



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, JULY 28, 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 JUNE 23, 2021
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 21-06 A REQUEST FOR A VARIANCE FROM BUILDING SETBACKS, PARKING SETBACKS, SIGN HEIGHT, SIDEWALK REQUIREMENTS, AND DRIVEWAY SPACING FOR A PROPOSED SHOPPING CENTER LOCATED AT 601 HIGHWAY 12 WEST IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102F-00-053.00
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 21-07 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS LOCATED AT 100 EAST MAIN STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 1118P-00-317.00
- VI. ADJOURN

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

June 23, 2021

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on June 23, 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, Bill Webb, Chairman, Ward 6, Marco Nicovich, Vice Chairman, Ward 5, Bo Richardson, Ward 3, George Ford, Ward 1, and Robert Camp, Ward 4. Not in attendance was 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, JUNE 23, 2021
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 May 26, 2021**
- V. **NEW BUSINESS**
 - A. **PUBLIC HEARING AND CONSIDERATION OF VA 21-05 A REQUEST FOR A VARIANCE FROM SIDEWALK REQUIREMENTS AT 110 HIGHWAY 12 WEST IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102A-00-209.01**
- VI. **ADJOURN**

The Board considered the matter of the approval of the written agenda dated June 23, 2021. Upon the motion of Mr. Nicovich, seconded by Mr. Ford, the Board voted unanimously to approve the written agenda.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR May 26, 2020

The Board considered the matter of the approval of the minutes of the May 26, 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. PUBLIC HEARING AND CONSIDERATION OF VA 21-05 A REQUEST FOR A VARIANCE FROM SIDEWALK REQUIREMENTS AT 110 HIGHWAY 12 WEST IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102A-00-209.01

This is a request by Thomas Stewart on behalf of People's Dental from the sidewalk requirements at 110 Highway 12 West. The applicants recently completed the conversion and remodel of an existing restaurant building into a dental clinic. The improvements triggered the sidewalk requirements. During the design phase of the sidewalk, an existing storm drain inlet was discovered in the area of the proposed sidewalk. The existing inlet would need to be replaced as part of the sidewalk installation. The estimated cost to building the sidewalk and replace the inlet is \$33,972. The applicant is requesting the variance and to pay the estimated fee in lieu payment of \$8,125.55.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 10 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 June 8, 2021. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received one phone call about the request.

Chairman Webb opened the public hearing to citizen comments.

Thomas Stewart 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 21-04 based on special conditions which are peculiar to the land and hardship not resulted from the actions of the applicant 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 July 28, 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)
Subject: Public hearing and consideration of VA 21-06 a request for a variance from Building Setbacks, Parking Setbacks, Sign Height, Sidewalk Requirements, and Driveway Spacing for a proposed shopping center located at 601 Highway 12 West in a C zoning district with the parcel number 102F-00-053.00
Date: July 28, 2021

The purpose of this report is to provide information regarding Variance Request by David Buckel of Buckel Design Group, LLC on behalf of Castle Starkville LLC for a variance from Building Setbacks, Parking Setbacks, Sign Height, Sidewalk Requirements, and Driveway Spacing located at 601 Highway 12 West in a C zoning district with the parcel number 102F-00-053.00. Please see attachments 1- 5.

BACKGROUND INFORMATION

The applicant is in the process of designing a new shopping center, Triangle Crossing, at the former site of Garan Manufacturing building. The site will consist of a strip type shopping center, grocery store and two out parcels. The applicant has attended a preapplication Development Review Committee meeting for site plan review. In addition to this request, the applicant is also seeking several special exceptions for dumpster location and architectural requirements of the building. If the request for Variance is recommended for approval or denial, the applicant's variance requests and special exception request will be heard by the Board of Aldermen at the August 17, 2021 meeting.

VARIANCE REQUEST FROM

Variance #1: Building Setback. Section 7.2.D3- 10' Minimum Side Setback

Requesting a variance to reduce the side setback from 10' to 0' per item. This request is for internal property line only between Grocery Tract and Shopping Center tract to allow the buildings to connect.

