



**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS AND APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, JULY 22, 2026
110 WEST MAIN STREET
AT 4:00 PM**

- I. CALL THE MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE**
- III. ROLL CALL**
- IV. CONSIDERATION OF THE OFFICIAL AGENDA**
- V. CONSIDERATION FOR THE APPROVAL OF MINUTES**
 - A. CONSIDERATION OF THE MINUTES OF THE MAY 27, 2026, REGULAR MEETING OF THE BOARD OF ADJUSTMENTS AND APPEALS OF THE CITY OF STARKVILLE.
- VI. NEW BUSINESS**
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 26-06 A REQUEST FOR A VARIANCE FROM FENCE HEIGHT REQUIREMENTS LOCATED AT 11 SANDTHORNE WAY IN A TN-N ZONING DISTRICT.
- VII. ADJOURN**

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MAY 27, 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 May 27, 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; Kurt Gaude, Ward 2; Marco Nicovich, Vice Chairman, Ward 5; and Emily Smitherman, Ward 7. Absent were Dan Shipp, Ward 3; George Sills, Ward 4 and Bill Webb, Chairman, Ward 6. 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, MAY 27, 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 APRIL 27, 2026.
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 26-04 A REQUEST FOR A VARIANCE FROM FRONT YARD SETBACKS FOR A FENCE AND WORKSHOP/GARAGE LOCATED AT 235 BROOK AVENUE IN AN SD-2 ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 26-05 A REQUEST FOR A VARIANCE FROM PARKING SETBACK REQUIREMENTS LOCATED AT 301 HIGHWAY 12 WEST IN A C ZONING DISTRICT.
- VI. PLANNER'S REPORT
- VII. ADJOURN

The Board considered the approval of the written agenda dated May 27, 2026. Upon Mr. Gaude's motion, seconded by Mrs. Jacobs, the Board voted unanimously to approve the written agenda.

IV. MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR APRIL 27, 2026.

The Board considered approving the April 27, 2026, Board of Adjustments and Appeals meeting minutes. Upon Mrs. Jacobs's motion, seconded by Mr. Gaude, the Board voted unanimously to approve the minutes with changes to Commissioner Morris's last name to Smitherman.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 26-04 A REQUEST FOR A VARIANCE FROM FRONT YARD SETBACKS FOR A FENCE AND WORKSHOP/GARAGE LOCATED AT 235 BROOK AVENUE IN AN SD-2 ZONING DISTRICT.

Assistant City Planner Lyle McCaskey presented the request by Jimmy McPherson for front yard setbacks for a fence and workshop/garage located at 235 Brook Avenue in an SD-2 zoning district.

The applicant is planning a future workshop/garage. The proposed location for the structure is on the east side of the house adjacent to Gardenia Drive. The lot is bordered by public right-of-way on three sides. This request exceeds the maximum permitted height of 8-foot. The current issue is that the applicant would like to place a workshop/garage structure in the approximate location of the existing play set and would also like to have the ability to replace the existing privacy fence with another privacy fence in the future. To allow for this, a dimensional variance from the setback requirements within the front yard would be needed. The applicant is requesting relief from Sections 13.9.1.B.1.c and 13.9.1.B.6.b of the UDC to allow a 20'x36' detached workshop/garage within the required front yard setback of Gardenia Drive and to permit replacement of the existing privacy fence within areas where fence height is otherwise limited to 3½ feet. 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 2, 2026, meeting.

The Planning Department requests the following conditions of approval:

1. The accessory structure shall substantially conform to the site plan submitted with VA 26-04.
2. Any replacement fence within the variance area shall not exceed eight (8) feet in height.
3. No portion of the structure or fence shall encroach into public right-of-way or utility easements.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 12 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 May 9, 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.

Vice Chairman Nicovich opened the public hearing to citizen comments.

Mr. McPherson, the applicant, spoke for the request.

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

After a discussion and upon Mr. Gaude's motion, duly seconded by Ms. Smitherman, the Board voted 4-0 to recommend approval of the request based on the criteria with the three conditions recommended by staff.

B. PUBLIC HEARING AND CONSIDERATION OF VA 26-05 A REQUEST FOR A VARIANCE FROM PARKING SETBACK REQUIREMENTS LOCATED AT 301 HIGHWAY 12 WEST IN A C ZONING DISTRICT.

