

**APPROVED MINUTES OF THE MEETING OF  
THE BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
AUGUST 23, 2023**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on August 23, 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 was City Planner Daniel Havelin.

**OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, AUGUST 23, 2023  
2<sup>ND</sup> 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

The Board considered the matter of the approval of the written agenda dated August 23, 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 June 28, 2023, Board of Adjustments and Appeals meeting minutes. Upon Mr. Nicovich's motion, seconded by Mr. Richardson, the Board voted unanimously to approve the minutes.

#### **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.**

Mr. Havelin presented Thomas Stewart's request on behalf of Starkville Oktibbeha Consolidated School District for a variance from stormwater requirements on the Starkville High School campus located at 603 Yellow Jacket Drive. The applicant is currently designing a new classroom and locker room for the Starkville High School softball team. The proposed structure will be approximately 2,400 square feet. A site plan review is required since the structure is over 1,000 square feet. During the site plan review, it was determined that stormwater detention was required. The applicant states that the increase in stormwater is insignificant compared to the runoff from the entire parcel and is requesting relief from this requirement

The request was noticed in accordance with Section 3.7.3.E. 44 property owners of record were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on August 6, 2023. A sign was posted on the property. As of this date, the Planning Office has received no response from the notifications.

Chairman Webb opened the public hearing to citizen comments.

Thomas Stewart spoke in favor of the request

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. Sills, duly seconded by Mr. Nicovich, the Board voted 4-0 to recommend approval, with Mr. Sullivan abstaining.

**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.**

Mr. Havelin presented Jeff Hosford's request for a variance from setback requirements located at 204 South Washington Street. 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 proposes to build a new structure back in the same footprint as the previous one. The previous structure was classified as a non-conforming structure due to not meeting the current setback requirements. A site plan was submitted as part of the building permit on May 9, 2023. The proposed structure was shown within the side setbacks and within 10' of the adjacent structure to the south. Another site plan was submitted on June 16, 2023. 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 and reviewing the boundary description in the warranty deed, it became apparent that determining if the setback requirements are being met would not be possible with the submitted site plans. The request is to build the proposed structure in the same location as the previous one, which was destroyed by fire in June 2022.

The request was noticed in accordance with Section 3.7.3.E. 11 property owners of record were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on August 6, 2023. A sign was posted on the property. As of this date, the Planning Office has received no response from the notifications.

Chairman Webb opened the public hearing to citizen comments.

Jeff Hosford spoke in favor of the request

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

After a discussion about determining the amount of the dimensional variance and upon the motion of Mr. Richardson, duly seconded by Mr. Gaude, the Board voted unanimously to recommend approval with one condition.

1. A variance from side setbacks up to a maximum of 2'6" as verified by a survey.

**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.**

Mr. Havelin presented the request by the Physicians and Surgeons Clinic for a variance from sidewalk requirements located at 100 Brandon Road. The applicant's contractor recently renovated the clinic at 100 Brandon Road. The cost of the improvements was approximately \$300,000. Due to the estimated cost of the improvements, the requirements of Section 14.11.3 of the Unified Development Code apply. The request is to pay a fee in lieu of constructing the required sidewalks along Brandon Road and Carver Drive.

The request was noticed in accordance with Section 3.7.3.E. 9 property owners of record were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on August 8, 2023. A sign was posted on the property. As of this date, the Planning Office has received no response from the notifications.

Chairman Webb opened the public hearing to citizen comments.

Dr. Donald Livingston spoke in favor of the request

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.

**VI. PLANNER'S REPORT**

No report

**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 September 27, 2023, in the second-floor conference room located at 110 West Main Street, Starkville, MS.

  
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Bill Webb, Chairman

  
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Daniel Havelin, City Planner