



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, MAY 26, 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 May 3, 2021
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 21-04 A REQUEST FOR A VARIANCE FROM SETBACKS FOR A PROPOSED RESTAURANT LOCATED AT 780 LOUISVILLE STREET IN A CN ZONING DISTRICT WITH THE PROPERTY #102G-00-046.04
 - B. CONSIDERATION OF ADOPTING THE 2021-2022 BOARD OF ADJUSTMENTS AND APPEALS MEETING SCHEDULE
 - C. DISCUSSION ON UPCOMING EXPIRING TERMS AND REAPPOINTMENTS
- VI. ADJOURN

**UNAPPROVED MINUTES OF THE
SPECIAL CALL MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MAY 03, 2021**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their specially called meeting on May 03, 2021 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, Jerry Jefferson, Ward 2, Marco Nicovich, Vice Chairman, Ward 5, Bill Webb, Chairman, Ward 6. Joining the meeting via Google Meets virtual meeting platform were George Ford, Ward 1, Bo Richardson, Ward 3, and Robert Camp, Ward 4, and. Not in attendance was Shawn Sullivan, Ward 7 and. Physically present attending the Commissioners was City Planner Daniel Havelin.

Chairman Webb opened the meeting.

III. CONSIDERATION OF THE OFFICIAL AGENDA

**OFFICIAL AGENDA
SPECIAL CALL
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, MAY 03, 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 JANUARY 27, 2021
- V. NEW BUSINESS**
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 21-03 A REQUEST FOR A VARIANCE FROM THE MINIMUM LOT SIZE AND MINIMUM LOT WIDTH FOR TWO PROPOSED LOTS. THE SUBJECT PROPERTIES ARE LOCATED AT 1425 GRETA LANE IN AN OPTIONAL ZONING DISTRICT WITH THE PARCEL NUMBER 103P-08-012.00
- VI. ADJOURN**

The Board considered the matter of the approval of the written agenda dated May 3, 2021. Upon the motion of Mr. Nicovich, seconded by Mr. Richardson, the Board voted unanimously to approve the written agenda.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR JANUARY 27, 2021

The Board considered the matter of the approval of the minutes of the January 27, 2021 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Nicovich, seconded by Mr. Richardson, the Board voted unanimously to approve the minutes as amended.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 21-03 A REQUEST FOR A VARIANCE FROM THE MINIMUM LOT SIZE AND MINIMUM LOT WIDTH FOR TWO PROPOSED LOTS. THE SUBJECT PROPERTIES ARE LOCATED AT 1425 GRETA LANE IN AN OPTIONAL ZONING DISTRICT WITH THE PARCEL NUMBER 103P-08-012.00

This is a request by Herman Ashford on behalf of Mr. And Mrs. Rieves for a variance from the minimum lot size and minimum lot width for two proposed lots. The subject properties are located at 1425 Greta Lane in an Optional zoning district.

The applicants are proposing to build a new home on proposed Parcel A. To do this, they need to subdivide the parcel from the existing parcel. The new subdivision will create a total of three parcels Parcel A and Parcel B are the new parcels. Parcel A needs a variance from lot width. Parcel B needs a variance from lot width and lot size. The remaining parcel does not require any variances. For the proposed lot labeled Parcel "A", the request is a variance from minimum lot width. The applicant is requesting a lot width of 20' in lieu of the 140' requirement. For the proposed lot labeled Parcel "B" the request is for a variance from minimum lot width and minimum lot size. The applicant is requesting a lot width of 62.22' in lieu of the 140' requirement. The applicant is requesting a lot size of 13,041.45 sq. ft. in lieu of the minimum of 40,000 square feet.

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 April 15, 2021.
3. A sign was posted on the property in a conspicuous location.
4. As of this date the Planning Office has received no inquiries about the request.

Chairman Webb opened the public hearing to citizen comments.

Mr. Ashford 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. Richardson, duly seconded by Mr. Camp, the motion to approve VA 21-03 received unanimous approval.

VI. ADJOURNMENT

After discussion, Mr. Nicovich, moved to adjourn which was seconded by Mr. Ford, and the Board voted unanimously to adjourn until 4:00 p.m. on May 26, 2021 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: Public hearing and consideration of VA 21-04 a request for a variance from setbacks for a proposed restaurant located at 780 Louisville Street in a CN zoning district with the property #102G-00-046.04
Date: May 26, 2021

The purpose of this report is to provide information regarding a Variance Request by Dale Bright of St. John & Associates, Inc. on behalf of LEWKO Properties for setbacks for a proposed restaurant located at 780 Louisville Street in an CN (Commercial Neighborhood) zoning district with the property #102G-00-046.04. Please see attachments 1- 3.

