



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
SPECIAL CALL MEETING OF WEDNESDAY, APRIL 22, 2026
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 MARCH 25, 2026.
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 26-03 A REQUEST FOR A VARIANCE FROM FENCE HEIGHT REQUIREMENTS LOCATED AT 403 EAST GILLESPIE STREET IN A TN-E ZONING DISTRICT.
- VI. PLANNER'S REPORT
- VII. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MARCH 25, 2026**

Be it remembered that the members of the Board of Adjustments and Appeals of the City of Starkville held their regularly scheduled meeting on March 25, 2026, 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 Amanda Jacobs, Ward 1; Dan Shipp, Ward 3; Kurt Gaude, Ward 2 and Emily Morris, Ward 7. Absent from the meeting were Bill Webb, Chairman, Ward 6; Marco Nicovich, Vice Chairman, Ward 5 and George Sills, Ward 4; City Planner Daniel Havelin, and Assistant City Planner Lyle McCaskey were both present at the meeting in person.

**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
REGULAR MEETING OF WEDNESDAY, MARCH 25, 2026
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 17, 2025
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 26-01 A REQUEST FOR A VARIANCE FROM THE REQUIREMENT TO INSTALL AN AUTOMATIC FIRE SPRINKLER SYSTEM AT 106 DR MARTIN LUTHER KING JR DRIVE WEST IN A T-5C ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 26-02 A REQUEST FOR A VARIANCE TO REDUCE THE FRONT YARD SETBACK FROM 25' TO 15' FOR LOTS 217 OF THE COUNTRY CLUB ESTATES PHASE 3-E SUBDIVISION IN A SD-2 ZONING DISTRICT.
- VI. PLANNER'S REPORT
- VII. ADJOURN

Due to the absence of the Chair and Vice Chair, the present members selected Assistant Planner Lyle McCaskey to act as procedural chair. The Board considered the approval of the written agenda dated March 25, 2026. Upon Ms. Jacobs' motion, seconded by Mr. Shipp, the Board voted unanimously to approve the written agenda with the amendment.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR DECEMBER 17, 2025.

The Board considered approving the December 17, 2025, Board of Adjustments and Appeals meeting minutes. Upon Mr. Shipp's motion, seconded by Mr. Gaude, the Board voted unanimously to approve the minutes.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 26-01 A REQUEST FOR A VARIANCE FROM THE REQUIREMENT TO INSTALL AN AUTOMATIC FIRE SPRINKLER SYSTEM AT 106 DR MARTIN LUTHER KING JR DRIVE WEST IN A T-5C ZONING DISTRICT.

Lyle MeCaskey presented the request by Francis Tran on behalf of Far Out Motel for a variance from the requirement to install an automatic fire sprinkler system at 106 Dr Martin Luther King Jr Drive West. Fire Marshall Mark McCurdy submitted additional information to the Board relating to the request (Exhibit 1).

The subject property is classified as a motel use (Group R-1 occupancy), for which automatic sprinkler systems are typically required to ensure compliance with life-safety standards. The applicant states that the structure has operated as a motel since its original construction and predates current sprinkler requirements; however, recent work has occurred. The applicant started extensive interior work without required permits. The applicant claims that work was limited to necessary remedial repairs. The applicant also states that the work was limited to repairs addressing deterioration and water damage rather than full renovation.

Section 904.1.4 of the International Existing Building Code and Unified Development Code Section 17.2.2 which addresses modifications the City of Starkville has made to the 2024 edition of the international existing building code.

Mr. MeCaskey spoke of the staff's analysis of the six criteria for Variance review and approval. Base on those criteria, staff recommends denial of the request.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 7 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 March 6, 2026. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has no response to the notifications.

Procedural chair Mr. MeCaskey opened the public hearing to citizen comments.

Francis Tran spoke in favor of the request.

Fire Marshall Mark McCurdy answered questions from the Board.

Calling for and receiving no additional comments, Mr. McCaskey closed the public hearing and opened the item up for discussion.

After a discussion and upon Mr. Shipp's motion, duly seconded by Mr. Gaude, the Board voted unanimously to recommend denial of the request.

