



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, AUGUST 24, 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 MAY 25, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-09 A REQUEST FOR A VARIANCE FROM FRONT SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE AT 227 LAKEWOOD DRIVE IN AN SD-2 ZONING DISTRICT WITH THE PARCEL NUMBER 117P-00-004.00
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 22-10 A REQUEST FOR A VARIANCE FROM SIDEWALK REQUIREMENTS AT 106 STRANGE ROAD IN A SM ZONING DISTRICT WITH THE PARCEL NUMBER 118J-00-037.00
- VI. ADJOURN

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

May 25, 2022

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on May 25, 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, Kurt Gaude, Ward 2, Bo Richardson, Ward 3, Dan Shipp, Ward 4. Commissioners George Ford, Ward 1, and Shawn Sullivan, Ward 7 were absent. Physically present attending the Commissioners was 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, May 25, 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 APRIL 27, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-08 A REQUEST FOR VARIANCES ON FENCE HEIGHT REQUIREMENTS FOR 217 ROYAL TROON ROAD LOCATED IN COUNTRY CLUB ESTATES SUBDIVISION IN A SD-2 ZONING DISTRICT.
- VI. ADJOURN

III. CONSIDERATION OF THE OFFICIAL AGENDA

The Board considered the matter of the approval of the written agenda dated May 25, 2022. 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 APRIL 27, 2022

The Board considered the matter of the approval of the minutes of the April 27, 2022 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Nicovich, seconded by Mr. Gaude, the Board voted unanimously to approve the minutes.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 22-08 A REQUEST FOR VARIANCES ON FENCE HEIGHT REQUIREMENTS FOR 217 ROYAL TROON ROAD LOCATED IN COUNTRY CLUB ESTATES SUBDIVISION IN A SD-2 ZONING DISTRICT.

This is a request by Slade Kraker for a variance from fence height requirements for a front yard on a corner lot at 217 Royal Troon Road within the Country Club Estates subdivision. The applicant is 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. The lot is located on the northwest corner of the intersection of Somerset Road and Royal Troon Road. The fence is being proposed adjacent to Somerset Road side of the lot.

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

4 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 May 6, 2022. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received 1 call (neither for nor against) inquiring on the details of the variance request.

Chairman Webb opened the public hearing to citizen comments.

Mrs. Cora Guyton of 615 Valley Hill Circle, Starkville, Mississippi 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 and upon the motion of Mr. Richardson, duly seconded by Mr. Nicovich, the motion to approve VA 22-08 was unanimously approved.

VI. ADJOURNMENT

After discussion, Mr. Gaude moved to adjourn which was seconded by Mr. Shipp, and the Board voted unanimously to adjourn until 4:00 p.m. on June 22, 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)
Subject: Public hearing and consideration of VA 22-09 a request for a variance from front setback requirements for an accessory structure at 227 Lakewood Drive in an SD-2 zoning district with the parcel number 117P-00-004.00
Date: August 24, 2022

The purpose of this report is to provide information regarding Variance Request by Jay and Victoria McCurdy for a variance from front setback requirements for an accessory structure at 227 Lakewood Drive in an SD-2 zoning district with the parcel number 117P-00-004.00. Please see attachments 1- 4.

BACKGROUND INFORMATION

The applicants are proposing to build a freestanding carport to side and front of their existing home. The carport structure is classified as an "accessory structure". Section 6.3 of the Unified Development Code states that the front setback of an accessory structure is "behind rear wall of principal building". Due to site conditions such as soils, slope, and existing vegetation, the applicant is proposing to locate the to the side and front of their existing home. The proposed location on Attachment 3 shows the carport setback approximately 34' from the front property line. The structure would meet the side setback. The applicant is requesting relief from the front setback requirement of an accessory structure in an SD-2 zoning district. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the September 6, 2022 meeting.

VARIANCE REQUEST FROM

Section 6.3

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

B1 Front setback	30' or infill standards
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B. Principal Building Setbacks (cont.)

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

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

D1 From primary street	See infill standards
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E. Height

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

F1 Street-facing primary entrance along street	yes
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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. 5 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 August 4, 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 in favor of this request.

