



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, AUGUST 23, 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 JULY 26, 2023
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-09 A REQUEST FOR A VARIANCE FROM STORMWATER REQUIREMENTS FOR STARKVILLE HIGH SCHOOL LOCATED AT 603 YELLOW JACKET DRIVE IN AN S-E ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 23-10 A REQUEST FOR A VARIANCE FROM SETBACK REQUIREMENTS LOCATED AT 204 SOUTH WASHINGTON STREET IN A TN-E ZONING DISTRICT.
 - C. PUBLIC HEARING AND CONSIDERATION OF VA 23-11 A REQUEST FOR A VARIANCE FROM SIDEWALK REQUIREMENTS LOCATED AT 100 BRANDON ROAD IN AN S-M ZONING DISTRICT.
- VI. PLANNER'S REPORT
- VII. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
JULY 26, 2023**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on July 26, 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, George Sills, Ward 4, and Shawn Sullivan, Ward 7. George Ford, Ward 1 was absent from the meeting. Physically present attending the Commissioners were City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey.

**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

The Board considered the matter of the approval of the written agenda dated July 26, 2023. 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 June 28, 2023

The Board considered approving the minutes of the June 28, 2023, Board of Adjustments and Appeals meeting. Upon the motion of Mr. Nicovich, seconded by Mr. Richardson, the Board voted unanimously to approve the minutes.

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

Mr. Havelin presented the 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. There are two parts to this request. The first is Lot Frontage Buildout. The minimum lot frontage is 65% in the T-5C zoning district. The proposed building frontage only occupies 57% of the lot along University Drive and 36% along South Montgomery Street. The second part of the request is lot width. There are currently two lots that are being used by the bank. The lots need to be combined to eliminate any setbacks and use issues with the proposed redevelopment. The combined lot will be approximately 302' along South Montgomery Street which exceeds the maximum lot width of 120'.

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 July 4, 2023. 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.

Chairman Webb opened the public hearing to citizen comments.

Stephens Daniel 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.

After a discussion and upon the motion of Mr. Richardson, duly seconded by Mr. Sullivan, the Board voted unanimously to recommend approval of the request based on the criteria in Sections 3.7.1 and 3.7.2.

VI. PLANNER'S REPORT

Mr. Havelin spoke to the Board about the likely hood of an August meeting.

VII. ADJOURNMENT

After discussion, Mr. Nicovich moved to adjourn which was seconded by Mr. Sills, and the Board voted unanimously to adjourn until 4:00 p.m. on August 23, 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 23-09 a request for a variance from stormwater requirements for Starkville High School located at 603 Yellow Jacket Drive in an S-E zoning district.
Date: August 23, 2023

The purpose of this report is to provide information regarding Variance Request by Thomas Stewart on behalf of Starkville Oktibbeha Consolidated School District for a variance from stormwater requirements on the campus of Starkville High School located at 603 Yellow Jacket Drive in an S-E zoning district with the property #102G-00-045.00. Please see attachments 1-3.

SUMMARY

The applicant is currently in the process of designing a new classroom and locker room for the Starkville High School softball team. The proposed structure will be approximately 2,400 square feet and situated on the east side of the existing softball field. In order to proceed, the applicant must obtain site plan and architecture approval since the structure is over 1,000 square feet. During the site plan review, it was determined that stormwater detention was necessary. The applicant states that the increase in stormwater is insignificant compared to the runoff from the entire parcel. The applicant attended a Development Review Committee meeting on June 29, 2023. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the September 5, 2023, meeting.

VARIANCE REQUEST FROM

Variance Request: Stormwater Management Section 16.9

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

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 STORMWATER MANAGEMENT REQUIREMENTS

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.

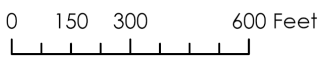
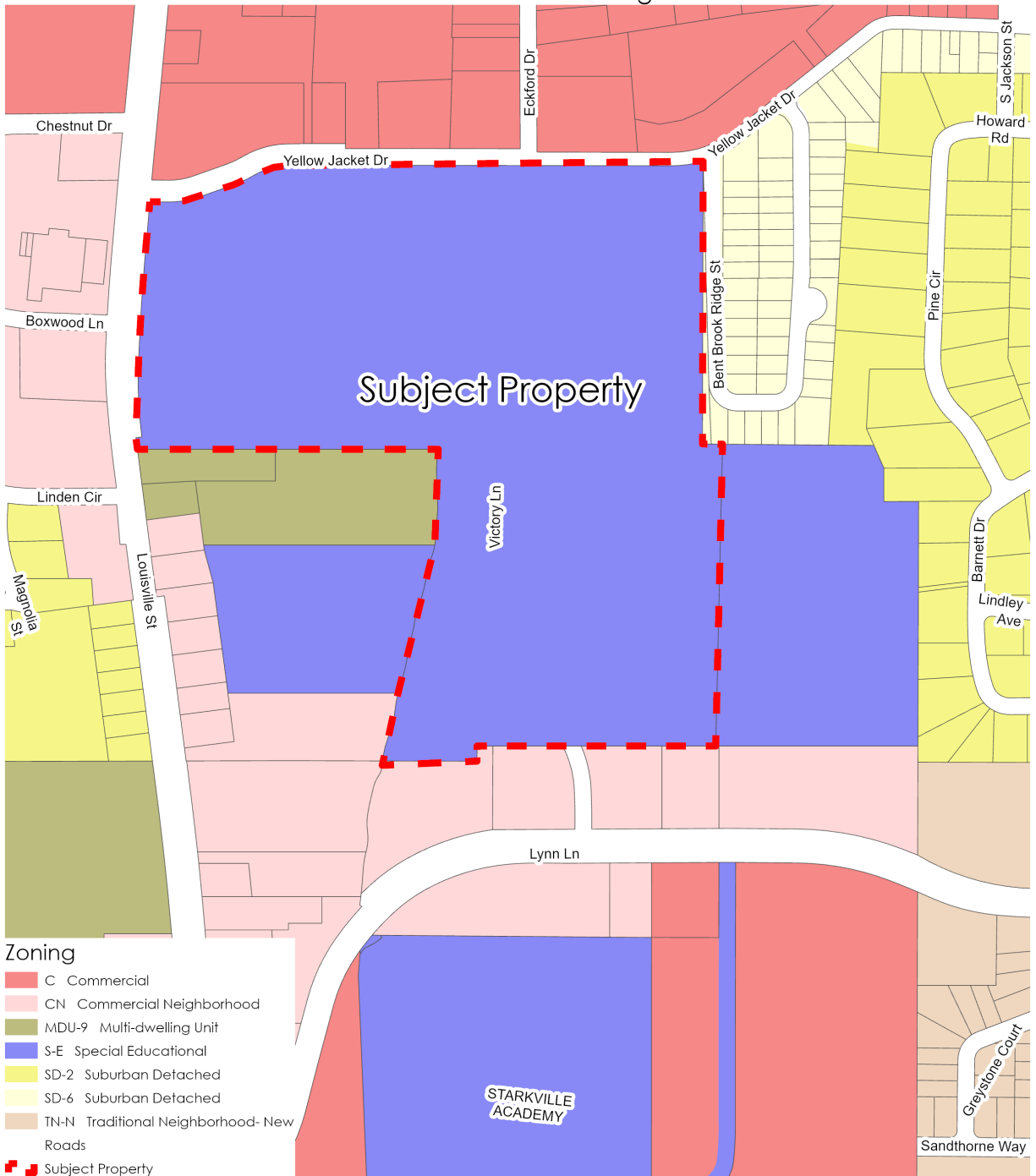
1. 44 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on August 6, 2023.
3. A sign was posted on the property in a conspicuous location.

