



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, SEPTEMBER 28, 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 AUGUST 24, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-11 A REQUEST FOR VARIANCES FROM MAXIMUM LOT WIDTH AND MINIMUM FRONTAGE BUILDOUT FOR A PROPOSED DEVELOPMENT ON THE THREE LOTS ON RUSSELL STREET AT THE NORTHWEST CORNER OF THE INTERSECTION WITH JARNIGAN STREET IN A T₅-C ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 22-12 A REQUEST FOR A VARIANCE FROM STORMWATER AND PARKING SETBACK REQUIREMENTS AT UNIVERSITY CROSSING SHOPPING CENTER ON THE SOUTHWEST CORNER OF HIGHWAY 12 EAST AND BLACKJACK ROAD IN A C ZONING DISTRICT.
 - C. DISCUSSION AND CONSIDERATION OF AA 22-01 A REQUEST FOR AN ADMINISTRATIVE APPEAL OF STAFF'S DECISION TO REQUIRE A BOULEVARD TYPE ROAD FOR THE FUTURE ACCESS ROAD FOR THE ROW DEVELOPMENT ON THE WEST SIDE WALMART NEIGHBORHOOD MARKET.
- VI. ADJOURN

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

August 24, 2022

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on August 24, 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, George Ford, Ward 1, and Shawn Sullivan, Ward 7. Commissioner Bo Richardson, Ward 3 was absent. Physically present attending the Commissioners was City Planner Daniel Havelin.

Chairman Webb opened the meeting.

III. CONSIDERATION OF THE OFFICIAL AGENDA

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CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, AUGUST 24, 2022
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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 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

III. CONSIDERATION OF THE OFFICIAL AGENDA

The Board considered the matter of the approval of the written agenda dated August 24, 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 MAY 25, 2022

The Board considered the matter of the approval of the minutes of the May 25, 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 22-09 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

This is a 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 within the Sheely Hills subdivision. The applicants are proposing to build a freestanding carport to side and front of their existing home. The applicant is requesting relief from the front setback requirement of an accessory structure in an SD-2 zoning district.

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

5 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 August 4, 2022. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received one phone call in favor of the request.

Chairman Webb opened the public hearing to citizen comments.

Jay McCurdy 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. Sullivan, duly seconded by Mr. Gaude, the motion to approve VA 22-09 was unanimously approved.

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

This is a request by Springer Engineering, on behalf of MD Holdings Starkville LLC, to deviate from sidewalk requirements at 106 Strange Road. 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.

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

9 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 August 4, 2022. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received one phone call requesting information about the request.

Chairman Webb opened the public hearing to citizen comments.

Holland Cox 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. Sullivan, duly seconded by Mr. Gaude, the motion to approve VA 22-10 was unanimously approved.

VI. ADJOURNMENT

After discussion, Mr. Nicovich moved to adjourn which was seconded by Mr. Ford, and the Board voted unanimously to adjourn until 4:00 p.m. on September 28, 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)
 Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)
Subject: Public hearing and consideration of VA 22-11 a request for variances from maximum lot width and minimum frontage buildout for a proposed development on the three lots on Russell Street at the northwest corner of the intersection with Jarnigan Street in a T5-C zoning district.
Date: September 28, 2022

The purpose of this report is to provide information regarding Variance Request by Tabor Construction & Development on behalf of Shackelford Investments, LLC, Tyrone Ellis, and Rena Ellis for variances from maximum lot width and minimum frontage buildout for a proposed development at 403 and 405 Russell Street and including the vacant lot at the northwest corner of Russell Street and Jarnigan Street. All three lots are in a T-5C zoning district with the parcel numbers 101D-00-079.00, 101D-00-080.00, and 101D-00-081.00. Please see attachments 1- 3.

BACKGROUND INFORMATION

The applicant is currently proposing to develop the site into a mixed-use development with residential and commercial units in two buildings. The parking for the site will be located in the rear of the property and new street parking will be added along Russell Street. The three existing lots will be combined into two lots. The width of the two proposed lots is +/-134.5 feet for the western lot and +/-129 feet for the eastern lot. The maximum lot width for a T-5C zoning district is 120 feet. The proposed percentage of frontage buildout at the side setback of a corner lot is approximately 40.5% along Jarnigan Street. The minimum percentage of frontage buildout at the side setback of a corner lot is 65%. The applicant is requesting relief from maximum lot width and minimum frontage buildout. The applicant attended a Development Review Committee meeting on August 8, 2022 for a pre-application discussion about the project. The applicant is also requesting a Special Exception to reduce the amount of required parking. If the request for Variance is recommended for approval or denial, the requests will be heard by the Board of Aldermen at the October 18, 2022 meeting.