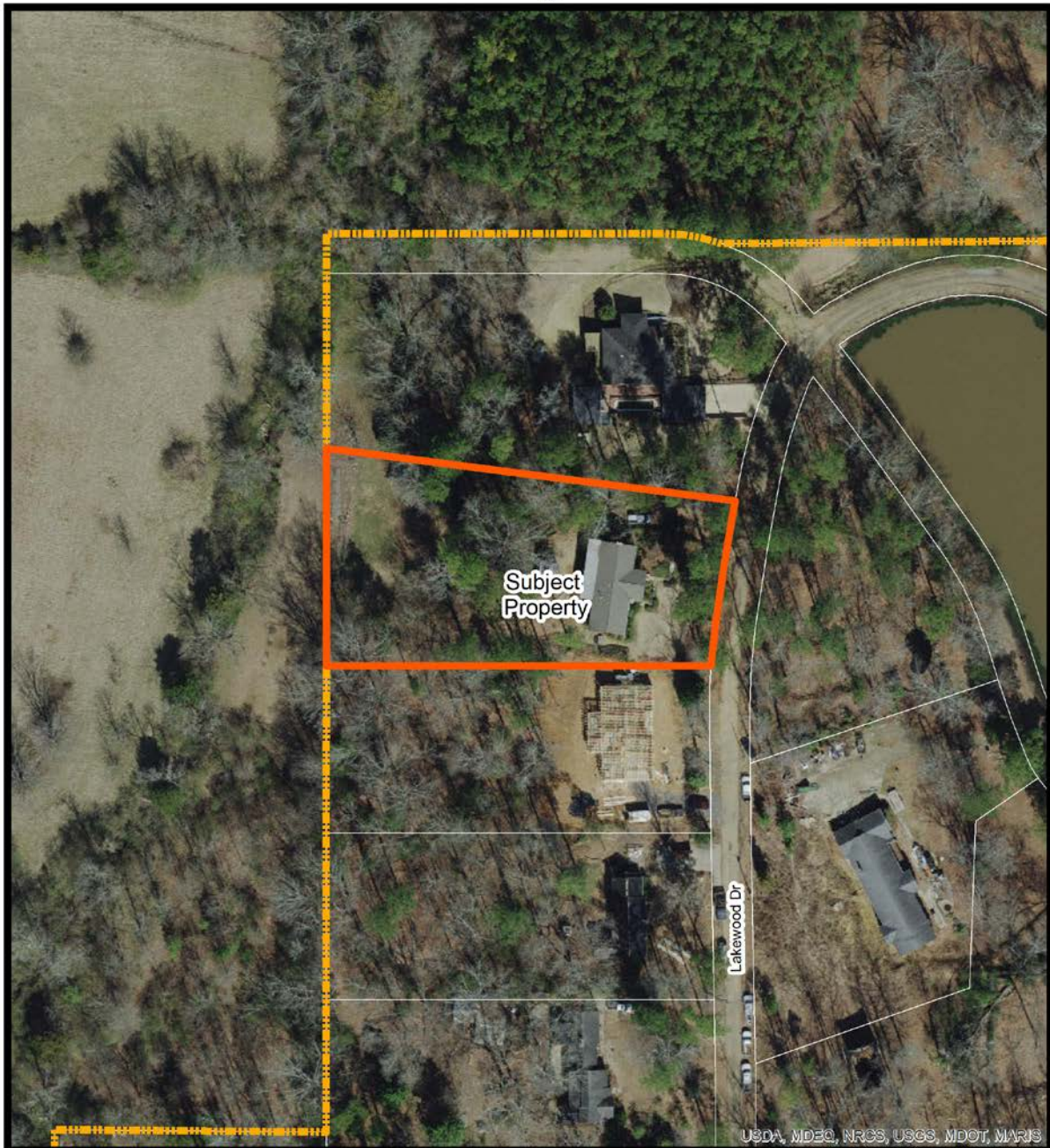
ANALYSIS

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 22-09 Aerial



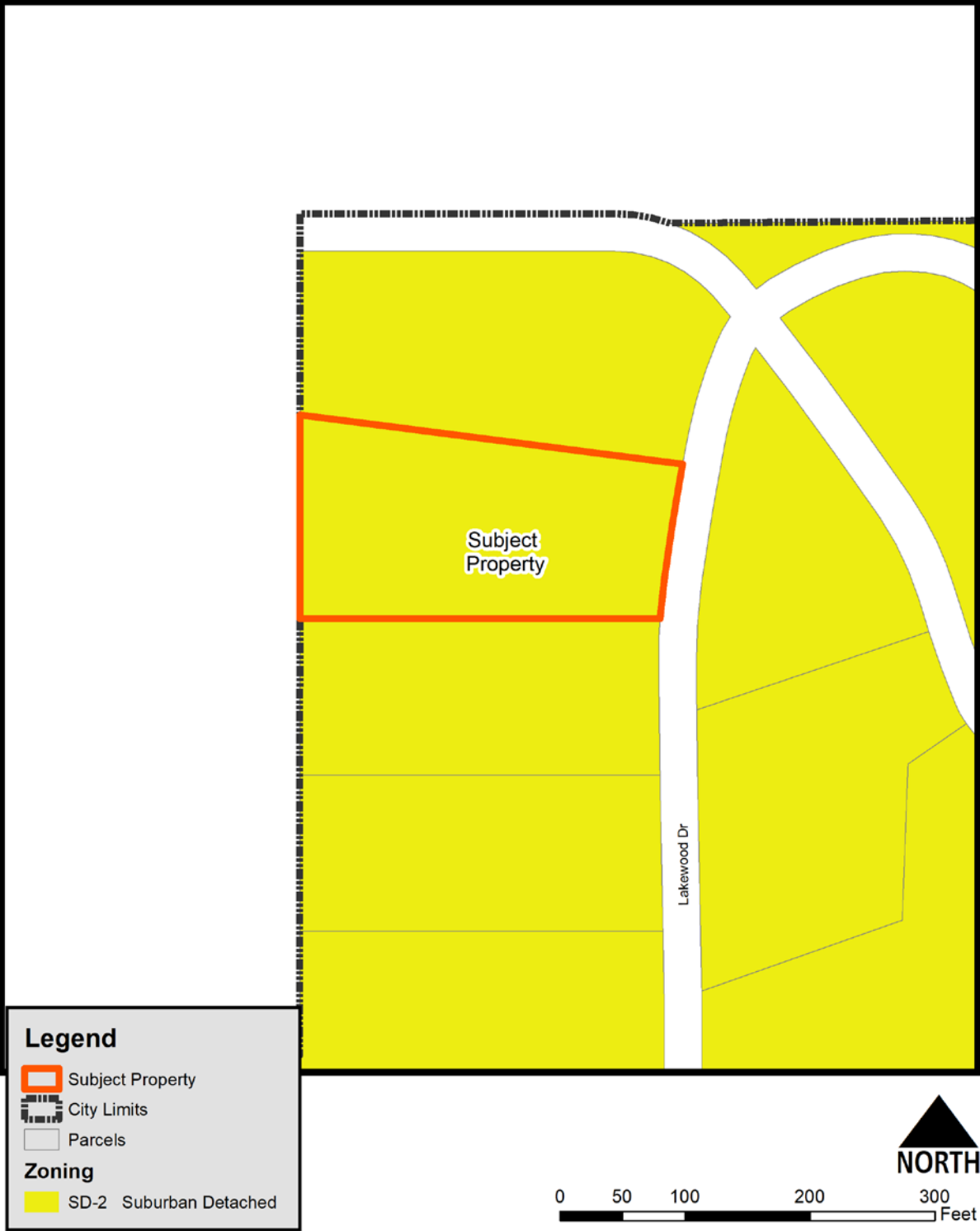
Legend

-  Subject Property
-  City Limits
-  Parcels

0 50 100 200 300 Feet



Attachment 2
VA 22-09 Zoning



Attachment 3- Applicant Statement

July 22, 2022

Development Review Committee and Board of Aldermen:

We are seeking a variance from front setback (location of unattached accessory structure behind primary structure) for a carport at 227 Lakewood Drive. We have owned the home since 2014 and have planned for a carport for the last few years. The recent annexation of Sheely Hills adds an unforeseen hurdle to our planning and construction process.

The original home was built in 1952. The lot looks much as it did 70 years ago. Very little site preparation was performed other than excavation for a partial basement and laying of a concrete footing within the native soil. The hill site for the house sits on soils of the Oktibbeha series (Figure 1), which are characterized as "vertic," meaning that they are composed of clayey material prone to shrinking and swelling as a result of moisture fluctuation. Herein lies much of the issue with the home and our determination for a carport location. The steep slope of the site, soil type, and dense surrounding woods-lot limit potential positions for an accessory structure. An addition to the north side of the house was poorly executed in 1958, requiring substantial work to level and add underground pillars beneath the subsided structure (work completed in approximately 1965). That work was done on the northeast corner of the home and is still bulwarked by a reinforced retaining wall (Figures 2 and 3.)

As stated in the Unified Code and discussed with Mr. Havelin (Appendix 2), if the carport were an extension of the existing house, it would need to meet the setback requirements for the principal building. Doing so would require considerable re-engineering of the foundation in order to join an accessory structure directly to it. Even the process of exposing the foundation could cause shifting and is not feasible. Another conceivable option would be to remove the existing shed behind the house and replace it with a larger structure; however, we face some of the same issues regarding soil instability – not to mention that it is not feasible to move various underground utilities in that area. And backing into that location with a vehicle is difficult and unsuitable for a trailer or RV. Hauling soil to fill that area would also not be feasible due to the amount that would be needed and because it would require removal of several mature oak trees.

