



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, March 21, 2018
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. APPROVAL OF THE MINUTES:
 - A. Consideration of the unapproved minutes for November 29, 2017
- V. NEW BUSINESS
 - A. VA 18-01 Request by David Cole for Variance relief from rear and side setback requirements located at 400 Laurel Hill Drive in an R-1 zone with the property #106D-00-158.21
 - B. Consideration and approval of the Board of Adjustments and Appeals 2018 Public Meeting Schedule.
- VI. PLANNER REPORT
- VII. ADJOURN

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
NOVEMBER 29, 2017**

The Board of Adjustments & Appeals held their special called meeting at 4:00 PM on November 29, 2017, in the Community Development Department at City Hall. Members present were Kim Moreland Ward 1, Jerry Jefferson Ward 2, Robert Camp Ward 4, Marco Nicovich Ward 5, and Chairman Bill Webb Ward 6. Absent from the meeting was Bo Richardson Ward 3, and Shawn Sullivan Ward 7. Attending the Board members was the Assistant City Planner Emily Corban.

A CONSIDERATION OF THE WRITTEN AGENDA

**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, November 29, 2017
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. APPROVAL OF THE MINUTES:
 - A. Consideration of the unapproved minutes for October 25, 2017
- V. NEW BUSINESS
 - A. VA 17-17 Request by OCEDA for Variance relief from street width and street standards requirements for a proposed industrial park in an M-1 zone with the property #115-21-007.01, 115-21-007.00, and 115-21-010.02
- VI. PLANNER REPORT
- VII. ADJOURN

The Board considered the matter of approval of the written agenda dated November 29, 2017. Upon the motion of Ms. Moreland seconded by Mr. Nicovich, the Board voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF
THE MEETING OF October 25, 2017**

After discussion and upon the motion of Mr. Nicovich, duly seconded by Ms. Moreland, the motion to approve the Minutes of the October 25, 2017 Board of Adjustments and Appeals meeting received unanimous approval.

NEW BUSINESS

**A. CONSIDERATION OF VA 17-17 REQUEST BY OCEDA FOR
VARIANCE RELIEF FROM STREET WIDTH AND STREET
STANDARDS REQUIREMENTS FOR A PROPOSED INDUSTRIAL
PARK IN AN M-1 ZONE WITH THE PROPERTY #115-21-007.01, 115-
21-007.00, AND 115-21-010.02**

Assistant City Planner Emily Corban introduced the case. The applicant is requesting relief from street width and street standard requirements for a proposed industrial park in an M-1 zone. The applicant is requesting a street width of 24' in lieu of the 31' required. The applicant is also requesting not to have curb and gutter. The applicant is currently in the process of obtaining preliminary plat approval for the proposed industrial park. If this request for variance is recommended for approval, the applicant's request for Preliminary Plat will be heard at the December 12th, 2017 Planning and Zoning Commission Meeting. The applicant attended a Development Review Committee meeting on November 16, 2017.

The property was rezoned by the Board of Aldermen on January 3, 2017 from C-2, R-4 and R-5 to M-1. The applicant is requesting relief from Appendix B- Subdivisions, ARTICLE VI. MINIMUM DESIGN STANDARDS, SEC 1- STREET PLAN

9 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News November 10, 2017. As of this date, the Planning Office has received 1 phone calls and 1 in person visit against the request. Staff also received a letter against the request this week that has been given to all commissioners.

Chairman Webb opened the public hearing.

Saunders Ramsey, representing the applicant, came forward to speak in favor of the request. He stated at the request of the city, they would install curb and gutter at grade at the interaction the first 10th of a mile.

Ms. Margaret Copeland came forward to speak against of the request.

Ms. Lauren Bell came forward to speak against the request.

Ms. Leah Ellis came forward to speak against the request.

Ms. Anne Daniels came forward to speak against the request.

Mr. Andrew Miller came forward to speak against the request.

Ms. Lauren Bell came forward to speak against the request.

Calling for and receiving no other comments, the Board Chair closed the public hearing.

After discussion among the Board Members Ms. Moreland moved to approve the first variance request, allowing a reduction in street width from 31' to 24', but denying the second request to not have curb and gutter, which was seconded by Mr. Nicovich, and

the Board voted 5 to 0 to approve VA 17-16 request #1.

ADJOURNMENT

There being no further business before the Board of Adjustments & Appeals, the Board adjourned the meeting.