BACKGROUND INFORMATION

The applicant is working on a proposed Jack's Family Restaurant at 780 Louisville Street. The proposed restaurant will be located in the northeast corner of the existing parking lot. Access to the site will be through the parking lot from the signalized intersection of Louisville Street and Yellow Jacket Drive. The City's access management policy requires the location of the site entrance to be moved to the west away from the intersection. Due to the site access and location of the existing lot, the drive-thru will pass between the building and the existing right-of-way of Louisville Street. The required 15' turning radius of the drive-thru, the 12' drive-thru lane, the 12' bypass lane, and the 5' landscape area increase the proposed building setback to 46.73'. The maximum building setback in a CN (Commercial Neighborhood) zoning district is 30'. The applicant is requesting relief from the maximum building setback as shown in Section 7.2 of the Unified Development Code (UDC). The applicant will also need relief from the front parking setback. The proposed site plan has the required amount of parking for the proposed use. The location of several of the parking spaces are within the front setback. The applicant will need relief from the requirement that parking be located behind the front wall of the primary building as shown in Section 7.2 of the UDC. The applicant attended a Development Review Committee meeting on March 25, 2021. The site plan has not been approved. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the June 1, 2021 meeting.

VARIANCE REQUEST FROM

Section 7.2 Base Dimensional Standards

Commercial Use	
B. Building/Structure Setbacks	CN
B1 Front setback min	15'
B2 Front setback max	30'
D. Parking Setbacks	CN
D1 From primary street	Behind front wall of primary building

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. 4 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 May 5, 2021.
- 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 for information about the request.