We propose that the existing retaining wall remain, and that the carport be located closely adjacent, by approximately 10 feet, on the north side of the house (Figure 4, 5, and 6). This location would allow continued access to the rear of the home for unloading and future maintenance and would allow for the construction of a handicap ramp should one ever be needed.

We look forward to your review. Please feel free to contact us should more information be required.

Jay McCurdy

227 Lakewood Drive

Starkville, MS 39759

jamesdmccurdy@gmail.com

cell: 731-514-1514



Figure 1. Depiction of soil series. From USDA-NRCS Web of Soil Survey. Oktibbeha soil series information can be found here: https://soilseries.sc.egov.usda.gov/OSD_Docs/O/OKTIBBEHA.html



Figure 2. The northwest corner of 227 Lakewood. Note the pre-existing retaining wall. This wall and its retained soil should remain for structural reasons.



Figure 3. Rear entry into the partial basement from the west side of 227 Lakewood. Note the tail end of the retaining wall on the northwest corner of the home - the approximate location of 1965 amendments to stabilize the subsiding corner of the home. This corner of the home, between the house and shed, is not suitable for construction due to the elevation change, soil instability, numerous buried underground utilities, and proximity to mature oak trees.



Figure 4. The approximate location of the carport on the north side of 227 Lakewood. Note that the chimney and existing house wall would limit options for attaching a carport structure. The driveway here is a stable and well compacted soil, adequate for carport construction with a reinforced concrete foundation.

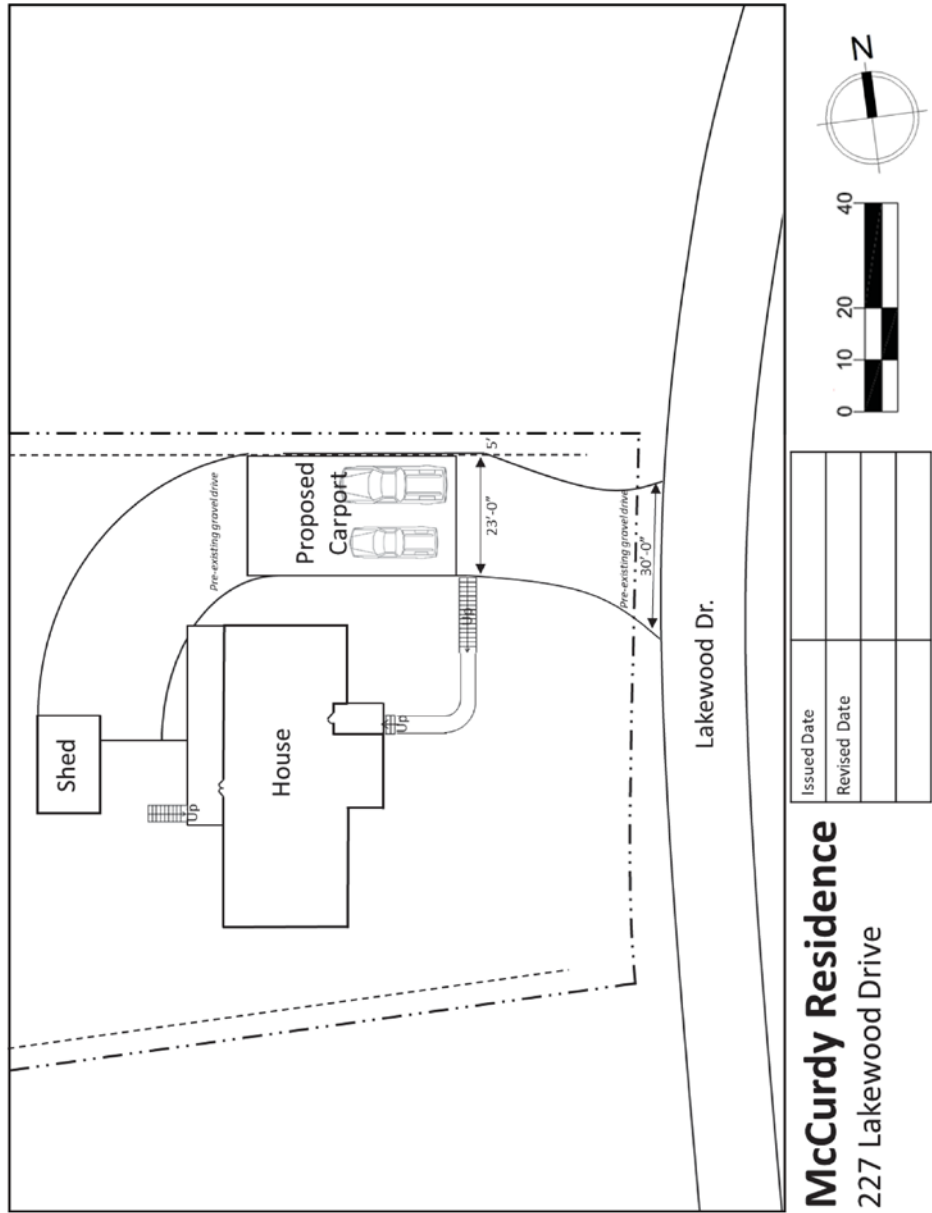


Figure 5. Proposed carport location. A higher quality pdf version of this map has been included with the packet submission.