City Planner Daniel Havelin presented the request by Curt Crissey on behalf of Brewski's for a Variance after the fact from parking setback requirements at 301 Highway 12 West.

The applicant has exceeded the scope of a driveway permit and as a result has expanded a nonconforming parking lot and violated the parking setback requirements. The right of way permit to relocate an existing driveway was issued on September 17, 2025. In December, Assistant City Engineer Stephan Kachelman inspected the forms for the sidewalk and the driveway apron. He ultimately approved both sections. That was the last time the contractor contacted Mr. Kachelman. On February 13, 2026, Associate Engineer Chris Williams observed a contractor pouring and finishing concrete in the green space area that was not part of the driveway permit. At that time, Mr. Williams spoke with the applicant exceeding the scope of the permit. On February 25, 2026, City Engineer Cody Burnett emailed the applicant that he exceeded the scope of the permit and needs to return the site to its original condition. On March 16, 2026, Planning staff went to observe the site from the right-of-way to determine if it was compliant with the UDC. At that time, it was discovered the applicant had not only paved the parking setbacks of his property, but also paved the parking setbacks of the adjacent property. This made both properties illegal nonconformities due to the expansion of an already nonconforming parking lot. The applicant also failed to remove the concrete from the City's right-of-way from the old driveway that was part the permit.

On March 30, 2026, a notice of violation was issued to the applicant. On April 9, 2026 a notice of violation was issued to the owners of Middleton Court. On April 14, 2026 the attorney representing Middleton Court responded to the notice of violation. In that letter they stated "South Star Starkville LLC did not perform,

authorize or consent to any of the work giving rise to the Notice of Violation and had no prior knowledge that work would be conducted on or impacting its property." The following week the concrete was removed from Middleton Court and the violation dismissed. The applicant received two more notice of violation. In those notices the applicant was required to either remove the concrete or provide a complete application with a site plan. Neither was done. Mr. Havelin then presented the criteria for variance review and approval.

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 May 9, 2026. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has one email in support of the request. 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 2, 2026, meeting.

Vice Chairman Nicovich opened the public hearing to citizen comments.

Mr. Crissey the applicant spoke for the request.

Mr. McPherson spoke for the request.

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

After a discussion and upon Mrs. Jacobs's motion, duly seconded by Mr. Gaude, the Board voted 4-0 to recommend denial of the request based on the criteria.

VI. ADJOURNMENT

After discussion, Mr. Gaude moved to adjourn, which was seconded by Mrs. Smitherman. The Board unanimously voted to adjourn until 4:00 p.m. on June 24, 2026, in the second-floor conference room at 110 West Main Street, Starkville, MS.

Nicovich, Vice 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 26-06 a request for a variance from fence height requirements located at 11 Sandthorne Way in a TN-N zoning district.
Date: July 22, 2026

The purpose of this report is to provide information regarding a variance request by Amanda Bush Puckett for a variance from fence height in the front yard located at 11 Sandthorne Way in a TN-N zoning district with property 102I-00-005.12. Please see attachments 1- 3.

SUMMARY

The applicant is requesting a variance from Section 13.9.1.B.6.a of the Unified Development Code to allow the construction of a 6-foot-tall fence in the front yard along Greystone Court. Because the property fronts two public streets, portions of the yard adjacent to both streets are considered front yards under the Unified Development Code.

The applicant is requesting the fence to give additional privacy to the back porch of the residence and allow for some landscaping between the fence and the porch. The proposed fence extends approximately 5 feet into the front yard adjacent to the back porch (attachment 3). The fence will not extend beyond the back porch. The applicant had started construction of the fence before being notified by Building Department of the fence height issue (attachment 4). They immediately contacted the Planning Department and applied for a variance to allow for the fence to be finished.

The subdivision was designed and platted prior to adoption of the Unified Development Code in December 2019. As a result, this corner lot was created under regulations that did not anticipate the current front-yard fence limitations applicable to lots fronting two public streets.

The request exceeds the maximum permitted fence height for residential accessory structures. The maximum fence height is 3 ½ feet within the front yard. This request increases the height by 2 ½ feet.

