



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, APRIL 27, 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 FEBRUARY 23, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-03 A REQUEST FOR A VARIANCE FROM STORMWATER REQUIREMENTS FOR A PROPOSED RENOVATION OF THE FORMER VOWELL'S MARKETPLACE AT 118 HIGHWAY 12 WEST IN A C ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 22-04 A REQUEST FOR A VARIANCE FROM ELECTRONIC MESSAGE CENTER SIGN SIZE REQUIREMENTS AT 601 UNIVERSITY DRIVE.
 - C. PUBLIC HEARING AND CONSIDERATION OF VA 22-05 A REQUEST FOR A VARIANCE FROM ELECTRONIC MESSAGE CENTER SIGN SIZE REQUIREMENTS AT 405 RUSSELL STREET.
 - D. PUBLIC HEARING AND CONSIDERATION OF VA 22-06 A REQUEST FOR A VARIANCE TO ALLOW TWO POINTS OF ACCESS FOR A NEW DEVELOPMENT ON TO EUDORA WELTY DRIVE.
 - E. PUBLIC HEARING AND CONSIDERATION OF VA 22-07 A REQUEST FOR A VARIANCE FROM MULTIPLE SETBACKS AND DRIVE AISLE WIDTH REQUIREMENTS LOCATED AT 102 HIGHWAY 12 WEST IN A C ZONING DISTRICT.
- VI. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
February 23, 2022**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on February 23, 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, Bill Webb, Chairman, Ward 6, Marco Nicovich, Vice Chairman, Ward 5, Dan Shipp, Ward 4 and Shawn Sullivan, Ward 7. George Ford, Ward 1, Kurt Gaude, Ward 2, and Bo Richardson, Ward 3 were absent. 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, 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

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

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR JANUARY 26, 2022

The Board considered the matter of the approval of the minutes of the January 26, 2022 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Nicovich, seconded by Mr. Sullivan, the Board voted unanimously to approve the minutes.

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.

This is a Request by Ernest and Kay Black for a Variance on a rear setback at 107 Kerkling Drive. 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 35' from the rear property line. The rear setback for the SD-2 zoning district is 25'. The request is to reduce the rear setback from 25' to 15' to accommodate the proposed addition.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 11 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 February 23, 2022. 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.

Ernest Black 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.

No questions or comments were discussed and upon the motion of Mr. Sullivan, duly seconded by Mr. Shipp, the motion to approve VA 22-02 was unanimously approved.

VI. ADJOURNMENT

After discussion, Mr. Sullivan moved to adjourn which was seconded by Mr. Shipp, and the Board voted unanimously to adjourn until 4:00 p.m. on March 23, 2022 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 22-03 a request for a variance from stormwater requirements for a proposed renovation of the former Vowell's Marketplace at 118 Highway 12 West in a C zoning district.
Date: April 27, 2022

The purpose of this report is to provide information regarding a variance request by Thomas Stewart of Architectonics PLLC on behalf of 44 Properties for a variance to deviate from stormwater requirements for a proposed redevelopment of an existing building and site located at 118 Highway 12 West in an C (Commercial) zoning district with the property number 102A-00-207.00. Please see attachments 1-6.

BACKGROUND INFORMATION

The applicant is in the process of designing a proposed renovation of the former Vowell's Marketplace at 118 Highway 12 West. As part of the renovation, the applicant is proposing to add additional square footage to the front of the building, redo the front façade of the building, and bring the existing parking lot up to current dimensional and layout standards. The existing structure and parking lot, according to Oktibbeha County records, was built in 1992. Since that time several new development standards, including stormwater requirements, have been adopted. The applicant is requesting relief from the stormwater requirements of the site due to the difficulties associated with retrofitting the required stormwater system and detention structure into the existing site. The applicant is requesting relief from Unified Development Code (UDC) Section 16.9 Stormwater Management. Any deviation from the requirements Section 16.9 shall be reviewed as a variance in accordance with Section 3.7.6 of the UDC. The applicant attended a Development Review Committee meeting on February 3, 2022 for a pre-application review. The applicant is also seeking a Special Exception from the façade requirements on the sides and rear of the existing building. If the request for Variance is recommended for approval or denial, the applicant's requests will be heard by the Board of Aldermen at the May 3, 2022 meeting.

VARIANCE REQUEST FROM

The requested Variance is from all the requirements of Section 16.9 of the UDC. The requirements for redevelopment are found in Section 16.9.2.K (see below).

- K. Redevelopments with Existing Impervious Surfaces. For redevelopments that require site plan approval, and that have large quantities of existing impervious surfaces, such that post-developed conditions may decrease or maintain the current weighted curve number, it will be required to reduce the stormwater runoff to an amount of less than or equal to ninety-five (95) percent of the pre-development condition.

For larger redevelopment sites where only a portion is being developed or redeveloped, when the new development area is twenty (20) percent of the total existing site area or less, only the new development area is to be mitigated. Percentage of the site to be cumulative over a ten (10) year period if the site is redeveloped in multiple phases.

For redevelopments that require site plan approval, and that have large quantities of existing impervious surfaces, such that post-developed conditions may increase the weighted curve number, it will be

required to reduce the stormwater runoff to the lesser of the following unless approved otherwise by the City Engineer:

1. pre-development condition; or
2. an amount of less than or equal to ninety-five (95) percent of the post-development condition.

CRITERIA FOR VARIANCE REVIEW AND APPROVAL RELATED TO STORMWATER (Section 3.7.6)

3.7.6. Variance requests related to stormwater management requirements. The review and approval of all variance request from Section 16.9 stormwater management shall be based only on the following criteria:

- A. Literal interpretation of the provisions of this article would deprive the owner of reasonable use of their land; and
- B. Granting the variance would be in harmony with the general purpose and intent of this article and will not be injurious to the neighborhood 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. 14 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 March 25, 2022.
3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has 1 email against this request (see attachments).

ANALYSIS

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

CONDITIONS OF APPROVAL

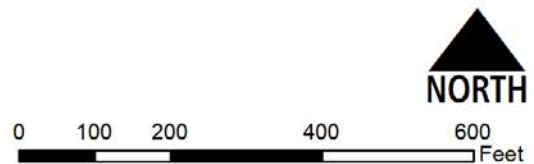
Any condition attached to the approval of a variance by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, and successors.

