



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, OCTOBER 26, 2022
2ND FLOOR CITY HALL – COMMUNITY DEVELOPMENT,
110 WEST MAIN STREET, 4:00 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. APPROVAL OF THE MINUTES:
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR SEPTEMBER 28, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-13 A REQUEST FOR A VARIANCE FROM STORMWATER REQUIREMENTS LOCATED AT 216 INDUSTRIAL PARK ROAD IN AN I ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 22-14 A REQUEST FOR A VARIANCE TO DEVIATE FROM SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE LOCATED AT 230 BANCROFT AVENUE IN TN-N ZONING DISTRICT.
- VI. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
September 28, 2022**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on September 28, 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, and Shawn Sullivan, Ward 7. Commissioner George Ford, Ward 1 was absent. Physically present attending the Commissioners was City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey.

Chairman Webb opened the meeting.

III. CONSIDERATION OF THE OFFICIAL AGENDA

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- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. APPROVAL OF THE MINUTES:
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR 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

III. CONSIDERATION OF THE OFFICIAL AGENDA

The Board considered the matter of the approval of the written agenda dated September 28, 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 AUGUST 24, 2022

The Board considered the matter of the approval of the minutes of the August 24, 2022 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Sullivan, seconded by Mr. Nicovich, the Board voted unanimously to approve the minutes.

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.

This is a request by Tabor Construction & Development for a variance from maximum lot width and minimum frontage buildout for a proposed development on the northwest corner of Russell Street and Jarnigan Street. 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 request was noticed in accordance with Section 3.7.3.E of the Unified Development Code.

13 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 September 11, 2022. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received three phone calls. One for, one against, and one requesting information about the request. The Planning Office also received two letters against prior to the start of the meeting. Both letters against referenced the parking reduction request being heard by the Planning and Zoning Commission and not the variance being heard by the Board of Adjustments and Appeals.

Chairman Webb opened the public hearing to citizen comments.

Jeremy Tabor came forward to speak in favor of the request.

John Hartlien came forward to speak against 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. Sullivan, the motion to approve VA 22-11 was unanimously approved.

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.

This is a request by John Granberry on behalf of Highway 12 East, LLC, for a variance from stormwater and parking setback requirements at University Crossing Shopping Center. The applicant is proposing to expand an existing building at the north east corner of the site. Since the development exists on one lot as a condo, any modification to a building as part of the condo could require the entire site to be brought into 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, sidewalks, 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 request was noticed in accordance with Section 3.7.3.E of the Unified Development Code.

39 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 September 11, 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.

John Granberry came forward to speak in favor of the request.

Joel Reeves came forward to speak in favor of the request.

Michelle Chesteen came forward to speak against the request.

Cayla Clayton came forward to speak against the request.

City Engineer Cody Burnett came forward to answer questions about 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 22-12 was unanimously approved.

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.

This is a request by John Granberry on behalf of Development Enterprises of Starkville, Inc, for administrative appeal of road type for a proposed access road. 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. 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". The applicants have proposed to use a modified version of the "Minor Collector, Main 2-Lane, Undivided". 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.

Chairman Webb opened the item for discussion.

City Engineer Cody Burnett came forward to answer questions about the request.

John Granberry came forward to answer questions about the request.

After a discussion and upon the motion of Mr. Sullivan, duly seconded by Mr. Nicovich, the motion to approve AA 22-01 was approved by a vote of 3-2.

VI. ADJOURNMENT

After discussion, Mr. Richardson moved to adjourn which was seconded by Mr. Nicovich, and the Board voted unanimously to adjourn until 4:00 p.m. on October 26, 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 22-13 a request for a variance from stormwater requirements located at 216 Industrial Park Road in an I zoning district.
Date: October 26, 2022

The purpose of this report is to provide information regarding a Variance request by Boardtown Enterprises, LLC from stormwater requirements located at 216 Industrial Park Road in an I zoning district with the property #120L-00-006.00. Please see attachments 1-3.