VARIANCE REQUEST FROM

Variance Request #1: Maximum Lot Width. Section 5.2

Request a variance to increase the maximum lot of 120' to 135'

Variance Request #2: Percentage of Frontage Buildout at Side Setback Corner Lot. Section 5.2

Request a variance to reduces the minimum

Form-Based Districts		
Lot Width	T-5C	
min	25'	
max	120'	Variance Request #1
Lot Frontage Buildout	T-5C	
percentage lot frontage buildout at front setback (min/max)	65/85%	
percentage of frontage buildout at side setback corner lot (min/max)	65/85%	Variance Request #2

CRITERIA FOR VARIANCE REVIEW AND APPROVAL

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. 13 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 September 11, 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 three phone calls. One for, one against, and one 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.

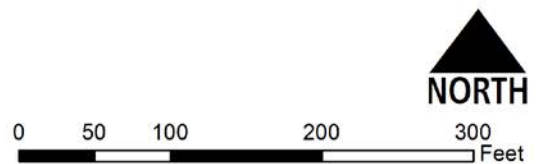
Attachment 1
VA 22-11 Aerial



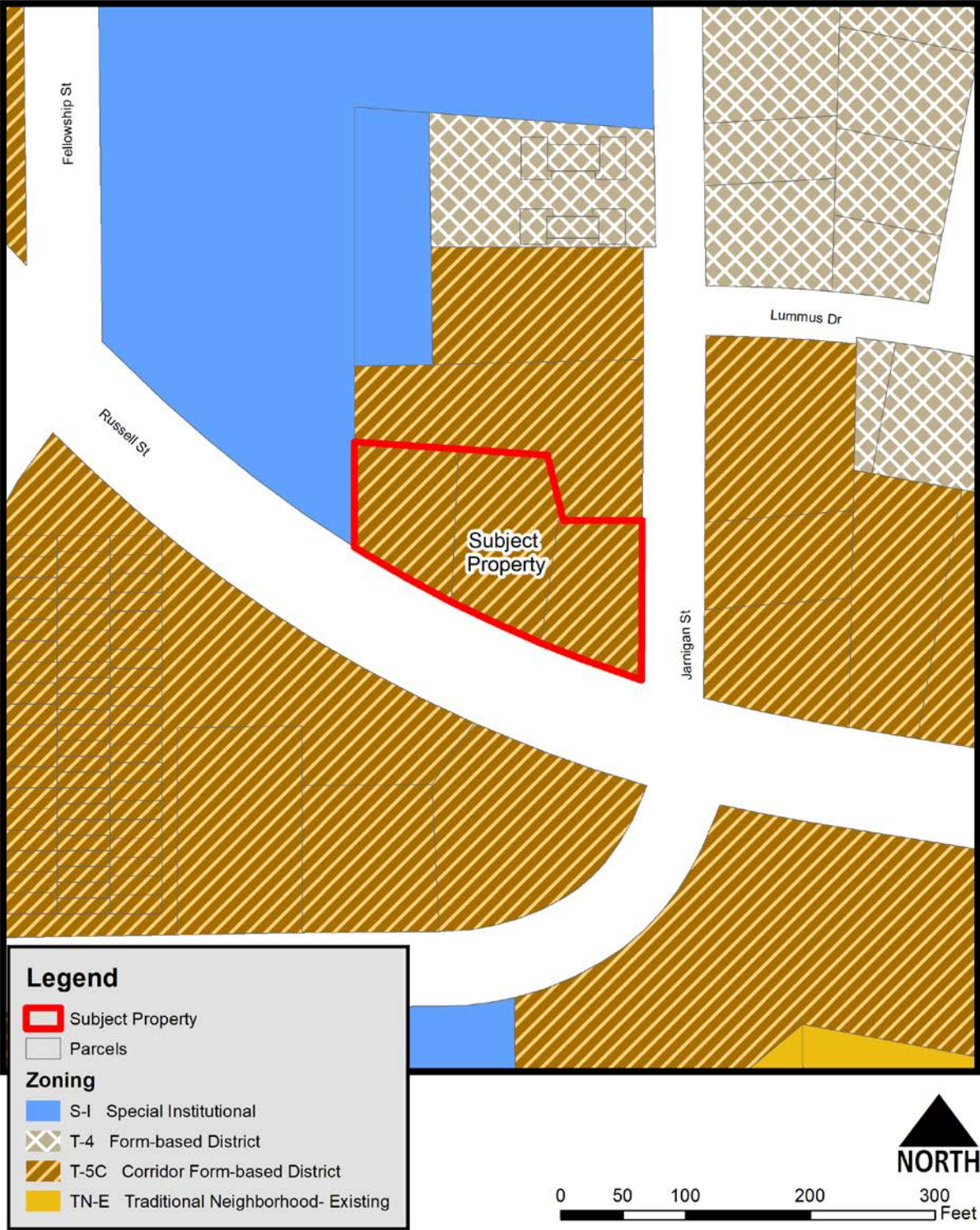
Legend

 Subject Property

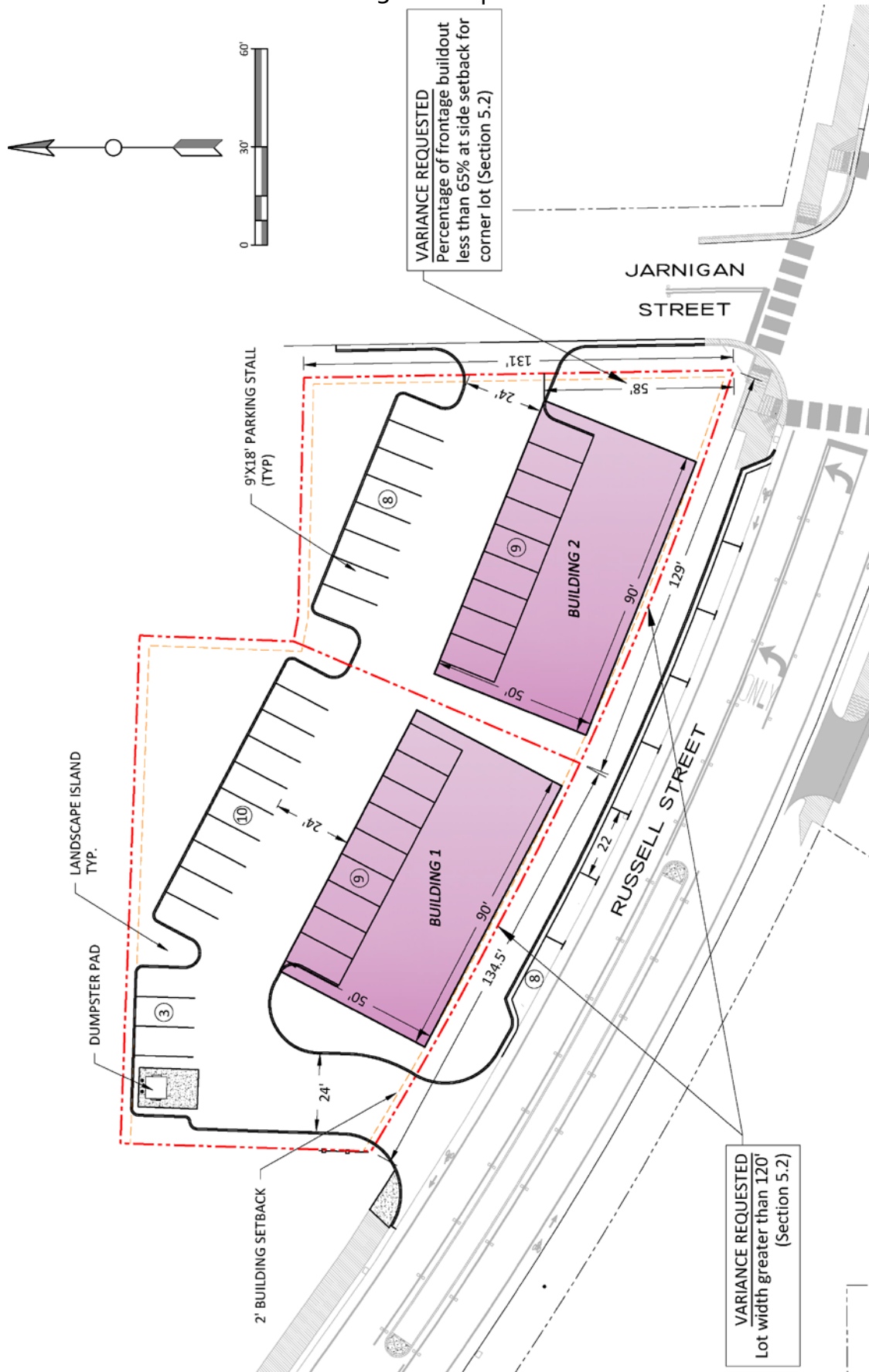
 Parcels



Attachment 2
VA 22-11 and SE 22-05 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)
Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)
Subject: Public hearing and consideration of VA 22-12 a request for a variance from stormwater and parking setback requirements at University Crossing Shopping Center on the southwest corner of Highway 12 East and Blackjack Road in a C zoning district.
Date: September 28, 2022

The purpose of this report is to provide information regarding Variance Request by John Granberry on behalf of Highway 12 East, LLC for variance from stormwater and parking setback requirements at University Crossing Shopping Center located on the southwest corner of Highway 12 East and Blackjack Road. The property is platted as a condo and includes at least the follow property numbers: 101E-00-003.10, 101E-00-002.00, 101E-00-003.00, 101E-00-003.01, 101E-00-003.02, 101E-00-003.03, 101E-00-003.05, 101E-00-003.08, 101E-00-003.058, 101E-00-003.11, 101E-00-003.12, 101E-00-003.13, 101E-00-003.14, and 101E-00-003.015. Please see attachments 1- 3.

