



**OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, MAY 22, 2024  
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 JANUARY 24, 2024
- V. NEW BUSINESS
  - A. PUBLIC HEARING AND CONSIDERATION OF VA 24-01 A REQUEST FOR A VARIANCE FROM WALL SIGNAGE SIZE REQUIREMENTS AT 118 MS HIGHWAY 12 WEST, SUITE B, IN A C ZONING DISTRICT.
- VI. PLANNER'S REPORT
- VII. ADJOURN



**APPROVED MINUTES OF THE MEETING OF  
THE BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
January 24, 2024**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on January 24, 2024, 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; Kurt Gaude Ward 2; Bo Richardson, Ward 3; and George Sills, Ward 4. Shawn Sullivan, Ward 7 was absent from the meeting. City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey were both present at the meeting in person, attending the Commissioners.

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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 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

The Board considered the matter of the approval of the written agenda dated January 24, 2024. 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 DECEMBER 20, 2023**

The Board considered approving the December 20, 2023, Board of Adjustments and Appeals meeting minutes. Upon Mr. Nicovich's motion, seconded by Mr. Ford, the Board voted unanimously to approve the minutes.

## **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.**

Mr. Havelin presented a request by the Oktibbeha County Humane Society for a variance from stormwater requirements at 510 Industrial Park Road. The applicant is 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 site is located within a floodplain. Any detention pond built within a floodplain is required to be built above the Base Flood Elevation. Thus, requiring the whole site to be raised.

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 December 20, 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.

Rick Welch spoke in favor of the request.

Cody Burnett came forward to answer questions about the request.

Kim Moreland 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. Gaude, the Board voted unanimously to approve.

## **VI. PLANNER'S REPORT**

Mr. Havelin and Mr. McCaskey informed the board that there were currently no applications for the next scheduled 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 February 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 24-01 a request for a variance from wall signage size requirements at 118 MS Highway 12 West, Suite B, in a C zoning district.  
**Date:** May 22, 2024

The purpose of this report is to provide information regarding the Variance request by Matt Largen with Headrick Signs & Graphics Inc. on behalf of Miskelly Furniture for a variance from wall sign size requirements at 118 MS Highway 12 West, Suite B in the former Vowell's grocery building in C (commercial) zoning district with the property 102A-00-207.00. Please see attachments 1- 4.

**SUMMARY**

Miskelly's Furniture is in the process of remodeling the eastern portion of the former Vowell's grocery store building. As part of the remodel, there will be new signage associated with the new tenant. The applicant is proposing to install three separate signs on the front of the façade with a combined total square footage of 309.8 square feet. The maximum allowed total square footage in a C (commercial) zoning district is 150 square feet unless the building is more than 200 feet from the nearest adjacent street. If the building is more than 200 feet from the nearest adjacent street, the square footage can be increased to 250 square feet. The existing building is within 50 feet of Woods Street to the north and 264 feet of Highway 12 to the south. Therefore, with the distance to Woods Street being less than 200 feet, the signs are not eligible for the increased square footage. The applicant requests relief from Section 14.7.8.A.2. to allow for a total square footage of 309.8 square feet. The building has previously received a Special Exception from façade materials and a Variance from stormwater requirements from the Board of Aldermen. 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 June 4, 2024 meeting.

**Unified Development Code Section 14.7.8.A Wall Sign**



**Fig 14.7-3**

**1. Description**

1. A wall sign is a sign attached flat to, painted on, or mounted away from but parallel to the building wall.
2. A sign permit is required for a wall sign.

**2. Size Requirements**

1. The copy area or sign area, whichever is greater, of a wall sign shall not exceed fifty percent (50%) of the square footage of the facade face of the building and not to exceed one hundred fifty (150) square feet in size.
2. The sign area of a wall sign in Form-based districts shall not exceed three (3) feet in height and ninety percent (90%) of the width of the facade face.
3. The sign area of a wall sign in TN-N, TN-E, MU-9, and MU-20 districts shall not exceed three (3) feet in height and fifty percent (50%) of the width of the facade face up to a maximum of fifty (50) square feet in size.
4. Wall signs shall not extend out more than twelve (12) inches from the building wall.

**3. Location**

1. No portion of a wall sign may extend above the roof line of a building without a parapet wall. No portion of a wall sign shall extend above the parapet without a use exception being granted.
2. No wall sign may extend above the lower eave line of a building with a pitched roof.
3. The minimum clearance above a walkway or public sidewalk from the bottom of a wall sign shall be eight (8) feet.