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

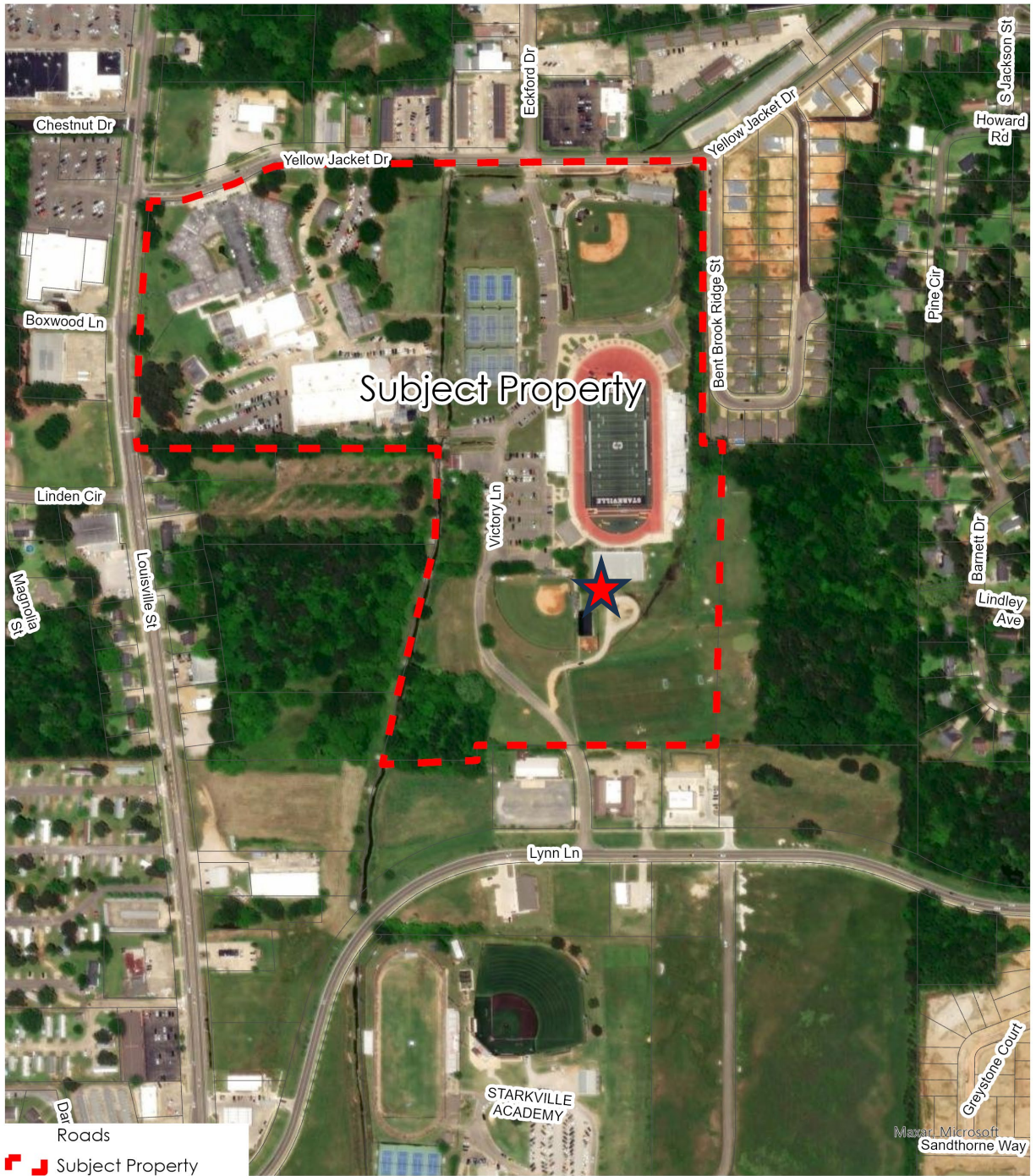
CONDITIONS OF APPROVAL

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 23-09 Zoning



Attachment 2
VA 23-09 Aerial



0 150 300 600 Feet





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 23-10 a request for a variance from setback requirements located at 204 South Washington Street in a TN-E zoning district.
Date: August 23, 2023

The purpose of this report is to provide information regarding the Variance Request by Jeff Hosford for a variance from setback requirements located at 204 South Washington Street in a TN-E zoning district with the property #102A-00-043.00. Please see attachments 1-8.

