



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
SPECIAL CALL MEETING OF WEDNESDAY, JUNE 28, 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 MAY 24, 2023
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-07 A REQUEST FOR A VARIANCE TO DEVIATE FROM SIDEWALK REQUIREMENTS LOCATED AT 606 HIGHWAY 12 EAST IN A COMMERCIAL ZONING DISTRICT.
- VI. PLANNER'S REPORT
- VII. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MAY 24, 2023**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on May 24, 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, George Ford, Ward 1, George Sills Ward 4., and Shawn Sullivan, Ward 7. Kurt Gaude, Ward 2, and Bo Richardson, Ward 3 were absent from the meeting. Physically present attending the Commissioners were City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey.

III. CONSIDERATION OF THE OFFICIAL AGENDA

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- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION OF THE OFFICIAL AGENDA
- IV. MINUTES
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR APRIL 26, 2023
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-05 A REQUEST FOR A VARIANCE FROM FENCE HEIGHT REQUIREMENTS WITHIN THE FRONT YARD OF CORNER LOTS FOR THE ADELAIDE SUBDIVISION IN A TN-N ZONING DISTRICT.
- VI. PLANNER'S REPORT
- VII. ADJOURN

The Board considered the matter of the approval of the written agenda dated May 24, 2023. Upon the motion of Mr. Nicovich, seconded by Mr. Ford, the Board voted unanimously to approve the written agenda.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR APRIL 26, 2023

The Board considered approving the minutes of the April 26, 2023, Board of Adjustments and Appeals meeting. Upon the motion of Mr. Nicovich, seconded by Mr. Ford, the Board voted unanimously to approve the minutes.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 23-05 A REQUEST FOR A VARIANCE FROM FENCE HEIGHT REQUIREMENTS WITHIN THE FRONT YARD OF CORNER LOTS FOR THE ADELAIDE SUBDIVISION IN A TN-N ZONING DISTRICT.

Mr. McCaskey presented the request by Live Adelaide LLC for a variance from fence height requirements within the front yard of corner lots for the Adelaide Subdivision located on South Montgomery Street in the TN-N zoning district. The applicant is requesting relief from Unified Development Code Section 13.9.1.B.6.a, where fence heights are limited to 3 ½ feet in the front yard. For corner lots, both areas adjacent to a street are regarded as front yards. The proposal is to allow for taller walls and fences along the secondary street of a corner lot, in line with the Adelaide Pattern Book. Mr. Havelin further explained the requirements in the Pattern Book.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 16 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 4, 2023. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received (1) phone call requesting information about the notifications

Chairman Webb opened the public hearing to citizen comments.

Calling for and receiving no 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. Ford, the motion to approve VA 23-05 was unanimously approved.

VI. PLANNER'S REPORT

At this time there are no cases planned for June's meeting. The deadline for application submittal is June 1, 2023.

VII. ADJOURNMENT

After discussion, Mr. Webb moved to adjourn which was seconded by Mr. Sullivan, and the Board voted unanimously to adjourn until 4:00 p.m. on June 28, 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 23-07 a request for a variance to deviate from sidewalk requirements located at 606 Highway 12 East in a Commercial zoning district.
Date: June 28, 2023

The purpose of this report is to provide information regarding a variance request by John Granberry, on behalf of Highway 12 East, LLC, to deviate from sidewalk requirements at 606 Highway 12 East with parcel # 101E-00-003.10 & 101E-00-002.00 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 at the southwest corner of the intersection of Highway 12 East and Spring Street. That intersection is currently undergoing reconfiguration by the City and MDOT. As part of that reconfiguration, the sidewalk area will change. Any sidewalk built now will need to be removed in the near future. The applicant recently did a modification to an existing building that required site plan approval. As per the site plan, the addition of landscape islands and sidewalks to the site was proposed. To finish the project, either the sidewalks should be built or a variance should be obtained before the issuance of a Certificate of Occupancy. The applicant is requesting relief from Unified Development Code Section 14.11.2. If the request for Variance is recommended for approval or denial, the applicant's requests will be heard by the Board of Aldermen at the July 5, 2023 meeting.