BACKGROUND INFORMATION

The applicant is proposing to expand an existing building at the north east corner of the site. Since the development exist on one lot as a condo, any modification to a building as part of the condo could require the entire site to be brought in to conformity with the Unified Development Code. As part of that, the parking lot will need to be modified and the stormwater requirements will need to be met. The parking lot is being proposed to be reworked to change the flow of traffic, add in required landscape islands, add in sidewalk, and landscaping. Due to existing dimensional constraints, some areas of the parking lot will not be able to meet the 5 foot parking setback. The existing site was developed prior to the any requirement to detain stormwater. To modify the existing site to meet the current stormwater requirements would be difficult and require extensive grading and piping. The applicant is requesting relief from stormwater requirements and minimum parking setback requirements. The applicant attended a Development Review Committee meeting on September 22, 2022 for site plan review. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the October 4, 2022 meeting.

VARIANCE REQUEST FROM

Variance Request #1: Stormwater Management Section 16.9

Request a variance to not provide stormwater management as part of the redevelopment of the site

Variance Request #2: Parking Setbacks Section 7.2.D

Request a variance to reduce the parking setback from 5' to 0' for a portion of the site.

CRITERIA FOR VARIANCE REVIEW AND APPROVAL

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.

3.7.6. 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. 39 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 September 11, 2022.
- 3. A sign was posted on the property in a conspicuous location.

RESPONSE TO NOTIFICATION

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

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.