SUMMARY

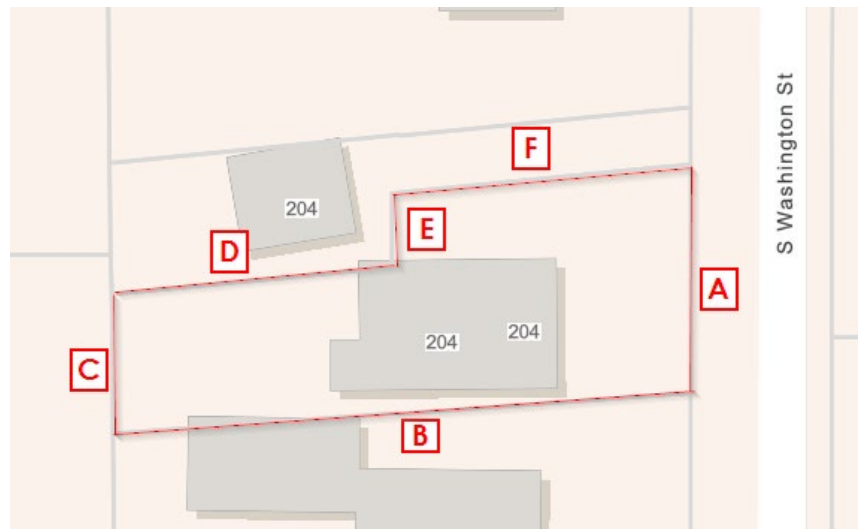
The applicant is seeking approval to build within the side setback of the property. The previous structure was destroyed by fire in June of 2022. The applicant is proposing to build a new structure back in the same footprint as the previous structure. The previous structure was classified as a non-conforming structure due to not meeting the current setback requirements.

Section 3.17.3 in the Unified Development Code, regulates non-conforming structures. Section 3.17.3.E states that the construction cost to restore the nonconforming structure must be less than 50% of either the tax accessor's replacement value or an appraised replacement value for the structure. The tax accessor's replacement value is listed as \$152,917 (Attachment 6). The applicant listed the estimated cost of construction on the building permit application as \$515,500 (Attachment 7). Therefore, the proposed structure is required to meet the current setback requirements in accordance with Section 3.17.3.G.

On May 9, 2023, a site plan was submitted with the building permit application (Attachment 3). The plan showed the side setback from the southern property line as 2'-6 1/4". The proposed structure was shown at 6'5" from the existing structure to the south at 206 South Washington. The plan showed the side setback from the northern property line as 4'-0". After reviewing the planning portion of the building permit, the plan was marked as "Resubmit". The following comment was added to the correction item in MyGov: "The side setback for a TN-E zoning district is 5' or infill standards. The infill standards cannot be applied to the side setbacks therefore the 5' minimum is required unless there is a variance or an allowed administrative adjustment (Section 6.8.2.D.4). The administrative adjustment cannot be applied because the proposed structure would be within 10 of the structure on the adjacent property to the south (Section 3.6.1.B.2.b). The plan needs to be modified or a variance needs to be approved by the Board of Aldermen".

On June 16, 2023, a revised site plan was submitted (Attachment 4). On the new site plan, the property line dimensions had changed as well as the location of adjacent structures. After comparing the two site plans (Attachment 5) and reviewing the boundary description

in the warranty deed (Attachment 6 pg. 4), it became apparent that determining if the setback requirements are being met would not be possible with the submitted site plans. The Chart below is a comparison of the two site plans and the description in the warranty deed.



	A	B	C	D	E	F
Site Plan 5-9-23	80'-2"	203'-6"	48'-11"	99'-0"	26'-0"	105'-7"
Site Plan 6-16-23	80'-0"	203'-6"	50'-0"	99'-0"	26'-0"	106'-0"
Warranty Deed	77'-0"	206'-0"	51'-0"	100'-0"	18'-0"	106'-0"

In a TN-E zoning district, the side setback for the principal building is a minimum of 5' or infill standards. The applicant is requesting relief from Section 6.3.4.B2 of the Unified Development Code. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the September 5, 2023, meeting.

3.17.3 NONCONFORMING STRUCTURES, EXCLUDING SIGNS

A legal nonconforming structure is a building or structure existing legally at the time of the passage of this Code, or the time of annexation into the City's jurisdiction, which does not by reason of location, design, or dimensions conform to the regulations of the district in which it is situated. A structure established after the passage of this Ordinance which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming structure and is a violation of this Code. Legal nonconforming structures may continue only in accordance with all of the following provisions:

A. Continuation permitted.

A nonconforming structure devoted to a use permitted in the zoning district in which it is located, may continue only in accordance with the provisions of this Section.

B. Repair, maintenance, and modification permitted.

Normal repair, maintenance, and modification may be performed to allow for the

continuation of a nonconforming structure provided that the construction cost, as determined by the Building Department, for the repair, maintenance, and/or modification is less than fifty (50) percent of its tax assessor's replacement value or an appraised replacement value at the time of repair for the structure only, not including the land. A remodel of an existing structure shall be considered a modification.

C. Changes for conversion permitted.

Structural changes necessary to convert the nonconforming structure to a conforming structure shall be permitted.

D. Movement restricted.

A nonconforming structure shall not be moved unless afterwards it conforms to the standards of the zoning district in which it is located.

