



**OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS AND APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, MAY 27, 2026  
2ND FLOOR CITY HALL - COMMUNITY DEVELOPMENT  
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 UNAPPROVED MINUTES FOR APRIL 22, 2026
- VI. CITIZEN COMMENTS**
- VII. NEW BUSINESS**
  - A. 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.
  - B. 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.
- VIII. ADJOURN**

**APPROVED MINUTES OF THE MEETING OF  
THE BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
APRIL 22, 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 April 22, 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; Dan Shipp, Ward 3; George Sills, Ward 4; Marco Nicovich, Vice Chairman, Ward 5; Bill Webb, Chairman, Ward 6 and Emily Morris, Ward 7. 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, APRIL 22, 2026  
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 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. PLANNERS REPORT
- VII. ADJOURN

The Board considered the approval of the written agenda dated April 22, 2026. Upon Mr. Nicovich's motion, seconded by Mr. Shipp, the Board voted unanimously to approve the written agenda.

#### **IV. APPROVAL OF THE MINUTES**

##### **A. APPROVAL OF THE UNAPPROVED MINUTES FOR MARCH 25, 2026.**

The Board considered approving the March 25, 2026, Board of Adjustments and Appeals meeting minutes. Upon Mr. Nicovich's motion, seconded by Mr. Gaude, the Board voted unanimously to approve the minutes with minor grammatical changes to the signature line.

#### **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.**

Assistant City Planner Lyle McCaskey presented the request 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. Attached is a letter provided at the meeting by neighboring property owner Mr. Kennard (Exhibit 1).

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.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 13 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 April 4, 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.

Chairman Webb opened the public hearing to citizen comments.

Mr. Kennard against the request.

Mrs. Caldwell spoke in favor of the request.

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

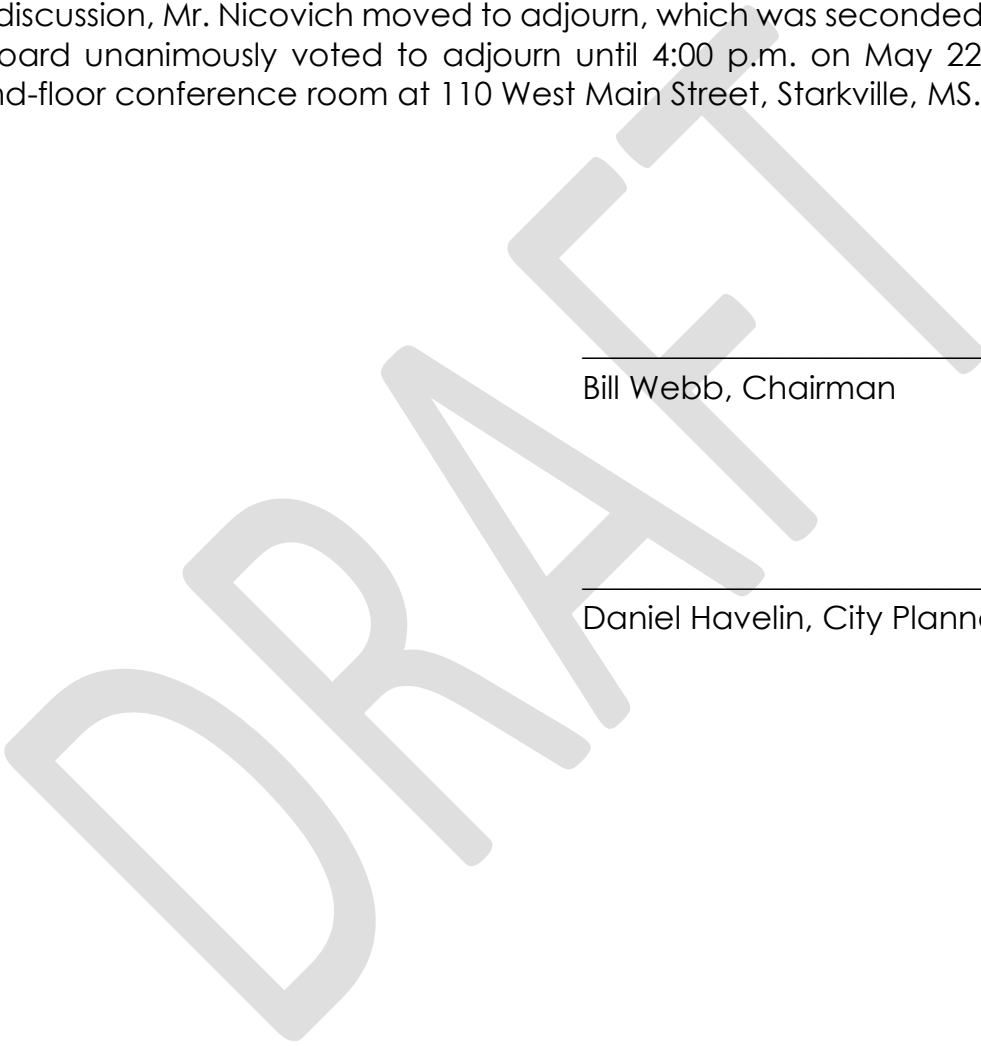
After a discussion and upon Mr. Gaude motion, duly seconded by Ms. Morris, the Board voted 6-1 to recommend approval of the request. The 1 vote to recommend denial was made by Mr. Nicovich.

