



**OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, OCTOBER 23, 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 AUGUST 28, 2024
- V. NEW BUSINESS
  - A. PUBLIC HEARING AND CONSIDERATION OF VA 24-04 A REQUEST FOR A VARIANCE FROM FRONT AND REAR SETBACK REQUIREMENTS LOCATED AT 200 PILCHER STREET IN A TN-E ZONING DISTRICT.
- VI. ADJOURN



**APPROVED MINUTES OF THE MEETING OF  
THE BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
AUGUST 28, 2024**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on August 28, 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; George Sills, Ward 4; and Shawn Sullivan, Ward 7. City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey were both present at the meeting in person, attending the Board.

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MEETING OF WEDNESDAY, AUGUST 28, 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 MAY 22, 2024
- V. NEW BUSINESS
  - A. PUBLIC HEARING AND CONSIDERATION OF VA 24-02 A REQUEST FOR A VARIANCE FROM POOL SETBACK REQUIREMENTS LOCATED AT 250 BANCROFT AVE IN A TN-N ZONING DISTRICT.
  - B. PUBLIC HEARING AND CONSIDERATION OF VA 24-03 A REQUEST FOR A VARIANCE FROM FRONT SETBACK REQUIREMENTS LOCATED AT 290 TURNBERRY LANE IN AN SD-2 ZONING DISTRICT.
- VI. PLANNER'S REPORT
- VII. ADJOURN

The Board considered the approval of the written agenda dated August 28, 2024. Upon Mr. Nicovich's motion, 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 May 22, 2024**

The Board considered approving the January 24, 2024, 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 24-02 A REQUEST FOR A VARIANCE FROM POOL SETBACK REQUIREMENTS LOCATED AT 250 BANCROFT AVE IN A TN-N ZONING DISTRICT.**

Mr. Havelin presented Jerry Toney's request for a variance from the 5' pool setback requirement at 250 Bancroft Ave in a TN-N zoning district. The applicant is requesting relief from the pool setback requirement. The UDC requires that swimming pools be located a minimum of five (5) feet from any building or property line. The proposed variance request would reduce the distance to +/- 2 feet. In addition to this request, the applicant also seeks a Special Exception on the placement of the pool equipment.

The request was noticed in accordance with Section 3.7.3.E. 8 property owners of record were notified directly by mail of the request. A legal ad was published in the Starkville Daily News on August 13, 2024, and 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.

Jerry Toney 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 Mr. Nicovich's motion, duly seconded by Mr. Ford, the Board voted unanimously to approve.

##### **B. PUBLIC HEARING AND CONSIDERATION OF VA 24-03 A REQUEST FOR A**

**VARIANCE FROM FRONT SETBACK REQUIREMENTS LOCATED AT 290  
TURNBERRY LANE IN AN SD-2 ZONING DISTRICT.**

Mr. Havelin presented a request by Frank Jones for a variance from setback requirements located at 290 Turnberry Lane in an SD-2 zoning district. The applicant is requesting relief from the front setback requirements. The proposed structure designed for the applicant encroaches on the front setback in three places. The largest deviation is +/- 5 feet. The applicant was also the developer of the subdivision and this phase, which was platted on September 26, 2022. Since the development was started before the adoption of the current zoning, the setbacks for this phase were permitted to match the previous phases (25' Front, 20' Rear, and 10' sides).

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 13, 2024, and 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.

Frank Jones 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 Mr. Sullivan's motion, duly seconded by Mr. Richardson, the Board voted unanimously to approve.

**VI. PLANNER'S REPORT**

Mr. Havelin and Mr. McCaskey informed the board that there is an application for the September 25, 2024 meeting.

**VII. ADJOURNMENT**

After discussion, Mr. Nicovich moved to adjourn, which was seconded by Mr. Richardson. The board voted unanimously to adjourn until 4:00 p.m. on September 25, 2024, in the second-floor conference room located at 110 West Main Street, Starkville, MS.

