



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, AUGUST 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 JULY 22, 2020
- V. NEW BUSINESS
 - A. VA 20-07 REQUEST FOR A VARIANCE FROM REQUIRED LOT SIZE AND DIMENSIONS LOCATED ON THE 798 PINE CIRCLE IN A SD-2 ZONING DISTRICT WITH THE PARCEL NUMBER 102H-00-113.01.
 - B. VA 20-09 REQUEST FOR A VARIANCE FROM THE REQUIRED AMOUNT OF PARKING FOR A PROPOSED CONDOMINIUM DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF GUEST DRIVE AND MALLORY LANE IN A C ZONING DISTRICT WITH THE PARCEL NUMBERS 103A-00-001.42 AND 103A-00-001.43.
 - C. VA 20-08 REQUEST FOR A VARIANCE FROM THE REQUIRED PARKING SETBACKS FOR A FUTURE RETAIL DEVELOPMENT LOCATED ON THE 601 HIGHWAY 12 WEST IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102F-00-053.00. (THIS ITEM WAS PULLED BY THE APPLICANT ON 8-20-20 BY EMAIL)
- VI. ADJOURN

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

July 22, 2020

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on July 22, 2020 at 4:00 p.m. in the conference room on the 2nd floor of City Hall located at 110 West Main Street, Starkville, MS.

There being physically present were Bill Webb, Chairman, Ward 6 and Shawn Sullivan, Ward 7. Joining the meeting via Google Meets virtual meeting platform were George Ford, Ward 1, Bo Richardson, Ward 3, Robert Camp, Ward 4, and Marco Nicovich, Ward 5. Physically present attending the Commissioners was Community Development Director Dr. Simon Kim.

Chairman Webb opened the meeting.

**A CONSIDERATION OF THE WRITTEN AGENDA
OFFICIAL AGENDA**

**BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI**

MEETING OF WEDNESDAY, July 22, 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 MARCH 25, 2020
 - B. CONSIDERATION OF THE UNAPPROVED MINUTES FOR MAY 27, 2020
- V. NEW BUSINESS
 - A. VA 20-04 REQUEST FOR A VARIANCE FROM REQUIRED CURB WIDTH, BUILDING SETBACK, RIGHT OF WAY & MEDIAN LIMITS, AND TRAVEL LANE WIDTH FOR PHASE III ADELAIDE SUBDIVISION LOCATED ON THE WEST SIDE OF ADELAIDE PHASE I AND II ON RYAN AVENUE AND BANCROFT AVENUE WITHIN IS A TN-N ZONING DISTRICT WITH THE PARCEL NUMBERS 105-15-007.00 AND 105-22-001.00
 - B. VA 20-05 REQUEST FOR A VARIANCE FROM SIDEWALK REQUIREMENTS LOCATED AT 605 DR. MARTIN LUTHER KING JR. DRIVE EAST IN A S-1 WITH THE PROPERTY #117N-00-001.1
 - C. VA 20-06 REQUEST FOR A VARIANCE FROM PARKING SETBACK, DRIVEWAY WIDTH, ACCESS POINT SPACING, ACCESS POINT LOCATION, ACCESS POINT WIDTH, APPROACH SLOPE OF DETENTION POND, AND BOTTOM SLOPE OF DETENTION POND FOR A PROPOSED CONDOMINIUM DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF GUEST DRIVE AND MALLORY LANE. THE PROPERTY IS LOCATED IN A C ZONING DISTRICT WITH THE PARCEL NUMBERS 103A-00-001.42 AND 103A-00-001.43
- VI. ADJOURN

APPROVAL OF THE MINUTES

After discussion, the motion to approve the minutes as amended of the Board of Adjustments and Appeals for March 25, 2020 and May 27, 2020 received unanimous approval.