E. Restoration restricted.

A nonconforming structure destroyed or damaged by any means to an extent that the construction cost, as determined by the Building Department, to restore the structure is less than fifty (50) percent of its tax assessor's replacement value or an appraised replacement value for the structure only, not including the land, at the time of the damaging event, can be restored if:

1. A building permit for the repair or restoration is issued within one hundred and eighty (180) calendar days of the date of the damage and remains valid until the repairs or restoration are complete.
2. The gross square footage of the nonconforming structure is not increased and the degree of nonconformity of the structure is not increased.

F. Conformity. If the Building Official determines that the building or structure has been damaged to such an extent that the repair costs will exceed fifty percent (50%) of the tax assessor's replacement value or an appraised replacement value of the building or structure as it existed before the damage occurred, future use of the building and site must conform to the regulations of the district in which it is located. However, any building or structure listed on the National Register of Historic Places or any building certified as a state historic building may be rebuilt or restored to its original dimensions or the dimensions of the building or structure before such damage occurred, provided such restoration conforms to the Secretary of Interior's Standards for Rehabilitation. For the purposes of this Section, the extent of damage or destruction shall be determined by comparing the estimated cost of repair or restoration with the current assessed tax value.

G. Replacement restricted. A nonconforming structure shall not be replaced with another nonconforming structure regardless of the degree of nonconformity

VARIANCE REQUEST FROM

Variance Request: Section 6.3.4.B2 Side Setback (min.)

The actual dimension of the requested deviation cannot be determined with the supplied information. Therefore, the request is to build the proposed structure in the same location as the previous structure that was destroyed by fire in June 2022.

C5 Rear setback adjacent to alley for garages (min.)	N/A	N/A	20'	20'	7' without parking, 18' with parking	15'	20'	20'
C6 Structures housing livestock (min.)	100' min	100' min	N/A	N/A	N/A	N/A	N/A	N/A

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.

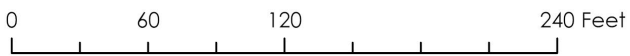
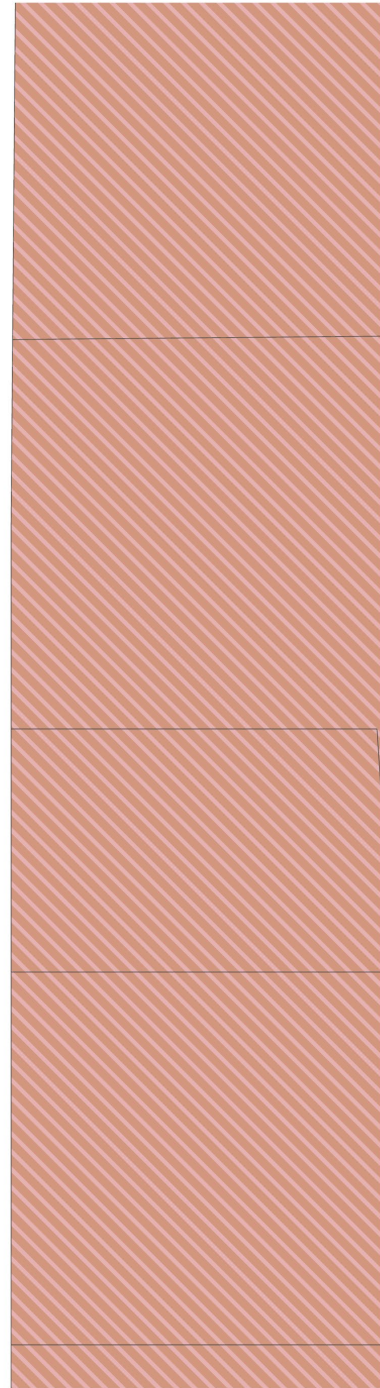
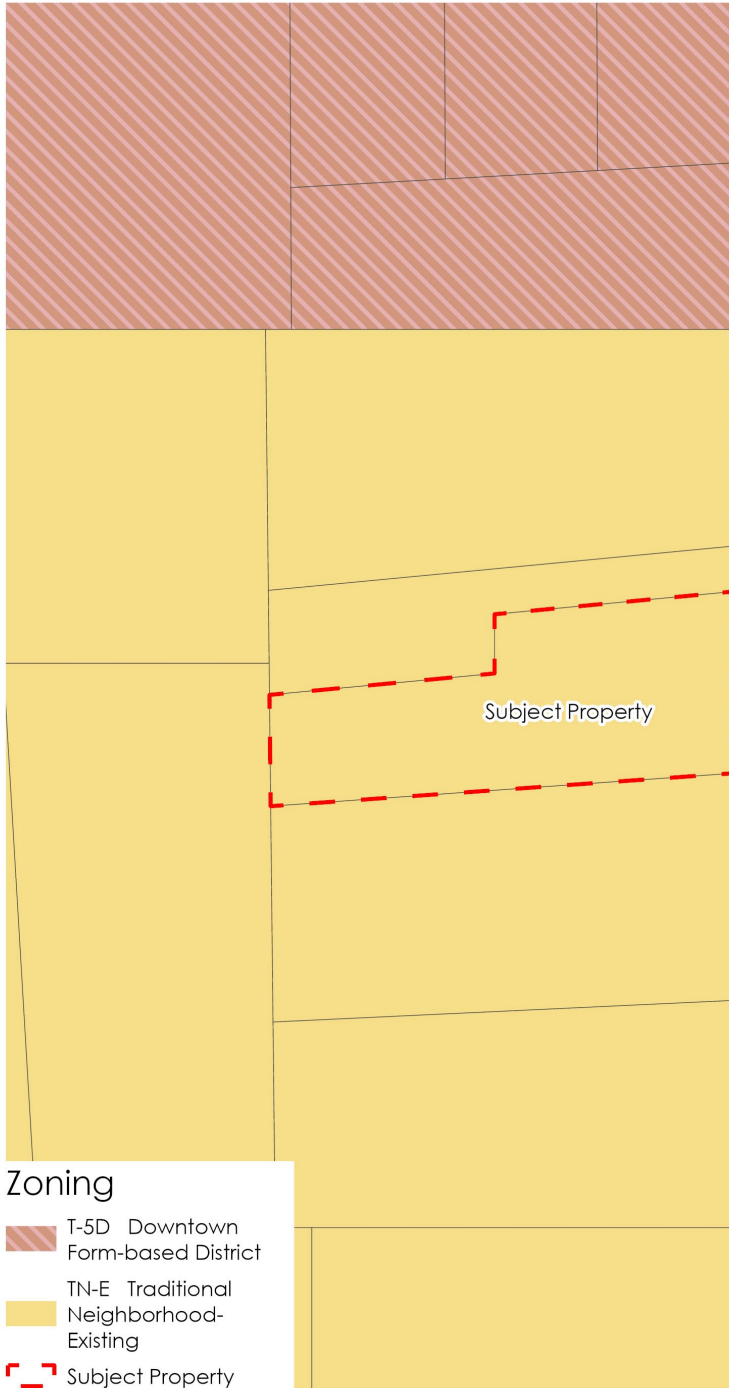
1. 11 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on August 6, 2023.
3. A sign was posted on the property in a conspicuous location.

