



**OFFICIAL AGENDA
SPECIAL CALL
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, FEBRUARY 26, 2020
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 NOVEMBER 13, 2019
- V. NEW BUSINESS
 - A. VA 20-01 REQUEST BY DOUBLE B PROPERTIES FOR VARIANCE RELIEF FROM FRONT SETBACK REQUIREMENTS LOCATED AT 400 HIGHWAY 389 (NORTH JACKSON STREET) IN A FORMERLY R-3 ZONING DISTRICT WITH THE PROPERTY #118I-00.103 AND 118I-00.104
 - B. APPROVAL OF 2020 BOARD OF ADJUSTMENTS AND APPEALS MEETING SCHEDULE AND SUBMITTAL DEADLINE
- VI. ADJOURN

**UNAPPROVED
MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
NOVEMBER 13, 2019**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on November 13, 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
MEETING OF WEDNESDAY, AUGUST NOVEMBER 13, 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 OCTOBER 23, 2019
- V. NEW BUSINESS
 - A. VA 19-13 REQUEST FOR A VARIANCE BY JACKSON CONSTRUCTION INC. FROM FRONT SETBACK REQUIREMENTS FOR LOTS 308-314 ON TALAMORE LANE AND LOTS 301-307 ON LAMBERTON LANE IN THE PHASE 9 OF HUNTINGTON PARK.
- VI. ADJOURN

The Board considered the matter of the approval of the written agenda as amended dated November 13, 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 OCTOBER 23, 2019

After discussion and upon the motion of Mr. Nicovich, seconded by Mr. Camp, the motion to approve the Minutes of the October 23, 2019 Board of Adjustments and Appeals meeting as amended received unanimous approval.

NEW BUSINESS

A. VA 19-13 REQUEST FOR A VARIANCE BY JACKSON CONSTRUCTION INC. FROM FRONT SETBACK REQUIREMENTS FOR LOTS 308-314 ON TALAMORE LANE AND LOTS 301-307 ON LAMBERTON LANE IN THE PHASE 9 OF HUNTINGTON PARK

City Planner Daniel Havelin presented the request. This is a variance request by Jackson Construction for Variance relief from front setback requirements for lots 308-314 on Talamore Lane and lots 301-307 on Lamberton Lane in Phase 9 of Huntington Park Subdivision. All of the lots front a common area that will be used as a park and stormwater facility. The lots are rear loaded from a one-way street/alley. The request is to reduce the front setback to 10' from the required 25 feet.

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 on October 26, 2019 and a sign was posted on the property. As of this date, the Planning Office has received one phone call requesting information.

Chairman Bill Webb opened the public hearing.

The applicant David Jackson 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 19-13, which was seconded by Mr. Nicovich, and the Board voted 7 to 0 to recommend approval of this request.

ADJOURNMENT

After discussion, Mr. Nicovich moved to adjourn which was seconded by Mr. Camp, and the Board voted unanimously to adjourn until 4:00 p.m. on December 18, 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 20-01 Request by Double B Properties for Variance relief from front setback requirements located at 400 Highway 389 (North Jackson Street) in a formerly R-3 zoning district with the property #118I-00.103 and 118I-00.104
Date: February 26, 2020

The purpose of this report is to provide information regarding Variance Request by Saunders Ramsey on behalf of Double B Properties for a variance from front setback requirements for property located at 400 Highway 389 (North Jackson Street) in a formerly R-3 zoning district with the property #118I-00.103 and 118I-00.104. Please see attachments 1- 4.

PROPOSED USE & BACKGROUND:

The owner of the property is proposing to subdivide the property into two lots and build one 4 plex apartment building on each lot. The parking for both buildings will be located behind the proposed building on the east side of the lot. Parking will be access by a one-way drive entering off of North Jackson Street and exiting onto Critz Street. The stormwater will also be located on the east side of the lot. With the parking and stormwater occupy the eastern portion of the lot, the owner is requesting relief from the front setback along North Jackson Street. This project began under the previous code and is being regulated by the previous code. The front setback requirement is 25' under the previous zoning ordinance. The applicant is requesting to reduce the front setback requirement to 18' to accommodate for porches on the front of the building. The site plan is currently under review by the Development Review Committee. The Board of Aldermen approved the preliminary plat for the project on January 21, 2020. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the March 3, 2020 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 January 31, 2020 and a sign was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one phone call against this request.

VARIANCE REQUESTS FROM:

Appendix A- Zoning, Article VII.- District Regulations, 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.*

