



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, DECEMBER 15, 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 27, 2021
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 21-11, MULTIPLE REQUESTS FOR A VARIANCE ON SETBACK AND WALL HEIGHT REQUIREMENTS LOCATED AT THE PRESERVE AT HUNTINGTON PARK IN A SD-6 ZONING DISTRICT.
 - B. DISCUSSION AND CONSIDERATION OF 2022 BOAA MEETING SCHEDULE
- VI. ADJOURN

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

October 27, 2021

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on October 27, 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, George Ford, Ward 1, Kurt Gaude, Ward 2, and Bo Richardson, Ward 3. Dan Shipp, Ward 4 and Shawn Sullivan, Ward 7 were absent. Physically present attending the Commissioners were City Planner Daniel Havelin and Assistant City Planner Odie Avery.

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 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 AUGUST 25, 2021
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 21-09 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS FOR ROSEY BABY LOCATED AT 300 SOUTH JACKSON STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 102A-00-100.00.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 21-10 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS LOCATED AT 301 EAST MAIN STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 118P-00-210.00.
- VI. ADJOURN

The Board considered the matter of the approval of the written agenda dated October 27, 2021. Upon the motion of Mr. Nicovich, seconded by Mr. Gaude, the Board voted unanimously to approve the written agenda.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR August 25, 2021

The Board considered the matter of the approval of the minutes of the August 25, 2021 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Nicovich, seconded by Mr. Gaude, the Board voted unanimously to approve the minutes as amended.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 21-09 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS FOR ROSEY BABY LOCATED AT 300 SOUTH JACKSON STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 102A-00-100.00.

This is a request by Ashley Ray of Rosey Baby on behalf of Curt Crissey for a variance on wall sign size requirements located at 300 South Jackson Street. The applicant is proposing halo lit wall sign on the east side of the building approximately 90 feet from the right-of-way of South Jackson Street. The proposed wall sign exceeds the maximum dimensions of 3' tall and the maximum font height of 18".

Variance #1: Request a variance to increase the height of the sign from 3' to 5.5'.

Variance #2: Request a variance to increase the height of the font above 18".

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 17 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 26, 2021. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received no response to the notification.

Chairman Webb opened the public hearing to citizen comments.

Curt Crissey came forward 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. Gaude, duly seconded by Mr. Ford, the motion to approve VA 21-09 was unanimous approved with one recommended condition.

1. The existing pole sign will need to be removed within one day of the installation of the proposed wall signs.

B. PUBLIC HEARING AND CONSIDERATION OF VA 21-10 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS LOCATED AT 301 EAST MAIN STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 118P-00-210.00.

This is a request by Marc McGee of Mississippi State University Research and Technology Corporation on behalf of Innovation HUB for a variance on wall sign size requirements located at 301 East Main Street. The applicant is proposing to install an internally lit "M State" sign on the north and south sides of the building approximately 65 feet from the right-of-way of East Main Street. The proposed wall signs exceed the maximum dimensions of 3' tall and the maximum font height of 18".

Variance #1: Request a variance to increase the height of the front elevation sign from 3' to 7' and the rear elevation sign from 3' to 5'.

Variance #2: Request a variance to increase the height of the font above 18".

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 14 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 8, 2021. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received no response to the notification.

Chairman Webb opened the public hearing to citizen comments.

Call for and receiving no comments, Chairman Webb closed the public hearing and opened the item up for discussion.

After a discussion and upon the motion of Mr. Nicovich, duly seconded by Mr. Richardson, the motion to approve VA 21-10 was unanimous approval with Mr. Ford abstaining from the vote.

VI. ADJOURNMENT

After discussion, Mr. Shipp moved to adjourn which was seconded by Mr. Sullivan, and the Board voted unanimously to adjourn until 4:00 p.m. on November 24, 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)
Odie Avery, Assistant City Planner (662-323-2525 ext. 3138)
Subject: Public hearing and consideration of VA 21-11, multiple requests for a variance on setback and wall height requirements located at The Preserve at Huntington Park in a SD-6 zoning district.
Date: December 15, 2021

The purpose of this report is to provide information regarding Variance Request by David Jackson for a variance on Public hearing and consideration of VA 21-11, multiple requests for a variance on setbacks and wall height requirements located at The Preserve at Huntington Park in a SD-6 zoning. Please see attachments 1- 3.