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Bill Webb, Chairman

\_\_\_\_\_  
Daniel Havelin, City Planner

DRAFT

**STAFF REPORT**

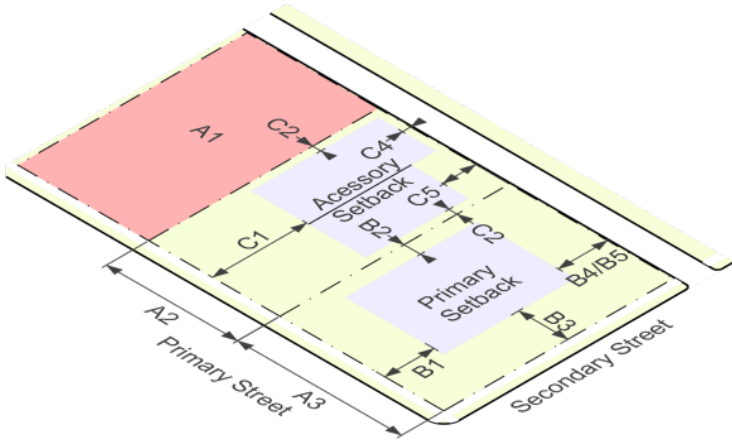
**To:** Members of the Board of Adjustments & Appeals  
**From:** Daniel Havelin, City Planner (662-323-2525 ext. 3136)  
 Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)  
**Subject:** Public hearing and consideration of VA 24-04 a request for a variance from front and rear setback requirements located at 200 Pilcher Street in a TN-E zoning district.  
**Date:** October 23, 2024

The purpose of this report is to provide information regarding Variance Request by Jimmie Clyde Trainer for a variance from rear setback requirements located at 200 Pilcher Street in an TN-E zoning district with the property #118O-00-02.00. Please see attachments 1- 4.

**SUMMARY**

The applicant is currently in the process designing a new home for the lot. Due to the unique shape of the lot, the applicant is having difficulties fitting a structure within the existing setbacks. The applicant is requesting +/- 9' variance from the rear setback of the property for the placement of the new home. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 5, 2024, meeting.

**VARIANCE REQUEST FROM**



Detached and Attached Duplex Dwelling	
<b>A. Lot Dimensions</b>	TN-E
A1. Lot size per unit in sq. ft (min.)	5500
A2. Lot width (min.)	45'

A3. Lot width at corner (min.)	55'
<b>B. Principal Building Setbacks</b>	TN-E
B1. Front setback	15' or infill standards
B2. Side setback (min.)	5' or infill standards
B3. Side setback corner lot (min.)	15' or see infill
B4. Rear setback (min.)	15'
B5. Rear setback adjacent to street or alley (min.)	15'

**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.

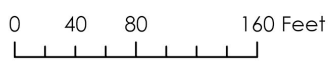
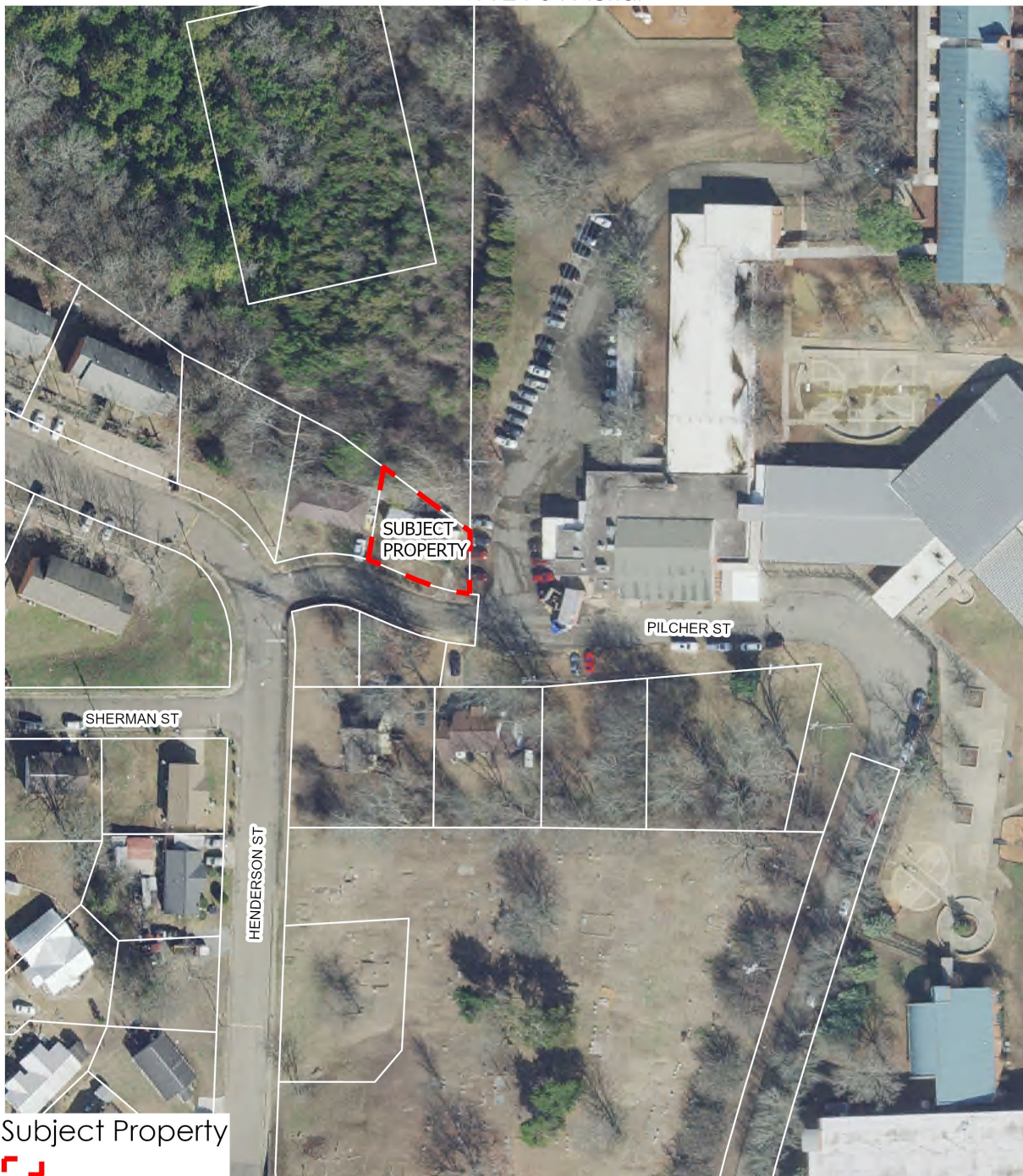
1. 10 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on September 14, 2024.
3. A sign was posted on the property in a conspicuous location.

