



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
SPECIAL CALL MEETING OF WEDNESDAY, JULY 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 JUNE 28, 2023
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-08 A REQUEST FOR A VARIANCE FROM LOT FRONTAGE BUILDOUT AND LOT WIDTH REQUIREMENTS AT 400 UNIVERSITY DRIVE IN A T-5C ZONE
- VI. PLANNER'S REPORT
- VII. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
JUNE 28, 2023**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on June 28, 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, George Ford, Ward 1, and Kurt Gaude, Ward 2. Shawn Sullivan, Ward 7, George Sills, Ward 4, and Bo Richardson, Ward 3 were absent from the meeting. Attending a portion of the meeting virtually through the Google Meets platform was Marco Nicovich, Vice Chairman, Ward 5. Mr. Nicovich physically joined the meeting after the approval of the minutes. Physically present attending the Commissioners were City Planner Daniel Havelin, Assistant City Planner Lyle McCaskey, and City Engineer Cody Burnett.

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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

The Board considered the matter of the approval of the written agenda dated June 28, 2023. Upon the motion of Mr. Ford, 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 24, 2023

The Board considered approving the minutes of the May 24, 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 23-07 A REQUEST FOR A VARIANCE TO DEVIATE FROM SIDEWALK REQUIREMENTS LOCATED AT 606 HIGHWAY 12 EAST IN A COMMERCIAL ZONING DISTRICT.

Mr. Nicovich physically joined the meeting.

Mr. McCaskey presented the request by John Granberry, on behalf of Highway 12 East, LLC, to deviate from sidewalk requirements at 606 Highway 12 East. 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 required. 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 request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 41 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 June 11, 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 notifications.

Chairman Webb opened the public hearing to citizen comments.

John Granberry, attending virtually, spoke in favor of the request and answered questions from the Board.

Joel Reeves, attending virtually, spoke in favor of the request and answered questions from the Board.

Calling for and receiving no comments, Chairman Webb closed the public hearing and opened the item up for discussion.

At the applicant's request, the Board agreed to allow the applicant to include the landscaping in the fee-in-lieu amount in place of recommending a condition for requiring landscaping at a later date.

After a discussion and upon the motion of Mr. Gaude, duly seconded by Mr. Ford, the motion to approve VA 23-07 was unanimously approved.

VI. PLANNER'S REPORT

Mr. Havelin spoke to the Board about the likely hood of a July meeting.

VII. 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 July 26, 2023, in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Bill Webb, Chairman

Daniel Havelin, City Planner

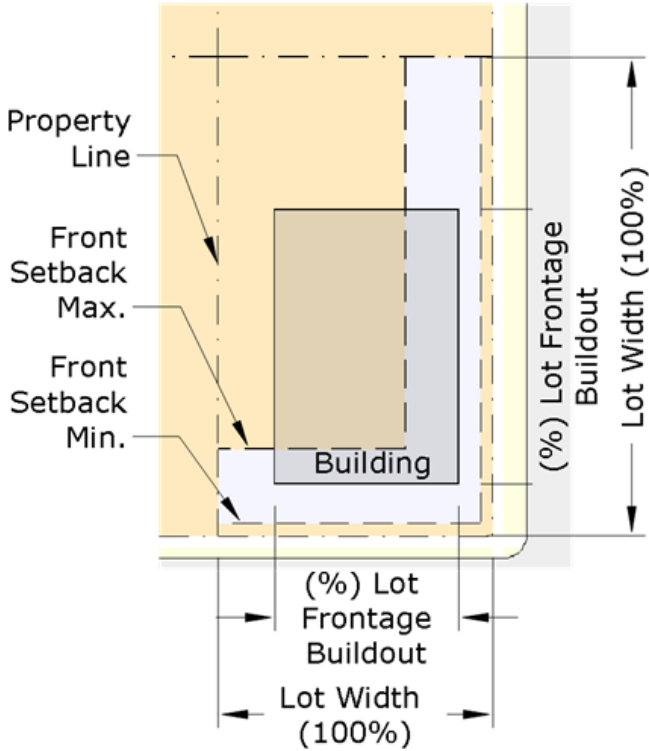
STAFF REPORT

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 23-08 a request for a variance from lot frontage buildout and lot width requirements at 400 University Drive in a T-5C zone
Date: July 26, 2023