VARIANCE REQUEST FROM

14.11.2 Sidewalks Required By Site Plan

- A. On any development or redevelopment within the sidewalk development zone (see Fig 14.11-1) that requires site plan approval, sidewalks shall be required.
- B. Sidewalks shall be completed and approved by the City prior to issuance of a certificate of occupancy.
- C. 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.

VARIANCE REQUESTS RELATED TO SIDEWALK INSTALLATION (Section 3.7.5)

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.

NOTIFICATION

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

1. 41 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 June 11, 2023.
3. A sign was posted on the property in a conspicuous location.

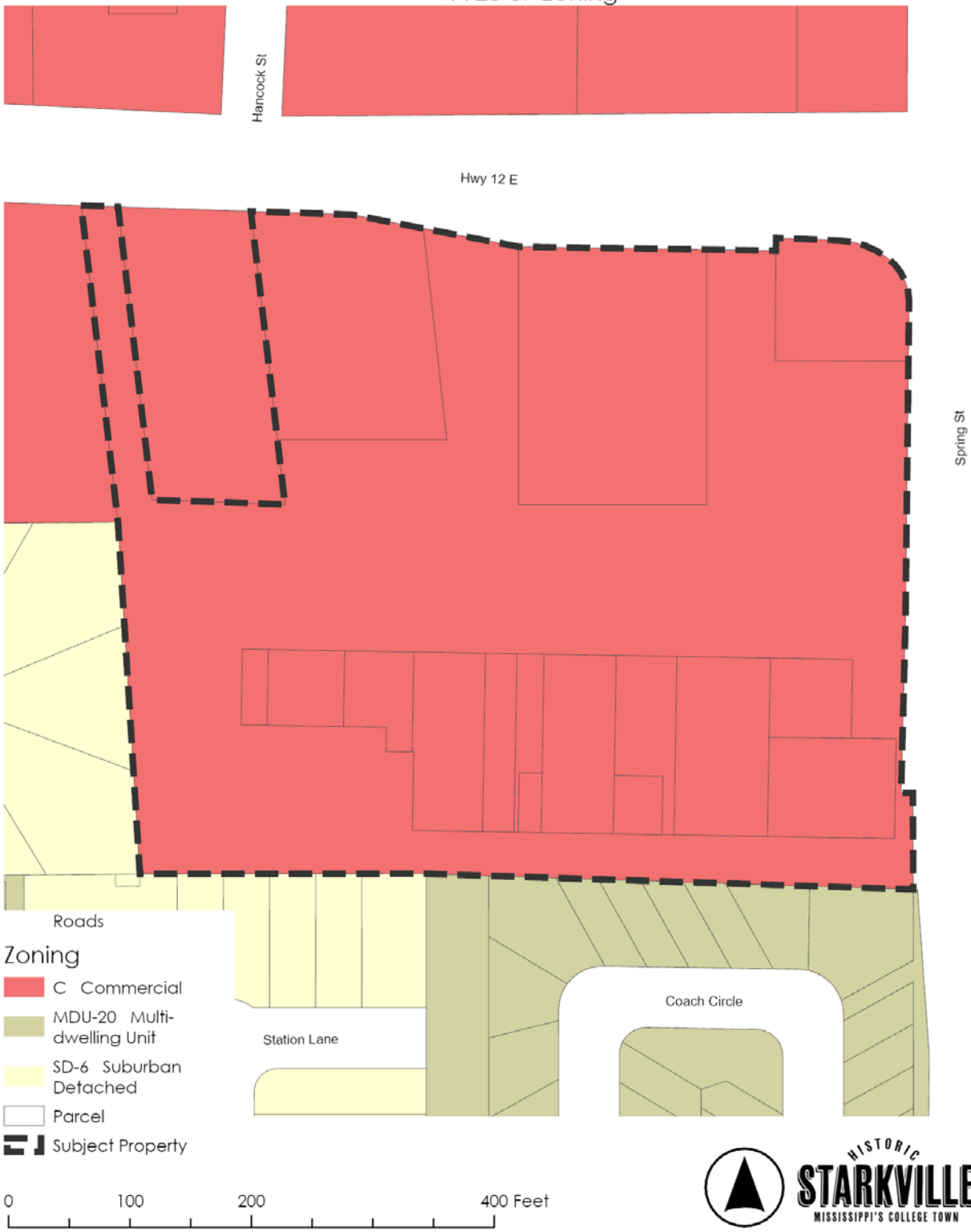
As of this date, the Planning Office has no response from the notifications.