As of this date, the Planning Office has no response to the notifications

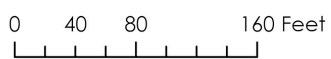
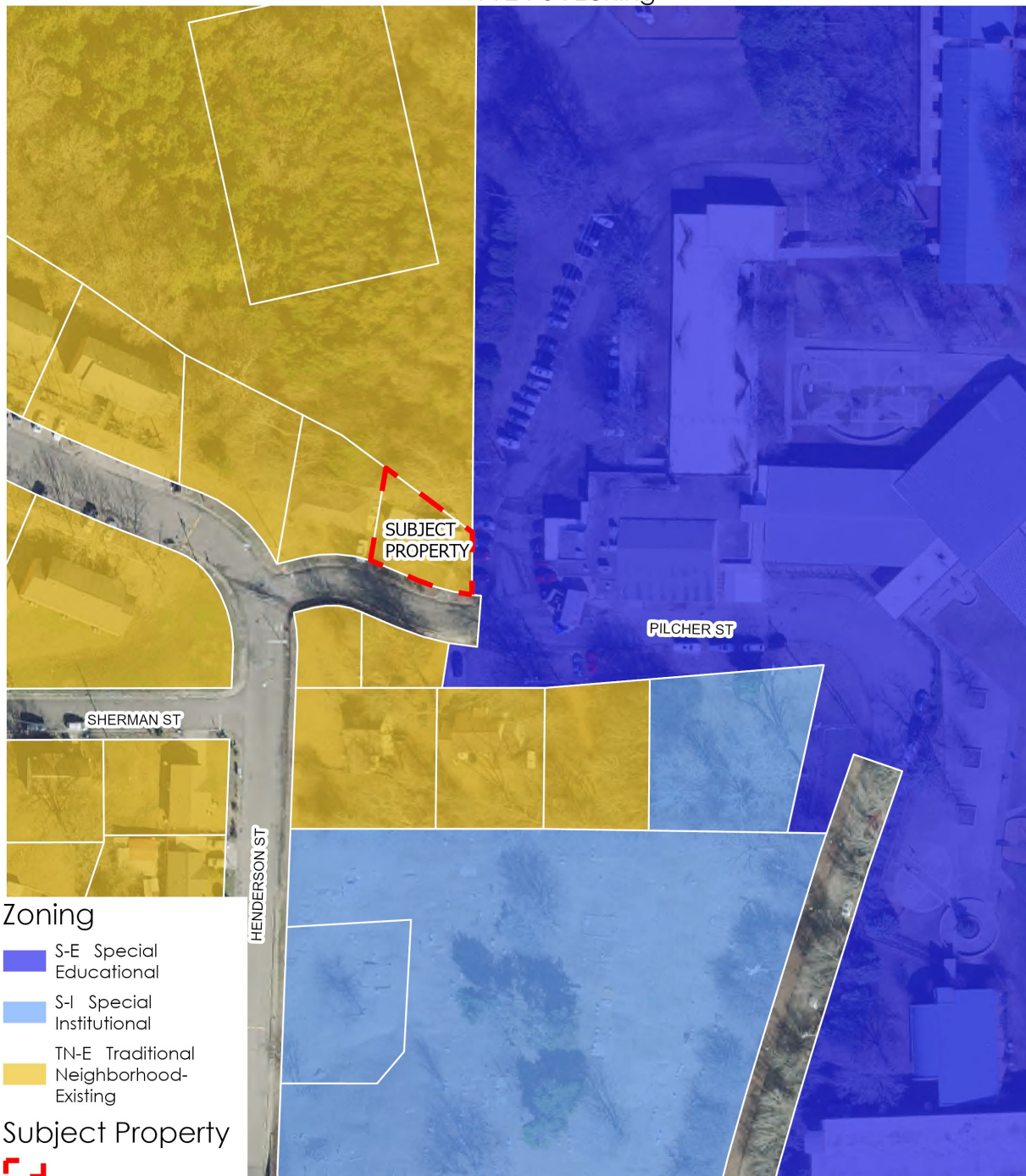
**CONDITIONS OF APPROVAL**