The purpose of this report is to provide information regarding Variance Request by Stephens Daniel of Daniel Design Studio, P.C. on behalf of Cadence Bank for a variance from lot frontage buildout and lot width requirements at 400 University Drive in a T-5C zoning district with the property number 117M-00-16100 and 117M-00-162.00. Please see attachments 1-4.

SUMMARY

The applicant is proposing to redevelop the existing bank building and site. The proposed design is to replace the existing building with a new three-story building. The existing site would also be demolished and rebuilt. The applicant will need a variance from lot frontage buildout percentage and maximum lot width. Figure 4.6-6 of the Unified Development Code, illustrates how the lot frontage building out is measured.



Section 5.2 lists the lot frontage buildout as 65% minimum and 85% maximum for the front and side setback of a corner lot. The proposed building has a lot frontage buildout of +/- 57% along University Drive and +/- 36% along South Montgomery Street. The existing building and parking lot are currently on two separate lots. In order to develop the site as one project and avoid any setback issues, the two lots will be aggregated into one lot. The proposed new lot exceeds the maximum width of 120' along South Montgomery Street. The applicant attended a Development Review Committee meeting on May 11, 2023, and is working toward site plan approval. The applicant has also started the subdivision process for aggregating the two lots together. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the August 1, 2023, meeting.

VARIANCE REQUEST FROM

Variance #1: Section 5.2 Lot Frontage Buildout Minimum of 65%. The request is to allow for a lot frontage buildout of +/- 57% along University Drive and +/- 36% along South Montgomery Street

Variance #2: Section 5.2 Lot Width. Maximum lot width of 120'. The request is to allow for an increase to +/- 302' so the lots can be aggregated together.

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.

CRITERIA FOR VARIANCE REVIEW AND APPROVAL IN FORM-BASED ZONING DISTRICTS (Section 3.7.2)

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.
- B. 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.
- C. 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.
- D. 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.
- E. 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. 14 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 July 4, 2023.
3. A sign was posted on the property in a conspicuous location.

As of this date, the Planning Office has received two phone calls requesting information about 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.