BACKGROUND INFORMATION

The applicant is looking to renovate an existing building to use as a coffee roasting facility. Due to the scope of the project, site plan review and approval is required. The proposed project does increase the size of the existing gravel parking lot. The existing building would not be increased as part of this phase. The existing site is heavily wooded. To meet the stormwater requirements, a large portion of the trees would need to be removed on the western half of the site to construct the detention area. The applicant is requesting relief from the stormwater requirements in section 16.9 of the Unified Development Code (UDC) for this phase to preserve the existing trees. The applicant attended a Development Review Committee meeting to on 9-22-2022 for a pre-application review. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 1, 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 for this phase

16.9.2 General Criteria and Standards

- A.** Applicability. This article shall be applicable within the City of Starkville's jurisdictional area or to any development located outside the city limits which seeks water and/or sewer service(s) to be provided by the City and shall apply to:
1. New development or redevelopment that is greater than or equal to one-half (1/2) acres and less than two (2) acres and having fifty (50) percent or greater impervious surface;
 2. New development or redevelopment that is two (2) acres or greater;
 3. Land development activities that are smaller than the minimum applicability criteria established in subsection (1) i.—ii. above, if such activities are part of a larger common plat (plan of development), even though multiple separate and distinct land development activities may take place at different times on different schedules (such as a phased residential subdivision).

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 October 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 had no response to the notifications.

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. The following conditions of approval are recommended by the Planning Department:

- 1. Any future expansion of the parking lot or building will require stormwater mitigation.