Staff recommends approval of the requested variance based on the applicable review and approval criteria and finds that the property's unique corner lot configuration, the orientation of the existing residence, and the subdivision's approval prior to the adoption of the Unified Development Code create circumstances that support granting the requested relief.

If the Board of Adjustments and Appeals recommends approval, the request will be forwarded to the Board of Aldermen for final consideration at its August 4, 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

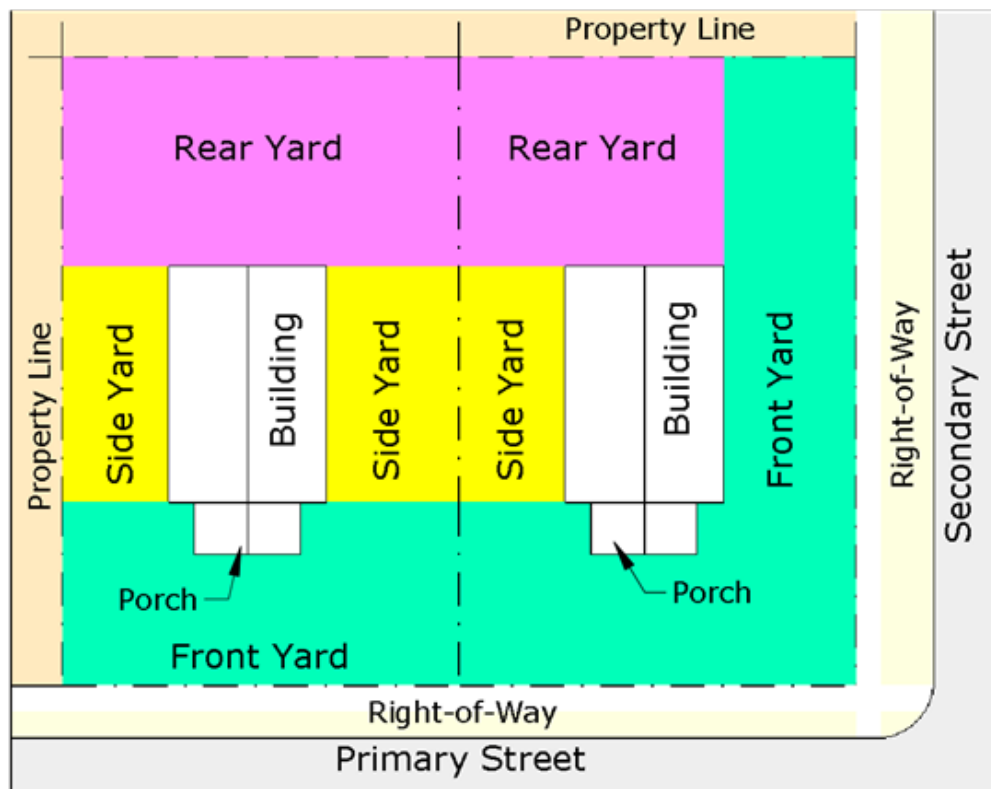
6. Fences

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 ½) 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.** The subject property is a corner lot with frontage on both Sandthorne Way and Greystone Court. Under the Unified Development Code, both street-facing yards are considered front yards, significantly limiting the area where a privacy fence exceeding 3½ feet may be constructed. This condition is unique to the configuration of the property and is not common to interior lots within the subdivision.
- B. **Literal Interpretation.** Strict application of the fence height limitation would prevent the applicant from constructing a privacy fence commonly found behind residences because the side yard adjacent to Greystone Court is regulated as a front yard. As a result, the applicant is deprived of a reasonable degree of privacy that is commonly enjoyed by owners of interior lots.
- C. **Hardship.** The hardship was not created by the applicant. The subject lot was legally platted prior to adoption of the current Unified Development Code. The applicant did not create the corner lot configuration or the resulting limitation on fence placement.
- D. **Special Privilege.** Granting the variance would not confer a special privilege unavailable to similarly situated corner lots. Rather, it would provide relief from an unusual application of the fence regulations resulting from the property's configuration.
- E. **Minimum Variance.** The applicant proposes only the additional fence height necessary to construct a standard six-foot residential privacy fence. No variance is requested for location, setbacks, or any other development standard.
- F. **Consistency with Comprehensive Plan and UDC.** The requested variance will maintain the residential character of the neighborhood while providing additional privacy to the homeowner. The proposed fence is consistent with surrounding residential development and is not expected to adversely affect adjacent properties or the public welfare.