Attachment 1
SE 22-02 / VA 22-03 Aerial

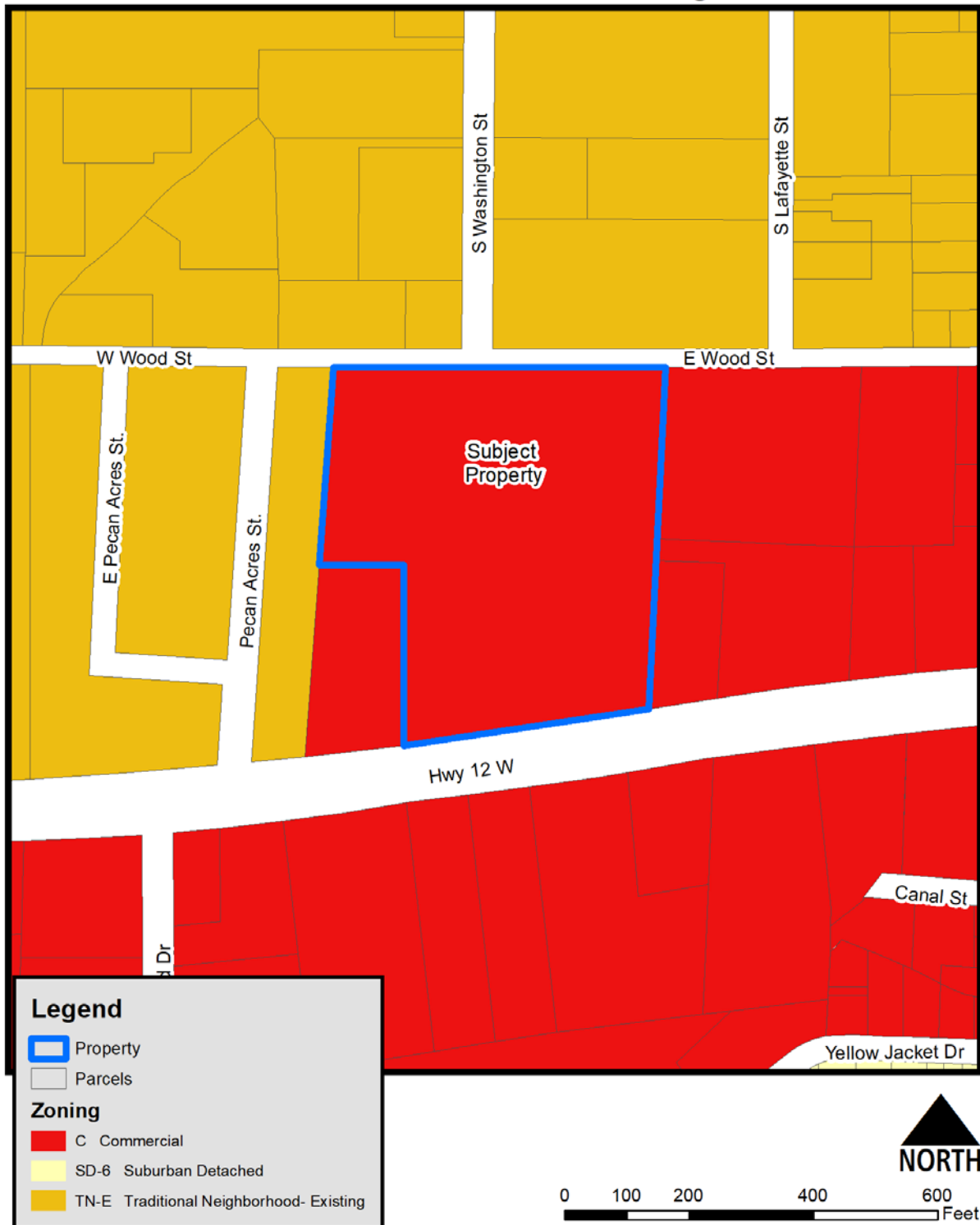


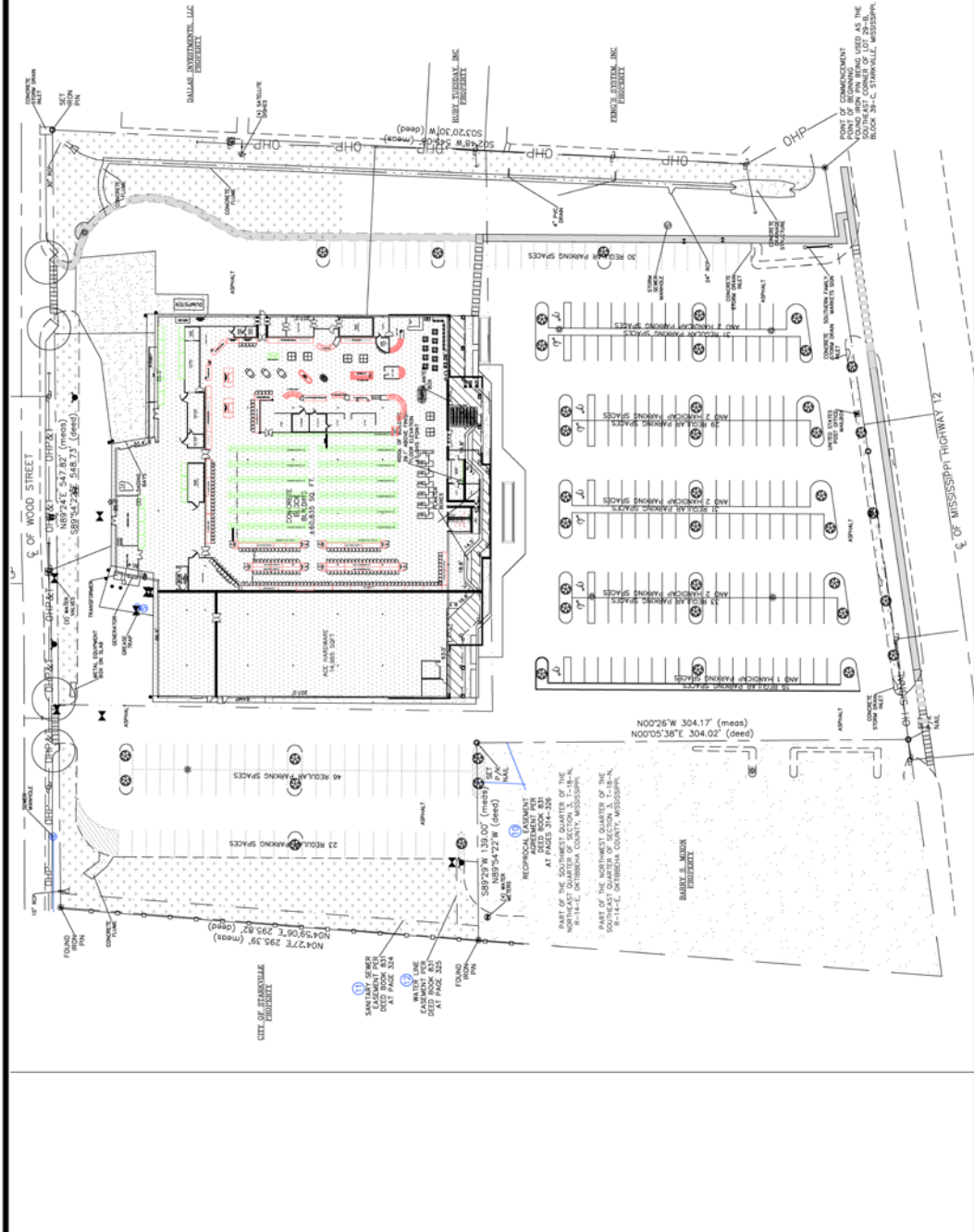
Legend

-  Property
-  Parcels



Attachment 2
SE 22-02 / VA 22-03 Zoning





Attachment 4- Enlarged Conceptual Site Plan



architectonics LLC
 THOMAS CAMPBELL STEWART - ARCHITECT
 300A GREENSBORO STREET - STARKVILLE, MISSISSIPPI - 39759
 PHONE: 662.615.5588 - EMAIL: INFO@ARCHITECTONICS.INFO

PROJECT: 11/16/21
 44
 PROPERTIES: MARKETPLACE HWY 12
 STARKVILLE, MISSISSIPPI
 VERY SCALE: 1/8" = 1'-0"
 OF LOCAL DRAWING: 1/8" = 1'-0"
 REVISION: 11/16/21
 DRAWN BY: PROJECT # 11/16/21
 CHECKED BY: 11/16/21
 DRAWN BY CHECKER: 11/16/21

R1

Attachment 6- Email Against- George McKee April 4, 2022



Daniel Havelin <d.havelin@cityofstarkville.org>

SE 22-02 and VA 22-03 Special Exception from development standards and a Variance from Stormwater requirements

G C M <gcmckee50@gmail.com>

Mon, Apr 4, 2022 at 4:05 PM

To: o.avery@cityofstarkville.org, d.havelin@cityofstarkville.org, lspruill@cityofstarkville.org

Dear City of Starkville-

Withing the last few years, I spent in excess of \$20,000, on engineering, to obtain City of Starkville approval of a site plan, and planning for Stormwater requirements. At the time, it was my belief that said stormwater requirement were a legitimate requirement under the City's "police power" and necessity to provide for the public good. Moreover, for any development of my own in the vicinity, the Planning Department intends to require full compliance with the law.

From my perspective, the City of Starkville ordinances should apply equally to all. If the above applications are approved, it will make a mockery of the claimed need to apply Stormwater requirements, and the use of the "police power" by the City of Starkville, upon which the various ordinances relating thereto, are founded.

Therefore, I object to the application for variance from stormwater development standards, and all variances requested.

Sincerely,

George McKee, Individually
George McKee, Manager of Enclave Properties, LLC
George McKee, Manager of Brownsville Station, LLC



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 22-04 a request for a variance from electronic message center sign size requirements at 601 University Drive.
Date: April 27, 2022

The purpose of this report is to provide information regarding a Variance request by Perry Rackley on behalf of Rackley Oil Inc. for a Variance from sign size requirements for proposed electronic message center sign located at 601 University Drive in a T-5U form-based zoning district with the parcel number 101D-00-022.00. Please see attachments 1-4.

BACKGROUND INFORMATION

To conform to the sign ordinance by removing the existing pole sign, Rackley Oil is proposing to add electronic message center signs to the fuel canopy. The proposed electronic message center signs are 25" in height and approximately 75-81" in width. The applicant is requesting a variance to deviate from the size requirements of the Unified Development Code (UDC). The UDC restricts the height of the electronic message center to 12" and the width to 36". The request is the increase the maximum allowed height by 13" and the width by 45". The applicant is requesting relief from size requirements as related to UDC Section 14.7.11.C -Electronic Message Centers in a form-based district. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the May 3, 2022 meeting.

VARIANCE REQUEST FROM

UDC Section 14.7.11.C.3.i: Size Requirements

- a.) the maximum height per copy area is twelve (12) inches; **Proposed increase to 25"**
- b.) the maximum width per copy area is thirty-six (36) inches; **Proposed increase to 75-81"**
- c.) the maximum total square footage of all copy areas per façade face shall be six (6) square feet." **Proposed increase to 14 square feet**

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.

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. 10 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 March 31, 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 notifications.

