



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, JANUARY 27, 2021
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 28, 2020
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 21-01 A REQUEST FOR A VARIANCE FROM SIDE AND REAR SETBACK REQUIREMENTS FOR THE EXISTING ACCESSORY STRUCTURE LOCATED AT 808 GREENBRIAR STREET IN A SD-2 ZONING DISTRICT WITH THE PARCEL NUMBER 106C-00-078.00.
- VI. ADJOURN

**UNAPPROVED 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 5, 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 6, 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

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CITY OF STARKVILLE, MISSISSIPPI
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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 ROUNDDHOUSE 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

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 21-01 a request for a variance from side and rear setback requirements for the existing accessory structure located at 808 Greenbriar Street in a SD-2 zoning district with the parcel number 106C-00-078.00
Date: January 27, 2021

The purpose of this report is to provide information regarding Variance Request by Neil Couvillion on behalf of Jetson & Bryn Taylor for side and rear setback requirements for the existing accessory structure located at 808 Greenbriar Street in a SD-2 zoning district with the parcel number 106C-00-078.00. Please see attachments 1- 6.

BACKGROUND INFORMATION

The applicants are proposing to add on to an existing accessory structure in the rear of the property. The existing structure is current within the 5' side and rear setbacks for an accessory dwelling unit. The existing structure is approximately 1.5' from the side property line and 4.5' from the rear property line (see attachment 4). The proposed addition will include a full bath and kitchenette. The addition will meet all required setbacks, but the existing structure cannot (see attachment 5). The applicant is requesting a reduction in the setback of 3.5' on the side and 0.5' on the rear. The applicant attended a Planning and Zoning Commission meeting on January 12, 2021 to request a special exception to allow for the conversion of the accessory structure into an accessory dwelling unit. The Planning and Zoning Commission voted unanimously to recommend approval. If the request for Variance is recommended for approval, both of the applicant's requests will be heard by the Board of Aldermen at the February 2, 2021 meeting.

VARIANCE REQUEST FROM

The applicant is requesting relief from Section 6.3.4, Fig 6.3-1

C. Accessory Dwelling Unit/Structure Setbacks	CR	RN	SD-2	SD-6	TN-N	TN
C1 Front setback			Behind rear wall of primary building			
C2 Side setback	5' min	5' min	5' min	5' min	5' min	5' n
C3 Side setback corner lot (min.)	40'	40'	30'	25'	10'	10'
C4 Rear setback	5', 100 for structures housing livestock	5', 100 for structures housing livestock	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure
C5 Rear setback adjacent to alley for garages (min.)	N/A	N/A	20'	20'	7' without parking, 18' with parking	15'
C6 Structures housing livestock (min.)	100' min	100' min	N/A	N/A	N/A	N/A

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. 5 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 December 20, 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 response to the notification.

ANALYSIS

In the opinion of the Planning Department the proposed variance request could meet the criteria for variance review and approval.