NEW BUSINESS

- A. VA 20-04 REQUEST FOR A VARIANCE FROM REQUIRED CURB WIDTH, BUILDING SETBACK, RIGHT OF WAY & MEDIAN LIMITS, AND TRAVEL LANE WIDTH FOR PHASE III ADELAIDE SUBDIVISION LOCATED ON THE WEST SIDE OF ADELAIDE PHASE I AND II ON RYAN AVENUE AND BANCROFT AVENUE WITHIN IS A TN-N ZONING DISTRICT WITH THE PARCEL NUMBERS 105-15-007.00 AND 105-22-001.00**

This is a request for a variance from required curb width, building setback, right-of-way & median limits, and travel lane width by Neel-Schaffer on behalf of Live Adelaide LLC for the proposed Phase III Adelaide Subdivision located on the west side of Adelaide Phase I and II on Ryan Avenue and Bancroft Avenue within is a TN-N zoning district with the parcel numbers 105-15-007.00 and 105-22-001.00.

Saunders Ramsey explained the general design concepts of the existing Phases I and II that are contiguous with the proposed Phase III requesting site-wide consistency. Joshua Davis from Neel-Schaffer requested (1) reduction in curb width from 2.5' to 2', (2) reduction in building setback from 10' to 6', (3) increase in right-of-way & median limits from the required 22' to accommodate and protect the natural stream, and (4) reduction in travel lane width from 12' to 10' to accommodate bulb outs.

Simon Kim, Community Development Director, added that hardships exist due to the presence of the wide natural stream in the middle of the site.

Chairman Webb opened the public hearing to citizen comments.

Call for and receiving no comments, Chairman Webb closed the public hearing and opened the item up for discussion.

After a discussion, and upon the motion of Mr. Sullivan, duly seconded by Mr. Nicovich, the Board approved VA 20-04 unanimously.

**B. VA 20-05 REQUEST FOR A VARIANCE FROM SIDEWALK REQUIREMENTS
LOCATED AT 605 DR. MARTIN LUTHER KING JR. DRIVE EAST IN A S-1 WITH
THE PROPERTY #117N-00-001.1**

This is a request for a variance from required sidewalk construction by Springer Engineering on behalf of Starkville Utilities for the proposed Operation Center at 605 Dr. Martin Luther King Jr. Drive East in a S-1 with the property #117N-00-001.1.

Simon Kim, Community Development Director, explained that hardships exist due to the existing topo on the site, two (2) electrical power substations, and traffic issues due to the major intersection between Highway 182 and 12. He also explained the in-lieu payment.

Upon questions from Mr. Robert Camp regarding the location of potential in-lieu payment spending, Edward Kemp, City Engineer, explained that it would be used in conjunction with the BUILD grant for the areas around the subject site.

Chairman Webb opened the public hearing to citizen comments.

Call for and receiving no comments, Chairman Webb closed the public hearing and opened the item up for discussion.

After a discussion, and upon the motion of Mr. Sullivan, duly seconded by Mr. Nicovich, the Board approved VA 20-05 unanimously with stipulations that appropriate financial set-asides as required by Ordinance are in place.

**C. VA 20-06 REQUEST FOR A VARIANCE FROM PARKING SETBACK, DRIVEWAY
WIDTH, ACCESS POINT SPACING, ACCESS POINT LOCATION, ACCESS POINT
WIDTH, APPROACH SLOPE OF DETENTION POND, AND BOTTOM SLOPE OF
DETENTION POND FOR A PROPOSED CONDOMINIUM DEVELOPMENT
LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF GUEST
DRIVE AND MALLORY LANE. THE PROPERTY IS LOCATED IN A C ZONING
DISTRICT WITH THE PARCEL NUMBERS 103A-00-001.42 AND 103A-00-001.43**

Simon Kim, Community Development Director, commented that the item was withdrawn by the applicant.

Chairman Webb opened the public hearing to citizen comments. With no comments, Chairman Webb closed the public hearing. There was no follow-up discussion.

ADJOURNMENT

After discussion, Mr. Sullivan moved to adjourn, which was seconded by Mr. Camp, and the Board voted unanimously to adjourn until 4:00 p.m. on August 26, 2020 in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Bill Webb, Chairman

Dr. Simon Kim, Community Development Director



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 20-07 Request for a variance from required lot size and dimensions located on the 798 Pine Circle in a SD-2 zoning district with the parcel number 102H-00-113.01.
Date: August 26, 2020

The purpose of this report is to provide information regarding the Variance Request by Tommy Turner for a Variance to vary from the required lot size and dimensions for an existing legal non-conforming lot in accordance with Section 3.17.1.A.2 of the Unified Development Code (UDC). The approval of the request is needed to construct a new detached dwelling home on the lot. The property is located 798 Pine Circle within a SD-2 zoning district with the parcel number 102H-00-113.01.
Please see attachments 1- x.