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.

1. Within sixty (60) days of the sidewalks being installed on the southwest corner of Highway 12 East and Spring Street, the owner of the property addressed as 606 Highway 12 East shall be required to landscape the area adjacent to the sidewalk as shown on the approved site plan on attachment 5.

Attachment 1 VA 23-07 Zoning



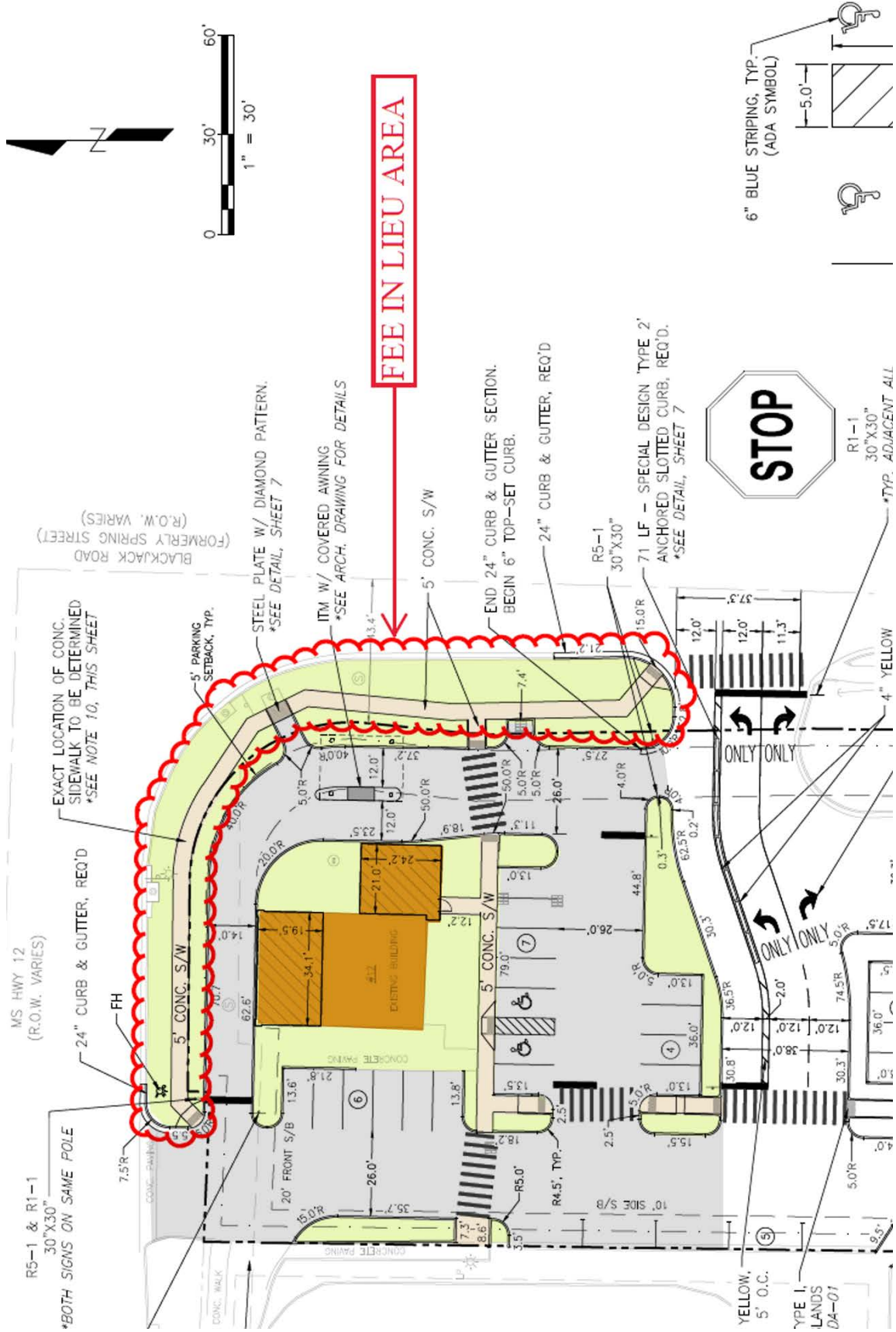
Attachment 2
VA 23-07 Aerial



[illegible]



Attachment 4- Enlarged Site Plan



[illegible]

3. TREE LOCATIONS BASED ON SPACING AS REQUIRED BY CITY OF STARKVILLE LANDSCAPE REQUIREMENTS. FIELD ADJUSTMENTS MAY BE NECESSARY AS REQUIRED TO NOT CONFLICT WITH STARKVILLE, OVERHEAD SITE LIGHTING, & OTHER SITE RELATED ELEMENTS. ANY MAJOR PLAN CHANGES NEED PRIOR APPROVAL BY CITY OF STARKVILLE.
2. CONTRACTOR TO IDENTIFY & CLEARLY MARK ALL UTILITIES PRIOR TO WORK. TREES & SHRUBS ARE NOT TO BE PLANTED IN LOCATIONS AS TO CONFLICT WITH UTILITIES. ANY DAMAGE TO UTILITIES SHALL BE CONTRACTORS RESPONSIBILITY TO REPAIR OR REPLACE AT NO ADDITIONAL COST TO OWNER.
3. ALL WORK UNDER THIS CONTRACT SHALL BE GUARANTEED BY LANDSCAPE CONTRACTOR TO BE FREE FROM DEFECTS IN MATERIAL & WORKMANSHIP FOR A PERIOD OF ONE CALENDAR YEAR OR ONE FULL GROWING SEASON, WHICHEVER IS LONGER. THIS ONE YEAR PERIOD WILL BEGIN FROM DATE OF FINAL ACCEPTANCE BY OWNER, EXCEPT AS OTHERWISE AGREED IN WRITING BY ALL PARTIES TO CONTRACT.
4. THEFT, VIOLENT WEATHER, & DROUGHT DAMAGE ARE THE RESPONSIBILITY OF LANDSCAPE CONTRACTOR, UNTIL FINAL COMPLETION IS GIVEN.
5. CONTRACTOR IS RESPONSIBLE FOR REPLACING ALL PLANT MATERIAL THAT DIES WITHIN ONE YEAR AFTER PLANTING WITH PLANT MATERIAL OF THE REQUIRED SIZE WITHIN THIRTY DAYS OF THE PLANT MATERIAL'S DEATH. THIS PERIOD MAY BE EXTENDED IF WEATHER CONDITIONS INHIBIT INSTALLATION OF NEW PLANT MATERIALS.