**VI. ADJOURNMENT**

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

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

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



To: Planning and Zoning Committee

City of Starkville, Mississippi

From: Everett and Henri Sue Kennard

401 East Gillespie St

Starkville, Ms. 39759

Re: Variance Request For Ms Alice Carol Caldwell

Committee:

We are Everett and Henri Sue Kennard. We own the property at 401 East Gillespie Street and are currently totally renovating same. We would like to comment on the variance request from Ms Alice Carol Caldwell who resides on the Eastern side of our property at 403 East Gillespie. During the planning for this renovation, one of our main concerns has been to retain the integrity of the Gillespie Street neighborhood. We think we are within sixty days of finalizing the project of the main house.

While we do not know that we are particularly opposed to the variance request for a ten foot fence along this property, we think there are some points that need to be considered before the variance is approved. Ms Caldwell has for the past several years resided part time out of the country, this year returning to her Starkville residence in approximately February. Upon returning, she notified us that her contractor had given her an estimate on building this fence. She gave us the price and we assumed she was asking for us to share in this cost. We immediately asked for a meeting with her to discuss. We informed her that a fence was already in our plans with our contractor at our expense. She would be given an opportunity to look at the plans and comment on the side facing her. Again, we want all of this to aid in the preservation of the neighborhood. We asked her to consider not starting this project until we finished our construction due to several reasons in no particular order.

1. We will be doing dirt work, including an 8 inch pipe drain down the east side of our house, and would need to get equipment into the area, along with room to work. We in no way want to damage her fence.
2. There are two surveys on the property line that are somewhat different. Not by much, but different. She had one done several years ago as did we. I do not claim to know which is correct.
3. The fence is within one foot (12 inches) of an existing structure that we plan to renovate. There will be no room to do any dirt work during this renovation. While this will be inconvenient, the main reason to resolve the property line issue is to get it right. This will eliminate any problems for future generations.
4. We plan to install a fence to cover our air conditioner on this east side to the house. We will have to tie into her structure, and if she is allowed to put a ten foot fence down this side, due to elevation changes, etc. this structure will not be aesthetic.

Thank you for the opportunity to comment on this request. If you have questions or need more information, please feel free to contact us.



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 26-05 a request for a variance from parking setback requirements located at 301 Highway 12 West in a C zoning district.  
**Date:** May 27, 2026

The purpose of this report is to provide information regarding Variance request by Curt Crissey on behalf of Brewski's for a Variance after the fact from parking setback requirements located at 301 Highway 12 West in a C zoning district with the parcel number 102G-00-034.00. Please see attachments 1- 7.

SUMMARY

The subject property is currently a gas station and convenience store. The building and site are considered legally nonconforming because they existed prior to adoption of the Unified Development Code (UDC) in December 2019. The nonconforming site issues include the parking lot layout. The existing parking lot area does not conform to the development standards of the UDC. Section 3.17.4 of the UDC states that a legal nonconforming features may be continued subject to the following limitations:

- A. **Increase in nonconformity prohibited.** No action shall be taken which increases the degree or extent of the nonconformity. Any enlargement, extension, structural alteration, layout changes, access modifications, landscaping, and other changes to the site shall conform to all current requirements use and development standards.
- B. **Continuation permitted.** For a development existing before the effective date of current regulations, a feature made nonconforming by a change in use and development standards may continue to exist until any proposed improvements on the site require site plan approval or the existing principal structure on the same site as the nonconforming feature is modified to the extent that the construction cost, as determined by the Building Department, for the modification is less than fifty percent (50%) of its tax assessor's replacement value or an appraised replacement value at the time of modification of the structure only, not including the land. A remodel of an existing structure shall be considered a modification.

In the fall of 2025, the applicant communicated with the City's Engineering Department about relocating a driveway. The Engineering Department provided the applicant with a detailed plan showing the removal of the old drive and the location of the new drive. On September 8, 2025, the applicant responded to the email with plan "This looks good to me...". On September 17, 2025 a right-of-way permit was issued to the applicant (Attachment 3).

On December 8, 2025, the applicant requested the Assistant City Engineer, Stephan Kachelman, to come on site prior to pouring the new sidewalk and driveway. The following day Mr. Kachelman met the applicant and his contractor on site to discuss the project and the phasing of the concrete pour.

On December 10, 2025 at the request of the contractor, Mr. Kachelman inspected the concrete forms for the sidewalk only. At that time, he noted that the forms were sloping in the wrong direction and they needed to be corrected. The following day, at the request of the contractor, Mr. Kachelman returned to inspect the forms. At that time, he approved the forms for the sidewalk only.

On December 23, 2025 at the request of the contractor, Mr. Kachelman inspected the concrete forms for the concrete apron. That is the portion of the driveway between the sidewalk and Louisville Street. Mr. Kachelman approved the form for the apron only. This was the last time that the contractor contacted the city for inspections.

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. Mr. Williams spoke with the applicant about him exceeding the scope of the permit. The applicant was told to contact the Building Department on the following Tuesday to rectify the situation.

On February 25, 2025, the City Engineer, Cody Burnett, sent an email informing the applicant that he exceeded the scope of the permit and needs to return the site to its original condition.

On March 16, 2026, City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey 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 that the applicant had not only paved the parking setbacks of his property, but also paved the parking setbacks of the adjacent property (Middleton Court Shopping Center). 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 (Attachment 4).