BACKGROUND INFORMATION

The applicant is requesting relief from minimum lot size and minimum lot width for an existing lot located at 798 Pine Circle in the Pleasant Acres neighborhood. The lot was originally a part of lot 9 of the Pleasant Acres Subdivision platted around 1955. Lot 9 was subdivided to create subject lot in 1958 prior to being annexed into the City (see attachment 5). The current lot does not meet the minimum size requirements for a lot in an SD-2 zoning district. It is therefore classified as a legal non-conforming lot. A legal nonconforming lot is a lot existing legally at the time of the passage of the UDC, or the time of annexation into the City's jurisdiction, which does not by reason of design or dimensions conform to the regulations of the district in which it is located. The lot is approximately 45% smaller than the required 17,500 square feet and is 70'6" wide which is less than the required 100'. The applicant is proposing to build a single residential dwelling on the property. The proposed structure shown on attachment 3 does meet the required setbacks for that zoning district. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the September 1, 2020 meeting.

VARIANCE REQUEST FROM

1. **Minimum Lot Size- Section 6.2.1.** Allows for a detached house with a minimum lot size of 17,500 square feet.
 - a. **Request:** minimum lot size of +-9,517 feet
 - b. **Reasoning:** Legal nonconforming lot that was created as a part of the originally platted subdivision. It does not meet current minimum lot sizes for that zone.
2. **Minimum Lot Width- Section 6.3.4. (Figure 6.3-1) Allows for a minimum lot width of 100'**
 - a. **Request:** The applicant is requesting a lot width of 70' 6" in lieu of the 100' required width.
 - b. **Reasoning:** The lot was legally platted with a 70'6" width.

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. 11 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 August 11, 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 only one email inquiring about the request.

ANALYSIS

In the opinion of the Planning Department the proposed variance request could meet the criteria for variance review and approval. An argument could be made that special conditions exist peculiar to this lot and that the hardship has not resulted from the actions of the applicant. Additionally, granting a variance for the minimum lot size and lot width would make possible the minimum reasonable use of the land for a residential dwelling in a residential neighborhood.