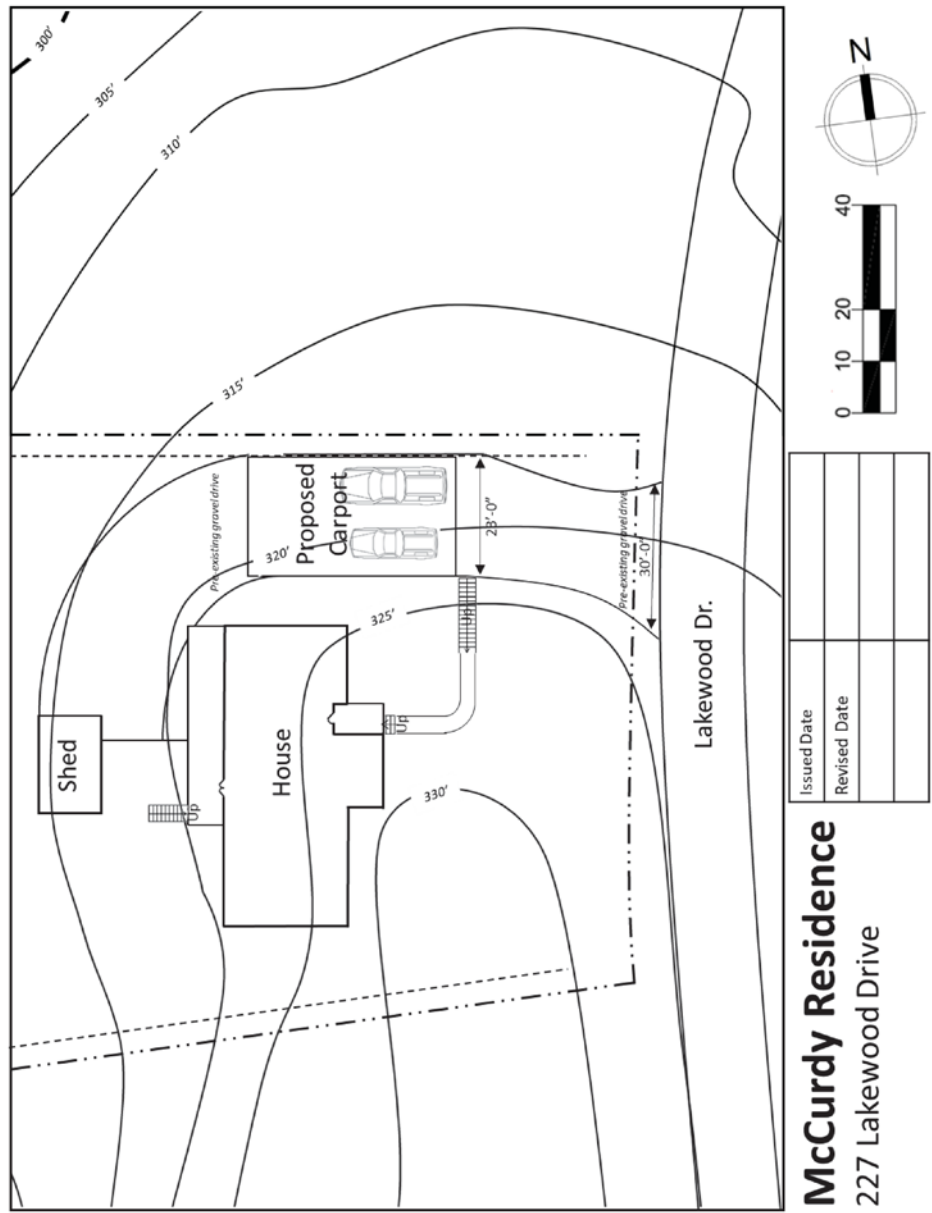
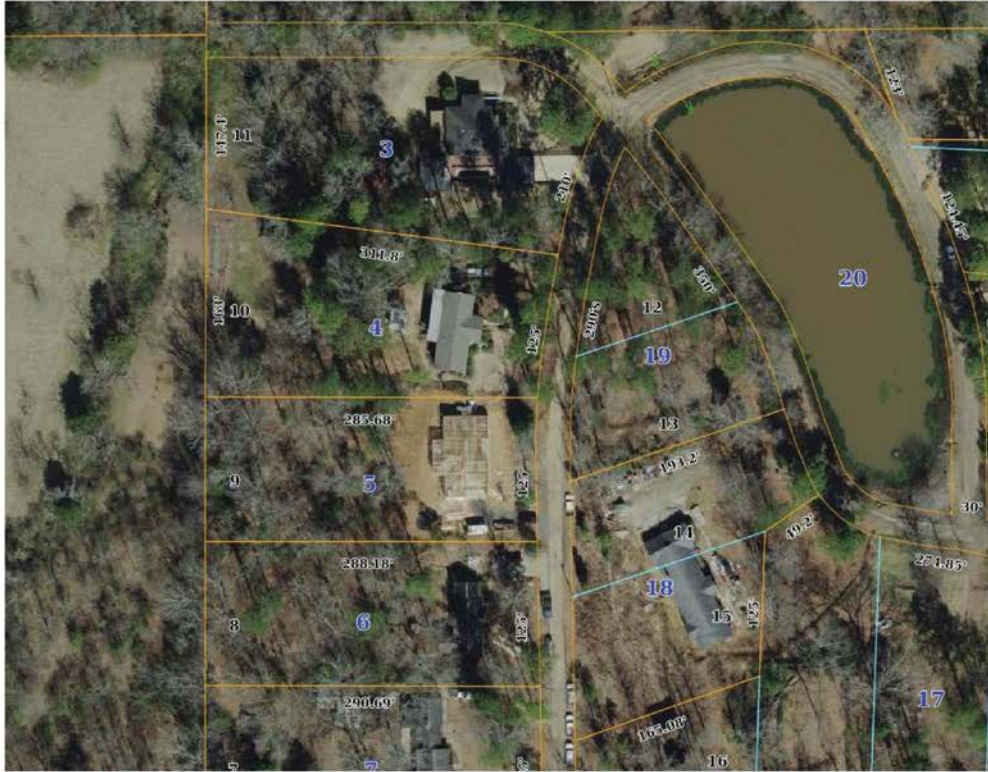
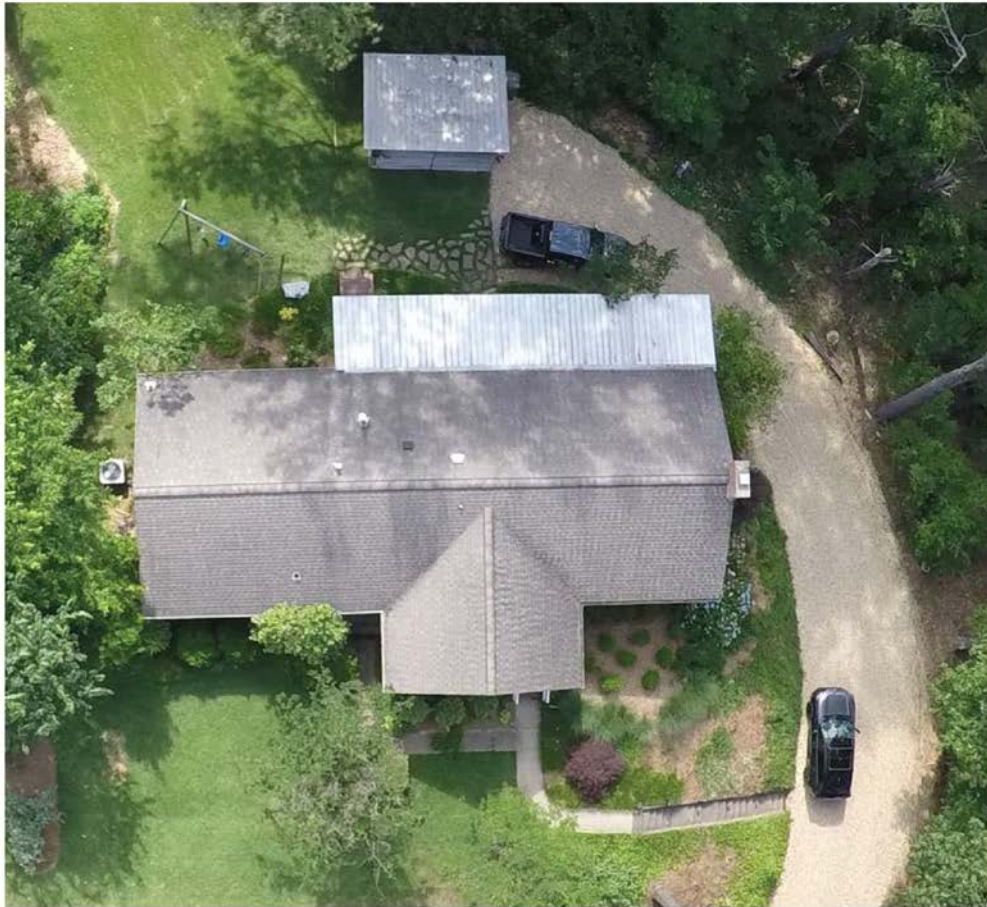