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
SE 21-01 & VA 21-01 Aerial



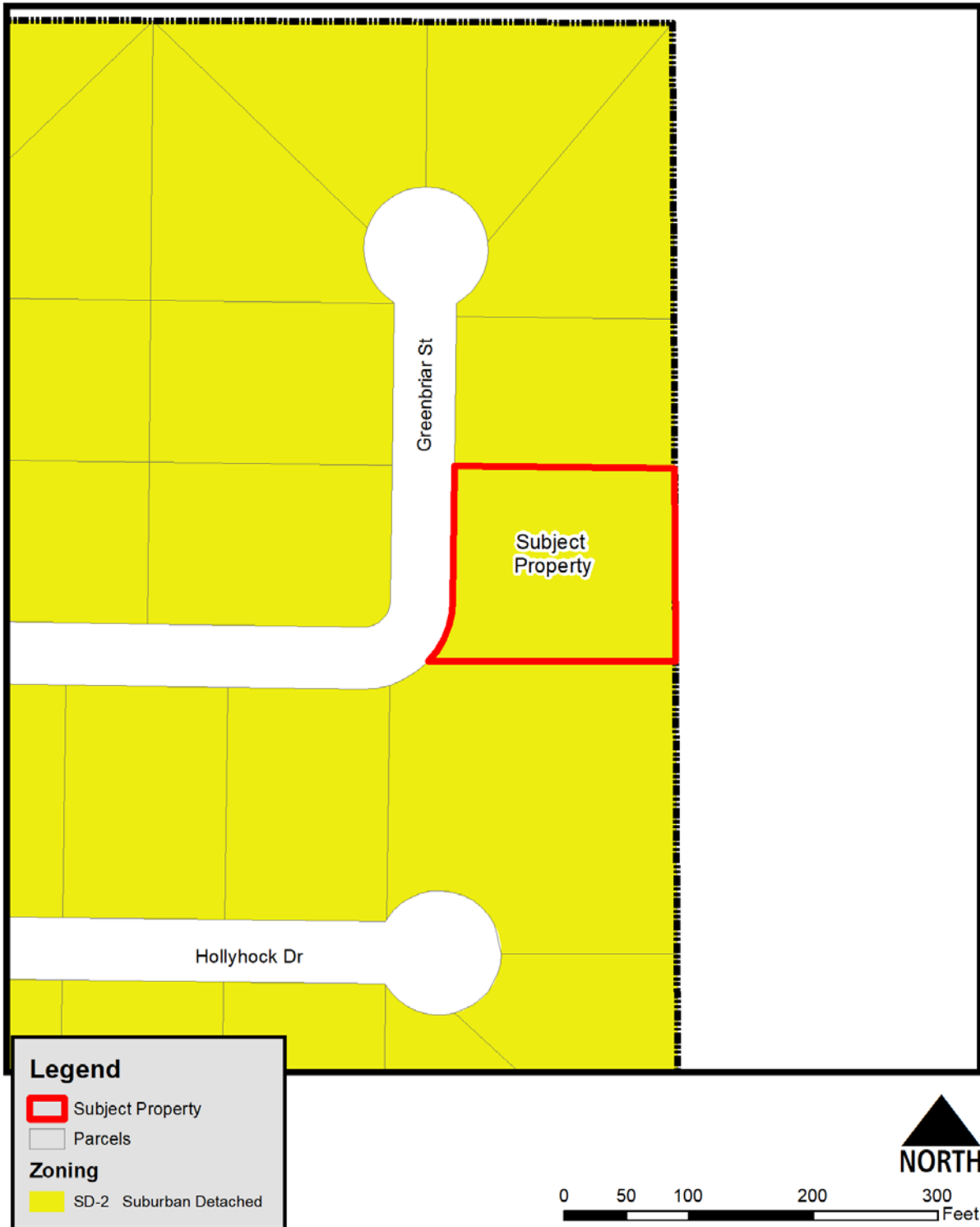
Legend

-  Subject Property
-  Parcels

0 50 100 200 300 Feet



