



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, MARCH 25, 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 FEBRUARY 26, 2020
- V. NEW BUSINESS
 - A. VA 20-02 REQUEST FOR A VARIANCE FROM REAR SETBACK AT 104 MCKINLEY STREET IN AN TN-E ZONING DISTRICT WITH THE PROPERTY #102A-00-077.00
- VI. ADJOURN

**UNAPPROVED
MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
FEBRUARY 25, 2020**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on February 25, 2020, in the Community Development Department at City Hall. Members present were Jerry Jefferson, Ward 2, Bo Richardson, Ward 3, Chairman Bill Webb, Ward 5, Marco Nicovich, Ward 6, and Shawn Sullivan, Ward 7. Attending the Board members were City Planner Daniel Havelin.

A CONSIDERATION OF THE WRITTEN AGENDA

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- 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. APPROVAL OF 2020 BOARD OF ADJUSTMENTS AND APPEALS MEETING SCHEDULE AND SUBMITTAL DEADLINE
- VI. ADJOURN

The Board considered the matter of the approval of the written agenda as amended dated February 25, 2020. Upon the motion of Mr. Nicovich, seconded by Mr. Sullivan, the Board voted unanimously to approve the written agenda as amended.

APPROVAL OF THE MINUTES

A. CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 13, 2019

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

NEW BUSINESS

A. APPROVAL OF 2020 BOARD OF ADJUSTMENTS AND APPEALS MEETING SCHEDULE AND SUBMITTAL DEADLINE

City Planner Daniel Havelin presented the proposed 2020 meeting schedule and submittal deadline. After a discussion, Mr. Nicovich moved to approve the proposed schedule and submittal deadline with one change. The November meeting date changed from November 25th to November 18th to not interfere with the Thanksgiving Holiday schedule. The motion with the recommended change was seconded by Mr. Richardson, and the Board voted unanimously to approve.

ADJOURNMENT

After discussion, Mr. Nicovich moved to adjourn which was seconded by Mr. Sullivan, and the Board voted unanimously to adjourn until 4:00 p.m. on March 25, 2020 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 20-02 Request for a variance from rear setback at 104 McKinley Street in an TN-E zoning district with the property #102A-00-077.00
Date: March 25, 2020

The purpose of this report is to provide information regarding a variance request from rear setbacks by Donald Buckner Jr. at 104 McKinley Street in an TN-E zoning district with the property #102A-00-077.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant's home was recently destroyed by fire and they have begun the process of applying for building permits to construct a new single unit residential dwelling on the property. The property fronts McKinley Street and back up to railroad right-of-way. The lot is triangular shaped. Due to the shape of the lot, there are limited options for locating the proposed dwelling. The applicant can site the proposed dwelling to comply with front and side setbacks, but not the rear setback adjacent to the railroad right-of-way. The applicant is requesting relief from the rear setback minimum of 15'. The requested rear setback is 10'. If the request for Variance is recommended for approval or denial, the applicant's requests will be heard by the Board of Aldermen at the April 7, 2020 meeting.

VARIANCE REQUEST FROM

Section 6.3.4.B.4 Rear setback (min) of 15'. (Page 6-4 of the Unified Development Code)

CRITERIA FOR VARIANCE REVIEW AND APPROVAL (Section 3.7.1)

3.7.1. Criteria for variance review and approval.

- A. Special Conditions. 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 surrounding area.
- B. Literal Interpretation. That the literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.
- C. Hardship. That the hardship has not resulted from the actions of the applicant.
- D. Special Privilege. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district.
- E. Minimum Variance. That granting the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- F. Consistency with Comprehensive Plan. That the granting of the variance will be consistent with the general purpose, intent, goals, objectives, and policies of the Comprehensive Plan and this code and will not be injurious to surrounding areas or otherwise detrimental to the public welfare.

NOTIFICATION:

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code.

1. 13 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on March 3, 2020.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received no phone calls about the request.

ANALYSIS

In the opinion of the Planning Department the proposed variance request does meet the criteria for variance review and approval. The reduction in the rear setback would not have any adverse impact on adjacent single dwelling residential property.