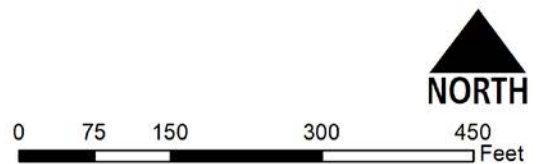
Attachment 1
VA 22-12 Aerial



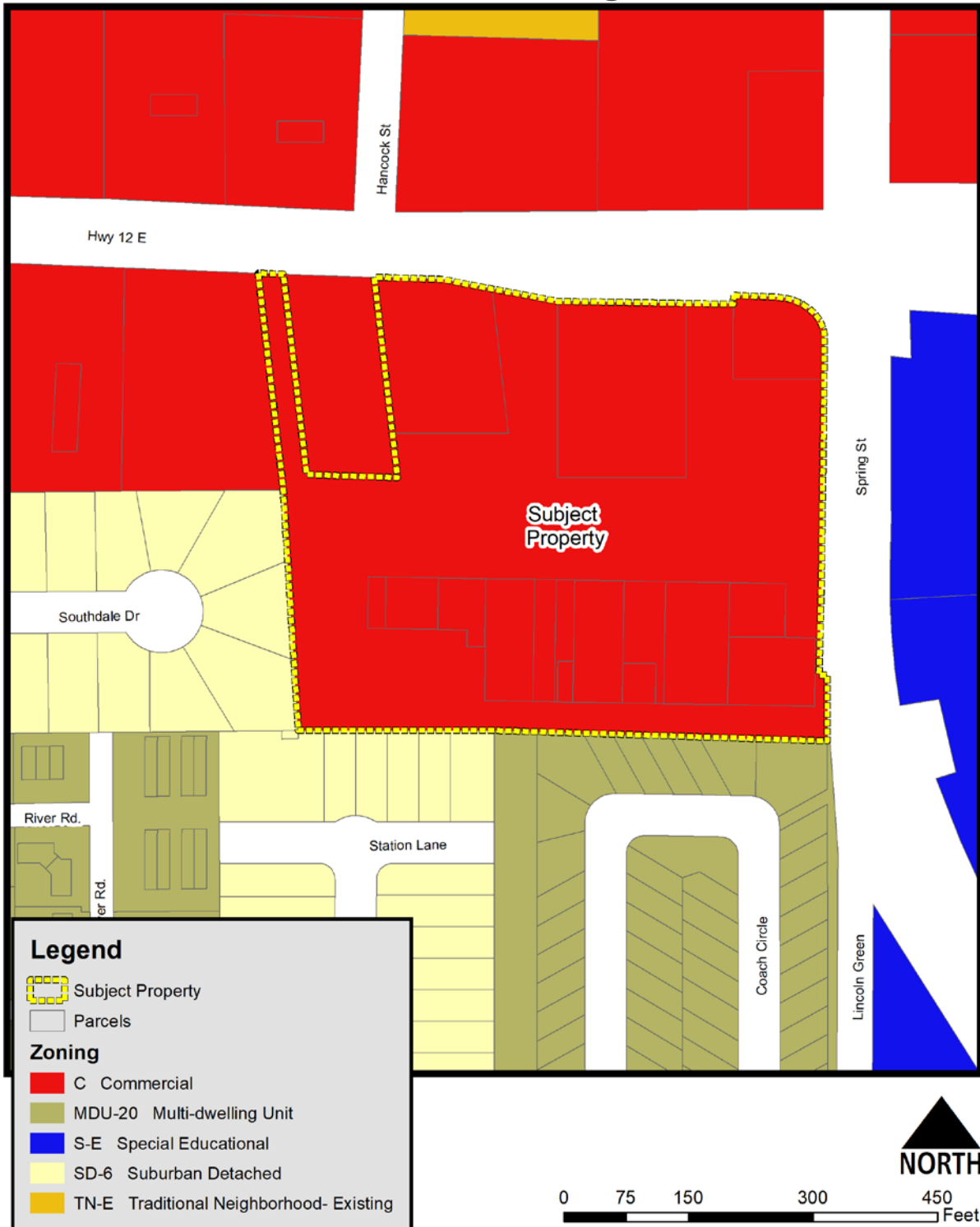
Legend

 Subject Property

 Parcels



Attachment 2
VA 22-12 Zoning



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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)
Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)
Subject: Discussion and consideration of AA 22-01 a request for an administrative appeal of Staff's decision to require a boulevard type road for the future access road for the ROW development on the west side Walmart Neighborhood Market.
Date: September 28, 2022

The purpose of this report is to provide information regarding an Administrative Appeal by John Granberry on behalf of Development Enterprises of Starkville, Inc of the decision by city staff to require the use of the street type "Minor Collector, Avenue, 2-Lane, Divided, Parking Optional" for a proposed access road connecting to the west end of Market Street directly behind Walmart Neighborhood Market in a C zoning district with the property numbers 117F-00-008.00 and 117 -25-022.00. Please see attachments 1- 5.

BACKGROUND INFORMATION

The applicant is currently working on a proposed mixed-use development directly east of Laquinta Inn. In order for the development to get access to Market Street and ultimately Highway 12 East, an access road will need to be construction across the property currently owned by Development Enterprises of Starkville, Inc (attachment 3). The City Engineer and City Planner have determined that the same road type of existing Market Street needs to be continued to service future commercial development to the east and service a possible future connection to Pat Station Road to the north. Existing Market Street is classified as "Minor Collector, Avenue, 2-Lane, Divided, Parking Optional" (attachment 5). The applicants have proposed to use a modified version of the "Minor Collector, Main 2-Lane, Undivided" (attachment 4). Section 5.3.3.F states *"The City Engineer and City Planner shall review the street system for the proposed subdivision and shall classify all proposed streets in one of the categories listed in the City of Starkville Standards for Design & Specifications"*. Section 3.8 states *"An administrative appeal is any appeal from administrative interpretations on all matters pertaining to the adopted codes of the City that does not require a variance, waiver, use exception, or special exception"*. Since the request is not a dimensional departure from the requirement, approval of an administrative appeal is required to use the proposed road type. If the request for an administrative appeal is recommended for approval or denial, the applicant's requests will be heard by the Board of Aldermen at the October 4, 2022 meeting.

CODE REFERENCE

15.3 Blocks, Lots, Access

15.3.3 Subdivision Access

F. Access Designation. The City Engineer and City Planner shall review the street system for the proposed subdivision and shall classify all proposed streets in one of the categories listed in the City of Starkville Standards for Design & Specifications.

CRITERIA FOR ADMINISTRATIVE APPEAL REVIEW AND APPROVAL

3.8.1. Criteria for Administrative Appeal.

- A. Interpretation. The appeal of the interpretation of the requirements by City Staff or the City's Consultant(s) shall be based on an alleged error in interpreting and/or the application of the requirements of the Unified Development Code.

- B. Appropriateness of the request. The request for an Administrative Appeal shall be for interpretation only and does not trigger the requirements of a variance, waiver, use exception, or special exception.
- C. Review. The Planning and Zoning Commission, Board of Adjustment and Appeals, and the Board of Aldermen shall have the power to review the decision of City Staff, de novo, but shall not consider new evidence that was not available to City Staff at the time of making an interpretation.

CONDITIONS OF APPROVAL

Any condition attached to the approval of an Administrative Appeal 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
AA 22-01 Aerial