As of this date, the Planning Office has received 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 23-10 Zoning



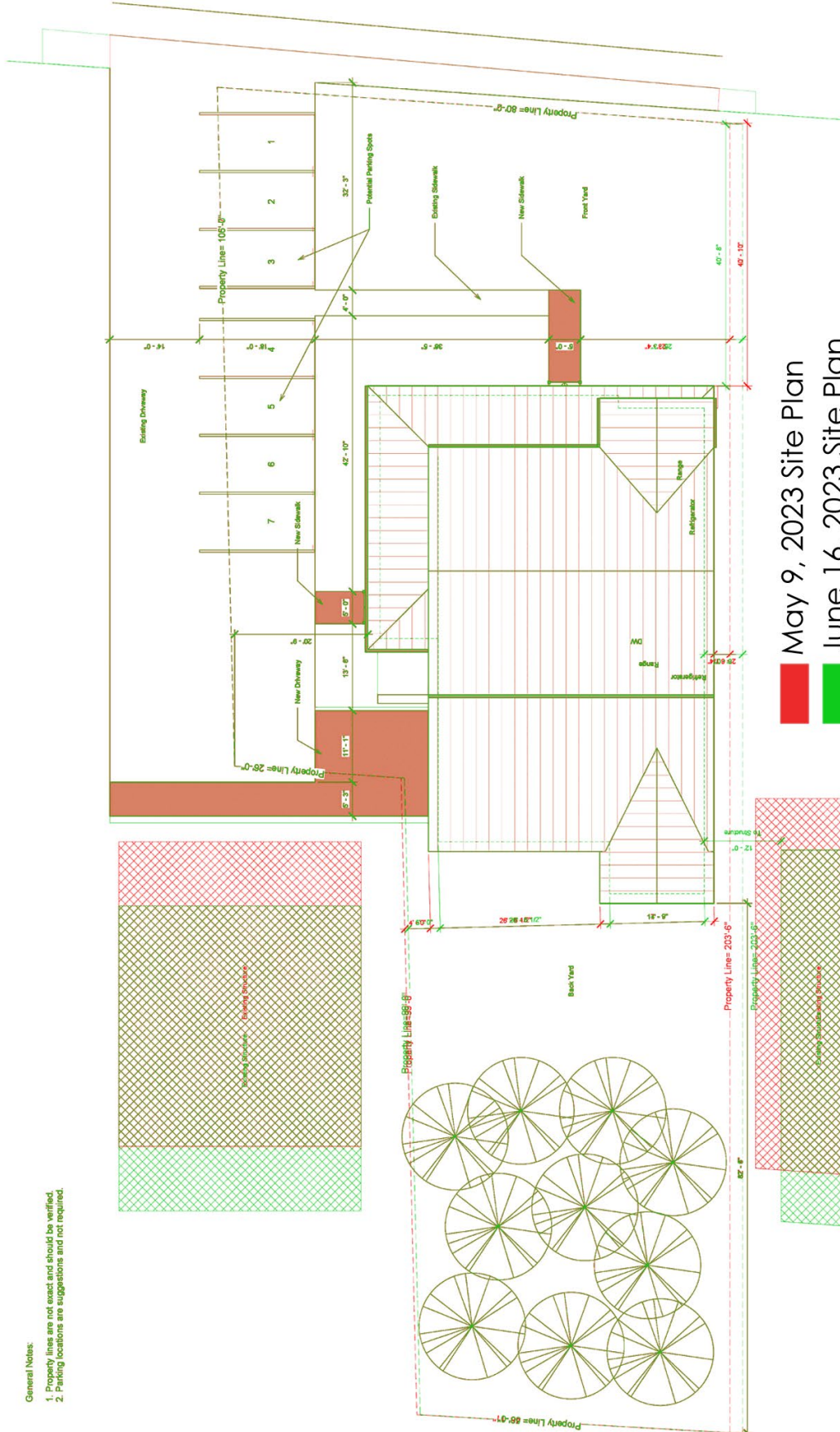
Attachment 2
VA 23-10 Aerial



Maxar, Microsoft



Attachment 5- Site Plan Comparison



- General Notes:
1. Property lines are not exact and should be verified.
 2. Parking locations are suggestions and not required.

