



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, JANUARY 24, 2024
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 DECEMBER 20, 2023
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-14 A REQUEST FOR A VARIANCE FROM STORMWATER REQUIREMENTS FOR 510 INDUSTRIAL PARK ROAD, IN AN I ZONING DISTRICT.
- VI. PLANNER'S REPORT
- VII. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
DECEMBER 20, 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; George Sills, Ward 4; and Shawn Sullivan, Ward 7. George Ford, Ward 1, and Bo Richardson, Ward 3, were absent from the meeting. Joining the meeting at the start of the discussion of item V.B. was Kurt Gaude Ward 2. City Planner Daniel Havelin and Assistant City Planner Lyle MeCaskey were both present at the meeting in person, attending the Commissioners.

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CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, DECEMBER 20, 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 AUGUST 23, 2023
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-12 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS FOR WALMART LOCATED AT 1010 MISSISSIPPI HIGHWAY 12 WEST IN A C ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 23-13 A REQUEST FOR A VARIANCE FROM SEVERAL REQUIREMENTS OF THE ACCESS MANAGEMENT POLICY FOR WALMART LOCATED AT 1010 MISSISSIPPI HIGHWAY 12 WEST IN A C ZONING DISTRICT.
 - C. DISCUSSION AND CONSIDERATION OF THE 2024 BOARD OF ADJUSTMENTS AND APPEALS MEETING SCHEDULE AND SUBMISSION DEADLINES.
- VI. PLANNER'S REPORT
- VII. ADJOURN

The Board considered the matter of the approval of the written agenda dated December 20, 2023. Upon the motion of Mr. Nicovich, 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 AUGUST 23, 2023

The Board considered approving the August 23, 2023, Board of Adjustments and Appeals meeting minutes. Upon Mr. Nicovich's motion, seconded by Mr. Sills, the Board voted unanimously to approve the minutes.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 23-12 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS FOR WALMART LOCATED AT 1010 MISSISSIPPI HIGHWAY 12 WEST IN A C ZONING DISTRICT

Mr. Havelin presented a request by Walmart Inc. for a variance from sign requirements at 1010 Highway 12 West. The applicant proposes replacing six existing wall signs on the façades of the building with seven new wall signs. The total area of proposed wall signage for the front façade of the building is 331 square feet for a total of +/- 81 square feet above the permitted amount. The applicant requests relief from the maximum square footage for wall signage to 250 square feet.

The request was noticed in accordance with Section 3.7.3.E. 39 property owners of record were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on November 28, 2023. A sign was posted on the property. As of this date, the Planning Office has 2 phone calls requesting further information on this request.

Chairman Webb opened the public hearing to citizen comments.

Jeff Davis joining the hearing virtually 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. Nicovich, duly seconded by Mr. Sullivan, the Board voted unanimously to approve.

B. PUBLIC HEARING AND CONSIDERATION OF VA 23-13 A REQUEST FOR A VARIANCE FROM SEVERAL REQUIREMENTS OF THE ACCESS MANAGEMENT POLICY FOR WALMART LOCATED AT 1010 MISSISSIPPI HIGHWAY 12 WEST IN A C ZONING DISTRICT.

Mr. Gaude entered the meeting during the introduction of this item.

Mr. Havelin presented a request by Walmart Inc. for a variance from several requirements of the access management policy at 1010 Highway 12 West. Walmart is proposing several renovations and improvements to the building and site. The proposed renovations and improvements trigger the nonconformity clauses of Section 3.17, requiring the entire site to be updated to current code standards. There are four separate requests. Request 1 is for the number of access points. There are currently two, and the applicant is requested to keep both. Request 2 is for the width of the lanes at the easternmost driveway. The applicant is requesting to keep the width the same. Request 3 is for the width of the westernmost driveway. The existing driveway is 54 feet, which exceeds the maximum width of 36 feet. The applicant is requesting to keep the width the same. Request 4 is for the radius of the westernmost drive. The existing driveway radius is 70 feet which exceeds the maximum width of 25 feet. The applicant is requesting to keep the width the same.

The request was noticed in accordance with Section 3.7.3.E. 39 property owners of record were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on November 28, 2023. A sign was posted on the property. As of this date, the Planning Office has 2 phone calls requesting further information on this request.

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. Sullivan, duly seconded by Mr. Gaude, the Board voted unanimously to approve all four requests.

**C. DISCUSSION AND CONSIDERATION OF THE 2024 BOARD OF ADJUSTMENTS
AND APPEALS MEETING SCHEDULE AND SUBMISSION DEADLINES.**

Mr. Havelin presented the 2024 Board of Adjustments and Appeals Schedule and Submission Deadlines.

After a discussion and upon the motion of Mr. Guade, duly seconded by Mr. Sullivan, the Board voted unanimously to approve.

VI. PLANNER'S REPORT

Mr. Havelin and Mr. McCaskey informed the board that there would most likely be a January 2024 meeting for a possible variance request.

VII. ADJOURNMENT

After discussion, Mr. Sullivan moved to adjourn, which was seconded by Mr. Gaude, and the Board voted unanimously to adjourn until 4:00 p.m. on January 24, 2024, 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 23-14 a request for a variance from stormwater requirements for 510 Industrial Park Road, in an I zoning district.
Date: January 24, 2024

The purpose of this report is to provide information regarding the Variance request by Lloyd Seymour, on behalf of Oktibbeha County Humane Society, for a variance from stormwater requirements at Oktibbeha County Humane Society Starkville Animal Shelter at 510 Industrial Park Road, in an I zoning district with the property #102M-00-005.00. Please see attachments 1-4.