Figure 6. Proposed carport location, including topographic information. A higher quality pdf version of this map has been included with the packet submission.

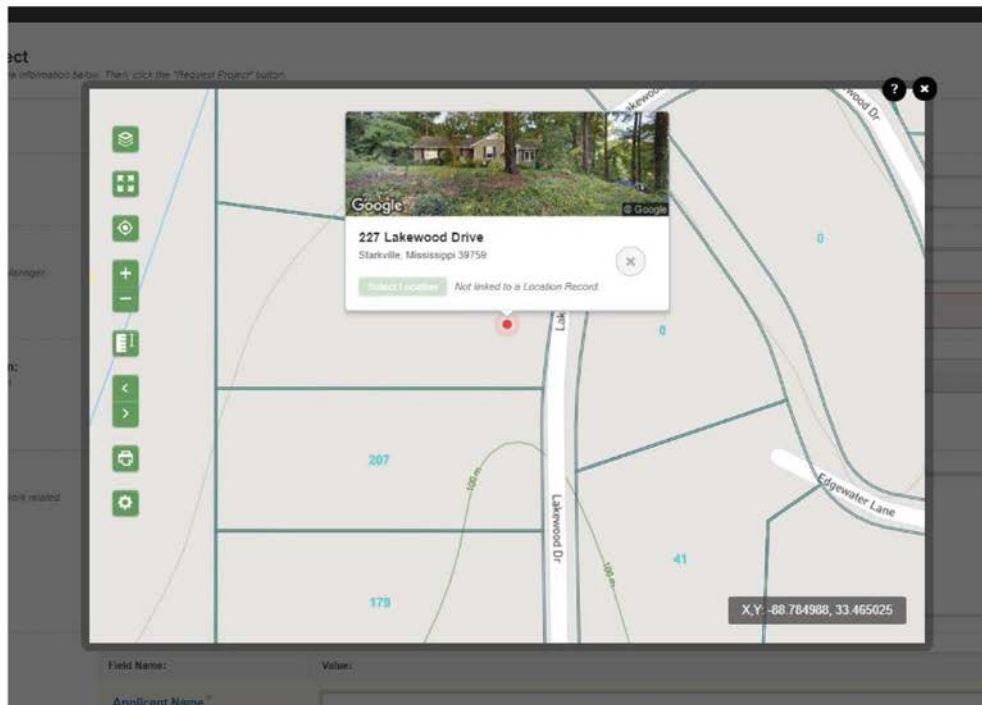
Appendix 1.



Parcel '4' within Sheely Hills Neighborhood.



Aerial image of 227 Lakewood Drive. The car near the steps is located similarly to the eastern most extent of the proposed carport.



Our address was, as of recently, not linked to a location record within the mygov portal.

Appendix 2.

See following pages.

jamesdmccurdy@gmail.com

From: Daniel Havelin <d.havelin@cityofstarkville.org>
Sent: Wednesday, June 29, 2022 9:38 AM
To: jamesdmccurdy@gmail.com
Cc: smcmullen@cityofstarkville.org; Lyle McCaskey
Subject: Re: 227 Lakewood - Residential Accessory Structure

Jay,

If the structure is detached, it is technically an "accessory structure". Therefore, the setbacks apply. If you are approved for a variance from the front setbacks and the Board doesn't place any conditions relating to the side setbacks, the side setbacks will be 5' from the property line. Hope that explanation helps, if not let me know.

On Wed, Jun 29, 2022 at 9:21 AM <jamesdmccurdy@gmail.com> wrote:

Thanks, Daniel. Ignoring the setback from the front of the primary structure (which is the variance I'm seeking), isn't 5 feet the setback from side property line for an accessory structure? I've circled that in red below or attached. I am not wishing to seek variance on side set back, but the ability to locate unattached from the house would be advantageous due to foundation/slope – the subject of my variance application.

Again, my apologies for the number of emails. I appreciate your time and effort.

Jay

Detached and Attached Duplex Dwelling								
B. Principal Building Setbacks (cont.)	CR	RN	SD-2	SD-6	TN-N	TN-E	MDU-9	MDU-20
B2 Side setback (min.)	10'	10'	10' or infill standards	5' or infill standards	5' or infill standards	5' or infill standards	5' or infill standards	5' or infill standards
B3 Side setback corner lot (min.)	40'	40'	30'	25'	10' min 15' max	15' or see infill	10' min 15' max	25'
B4 Rear setback (min.)	30'	30'	25'	20'	5'	15'	15'	20'
B5 Rear setback adjacent to street or alley (min.)	20'	20'	30'	25'	7' without parking, 18' with parking	15'	20'	20'
C. Accessory Dwelling Unit/Structure Setbacks	CR	RN	SD-2	SD-6	TN-N	TN-E	MDU-9	MDU-20
C1 Front setback			Behind rear wall of principal building					
C2 Side setback	5' min	5' min	5' min	5' min	5' min	5' min	N/A	N/A
C3 Side setback corner lot (min.)	40'	40'	30'	25'	10'	10'	10'	10'
C4 Rear setback	5', 100 for structures housing livestock	5', 100 for structures housing livestock	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure	5', minimum of 10' from any structure
C5 Rear setback adjacent to alley	N/A	N/A	N/A	N/A	7' without parking,	N/A	N/A	N/A

From: Daniel Havelin <d.havelin@cityofstarkville.org>
Sent: Tuesday, June 28, 2022 9:53 AM
To: jamesdmccurdy@gmail.com
Cc: smcmullen@cityofstarkville.org; Lyle McCaskey <l.mecaskey@cityofstarkville.org>
Subject: Re: 227 Lakewood - Residential Accessory Structure

Mr. McCurdy,

Yes a dimensional variance from setback requirements is possible. The process involves two public hearings. The first is with the Board of Adjustment and Appeals to either recommend approval or denial. The second is with the Board of Aldermen for a final decision. Section 3.7 of the Unified Development Code outlines the process and application requirements. [Click here](#) for the application. [Click here](#) for the submission deadlines and meeting schedules. [Click here](#) for the fee schedule. The first two things that are needed to get started is the application and legal description (usually found on the warranty deed). The fee is due after we get the cost of notification compiled. Drawings and any other supporting documents you would like to submit to make your case, need to be submitted to me at least two weeks before the first meeting. That way they can be included in the staff report. I recommend basing your request off of the criteria for review and approval in Section 3.7.1. The more justification you can show based on the criteria the better your chances of approval. If you have any questions, please let me know.