**4. Additional Standards**

1. The font height of wall signs in the TN-N, TN-E, and Form-based Districts shall not exceed eighteen (18) inches.
2. Wall signs in the TN-N, TN-E, and Form-based Districts shall not be internally illuminated. Halo-type or backlit illumination is not considered internally illuminated. Push thru letters with an opaque letter face are allowed.
3. If the primary structure is located more than two hundred (200) feet from the nearest adjacent street, the square footage of a wall sign may be increased to two hundred and fifty (250) square feet in a Commercial, Industrial, Optional- Commercial use district, or Optional- Industrial use district.

4. Painted wall signs shall meet all size and location requirements in addition to being painted in a professional and contextually complementary manner. An artistic mural that is not related to the use of the building or site is not considered a wall sign and is not regulated by this section.
5. This sign type is only allowed in RN and O-E zoning districts with an approved commercial or multi-dwelling unit residential use.
6. This sign type is only allowed in TN-N and TN-E zoning districts with an approved commercial use or use exception for existing use.

### 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.

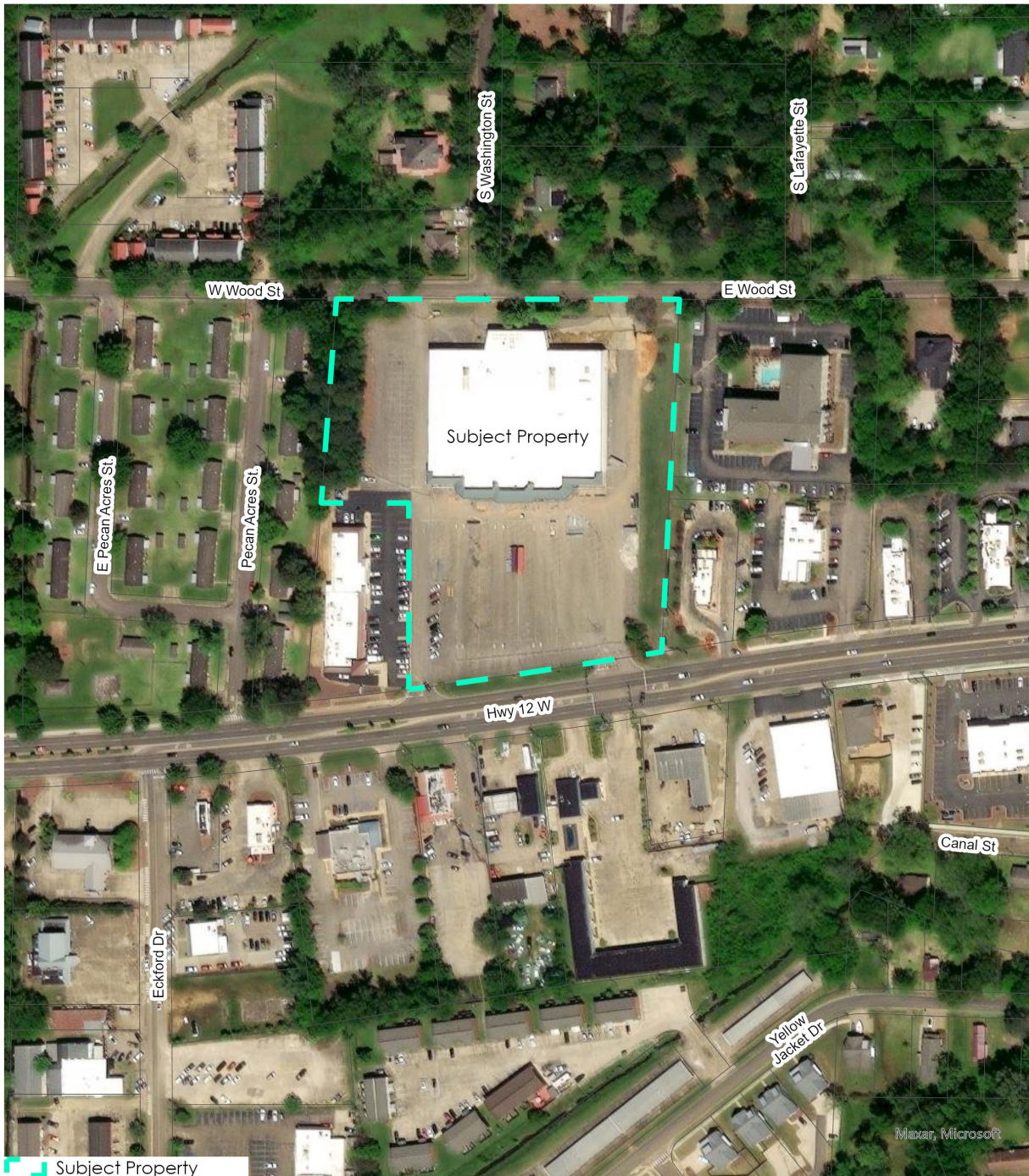
1. 15 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on April 27, 2024.
3. A sign was posted on the property in a conspicuous location.


