



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, JANUARY 26, 2022
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 DECEMBER 15, 2021
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-01 A REQUEST FOR VARIANCE ON REAR SETBACK AT 114 MOHAWK STREET IN A SD-6 ZONING DISTRICT.
- VI. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
December 15, 2021**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on December 15, 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, and George Ford, Ward 1. Kurt Gaude, Ward 2, attended virtually. 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

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- 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

The Board considered the matter of the approval of the written agenda dated December 15, 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 October 27, 2021

The Board considered the matter of the approval of the minutes of the October 27, 2021 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 21-11, MULTIPLE REQUESTS FOR A VARIANCE ON SETBACK AND WALL HEIGHT REQUIREMENTS LOCATED AT THE PRESERVE AT HUNTINGTON PARK IN A SD-6 ZONING DISTRICT.

This is a request from David Jackson of Jackson Construction LLC 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 to increase the maximum fence height from 3 ½ feet to up to 8 feet within the side setback adjacent to the street of a corner lot for Lots 301, 307, 308, 314, 315, 321, 322, 328, 345 and 346.

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 side setback adjacent to the street 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.

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 November 23, 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.

David Jackson came forward to speak in favor of the request.

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

After a discussion Variance #3 was amended to "increase the maximum fence height from 3 ½ feet to up to 8 feet within the side setback adjacent to the street of a corner lot", and upon the motion of Mr. Ford, duly seconded by Mr. Nicovich, the motion to approve VA 21-11 was unanimously approved.

B. DISCUSSION AND CONSIDERATION OF 2022 BOAA SCHEDULE.

Chairman Webb opened the discussion of the 2022 BOAA Schedule. The Board recommended changing the December 2022 Meeting date from Wednesday, December 21, 2022 to Wednesday, December 14, 2022.

After a discussion and upon the motion of Mr. Nicovich, duly seconded by Mr. Ford, the motion to approve the 2022 BOAA Schedule with amendment was unanimously approved.

VI. ADJOURNMENT

After discussion, Mr. Webb moved to adjourn which was seconded by Mr. Ford, and the Board voted unanimously to adjourn until 4:00 p.m. on January 26, 2022 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)
Odie Avery, Assistant City Planner (662-323-2525 ext. 3138)
Subject: Public hearing and consideration of VA 22-01 a request for variance on rear setback at 114 Mohawk Street in a SD-6 zoning district.
Date: January 26, 2022

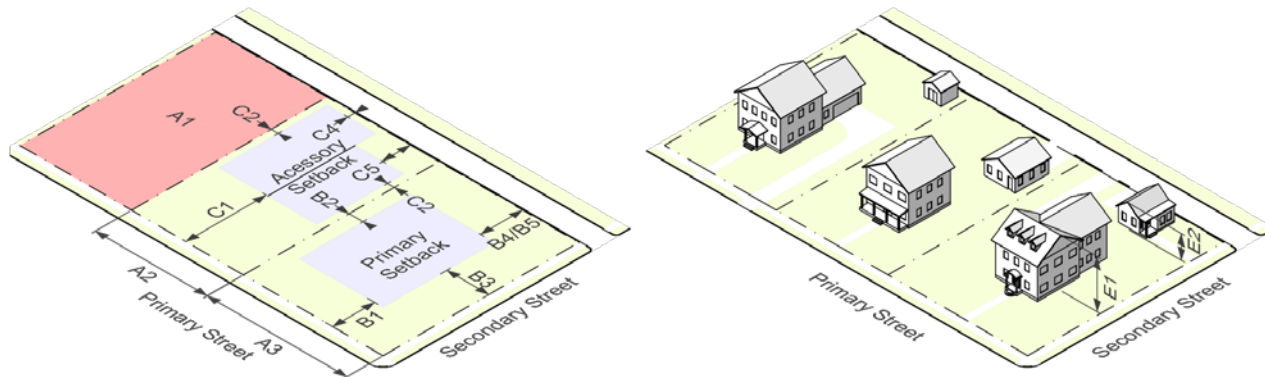
The purpose of this report is to provide information regarding a Request by Richard and Evelyn Hill for a Variance on a rear setback at 114 Mohawk Street in a SD-6 zoning with the parcel #118B-00-037.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicant is requesting a variance from rear setbacks to add a sunroom addition to the existing home. The sunroom is being proposed on the south side of the existing home and will extend out 20' from the rear of the house. The existing home is approximately 30' from the rear property line. The request is to reduce the rear setback from 20' to 10' to accommodate the addition.

VARIANCE REQUEST

Section 6.3.4 Base Dimensional Standards.



