



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, FEBRUARY 23, 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 JANUARY 26, 2021
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-02 A REQUEST FOR VARIANCE ON REAR SETBACK AT 107 KERKLING DR. IN A SD-2 ZONING DISTRICT.
- VI. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
January 26, 2022**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on January 26, 2022 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, Marco Nicovich, Vice Chairman, Ward 5, George Ford, Ward 1. Kurt Gaude, Ward 2, Bo Richardson, Ward 3, Dan Shipp, Ward 4 and Shawn Sullivan, Ward 7. Bill Webb, Chairman, Ward 6 was absent. Physically present attending the Commissioners were City Planner Daniel Havelin and Assistant City Planner Odie Avery.

Vice Chairman Nicovich opened the meeting.

III. CONSIDERATION OF THE OFFICIAL AGENDA

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CITY OF STARKVILLE, MISSISSIPPI
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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 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

The Board considered the matter of the approval of the written agenda dated January 26, 2021. Upon the motion of Mr. Sullivan, seconded by Mr. Nicovich, the Board voted unanimously to approve the written agenda.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR December 15, 2021

The Board considered the matter of the approval of the minutes of the December 15, 2021 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Shipp, seconded by Mr. Richardson, the Board voted unanimously to approve the minutes.

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.

This is 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. 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.

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 December 28, 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.

Vice Chairman Nicovich opened the public hearing to citizen comments.

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

No questions or comments were discussed and upon the motion of Mr. Sullivan, duly seconded by Mr. Gaude, the motion to approve VA 22-01 was unanimously approved.

VI. ADJOURNMENT

After discussion, Mr. Shipp moved to adjourn which was seconded by Mr. Gaude, and the Board voted unanimously to adjourn until 4:00 p.m. on February 23, 2022 in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Marco Nicovich, Vice 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 22-02 a request for variance on rear setback at 107 Kerkling Dr. in a SD-2 zoning district.
Date: February 23, 2022

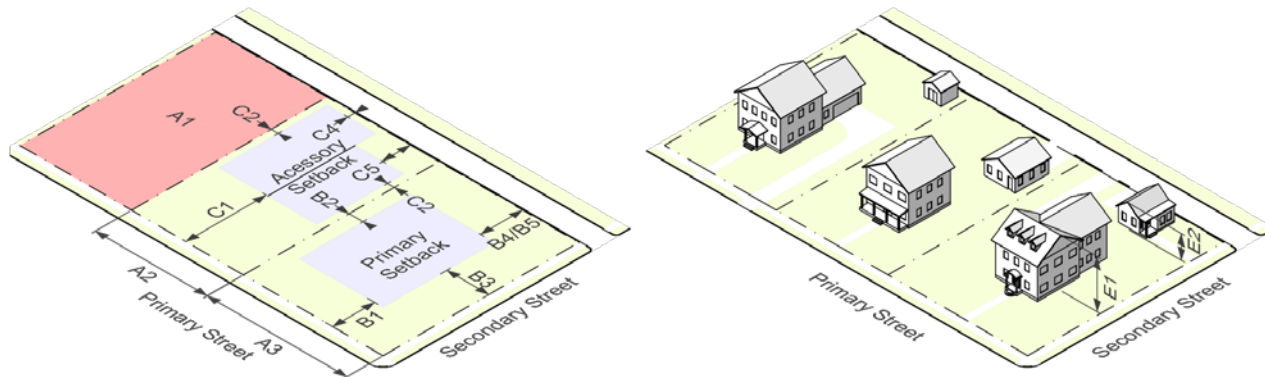
The purpose of this report is to provide information regarding a Request by Ernest and Kay Black for a Variance on a rear setback at 107 Kerkling Dr. in a SD-2 zoning with the parcel #106E-00-061.00. Please see attachments 1- 4.

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 north side of the existing home and will extend out 20' from the rear of the house. The existing home is approximately 35' from the rear property line. The request is to reduce the rear setback from 25' to 15' to accommodate the addition.

VARIANCE REQUEST

Section 6.3.4 Base Dimensional Standards.