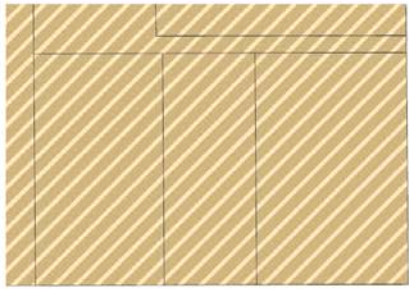
Attachment 1
VA 23-08 Aerial



0 100 200 400 Feet

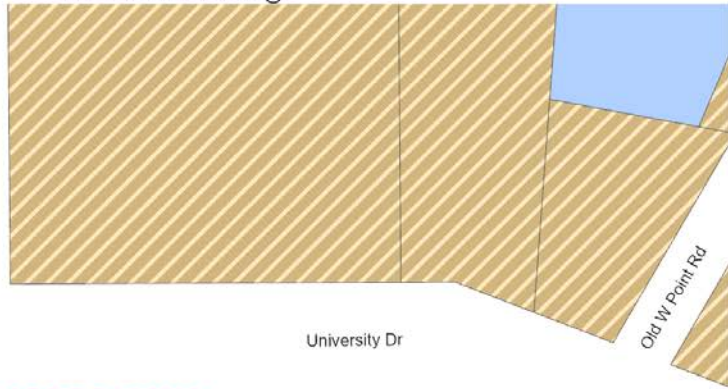


Attachment 2 VA 23-08 Zoning



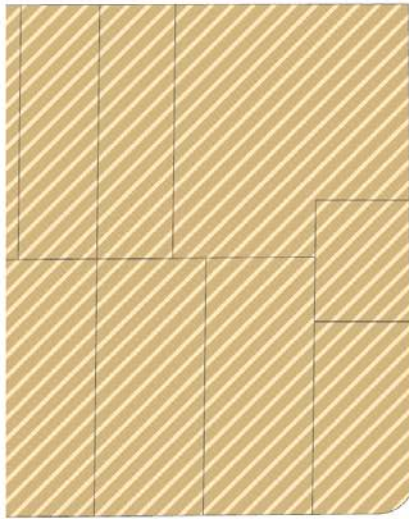
University Drive

N Montgomery St



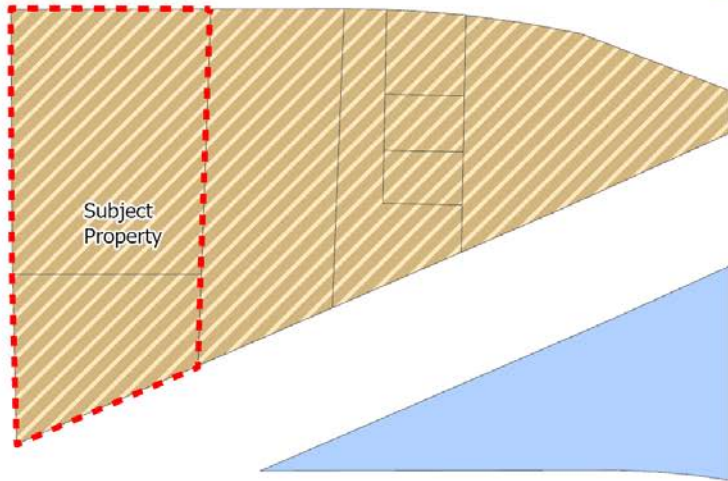
University Dr

Old W Point Rd



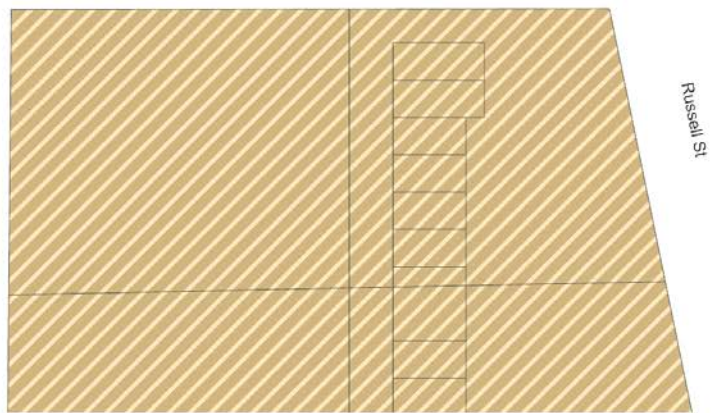
E Lampkin St

S Montgomery St

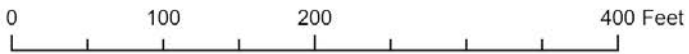


Subject Property

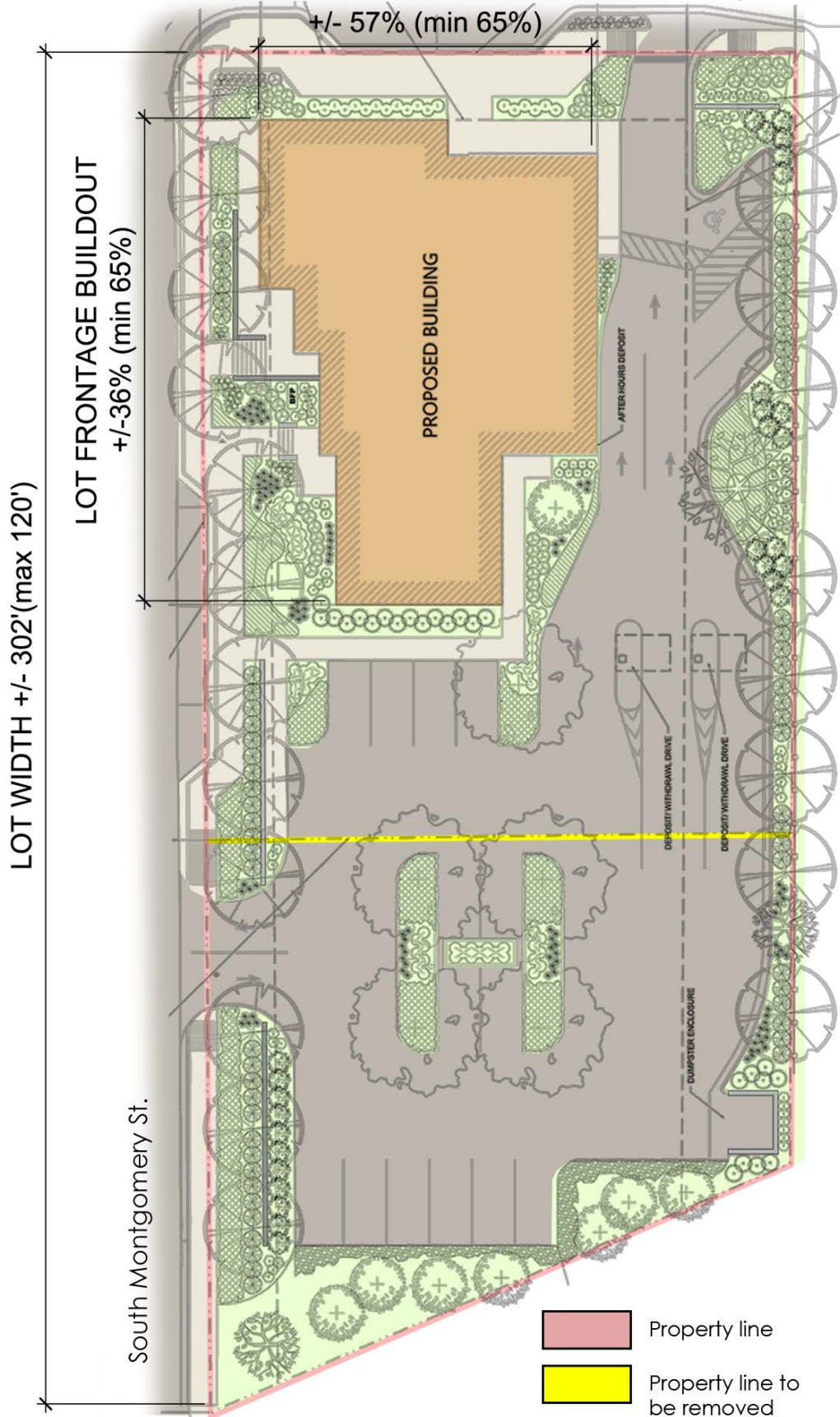
E Lampkin St



Russell St



LOT FRONTAGE BUILDOUT University Drive



Attachment 4- Applicant Statement

Cadence Bank

400 University Drive
Starkville, Mississippi 38759

Variance for Building Frontage

The Proposed Project sits on a corner lot that is at the intersection of two major thoroughfares. The property is narrow along the University Drive width as compared to the overall depth and is oddly shaped on the south end of the property, because of the existing railroad property. The Proposed Project site also has steep grade changes from the front of the property to the rear (~12'). The corner lot requirements per the design standards pose design challenges as well, because it creates two fronts for the project.

The Proposed Project will be a branch bank. BancorpSouth and Cadence's recent merger created a need for consolidating employees to one location. No existing location met the size and needs of the bank. A decision was made to stay on the prominent downtown lot where the BancorpSouth Branch was located along University Drive and South Montgomery Street. The need for additional space required the existing branch to be demolished and a new three-story branch to be constructed in its place. The bank requires drive-through facilities, and parking for employees and customers. Accessible parking is necessary and a code requirement. The city required landscaping that will be installed will also increase the amount of landscaping as compared to what is currently on the bank's property.