BACKGROUND INFORMATION

Jackson Construction LLC is requesting a variance from side setbacks and fence height for front yard on a corner lot for lot 301, 307, 308, 314, 315, 321, 322, 328, 345, and 346 within the Preserve at Huntington Park subdivision located at west end of Huntington Drive in an SD-6 zoning district. On Lots 345 and 346 the applicant is requesting a variance to reduce the side setback adjacent to the street from 25' to 15'. On Lots 301, 307, 308, 314, 315, 321, 322, and 328 the applicant is requesting a variance to reduce the side setback adjacent to the street from 25' to 20'. The applicant is also requesting a variance from maximum fence height of 3 ½ feet in the front yard of a corner lot for Lots 301, 307, 308, 314, 315, 321, 322, 328, 345 and 346.

VARIANCE REQUESTS

Variance #1: Section 6.3.4 Base Dimensional Standards. Variance to reduce the side setback corner lot in a SD-6 zoning district from 25' to 15'. This request applies to the following lots: 1. Lot 346 as shown on The Preserve at Huntington Park- Phase I Part 1 Final Plat 2. Lot 345 as shown on the Huntington Subdivision Phase 9 Preliminary Plat approved by the Board of Aldermen on May 15, 2018

Variance #2: Section 6.3.4 Base Dimensional Standards. Variance to reduce the side setback corner lot in a SD-6 zoning district from 25' to 20'. This request applies to the following lots: 1. Lots 314 and 321 as shown on the Huntington Park Subdivision Phase 8- Part 9 Final Plat. 2. Lots 301, 307, 308, 315, 322, and 328 as shown on the Huntington Subdivision Phase 9 Preliminary Plat approved by the Board of Aldermen on May 15, 2018

Variance #3: Section 13.9.1.B.6 Fences. Variance to increase the maximum fence height from 3 ½ feet to up to 8 feet within the front yard of a corner lot. This request applies to the following lots: 1. Lots 314, 321, and 346 as shown on The Preserve at Huntington Park- Phase I Part 1 Final Plat 2. Lots 301, 307, 308, 315, 322, 328, and 345 as shown on the Huntington Subdivision Phase 9 Preliminary Plat approved by the Board of Aldermen on May 15, 2018

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 November 23, 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 no response to the notification