On Mon, Jun 27, 2022 at 11:31 AM <jamesdmccurdy@gmail.com> wrote:

Thanks, Daniel.

Is it possible to apply for a variance? The site's shrink-swell clay soil and slope do not allow for the options you've indicated. It would require excessive amounts of soil movement which would potentially impact the foundation of the home.

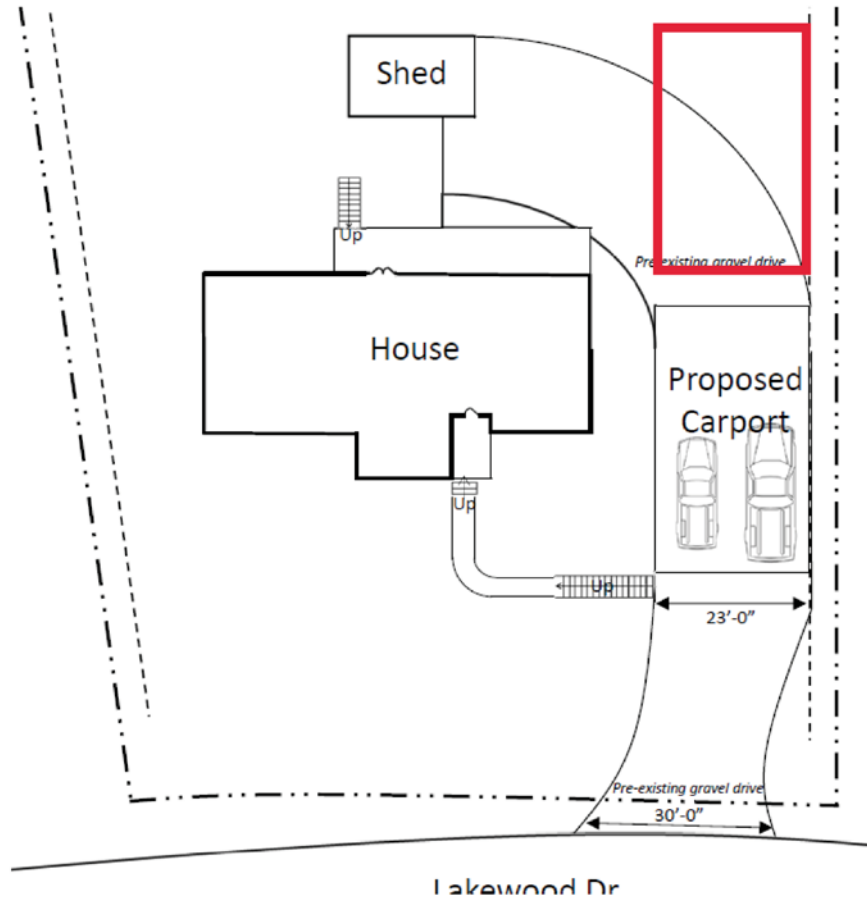
I very much appreciate your time and expertise.

Jay

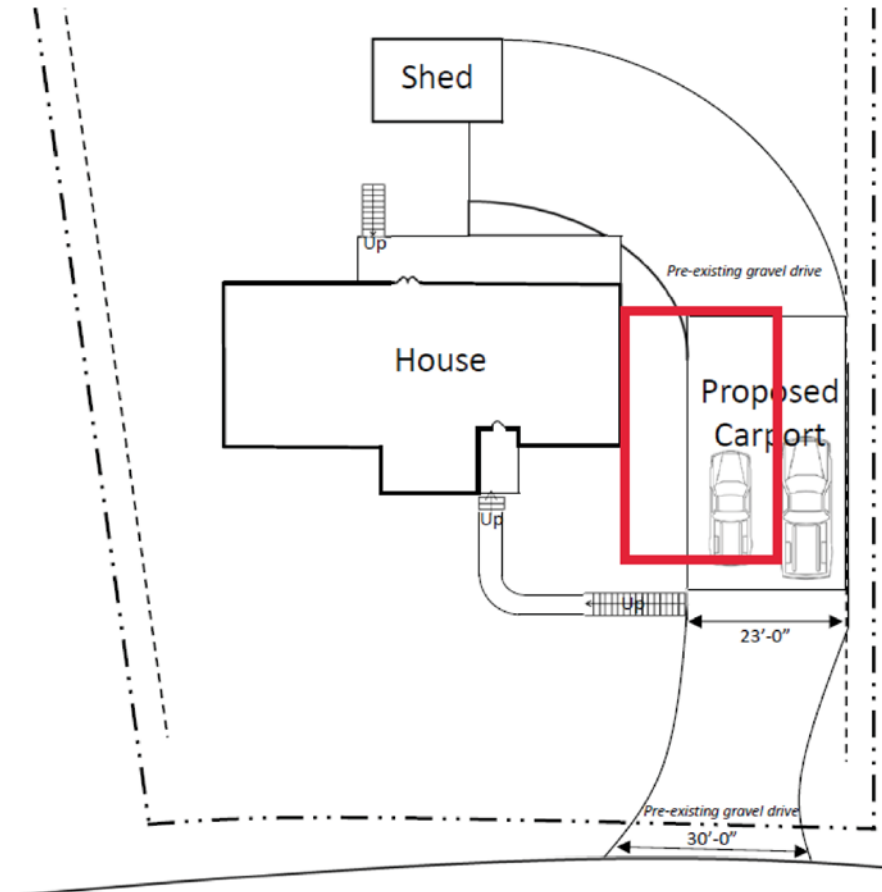
From: Daniel Havelin <d.havelin@cityofstarkville.org>
Sent: Monday, June 27, 2022 10:52 AM
To: jamesdmccurdy@gmail.com
Cc: smcmullen@cityofstarkville.org
Subject: Re: 227 Lakewood - Residential Accessory Structure

Mr. McCurdy,

Sorry for the delayed response. The property is zoned SD-2. The free standing carport as shown on your sketch is classified as an "Accessory Structure". The setback for accessory structures is 5' from the sides and rear property line. The front front setback is behind the rear wall of the principal building. The existing house is classified as the "Principal Building". The image below is one option for locating the free standing carport within the required setbacks



If the carport was an extension of the existing house, it would just need to meet the setback requirements for the principal building (30' front, 10' sides, and 25' rear).