The applicant met with the Mayor and the City Planner to discuss options for coming into compliance. At that time, he was told to remove all of the concrete within the parking setback on both his property and the adjacent shopping center's property. He would also need to remove the paving within the right-of-way. He was asked if he could apply for a variance to keep the paving. The response was he could apply for a variance for his property, but the adjacent property owner would need to part of the variance for their property. The right-of-way paving can not be part of the variance request because it is just prohibited and needs to be removed.

On March 30, 2026, the Planning Department sent the applicant a notice of violation. The letter gave the applicant 30 days to bring the site into compliance.

On April 9, 2026, the Planning Department sent the property owners of Middleton Court a notice of violation. On April 14, 2026, the attorney representing the property owners of Middleton Court emailed a letter in response to the notice (Attachment 5). Their response letter states "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 paving on the Middleton Court side of the property line was removed and violation dismissed (Attachment 6).

On April 20, 2026, the applicant contacted Lyle MeCaskey about the notice of violation and variance request. He stated that the concrete on the adjacent property had been removed. Mr. MeCaskey informed him that he needs to provide a legible site plan for the variance application.

On April 21, 2026, the Planning Department sent the applicant a second notice of violation. The letter gave the applicant until April 30, 2026 to either bring the site into compliance or have a complete variance application with a legible site plan. The applicant reached out to Mr. MeCaskey again on April 22, 2026. Mr. MeCaskey explained the letter and the need for an accurate plan illustrating his variance request.

On May 5, 2026, the Planning Department sent the applicant a third notice of violation. The letter explained that the applicant has not corrected the issue or supplied the required site plan illustrating his variance request.

The variance request application is dated February 27, 2026 (Attachment 7). Included in that application was an illegible drawing illustrating the request. Without any further detail on what the applicant is actually requesting, the Planning Department decided to proceed with the variance request without an updated site plan. Therefore, based on field observations and the submitted application materials, staff interprets the request as seeking approval to retain paving located within the required parking setback areas along the southern property line and Louisville Street right-of-way.

Staff finds the applicant has not met the burden of proof necessary to justify granting the requested variance. Based on the analysis of the criteria contained in Section 3.7.1 staff recommends denial 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.

**VARIANCE REQUEST FROM**

<b>Commercial Use</b>	
<b>D. Parking Setbacks</b>	C
D1. From primary street	5'
D2. From side street	5'
D3. From side and rear property line	5'
D4. From side and rear property line adjacent to detached residential	See buffer yard requirements
*lots must be of a sufficient size to accommodate the proposed use and meet all subsequent development standards	
**see use chart and additional standards	

## 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

Variance requests are evaluated based on the standards established in Section 3.7.1 of the Unified Development Code. The applicant bears the burden of demonstrating compliance with each applicable criterion.

- A. **Special Conditions.** There is no evidence of a special condition relating to the property. Several newer developments and redevelopments in the area comply with the required parking setbacks and applicable nonconformity standards.
- B. **Literal Interpretation.** Strict enforcement of the parking setbacks does not deprive the applicant of the continued use of the property.
- C. **Hardship.** Any hardship associated with the request results from actions undertaken by the applicant after permit issuance and therefore does not constitute a qualifying hardship under Section 3.7.1.C.
- D. **Special Privilege.** Granting this variance would give special privilege to the applicant that was not given to several newer developments and redevelopments in the area.
- E. **Minimum Variance.** The applicant had previously had reasonable use of the land. This variance is unnecessary to continued operations of the business and is therefore not a minimum variance.
- F. **Consistency with Comprehensive Plan and UDC.** Granting the requested variance would not be consistent with the intent of the Unified Development Code or the City's Comprehensive Plan. The required parking setbacks are intended to provide separation between parking areas, public rights-of-way, and adjacent properties while supporting safe access, drainage, landscaping, and corridor appearance. Allowing paving within required setback areas after unapproved construction would undermine the intent of the UDC's nonconformity provisions and may create precedent for similar encroachments elsewhere in the City.

## FINDINGS OF FACT

1. The subject property contains a legally nonconforming parking layout established prior to adoption of the UDC.
2. The applicant obtained a right-of-way permit for driveway modifications only.
3. The applicant installed additional paving beyond the approved permit scope.
4. The additional paving expanded parking into required setback areas.
5. The expansion increased the degree of the site's existing nonconformity.
6. The property remains capable of reasonable commercial use without the requested variance.
7. Any hardship associated with the request resulted from actions undertaken by the applicant or contractor after permit issuance.

## NOTIFICATION

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

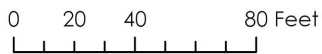
1. 7 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
2. A legal ad was published in the Starkville Daily News on May 9, 2026.
3. A sign was posted on the property in a conspicuous location.