Attachment 6- Warranty Deed

2010 1542
Recorded in the Above
Deed Book & Page
03-26-2010 03:51:08 PM
Monica W. Banks
Okibbeha County, MS

Prepared by:
H. Scott Ross
Attorney At Law
Ross Kelley & Hosford, PLLC
P.O. Box 332
West Point, Mississippi 39773
(662) 494.2593

Return to:
H. Scott Ross
Attorney At Law
P.O. Box 332
West Point, Mississippi 39773
(662) 494.2593

STATE OF MISSISSIPPI
COUNTY OF CLAY

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Ten and 00/100 Dollars,
(\$10.00) cash in hand paid and other good and valuable considerations the receipt
and sufficiency of which is hereby acknowledged ,

DONALD C. CRABTREE &
DIANA L. CRABTREE
1180 Longview Adair Rd
Starkville, Mississippi 39759

does hereby convey and warrant to

C & H PROPERTIES & DEVELOPMENT, LLC,
115-A South Lafayette Street
Starkville, Mississippi 39759
662.312.4302

the following described real property located and situated in
Okibbeha County, Mississippi, to-wit:

2010 1543
Recorded in the Above
Deed Book & Page
03-26-2010 03:51:08 PM

(See Exhibit A attached) (Page 4)

INDEXING INSTRUCTIONS: Part of Lot 9 and 9A of
Block 50 on the A.L.
Goodman Map, Starkville,
Mississippi, Oktibbeha
County.

SUBJECT TO all prior mineral reservations, if any, and also
subject to easements for public utilities and rights of way for public
roadways, whether the same appear of record or not, if any.


WITNESS our signatures this the 26th, day of
March, 2010.



Donald C. Crabtree, Grantor



Diana L. Crabtree, Grantor



Jeffrey J. Fosford, Manager
C & H Properties & Development, LLC, Grantee

STATE OF MISSISSIPPI

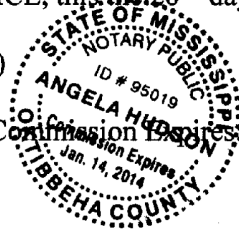
COUNTY OF OKTIBBEHA

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the State and County aforesaid, Donald C. Crabtree and Diana L. Crabtree, who acknowledged that they signed executed and delivered the above and foregoing WARRANTY DEED, on the day and year herein shown as their free and voluntary act and deed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 26th day of March, 2010.

(seal)

My Commission Expires



Angela Hudson
Notary Public

STATE OF MISSISSIPPI

COUNTY OF OKTIBBEHA

THIS DAY PERSONALLY CAME AND APPEARED BEFORE ME, the undersigned authority in and for the State and County aforesaid, Jeffrey J. Hosford Manager of C & H Properties & Development, LLC who acknowledged that he signed and delivered the above and foregoing WARRANTY DEED and that he specifically acknowledge the easements reserved, excepted and/or retained by Grantors, and that he accepts said Warranty Deed from Grantors with the terms and conditions therein contained.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the 26th day of March, 2010.

(seal)

My Commission Expires



Angela Hudson
Notary Public

2010 1545
Recorded in the Above
Deed Book & Page
03-26-2010 03:51:08 PM
Monica W. Banks
Oktibbeha County, MS

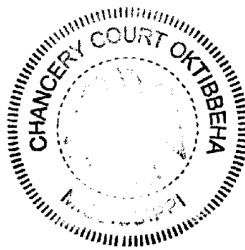
EXHIBIT "A"

Commence with the intersection of the South right-of-way of Lampkin Street with the West right-of-way of Washington Street and run South along the West right-of-way of Washington Street a distance of 615.0 feet to a point 23.0 feet Southeast corner of Lot 8 of Block 50 of the City of Starkville, Mississippi and use as the Point of Beginning.

Thence continue South along the West right-of-way of Washington Street a distance of 77.0 feet to the Northeast corner of Lot 10; thence run in a Westerly direction along the North boundary of Lot 10 a distance of 205.5 feet to the Northwest corner of Lot 10; thence run in a Northerly direction along the East boundary of Lot 3 a distance of 51.0 feet; thence run in a Northeasterly direction a distance of 100.0 feet; thence run in a Northerly direction parallel to the East boundary of Lot 3 a distance of 18.0 feet to a point located 106.0 feet West of the Point of Beginning; thence run in an Easterly direction parallel to the South boundary of Lot 8 a distance of 106.0 feet to the Point of Beginning.

Being part of Lot 9 and 9A of Block 50 as shown on the A. L. Goodman Official Map of the City of Starkville, Mississippi, 1951 Edition.

Subject to permanent and perpetual easement granted to the property abutting the North boundary of the herein described property for the purpose of ingress and egress, paving, and parking, as set forth in the Agreement filed in deed Book 655 at pages 632-634 in the land records of Oktibbeha County, Mississippi.



Oktibbeha County, MS
I certify this instrument was filed on
03-26-2010 03:51:08 PM
and recorded in Deed Book
2010 at pages 1542 - 1545
Monica W. Banks

Attachment 7- Tax Accessed Replacement Value

102A-00-043.00 Card 1 of 1 Date Printed 09/07/2022 C & H PROPERTIES & DEVELOPMENT LLC
 Alt: TD 1110 STR 03 18N 14E Block 00 Map: Oktibbeha County Tax Assessor 115-A S LAFAYETTE ST
 204 S WASHINGTON /00/ Card 1 of 1 MS 39759
 Field Work by PPIN 12436