B. PUBLIC HEARING AND CONSIDERATION OF VA 26-02 A REQUEST FOR A VARIANCE TO REDUCE THE FRONT YARD SETBACK FROM 25' TO 15' FOR LOTS 217 OF THE COUNTRY CLUB ESTATES PHASE 3-E SUBDIVISION IN A SD-2 ZONING DISTRICT.

Daniel Havelin presented the request by Frank Jones for a variance to reduce the front yard setback from 25' to 15' for Lots 217 of the Country Club Estates Phase 3-E subdivision. The stated reason for the request is to improve drainage conditions on the lot. The slope affecting the lot was shown on the original subdivision plat and infrastructure plans. The applicant is also the developer of the subdivision and was involved in the design and construction of the infrastructure. As a result, the conditions affecting the lot were known prior to development.

All other homes on the east side of the street meet the required 25-foot front setback. Approval of this request would result in one home being located significantly closer to the street than others in the immediate area. There have been two other variance requests to reduce the front yard setback for lots in the subdivision. Those two requests were for entire blocks within the neighborhood. This request is very different because it is for one lot along a street that has existing housing and houses currently being built. All of those houses are meeting the 25-foot front setback. This house would be unique in that it will be 10 feet closer to the road than any other house on the street.

Mr. Havelin spoke of the staff's analysis of the six criteria for Variance review and approval. Base on those criteria, staff recommends denial of the request.

Procedural chair Mr. McCaskey opened the public hearing to citizen comments.

Frank Jones spoke in favor of the request.

Calling for and receiving no additional comments, Mr. McCaskey closed the public hearing and opened the item up for discussion.

After a discussion, Mr. Gaude's motion to approve was duly seconded by Ms. Jacobs. The Board voted two in favor and two against recommending approval of the request. Therefore, the motion was not approved due to lack of a tie breaker.

After further discussion, Ms. Morris motion to deny the request. The motion died for lack of a second.

After further discussion, Mr. Gaude motion again to approve. That motion was seconded by Ms. Jacobs. The board voted three to one to recommend approval of the request. Ms. Morris was the dissenting vote.

VI. ADJOURNMENT

After discussion, Mr. Gaude moved to adjourn, which was seconded by Mr. Sills. The Board unanimously voted to adjourn until 4:00 p.m. on April 22, 2026, in the second-floor conference room at 110 West Main Street, Starkville, MS.

Amanda Jacobs, Ward 1

Curt Gaude, Ward 2

Dan Shipp, Ward 3

Emily Morris, Ward 7

Daniel Havelin, City Planner

Subject: Fire Marshal Determination and Denial of Variance Request –
Unpermitted Level 3 Alteration and Automatic Sprinkler System Requirement
Property Address: 104 Dr. Martin Luther King Jr. Dr. Starkville MS. 39759
Occupancy: Existing Group R-1 Hotel

This letter is issued in response to your request for a variance from the automatic fire sprinkler system requirement associated with the above-referenced property.

After review by this office and acting as the Authority Having Jurisdiction (AHJ) for fire and life safety, the variance request should be **denied** based on the requirements of the 2021 International Existing Building Code (IEBC), 2021 International Fire Code (IFC), 2021 International Building Code (IBC), and the locally adopted Unified Development Code (UDC).

1. Existing Conditions and Enforcement History

The building is an existing Group R-1 hotel, consisting of two (2) stories with multiple guest units and commercial space on the first level. During inspection, it was confirmed that the owner initiated a 100 percent interior remodel, including but not limited to:

- Removal of all interior walls and finishes
- Removal of all sheet rock
- Removal of all plumbing systems
- Removal of all electrical systems, including fire alarms, exit lights, emergency lighting.
- Removal of mechanical (HVAC) systems and duct work.

This work was performed **without required building or fire permits**. The violation was identified during construction activity, at which time a **Stop Work Order** was issued by the City of Starkville Building Department.

2. Unpermitted Work –

IEBC Chapter 1 Section 101.2 Scope: The provisions of this code shall apply to the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

IBC Chapter 1 Section 105.1 Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing systems, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permits. or to cause any such work to be done, shall first make an application to the building official and obtain the required permit.