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

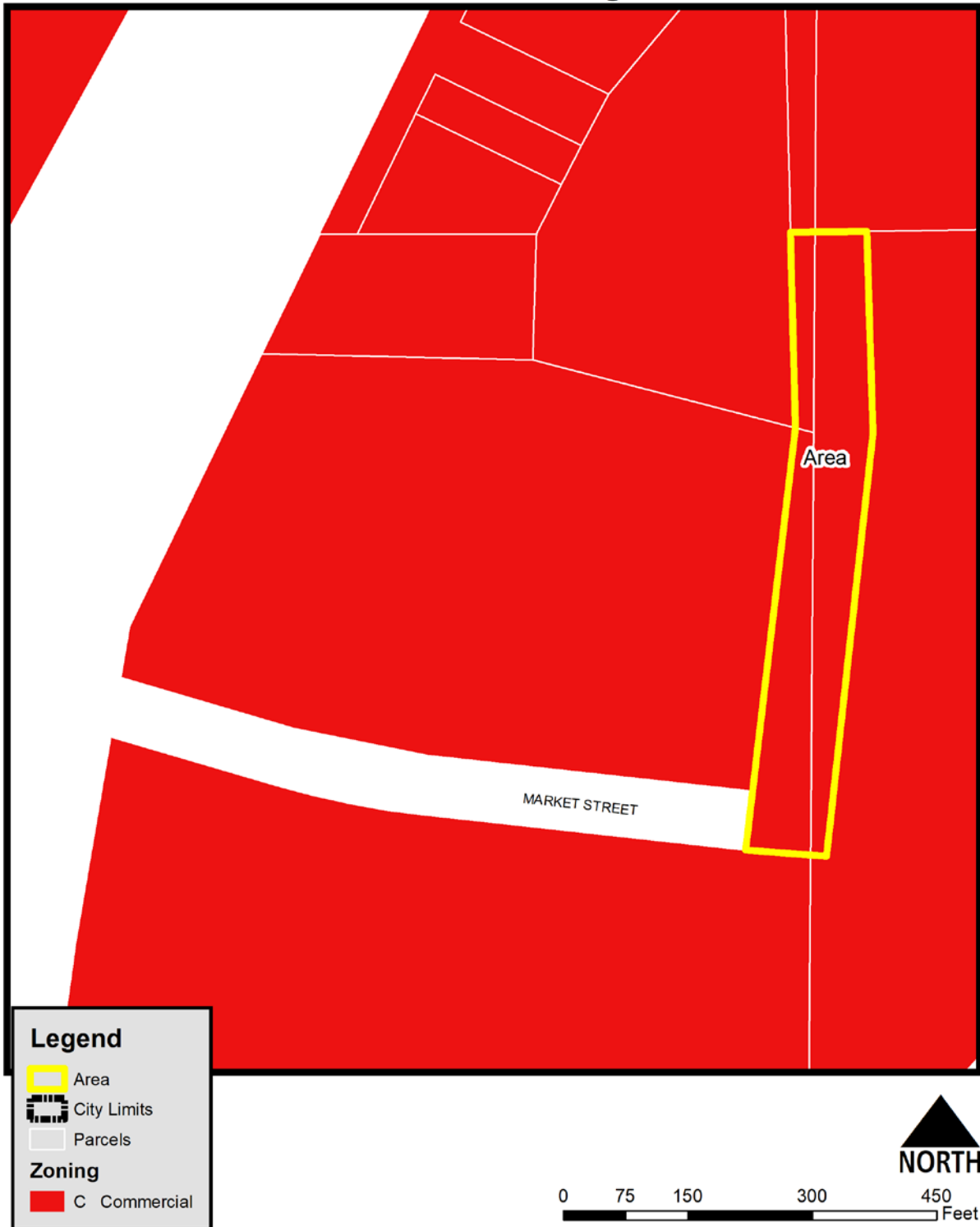
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-  Area
-  City Limits
-  Parcels