NOTIFICATION

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

1. Five 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 July 3, 2026.
3. A sign was posted on the property in a conspicuous location.

As of this date, the Planning Office has received three calls concerning this request. Two were for additional information and one was against the request.

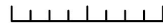
CONDITIONS OF APPROVAL

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 26-06 Aerial

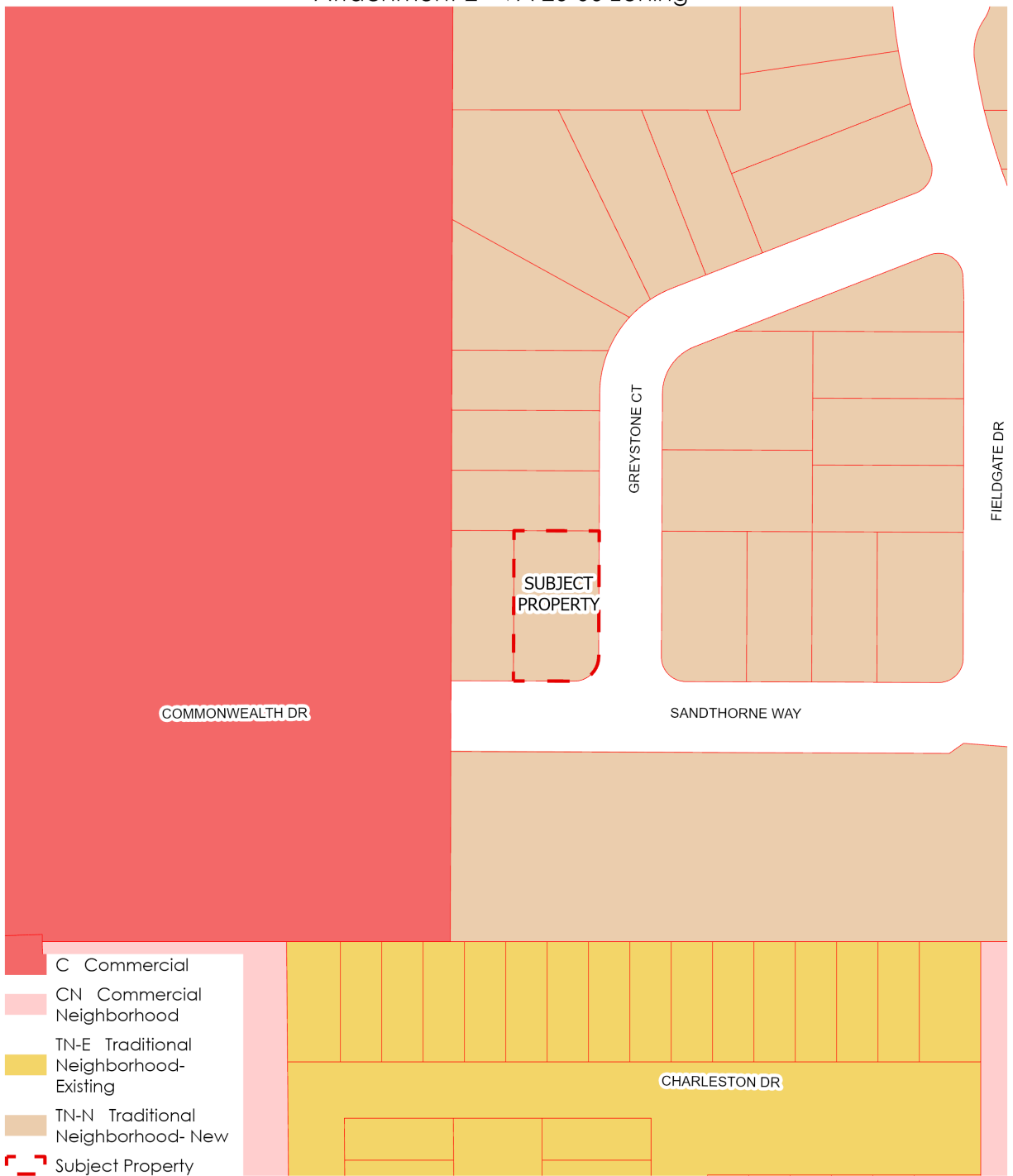


 Subject Property

0 25 50 100 Feet




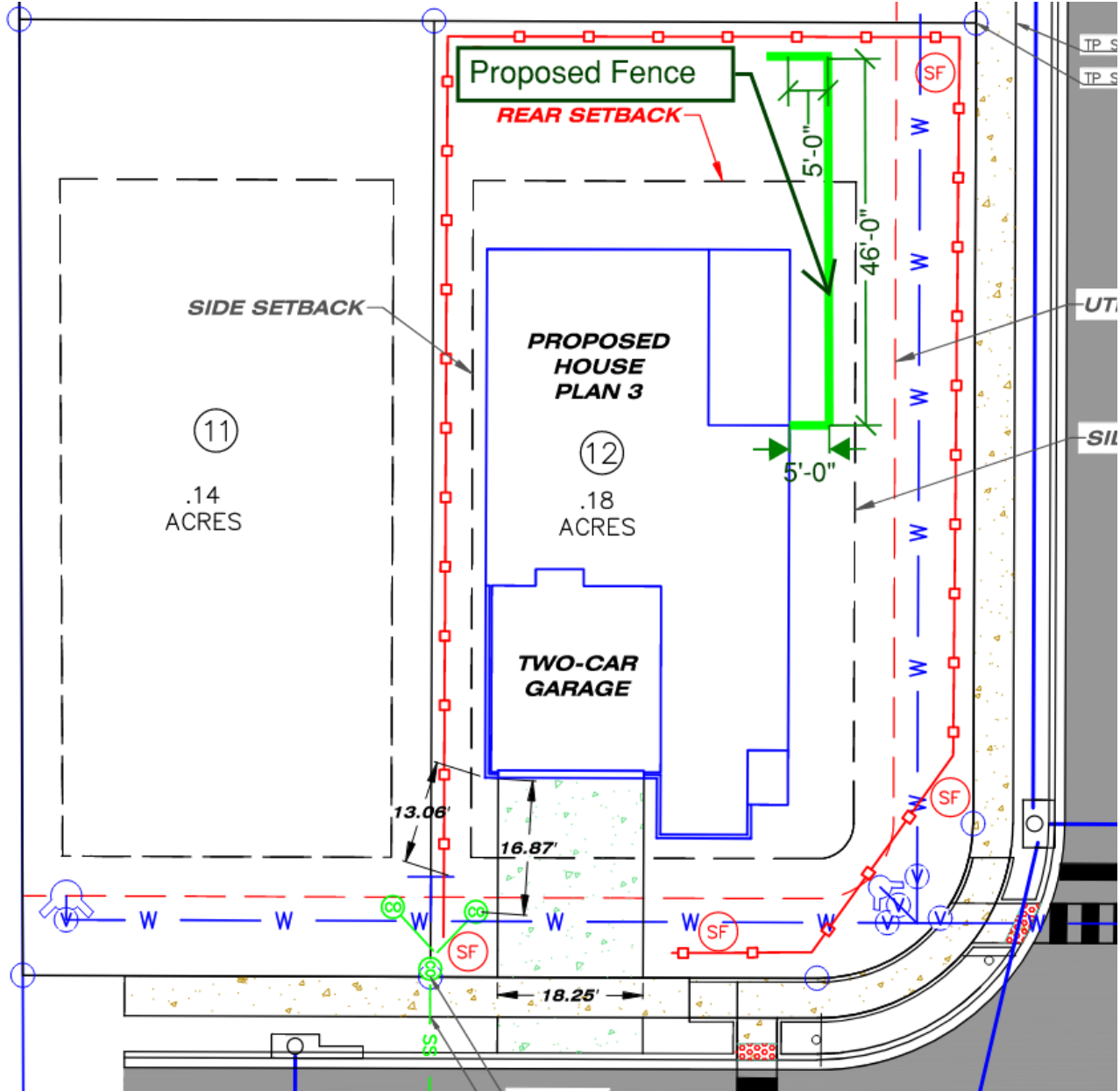
Attachment 2- VA 26-06 Zoning



0 25 50 100 Feet



Attachment 3 – Plans



Attachment 4 – Photos