IFC Chapter 1 Section 105.1.1 Permits Required. A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by this code, or to cause any such work to be performed, shall first make applications to the fire code official and obtain the required permit.

UDC 17.3.1 Permits Required Any construction or alterations that are not exempt under the adopted Technical Codes of the State of Mississippi locally or adopted Mississippi codes are required to have a permit unless listed as exempt.

IBC Chapter 1 Section 114.1 Unlawful Acts: It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

· International Fire Code, International Building Code, Unified Development Code and International Existing Building Code makes it clear that when work is done on a building, it must meet applicable code requirements (repair, alteration, change of occupancy) and all appropriate permits shall be obtained prior to any work in order to maintain critical life safety features. Grandfathered status applies only to lawfully existing conditions. Once the structure was substantially altered without permits, those prior conditions were removed, and current code compliance is required.

3. Level 3 Alteration Determination

The scope of work constitutes a Level 3 Alteration as defined by IEBC Section 604, as the work exceeds 50 percent of the aggregate area of the building and includes complete reconfiguration of interior spaces and systems.

Under the 2021 IEBC, an alteration becomes Level 3 when:

- The total work area (all altered spaces combined), exceeds 50% of the total building area, regardless of how the work is phased, and
- The work involves alterations (not just repairs), which typically include removal or replacement of walls, systems, or interior layouts.

There is **no requirement** that the building be structurally altered — interior gutting alone qualifies.

IEBC Section 202 **ALTERATION**: Any construction or renovation to an existing structure other than repair or addition.

Per IEBC Section 904.1.4 (Fire Protection):

Groups: A, B, E, F-1, H, I-1, I-3, I-4, M, R-1, R-2, R-4, S-1 and. S-2. Work areas **SHALL** be provided with automatic sprinkler protection where all of the following conditions occur. 1. The work area is required to be provided with automatic sprinkler protection in accordance with the International Building Code as applicable to new construction. 2. The building site has sufficient municipal water supply for design and installation of an automatic sprinkler system.

Level 3 alterations represent the highest alteration category under the IEBC and are specifically intended to trigger enhanced life-safety features where major reconstruction occurs.

4. Automatic Sprinkler System Requirement – Group R-1

The building is classified as **Group R-1** due to its use as a hotel with transient occupants.

IFC Requirement

Per **2021 IFC Section 903.2.8 (Group R)**:

“An automatic sprinkler system shall be provided throughout all buildings with a Group R fire area.”

5. Local Unified Development Code (UDC) – More Restrictive Standard

In addition to the state-adopted technical codes, the City of Starkville has adopted a Unified Development Code (UDC) that imposes more restrictive fire protection requirements than the base model codes.

The UDC requires that: Section 17.2.2 (E 2A) Deletions, Additions, and Modifications to Adopted Technical Codes

2. Fire Protection. 803.2.2 Groups A, B, E, F-1, H, I-1, I-3, I-4, M, R-1, R-2, R-4, S-1 and S-2. Shall be modified to require in buildings with occupancies in Groups A, B, E, F-1, H, I-1, I-3, I-4, M, R-1, R-2, R-4, S-1 and S-2, work areas that have exits or corridors shared by more than one tenant or that have exits or corridors serving an occupant load greater than 30 shall be provided with automatic sprinkler protection where both of the following conditions occur:

A. The work area exceeds 25 percent of the floor area.

Because the remodel involved **100 percent of the building R-1 occupancy** the sprinkler system requirement is independently triggered under local ordinance. Where local regulations are more restrictive than the model codes, the more restrictive provisions govern, as permitted by state law and adopted ordinance, but both Technical Code and Local UDC require an updated sprinkler system to meet today's code standards.

6. Variance Authority and Life Safety Determination

Variances may not be granted where they would:

- Reduce required fire protection systems
- Create a life-safety hazard to occupants
- Conflict with adopted codes or ordinances

Hotels present an increased life-safety risk due to:

- Transient occupants unfamiliar with the building
- Sleeping occupants
- Higher fire load and delayed response recognition

The IEBC, IFC, and IBC are minimum life-safety codes, not hardship or cost-avoidance standards. The extent of unpermitted construction, combined with a Level 3 alteration and local ordinance thresholds, removes any basis for variance

consideration.