SUMMARY

The applicant is currently in the process of expanding the existing site to include a kennel and spay and neuter facility, which would also require a stormwater detention system to be built. The proposed Spay and Neuter facility is approximately 2,000 square feet, and the proposed Kennel facility is approximately 4,600 square feet. Since the proposed structures have total square footage above 1,000 square feet, site plan review and architecture review are required. The applicant has currently completed both required reviews (see attachment 3 approved site plan). The applicant is proposing to remove the detention pond and retaining wall from the site plan (see attachment 4). The applicant included the following statement on the variance application:

"Due to floodplain requirements, the new facilities are required to be constructed 2 feet above the floodplain. That is approximately 8' to 10' above the existing grades. These requirements make the construction of stormwater detention facilities impractical and cost prohibitive.

We are requesting a variance to waive the stormwater detention requirements. In lieu of detention, we propose the use of sediment traps to slow the stormwater and provide some treatment."

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 February 6, 2024, 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.

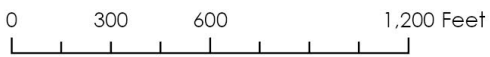
1. 11 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on December 20, 2023.
3. A sign was posted on the property in a conspicuous location.

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

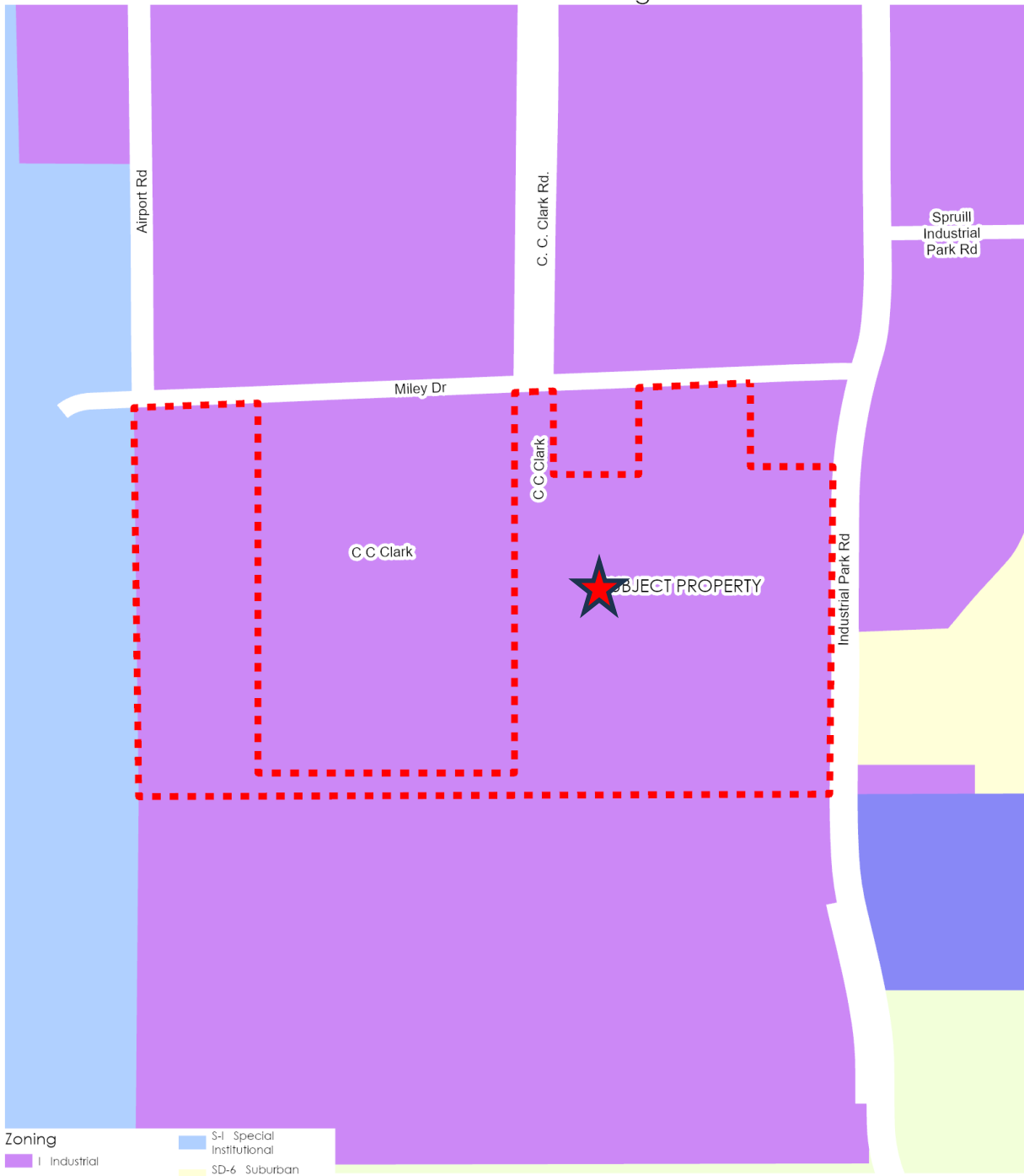
CONDITIONS OF APPROVAL

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 23-14 Aerial

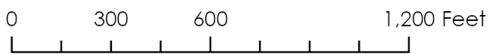


Attachment 2
VA 23-14 Zoning



Zoning

I Industrial	S-I Special Institutional
RN Rural Neighborhood	SD-6 Suburban Detached
S-E Special Educational	Subject Property



Attachment 4- Proposed Site Plan without Detention Pond