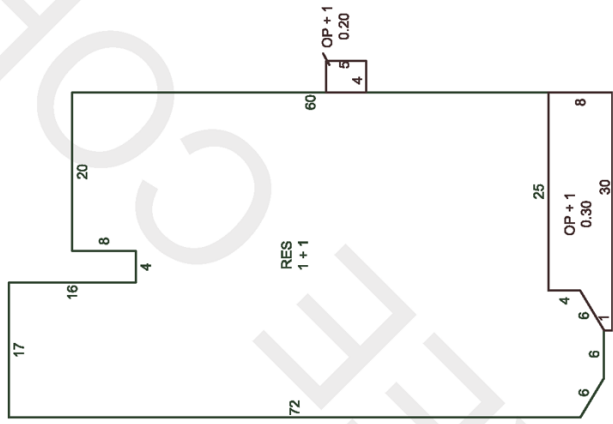
Land Value Buildings Total Value
 40000 84100 124100
 Lot Size Acres Use Code
 80 X 106 1110

ALL Type	Size	Price	D/F	Adj	Desc	\$/ft	Value C	Replace Cost	Year	Value	SL	T	Old Value
1.00X	1	40000				40000.00	40000 2						
Bld Type					Base Area	Adjusted Rate	Cost per Ft						
1 RESIDENCE		BRIC H/D+	106		2661	2729 38.15	40.44 47.31	152917	55 1900	84100	47 2		78360
Exterior Walls													
Roof Type													
Roof Material													
Floors													
1 VINYL SIDING	35	GABLE			8 ASP SHINGLE HD	5	CARPET & U.		12	1 3 FIX. BAT			6860
Interior Walls													
Interior Ceiling													
Plumbing Electricity Adjustments													
1 DRYWALL	30									1 H&AC W/DUC			9499
AVERAGE 8 AVERAGE 3													
1 TOTAL EXTR 23808													



PARCEL	102A-00-043.00
CARD	01
DATE	5/22/2013
FILE	102A-00-043_0001
SCALE:	1" = 20'
GRID-STEP:	1

Bidg/Area Actual Adjust
 Bidg 1: RES Base Heat x 2661 2661
 Porch_Open x 0.30 213 64
 Porch_Open x 0.20 20 4
 Total Base Heat Area = 2661
 Total Upper Heat Area = 0
 Total Base Area = 2661 2729
 Total Adjusted Area =



Attachment 8- MyGov Permit Information

PROJECT OVERVIEW

Project Type: Residential Existing Construction | **Project Title:** Residential Existing Construction @ 204 S Washington



ID # 23-000264 | **Started** 05/09/2023 at 8:32 AM

Address 204 S Washington, Starkville, MS USA 39759	Legal No legal information
Description Residential Existing Construction: Alteration & Repair into a Duplex @ 204 S Washington	

PROPERTY DETAILS

Property ID 102a-00-043.00

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Frank Brewer	frankbrewer07@bellsouth.net 6624181794	Starkville, MS	RESIDENTIAL BUILDER-	
Jeff Hosford	jeffhosford@gmail.com 6623230844	Starkville, MS	-	APPLICANT
Jimmie Collier	6625746893	PO Box 1743 West Point, MS 39773	ELECTRICAL, PLUMBING	-
Lyle McCaskey	mecaskeybuilds@gmail.com 6623232525	Starkville, MS	-	-
Lyle McCaskey	lyle.mecaskey3@gmail.com	-	-	-

INFORMATION FIELDS

Applicant Name
Jeff Hosford

Applicant Address
204 S. Washington St

Applicant Phone Number
-

Applicant Email
-

Estimated Cost of Residential Construction
515500

Project Description
Alteration & Repair @ 204 S Washington

Parcel Number
-

Total Square Footage

3218

Number of Plumbing Clusters

10

Number of Gas Meters

0

Mechanical Tonnage

0

Number of Buildings

1

Number of Stories

2

Terms of Agreement - Building Permit

Yes



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 23-11 a request for a variance from sidewalk requirements located at 100 Brandon Road in an S-M zoning district.
Date: August 23, 2023

The purpose of this report is to provide information regarding Variance Request by Physicians and Surgeons Clinic for a variance from sidewalk requirements located at 100 Brandon Road in an S-M zoning district with the property #118J-00-030.00. Please see attachments 1-3.

SUMMARY

In May 2023, the applicant's contractor applied for a building permit for renovations to the existing clinic at 100 Brandon Road. Due to the estimated cost of the improvements (\$300,000), as well as those that had been made previously by neighboring units, the requirements of Section 14.11.3 of the Unified Development Code apply. The applicant is requesting relief from the requirements of section 14.11.3 of the Unified Development Code. The request is to pay a fee in lieu of constructing the required sidewalks along Brandon Road and Carver Drive. The fee in lieu cost shall be determined either by a signed and sealed engineering cost estimate for the materials and construction of the sidewalk or two hundred percent (200%) of the value of the concrete sidewalk only, as measured by the total area and multiplied by the Mississippi Department of Transportation (MDOT) quarterly posted construction bid average price for concrete sidewalks. The total area shall be based on 397 linear feet of sidewalk with a total of 1,985 square feet. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the September 5, 2023 meeting.

VARIANCE REQUEST FROM

14.11.3 Sidewalks Required By Building Permit

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.

CRITERIA FOR SIDEWALK VARIANCE REVIEW AND APPROVAL (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. Variance approval. Where the Board of Aldermen determines that construction of sidewalks as required 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. Either the stated or modified fee as calculated in Section 3.6.1.Q.4.b
 2. Alternate Sidewalk Route. A reduction in the size of the required sidewalk per Section 3.6.1.Q.4.a for an alternate route or a different location for an alternate route.as required by the City Engineer.