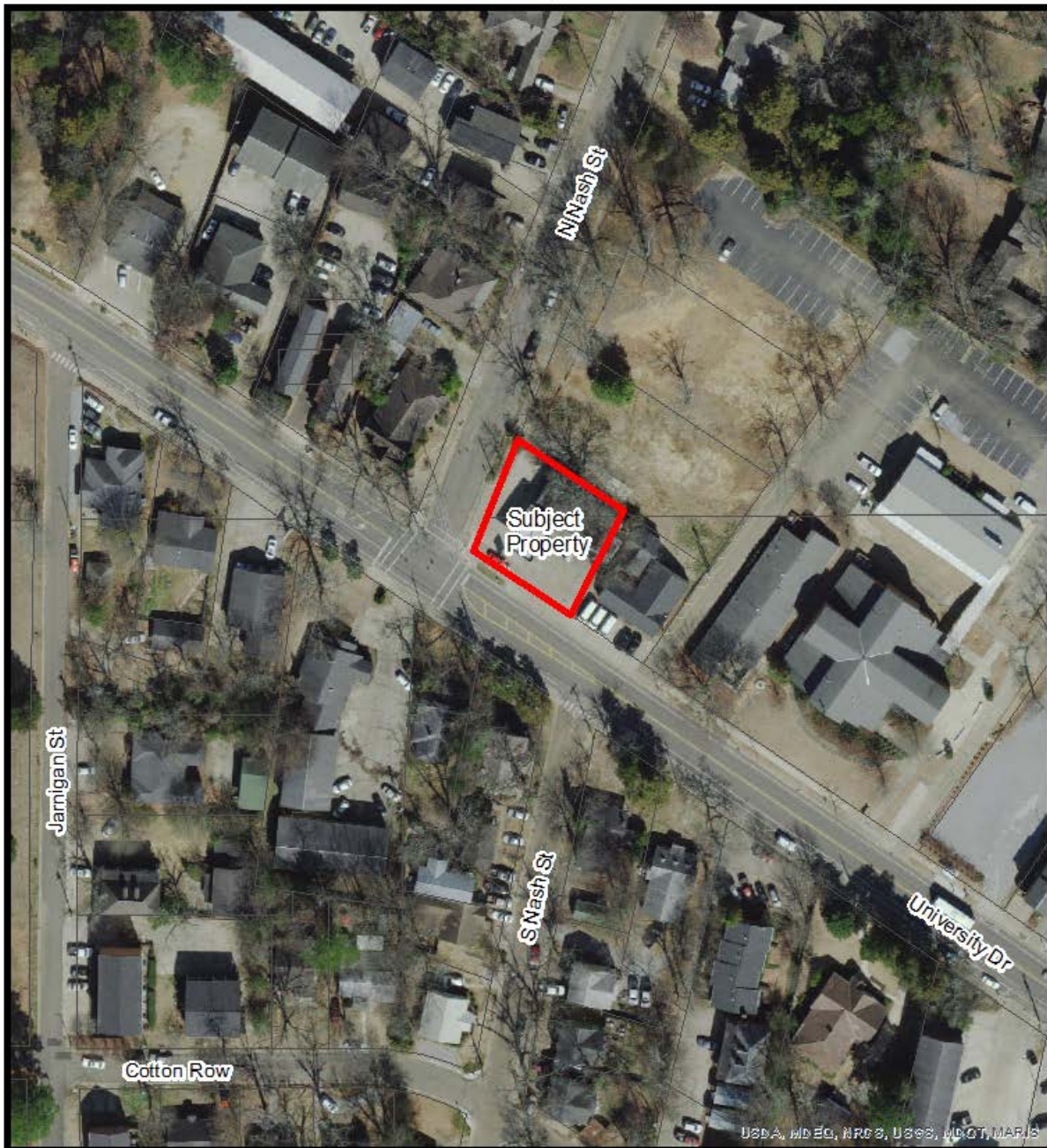
ANALYSIS

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 22-04 Aerial



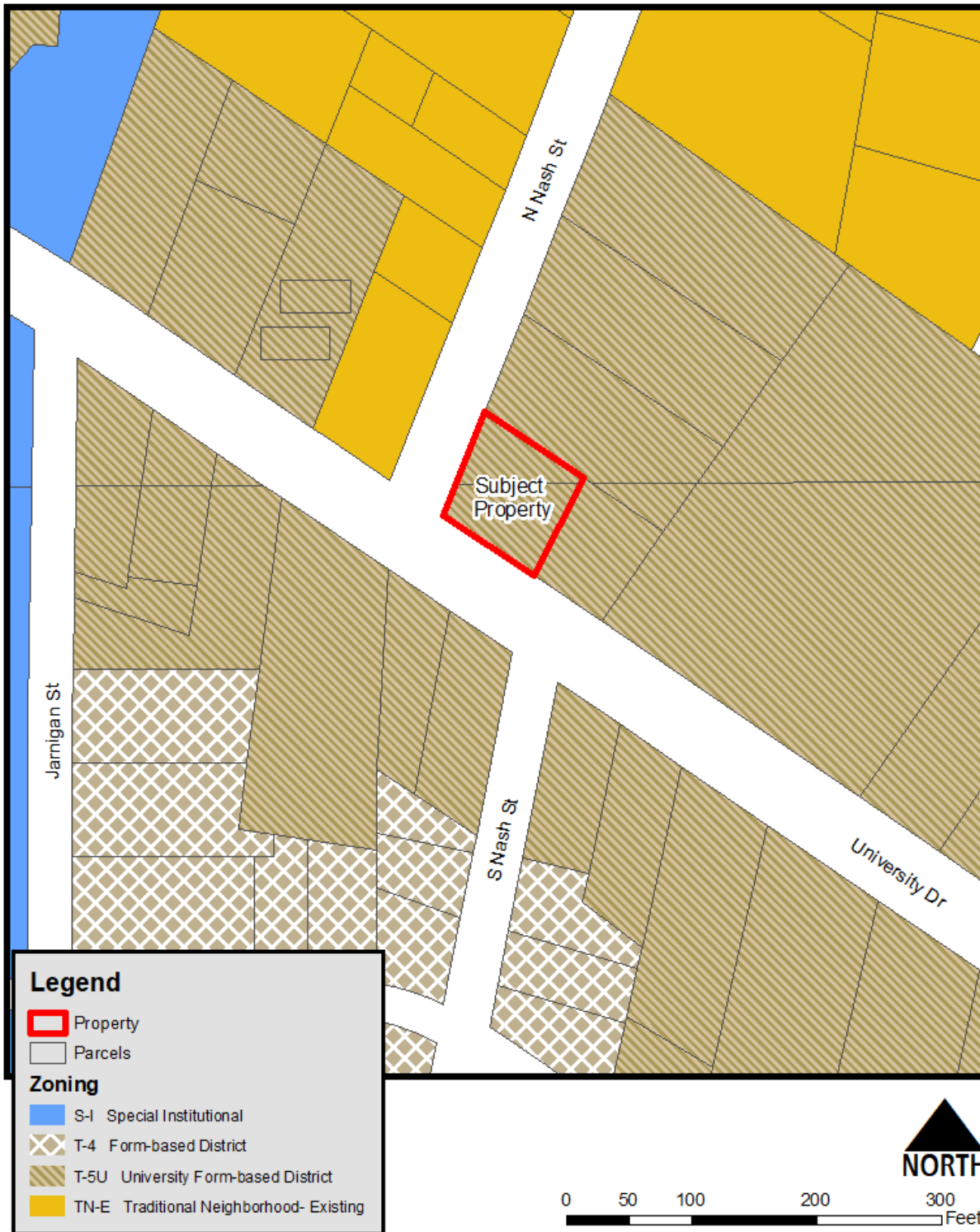
Legend

-  Property
-  Parcels

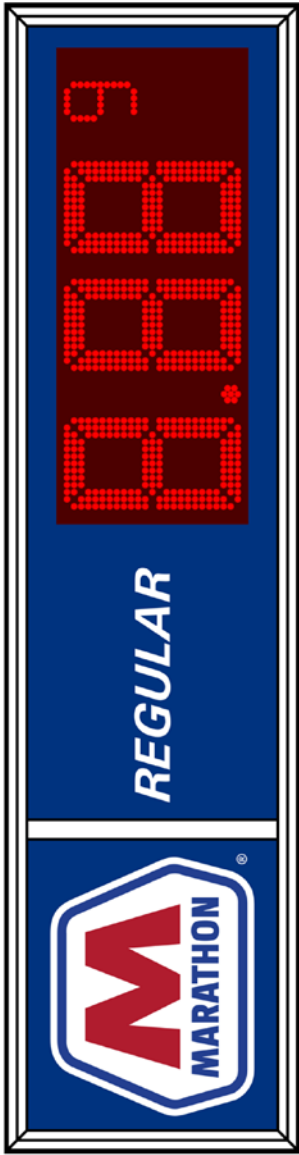
0 50 100 200 300 Feet



Attachment 2
VA 22-04 Zoning



Attachment 3- Proposed Signs



Single Face Sign
Chassis Size: 30"H X 117"W X 6"D
Area: 24.4 SQ. FT
Standard Windload
Chassis Color: Sky White
Light Strips Draw: 0.75 Amps
Light Strips Circuits: 1
LED(Pricelins/EMC) Draw: 1 Amps
LED Circuits: 1
Total Circuits Recommended: 2
Detail 1: Logo
VO: 25.625"H X 29.6875"W
Marathon Logo Flat Emboss Face
Detail 2: Priceline
VO: 25.625"H X 80.9375"W
Digit Type: Lunidigit 4 (Flat Faces)
Priceline 1: Red 18", Right
1 - 20 Amp Circuit(s) Required
LEDs Total Draw: 1 Amps
Est. Crated Weight: 320 pounds
Crate HxLxW: 43x124x19

		DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.	
Customer: Marathon		Description:	
Project No: E003096NS	Scale: N/A		
Date: 12/13/2021	Drawn By: MP		
Location & Site No:			
Version: 1		Please read carefully, check appropriate box and fax back to Everbrite:	
		☐ Sketch OK as is ☐ New Sketch Required	
		SIGNATURE _____ DATE _____	

Single Face Sign
Chassis Size: 30"H X 79.75"W X 6"D
Area: 16.61 SQ FT
Standard Windload
Chassis Color: Sky White

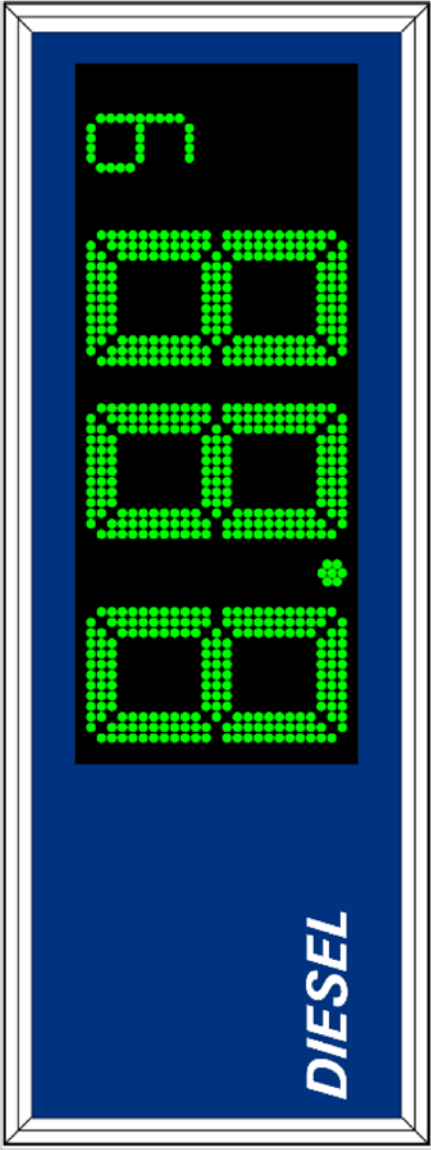
Light Strips Draw: 0.75 Amps
Light Strips Circuits: 1

LED(Pricelines/EMC) Draw: 1 Amps
LED Circuits: 1

Total Circuits Recommended: 2

Detail 1, LD4 Digits
VO: 25.625"H X 75.375"W
LED Priceline 1 : Green 18"

Est. Crated Weight: 255 pounds
Crate HxLxW: 35x87x19"



Wall_Mount_Sign 1.1.121020

		DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.	
Customer: Marathon		Description:	
Project No: E003098L4	Scale: N/A	LD4S,MA 30X79 SF 1P 18G	
Date: 1/6/2021 11:11:06 AM	Drawn By: Joshua Scott		
Location & Site No:		Version:3	
		Please read carefully, check appropriate box and fax back to Everbrite:	
		☐ Sketch OK as is	
		☐ New Sketch Required	
		SIGNATURE	DATE

Attachment 4- Examples of Proposed Signs





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 22-05 a request for a variance from electronic message center sign size requirements at 405 Russell Street.
Date: April 27, 2022

The purpose of this report is to provide information regarding a Variance request by Perry Rackley on behalf of Rackley Oil Inc. for a Variance from sign size requirements for proposed electronic message center sign located at 405 Russell Street in a T-5C form-based zoning district with the parcel number 101D-00-207.00. Please see attachments 1-4.

BACKGROUND INFORMATION

To conform to the sign ordinance by removing the existing pole sign, Rackley Oil is proposing to add electronic message center signs to the fuel canopy. The proposed electronic message center signs are 25" in height and approximately 75-81" in width. The applicant is requesting a variance to deviate from the size requirements of the Unified Development Code (UDC). The UDC restricts the height of the electronic message center to 12" and the width to 36". The request is the increase the maximum allowed height by 13" and the width by 45". The applicant is requesting relief from size requirements as related to UDC Section 14.7.11.C -Electronic Message Centers in a form-based district. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the May 3, 2022 meeting.

VARIANCE REQUEST FROM

UDC Section 14.7.11.C.3.i: Size Requirements

- a.) the maximum height per copy area is twelve (12) inches; **Proposed increase to 25"**
- b.) the maximum width per copy area is thirty-six (36) inches; **Proposed increase to 75-81"**
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- 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. 10 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 March 30, 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 notifications.

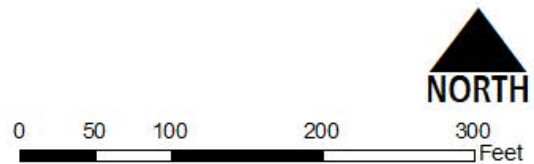
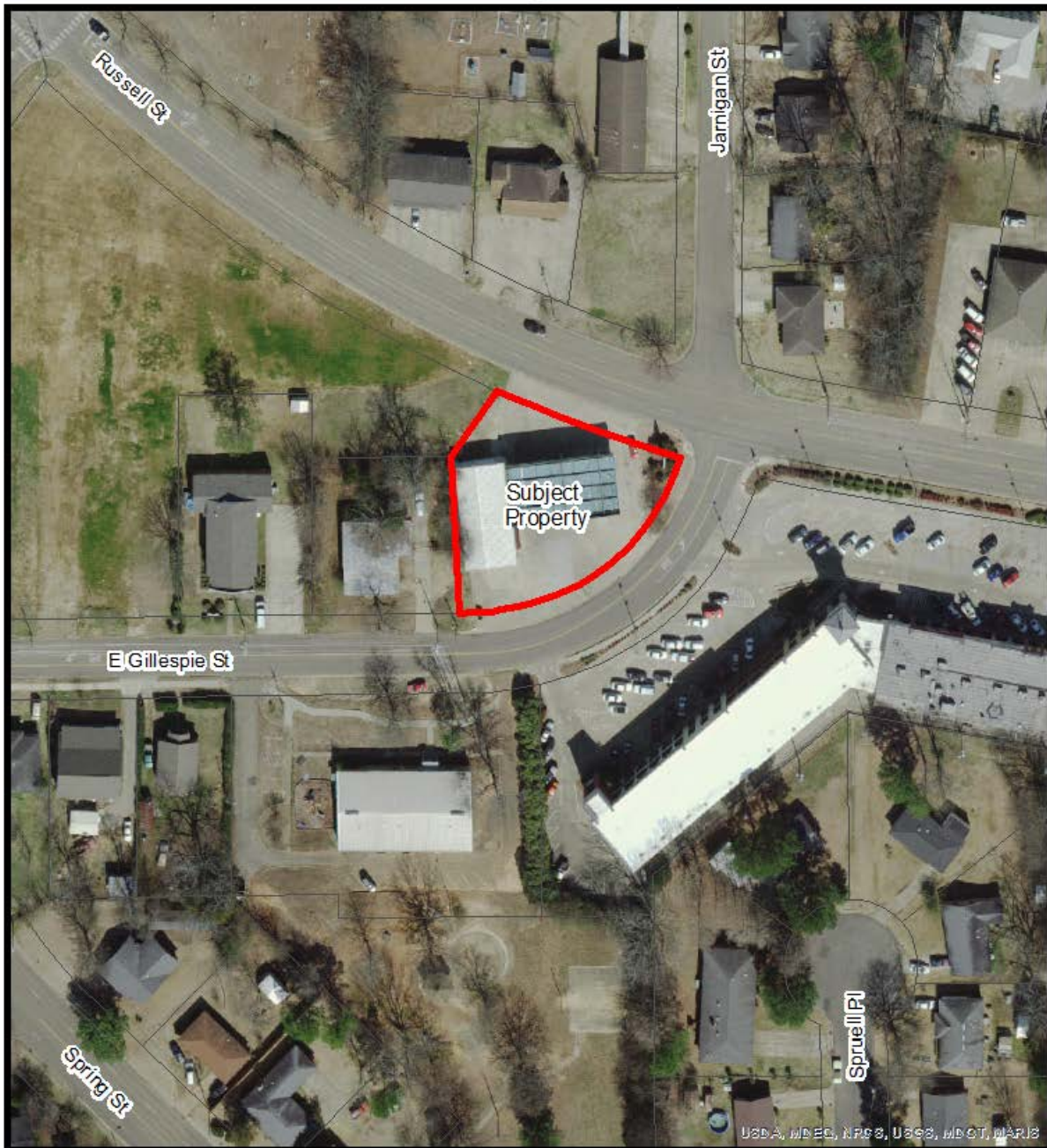
ANALYSIS

