



OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, October 25, 2017  
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. APPROVAL OF THE MINUTES:
  - A. Consideration of the unapproved minutes for September 27, 2017
- V. NEW BUSINESS
  - A. VA 17-16 Request by SER LLC for Variance relief from sidewalk requirements located at +/-250' east of Industrial Park Road in an M-1 zone with the parcel # 102N-00-005.01
- VI. PLANNER REPORT
- VII. ADJOURN



**UNAPPROVED**

**MINUTES OF THE MEETING OF THE  
BOARD OF ADJUSTMENTS & APPEALS  
THE CITY OF STARKVILLE, MISSISSIPPI  
SEPTEMBER 27, 2017**

The Board of Adjustments & Appeals held their regularly scheduled meeting at 4:00 PM on September 27, 2017, in the Community Development Department at City Hall. Members present were Kim Moreland Ward 1, Jerry Jefferson Ward 2, Bo Richardson Ward 3, Robert Camp Ward 4, Marco Nicovich Ward 5 and Bill Webb Ward 6. Absent from the meeting was Shawn Sullivan Ward 7. Attending the Board members were the City Planner Daniel Havelin and 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, SEPTEMBER 27, 2017  
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. APPROVAL OF THE MINUTES
  - A. Consideration of the unapproved minutes for July 26, 2017
- V. NEW BUSINESS
  - A. VA 17-15 Request by Walker and Associates for Variance relief from Street Width, Sidewalk Placement, Lot Dimensions, and Building Height located at 104 and 105 Camp Avenue and 703, 703½, 705 and 705½ University Drive in a T5 zoning district with the parcel numbers 101C-00-002.00, 101C-00-001.00, 101D-00-001.00, 101D-00-002.00, 101D-00-003.00, and 101D-00-004.00
- I. PLANNER REPORT

## II. ADJOURN

The Board considered the matter of approval of the written agenda dated September 27, 2017. Upon the motion of Webb seconded by Moreland, the Board voted unanimously to approve the written agenda.

### **CONSIDERATION FOR APPROVAL OF THE MINUTES OF THE MEETING OF July 26, 2017**

After discussion and upon the motion of Moreland, duly seconded by Jefferson, the motion to approve the Minutes of the July 26, 2017 Board of Adjustments and Appeals meeting received unanimous approval.

### **NEW BUSINESS**

#### **A. CONSIDERATION OF VA 17-15 REQUEST BY WALKER AND ASSOCIATES FOR VARIANCE RELIEF FROM STREET WIDTH, SIDEWALK PLACEMENT, LOT DIMENSIONS, AND BUILDING HEIGHT LOCATED AT 104 AND 105 CAMP AVENUE AND 703, 703½, 705 AND 705½ UNIVERSITY DRIVE IN A T5 ZONING DISTRICT WITH THE PARCEL NUMBERS 101C-00-002.00, 101C-00-001.00, 101D-00-001.00, 101D-00-002.00, 101D-00-003.00, AND 101D-00-004.00**

City Planner Daniel Havelin presented item VA 17-15 in which the applicant Walker and Associates is currently in the process of combining and subdividing several lots into four lots for a proposed mixed-use development with retail and student housing. The applicant is requesting relief from Street Width, Sidewalk Placement, Lot Dimensions, and Building Height.

Request 1: Street Width

Request 2: Sidewalk requirements

Request 3: Lot Dimensions

Request 4: Building Height- maximum height in a T-5 is 4

31 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 September 7, 2017 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one email requesting information.

Chairman Webb opened the public hearing to citizen comments. The applicant, Frank Summers, Jackson Wallace, Mohamed Mohsen, and Adam Ingram came forward to speak in favor of their requests. Melanie Gilmer came forward to express her concerns with the request and the development as a whole.

After discussion among the Board Members, Mr. Camp moved to approve all the variance requests, which was seconded by Ms. Moreland and the Board voted 4 to 2 to approve VA 17-15. Mr. Nicovich and Mr. Webb were the dissenting votes.

### **PLANNER'S REPORT**

City Planner Daniel Havelin introduced the new member Robert Camp.

### **ADJOURNMENT**

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

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Bill Webb, Chair

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Daniel Havelin, City Planner

DRAFT



**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 17-16 Request by SER LLC for Variance relief from sidewalk requirements located at +/-250' east of Industrial Park Road in an M-1 zone with the parcel # 102N-00-005.01  
**Date:** 10-25-17

The purpose of this report is to provide information regarding the Variance Request by SER LLC for Variance relief from sidewalk requirements located at +/-250' east of Industrial Park Road in an M-1 zone with the parcel # 102N-00-005.01. Please see attachments 1- 4

**PROPOSED USE & BACKGROUND:**

The applicant is requesting relief from various sidewalk requirements. The applicant is proposing to build a metal building for lease as a storage space. The applicant is concerned that the sidewalks may pose a security and safety risk to the building. The applicant is requesting relief from sidewalk requirements along the right-of-way and sidewalk connections from the right-of-way to the primary entranceway of the building. The applicant attended a Development Review Committee meeting on September 21, 2017. The applicant received a waiver from some of the Landscape Requirements by the Board of Alderman on September 19, 2017. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 7, 2017 meeting.