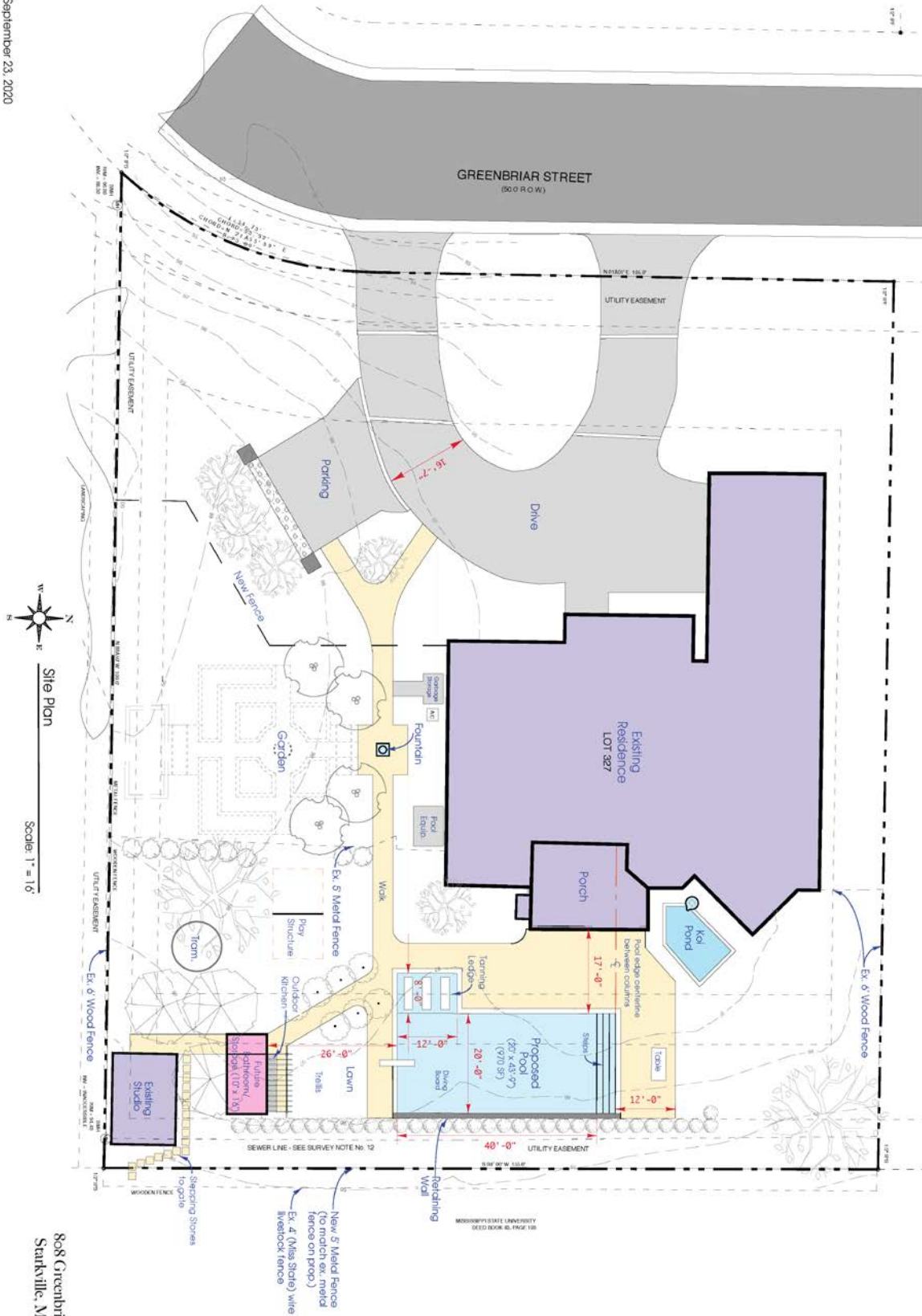
Attachment 2
SE 21-01 & VA 21-01 Zoning



Attachment 3- Master Plan

Landarc Consulting Group, Inc. Landscape Architecture & Site Planning 601 582-1198