The setback requirements can be found in Section 6.3 of the Unified Development Code which is linked below in my signature line. A building permit from the building department would be required. As part of the application, you will need to submit a site plan similar to the one you have already sent for us to review. Thank you for your patience in waiting for a response and if you have any additional questions, please let me know.

On Thu, Jun 23, 2022 at 10:54 AM <jamesdmccurdy@gmail.com> wrote:

Gentlemen,

I've emailed you both after having reached out by phone. Sorry for seeming overzealous - we're trying to build a garage at 227 Lakewood Dr. in Sheely Hills. We've just been annexed, but our location doesn't show up on the official planning map. I've found provisional zoning for our neighborhood - S2, I believe. Then I went to try and file a permit, but our location is not linked in the mygov portal. It'd be fine by me to proceed without permitting if there's a timeline delay between annexation and code enforcement, but I don't want to find myself in a bind later down the road.

I've attached a draft of what we've worked up for the freestanding garage. It will be 5' from the adjacent property line (which I am led to believe is correct), but I can't find clarity on setback from road or having it closer to the road than the primary structure. The location is due to the nature of the lot, soil, native vegetation, and slope we're working with. Your advice on how to proceed would be useful before we start the process.

Please reach out to me by cell if we can discuss, or I can stop by sometime this week or Monday morning.

Regards,
Jay

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Daniel Havelin, AICP, PLA
City Planner, City of Starkville
110 West Main Street | Starkville | MS 39759-2823
Ph: 662.323.2525 ext: 3136
[Planning](#) | [Unified Development Code](#) | [Zoning Map](#) | [Applications](#)

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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 22-10 a request for a variance from sidewalk requirements at 106 Strange Road in a SM zoning district with the parcel number 118J-00-037.00
Date: August 24, 2022

The purpose of this report is to provide information regarding the Variance request by Springer Engineering, on behalf of MD Holdings Starkville LLC, to deviate from sidewalk requirements at 106 Strange Road with the parcel # 118J-00-037.00 in an (S-M) Special Medical zoning district. Please see attachments 1- 5.

BACKGROUND INFORMATION

The applicants are in the process of remodeling an existing building to open Magnolia Dermatology clinic. The declared value of the work was \$144,841. Section 14.11.3.A requires sidewalks for any construction project located within the sidewalk development zone where the cost for the improvements exceeds \$50,000 and is less than 30% of the overall improvement cost. To add the required sidewalks to the project, existing parking would have to be reconfigured and a large existing oak tree could be damaged. The applicant is requesting to not place the sidewalk along either Strange Road or Carver Drive. The Fee in Lieu payment will be required prior to the issuance of a Certificate of Occupancy. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the September 6, 2022 meeting.

SIDEWALK VARIANCE REQUIREMENTS

3.7.5. Variance requests related to sidewalk installation.

- A. Criteria for sidewalk variance review and approval.
 1. The review and approval of all sidewalk variances except in form-based zoning districts shall be based on criteria as listed in Section 3.7.1.
 2. The review and approval of all sidewalk variances in form-based zoning districts shall be based on criteria as listed in Section 3.7.1 and Section 3.7.2.
- B. Requirements for variance approval. Where the Board of Aldermen determine that construction of sidewalks would not be feasible and grant a variance to the sidewalk requirements, one of the two (2) options shall be required:
 1. Fee in Lieu. A fee shall be paid prior to issuance of a Certificate of Occupancy or Final Plat to cover the cost of constructing a required sidewalk. The fee shall be equal to installation cost of the sidewalks based on unit prices. The unit prices shall be determined based upon quarterly posted construction bid averages provided by the Mississippi Department of Transportation (MDOT). The unit price used to determine the installation cost shall be reviewed and approved by the City Engineer. All fee in lieu payments shall be deposited into a sidewalk specific account to be used for the sole purpose of design and construction of new sidewalks or the replacement of existing sidewalks in areas of the city where the existing sidewalk system can be extended or completed.
 2. Alternate Sidewalk Route. The applicant shall construct a sidewalk within the area of the project that is of equal or greater size than the required sidewalk. The location of the alternate sidewalk route shall be as determined by the City Engineer. If an alternate sidewalk route cannot be agreed upon, the fee in lieu option shall be used.

VARIANCE REQUEST FROM

14.11.3. Sidewalks Required by Building Permit

- A. On any construction project that does not require site plan approval within the sidewalk development zone (see Fig 14.11-1) with a cost for improvements that is greater than fifty thousand dollars (\$50,000), sidewalks shall be required unless any of the following conditions exist:
 - 1. The project is a single dwelling unit located on a single lot that is not part of a development that requires sidewalks.
 - 2. The installation cost of the required sidewalk is greater than thirty percent (30%) of the cost for the improvements. The improvement cost shall include all improvements on the site, structure, and/or building for all phases. The installation cost of the sidewalks shall be based on unit prices. The unit prices shall be determined based upon quarterly posted construction bid averages provided by the Mississippi Department of Transportation (MDOT). The unit price used to determine the installation cost shall be reviewed and approved by the City Engineer.
 - 3. The developer or property owner of any development or redevelopment shall be required to bring existing sidewalks adjacent to the property into compliance with current sidewalk and/or ADA standards

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. 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 August 4, 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 one phone call requesting information about the request.