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 20-07 Aerial



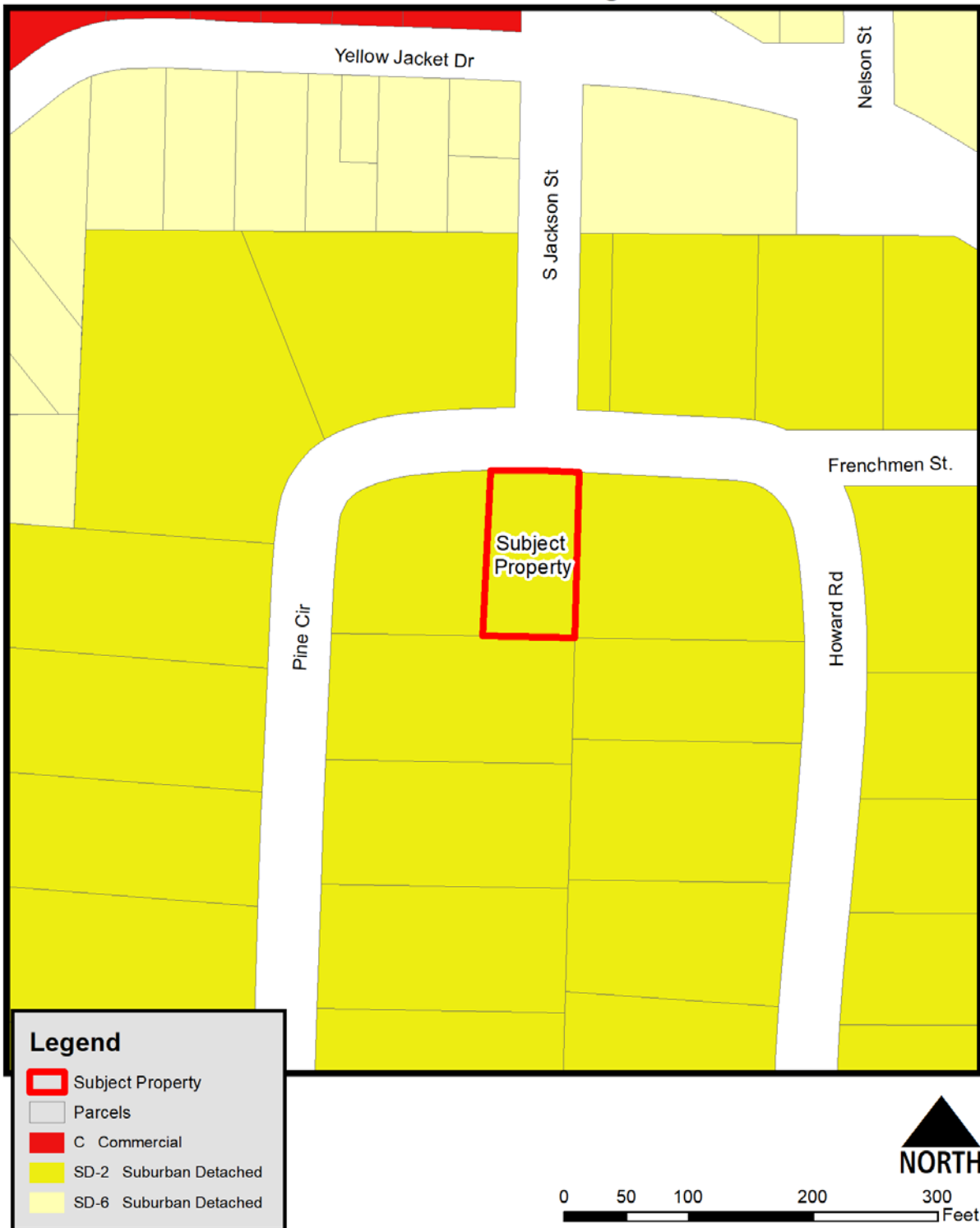
Legend

-  Subject Property
-  Parcels

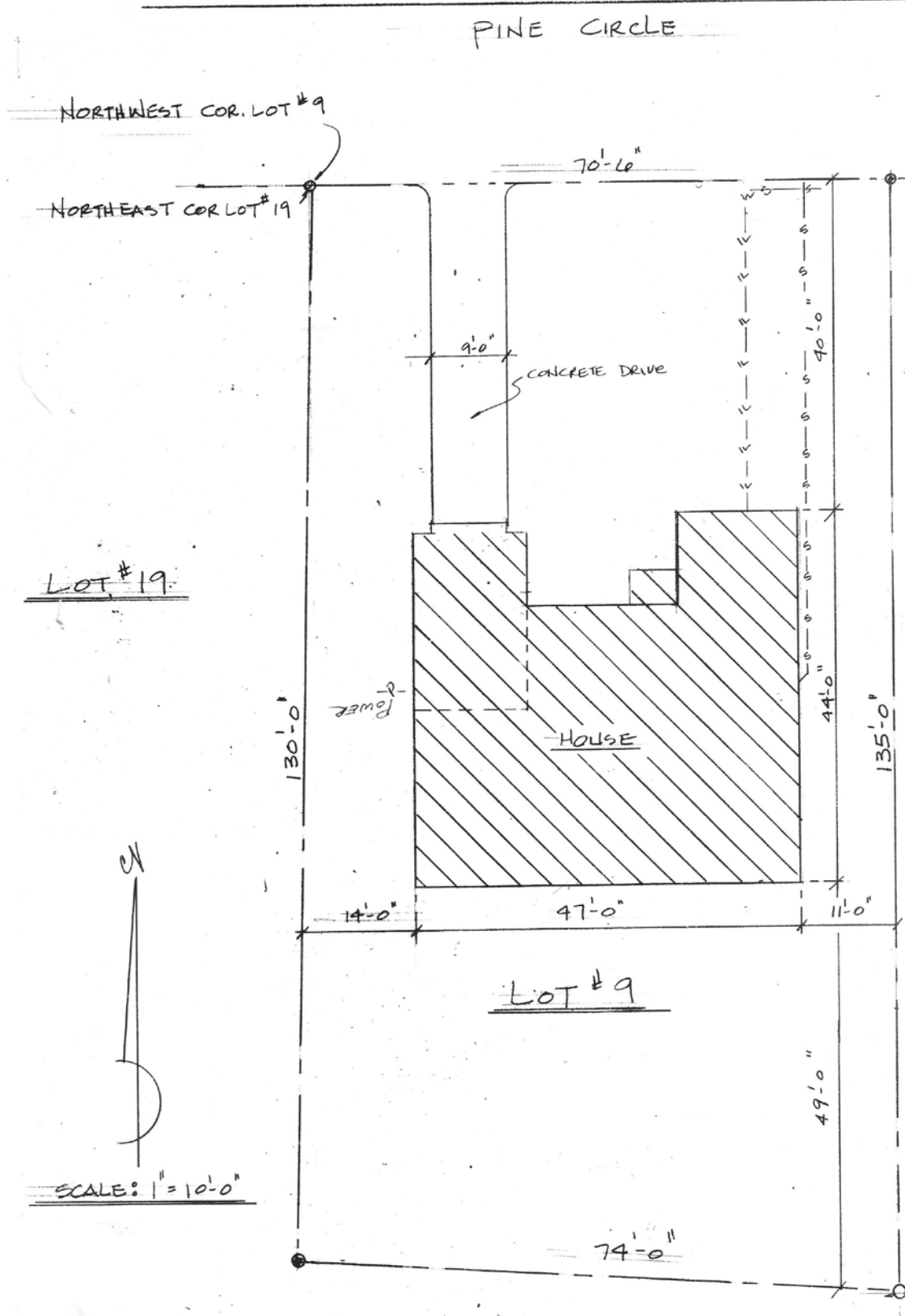
0 50 100 200 300 Feet



Attachment 2
VA 20-07 Zoning



Attachment 3- Site Plan



PLEASANT ACRES
OKFUSHEE COUNTY
MISSISSIPPI

W. R. REYNOLDS, SURVIVOR

Hand 12
Hand 13
Hand 14

BARNETT DRIVE
HOWARD ROAD
SOUTH MOWSON STREET

BLOCK FOUR
BLOCK ONE
BLOCK TWO
BLOCK THREE
BLOCK FOUR

Handwritten notes and signatures in red ink are scattered throughout the map, including 'Hand 12', 'Hand 13', 'Hand 14', and various numbers and names.

Attachment 5- Legal Description dating the subdivision

A strip of land 70 feet 6 inches in width fronting on Pine Circle, off the West side of Lot 9 of Block 1 of Pleasant Acres Subdivision of Oktibbeha County, Mississippi, as recorded in the land records of said county in Plat Book 1 at page 21, and being more particularly described as: Commence at the Northwest corner of said Lot 9, the same being the Northeast corner of Lot 19 of Block 1 of said Subdivision, as shown by said plat in Plat Book 1 at page 21, which lot is further described as Lot 13 of Block 1, in Plat recorded in Plat Book 1 at page 17; and being the lot conveyed in David F. Young, Jr., *et ux*, by deed from J. & M. Homes, Inc. dated October 11, 1955, filed for record October 20, 1955, and recorded in Deed Book 274, at page 418, of said land records; thence run East along the South boundary of Pine Circle or Howard Road, at the South end of South Jackson Street, for a distance of 70 feet 6 inches; thence run South a distance of 135 feet to a point on the South boundary of Lot 9, lying 74 feet East of the Southeast corner of said Lot 19; thence run West along the South boundary of Lot 9, a distance of 74 feet to the Southeast corner of Lot 19; thence run North a distance of 130 feet, more or less, to the South boundary of the Street and the Point of Beginning; being a portion of the property conveyed to Felder Josey by deed dated August 18, 1958, and recorded in Book 295 at page 305, of said land records, and being that property conveyed to Kit M. Zachary and wife Oleta H. Zachary by deed from David F. Young, Jr., *et ux*, recorded in Deed Book 472 at page 311 of the land records of said county and state, to which reference is here made.

This conveyance is made subject to easements for utilities, drainage, road rights-of-way and any prior lease, reservation or conveyance of minerals of every kind and character, including, but not limited to oil, gas, sand, and gravel lying in, on, and under the subject property, if any.

