



**OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, NOVEMBER 20, 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 OCTOBER 23, 2024
- V. NEW BUSINESS
  - A. PUBLIC HEARING AND CONSIDERATION OF VA 24-05 A REQUEST FOR A VARIANCE FROM BUILDING SETBACKS FOR A PROPOSED DEVELOPMENT LOCATED EAST OF 521 SOUTH MONTGOMERY STREET IN A C ZONING DISTRICT.
- VI. ADJOURN



**APPROVED MINUTES OF THE MEETING OF  
THE BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
OCTOBER 23, 2024**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on October 23, 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; Kurt Gaude, Ward 2, and George Sills, Ward 4. Bo Richardson, Ward 3 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 Board.

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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

The Board considered the approval of the written agenda dated October 23, 2024. Upon Mr. Nicovich's motion, 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 AUGUST 28, 2024**

The Board considered approving the August 28, 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 24-04 A REQUEST FOR A VARIANCE FROM FRONT AND REAR SETBACK REQUIREMENTS LOCATED AT 200 PILCHER STREET IN A TN-E ZONING DISTRICT.**

Mr. McCaskey presented the request by Jimmie Clyde Trainer for a variance from rear setback requirements located at 200 Pilcher Street in a TN-E zoning district. The applicant is currently in the process of designing a new home for the lot. Due to the lot's unique shape, the applicant is having difficulties fitting a structure within the existing setbacks. The Unified Development Code requires a rear setback of fifteen feet. The applicant is requesting approximately a nine foot variance from the rear setback of the property for the placement of the new home.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 10 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 September 14, 2024. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received one call for information and no calls in support of or against the request.

Chairman Webb opened the public hearing to citizen comments.

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Sharon Bonner 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. Gaude, 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 November 20, 2024, meeting.

## **VII. ADJOURNMENT**

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

\_\_\_\_\_  
Bill Webb, Chairman

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



**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 24-05 a request for a variance from building setbacks for a proposed development located east of 521 South Montgomery Street in a C zoning district.  
**Date:** November 20, 2024

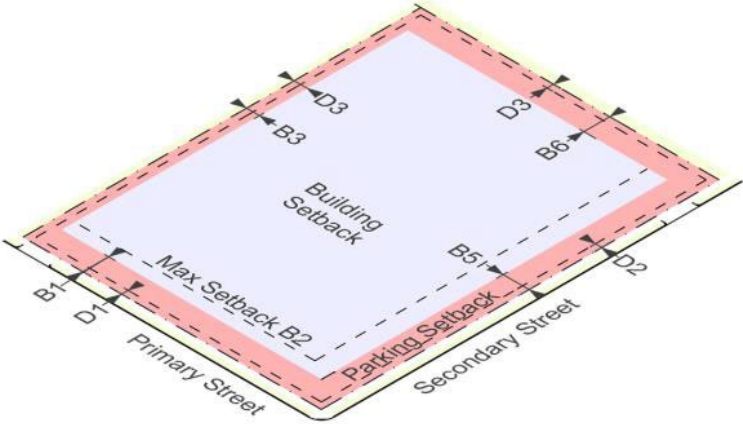
The purpose of this report is to provide information regarding Variance request by James Wier of WBA Architecture on behalf of Jason Ishee from building setbacks for a proposed development located east of 521 South Montgomery Street in a C zoning district with the parcel number(s) 101D-00-240.00, 101D-00-241.00, 101D-00-242.03, and 101D-00-242.02. Please see attachments 1-5.

**SUMMARY**

The applicant is requesting relief from side and rear setback requirements for a proposed condo and mixed-use development located directly east of 521 South Montgomery Street. Section 7.2.B7 requires that there be a 50' rear setback when commercial development occurs adjacent to parcels with existing detached residential. The request is for a variance from 50' to 20' for the northern and eastern property lines. They are also requesting a variance from 10' to 5' from the southern property line. The applicant attended a Development Review Committee meeting on October 3, 2024, for site plan review. The property is also currently in the process of aggregating and replatting all the lots together. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the Tuesday, December 3, 2024, meeting.

**VARIANCE REQUEST FROM**

**7.2 Base Dimensional Standards**



<b>Commercial Use</b>	
<b>A. Lot Dimensions</b>	C
A1. Lot size (min)	*
A2. Lot width (min)	*
<b>B. Building/Structure Setbacks</b>	C
B1. Front setback min	20'
B2. Front setback max	N/A
B3. Side setback	10'
<b>B4. Side setback adjacent to detached residential</b>	<b>50'</b>
B5. Side setback corner lot	20'
B6. Rear setback	20'
<b>B7. Rear setback adjacent to detached residential</b>	<b>50'</b>

**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. 23 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 November 3, 2024.
3. A sign was posted on the property in a conspicuous location.

As of this date, the Planning Office has 2 phone calls requesting information.