As of this date, the Planning Office has received no response to the notification.

### 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 24-01 Aerial

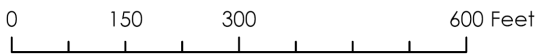
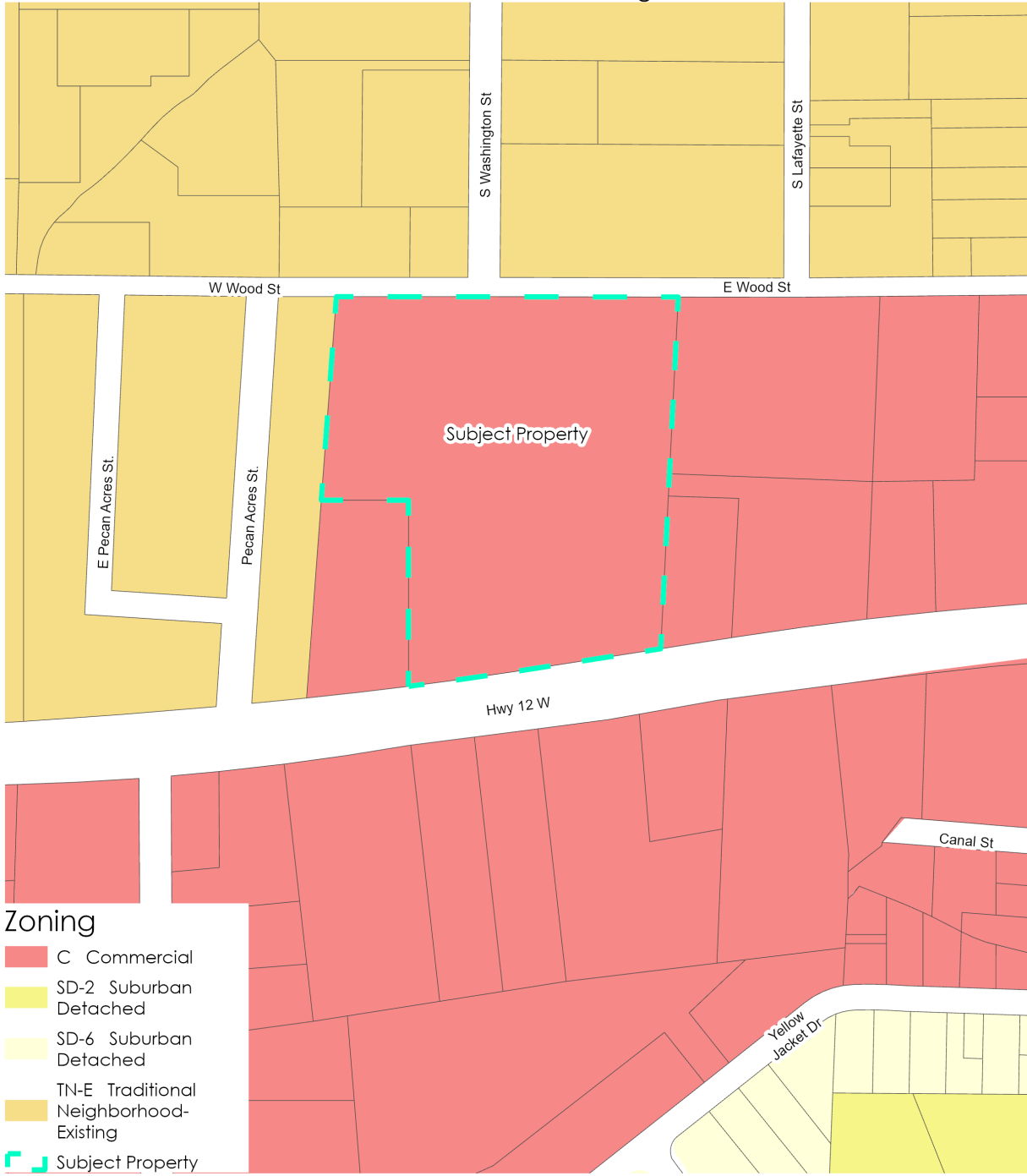