Variance #2: Parking Setback. Section 7.2.D3- 5' Minimum Parking Setback

Requesting a variance to reduce the parking setback between all four lots from 5' to 0'. The proposed lot configuration does not allow for a parking setback.

Variance #3: Sign Height. Section 14.7 Monument Sign 8' Maximum Height, 12' Maximum Width

Requesting a variance to increase the allowed size of the monument sign on the Grocery Tract from 8' to 12' high and from 12' to 16'-8" wide. The applicant is proposing a self-imposed condition of not having any site signage on Outparcel #1 if the request is approved.

Variance #4: 15.3.H.3 Sidewalk Location. All new subdivisions shall install sidewalks on both sides of all roadways including principal driveways to commercial developments

Requesting a variance to place only one sidewalk on the west side of the entrance drive instead of both sides as required.

Variance #5: Minimum Intersection Spacing Along Collector Street. Minimum spacing of 185' from edge of driveway to edge of driveway for collector streets with speed limit of 30 mph.

Requesting a variance to reduce the required space from 185' to 148'. These driveways line up with drives across the street. In addition, the southern driveway allows for trucks to service the development and adds a secondary access further away from Hwy 12. Note, there is a center turn lane for vehicles to use to clear the thru lane.

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 July 8, 2021.
- 3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has 1 phone call and 1 in person visit requesting information about this request.

ANALYSIS

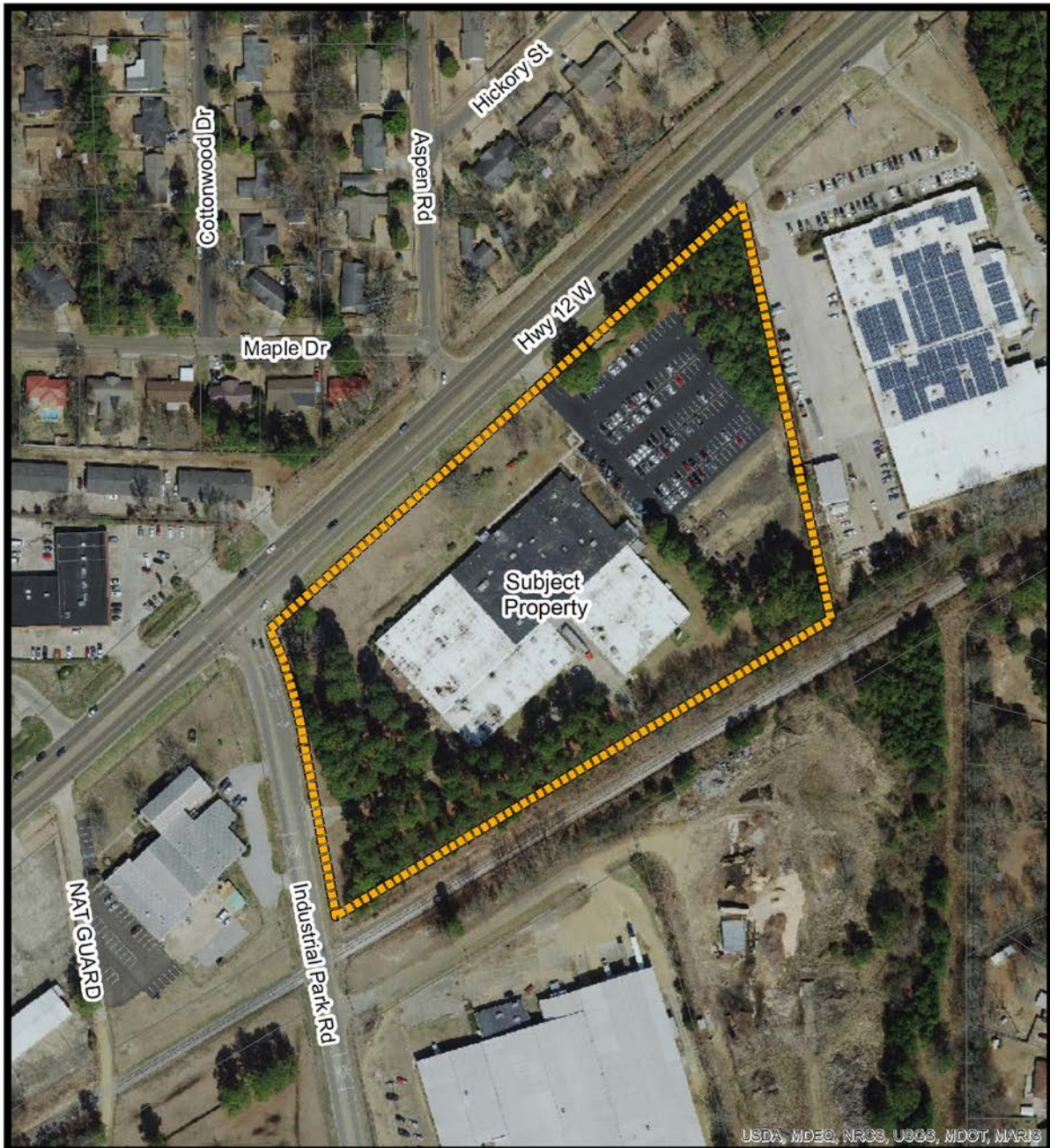
In the opinion of the Planning Department the proposed variance request could meet the criteria for variance review and approval.