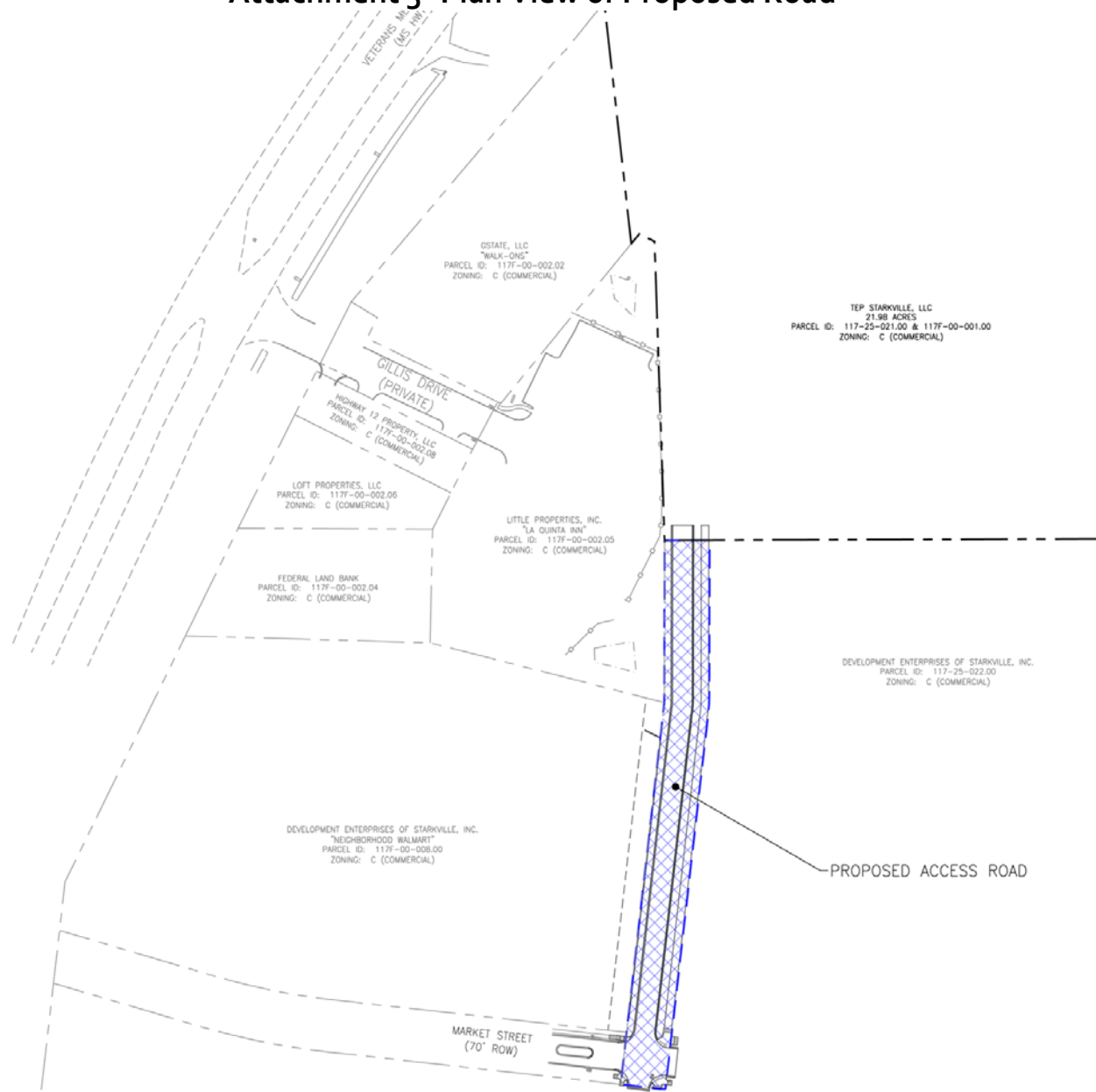
0 75 150 300 450 Feet



Attachment 2
AA 22-01 Zoning



Attachment 3- Plan View of Proposed Road



ACCESS ROAD TYPICAL SECTION EXHIBIT

TEP STARKVILLE, LLC

STARKVILLE, MISSISSIPPI

SEPTEMBER 2022

SCALE: 1" = 100'

APPROXIMATE LENGTH OF ACCESS ROAD = 730 FEET

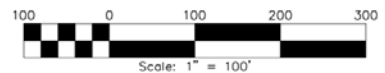
PROPERTY ZONING: C (COMMERCIAL)

DEVELOPMENT ENTERPRISES OF STARKVILLE, INC.
PARCEL ID: 117-25-022.00
ZONING: R-1 (SINGLE FAMILY)