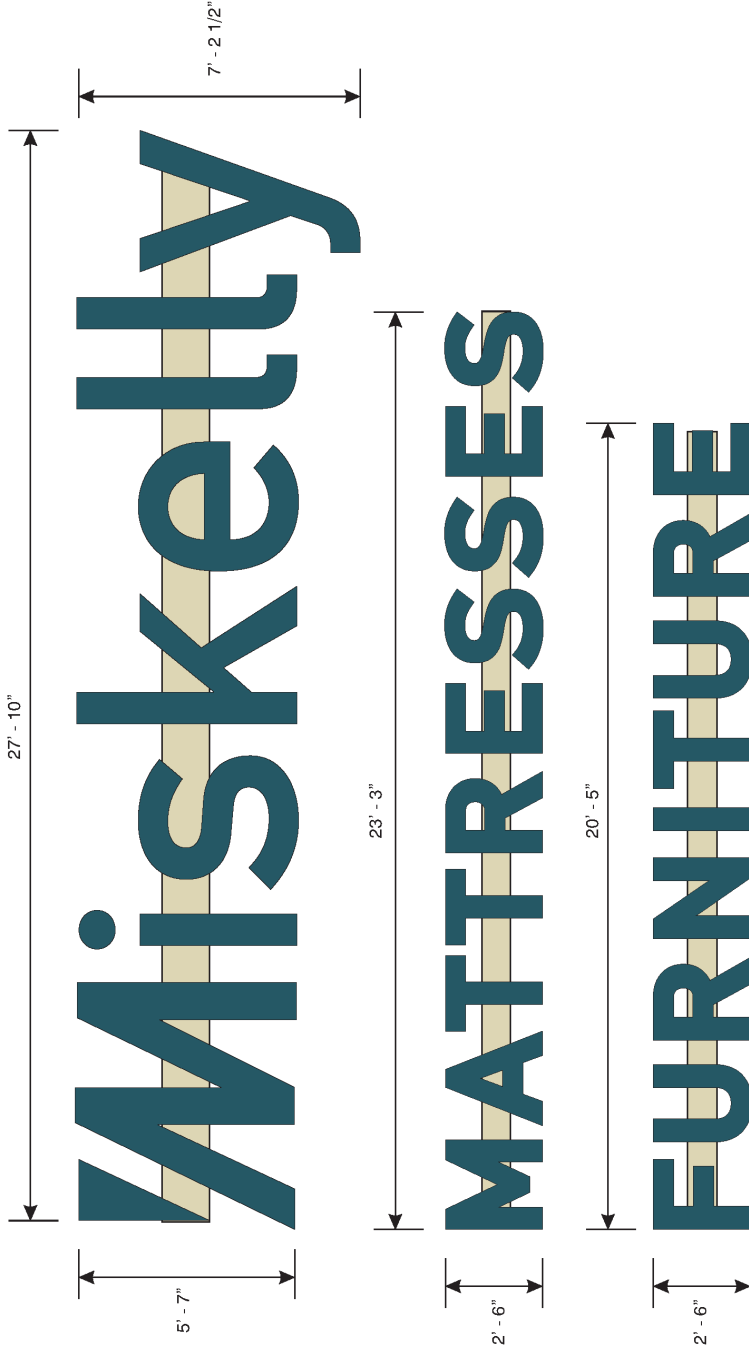
 Subject Property



HISTORIC  
**STARKVILLE**  
MISSISSIPPI'S COLLEGE TOWN

Attachment 2  
VA 24-01 Zoning





Miskelly.....200.63 Sq Ft  
 Furniture.....51.04 Sq Ft  
 Mattresses.....58.13 Sq Ft  
**Total.....309.80 Sq Ft**

\* (3) Sets of Channel Letters, Internally Illuminated, with Black Jewelite and Returns  
 \* Letters Mounted on Raceway Painted to Match Building