Bill Webb, Chair

Emily Corban, Assistant City Planner



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)
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)
Subject: VA 18-01 Request by David Cole for Variance relief from rear and side setback requirements located at 400 Laurel Hill Drive in an R-1 zone with the property #106D-00-158.21
Date: March 28, 2018

The purpose of this report is to provide information regarding a Variance Request by David Cole for a variance from rear and side setbacks located at 400 Laurel Hill Drive in an R-1 zone with the property #106D-00-158.21. Please see attachments 1- 3.

PROPOSED USE & BACKGROUND:

The applicant currently has an existing accessory structure (shed) located in the backyard of his residence. The applicant would like to modify the existing structure to an accessory dwelling to allow family to stay in the structure while they are visiting. Accessory structures do not have setback requirements for rear and side yard. An accessory dwelling has to meet the rear and side setback requirements. The existing structure is approximately two feet off the rear and side property line. The applicant is requesting relief of 33' on the rear setback and 8' on the side yard setback. A conditional use will also be required to locate an accessory dwelling on the property. The applicant will be attending the April 10 Planning and Zoning meeting to request a conditional use. If the request for Variance and Conditional Use are recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the May 1, 2018 meeting.

NOTIFICATION:

27 property owners of record within 300 feet of the subject property were notified directly by mail of the request. A public hearing notice was published in the Starkville Daily News on March 13, 2018 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received two phone calls and one email requesting information about the request.

VARIANCE REQUESTS FROM:

1. Appendix A- Zoning, Article VII.- District Regulations, Sec. C. - R-1 residence zoning district regulations, 3(d) and 3(e).

These [R-1 residential] districts are intended to be composed mainly of single-family residential properties along with appropriate neighborhood facilities, with their character protected by requiring certain minimum yard and area standards to be met. [The following regulations apply to R-1 districts:]

1. See chart for permitted uses.

2. *See chart for uses which may be permitted as a special exception.*
3. *Required lot area and width, yards, building areas and height for residences:*
 - (a) *Minimum lot area: 10,000 square feet.*
 - (b) *Minimum lot width at the building line: 75 feet.*
 - (c) *Minimum depth of front yard: 30 feet.*
 - (d) *Minimum depth of rear yard: 35 feet.*
 - (e) *Minimum width of each side yard: Ten feet.*
 - (f) *Maximum height of structure: 45 feet.*
4. *Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.*

VARIANCE REQUEST REQUIREMENTS:

Appendix A, Article VI, Section K outlines four conditions a Variance request needs to meet:

To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the terms of this ordinance shall not be granted by the board of adjustments and appeals unless and until a written application for a variance shall be submitted, demonstrating:

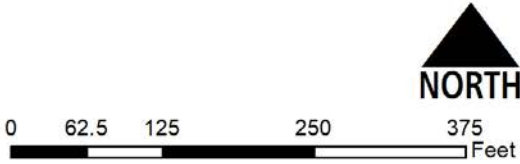
1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and the same conditions are not applicable to other land, structures and buildings in the same district.
2. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
3. That the special conditions and circumstances have not resulted from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district. In granting any variance, the board of adjustments and appeals shall have the authority to prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. Under no circumstances shall the board of adjustments and appeals grant a variance to permit a use other than a use permitted generally, or by special exception, in the district involved, nor shall a variance be granted to any use expressly or by implication prohibited by the terms of this ordinance in said district.