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. The following conditions of approval are recommended by the Planning Department:

- 1. A site sign shall not be placed on Out Parcel #1 if the monument sign on the Grocery Tract exceeds maximum allowed dimensions.

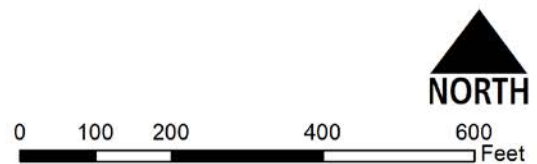
Attachment 1
VA 21-o6 Aerial



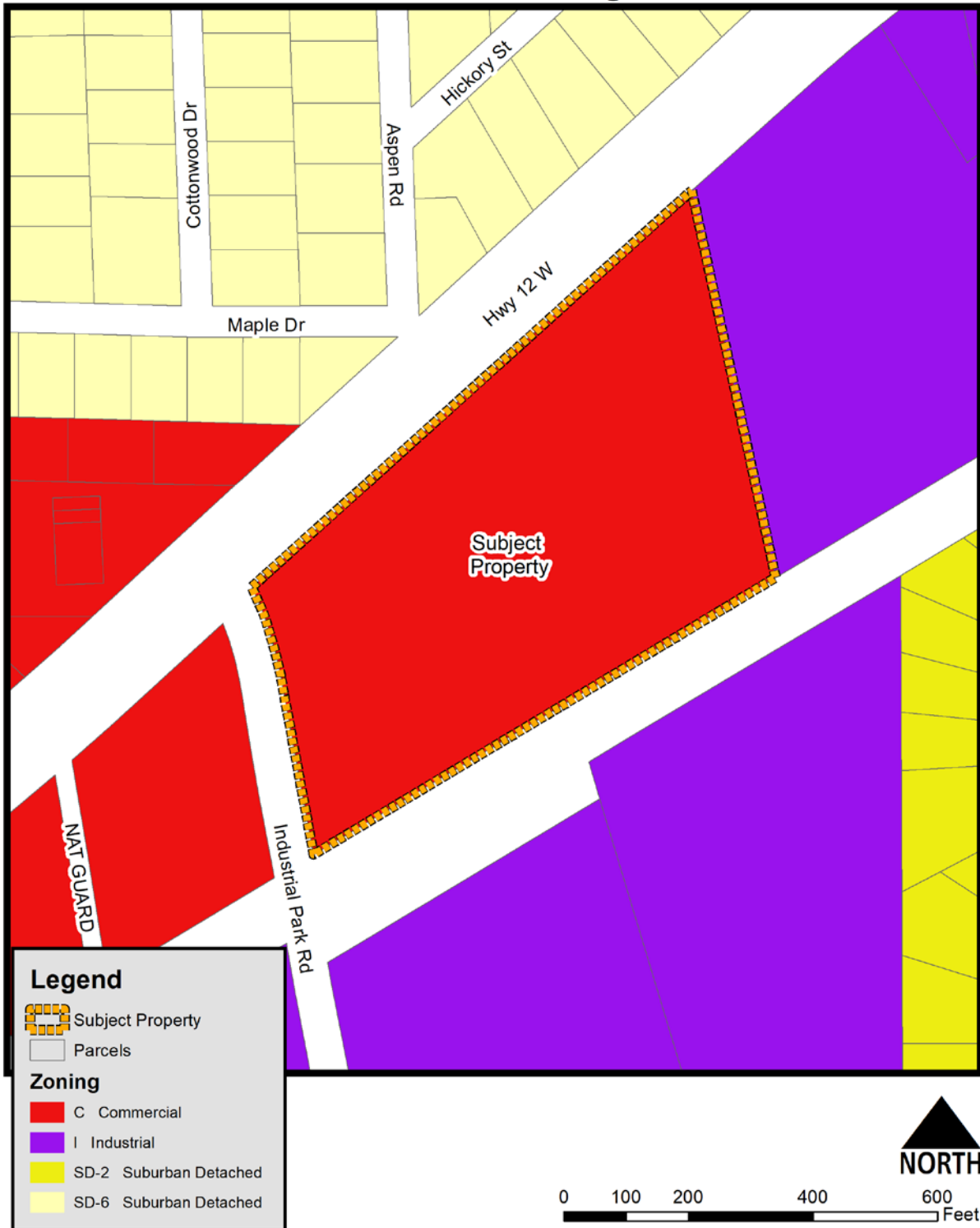
Legend

 Subject Property

 Parcels