6. CONSTRUCT MULCH RINGS AROUND BASE OF ALL INDIVIDUAL PLANTINGS IN LAWN AREAS TO A WIDTH OF 5' IN DIA. AROUND TREES.
7. MULCH ALL PLANTINGS WITH AN APPROVED HARDWOOD MULCH. INSTALL MIN. 3" DEEP IN SHRUB & GROUNDCOVER PLANTINGS, AT TREES & PIT PLANTINGS, & CONTINUOUS MULCH ZONES.
8. GRASSING (SOD & HYDROSEED) WILL BE REQUIRED FOR ALL AREAS SHOWN & FOR ALL OTHER AREAS DISTURBED AS A RESULT OF CONSTRUCTION PROCEDURES.
9. TREES & LARGE SHRUBS MUST BE ADEQUATELY SUPPORTED, WHEN NECESSARY, TO INSURE PROPER GROWTH; & SUPPORT REMOVED WHEN TREES AND SHRUBS ARE ESTABLISHED, AT DIRECTION OF PLANNING DEPT.
10. APPROPRIATE MEASURES SHALL BE TAKEN TO ENSURE THAT ANY LANDSCAPED AREA SHALL NOT BE ENCLOSED UPON BY ANY TYPE OF VEHICLE. LANDSCAPED AREAS MUST BE PROTECTED BY AN APPROVED ENCROACHMENT BARRIER OR BUMPER STOP. A VEHICLE MAY OVERHANG A LANDSCAPED AREA, PROVIDED THAT A MIN. WIDTH OF 3' IN LANDSCAPED AREA REMAINS.
11. ALL LANDSCAPING SOIL & FILL MUST BE MAINTAINED AND REASONABLY FREE FROM WEEDS, REFUSE, & DEBRIS AT ALL TIMES.
12. ALL LANDSCAPE ISLANDS IN PARKING AREA TO BE EXCAVATED & FILLED WITH AN APPROVED TOPSOIL TO A MIN. DEPTH OF 18" FOR SHRUBS & 3' FOR TREES. SOIL TO BE PREPARED PER DETAILS.
13. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MEET ALL CITY CODES AND ORDINANCES. CONTRACTOR SHALL HAVE A COMPLETE UNDERSTANDING OF THE LANDSCAPE REQUIREMENTS AND ADHERE TO THUSLY.
14. THE CONTRACTOR/OWNER MAY USE COMPARABLE SPECIES OR COLOR VARIANTS.
15. ALL DISTURBED GROUND NOT STABILIZED WITHIN LANDSCAPED BEDS SHALL BE COVERED WITH SOLID SOD.
16. PLANNED SHRUBBERY LOCATIONS SHALL BE ADJUSTED TO ENSURE THE STRUCTURAL ROOT PLATE IS NOT DISTURBED. IMPACT TO CRITICAL ROOT ZONE SHALL BE LIMITED AS NOTED IN THE DETAIL BELOW.