NOTIFICATION

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

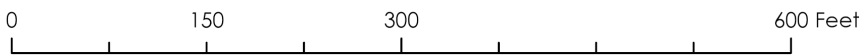
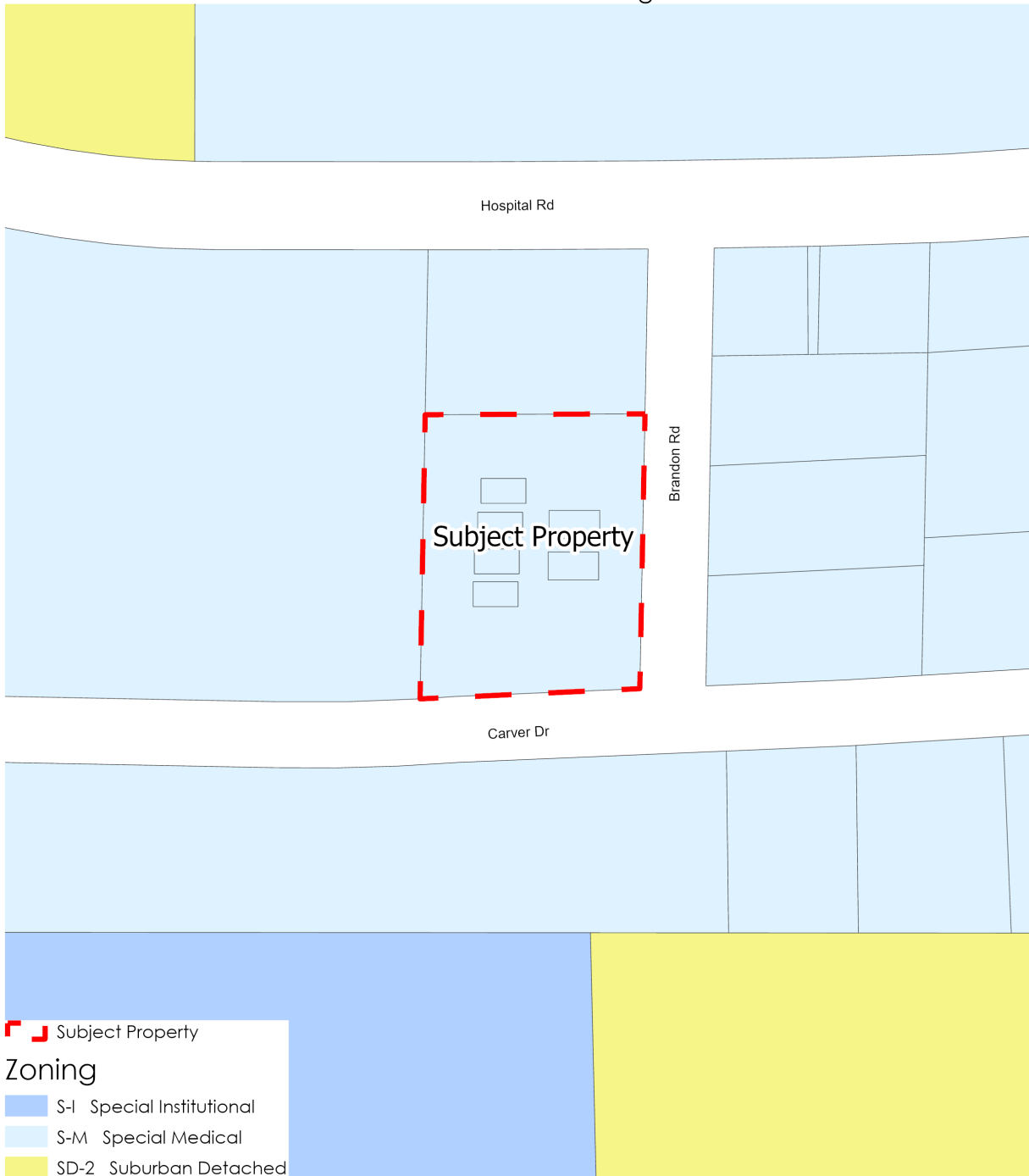
1. 9 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on August 8, 2023.
3. A sign was posted on the property in a conspicuous location.

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

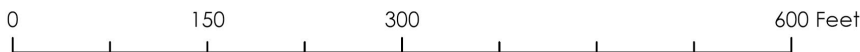
CONDITIONS OF APPROVAL

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 23-11 Zoning

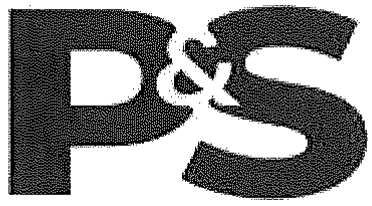


Attachment 2
VA 23-11 Zoning



HISTORIC
STARKVILLE
MISSISSIPPI'S COLLEGE TOWN

Attachment 3- Applicant Statement



**PHYSICIANS
& SURGEONS**
OB/GYN | PEDIATRICS | INTERNAL MEDICINE

To Whom It May Concern,

The Physicians and Surgeons Clinic (P&S) is requesting a variance from the City's required sidewalk ordinance under the Unified Development Code Section 3.7.2. In May 2023, West Brothers Construction, Inc. (West Brothers) applied for and received a building permit for minor cosmetic renovations to the clinic at 100 Brandon Road, Starkville, MS 39759. The building at this location is currently occupied by multiple tenants and is only partially owned by P&S. Other tenants have made similar modifications to their portions of the property without any changes to exterior hardscapes. The existing grading, drainage, parking lot design, and curbing is such that demolishing said items, redesigning for sidewalks, and reconstructing to create sidewalks adjacent to the property would create a substantial hardship to P&S, to the point that interior renovations to enhance the medical care provided at the clinic would no longer be economically feasible. Furthermore, the exterior portion of the property is not solely owned by P&S. Therefore, all tenant owners would have to agree to the associated design and cost, which doesn't seem probable. Finally, the areas adjacent to adjoining streets are currently paved up to a curb that abuts the streets and islands, allowing for pedestrian and bicycle traffic. We appreciate your consideration of P&S's request of the UDC variance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald Carlisle Livingston, MD'. The signature is highly stylized and cursive.

Donald Carlisle Livingston,
MD

Partner P+S Clinic