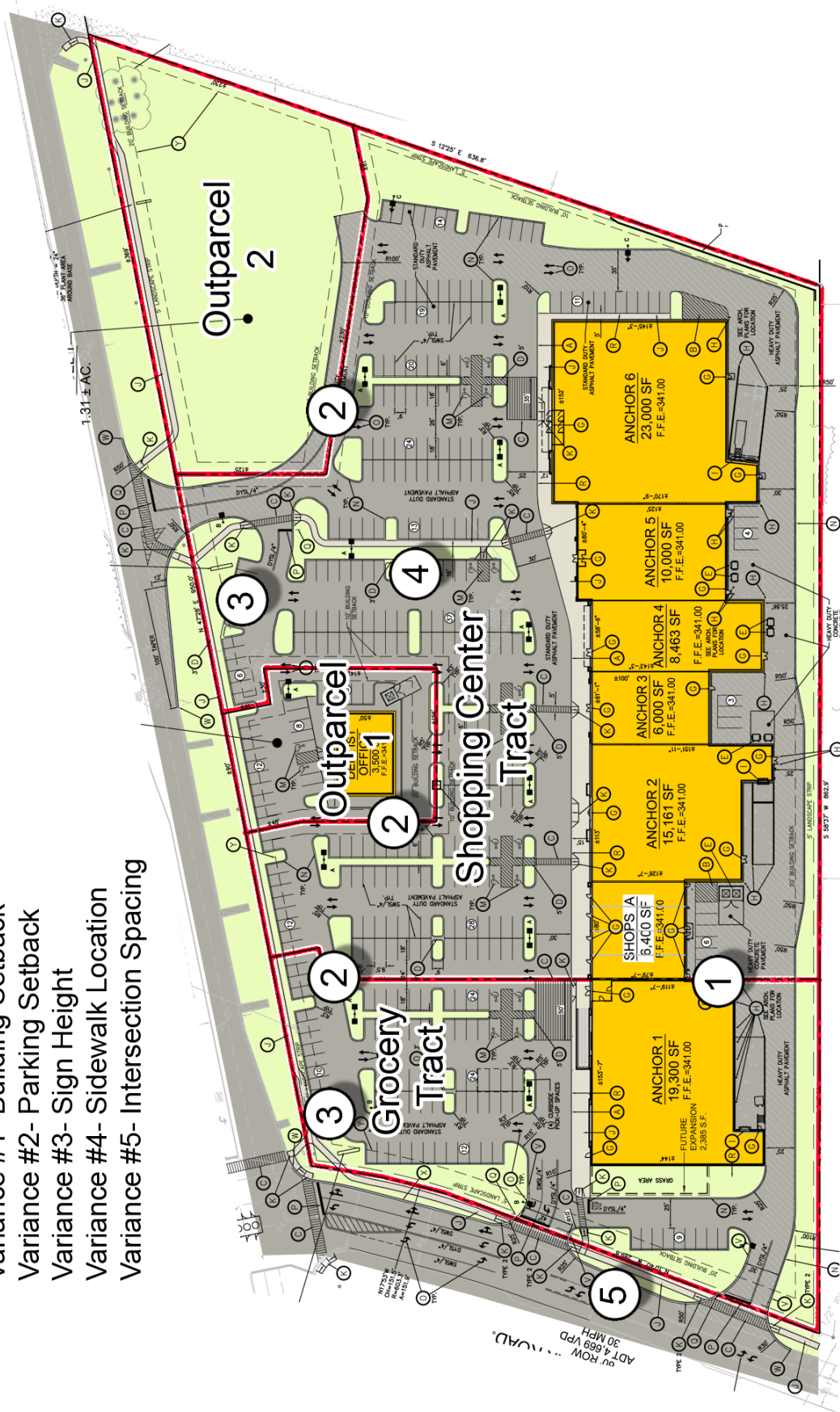


Attachment 2
VA 21-06 Zoning

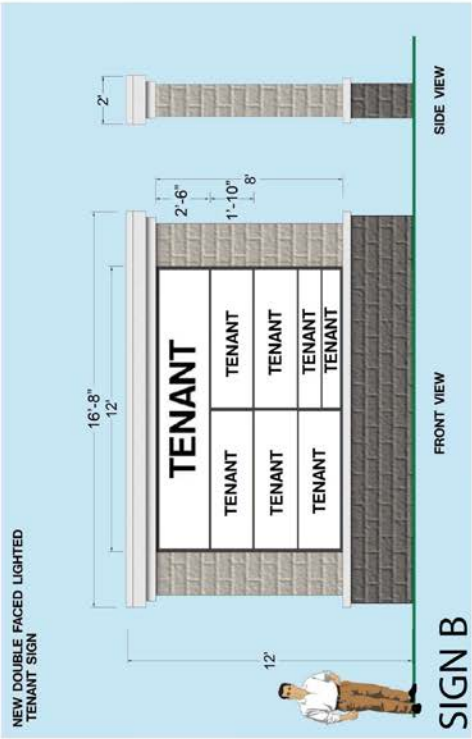
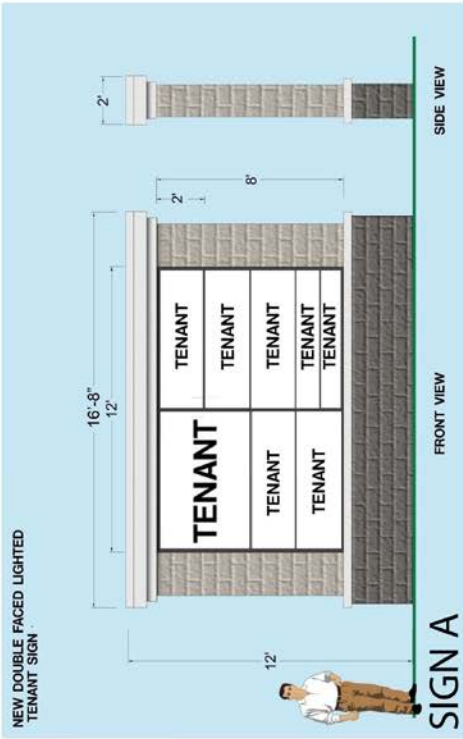
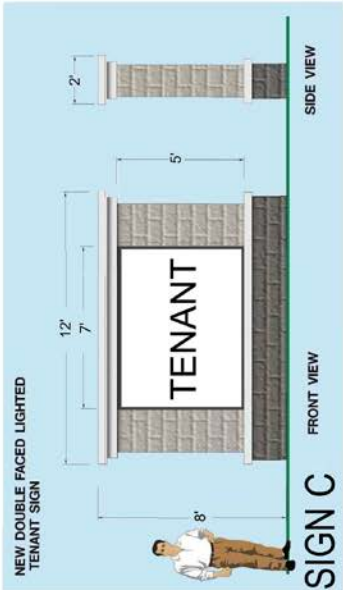
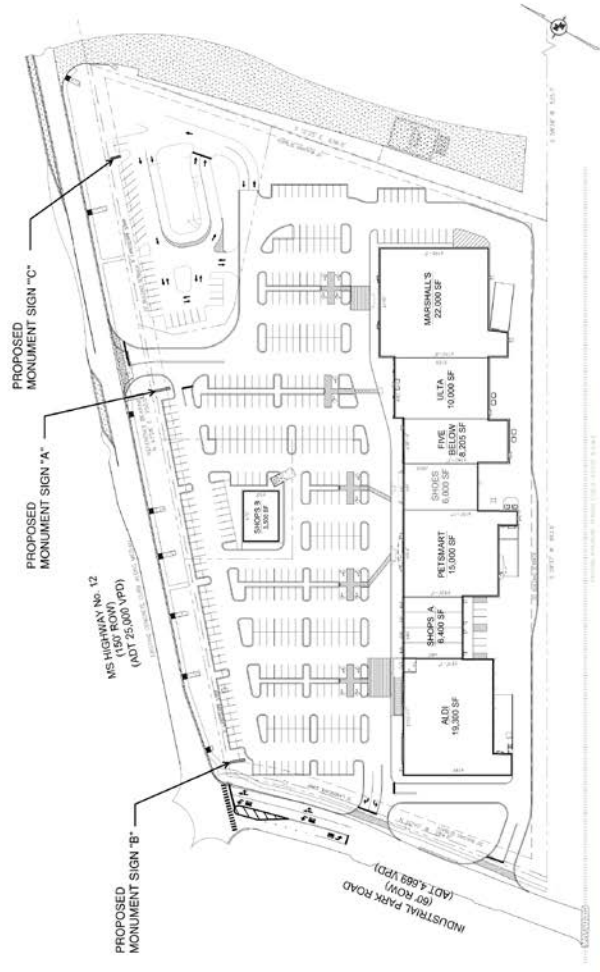