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 20-01- Aerial

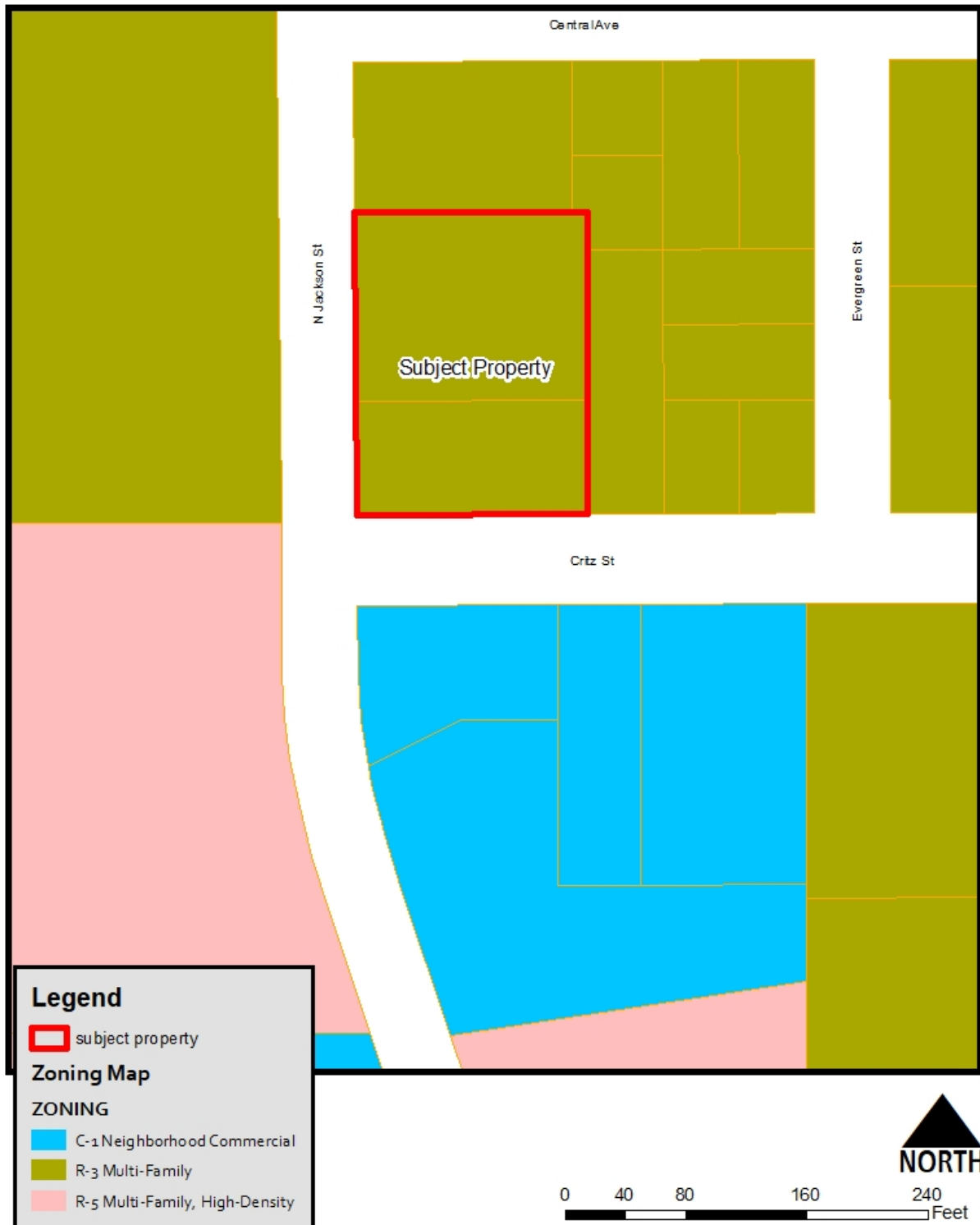


Legend

 subject property



Attachment 2
VA 20-01- Zoning



18' Requested Front Setback

25' Front Setback

Porch

Porch

Porch

Sight Triangle at Intersection

AS SHOWN AT THE SW CORNER OF LOT 1 IN LINDSEY'S SUBDIVISION, ON FILE AT THE CLERK'S OFFICE STARKVILLE, MS

N=1444583.258
E=586998.055



Board of Adjustment and Appeals

2020 Meeting Schedule

Submittal Type Deadline		Meeting Date
Public Hearing: Variance (Sec. 3-7)	Non-Advertised Public Meeting: Administrative Appeal (Sec. 3-8)	
Thursday, December 26, 2019	Wednesday, January 8, 2020	Wednesday, January 22, 2020
Thursday, January 30, 2020	Wednesday, February 12, 2020	Wednesday, February 26, 2020
Thursday, February 27, 2020	Wednesday, March 11, 2020	Wednesday, March 25, 2020
Thursday, March 26, 2020	Wednesday, April 8, 2020	Wednesday, April 22, 2020
Thursday, April 30, 2020	Wednesday, May 13, 2020	Wednesday, May 27, 2020
Thursday, May 28, 2020	Wednesday, June 10, 2020	Wednesday, June 24, 2020
Thursday, June 25, 2020	Wednesday, July 8, 2020	Wednesday, July 22, 2020
Thursday, July 30, 2020	Wednesday, August 12, 2020	Wednesday, August 26, 2020
Thursday, August 27, 2020	Wednesday, September 9, 2020	Wednesday, September 23, 2020
Thursday, October 1, 2020	Wednesday, October 14, 2020	Wednesday, October 28, 2020
Thursday, October 29, 2020	Wednesday, November 11, 2020	Wednesday, November 25, 2020
Thursday, November 19, 2020	Wednesday, December 2, 2020	Wednesday, December 16, 2020
Thursday, December 31, 2020	Wednesday, January 13, 2021	Wednesday, January 27, 2021
Submittals requiring Development Review Committee review, will only be considered submitted after being reviewed by the Development Review Committee in accordance with Section 3-7.3.B		

Meetings begin at 4:00 pm at the City Hall Courtroom located on the second floor in Rm 211 at 110 West Main Street unless otherwise noticed