

**MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
OCTOBER 28, 2020**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on October 28, 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 Joining the meeting via Google Meets virtual meeting platform were George Ford, Ward 1, Jerry Jefferson, Ward 2, Bo Richardson, Ward 3, Robert Camp, Ward 4, Marco Nicovich, Ward 5, and Shawn Sullivan, Ward 7. Physically present attending the Commissioners was City Planner Daniel Havelin.

Chairman Webb opened the meeting.

III. CONSIDERATION OF THE OFFICIAL AGENDA

**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, OCTOBER 28, 2020
2ND FLOOR CITY HALL – COMMUNITY DEVELOPMENT,
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 26, 2020
- V. NEW BUSINESS**
 - A. VA 20-11 REQUEST FOR A VARIANCE TO VARY FROM THE REQUIREMENT THAT PLAYGROUNDS ASSOCIATED WITH A DAY CARE SHALL BE LOCATED BEHIND THE FRONT BUILDING LINE IN THE REAR YARD OR SIDE YARD FOR A PROPERTY LOCATED AT 732 WHITFIELD WITHIN A CN ZONING DISTRICT WITH THE PARCEL NUMBER 102C-00-118.00.
 - B. VA 20-12 REQUEST FOR A VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENT FOR A CORNER LOT IN ORDER TO PLACE A CARPORT ON THE SUBJECT PROPERTY LOCATED AT 701 ROUNDHOUSE ROAD WITHIN A RN ZONING DISTRICT WITH THE PARCEL NUMBER 118A-00-039.00
- VI. ADJOURN**

The Board considered the matter of the approval of the written agenda dated October 28, 2020. Upon the motion of Mr. Nicovich, seconded by Mr. Sullivan, the Board voted unanimously to approve the written agenda.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR AUGUST 28, 2020

The Board considered the matter of the approval of the minutes of the August 28, 2020 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Nicovich, seconded by Mr. Ford, the Board voted unanimously to approve the minutes as amended.

V. NEW BUSINESS

A. VA 20-11 REQUEST FOR A VARIANCE TO VARY FROM THE REQUIREMENT THAT PLAYGROUNDS ASSOCIATED WITH A DAY CARE SHALL BE LOCATED BEHIND THE FRONT BUILDING LINE IN THE REAR YARD OR SIDE YARD FOR A PROPERTY LOCATED AT 732 WHITFIELD WITHIN A CN ZONING DISTRICT WITH THE PARCEL NUMBER 102C-00-118.00.

This is a request by Martisa Francis of Empowerment Station Academy for a variance from the requirement that playgrounds associated with a day care shall be located behind the front building line in the rear or side yard at 732 Whitfield within a CN zoning district. The applicant is proposing to add a canopy cover to the fenced-in play area and grass turf inside the fenced-in area which constitutes an expansion of a nonconforming site feature. Variance approval is needed to modify the existing nonconforming playground feature.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 18 property owners of record within 160 feet of the subject property were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on September 30, 2020. A sign was posted on the property in a conspicuous location. As of this date the Planning Office has received only one phone call inquiring about the request.

Chairman Webb opened the public hearing to citizen comments.

Ewaldson Francois came forward representing the applicant to speak in favor of the request.

Douglas McClelland came forward to speak against the request. Mr. McClelland requested that the applicant be required to construct a fence and maintain existing vegetation between the subject property and his property on Patton Drive.

Call for and receiving no additional 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. Richardson, the motion to approve VA 20-11 received unanimous approval with the following recommended conditions:

1. The applicant shall be required to add the addition of a screen to the fenced in area that is visible from the right-of-way to meet the intent of the additional use standards for that use which require it to fully screen the play and recreation area.
2. The applicant shall submit plans for the canopy structure for Architectural Review and approval prior to obtaining building permits.

B. VA 20-12 REQUEST FOR A VARIANCE FROM THE SIDE YARD SETBACK REQUIREMENT FOR A CORNER LOT IN ORDER TO PLACE A CARPORT ON THE SUBJECT PROPERTY LOCATED AT 701 ROUNDHOUSE ROAD WITHIN A RN ZONING DISTRICT WITH THE PARCEL NUMBER 118A-00-039.00

This is a request by Anne Burchfield for a variance from the side yard setback requirement for a corner lot in order to place a carport on the subject property at 701 Roundhouse Road within a RN zoning district. The applicant is proposing to place a carport on the eastern side of the property. However, the existing house is currently only +-41 feet from the property line. The proposed structure is 16 feet wide. The side setback adjacent to a street in a RN zoning district is 40 feet. The applicant is requesting to reduce the side setback adjacent to the street to 24 feet to allow for the placement of the carport on the east side of the house.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 12 property owners of record within 160 feet of the subject property were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on October 10, 2020. A sign was posted on the property in a conspicuous location. As of this date the Planning Office has received one phone call in favor of the request.

Chairman Webb opened the public hearing to citizen comments.

Fannie Saul came forward representing the applicant to speak in favor of the request.

Call for and receiving no additional 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 motion to approve VA 20-12 received unanimous approval.

VI. ADJOURNMENT

After discussion, Mr. Nicovich moved to adjourn which was seconded by Mr. Richardson, and the Board voted unanimously to adjourn until 4:00 p.m. on September 23, 2020 in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Bill Webb, Chairman

Daniel Havelin, City Planner