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
VA 21-04 Aerial



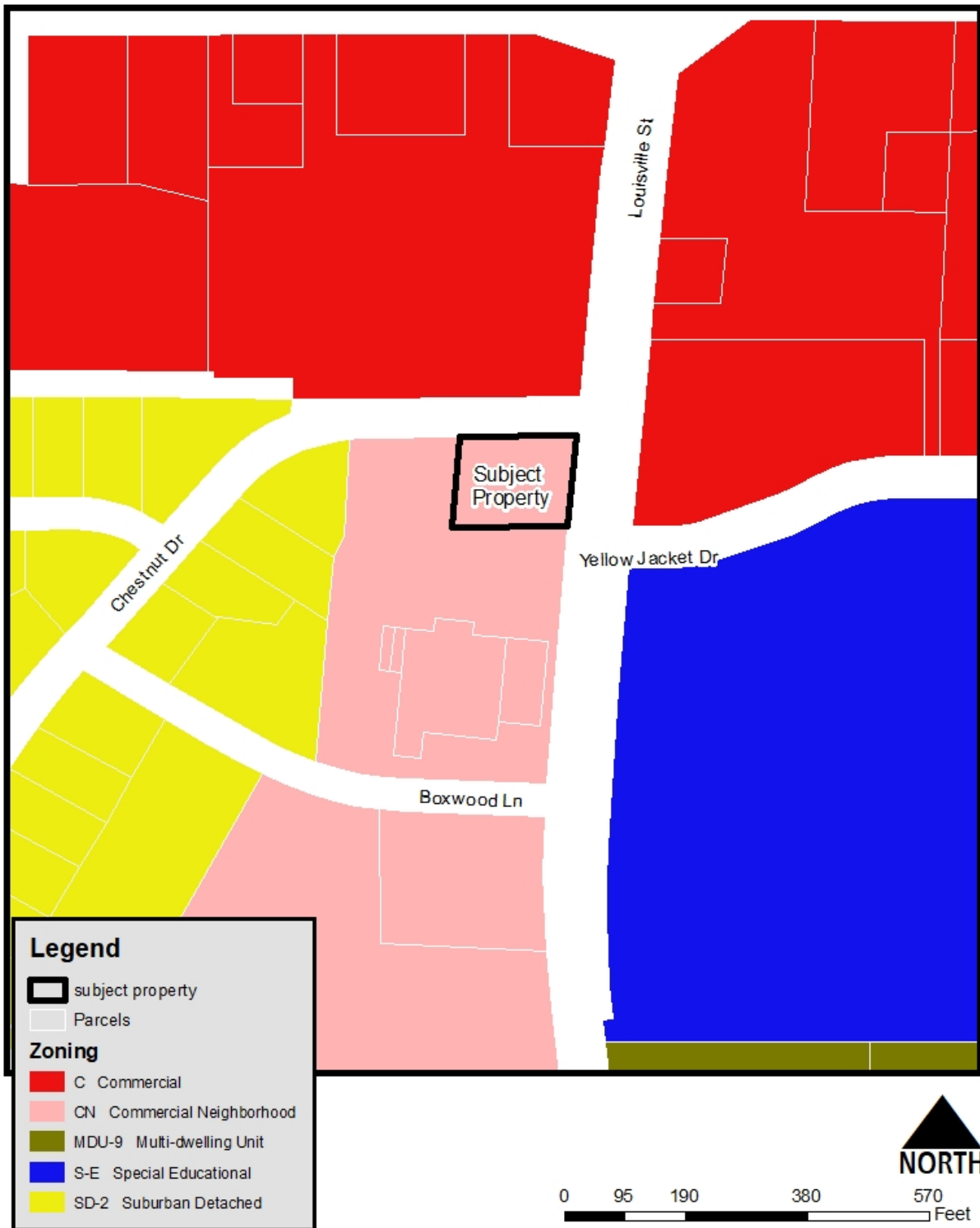
Legend

-  subject property
-  Parcels

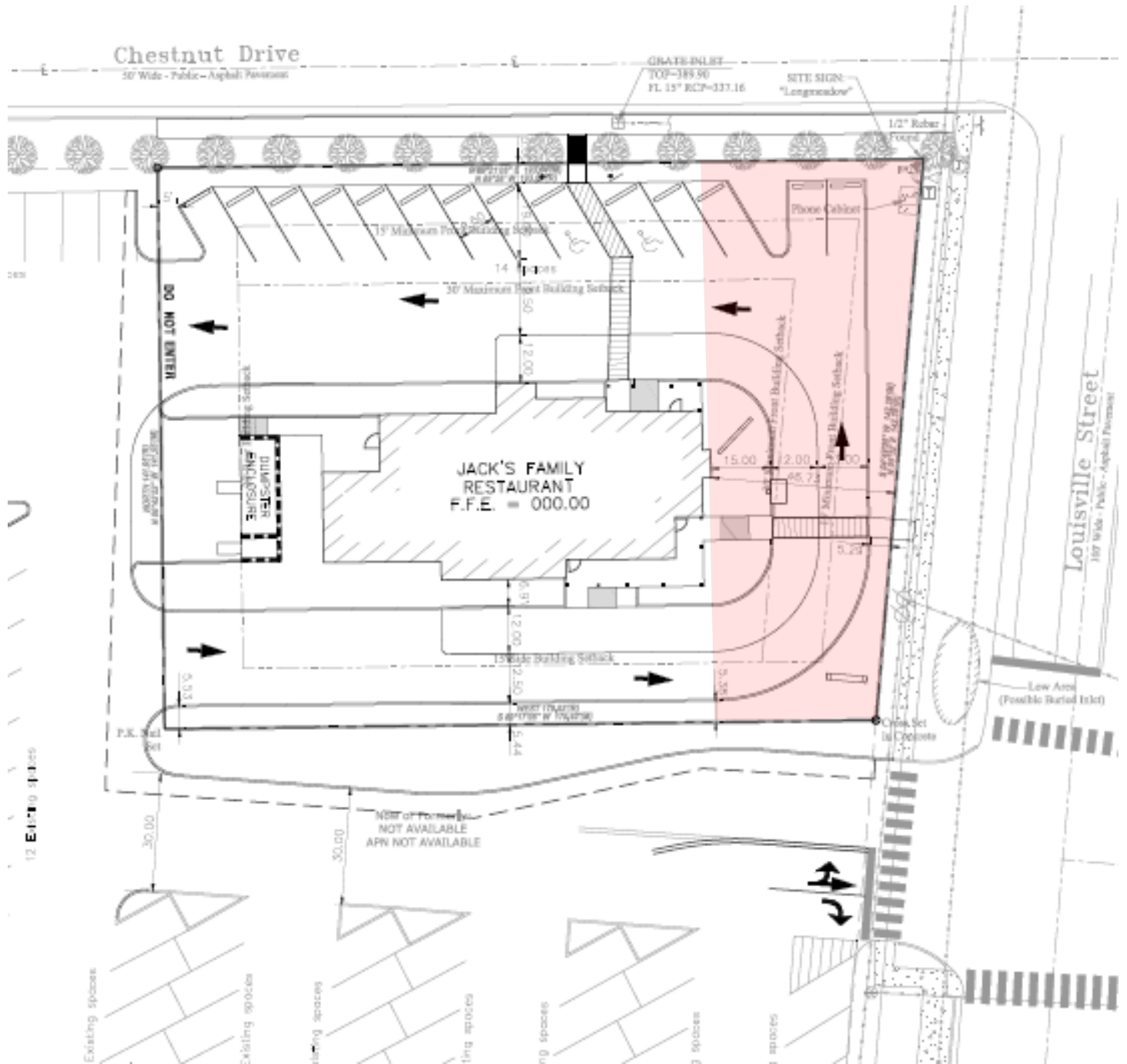
0 95 190 380 570 Feet



Attachment 2
VA 21-04 Zoning



Attachment 3- Site Plan





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: Discussion and consideration of adoption of the Board of Adjustments and Appeals
2021 Meeting Schedule
Date: May 26, 2021

BACKGROUND INFORMATION

In accordance with Section 2.3.11 of the Unified Development Code, The Board of Adjustments and Appeals shall hold one (1) regular meeting the fourth (4th) Wednesday of each month as needed and shall hold other meetings as deemed necessary and appropriate. Regular meeting dates can be altered to avoid conflict with holiday schedule as part of approval of the official meeting schedule. The proposed schedule changes the November and December meeting date to avoid conflict with the observance of the Thanksgiving Holiday and Christmas Holiday. The proposal is to move those meeting dates to the third Wednesday of the month and adjust the submittal dates accordingly.



Board of Adjustments and Appeals

2021 Meeting Schedule

Submittal Type Deadline		Meeting Date
Public Hearing: Variance (Sec. 3.7)	Non-Advertised Public Meeting: Administrative Appeal (Sec. 3.8)	
Thursday, December 31, 2020	Wednesday, January 13, 2021	Wednesday, January 27, 2021
Thursday, January 28, 2021	Wednesday, February 10, 2021	Wednesday, February 24, 2021
Thursday, February 25, 2021	Wednesday, March 10, 2021	Wednesday, March 24, 2021
Thursday, April 1, 2021	Wednesday, April 14, 2021	Wednesday, April 28, 2021
Thursday, April 29, 2021	Wednesday, May 12, 2021	Wednesday, May 26, 2021
Thursday, May 27, 2021	Wednesday, June 9, 2021	Wednesday, June 23, 2021
Thursday, July 1, 2021	Wednesday, July 14, 2021	Wednesday, July 28, 2021
Thursday, July 29, 2021	Wednesday, August 11, 2021	Wednesday, August 25, 2021