7. Conclusion

The building underwent a complete interior remodel without required permits. Because more than 50% of the building was altered, the project qualifies as a Level 3 alteration under the 2021 IEBC. Once that threshold is met, the building must comply with current adopted codes, including the 2021 IBC and IFC.

As a Group R-1 hotel occupancy, the 2021 IFC requires the building to be protected throughout with an NFPA 13R automatic fire sprinkler system. In addition, the City's Unified Development Code independently requires a sprinkler system when a remodel exceeds 25% of the building's gross square footage — a threshold that was significantly exceeded in this case.

Permits were required before beginning this work under the 2021 IBC. Work performed without permits does not exempt the building from compliance; instead, it requires the building to be brought into full compliance with the currently adopted codes.

For these reasons, the request for a variance from the sprinkler requirement should not be approved. The building must be brought into compliance with the 2021 adopted codes and local ordinance before occupancy can continue.



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 26-03 a request for a variance from fence height requirements located at 403 East Gillespie Street in a TN-E zoning district.
Date: April 22, 2026

The purpose of this report is to provide information regarding Variance request by Alice Carol Caldwell for a Variance from fence height requirement in the side and rear yard for a property located at 403 East Gillespie Street in a TN-E zone with the parcel numbers 102A-00-152.00. Please see attachments 1- 17.

SUMMARY

The applicant is requesting a variance from Section 13.9.1.B.6.b of the Unified Development Code to allow the construction of a 9-foot fence in the side yard between the subject property and the adjacent parcel to the west.

The request exceeds the maximum permitted fence height for residential accessory structures. The maximum fence is 8 feet. This request increases the height by 1-foot

According to the application, the fence is intended to provide privacy and protection from adjacent property conditions, including ongoing construction activity and structural deterioration of neighboring improvements.

Based on the analysis of the criteria contained in Section 3.7.1 staff recommends Approval of the request.

If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the May 5, 2026, meeting.

VARIANCE REQUEST FROM

13.9.1 Accessory Use or Structures (Excluding Dwellings)

A. Definition: An accessory use or structure that is incidental and subordinate to the principal use of the principal building. Structures with a kitchen area, full bathroom, electricity, and is heated or cooled shall be considered accessory dwellings.

B. Accessory use or structure for residential uses

6. Fences

a. From the street facing facade of any principal building to the right-of-way line of the streets, fences shall not be more than three and a half (3 1/2) feet in height.

b. Fences located behind the front facade of the principal building shall not

exceed eight (8) feet in height.

- c. Razor wire shall not be placed on any fence.
- d. See development standards charts for additional fencing requirements.

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.

STAFF ANALYSIS OF CRITERIA FOR APPROVAL

- A. **Special Conditions.** There is evidence of unique conditions affecting the property. Adjacent construction activity impacting use of outdoor space. A deteriorating accessory structure on the neighboring parcel leaning toward the subject property.
- B. **Literal Interpretation.** Strict enforcement of the fence height limit would restrict the applicant's ability to mitigate privacy and safety concerns related to adjacent property conditions.
- C. **Hardship.** The hardship is not self-created.
- D. **Special Privilege.** Allowing a 9-foot fence could grant a greater level of enclosure than typically permitted in residential districts. Although other properties in the area may not have the same issues that would create the need for additional fencing.
- E. **Minimum Variance.** No other variance is being requested for the fence
- F. **Consistency with Comprehensive Plan and UDC.** The request does not conflict with broader land use goals of the Comprehensive Plan such as the Preservation of neighborhood character and Protection of residential quality of life.

NOTIFICATION

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code.

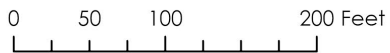
1. 13 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on April 4, 2026.
3. A sign was posted on the property in a conspicuous location.

As of this date, the Planning Office has had two phone calls requesting additional information for this request.