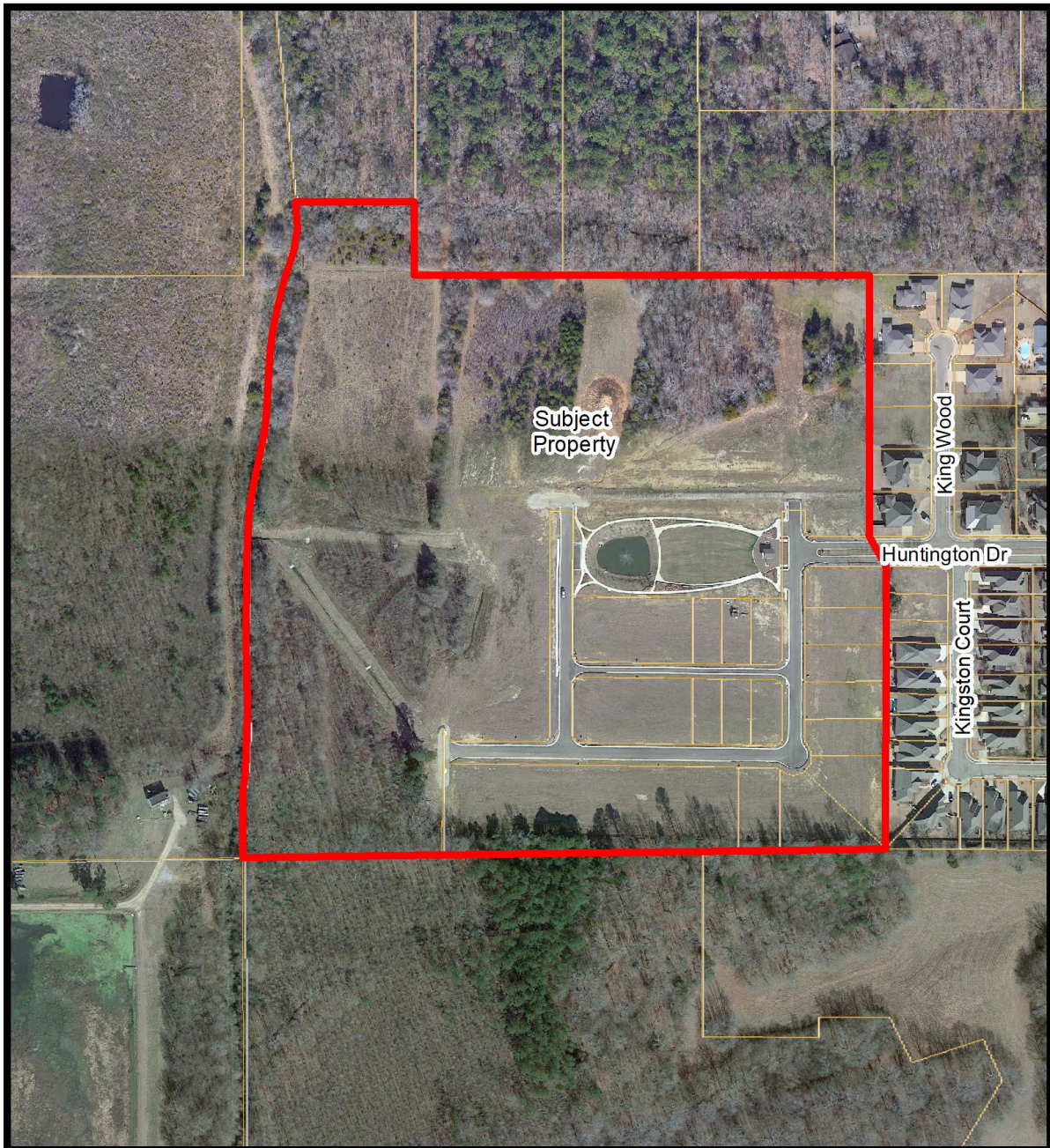
ANALYSIS

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

CONDITIONS OF APPROVAL

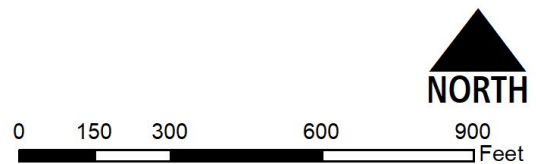
Any condition attached to the approval of a variance by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, and successors.

