



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
SPECIAL CALL MEETING OF WEDNESDAY, APRIL 26, 2023
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. MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR MARCH 22, 2023
 - B. CONSIDERATION OF THE UNAPPROVED MINUTES FOR MARCH 29, 2023
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-04 A REQUEST FOR A VARIANCE TO DEVIATE FROM SIDEWALK REQUIREMENTS LOCATED AT 900 STARK ROAD IN A COMMERCIAL ZONING DISTRICTS.
- VI. PLANNER'S REPORT
 - A. EXPIRING BOARD TERM
- VII. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MARCH 22, 2023**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on March 22, 2023, at 4:00 p.m. in the conference room on the 2nd floor of City Hall located at 110 West Main Street, Starkville, MS.

There being physically present were, Marco Nicovich, Vice Chairman, Ward 5, George Ford, Ward 1, Kurt Gaude Ward 2, Bo Richardson, Ward 3, George Sills Ward 4., and Shawn Sullivan, Ward 7. Absent from meeting was Bill Webb, Chairman, Ward 6. Physically present attending the Commissioners were City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey.

Vice Chairman Nicovich served as chair for the meeting and opened the meeting.

III. CONSIDERATION OF THE OFFICIAL AGENDA

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BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, MARCH 22, 2023
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 22, 2023
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-02 A REQUEST FOR A VARIANCE FROM THE MAXIMUM SIZE OF A WALL SIGN LOCATED AT 101 AIRPORT ROAD IN AN INDUSTRIAL ZONING DISTRICT.
- VI. ADJOURN

III. CONSIDERATION OF THE OFFICIAL AGENDA

The Board considered the matter of the approval of the written agenda dated March 22, 2023. Upon the motion of Mr. Ford, seconded by Mr. Sills, the Board voted unanimously to approve the written agenda.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR FEBRUARY 22, 2023

The Board considered the matter of the approval of the minutes of the February 22, 2023, Board of Adjustments and Appeals meeting. Upon the motion of Mr. Sullivan, seconded by Mr. Ford, the Board voted unanimously to approve the minutes.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 23-02 A REQUEST FOR A VARIANCE FROM THE MAXIMUM SIZE OF A WALL SIGN LOCATED AT 101 AIRPORT ROAD IN AN INDUSTRIAL ZONING DISTRICT.

This is a request by Columbia Industries for a variance from the maximum size of a wall sign located at 101 Airport Road in an Industrial zoning district. The applicant is requesting relief from Section 14.7.8.A.2.1 of the Unified Development Code which allows for a maximum wall sign size of 150 square feet. The applicant is proposing a wall sign of 192 square feet.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 7 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 March 7, 2023. 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 requesting information.

Vice Chairman Nicovich opened the public hearing to citizen comments.

Calling for and receiving no comments, Vice Chairman Nicovich 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 23-02 was unanimously approved.

VI. ADJOURNMENT

After discussion, Mr. Sullivan moved to adjourn which was seconded by Mr. Richardson, and the Board voted unanimously to adjourn until 4:00 p.m. on April 26, 2023, in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Marco Nicovich, Vice Chairman

Daniel Havelin, City Planner

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
SPECIAL CALL MEETING
CITY OF STARKVILLE, MISSISSIPPI
MARCH 29, 2023**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held a Special Call meeting on March 29, 2023, 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 George Sills Ward 4. Joining the meeting virtually via the Google Meets app was Shawn Sullivan, Ward 7. Absent from the meeting was George Ford, Ward 1. Physically present attending the Commissioners were City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey.

III. CONSIDERATION OF THE OFFICIAL AGENDA

**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
SPECIAL CALL MEETING OF WEDNESDAY, MARCH 29, 2023
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. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-03 A REQUEST FOR A VARIANCE FROM PARKING DIMENSIONS IN BROOKVILLE GARDENS LOCATED AT 305 EVERGLADE AVENUE IN AN MDU-20 ZONING DISTRICT.
- V. ADJOURN

III. CONSIDERATION OF THE OFFICIAL AGENDA

The Board considered the matter of the approval of the written agenda dated March 29, 2023. Upon the motion of Mr. Nicovich, seconded by Mr. Gaude, the Board voted unanimously to approve the written agenda.

IV. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 23-03 A REQUEST FOR A VARIANCE FROM PARKING DIMENSIONS IN BROOKVILLE GARDENS LOCATED AT 305 EVERGLADE AVENUE IN AN MDU-20 ZONING DISTRICT.

This is a request by Springer Engineering, Inc on behalf of Triangle Development for a dimensional variance from parking lot requirements located in Brookville Gardens at 305 Everglade Avenue in an MDU-20 zoning district. The applicant is requesting relief from the dimensional requirement from Section 14.10.14. The applicant is currently proposing to remodel the existing buildings. The proposed remodel includes repairs to the existing parking lot, but does not change the dimensions of the lot. The existing parking lot does not meet the current dimensional requirements for a parking lot. Therefore, a variance is required.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 19 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 March 12, 2023. 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 requesting information.

Chairman Webb opened the public hearing to citizen comments.

Jim Mozingo came forward to speak in favor of the request.

Scott King came forward to speak in favor of the request and answer questions from the Board.

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. Nicovich, duly seconded by Mr. Gaude, the motion to approve VA 23-03 was unanimously approved with one condition.

1. Variance does not include the dimensions of the ADA spaces

V. ADJOURNMENT

After discussion, Mr. Nicovich moved to adjourn which was seconded by Mr. Gaude, and the Board voted unanimously to adjourn until 4:00 p.m. on April 26, 2023, 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 23-04 a request for a variance to deviate from sidewalk requirements located at 900 Stark Road in a Commercial zoning districts.
Date: April 26, 2023

The purpose of this report is to provide information regarding a variance request by JT Harrison Construction Co, on behalf of Billy Kirkpatrick with Five Horizons, to deviate from sidewalk requirements at 900 Stark Road with parcel # 102D-00-016.02 in a (C) Commercial zoning district. Please see attachments 1- 5.