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

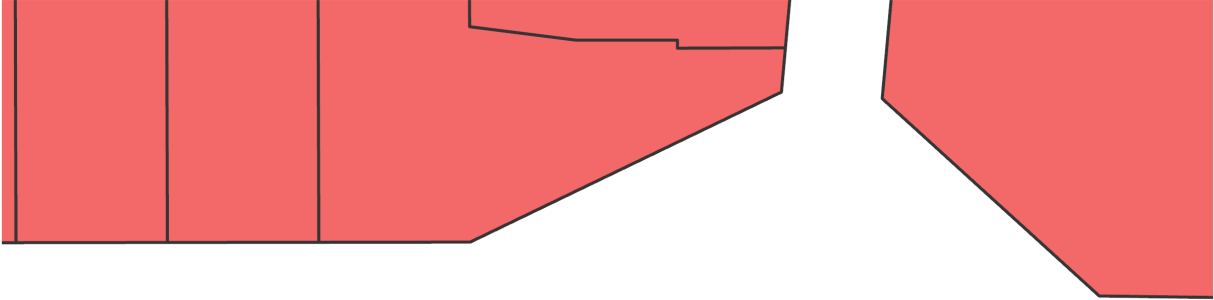
## CONDITIONS OF APPROVAL

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 26-05 Aerial



Attachment 2- VA 26-05 Zoning

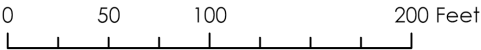


MS HWY 12 W

MS HWY 12 W



-  Parcels
-  C Commercial
-  Subject Property



Attachment 3- Right-of-way Permit



**RIGHT OF WAY PERMIT**

**Record Number:**  
EN-25-8  
**Occupancy Type:**

**Date Issued:**  
September 17, 2025  
**Structure Type:**

**Expiration Date:**  
  
**Project Type:**

**Project Location:** 33.4536, -88.8225

**Applicant**  
Curt Crissey  
P.O. Box 85  
Starkville, MS 39760

**Property Owner**

**Project Description:** Putting in a driveway and closing an existing driveway

Any building permit issued in accordance with the Unified Development Code and the Technical Codes shall become invalid unless the work authorized by it has not commenced within ninety (90) days after the issuance of the permit and/or if continuous work has ceased for ninety (90) days or more. The determination of continuous work shall be based on observations by and the opinion of the Building Official. All building permits shall expire after one (1) year except for that residential permits shall expire after two (2) years of the date issued. Any demolition permit shall expire ninety (90) days after issuance of the demolition permit.

Stein McMullen  
Building Official  
Building Division

**Phone:** (662) 323-2525  
**Email:** [permits@cityofstarkville.org](mailto:permits@cityofstarkville.org)

[www.cityofstarkville.org](http://www.cityofstarkville.org)

110 West Main St.  
Starkville, MS 39759



Attachment 4

Approximate location of southern property line



Approximate location of eastern property line



Attachment 4

Approximate location of eastern property line



Sidewalk and Driveway Apron



Attachment 5- Response to notice of violation from Middleton Court



**Mark T. Davis**  
D: 601.949.4909  
F: 601.949.4649  
markdavis@joneswalker.com

April 14, 2026

OVERNIGHT COURIER SERVICE and EMAIL

City of Starkville  
Community Development Department  
110 West Main Street  
Starkville, Mississippi 39759

Attn:

Code Enforcement  
codeenforcement@cityofstarkville.org

Daniel Havelin, City Planner  
d.havelin@cityofstarkville.org

Lyle McCaskey, Assistant City Planner  
l.mecaskey@cityofstarkville.org

RE: Notice of Violation dated April 9, 2026  
Property Owner: South Star Starkville LLC  
Property Address: 305–329 Highway 12 West, Starkville, Mississippi  
Parcel No. 102G-00-032.00

Dear Mr. Havelin and Mr. McCaskey:

We represent South Star Starkville LLC, the owner of the shopping center located at 305–329 Highway 12 West, Starkville, Mississippi (the “Property”). This letter is submitted in response to the Notice of Violation dated April 9, 2026 issued by the City of Starkville.

As indicated in the Notice of Violation, the cited conditions arose in connection with construction activities performed on the adjacent property located at 301 Highway 12 (Brewski’s) during construction of a new driveway on Louisville Street. 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 paving and site alterations that triggered the Notice of Violation were undertaken solely by the adjacent property owner and included work that encroached onto the Property and into areas that previously served as parking setback and greenspace. These actions resulted in the creation of a nonconforming site condition impacting the Property through no fault of its owner.

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3100 North State Street, Suite 300 | Jackson, MS 39216 | P.O. Box 427 | Jackson, MS 39205-0427  
T: | F: 601.949.4804 [joneswalker.com](http://joneswalker.com)

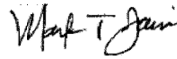
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Page 2

South Star Starkville LLC is aligned with the City's enforcement objectives and has formally demanded that the adjacent property owner remove the unauthorized paving and site alterations and restore the affected areas to their prior, code-compliant condition. South Star Starkville LLC does not support and will not pursue a variance to retain the existing conditions and has made this position clear to the adjacent property owner. However, South Star Starkville LLC respectfully requests that enforcement actions, fines, or penalties associated with the violation be directed to the party who performed and caused the unauthorized work, as South Star Starkville LLC did not contribute to or benefit from the violation.

If you have any questions or if I may be of further assistance, please do not hesitate to contact me.