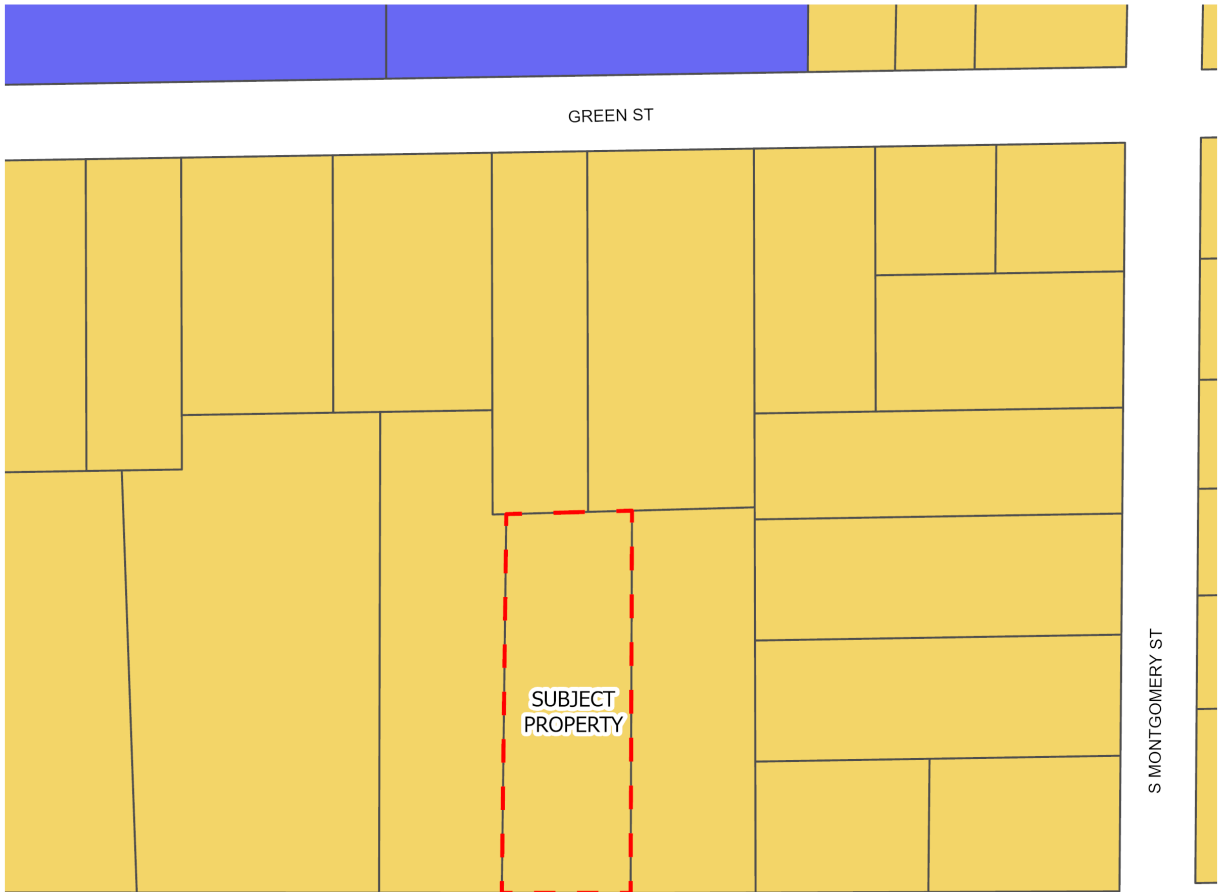
CONDITIONS OF APPROVAL

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.

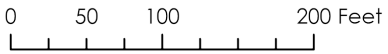
Attachment 1- VA 26-03 Aerial



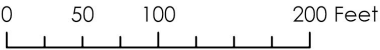
Attachment 1- VA 26-03 Aerial



- Parcels
- S-E Special Educational
- TNE Traditional Neighborhood-Existing
- Subject Property



Attachment 3- VA 26-03 Fence Location





Attachment 4



Attachment 5



Attachment 6



Attachment 7



Attachment 8



Attachment 9



Attachment 10



Attachment 11



Attachment 12



Attachment 13



(1) 4013 E. GILLESPIE (214)
(6) VIEW OF COOK'S HOUSE FROM WEST
(7) PHOTO 15 of 57
OVERSTREET SCHOOL HD
OKTIBBEHA Co., MS

Attachment 14



Attachment 15



Attachment 16



Attachment 17