Thursday, August 26, 2021	Wednesday, September 8, 2021	Wednesday, September 22, 2021
Thursday, September 30, 2021	Wednesday, October 13, 2021	Wednesday, October 27, 2021
Thursday, October 21, 2021	Wednesday, November 3, 2021	Wednesday, November 17, 2021
Thursday, November 18, 2021	Wednesday, December 1, 2021	Wednesday, December 15, 2021
Thursday, December 30, 2021	Wednesday, January 12, 2022	Wednesday, January 26, 2022
Submittals requiring Development Review Committee review, will only be considered submitted after being reviewed by the Development Review Committee in accordance with Section 3.7.3.B		

Meetings begin at 4:00 pm at City Hall on the second floor in Rm 211 at 110 West Main Street unless otherwise noticed



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BOARD OF ADJUSTMENTS & APPEALS
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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: Discussion appointment and reappointment for Wards 2, 3, 4, 6, and 7.
Date: May 26, 2021

BACKGROUND INFORMATION

In accordance with Section 2.3.3 of the Unified Development Code, the members of the Board of Adjustments and Appeals shall be appointed for a term of four (4) years with a maximum of two (2) consecutive terms with re-appointment possible after a period of two (2) years absence. The two (2) year absence period shall be waived if no other qualified applicants for the seat are received during the advertising period. Members appointed to fill a vacated unexpired term shall be eligible to be re-appointed for one (1) full term without an absence.

Ward	Member	Eligible for Reappointment	Notes:	Term Expires
2	Jerry Jefferson	Yes	Requested to not be reappointed	November 30, 2020
3	Bo Richardson	Yes	Need letter to be reappointed	June 30, 2021
4	Robert Camp	Yes	Moving out of Ward	June 30, 2021
6	Bill Webb	Yes	Need letter to be reappointed	June 30, 2021
7	Shawn Sullivan	Yes	Need letter to be reappointed	June 30, 2021