Detached and Attached Duplex Dwelling

A. Lot Dimensions SD-6

A1 Lot size per unit in sq. ft (min.) 6000

A2 Lot width (min.) 50'

A3 Lot width at corner (min.) 60'

B. Principal Building Setbacks SD-6

B1 Front setback 25' or infill standards

B2 Side setback (min.) 5' or infill standards

B3 Side setback corner lot (min.) 25'

B4 Rear setback (min.) 20'

B5 Rear setback adjacent to street or alley (min.) 25'

C. Accessory Dwelling Unit/Structure Setbacks	SD-6
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C1 Front setback	Behind rear wall of principal building
C2 Side setback	5' min
C3 Side setback corner lot (min.)	25'
C4 Rear setback	5', minimum of 10' from any structure
C5 Rear setback adjacent to alley for garages (min.)	20'
C6 Structures housing livestock (min.)	N/A

D. Parking Setbacks	SD-6
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D1 From primary street	See infill standards
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E. Height	SD-6
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E1 Principal building(s) (max)	30', 2 story
E2 Accessory Dwelling Unit(s)/Structure(s) (max)	Less than principal building
E3 Accessory structure agricultural use	15'

F. Pedestrian Access	SD-6
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F1 Street-facing primary entrance along street	yes
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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.

NOTIFICATION:

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

1. 12 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 28, 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 22-01 Aerial



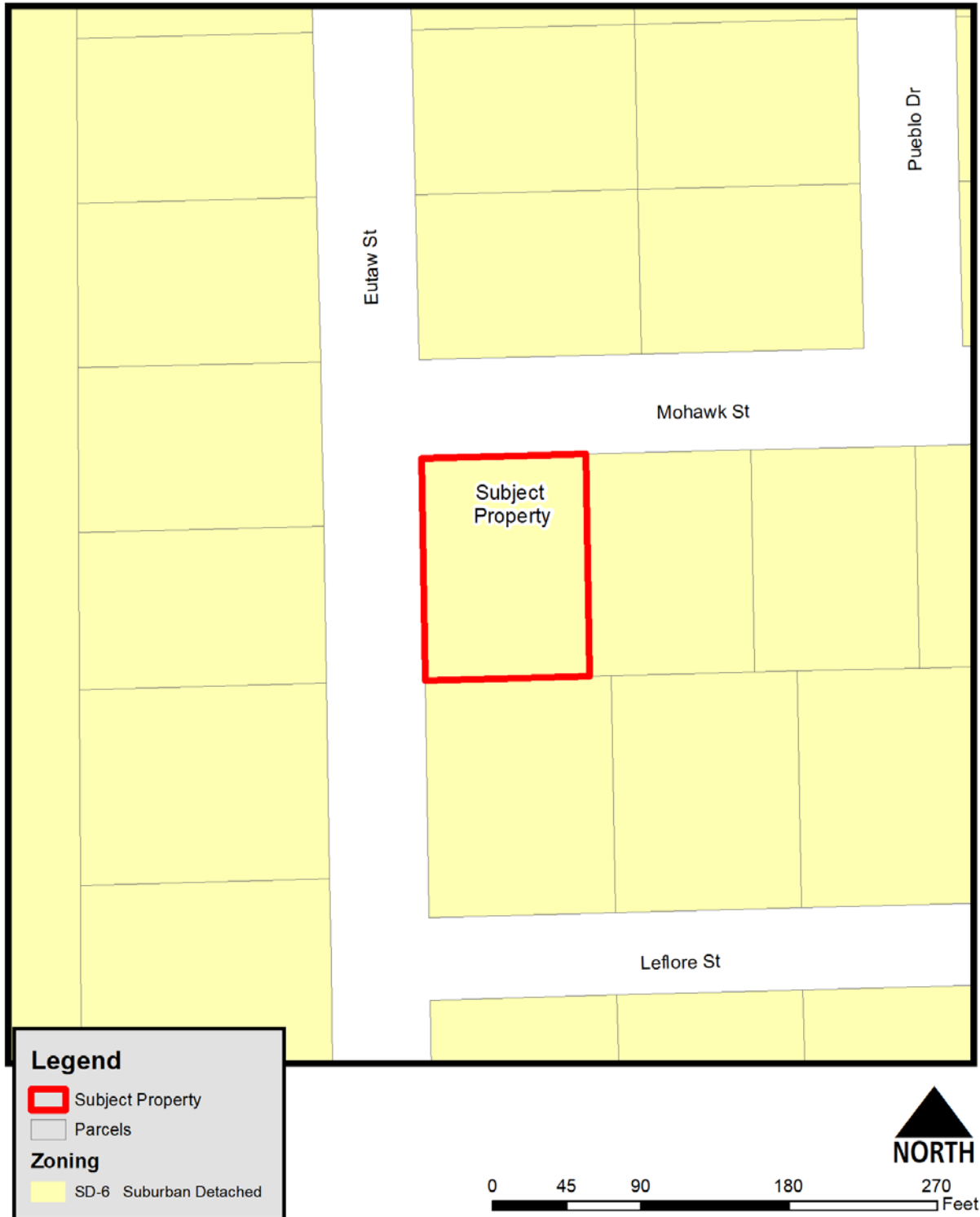
Legend

-  Subject Property
-  Parcels

0 45 90 180 270 Feet



Attachment 2
VA 22-01 Zoning



Attachment 3- Site Plan Sketch



Attachment 4- Concept Image

(no subject)

Evelyn Hill <evelynhill81@gmail.com>

Tue 07/12/2021 12:05

To: Hill, Evelyn <ewhill@business.msstate.edu>