Attachment 3- Site Map

- Variance #1- Building Setback
- Variance #2- Parking Setback
- Variance #3- Sign Height
- Variance #4- Sidewalk Location
- Variance #5- Intersection Spacing



Attachment 4- Proposed Signage



05-27-21
#21043

MATHEW
B. ROOT
ARCHITECT

Starkville, MS



Attachment 5- Applicant Statement



June 29, 2021

Daniel Havelin
City Planner, City of Starkville, MS
110 West Main Street
Starkville, MS 39759-2823

RE: Triangle Crossing Shopping Center – Variance Request
601 Highway 12 East
BDG Project Number 20-166

Dear Daniel,

Based upon review the latest Unified Development Code based on the proposed shopping center, below is a summary of the variance requested:

Section 7.2 Lot Dimensions:

- **Building Setback (Section 7.2.D3)**-Request a variance to reduce the internal setback line from 10' to 0' per item "B3 Side Setback". This request is for internal property line only between Grocery Tract and Shopping Center tract only to allow the buildings to connect.
- **Parking Setback (Section 7.2.D3)**-Request a variance reduce the parking setback line from internal side and rear property lines from 5' to 0' per item "D3 From side and rear property line setback. This is in a number of areas between Grocery tract and Retail tract, Outparcel 1 and 2 and Retail tract.

Section 14.7 Signs

With the proposed development being 4 lots, it is our understanding that we would be allowed 4 Monument signs, one for each parcel. The Grocery tract, Outparcel 1 and Outparcel 2 would be allowed free standing signs with max. height =8', max. width =12' and max. SF=80 sf. These signs could be used for multi-tenant signs. In addition, the shopping center tract would be allowed multi-tenant sign with max. height=12', max. width =18' and max. Sf= 100 sf.