Attachment 1
VA 22-13 Aerial



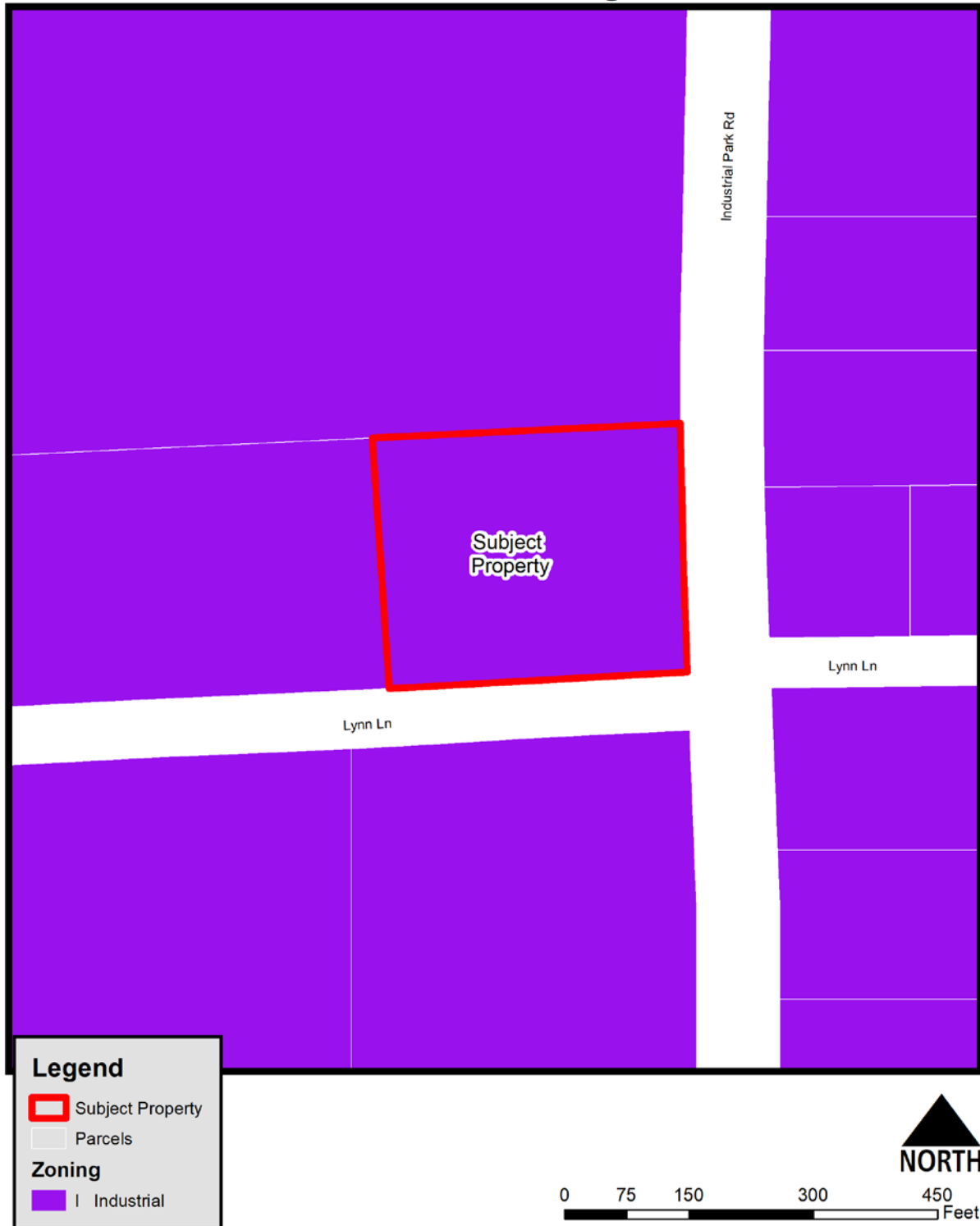
Legend

-  Subject Property
-  Parcels

0 75 150 300 450 Feet



Attachment 2
VA 22-13 Zoning





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 22-14 a request for a variance to deviate from setback requirements for an accessory structure located at 230 Bancroft Avenue in TN-N zoning district.
Date: 10-26-2022

The purpose of this report is to provide information regarding Variance Request by Joe Couvillion on behalf of Tom Balzli for a variance request to deviate from setback requirements for an accessory structure located at 230 Bancroft Avenue in a TN-N zoning district with the property #105-15-007.43. Please see attachments 1- 2.1

BACKGROUND INFORMATION

The applicant, Joe Couvillion on behalf of Tom Balzli, has built an outdoor fireplace within the 5' side setback of the property. The fireplace is placed less than 1' from the property line. An outdoor fireplace is classified as an accessory structure in the Unified Development Code. The applicant is requesting relief from section 6.3.4 of the Unified Development Code (UDC). If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 1, 2022 meeting.

VARIANCE REQUEST FROM

Variance Request: Side Setback Accessory Structure Section 6.3.4.C2

Request a variance to reduce the side setback for an accessory structure from 5' to 0'.

6.3.4 Base Dimensional Standards

Detached and Attached Duplex Dwelling	
C. Accessory Dwelling Unit/Structure Setbacks	TN-N
C1 Front setback	Behind rear wall of principal building
C2 Side setback	5' min
C3 Side setback corner lot (min.)	10'
C4 Rear setback	5', minimum of 10' from any structure
C5 Rear setback adjacent to alley for garages (min.)	7' without parking, 18' with parking

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. 11 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on October 6, 2022.
3. A sign was posted on the property in a conspicuous location.