Sincerely,  
Jones Walker LLP, as attorneys for South Star  
Starkville LLC



Mark T. Davis, Partner

MTD

#111557265v2

Attachment 6

Approximate location of southern property line



Approximate location of eastern property line



Attachment 6

Pavement removed from Middleton Court property



**VARIANCE APPLICATION**  
City of Starkville  
110 West Main Street  
Starkville, MS 39759  
Ph: 662.323.2525  
Email: [planning@cityofstarkville.org](mailto:planning@cityofstarkville.org)



**APPLICANT'S INFORMATION**

Name: Brewski's (Curt Crissey) Phone: 662-769-2878  
Company Name: Brewski's  
Email: roseybaby2@aol.com  
Address: 301 Highway 12 Starkville MS 39759

**PROPERTY OWNER'S INFORMATION (IF NOT APPLICANT)**

Name: Curt Crissey Phone: 662-769-2878  
Email: roseybaby2@aol.com  
Address: P.O. Box 85 Starkville, MS 39760

**PROPERTY INFORMATION**

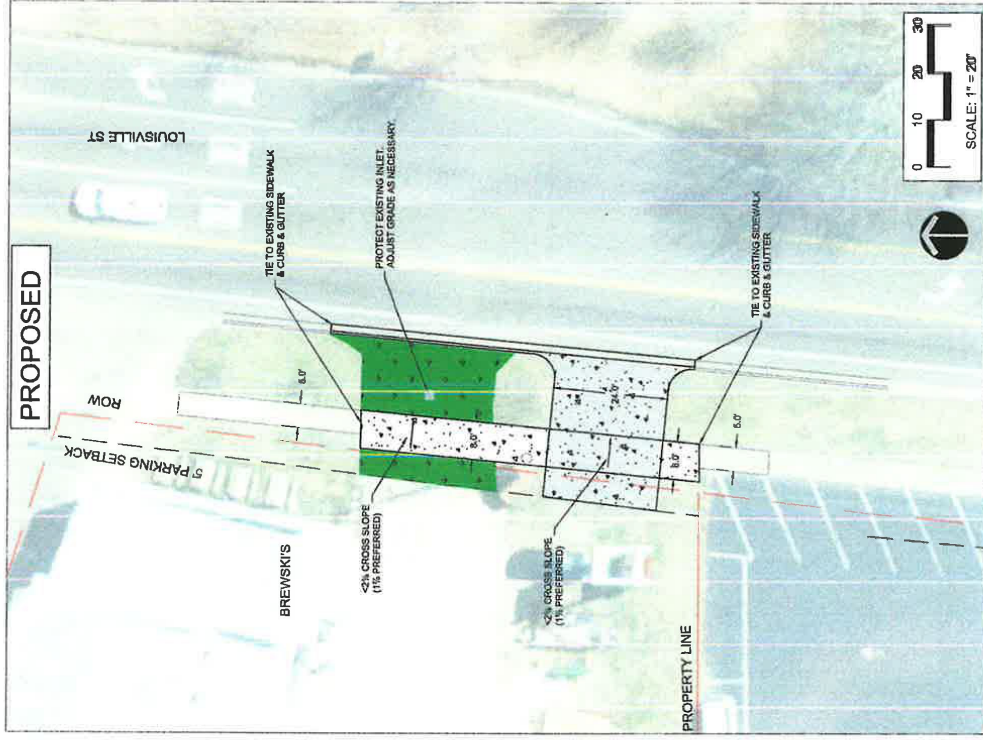
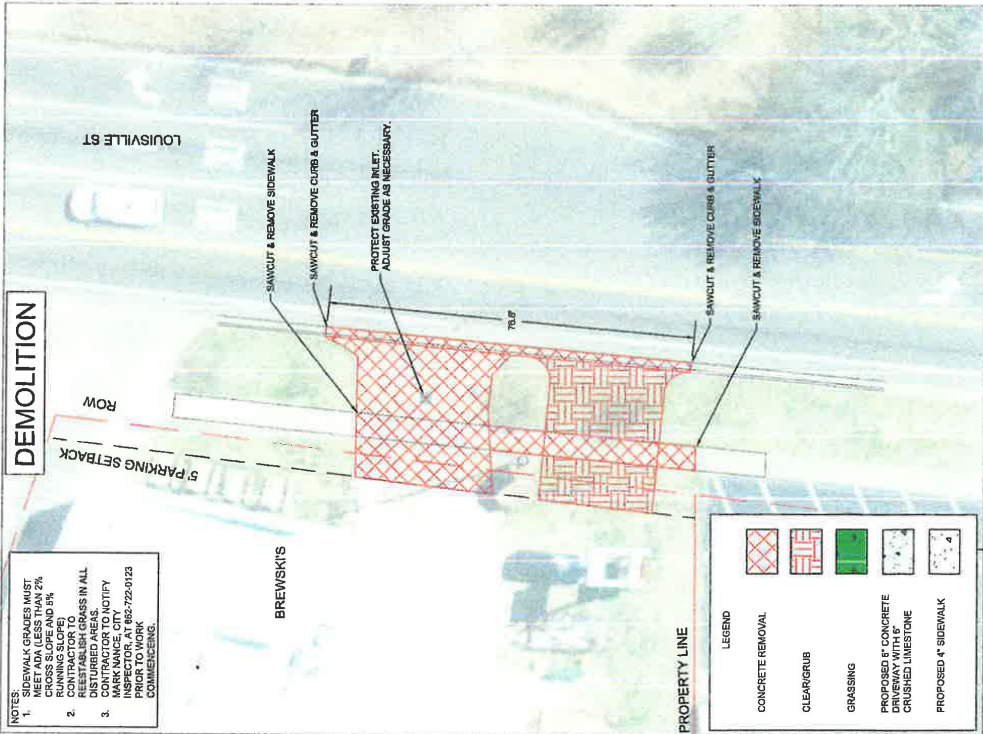
Property Address: 301 Highway 12 Starkville, MS 39759  
Parcel Number: \_\_\_\_\_ Current Zone District: Select One

**PROJECT INFORMATION**

Project Name: Brewski's Parking lot  
Project Description: I am asking to allow the concrete to remain in place located in the prescribed variance area.