The bank needs two curb cuts (one along South Montgomery Street and an exit only along University Drive) to provide bank necessities such as drive through withdrawal and deposit functions, after hours banking, and allow for smooth traffic flow in and out of the parking/ drive-through area.

To keep the accessible parking within the desired distance of the front entrance and to assure the accessible slopes are within code, the accessible parking spaces need to be located along the Northeast property line near the University Drive exit. With the needed accessible parking and drive along the east side of the property, the building is beyond the side set back of 24' (max) and the owner requests a variance for the additional 19'- 10 1/2".

The T-5C Lot Frontage Buildout along University Drive has a min/ max- 65%/ 85% requirement. The Proposed Project Lot Frontage Buildout at University Drive (Front) will give a maximum building frontage buildout of 57%. With the needed accessible parking and drive along the east side of the property, the owner requests a variance to allow for the reduced frontage buildout.

The T-5C Lot Frontage Buildout along South Montgomery Street has a min/ max- 65%/ 85% requirement. The Proposed Project Lot Frontage Buildout at South Montgomery Street (Side- after lot aggregation) will give a maximum building frontage buildout of 36%. With the needed parking lot, entrance/ exit, drive-through functions, and lot aggregation along the south side of the property, the owner requests a variance to allow for the reduced frontage buildout.

Variance for Lot Width

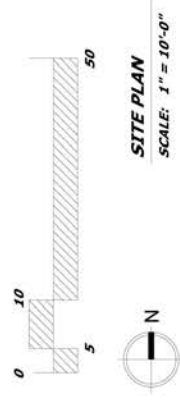
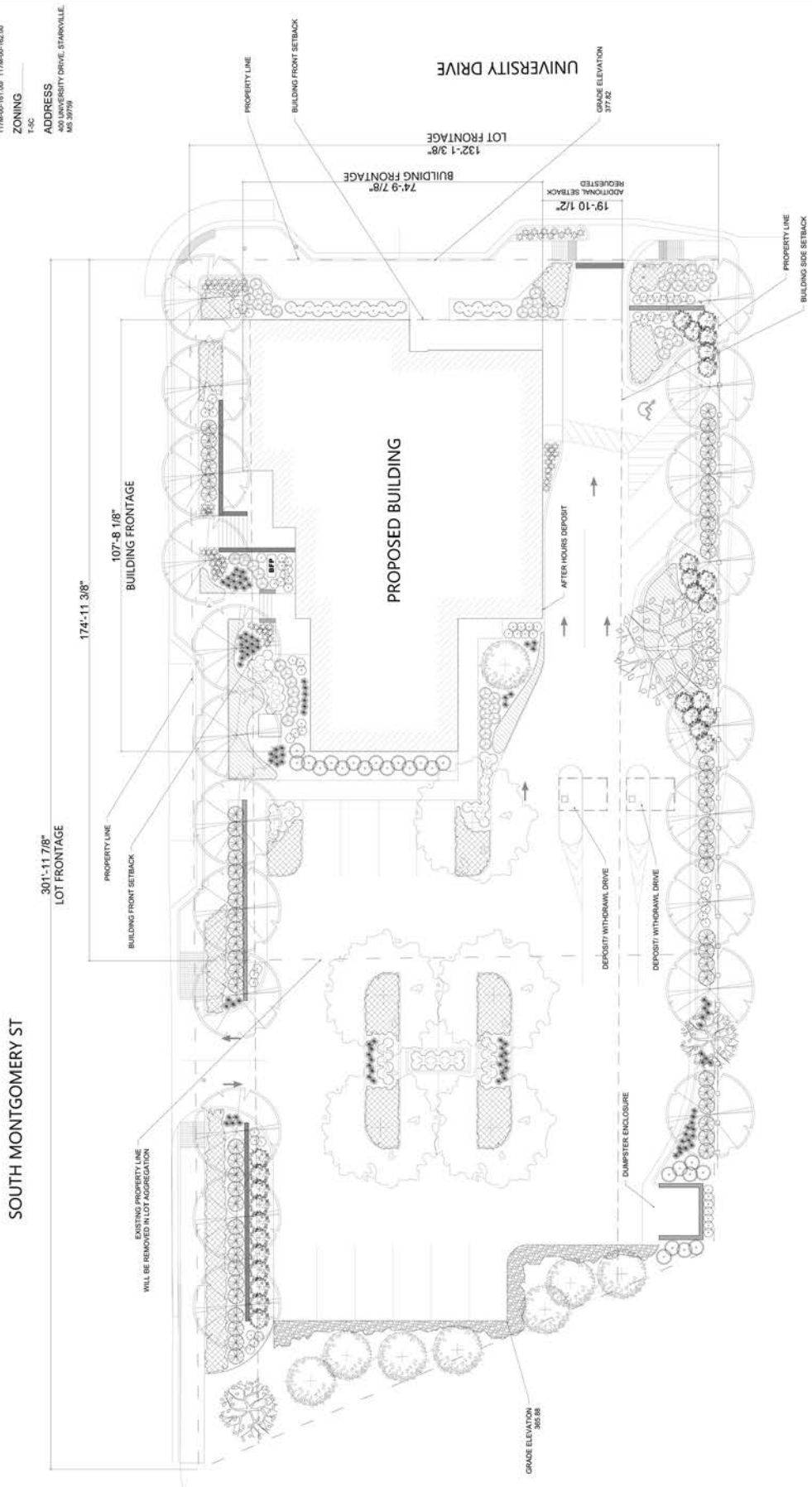
The existing property width along University Drive is 132'- 1 3/8" and was in place prior to the current design standards maximum width of 120'. The owner requests a variance to be allowed, because of the existing condition.