CONDITIONS OF APPROVAL

Any condition attached to the approval of a variance by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, and successors.

Attachment 1
VA 20-02 Aerial

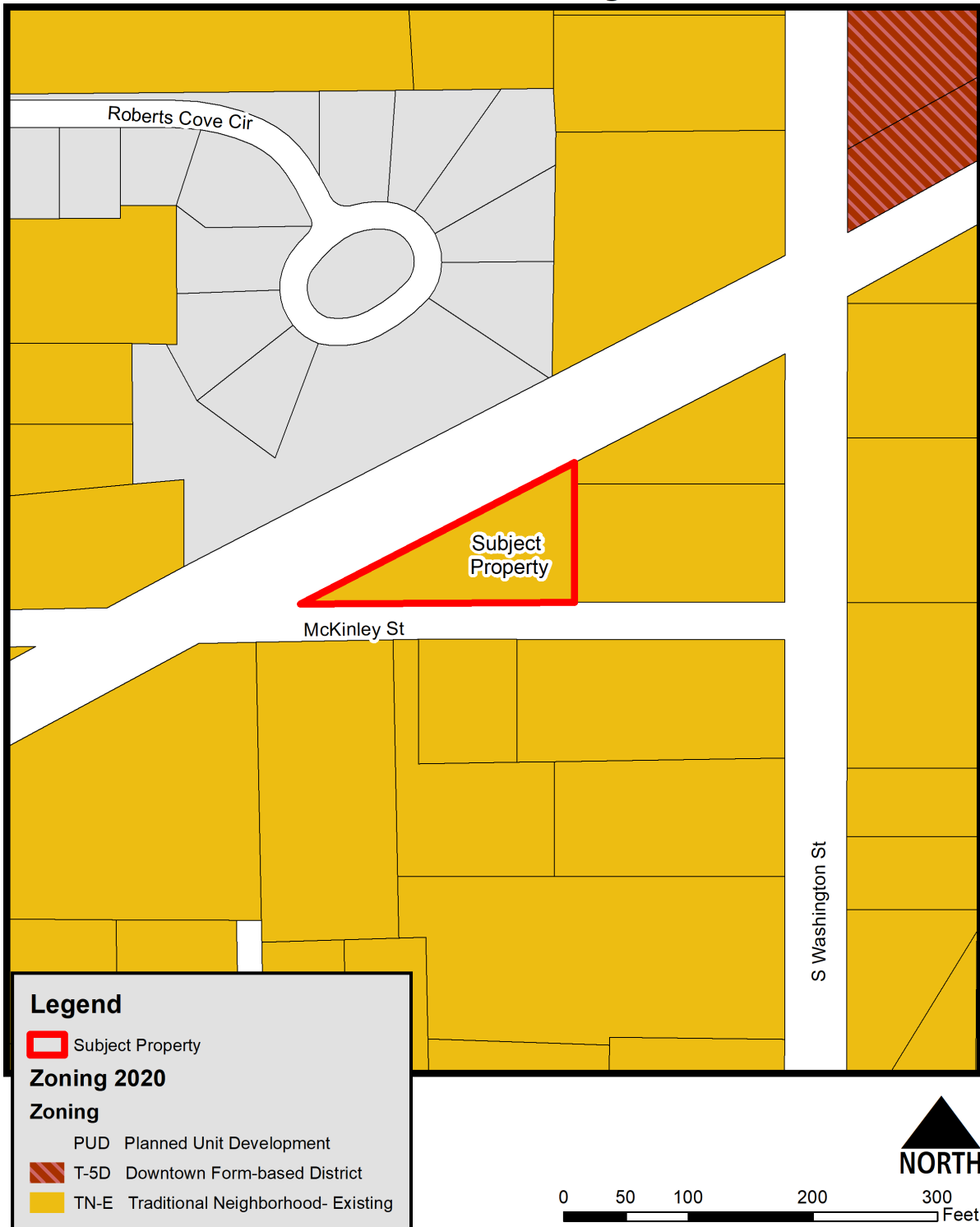


Legend

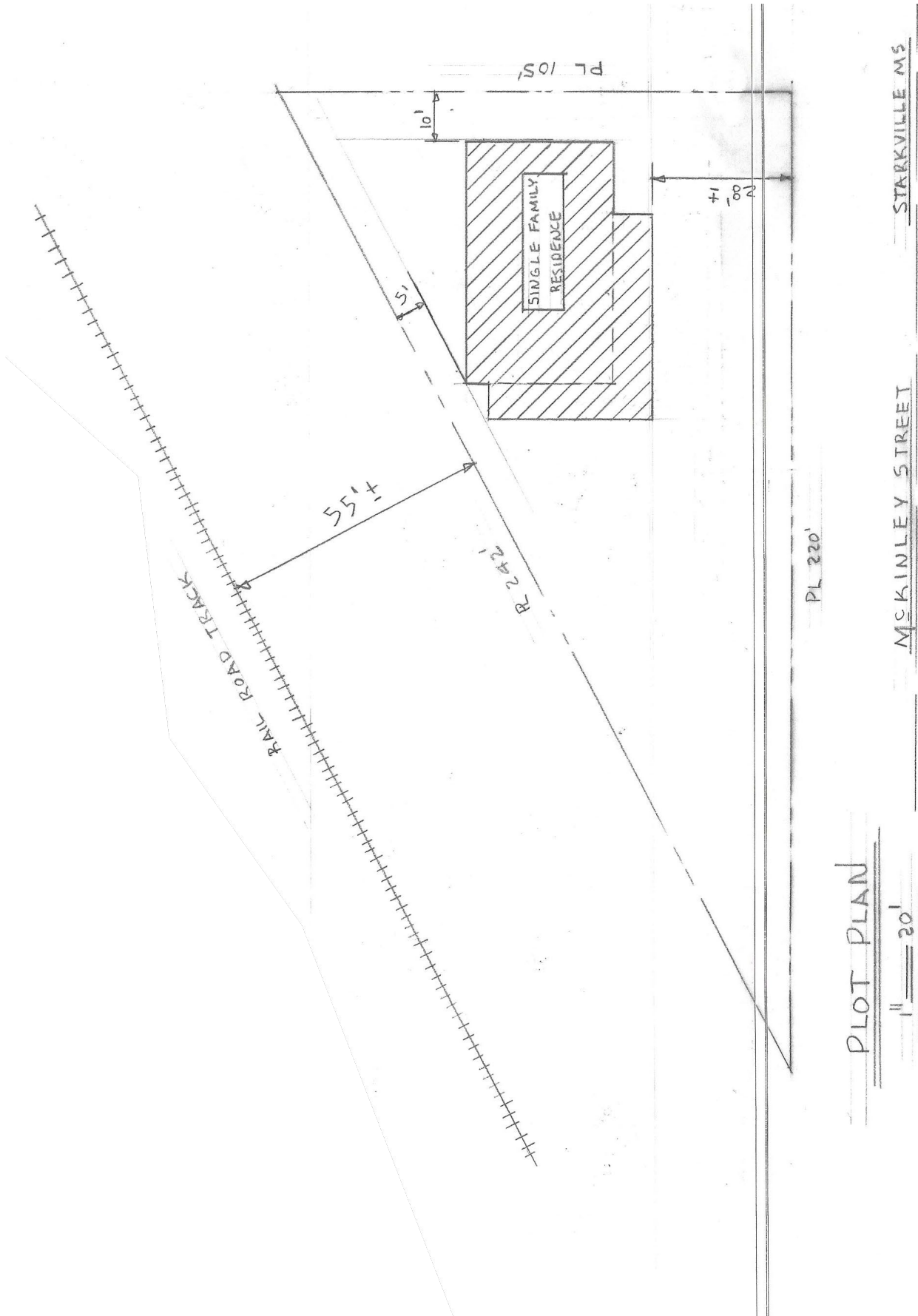
 Subject Property



Attachment 2
VA 20-02 Zoning



Attachment 3- Site Plan



Attachment 4- Elevations