**NOTIFICATION:**

7 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 October 5, 2017 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received no phone calls regarding this request.

**VARIANCE REQUESTS FROM:**

1. Sec. 98-54. – Sidewalk requirements.

- (1) *Sidewalks shall be required within the right-of-way on both sides of all new public or non-city owned streets located within the City of Starkville Sidewalk Development Area or subdivisions as expressed in subsection 98-53(1). Sidewalks shall be required from lot line to lot line within the right-of-way along the frontage of existing public or non-city owned streets located within the city. If sidewalks are not located within public right-of-way, appropriate easements shall be provided if the sidewalk parallels public roadways.*
- (2) *Provisions for sidewalk construction shall be included as part of site plan review, subdivision approval and/or as part of the plans submitted for obtaining a building permit. For all non-single family residential developments and non-agricultural zoned developments, a separated,*

continuous sidewalk shall be provided from right-of-way to primary entranceway(s) which will address adequate interior pedestrian connectivity.

## **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 17-16 Aerial



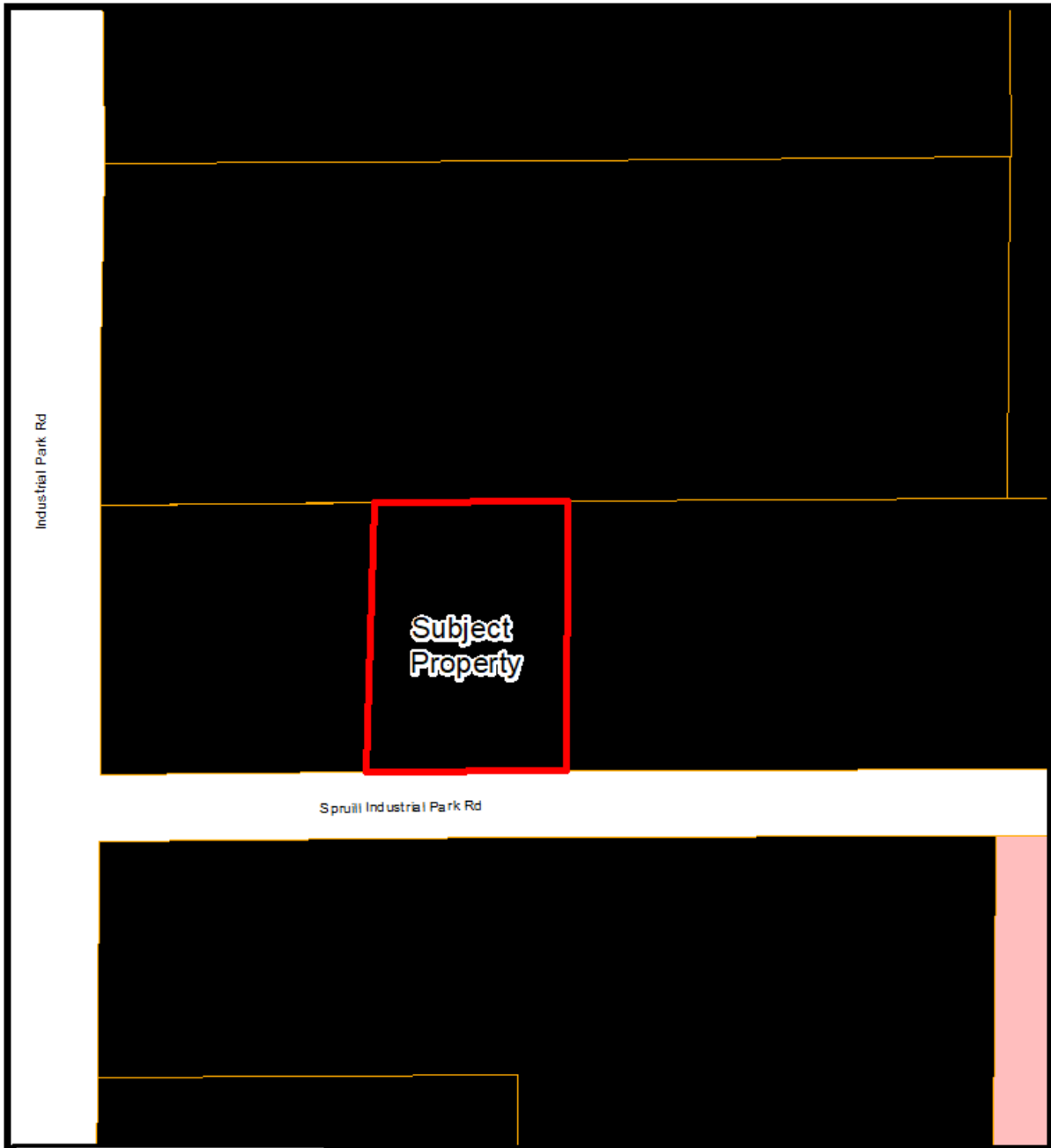
**Legend**

 Property




  
**NORTH**


0 90 180 360 540  
Feet

Attachment 2  
VA 17-16 Zoning



**Legend**

-  Property
-  M-1 Manufacturing
-  R-5 Multi-Family, High-Density

  
**NORTH**

0 50 100 200 300  
Feet

# Attachment 3- Enlarged sidewalk plan drawn in compliance of ordinance