Applicant's Signature: [Signature]  
Date: 2/27/26

Property Owner's Signature: [Signature]  
Date: 2/27/26

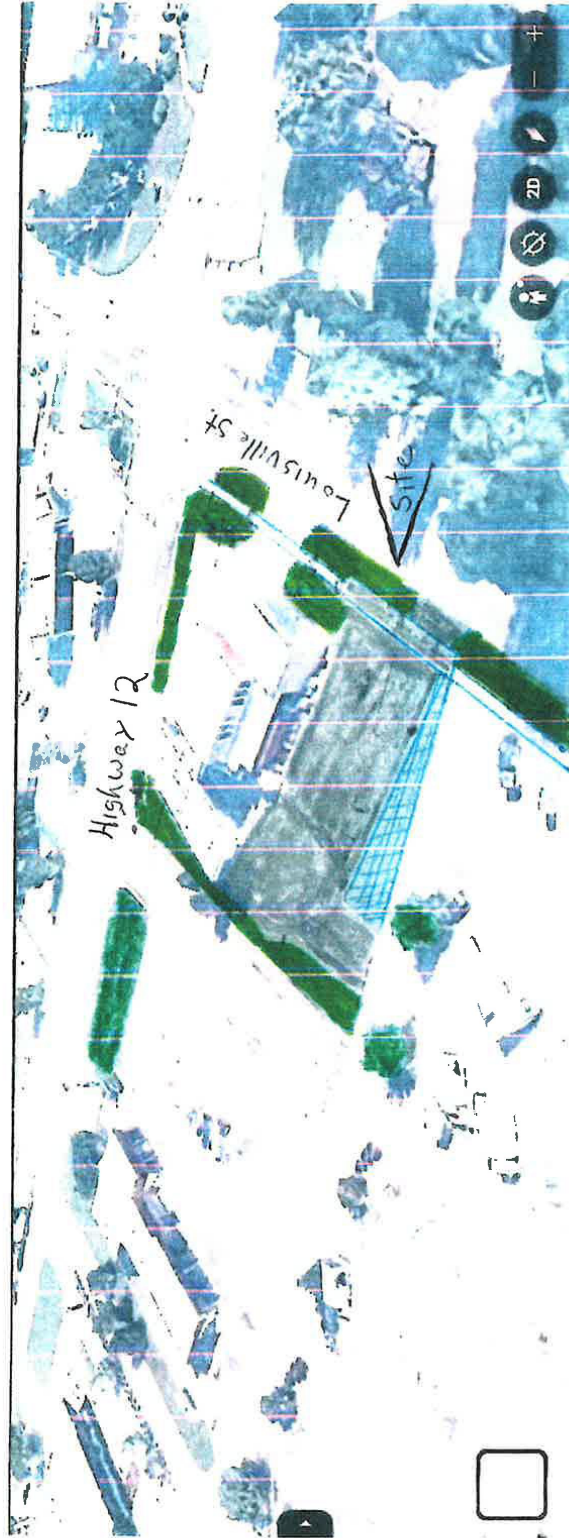


- NOTES:**
1. SIDEWALK GRADER MUST MEET ADA (LESS THAN 2% CROSS SLOPE AND 5% TRANSVERSE SLOPE). CONTRACTOR TO REESTABLISH GRASS IN ALL AREAS TO BE DEMOLISHED. CONTRACTOR TO NOTIFY MARK NANCE, CITY ENGINEER, AT 606/722-0123 PRIOR TO WORK COMMENCEMENT.

**LEGEND**

	CONCRETE REMOVAL
	CLEAR/GRUB
	GRASSING
	PROPOSED 6" CONCRETE CURB & GUTTER
	CRUSHED LAMESTONE
	PROPOSED 4" SIDEWALK

301 Highway 12  
Starkville, MS



- Green Space
- Existing and new parking
- Area for Variance



**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 26-04 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.  
**Date:** May 27, 2026

The purpose of this report is to provide information regarding Variance 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 with the property #106C-00-038.00. Please see attachments 1- 4.

**SUMMARY**

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. Per Section 4.6.2.G.1, the front yard is defined as "A space extending the full width of the lot between the principal building and the front lot line. On corner lots, any side adjacent to the street shall be considered a front yard". Under that definition, the subject property technically has three front yards. The property is addressed off of Brook Avenue which makes it the primary street. Gardenia Drive and Canna Avenue would be classified as secondary streets. Based on aerial photograph, front yard along Gardenia Drive and Canna Avenue has been used as a backyard since at least 2004. A privacy fence, play set, and other accessory structures have been placed in that area for most of the home's existence. Portions of the existing and proposed replacement privacy fence are located within areas classified as front yards due to the parcel's multiple street frontages, including areas located between the principal structure façade and adjacent rights-of-way where fence height is otherwise limited to 3 1/2 feet.

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 requested variance is generally compatible with the longstanding residential development pattern present on the property and within the surrounding neighborhood.

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. (see Attachment 1 for proposed placement).

Staff finds the applicant has met the burden of proof necessary to justify granting the requested variance. 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 or denial, the applicant's requests will be heard by the Board of Aldermen at the June 2, 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

#### **1. Garage, carport, workshop, and pool houses**

a. No garage, carport, workshop, or pool house shall be erected within ten (10) feet of any other building unless attached to the principal structure, or within five (5) feet of a property line unless stated otherwise in a district's base dimensional standards.

b. No garage, carport, workshop, and pool house shall occupy more than thirty (30) percent of the required rear yard.

c. An accessory structure shall not occupy any part of a required front yard or side yard except garages and carports if allowed in that district.

d. A garage, carport, workshop, and pool houses cannot be used as an office or habitable space without meeting the requirements of the current adopted technical codes.