Color: ■PMS 7477 C

**NOTE: Construction restrictions may cause dimensions to vary slightly**

**THIS LOGO/ART IS THE PROPERTY OF THE HEADRICK SIGNS & GRAPHICS AND IS NOT TO BE DUPLICATED OR COPIED**  
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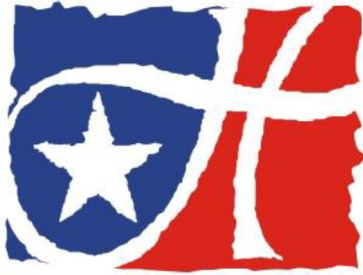


CUSTOMER:		Starkville, MS	
SCALE		1/4" = 1' - 0"	
DATE		02/28/24	
REVISION DATE		02/28/24	
APPROVED BY		DRAWN BY	
SKETCH NO.		ML - 4304 - 02 - 24	
PAGE		1	
ALT		ALT	

ONE FREEDOM SQUARE LAUREL, MS 39440-3367 PHONE 601-649-1977 / FAX 601-425-2411 / E-MAIL: hsc@headricks.com



Attachment 4- Applicant Statement



**HEADRICK**  
SIGNS & GRAPHICS  
INCORPORATED

One Freedom Square Laurel, MS 39440-3367

Phone (601) 649-1977 / Fax (601) 425-4732 [www.headricks.com](http://www.headricks.com)

April 9, 2024

City of Starkville- Board of Adjustment and Appeals

RE: Variance Request for Miskelly Furniture at 118 MS Hwy 12- Wall Signage

Please consider the letter as a request to install sign square footage of illuminated channel lettering in the amount of 309.8 square feet vs. the allotment of 150 sf provided in the sign ordinance.

Please see below for the individual responses to variance review criteria set forth in the UDC, section 3.7.1:

- A. “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.”

The Miskelly Furniture building sits nearly 300 feet back from Hwy 12, making the building signage allotment of 150 sf extremely small for viewing traffic from Hwy 12. The size of the building fascia and the distance in viewing from Hwy 12 traffic for the Miskelly building is unique in many ways from other businesses in the surrounding area.

- B. “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.”

We do feel that Miskelly needs to have adequate signage for the size of the building and accurate viewing from the highway. Without this, Miskelly will not be able to properly advertise their business, potentially limiting their exposure to drive-by traffic. Businesses close to the road enjoy better visibility due to their proximity to Hwy 12.

- C. “That the hardship has not resulted from the actions of the applicant.”

**This hardship is not based on applicant’s actions, but strictly on geography and property layout.**

- D. “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.”

**We do not feel that this request would deny others the ability to request this same consideration from the BOA that is being requested in this case. If other businesses have the same issue of signage readability and are struggling with adequate sign sizing, we feel that those businesses should be able to have larger signage as needed.**

- E. “That granting the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.”

**We feel that the request for additional square footage is reasonable for the building size and distance from the highway and is the minimum needed to be seen clearly.**

- F. “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.”

**We feel that granting this variance directly supports the Comprehensive Plan General Purpose Statement. This last line of that statement references enhancing the quality of life for city residents through many items, including “economic development opportunities”. We feel that adequate and effective signage is key to the success of the Miskelly Furniture store location here in Starkville, and with that success, it leads to increased job opportunities for residents.**

We are also would like to submit these additional points for requesting this variance:

1. **Traffic Safety:** The distance from the building to Hwy 12 is over 300 linear feet at some points. Based on this distance, the signage on the wall needs to be large enough to read clearly. If the signage is only 150 sf, then the wall signage will be too small and not clearly readable, creating a traffic safety hazard for passing traffic if drivers must strain to read the building signage when trying to identify the location. Clearly readable signage allows for drivers to quickly identify the name of the business and keep their focus on the road. See attached exhibits showing the size difference in our request vs. ordinance allowance in artwork form.
2. **Economic Success of the Miskelly Location:** Clear and distinct branding of a business is key to the success of the store. Miskelly Furniture is making a huge investment in Starkville and will be an asset to the community for years to come. One of the key factors in building their brand recognition is their sign, which will get their logo and name out to the community. Without adequate signage to identify their business, the success of the Miskelly Furniture store is made more difficult. Miskelly would like to contribute to the success of the City of Starkville commercial properties.
3. **Economic Benefit for Neighboring Businesses:** This variance to allow additional sign square footage for Miskelly Furniture will not negatively impact any adjacent businesses or properties. In fact, properly sized signage for Miskelly will result in increased traffic to the area and increase drive-by and overflow traffic into businesses close to the Miskelly location.

Sincerely,

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