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 24-04 Aerial



Attachment 2  
VA 24-04 Zoning



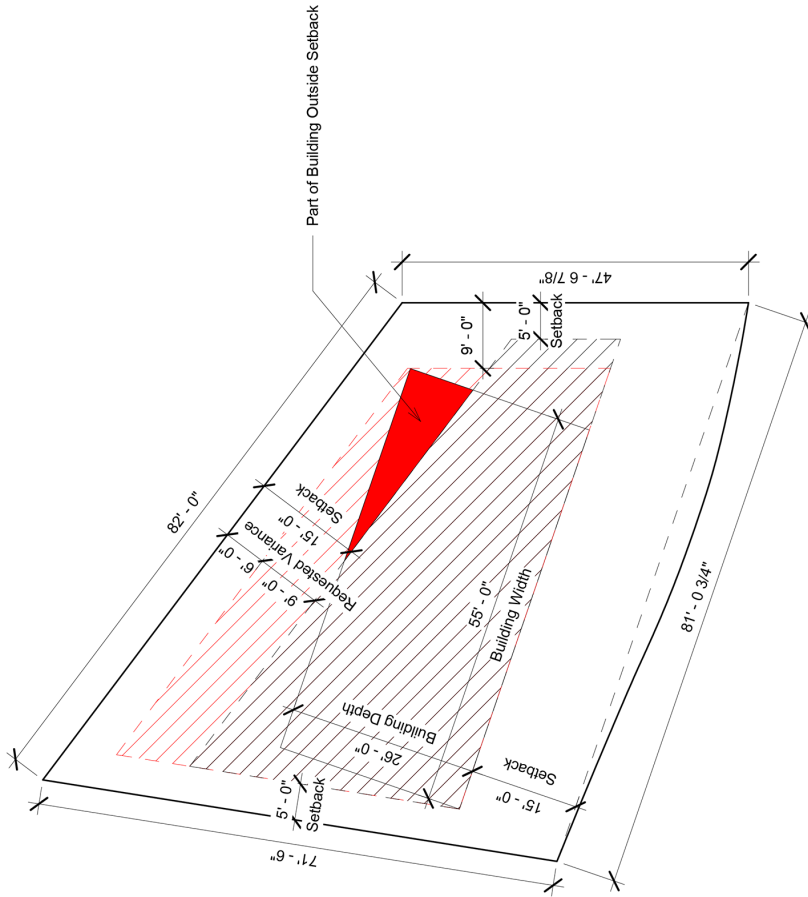
# Attachment #3 Site Plan

**General Notes:**

1. Property lines are not exact and should be verified prior to construction.

**Reasons For Variance Request:**

1. The shape of the property with these setbacks make it difficult to place an average size home of a traditional shape.
2. The variance would only be needed on the back right corner of the property so a large portion of the site would still fall within those setback rules.
3. This is an opportunity to raise the value of the community.



① Site  
1/16" = 1'-0"

New Construction  
Keyonnie Trainer



Site Plan

Attachment #4 Site Plan Enlarged