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

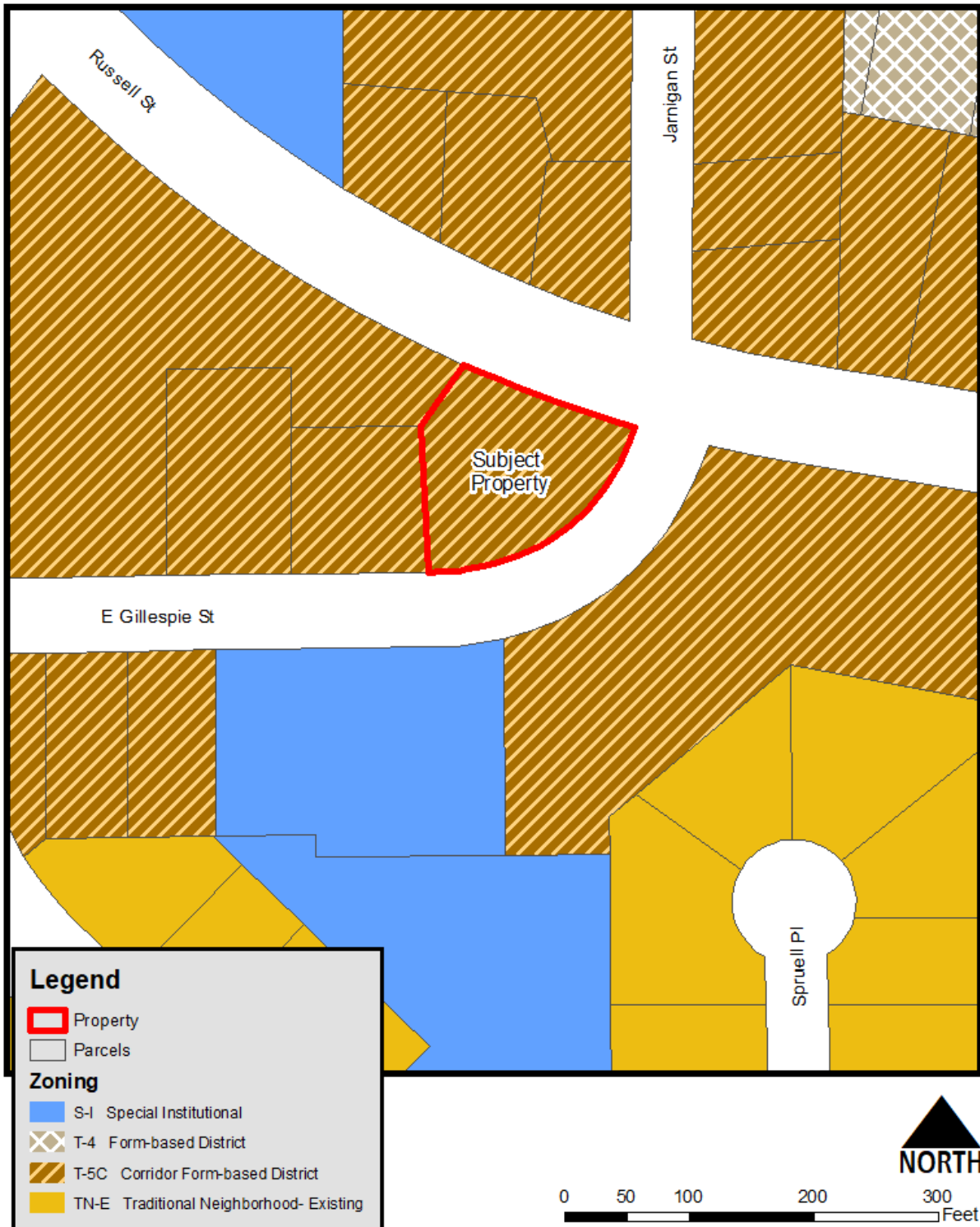
CONDITIONS OF APPROVAL

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.

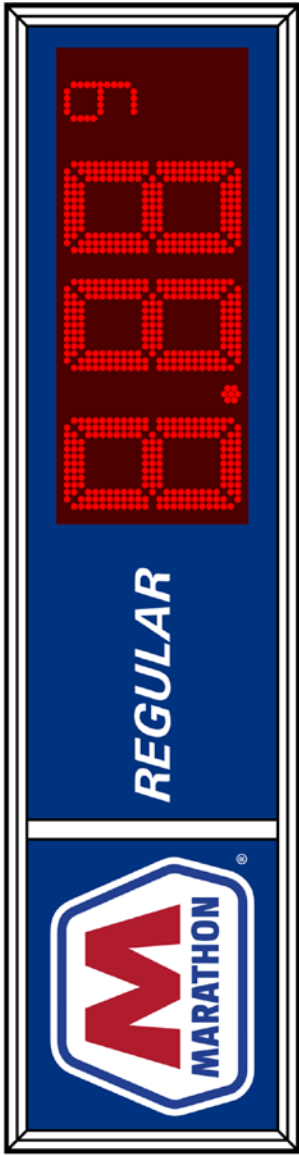
Attachment 1
VA 22-05 Aerial



Attachment 2
VA 22-05 Zoning



Attachment 3- Proposed Signs



Single Face Sign
Chassis Size: 30"H X 117"W X 6"D
Area: 24.4 SQ.FT
Standard Windload
Chassis Color: Sky White
Light Strips Draw: 0.75 Amps
Light Strips Circuits: 1
LED(Pricelines/EMC) Draw: 1 Amps
LED Circuits: 1
Total Circuits Recommended: 2
Detail 1: Logo
VO: 25.625"H X 29.6875"W
Marathon Logo Flat Emboss Face
Detail 2: Priceline
VO: 25.625"H X 80.9375"W
Digit Type: Lunidigit 4 (Flat Faces)
Priceline 1: Red 18", Right
1 - 20 Amp Circuit(s) Required
LEDs Total Draw: 1 Amps
Est. Crated Weight: 320 pounds
Crate HxLxW: 43x124x19

		DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.	
Customer: Marathon		Description:	
Project No: E003096NS	Scale: N/A		
Date: 12/13/2021	Drawn By: MP		
Location & Site No:			
Version: 1		Please read carefully, check appropriate box and fax back to Everbrite:	
		☐ Sketch OK as is ☐ New Sketch Required	
SIGNATURE		DATE	

Single Face Sign
Chassis Size: 30"H X 79.75"W X 6"D
Area: 16.61 SQ FT
Standard Windload
Chassis Color: Sky White

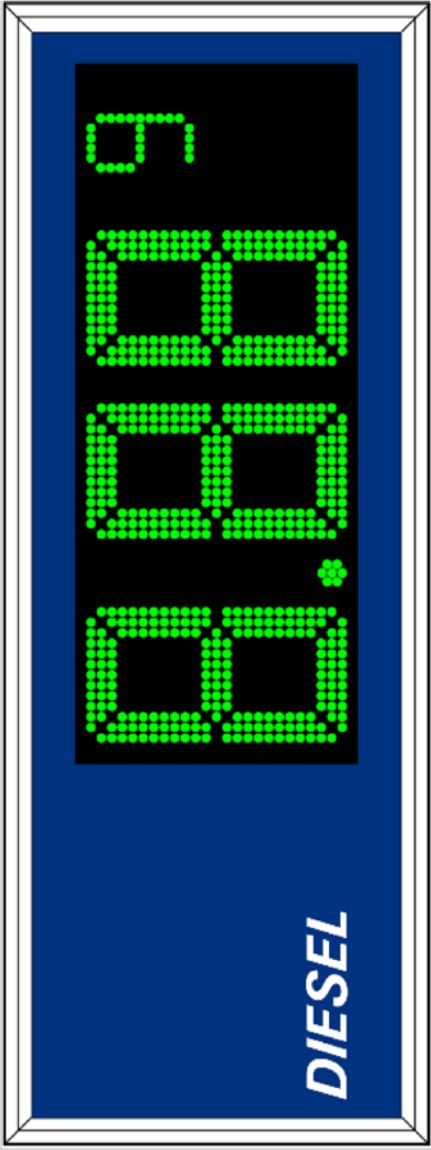
Light Strips Draw: 0.75 Amps
Light Strips Circuits: 1