SUMMARY

The applicant is requesting to pay a fee in lieu of constructing the required sidewalks along Stark Road and Dr. Martin Luther King Jr. Drive West. The applicant is requesting relief from Unified Development Code Section 14.11.3. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the May 2, 2023 meeting.

VARIANCE REQUEST FROM

- 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. 8 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 9, 2023.
- 3. A sign was posted on the property in a conspicuous location.

As of this date, the Planning Office has no response from 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.

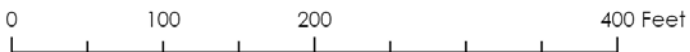
Attachment 1
VA 23-04 Aerial



0 100 200 400 Feet



Attachment 2
VA 23-04 Zoning



Attachment 3- Applicant Statement



Daniel Havelin <d.havelin@cityofstarkville.org>

Five Horizons - 900 Stark Road - Sidewalk Site Plan and Opinion of Probable Cost

1 message

Josh Johnson <jjohnson@harrison-const.com>

Thu, Apr 20, 2023 at 2:29 PM

To: Daniel Havelin <d.havelin@cityofstarkville.org>

Cc: Lyle MeCaskey <l.mecaskey@cityofstarkville.org>, "bkirkpatrick fivehorizons.org" <bkirkpatrick@fivehorizons.org>, Stein McMullen <smcmullen@cityofstarkville.org>, Cody Burnett <c.burnett@cityofstarkville.org>, Jamil Dawson <jdawson@fivehorizons.org>

Daniel,

Attached you will find a Preliminary Site Plan and the civil engineers Opinion of Probable Cost for the proposed sidewalk installation along Stark Rd and HWY 182. Please combine this with the property photographs previously sent.

Below are the most notable reasons we are requesting a variance.

1. An MDOT permit will be required for the sidewalk inside MDOT right-of-way and the connection to the corner of Stark Rd and HWY 182. I have included costs for preparation of the permit document in the attached OPC. It is likely that MDOT would not allow the ADA ramp connection at the corner without a crosswalk and connecting sidewalk on the other side. They would also likely require installation of pedestrian crossing signals. Those items are outside of the scope but would potentially be required and are not in the estimate.
2. The steep grade of the existing embankment, especially at the driveway crossings, will make construction of the sidewalk challenging. A significant amount of select fill material and grading would likely be required to construct the sidewalk to ADA compliance. Portions of the existing driveways will be required to be removed and replaced to allow for proper grade transition from the drive to the sidewalk crossing.
3. The overall projected cost of the sidewalk installation is more than 30% of the interior renovations cost and is one of the exclusions according to Section 14.11.3.A.1 of the UDC. Our intentions are to move forward with the variance process and use the exception as one of the validation points. Please let us know if you have any questions.

Please let me know if you have any questions or need any additional information.

Thank you,

Josh Johnson

Vice President

Harrison Construction Co., Inc.

205-333-1120 office

205-292-4072 cell

Attachment 4- Site Plan



Attachment 5- Applicant's Opinion of Probable Cost



OPINION OF PROBABLE COST SIDEWALK INSTALLATION FIVE HORIZONS - 900 STARK ROAD APRIL 2023

ITEM NO.	DESCRIPTION	QTY.	UNIT	UNIT PRICE	TOTAL
Sidewalk Installation					
1	Mobilization and Erosion Control (10%)	1	LS	XXXXXX	\$ 11,400
2	Site Prep and Grading	1	LS	XXXXXX	\$ 5,000
3	Select Fill Material	450	CY	\$ 30	\$ 13,500
4	Remove and Replace Concrete Drive (Inc. Curb)	209	SY	\$ 150	\$ 31,350
5	Removal of Curb for ADA Ramp	1	LS	XXXXXX	\$ 1,000
6	Concrete Sidewalk (Inc. ADA Ramp)	530	SY	\$ 95	\$ 50,350
7	18" HDPE Culvert	40	LF	\$ 65	\$ 2,600
8	24" HDPE Culvert	40	LF	\$ 75	\$ 3,000
9	Solid Sod	850	SY	\$ 8	\$ 6,800
Construction Subtotal					\$ 125,000
CONTINGENCY (10%)					\$ 12,500
SURVEY, DESIGN AND CONSTRUCTION ENGINEERING					\$ 15,000
MDOT PERMIT PREPARATION					\$ 2,500
TOTAL PROJECT COST					\$ 155,000

Since Neel-Schaffer, Inc. has no control over the cost of labor, materials, equipment or services furnished by the contractor, or over the contractor's methods of determining prices, or over competitive bidding or market conditions, or over inflation between the time this opinion of cost was prepared and the time the project is awarded for construction. Neel-Schaffer, Inc. cannot and does not guarantee that proposals, bids or actual construction costs will not vary from our opinion of construction costs. This opinion of probable costs is intended for the use of the client only as an order of magnitude planning tool.

engineers | planners | surveyors | environmental scientists | landscape architects



Attachment 6- Applicant's Pictures







Board of Adjustments and Appeals: Board Members and Terms

Membership	Ward	Term Expires
George Ford	Ward 1	June 30, 2024
Kurt Gaudé	Ward 2	June 30, 2025
Bo Richardson	Ward 3	June 30, 2025
George Sills	Ward 4	June 30, 2025
Marco Nicovich	Ward 5	July 2, 2023
Bill Webb	Ward 6	June 30, 2025
Shawn Sullivan	Ward 7	June 30, 2025