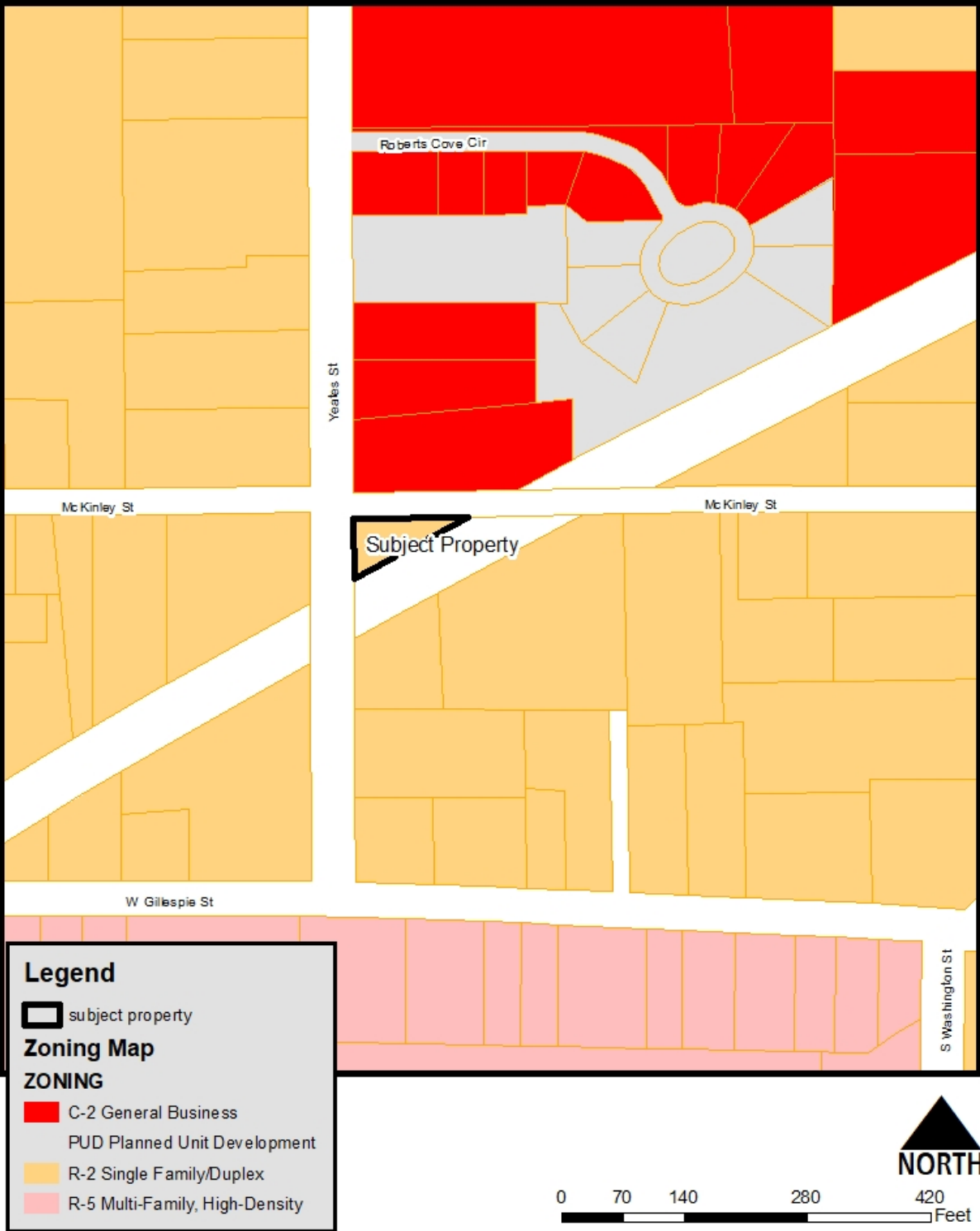


Legend

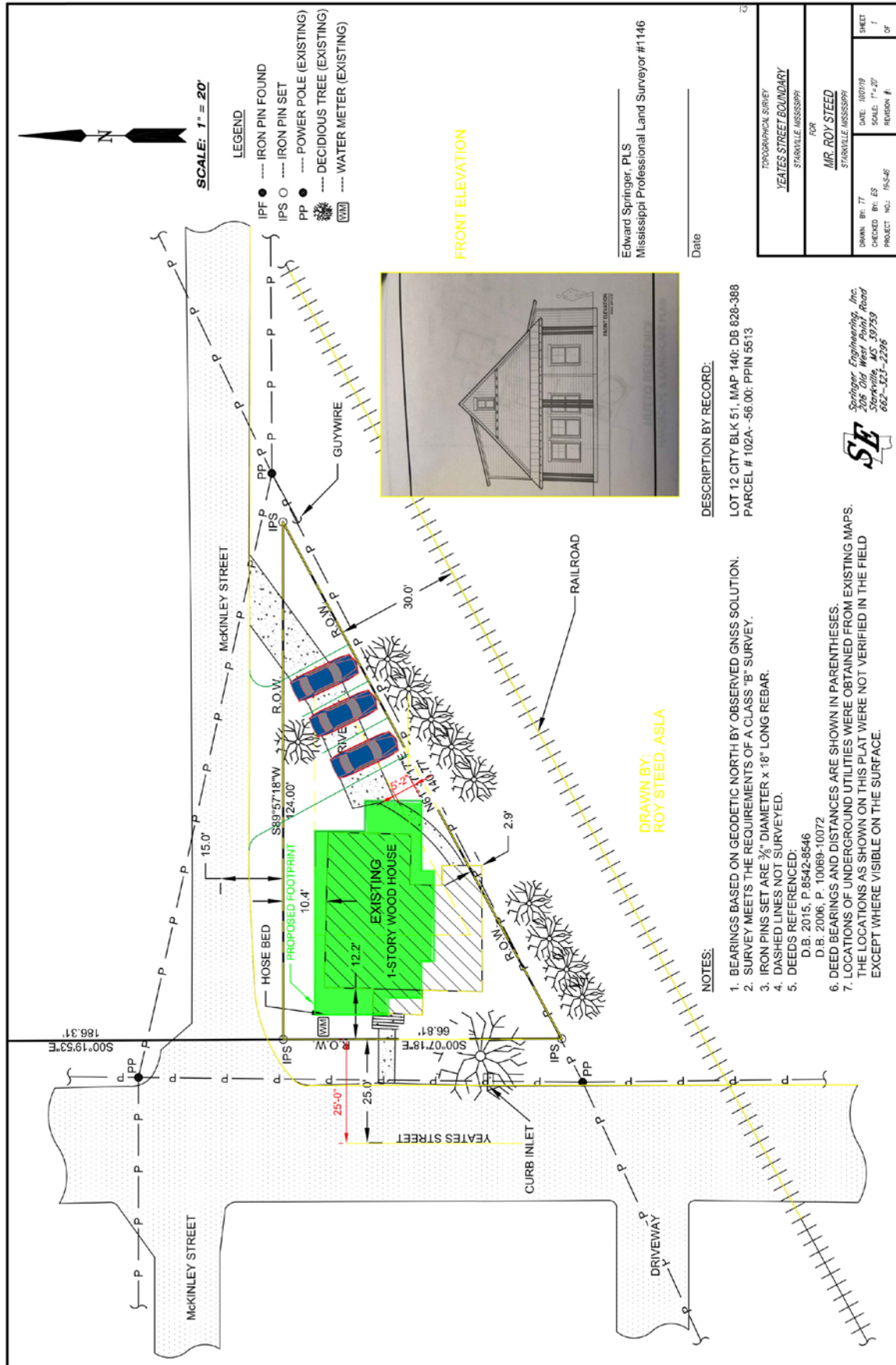
 subject property



Attachment 2
VA 19-12- 301 Yeates St.



Attachment 3- Site Plan



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: Heather Osborne Phone: (601) 624-6996
Address: 115 Roberts Cove, Starkville, MS 39759
E-mail address: heatherosborne1@me.com

PROPERTY OWNER INFORMATION

Name: Mary Ann Henderson Phone: (662) 341-6271
Address: 301 Yeates, Starkville, MS 39759
E-mail address: N/A - owner does not have email

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

APPLICATION INFORMATION

Street Address/Location: 301 Yeates, Starkville, MS 39759
Tax Map/Parcel ID Number: 102A-00-056.00 Zoning: R2

Variance Sought: lot size of 7500 sq ft and minimum lot width

at building line of 60 ft
Dimension Requested: lot size 2937 sq ft Dimension Required: 7,500 sq ft

actual 49' @ bldg line
Section(s) of the Code of Ordinances from which variance is being sought: 60 ft @ bldg line

Sec D - R2 residential zoning regulation

Reason for request:
inspection of existing home showed significant structural
problems with roof, foundation, etc. We want to construct
new home on lot

Property to the NORTH: Zoning R-2 Current Use R-2

Property to the EAST: Zoning R-2 Current Use R-2

Property to the SOUTH: Zoning R-2 Current Use R-2

Property to the WEST: Zoning R-2 Current Use R-2

☐ Application Fee ☐ Legal Description ☐ Notarized Owner Authorization

Submitted by: _____ Date: _____