The Bank property is currently two lots. The City Design Standards requires the two lots be aggregated together, because the proposed project on the north lot makes the south lot non-conforming. The existing lot widths were in place prior to the current design standards. After lot aggregation, the property width along South Montgomery Street will be 301'- 11 7/8". The owner requests a variance to be allowed along South Montgomery Street because of existing conditions and lot aggregation.

DATE	APPROVED
DATE	APPROVED
DATE	APPROVED
DATE	APPROVED
DATE	APPROVED
DATE	APPROVED

PROJECT NO.	2021010
DRAWN BY	SPC
CHECKED BY	SPC

PROPERTY OWNER
CADENCE BANK
PARCEL NUMBER
117M-00-91-00 117M-00-102-00
ZONING
T-5C
ADDRESS
400 UNIVERSITY DRIVE, STARKVILLE
MS 39759



Attachment 5- Rendering of Proposed Building (unapproved)



Starkville Midtown Branch Bank



MARK	DATE	DESCRIPTION
A	MAY 2 2023	ACC SUBMITTAL
B	JULY 19 2023	ACC RE-SUBMITTAL

Review Set
 Not for Construction

PROJECT NO.: 2021017
 DRAWN BY: AMBY
 CHECKED BY: CHANE
 ENGINEER:

ACC9
 OF 12
 SHEET



NORTHWEST PERSPECTIVE



SOUTHWEST PERSPECTIVE



NORTHEAST PERSPECTIVE



WEST PERSPECTIVE

MARK	DATE	DESCRIPTION
1	MAY 2, 2023	ACC SUBMITTAL
8	JULY 19, 2023	ACC RE-QUAMRTA

Review Set	Not for Construction
APPROVED	REVISIONS
DESIGNED BY: [Name]	CHECKED BY: [Name]
DRAWN BY: [Name]	DATE: [Date]



SOUTH PERSPECTIVE



SOUTHWEST PERSPECTIVE



EAST PERSPECTIVE