The variance is to increase the Grocery Store sign to be allowed as a Multi-Tenant Sign with same requirements of the Shopping Center Sign. By doing this we would agree to eliminate a single tenant sign for outparcel 2 (Dentist Office). Overall we think this allows for better spacing of signs and will reduce the overall SF of signs being built from 340 sf allowed by code to 227 sf proposed. See color sign drawing for review and approval.

Section 15.3-3 H.3 Sidewalks and Pedestrian Circulation:

- Request a variance for sidewalks on both side of principal driveway from Hwy 12. Based on conversation with City Engineer, a variance is required for this driveway. We are proposing a sidewalk from Hwy 12 to the front of the stores as shown on site plan. We are also providing sidewalk along the both roads as required. The variance is to allow sidewalk as shown.

Section 15.3-3 O.5 Minimum Intersection Spacing along Collector Streets:

- Request a variance for driveway spacing along Industrial Park Drive. The speed limit is 30mph and spacing is 185' from edge of driveway to edge of driveway. We have about 148' shown so a variance is required. These driveways line up with drives across the street. In addition, the southern driveway allows for trucks to service the development and adds a secondary access further away from Hwy 12. Note, there is a center turn lane for vehicles to use to clear the thru lane.



THE CITY OF STARKVILLE
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STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

To: Members of the Board of Adjustments & Appeals
From: Daniel Havelin, City Planner (662-323-2525 ext. 3136)
Subject: Public hearing and consideration of VA 21-07 a request for a variance from wall sign size requirements located at 100 East Main Street in a T-5D zoning district with the parcel number 1118P-00-317.00
Date: July 28, 2021

The purpose of this report is to provide information regarding Variance Request by Jonathan Ty Thames of Restaurant Tyler, LLC for a variance on wall sign size requirements located at 100 East Main Street in a T-5D zoning district with the parcel number 1118P-00-317.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant is proposing to paint a large mural and wall sign on the South Washington Street side of the building. The proposed wall sign exceeds the maximum dimensions of 3' tall and the maximum font height of 18". If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the August 3, 2021 meeting.

VARIANCE REQUEST FROM

Variance #1: Sign Height Requirement. Section 14.7.8.A.2.ii. The sign area of a wall sign in Form-based districts shall not exceed three (3) feet in height and ninety percent (90%) of the width of the facade face.

Request a variance to increase the height of the sign from 3' to 22'.

Variance #2: Font Height Requirement. Section 14.7.8.A.4.i. The font height of wall signs in the TN-N, TN-E, and Formbased Districts shall not exceed eighteen (18) inches.

Request a variance to increase the height of the font above 18".

CRITERIA FOR VARIANCE REVIEW AND APPROVAL (Section 3.7)

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.

3.7.2. Criteria for variance review and approval in form-based zoning districts. In addition to the criteria stated above, the following criteria shall also be used to review variances in any form-based district.

- A. Physical Conditions. The physical condition of the property, such as steep slopes, floodplain, drainage, or small or irregular shaped lots, make compliance to the specific standard physically impossible, and this hardship is not created by the applicant.
- B. Burden. The burden of proof is on the applicant to demonstrate by clear and convincing evidence that the requested variance meets the criteria for variance review and approval.
- C. Impact. The variance will not significantly impact adjacent property owners, the character of the area, traffic conditions, parking, public infrastructure, stormwater management, and other matters affecting public health, safety and general welfare.
- D. Urban Principle. The modification will not result in a substantial departure from the basic urban principle that buildings should directly front streets (as opposed to being set back from the right-of-way) and add value to the public realm and pedestrian walkability of the street edge.

NOTIFICATION:

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code.

- 1. 17 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 July 9, 2021.
- 3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has 1 phone call in favor of this request.

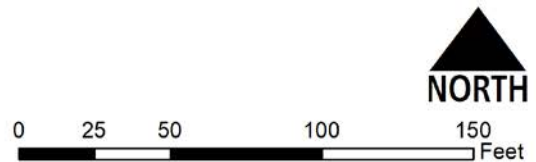
ANALYSIS

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.