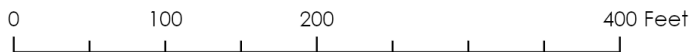
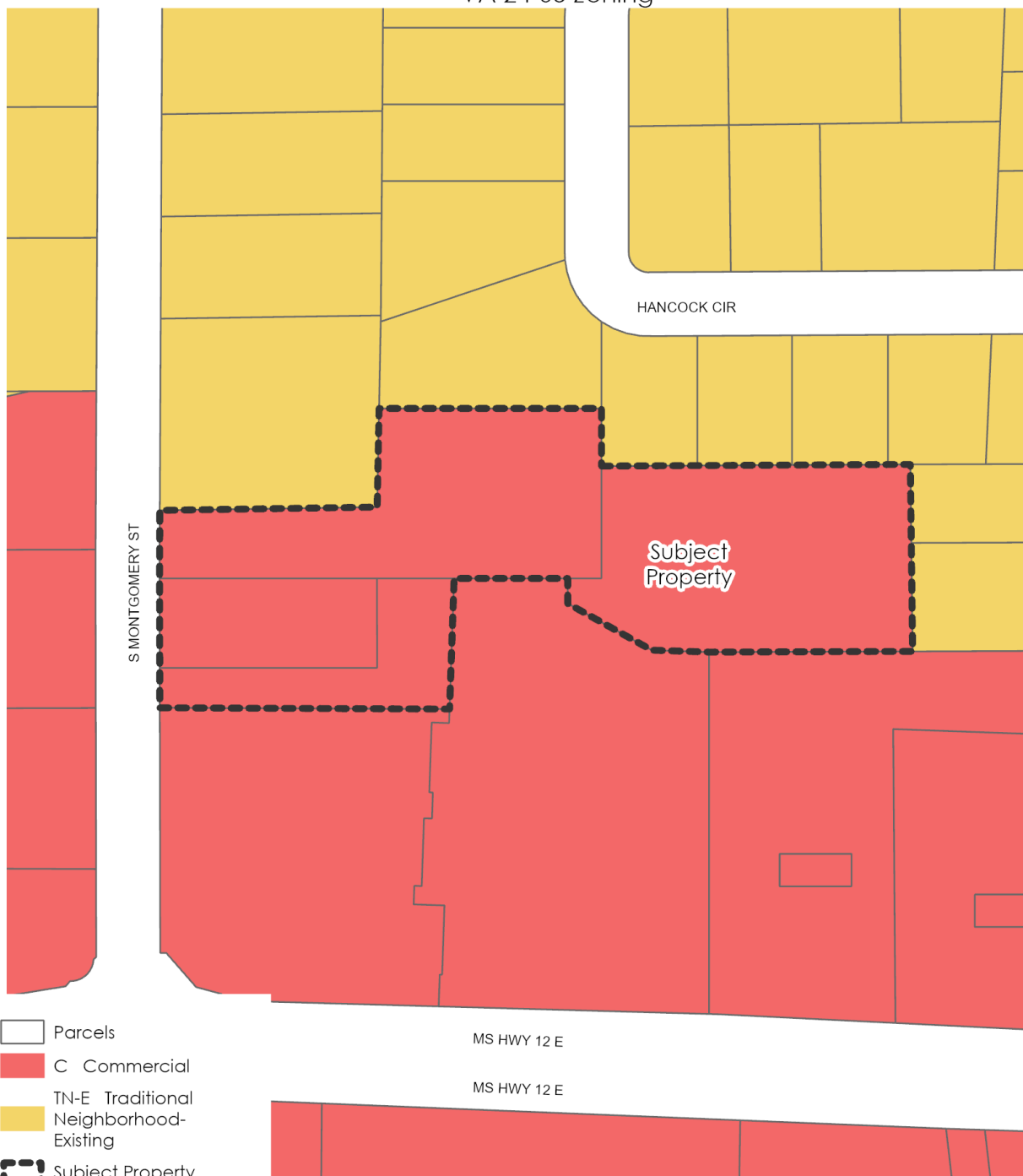
## CONDITIONS OF APPROVAL

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 24-05 Aerial



Attachment 2  
VA 24-05 Zoning



Attachment 3  
VA 24-05 Aerial Overlay with Concept Plan





## Attachment 5- Applicant Statement



**October 24, 2024**

**Re: Request for Variance for The Montgomery Condos**

Daniel,

Thank you for the opportunity to request variances from the City of Starkville for the development of The Montgomery Condos project. Given the unique configuration and location of the site, certain variances are needed to achieve a developable project.

~~Item 1 – Request to reduce landscape buffer for a small area along North property line in order to provide adequate space for vehicle movements in the proposed parking lot. (see attached exhibit)~~

**Item 2 – Request to reduce the existing 50 side setbacks adjacent to the detached residential to a 20' side setback adjacent to the detached residential. Because of the size and configuration of the lot, the current setbacks prohibit enough remaining area for a viable project.**

**Item 3 – Request to reduce the existing 50' rear setback adjacent to detached residential to a 20' rear setback adjacent to detached residential. Because of the size and configuration of the lot, the current setbacks prohibit enough remaining area for a viable project.**

**Item 4 – Request to reduce the existing 10' side setback to a 5' side setback on the South property line of the site. Because of the size and configuration of the lot, the current setbacks prohibit enough remaining area for a viable project.**

I hope that this letter clearly outlines our request and need for these variances. Please contact me if you have any questions or need additional information. We look forward to working with you!

Sincerely:

A handwritten signature in black ink, appearing to read 'James R Wier Jr.', written in a cursive style.

James R Wier Jr, AIA  
Principal