This property is subject to the Restrictive Covenants for Pleasant Acres Subdivision, as recorded in Deed Book 274 at pages 17-18 in the office of the Chancery Clerk of Oktibbeha County, Mississippi.

NOTE: GREAT CARE AND EFFORT HAS GONE INTO THE CREATION OF THESE BLUEPRINTS. HOWEVER, BECAUSE OF THE VARIANCE IN GEOGRAPHIC LOCATIONS LARRY MCCORD WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. ALL INFORMATION MUST BE CONFIRMED PRIOR TO COMMENCEMENT OF CONSTRUCTION.



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 20-06 Request for a variance from the required amount of parking for a proposed condominium development located on the northeast corner of the intersection of Guest Drive and Mallory Lane in a C zoning district with the parcel numbers 103A-00-001.42 and 103A-00-001.43.
Date: August 26, 2020

The purpose of this report is to provide information regarding the variance request by Willis Owens of Pritchard Engineering on behalf of Charlie Morgan from the required amount of parking for a proposed condominium development located on the northeast corner of the intersection of Guest Drive and Mallory Lane in a C zoning district with the parcel numbers 103A-00-001.42 and 103A-00-001.43. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant is proposing to build a 30-unit condominium development. The applicant is requesting relief from the minimum parking spaces required. The city code requires 1.25 parking spaces per bedroom which would require 75 parking spaces for the development. The applicant is requesting to reduce the parking to 1 space per bedroom, which would be 60 parking spaces for the development. The Board of Aldermen approved a special exception request to construct a 32-unit townhome on the subject property on July 7, 2020. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the September 1, 2020 meeting.

VARIANCE REQUEST FROM

1. 1.25 parking spaces per bedroom (Section 13.5.5.B.1).
 - a. Request: The applicant is requesting that the number of parking spaces required per bedroom be reduced from 1.25 to 1. This would allow for a reduction in required parking spaces from 75 to 60.
 - b. Reasoning: The applicant is requesting to reduce the number of parking spaces required to 1 per bedroom, which would change the number required to 60 parking spaces. The applicant did not provide a reasoning behind the request on their application but site constraints could be a possible reason.

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. 41 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 August 11, 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 one phone call about the request.

ANALYSIS

In the opinion of the Planning Department the proposed variance request could meet the criteria for variance review and approval. A reduction in the number of units could provide enough parking for each unit.