#### **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. The request does not appear to create adverse impacts on adjacent properties due to the existing residential context and established screening pattern.
- 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 uniquely impacted by frontage on Brook Avenue, Gardenia Drive, and Canna Avenue. Under Section 4.6.2.G.1 of the Unified Development Code, each street frontage constitutes a front yard, resulting in three required front yard setback areas on a single residential parcel. This condition is not typical of most residential lots within the SD-2 zoning district and substantially reduces the area available for customary accessory residential improvements.
- B. **Literal Interpretation.** Literal enforcement of the front yard setback and fence height requirements would substantially limit the applicant's ability to place customary residential accessory structures in areas historically functioning as the rear yard of the property. Due to the unique three-front-yard configuration, strict application of the ordinance would impose a burden greater than that experienced by similarly zoned residential properties.
- C. **Hardship.** The hardship is created by the original lot configuration and surrounding public rights-of-way and is not the result of actions taken by the applicant. The property's unusual frontage arrangement existed prior to the current request and limits reasonable placement options for accessory structures.
- D. **Special Privilege.** Approval of the variance would not authorize a use prohibited within the SD-2 district and would not confer a special privilege inconsistent with similarly situated properties. The request is limited to dimensional relief necessitated by the unique physical characteristics of the lot.
- E. **Minimum Variance.** The requested variance represents the minimum relief necessary to allow reasonable placement of a detached accessory structure and continued screening of the functional rear yard area. Due to the multiple front yard setbacks affecting the parcel, alternative compliant locations are substantially constrained.
- F. **Consistency with Comprehensive Plan and UDC.** The request is generally consistent with the Comprehensive Plan's goals of preserving neighborhood character, supporting established residential development patterns, and allowing reasonable residential use of property. The proposed improvements are residential in nature and are compatible with the surrounding neighborhood context.

**FINDINGS OF FACT**

- 1. The subject property is located at 235 Brook Avenue within the SD-2 zoning district and is bordered by public rights-of-way along Brook Avenue, Gardenia Drive, and Canna Avenue.

2. Pursuant to Section 4.6.2.G.1 of the Unified Development Code, each street frontage constitutes a front yard, resulting in three required front yard setback areas on the parcel.
3. The multiple street frontages create a development condition that is not commonly shared by similarly situated residential lots within the SD-2 zoning district.
4. The area proposed for the accessory structure and fence has historically functioned as the practical rear yard area of the property for many years and contains existing residential improvements and screening elements.
5. Strict application of the front yard setback requirements would significantly reduce the reasonable area available for customary residential accessory structures on the property.
6. The hardship associated with the request is attributable to the physical configuration of the lot and surrounding rights-of-way and was not created by the current property owner.
7. The requested variance is limited to dimensional relief necessary to allow placement of a detached accessory structure and replacement of existing fencing associated with the functional rear yard area.
8. The request involves dimensional relief only and does not authorize any prohibited use within the SD-2 zoning district.
9. The requested variance will not substantially alter the residential character of the surrounding neighborhood.
10. The requested variance is generally consistent with the intent of the Unified Development Code and the City of Starkville Comprehensive Plan.

## NOTIFICATION

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

1. 12 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 May 9, 2026.
3. A sign was posted on the property in a conspicuous location.