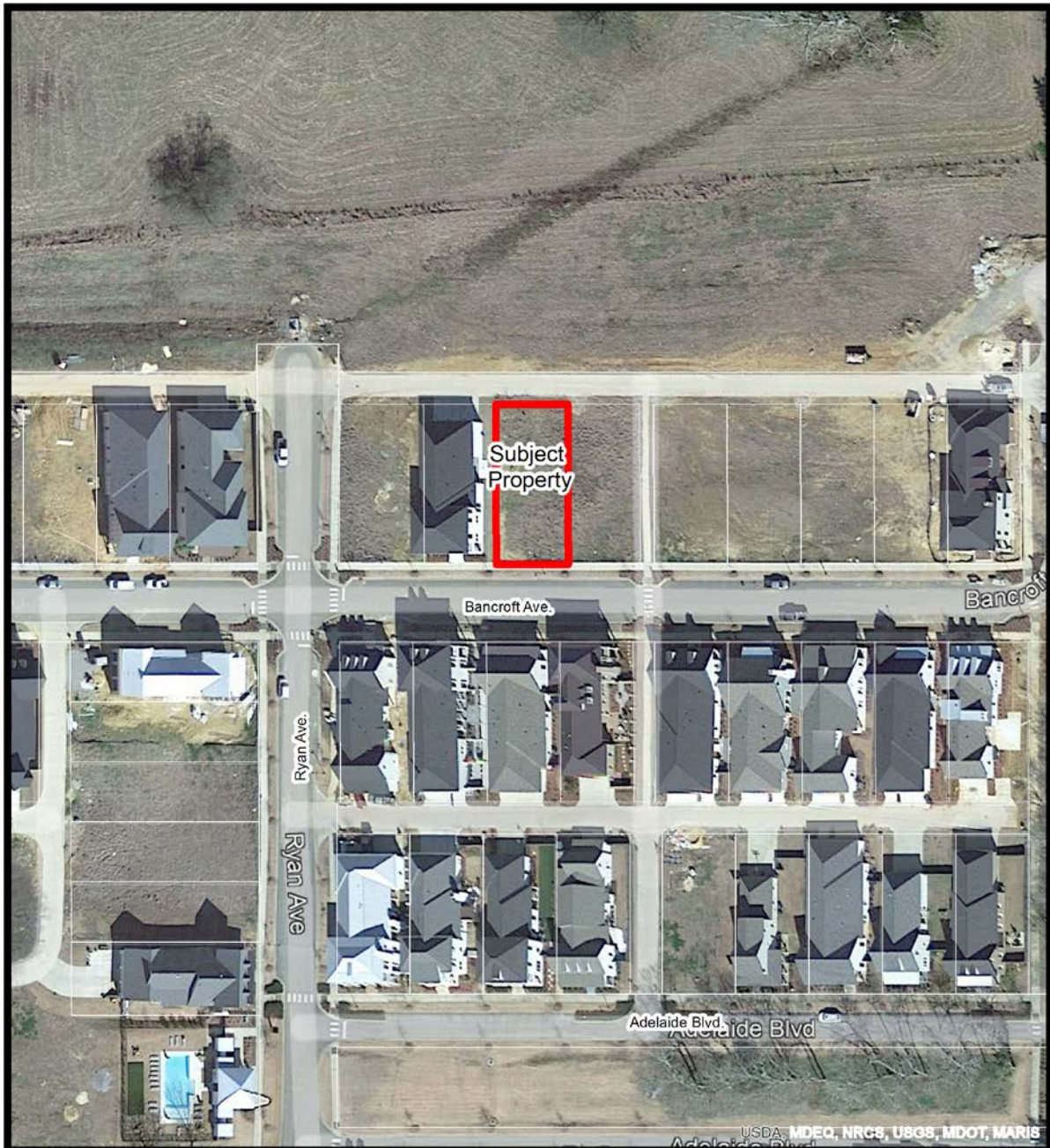
RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received two phone calls requesting information about the request and one email against the request.