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 20-09 Aerial



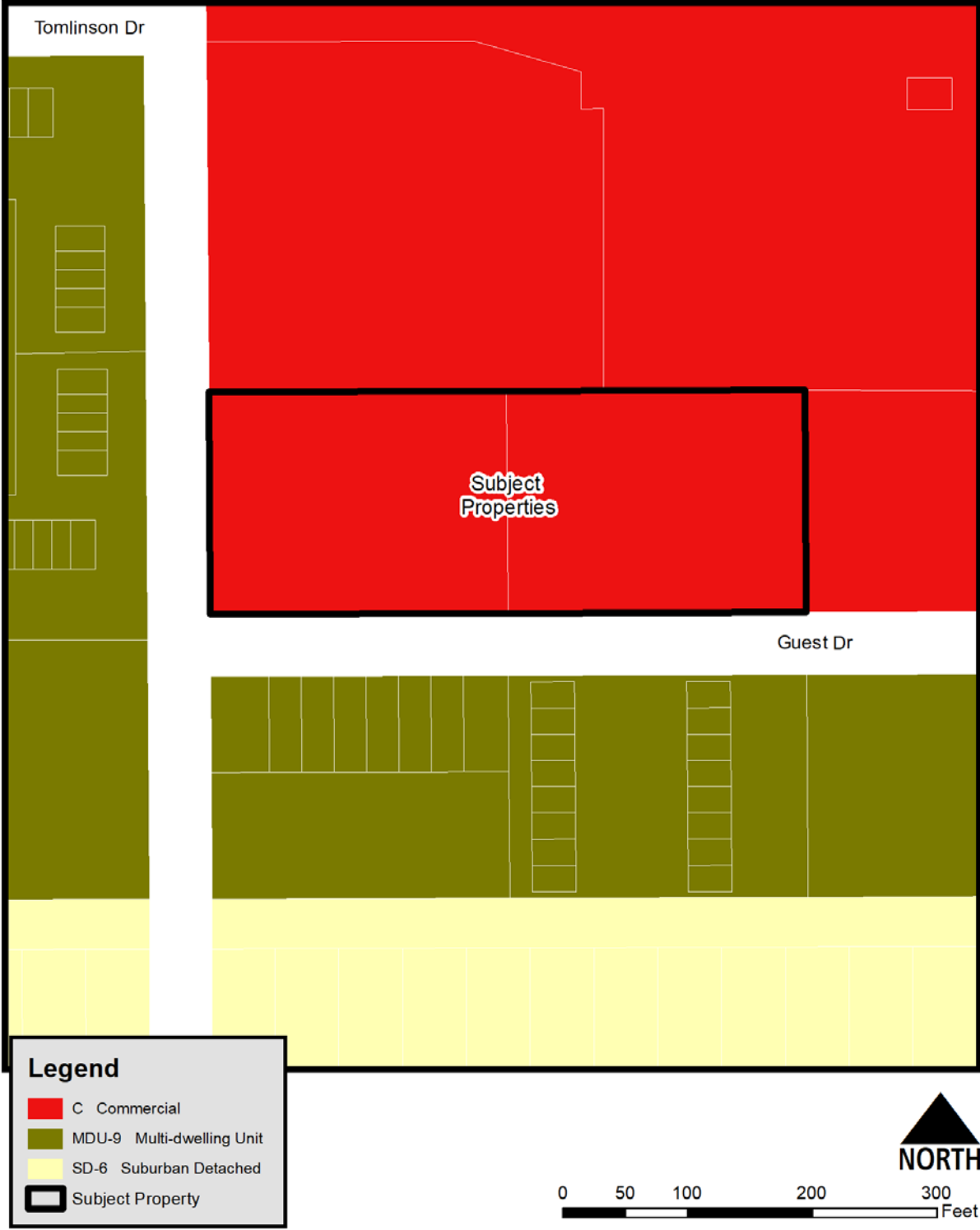
Legend

 Subject Property

0 50 100 200 300
Feet



Attachment 2
VA 20-09 Zoning



[illegible]

Attachment 4- Code Section

Section 13. Use Regulations

3. No more than two (2) dwelling units in such a triplex may be at ground level.
 4. In districts where a special exception is required, a maximum of three (3) bedrooms per unit is allowed unless a 4th bedroom is approved as part of the special exception application. A maximum of four (4) bedrooms per unit is allowed in all zoning districts where permitted.
 5. See zoning district general provisions for density requirements and other standards.
 6. See zoning district base dimensional standards for location, setbacks, and height requirements.
- 13-5-5. Dwelling, Townhouse/Rowhouse**
- A. Definition:** A residential structure containing three (3) to six (6) dwelling units that is attached, usually via a common vertical side wall, to one (1) or more dwelling units of similar construction.
- B. Parking:**
1. In form-based districts one (1) parking space per bedroom is required. In all other zoning districts one and a quarter (1.25) parking spaces per bedroom is required for all new construction.
 2. See zoning district base dimensional standards for parking location and setback requirements.
- C. Loading:** Loading/unloading areas accommodating delivery of materials to and from the premises are not permitted or required.
- D. Additional Standards:**
1. If located in or adjacent to an existing neighborhood of detached houses, townhouses shall be architecturally harmonious with the surrounding neighborhood in regards to massing, materials, fenestration, and scale.
 2. The main entrance to each unit of a townhouse adjacent to a street shall be accessed directly from and face the
- primary street. Townhouses on corner lots shall be designed so that each side facing the public street is a front facade.
3. Townhouses shall have no more than six (6) contiguous attached units built in one (1) structure.
 4. Townhouses are not permitted to have accessory dwellings.
 5. In districts where a special exception is required, a maximum of three (3) bedrooms per unit is allowed unless a fourth (4th) bedroom is approved as part of the special exception application. A maximum of four (4) bedrooms per unit is allowed in all zoning districts where permitted.
 6. See zoning district general provisions for density requirements and other standards.
 7. See zoning district base dimensional standards for location, setbacks, and height requirements.