LED(Pricelines/EMC) Draw: 1 Amps
LED Circuits: 1

Total Circuits Recommended: 2

Detail 1, LD4 Digits
VO: 25.625"H X 75.375"W
LED Priceline 1 : Green 18"

Est. Crated Weight: 255 pounds
Crate HxLxW: 35x87x19"



Wall_Mount_Sign 1.1.121020

		DISCLAIMER: Renderings are for graphic purposes only and not intended for actual construction dimensions. For windload requirements, actual dimensions and mounting detail, please refer to engineering specifications and install drawings. These drawings and designs are the exclusive property of Everbrite LLC. Use of, or duplication in any manner without express written permission of Everbrite LLC is prohibited.	
Customer: Marathon		Description:	
Project No: E003098L4	Scale: N/A	LD4S,MA 30X79 SF 1P 18G	
Date: 1/6/2021 11:11:06 AM	Drawn By: Joshua Scott		
Location & Site No:		Version:3	
		Please read carefully, check appropriate box and fax back to Everbrite:	☐ Sketch OK as is ☐ New Sketch Required
		SIGNATURE _____	DATE _____

Attachment 4- Examples of Proposed Signs





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 22-06 a request for a variance to allow two points of access for a new development on to Eudora Welty Drive.
Date: April 27, 2022

The purpose of this report is to provide information regarding a variance request by Michael Dowdy on behalf of EW Drive Properties, LLC for a variance to allow two (2) points of access (driveways) for a proposed medical office development located on the east side of Eudora Welty +/-520' north of Abernathy Drive in a C zoning district with the parcel numbers 103H-00-014.05 & 103H-00-014.06. Please see attachments 1-3.

BACKGROUND INFORMATION

The current access requirements only allow for one driveway every 200 feet of frontage. The applicant is requesting the variance to allow 2 driveways to enhance the patient drop off / pick up and prevent added traffic congestion once all phases of the development are complete. Chapter 14 of *The City of Starkville Standards of Design & Specifications* states that any deviation that does meet the requirements of an Administrative Adjustments shall be processed as a Variance in accordance with Section 3.7 of the Unified Development Code. The applicant attended a pre-application review with the Development Review Committee on February 24, 2022 and a minor subdivision final plat review on March 24, 2022. The Board of Aldermen approved the final plat aggregating the two lots into one on April 5, 2022. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the May 3, 2022 meeting. Site plan and architecture review approval is required prior to issuance of any building permits.

VARIANCE REQUEST FROM

The City of Starkville Standards of Design & Specifications: Chapter 13 Access Management Policy

3. Access Point Spacing: Lots that are not used for single lot detached dwelling or agricultural purposes, are permitted vehicular access points but shall not exceed one (1) for every two hundred (200) feet of frontage. Properties that are less than two hundred (200) feet across, or that have less than two hundred (200) feet of frontage on the street, shall be limited to one access point per street frontage unless otherwise approved by the Development Review Committee

Developments that are intended to be subdivided into multiple parcels, with or without multiple business owners, will be viewed as a single development and will be subject to the requirements of this section as such. Individual parcels within such developments shall not be permitted access unless the access point meets the requirements of this section.

The City Engineer may allow two (2) one-way driveways to serve a commercial property. Distances between adjacent one-way commercial driveways with inbound traffic upstream from the outbound drive must have a minimum separation distance of 25 feet. Roadway and the maximum width of a one-way entrance driveway will be 16 feet as outlined and illustrated in the latest version of the Mississippi Department of Transportation Access Management Manual.

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. 2 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 5, 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 notifications.