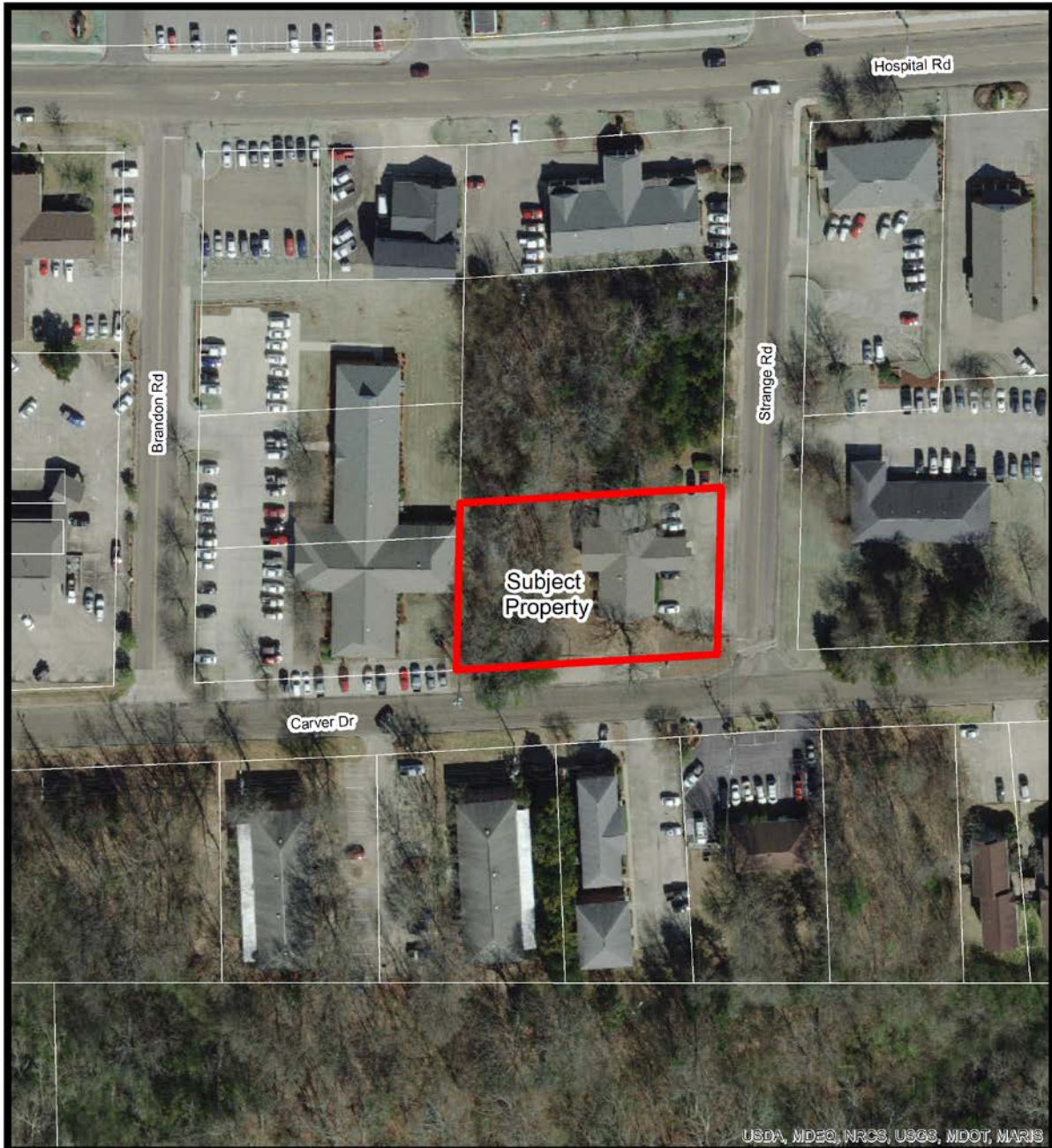
ANALYSIS

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 22-10 Aerial



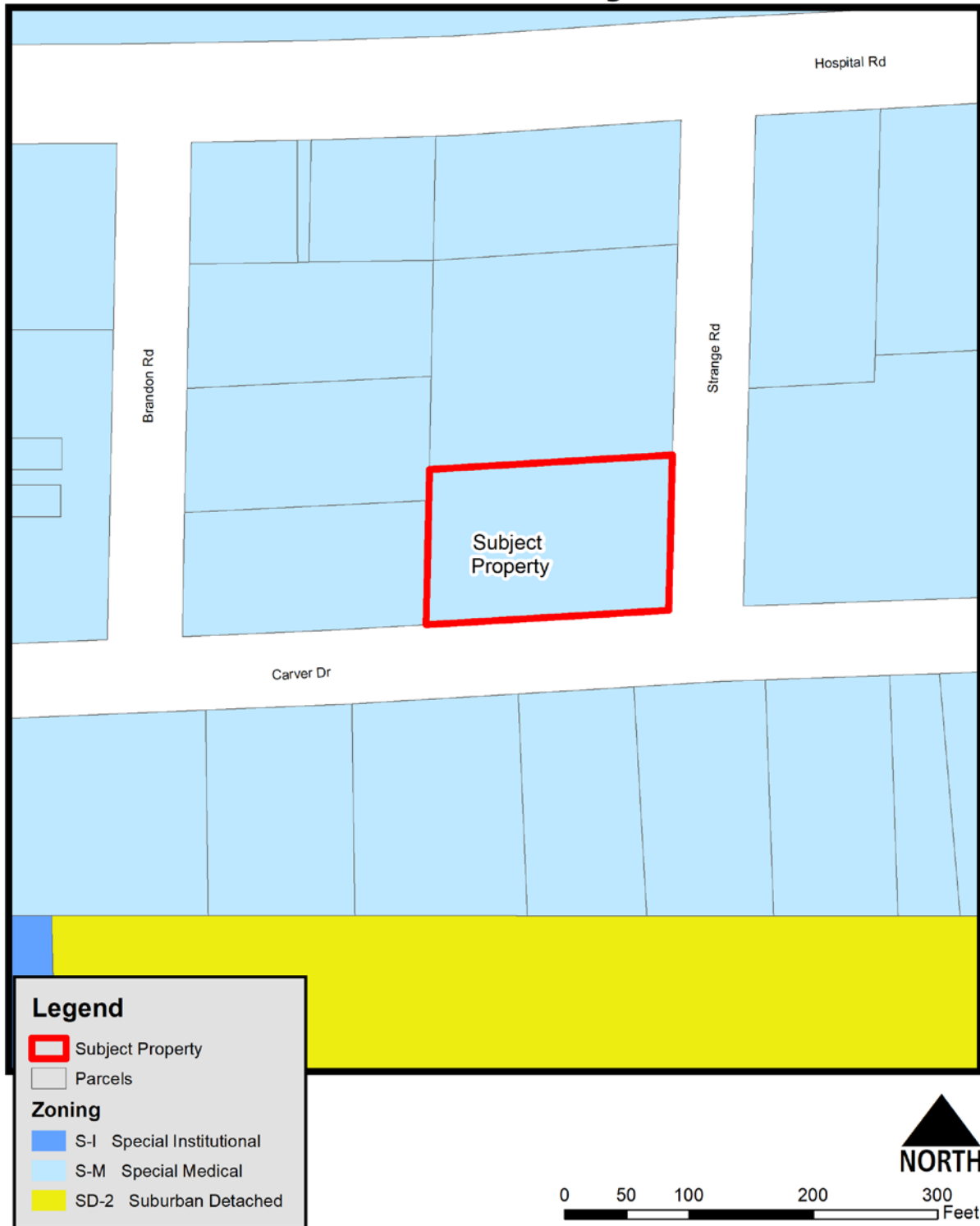
Legend

-  Subject Property
-  Parcels

0 50 100 200 300 Feet



Attachment 2
VA 22-10 Zoning



Attachment 3- Sidewalk Plans