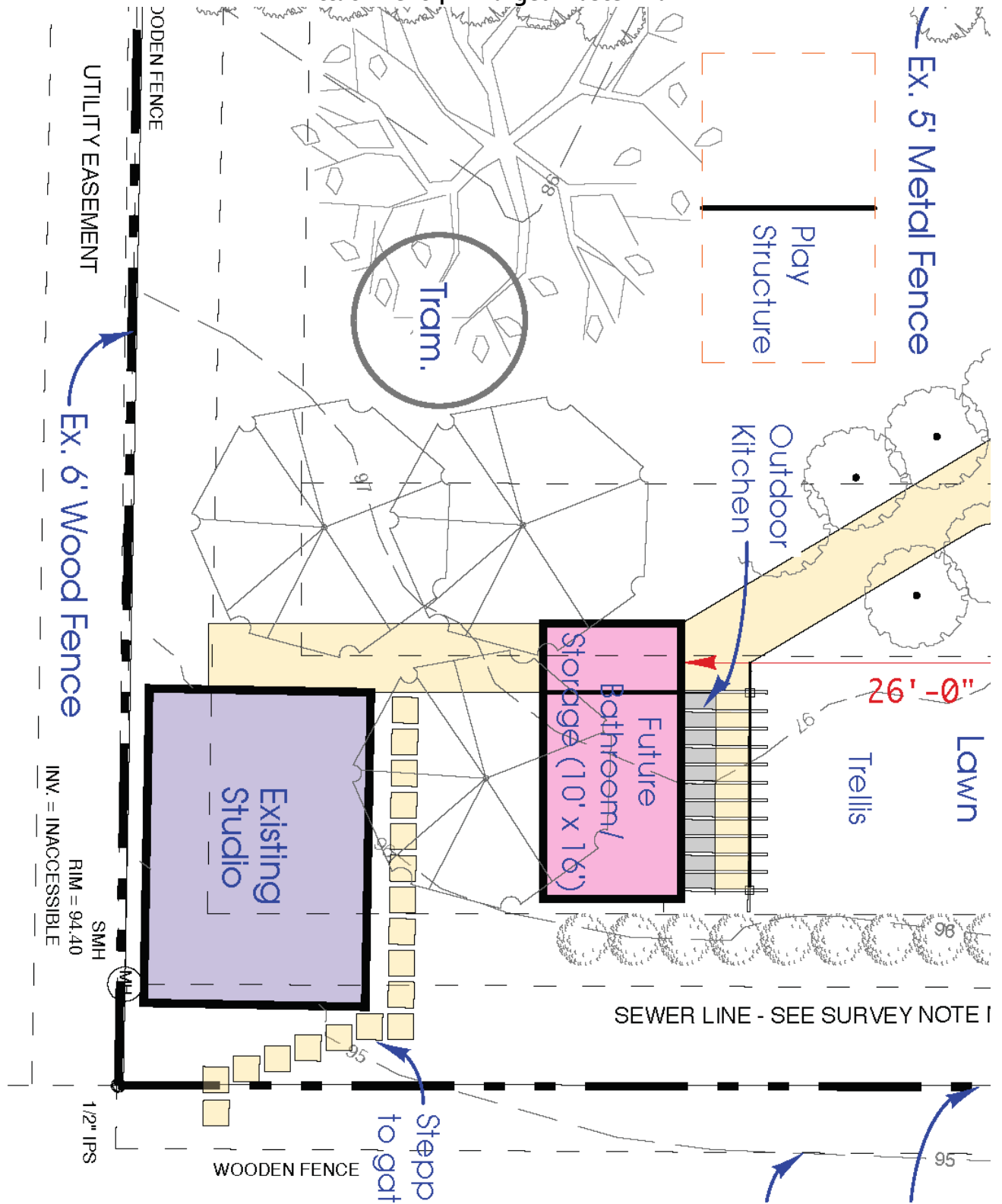
September 23, 2020



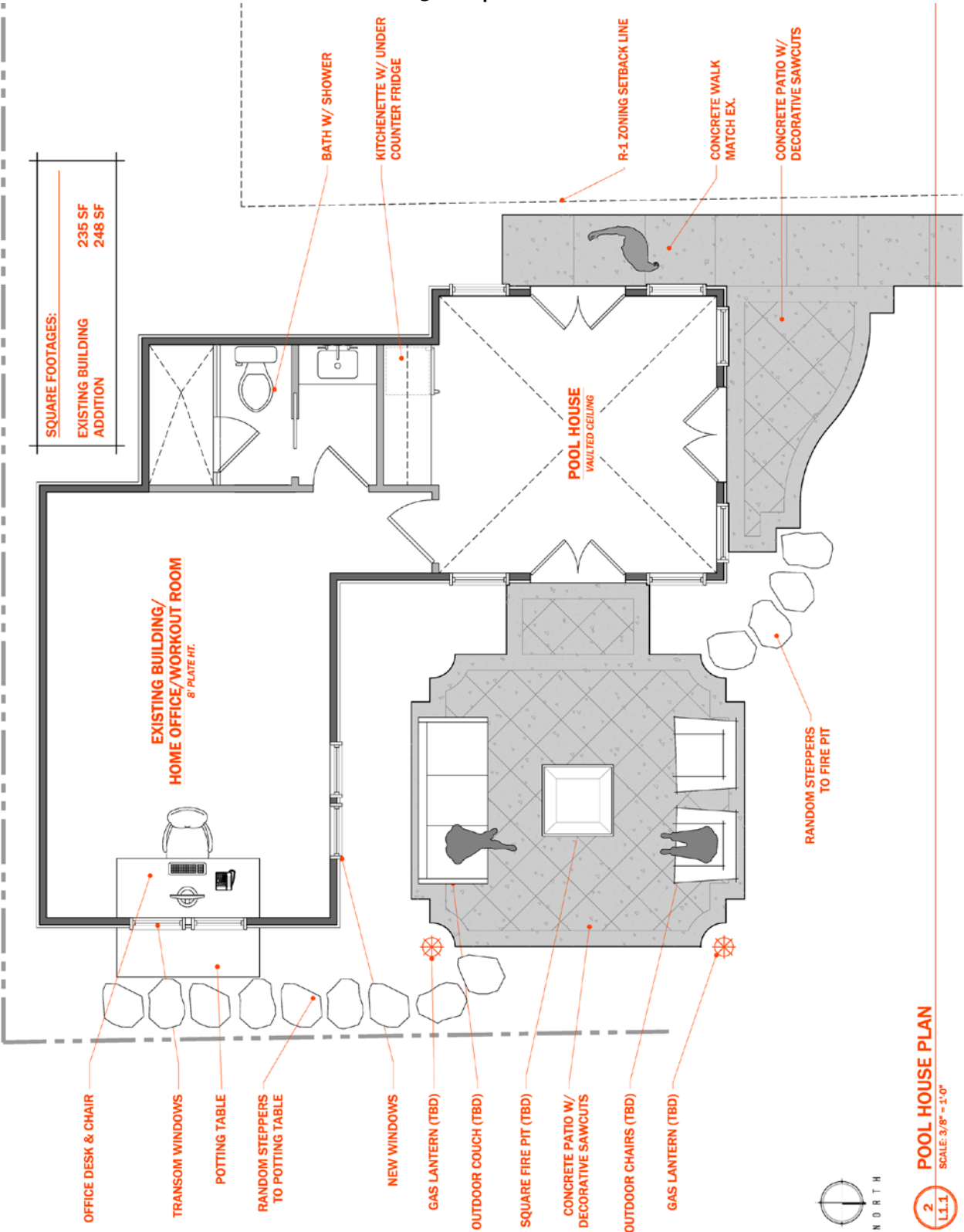
808 Greenbriar Street,
Starkville, Mississippi