PLANTING LIST									
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	QUANTITY	CALIPER	HEIGHT	ROOT	MAX. SPACE	
TREES									
	QUTE	QUERCUS TEXANA	NUTTALL OAK	9	2" MIN	10' MIN	30 GAL	30'-0"	
	ULAM	ULMUS AMERICANA "PRINCETON"	PRINCETON ELM	14	2" MIN	10' MIN	30 GAL	30'-0"	
	ACRU	ACER RUBRUM	RED MAPLE	10	2" MIN	10' MIN	30 GAL	30'-0"	
	QULY	QUERCUS LYRATA	OVERCUP OAK	23	2" MIN	10' MIN	30 GAL	30'-0"	
	LAIN	LAGERSTROEMIA INDICA	GRAPE MYRTLE	11	1" MIN	4' MIN	15 GAL	15'-0"	
SHRUBBERY									
	DNJ	DISTYLUM "VENTAGE JADE"	VINTAGE JADE	32	-	2'-6"	3 GAL	5'-0"	
	ROHY	ROSA HYBRIDA "DRIFT"	DRIFT ROSE	63	-	2'-0"	3 GAL	2'-0"	
	LOCH	LOROPETALUM CHINESE "RUBY"	CHINESE FRINGE FLOWER	27	-	5'-0"	3 GAL	5'-0"	
	ILCO	ILEX CORNUTA "CARISSA"	CARISSA HOLLY	8	-	4'-0"	3 GAL	6'-0"	
GROUND COVER									
	JUCH	JUNPERUS CHINEIS "PARSONI"	PARSON'S JUNIPER	191	-	-	1 GAL	4'-0"	
	VALJ	VARIGATED LIROPE	VARIGATED LILY TURF	355	-	-	1 GAL	1'-6"	