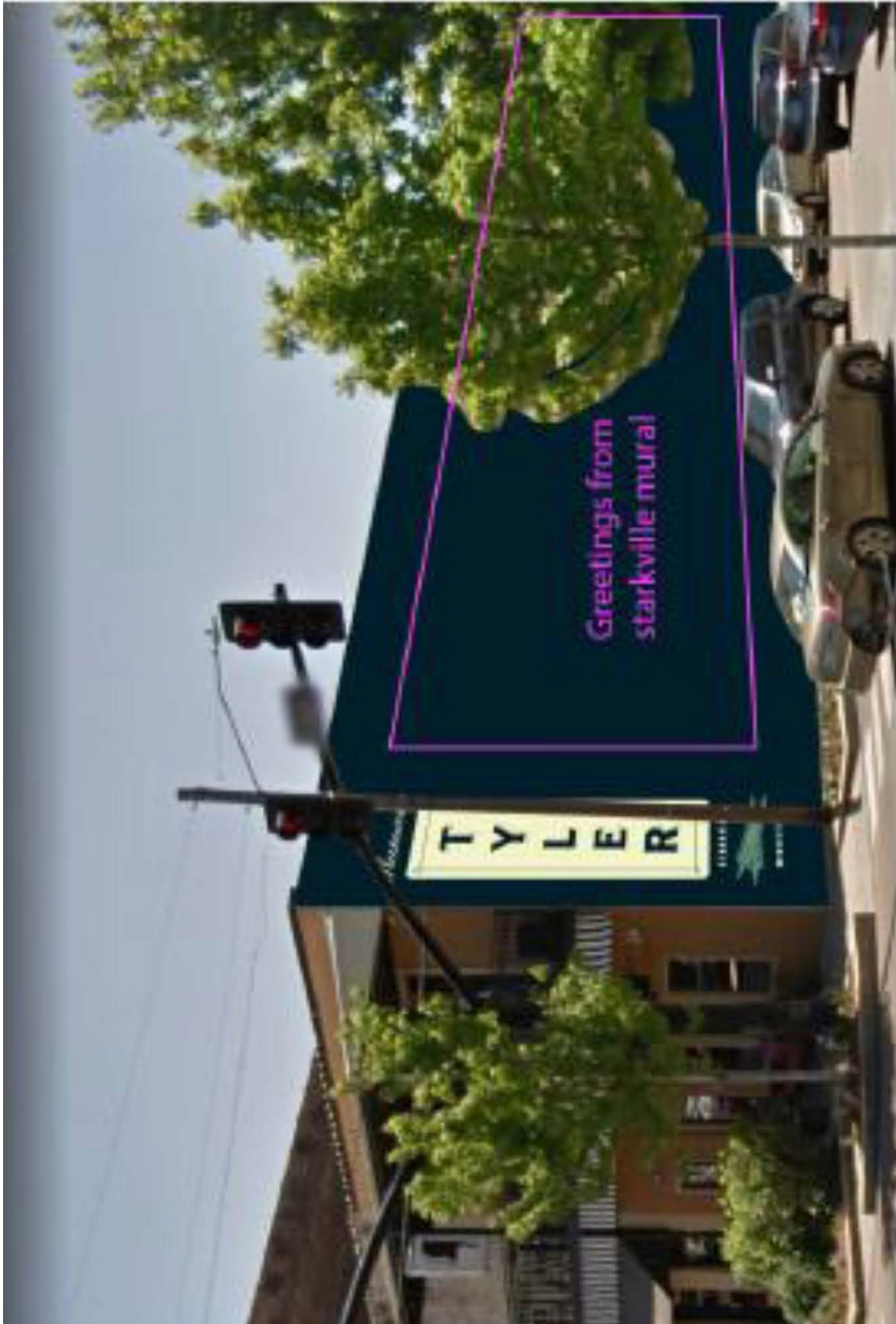
Attachment 1
VA 21-07 Aerial



Attachment 2
VA 21-07 Zoning



Attachment 3- Image of Proposed Sign



Attachment 4- Dimensions