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-o6 Aerial



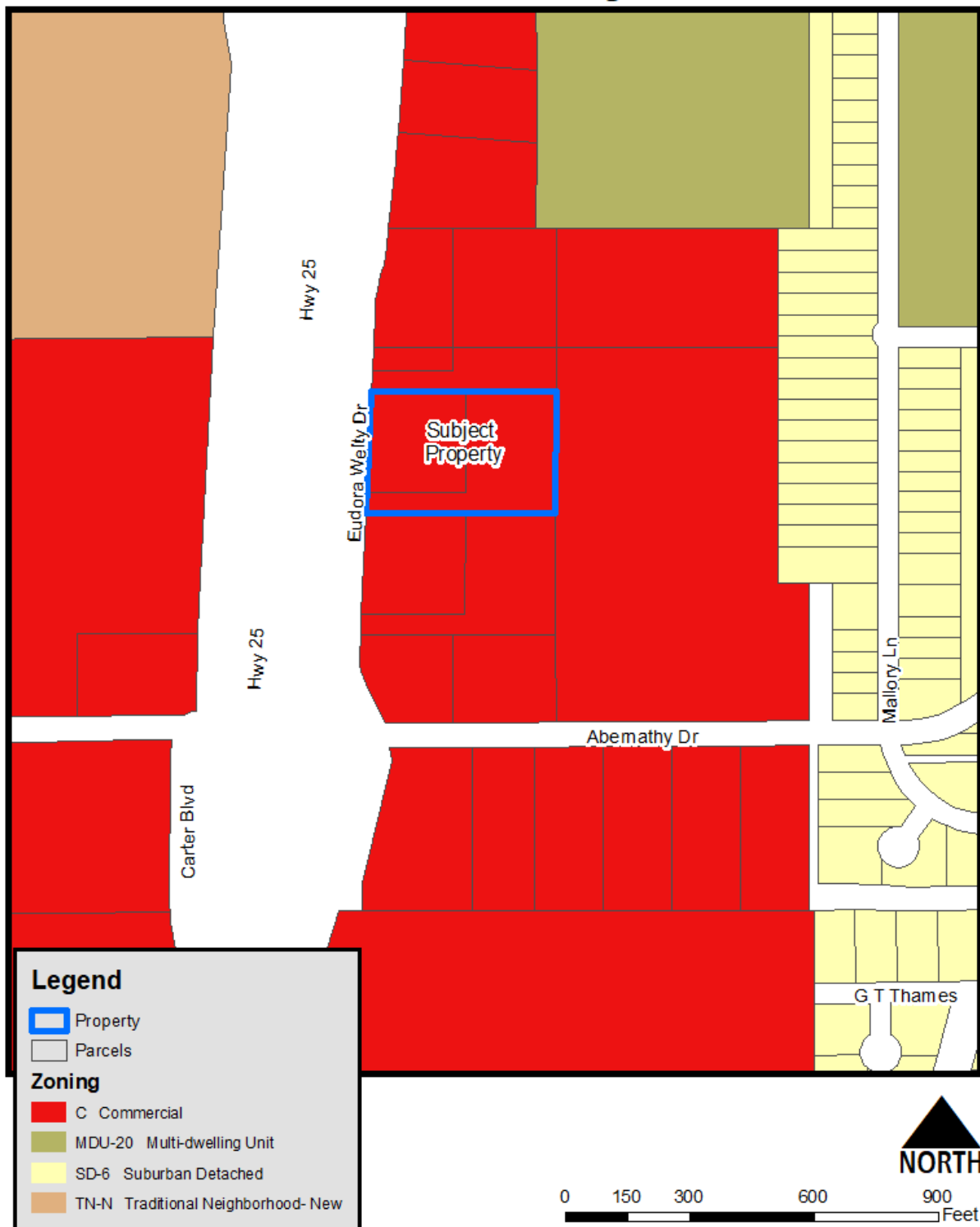
Legend

-  Property
-  Parcels

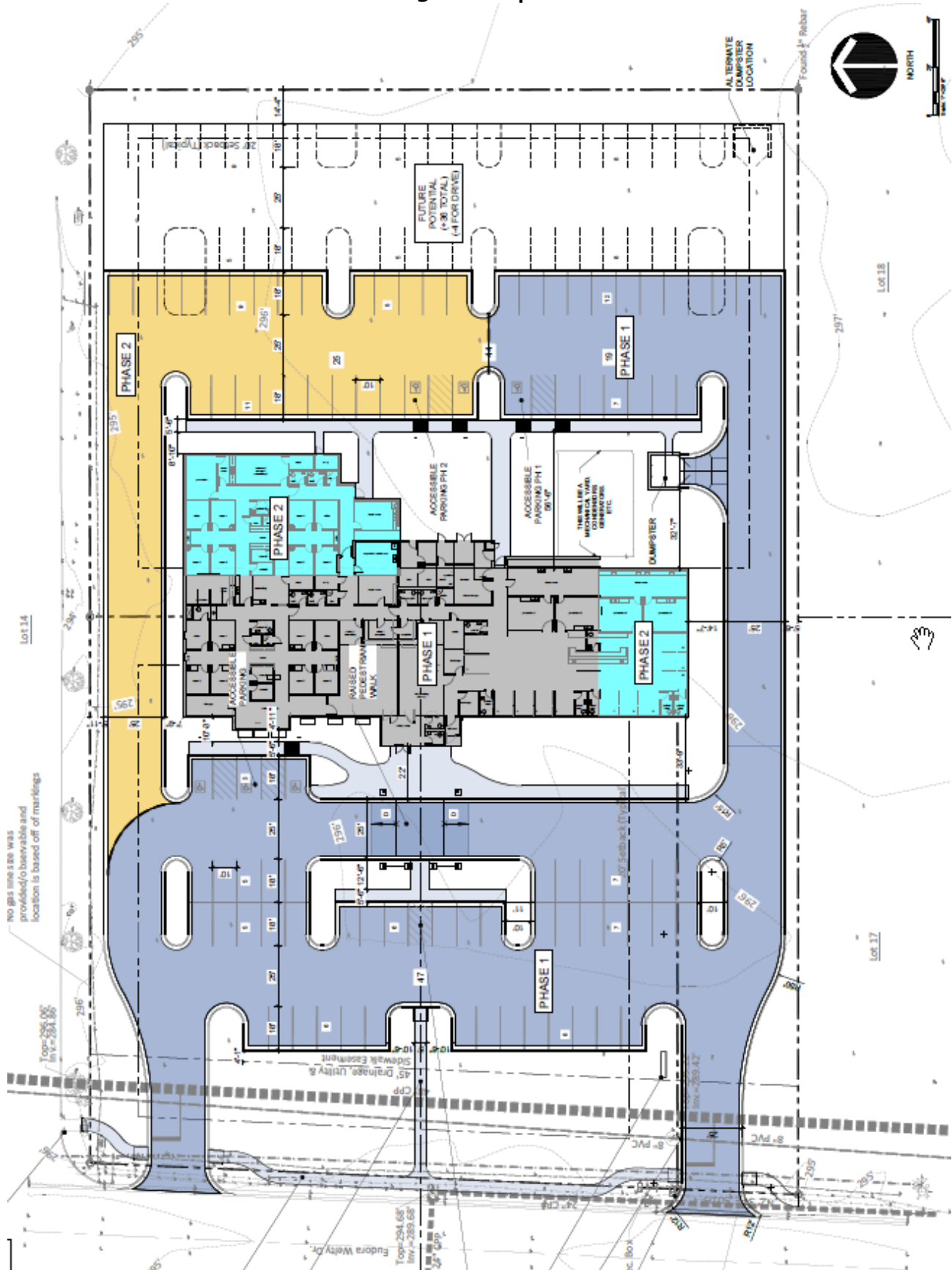
0 150 300 600 900 Feet



Attachment 2
VA 22-o6 Zoning



Attachment 3- Conceptual 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)
Odie Avery, Assistant City Planner (662-323-2525 ext. 3138)
Subject: Public hearing and consideration of VA 22-07 a request for a variance from multiple setbacks and drive aisle width requirements located at 102 Highway 12 West in a C zoning district.
Date: April 27, 2022

The purpose of this report is to provide information regarding several Variance Requests by Zach Foster of Neel-Schaffer, Inc. on behalf of Mark Castleberry for a variance from front building setback, parking setbacks, and drive aisle width requirements for a proposed restaurant with a drive-thru located at 102 Highway 12 West in an C (Commercial) zoning district with the parcel number 102A-00-210.00. Please see attachments 1- 4

BACKGROUND INFORMATION

The project's intent is to redevelop the existing building and site into a proposed Dunkin Donuts restaurant. The building is currently used as a check cashing business. The building was originally built and used as a Wendy's drive-thru restaurant. When the new Wendy's restaurant was building on the adjacent property to the east, the lot was subdivided. The original parking lot for the drive-thru restaurant was added to the new Wendy's site (see attachment 3). Thus, leaving only the drive-thru lane and a portion of a row of parking on the east side of the current site. The current lot dimensions do not allow for a parking lot with a drive-thru to be built in accordance with the current development standards found in Section 14.10 of the Unified Development Code (UDC). The existing building also encroaches upon the front setback. Due to this encroachment, the building is considered a "legal nonconforming structure" as defined in Section 3.17.3 of the UDC. Section 3.17.3.B states "Normal repair, maintenance, and modification may be performed to allow for the continuation of a nonconforming structure provided that the construction cost, as determined by the Building Department, for the repair, maintenance, and/or modification is less than fifty (50) percent of the tax assessor's replacement value or an appraised replacement value at the time of repair for the structure only, not including the land". The cost and extent of the proposed redevelopment requires that the building either be brought into compliance or receive a variance to be in compliance.

The applicant is requesting relief from the following: (1) West Parking Setback, (2) East Parking Setback, (3) Front Building Setback, and (4) Drive Aisle Width. The applicant attended a Development Review Committee meeting for a similar proposal on April 22, 2021. Comments were made at that meeting about the setback and drive aisle issues. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the May 3, 2022 meeting.

VARIANCE REQUEST FROM

Variance #1: West Parking Setback. Section 7.2.D3- 5' Minimum Side and Rear Setback.

Requesting a variance to reduce the parking setback on the west side of the property from 5' to 0'.

Variance #2: East Parking Setback. Section 7.2.D3- 5' Minimum Side and Rear Setback.

Requesting a variance to reduce the parking setback on the east side of the property from 5' to 0.75'.

Variance #3 Front Building Setback. Section 7.2.B1- 20' Minimum Front Setback.

Requesting a variance to reduce the front setback from 20' to 11.97'.

Variance #4 Drive Aisle Width. Section 14.10.14- 12' Minimum Drive Aisle Width

Requesting a variance to reduce the minimum drive aisle width (for zero-degree parallel parking) from 12' to 10'.

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. Nine (9) 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 Wednesday, April 6, 2022.
- 3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

As of this date, the Planning Office has one phone call requesting information about the request.