Detached and Attached Duplex Dwelling

A. Lot Dimensions SD-2

A1 Lot size per unit in sq. ft (min.) 17500

A2 Lot width (min.) 100'

A3 Lot width at corner (min.) 100'

B. Principal Building Setbacks SD-6

B1 Front setback 30' or infill standards

B2 Side setback (min.) 10' or infill standards

B3 Side setback corner lot (min.) 30'

B4 Rear setback (min.) 25'

B5 Rear setback adjacent to street or alley (min.) 30'

C. Accessory Dwelling Unit/Structure Setbacks SD-2

C1 Front setback Behind rear wall of principal building
C2 Side setback 5' min
C3 Side setback corner lot (min.) 30'
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-2

D1 From primary street See infill standards

E. Height SD-2

E1 Principal building(s) (max) 35', 2.5 story
E2 Accessory Dwelling Unit(s)/Structure(s) (max) Less than principal building
E3 Accessory structure agricultural use 15'

F. Pedestrian Access SD-2

F1 Street-facing primary entrance along street yes

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. 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 February 7, 2022.
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

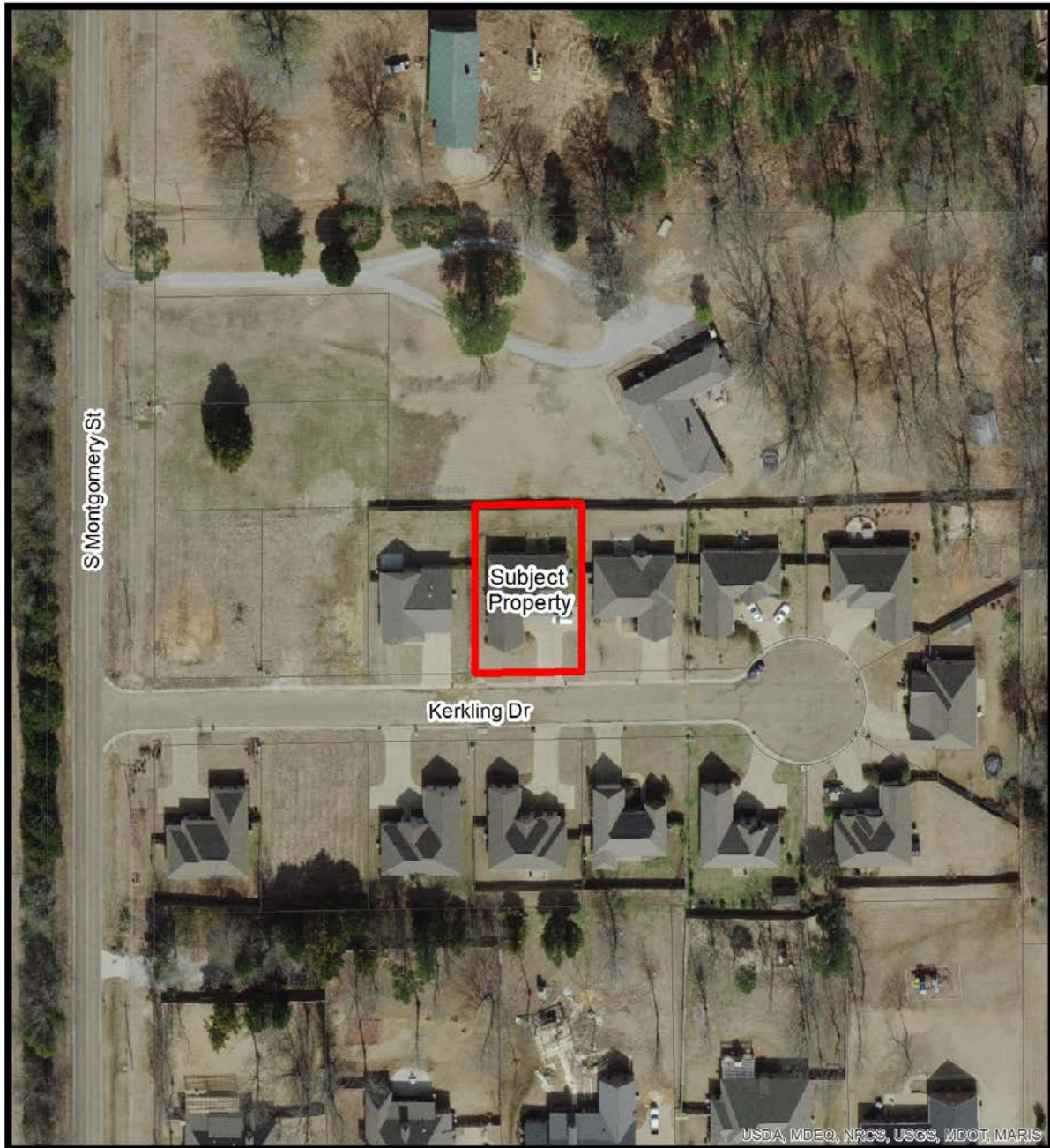
ANALYSIS

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 22-02 Aerial



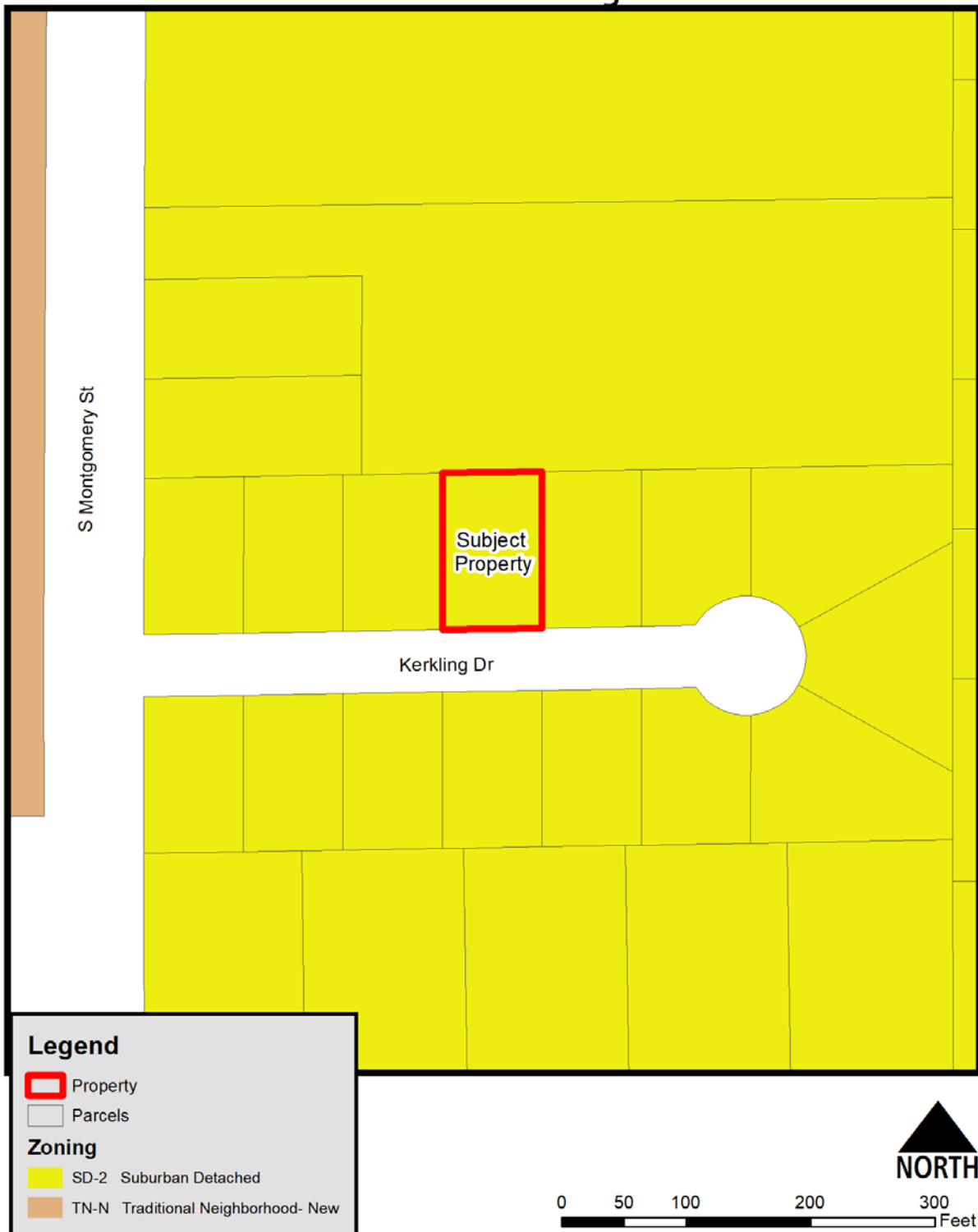
Legend

-  Property
-  Parcels

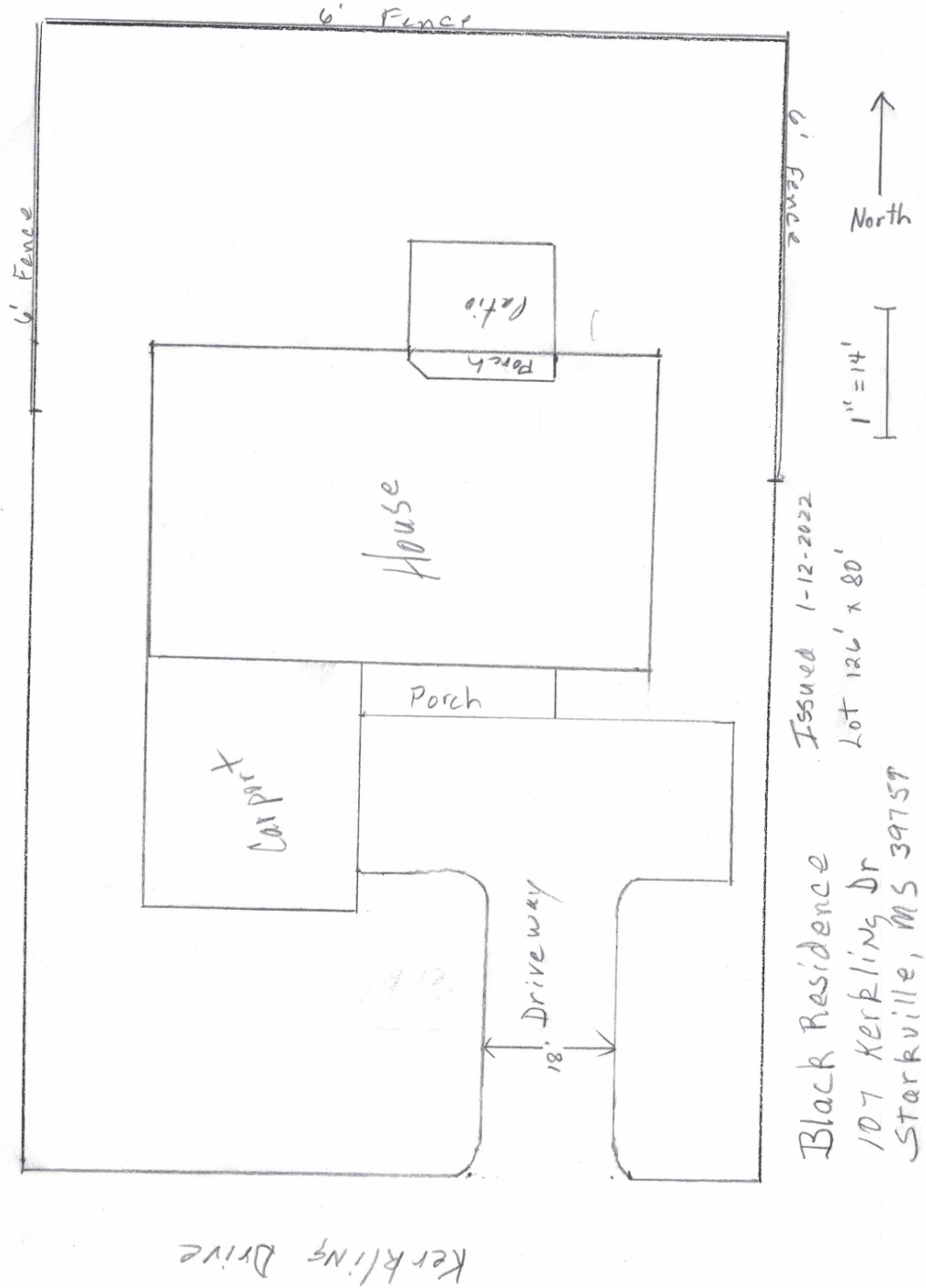
0 50 100 200 300 Feet



Attachment 2
VA 22-02 Zoning



Attachment 3
VA 22-02 Site Plan - Existing



Attachment 4
VA 22-02 Proposed Addition