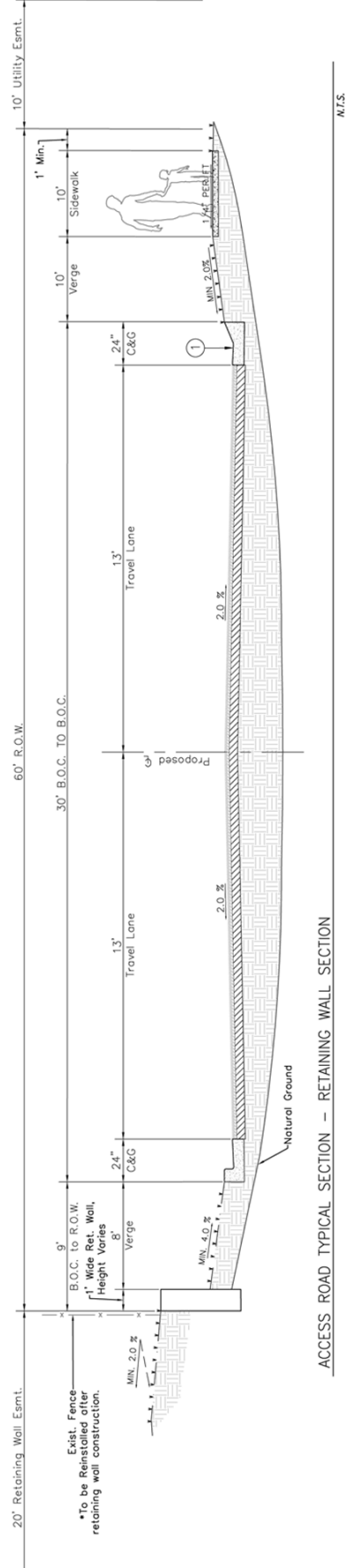
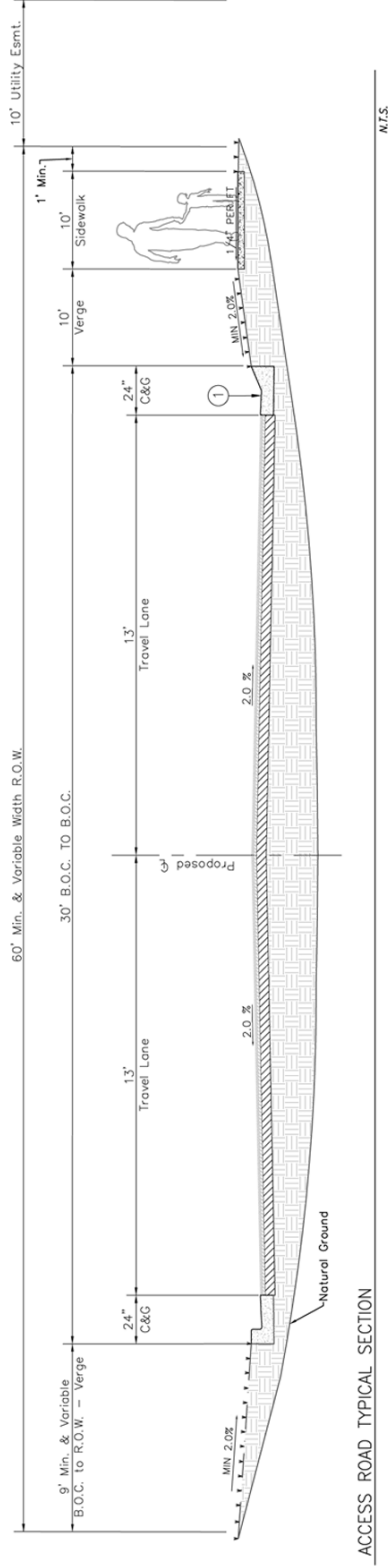


OWNER: TEP STARKVILLE, LLC
112 SHEFFIELD LOOP, SUITE D
HATTIESBURG, MS 39402

ENGINEER: GRANBERRY & ASSOCIATES, LLC
1685 YORK AVE.
MEMPHIS, TN 38104

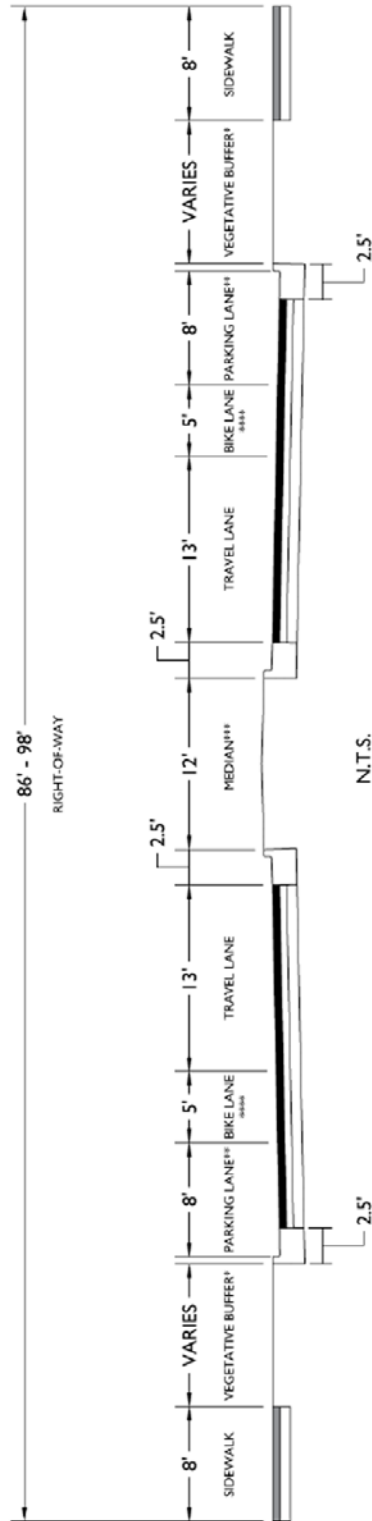


Attachment 4- Section of Proposed Road



Attachment 5- Staff Required Road Type (without street parking)

C. Minor Collector 1. Avenue, 2-Lane, Divided, Parking Optional



* MAY BE REQUIRED BASED ON ZONING AND LAND USE CONTEXT.

** PARKING IS OPTIONAL BUT MAY BE REQUIRED IN FORM BASED CODE DISTRICTS OR OTHER AREAS AS DETERMINED BY STAFF. PARKING TO BE 8' WIDE.

*** MAY NOT BE REQUIRED BASED ON ZONING AND LAND USE CONTEXT.

**** BIKE LANES OPTIONAL