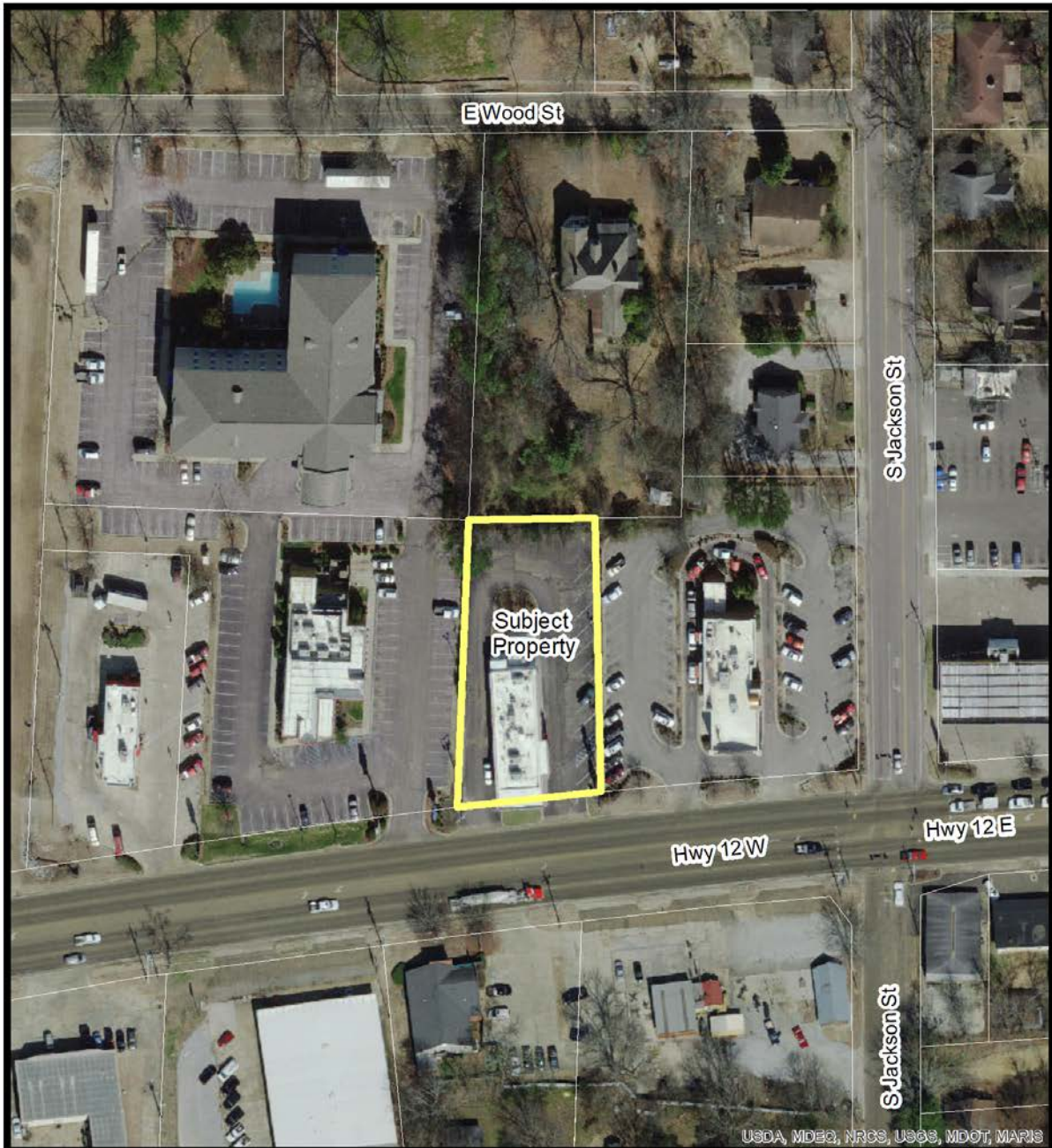
ANALYSIS

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 22-07 Aerial



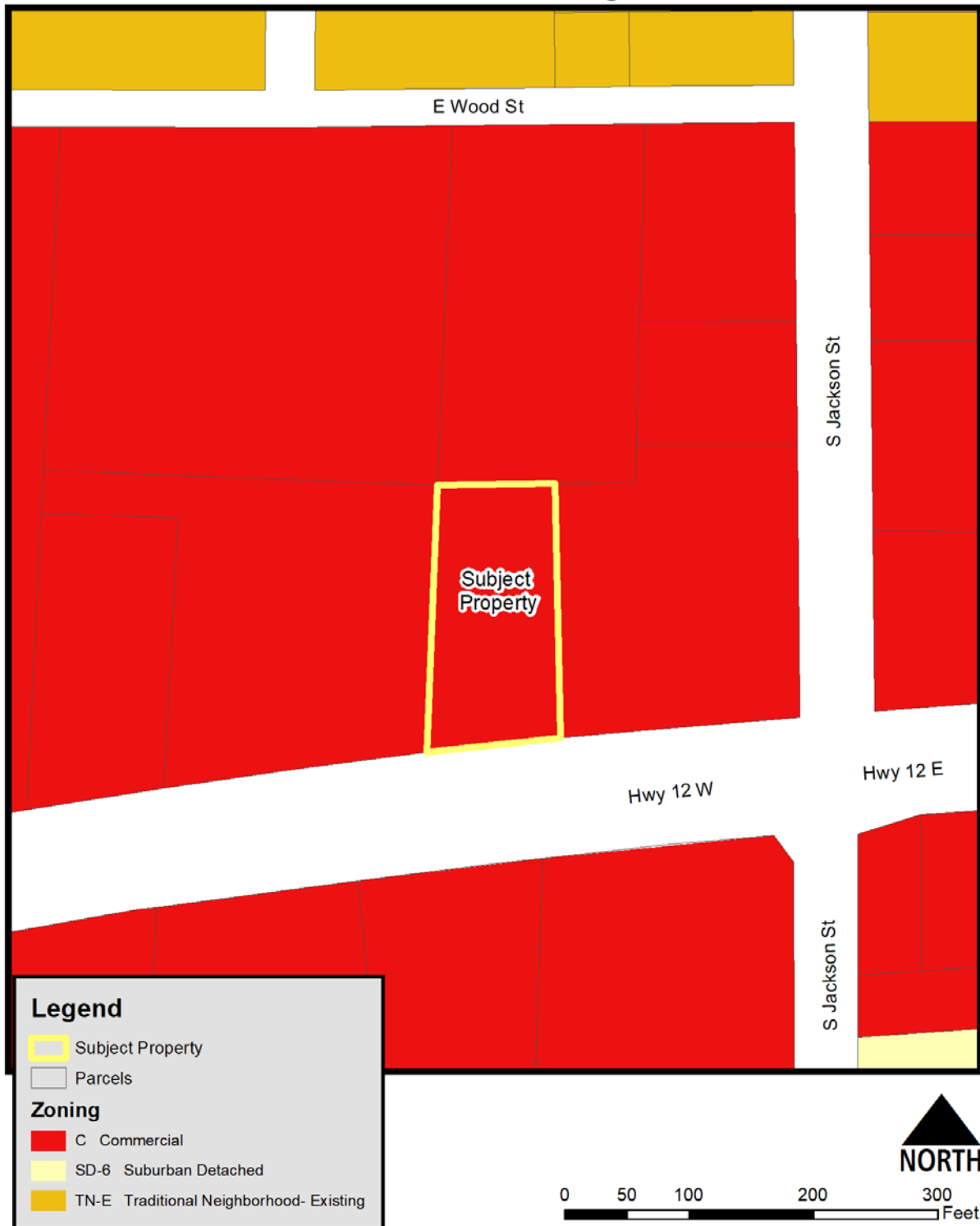
Legend

-  Subject Property
-  Parcels

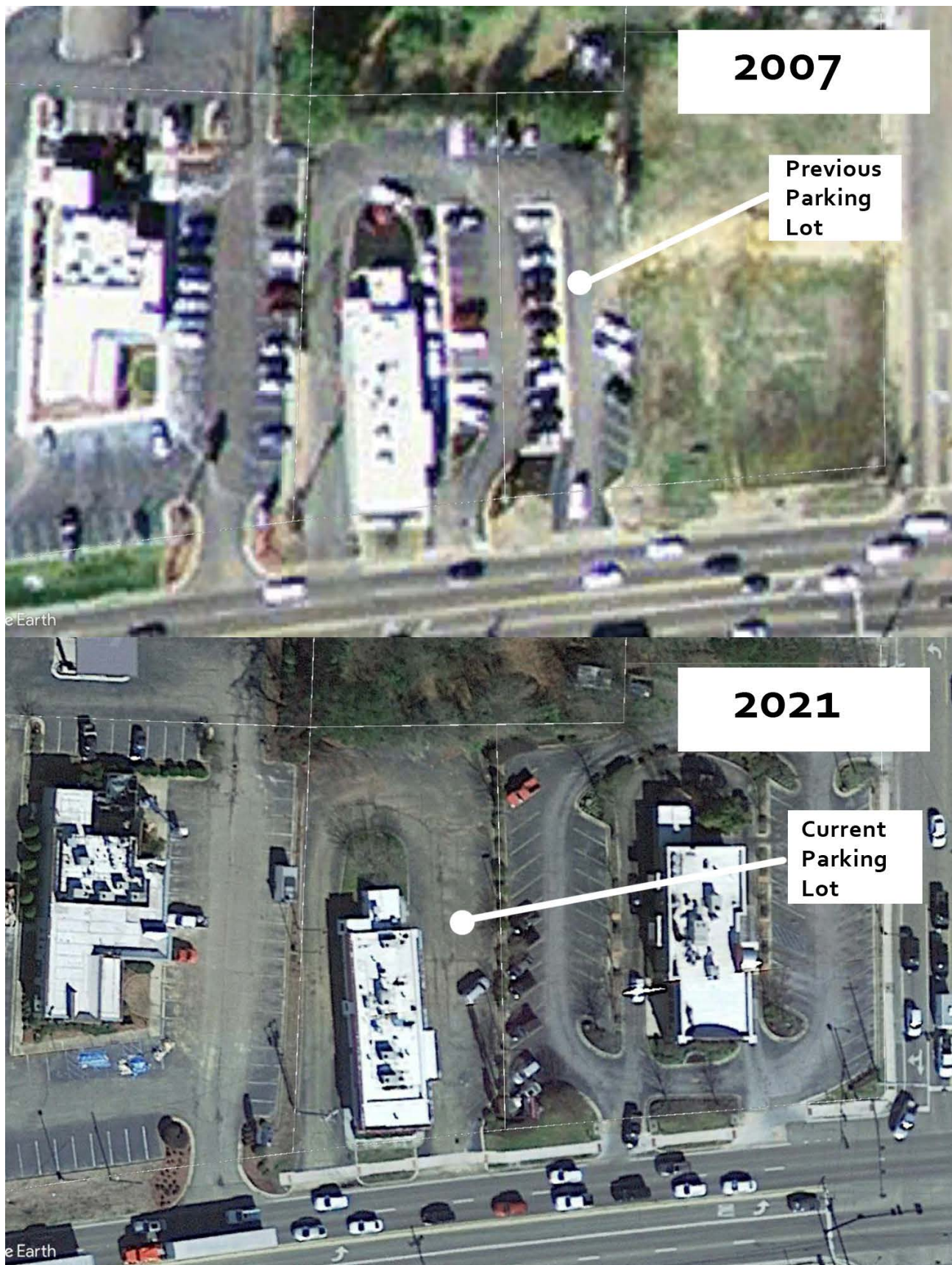
0 50 100 200 300
Feet



Attachment 2
VA 22-07 Zoning



Attachment 3- Aerials of Current and Previous



Attachment 4- Conceptual Plan

