

APPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
OCTOBER 22, 2014**

The Board of Adjustments & Appeals held its regularly scheduled meeting at 4:00 PM on October 22, 2014, in the Community Development Department at City Hall. Members present were Commissioners Bonn Camp, Lee Carson, Bobby Grimes, Zack Harrington, Marco Nicovich, and Bill Webb. Attending the Commissioners were Community Development Director Buddy Sanders, City Planner Daniel Havelin, and Recording Secretary Bill Green. After Commission Chair Webb called the meeting to order, the attendees were led in the Pledge of Allegiance, followed by a moment of silence.

A CONSIDERATION OF THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated October 22, 2014. Upon the motion of Commissioner Nicovich, seconded by Commissioner Grimes, the Commission voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL
OF THE MINUTES OF THE MEETINGS OF
MARCH 26, 2014, AND SEPTEMBER 24, 2014**

Chair Webb called for consideration of approval of the March 26, 2014, minutes. Commissioner Nicovich noted an omission on the last item of the minutes, in which a 4-1 vote was taken; the commissioner who should have been mentioned as voting against was Commissioner Webb. In considering the minutes of the September 24, 2014 minutes, Commissioner Webb noted that on the third paragraph of page 2, the name "Thad" should be replaced with "Pat." Also, in the penultimate paragraph, the motion was made by Commissioner Grimes and not by Commissioner Webb. Commissioner Webb also noted that "addressed Chief Administrative Officer Taylor Adams" is unclear. The word "to" should be added after the word "addressed." Commissioner Nicovich noted that the adjournment time was incorrect: the meeting adjourned at

5:26, not 4:26. With no further corrections to the minutes of March 26, 2014, and September 24, 2014, Commissioner Grimes moved to approve the minutes, which was seconded by Commissioner Nicovich, and the Board voted unanimously to approve the minutes of March 26, 2014, and September 24, 2014.

NEW BUSINESS

VA 14-07 Panda Express Dimensional Variance of sign height requirement, 1006 Hwy 12, Starkville, Zoned C-2, Ward 1, Requesting dimensional variance for monument sign of a proposed height of 11' 2 ¹¹/₁₆" which is above the 8' maximum allowed. Applicant: Panda Restaurant Group

Commissioner Webb asked the City Planner to introduce item VA 14-07, a Public Hearing noticed by the City of Starkville. City Planner Daniel Havelin made a presentation before the Board of Adjustments & Appeals of a request by Panda Restaurant Group, stating that VA 14-07 is a variance application for a dimensional variance on sign height requirements. The applicant's restaurant is being constructed at the southern end of the Walmart parking lot, situated between two drive aisles. Because the site is slightly lower than the road, the applicant is requesting a variance to compensate for the hardship of this sign height in relation to vehicle heights in the road. The applicant requests an 11 foot 2 and 11/16ths inches tall sign, where the maximum allowed is 8.0 feet.

After Mr. Havelin's presentation, the floor was opened for the applicant's representative to speak. Mr. Matt Sistrunk, with Grimmel Crawford, on behalf of Panda Express, came forward to speak and presented drawings to illustrate that the request is not antithetical to the purpose of the sign ordinance and that they are not requesting a larger sign; the square footage is almost half of what is allowed. However, since the site is four-and-a-half feet lower than the road elevation, a variance in height of the sign is needed in order for the sign to be visible.

After discussion with the board regarding the use of a pedestal to increase the height rather than the actual sign's height increasing, drainage issues, visibility of the sign, and the line of sight, Mr. Sistrunk stated that his desire is especially for the "drive-thru" portion of the sign to be seen and expressed willingness to compromise on the height.

Commissioner Webb then asked if any member of the public cared to address the Commission regarding VA 14-07. As no citizens came forward, the Public Hearing was closed, and the discussion was opened up to debate among the Commissioners.

After discussion among the Commission regarding landscaping and sidewalks, Commissioner Harrington moved to accept the variance as presented, based on the fact of keeping within the intent of the sign ordinance and due to the fact of elevation being below the road grade and due to the business's setback reducing the visibility of the sign, which was seconded by Commissioner Nicovich, and the resulting vote by the Commission to approve the motion was unanimous.

PLANNER'S REPORT

City Planner Havelin had nothing to report, but Community Development Director Sanders came forward to inform the Commission about two cases to be heard next month. Since the regularly scheduled meeting is the day before Thanksgiving, the board decided to hold a special-called meeting for Wednesday, November 19, 2014.

ADJOURNMENT

As there was no further business, Commissioner Nicovich moved to adjourn, which was seconded by Commissioner Webb, and the Commission voted unanimously to adjourn. The next meeting will be special called on Wednesday, November 19, 2014.

Bill Webb, Chair

Daniel Havelin, City Planner