Attachment 1
VA 21-11 Aerial

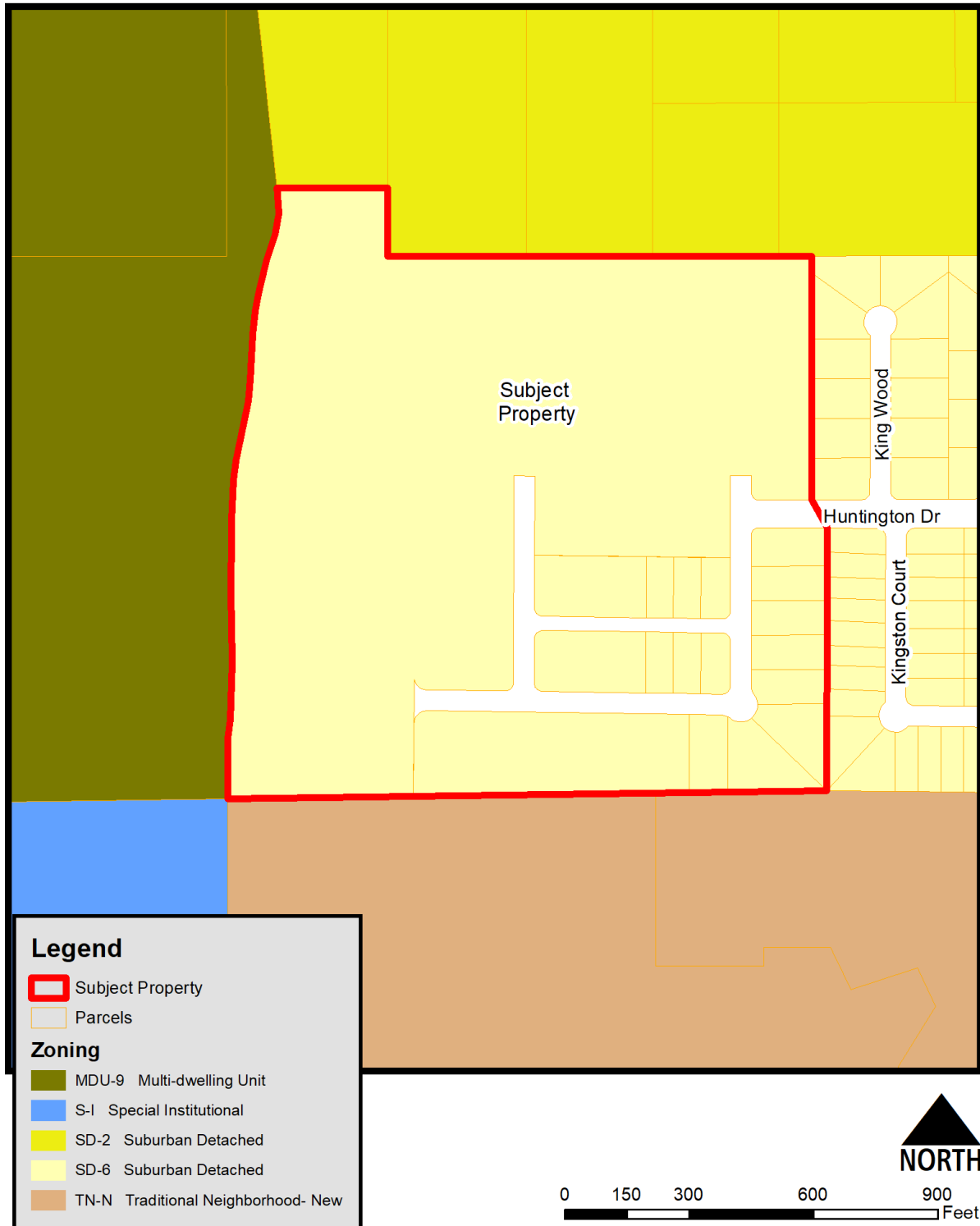


Legend

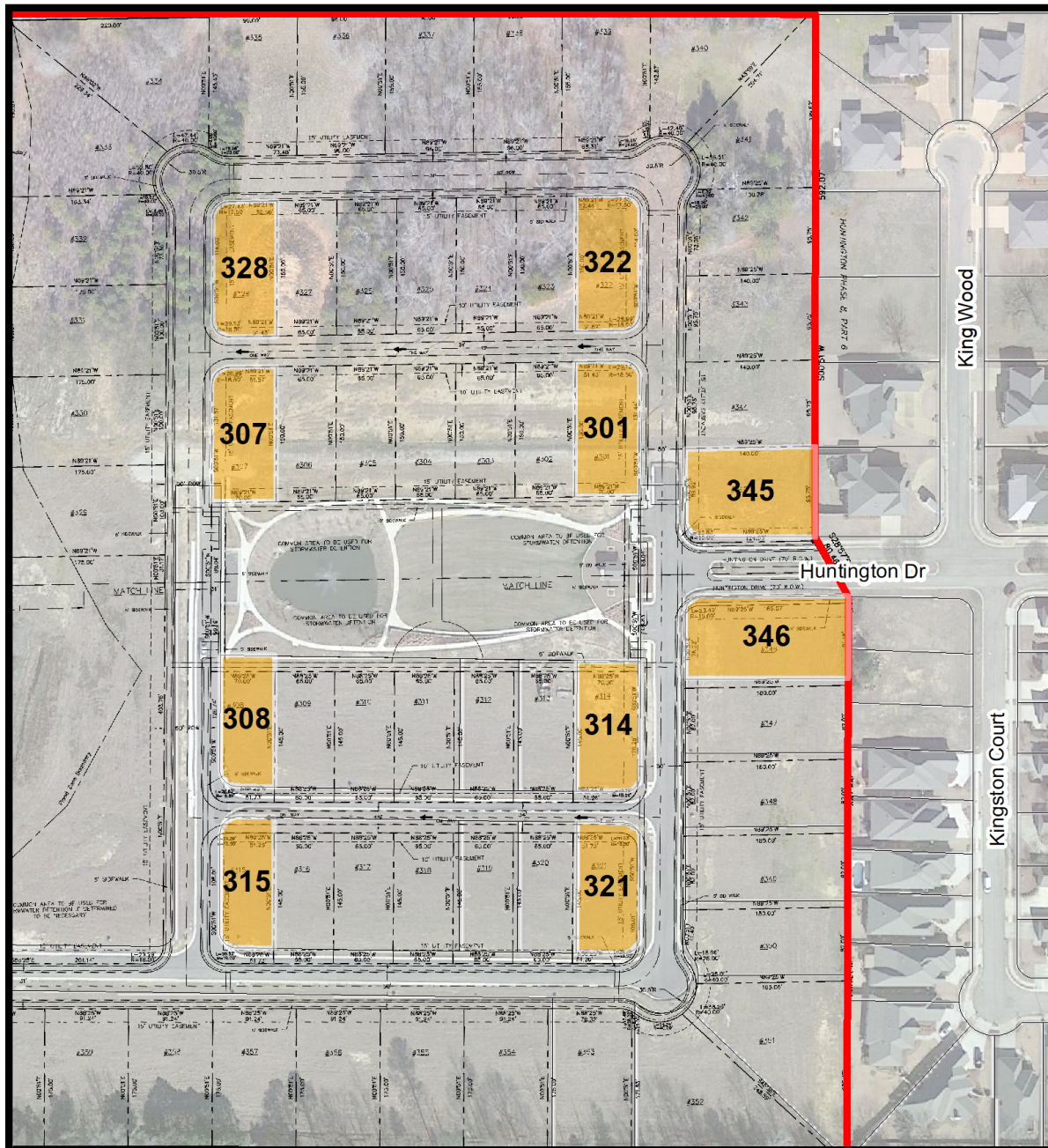
-  Subject Property
-  Parcels



Attachment 2
VA 21-11 Zoning



Attachment 3 VA 21-11 Variance Lot Locations



Legend

-  Variance Lots
-  Subject Property
-  Parcels



0 75 150 300 450 Feet



Board of Adjustments and Appeals

2022 Meeting Schedule

Submittal Type Deadline		Meeting Date
Public Hearing: Variance (Sec. 3-7)	Non-Advertised Public Meeting: Administrative Appeal (Sec. 3.8)	
	Thursday, December 30, 2021	Wednesday, January 26, 2022
	Thursday, January 27, 2022	Wednesday, February 23, 2022
	Thursday, February 24, 2022	Wednesday, March 23, 2022
	Thursday, March 31, 2022	Wednesday, April 27, 2022
	Thursday, April 28, 2022	Wednesday, May 25, 2022
	Thursday, May 26, 2022	Wednesday, June 22, 2022
	Thursday, June 30, 2022	Wednesday, July 27, 2022
	Thursday, July 28, 2022	Wednesday, August 24, 2022
	Thursday, September 1, 2022	Wednesday, September 28, 2022
Public Hearing: Variance (Sec. 3-7)	Thursday, September 29, 2022	Wednesday, October 26, 2022
	Thursday, October 20, 2022	Wednesday, November 16, 2022
	Thursday, November 24, 2022	Wednesday, December 21, 2022
	Thursday, December 29, 2022	Wednesday, January 25, 2023
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