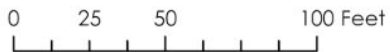
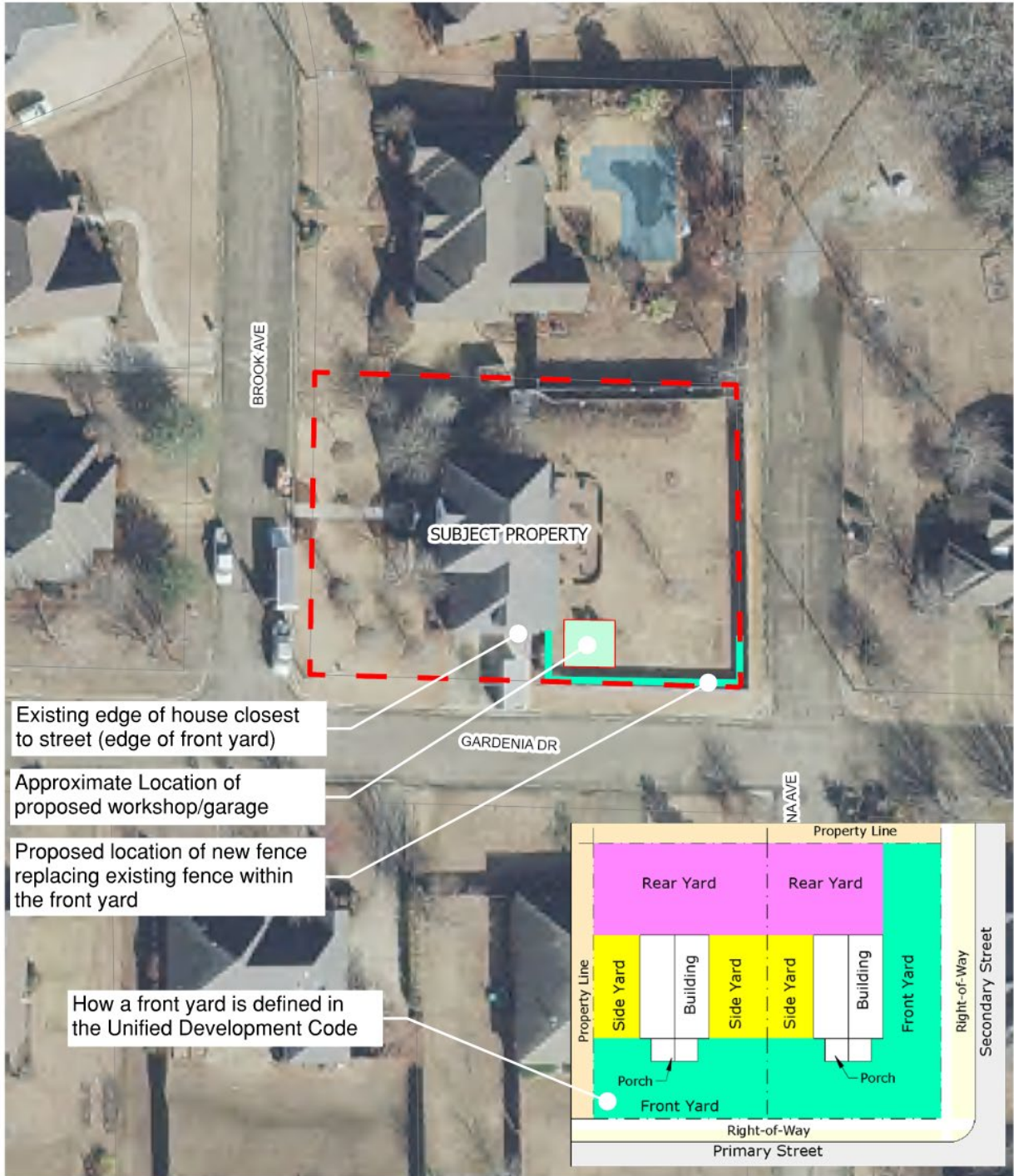
As of this date, the Planning Office has no phone calls for or against this request.

## 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. 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.

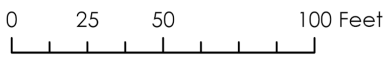
Attachment 1- VA 26-04 Aerial






- Parcels
- Subject Property
- Proposed Fence
- Proposed Structure



# Attachment 2 - Zoning



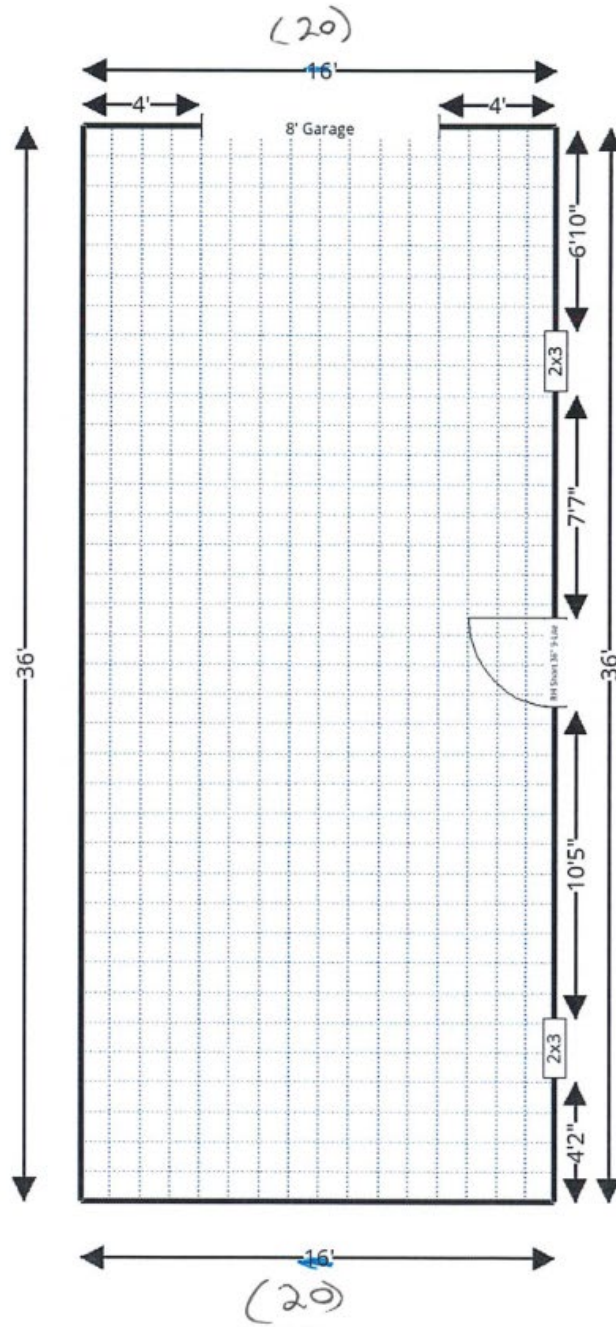
-  Parcels
-  SD-2 Suburban Detached
-  Subject Property



**HISTORIC**  
**STARKVILLE**  
MISSISSIPPI'S COLLEGE TOWN

Attachment 3 – Floor Plan

FRONT



Roof ridge runs from FRONT to BACK

Attachment 4 – Proposed Rendering