Attachment 1
VA 18-01- Aerial

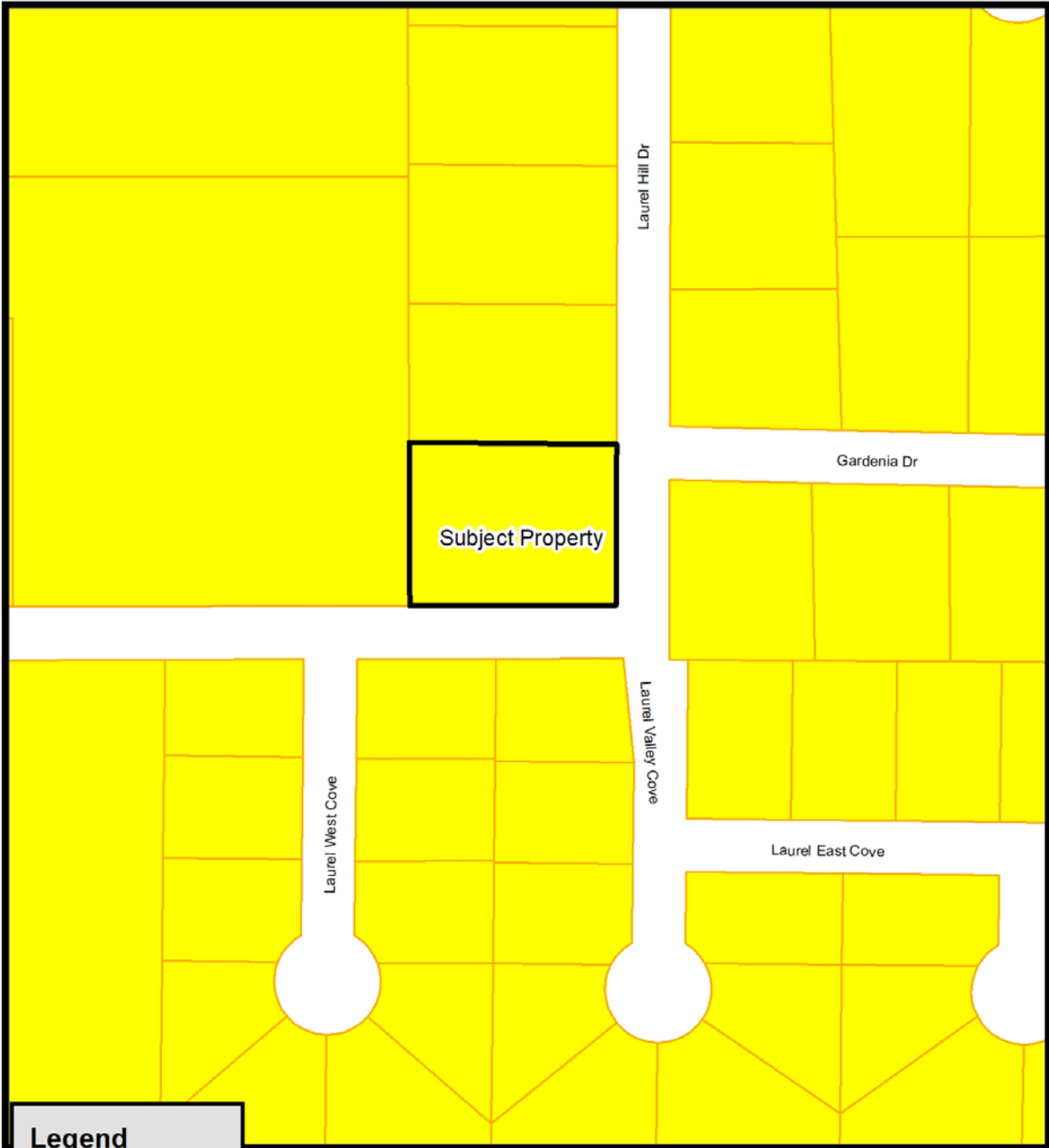


Legend


 subject property



Attachment 2
VA 18-01- Zoning




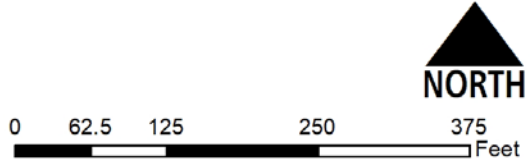
Legend

 subject property

Zoning Map

ZONING

 R-1 Single Family



Attachment 3- Picture



View of existing structure



Board of Adjustments & Appeals

2018 Public Meeting Schedule

Advertised Submittal Deadline	Non-Advertised Submittal Deadline	Public Meeting Date
December 26, 2017	January 9, 2018	January 24, 2018
January 30, 2018	February 13, 2018	February 28, 2018
February 27, 2018	March 13, 2018	March 28, 2018
March 27, 2018	April 10, 2018	April 25, 2018
April 24, 2018	May 8, 2018	May 23, 2018
May 29, 2018	June 13, 2018	June 27, 2018
June 26, 2018	July 11, 2018	July 25, 2018
July 24, 2018	August 7, 2018	August 22, 2018
August 28, 2018	September 11, 2018	September 26, 2018
September 25, 2018	October 9, 2018	October 24, 2018
October 31, 2018	November 13, 2018	November 28, 2018
November 27, 2018	December 11, 2018	December 26, 2018
December 25, 2018	January 8, 2019	January 23, 2019

Advertised items, such as variances, require advertisement, notification, and posting

Non-Advertised items, such as appeals, do NOT require advertisements

Meetings begin at 4:00 pm in the Community Development on the 2nd floor at City Hall located at 110 West Main Street