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 22-14 Aerial



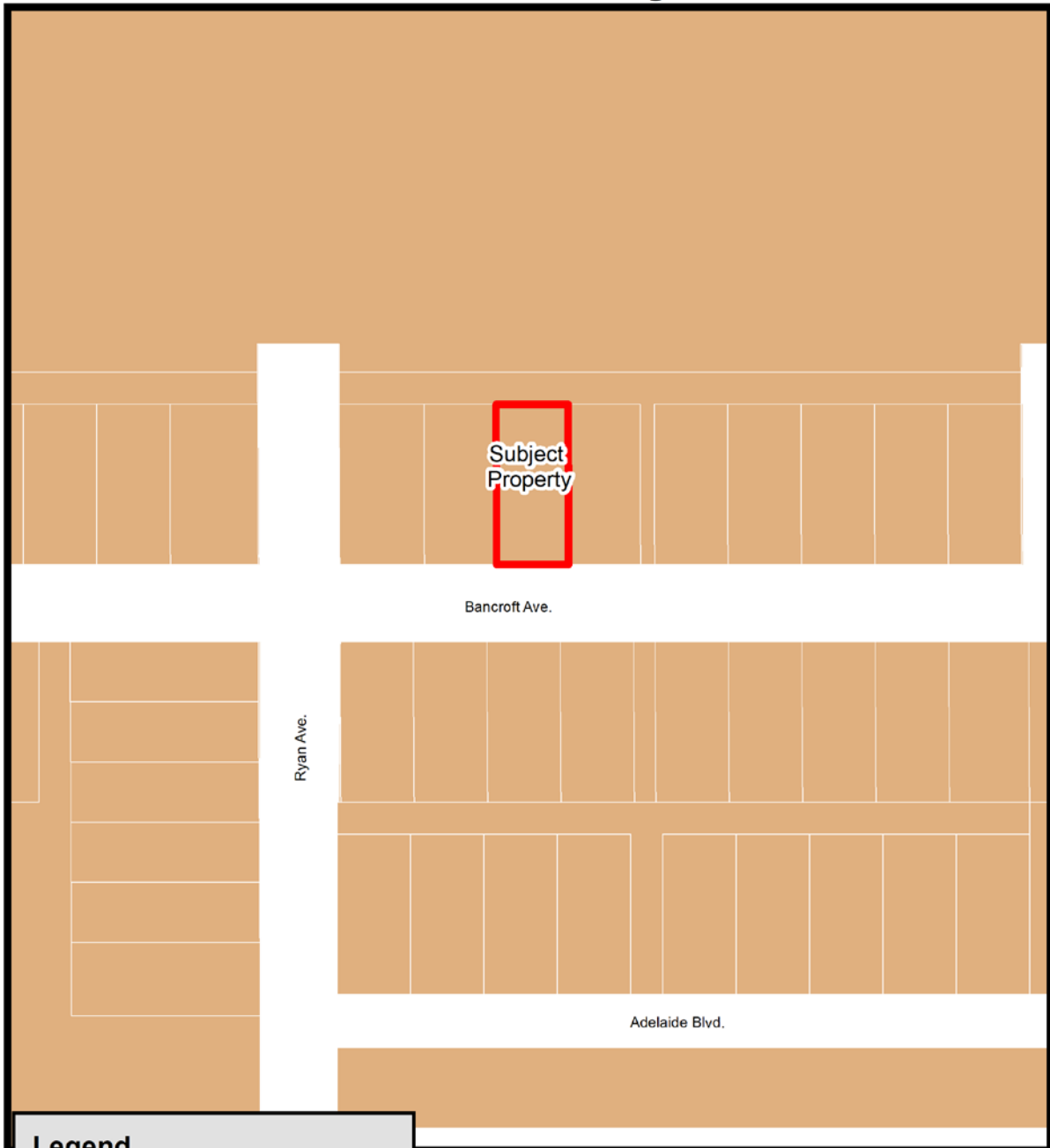
Legend

-  Subject Property
-  Parcels

0 50 100 200 300
Feet



Attachment 2
VA 22-14 Zoning



Legend

 Subject Property

 Parcels

Zoning

 TN-N Traditional Neighborhood- New

0 50 100 200 300 Feet



Attachment 3- View of fireplace from street looking north



Attachment 4- View of fireplace from alley looking south



Attachment 5- Email Against: Norman

10/26/22, 8:52 AM

City Of Starkville Mail - Fwd: Variance Adelaides



Lyle McCaskey <l.mecaskey@cityofstarkville.org>

Fwd: Variance Adelaides

Daniel Havelin <d.havelin@cityofstarkville.org>
To: Lyle McCaskey <l.mecaskey@cityofstarkville.org>

Tue, Oct 25, 2022 at 9:48 PM

----- Forwarded message -----

From: **amber norman** <eanorman2006@gmail.com>
Date: Tue, Oct 25, 2022, 8:00 PM
Subject: Variance Adelaides
To: <d.havelin@cityofstarkville.org>, Eric Norman <ericladenorman@gmail.com>

To whom it may concern:

Good afternoon, we are emailing in regards to the variance request for 230 Bancroft Ave. We have a few concerns in regards to the outdoor fireplace at the home of Tom Balzli. Our house is located next-door to the Balzli's at 220 Bancroft Avenue as we are aware the outdoor fireplace they have built is within the 5 foot side setback of the property and it is located less than 1 foot from the property line. As the neighbors, our concerns are the following:

1. The ceiling limit of the fireplace if it is wood-burning, may cause embers to land on our home/ roof placing it as a fire hazard.
2. It's out of code being it's less than 1 foot from property line.
3. Will this cause any problems when we sell our house in the near future in regards to the fireplace being outside the 5 foot side setback, property lines or with zoning?
4. Do other homes in this subdivision have any structures this close to another home?

As far as the aesthetic feature of the fireplace, we do not mind an outdoor fireplace. Our biggest concern is protecting our home as it is an investment for us, as well as protecting it from any damage that the fireplace may potentially cause being that it is that close. Thank you for your understanding in regards to this matter. If you have any questions, please feel free to call me at

662-769-1540 or you can email me back at this email.

Thank you,
Amber Norman

Sent from my iPhone