Taylor Residence

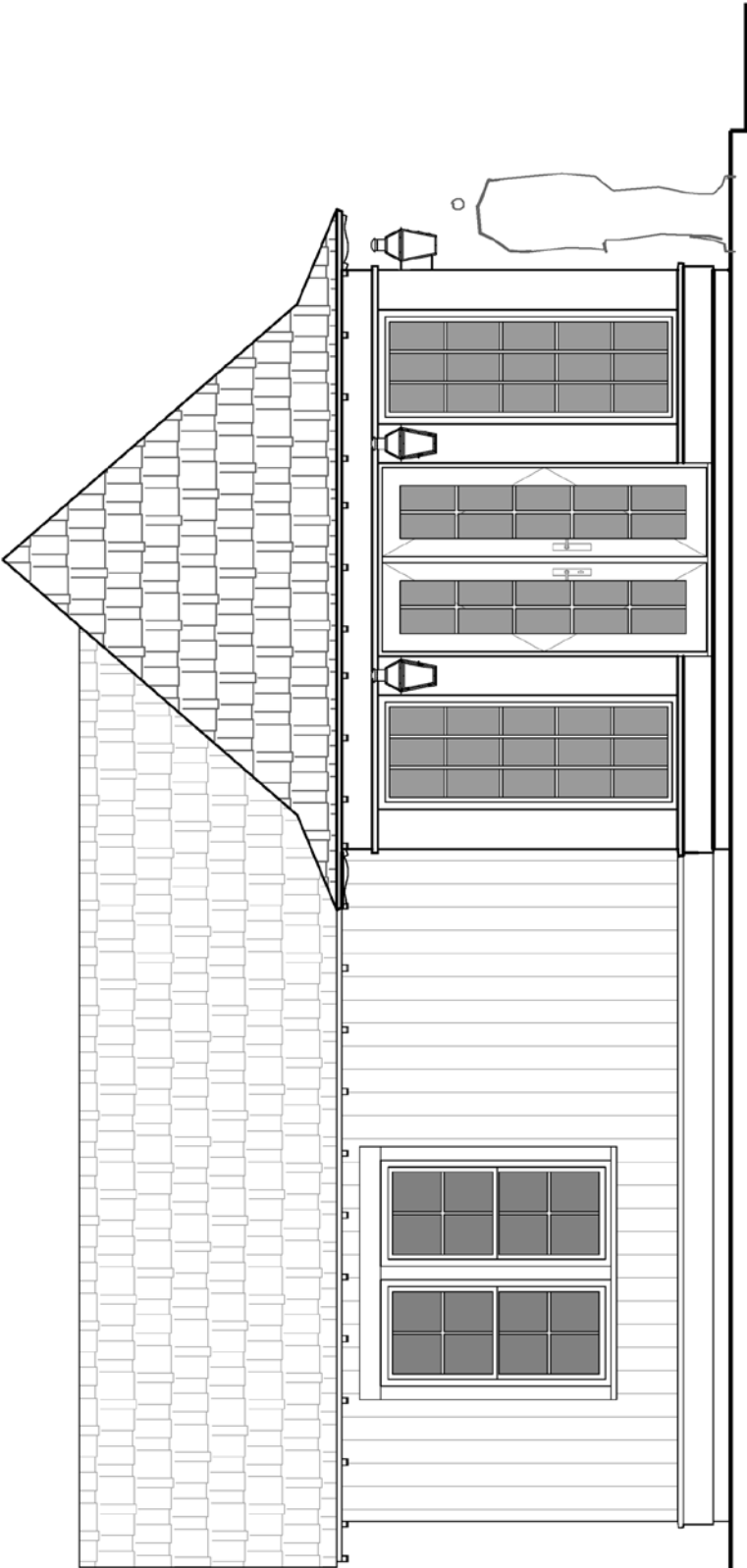
Attachment 4- Enlarged Master Plan



Attachment 5- Proposed Floor Plan



Attachment 6- Proposed Elevation



POOL HOUSE ELEVATION

SCALE: 3/8" = 1'-0"

1
L1.1