

**MINUTES OF THE MEETING OF  
THE BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
AUGUST 26, 2020**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on August 26, 2020 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 Bill Webb, Chairman, Ward 5, and Joining the meeting via Google Meets virtual meeting platform were George Ford, Ward 1, Jerry Jefferson, Ward 2, Bo Richardson, Ward 3, Robert Camp, Ward 4, Marco Nicovich, Ward 6, and Shawn Sullivan, Ward 7. Physically present attending the Commissioners was City Planner Daniel Havelin, Assistant City Planner Emily Corban, and Community Development Director Dr. Simon Kim.

Chairman Webb opened the meeting.

**A CONSIDERATION OF THE WRITTEN AGENDA**

**OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, AUGUST 26, 2020  
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 UNAPPROVED MINUTES FOR JULY 22, 2020
- V. NEW BUSINESS
  - A. VA 20-07 REQUEST FOR A VARIANCE FROM REQUIRED LOT SIZE AND DIMENSIONS LOCATED ON THE 798 PINE CIRCLE IN A SD-2 ZONING DISTRICT WITH THE PARCEL NUMBER 102H-00-113.01.
  - B. VA 20-09 REQUEST FOR A VARIANCE FROM THE REQUIRED AMOUNT OF PARKING FOR A PROPOSED CONDOMINIUM DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF GUEST DRIVE AND MALLORY LANE IN A C ZONING DISTRICT WITH THE PARCEL NUMBERS 103A-00-001.42 AND 103A-00-001.43.
  - C. VA 20-08 REQUEST FOR A VARIANCE FROM THE REQUIRED PARKING SETBACKS FOR A FUTURE RETAIL DEVELOPMENT LOCATED ON THE 601 HIGHWAY 12 WEST IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102F-00-053.00. (THIS ITEM WAS PULLED BY THE APPLICANT ON 8-20-20 BY EMAIL)
- VI. ADJOURN

The Board considered the matter of the approval of the written agenda as amended dated August 26, 2020. Upon the motion of Mr. Jefferson, seconded by Mr. Sullivan, the Board voted unanimously to approve the written agenda as amended.

#### **APPROVAL OF THE UNAPPROVED MINUTES FOR JULY 22, 2020**

The Board considered the matter of the approval of the minutes of the July 22, 2020 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Sullivan, seconded by Mr. Camp, the Board voted unanimously to approve the minutes as amended.

#### **NEW BUSINESS**

##### **A. VA 20-07 REQUEST FOR A VARIANCE FROM REQUIRED LOT SIZE AND DIMENSIONS LOCATED ON THE 798 PINE CIRCLE IN A SD-2 ZONING DISTRICT WITH THE PARCEL NUMBER 102H-00-113.01.**

This is a request by Tommy Turner for a variance from the required lot size and dimensions for an existing legal non-conforming lot in accordance with Section 3.17.1.A.2 of the Unified Development Code (UDC). The approval of the request is needed to construct a new detached dwelling home on the lot. The applicant is requesting relief from minimum lot size and minimum lot width for an existing lot located at 798 Pine Circle in the Pleasant Acres neighborhood. The lot was originally a part of lot 9 of the Pleasant Acres Subdivision platted around 1955. Lot 9 was subdivided to create subject lot in 1958 prior to being annexed into the City (see attachment 5). The current lot does not meet the minimum size requirements for a lot in an SD-2 zoning district. It is therefore classified as a legal non-conforming lot. A legal nonconforming lot is a lot existing legally at the time of the passage of the UDC, or the time of annexation into the City's jurisdiction, which does not by reason of design or dimensions conform to the regulations of the district in which it is located. The lot is approximately 45% smaller than the required 17,500 square feet and is 70'6" wide which is less than the required 100'. The applicant is proposing to build a single residential dwelling on the property.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 11 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 August 11, 2020. A sign was posted on the property in a conspicuous location. As of this date the Planning Office has received only two emails against the request.

Chairman Webb opened the public hearing to citizen comments.

The applicant was not present for the request.

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

After a discussion and upon the motion of Mr. Camp, duly seconded by Mr. Nicovich, the motion to approve VA 2007 received approval 5 to 2 with Mr. Ford and Mr. Jefferson being the dissenting votes.

**B. VA 20-09 REQUEST FOR A VARIANCE FROM THE REQUIRED AMOUNT OF PARKING FOR A PROPOSED CONDOMINIUM DEVELOPMENT LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF GUEST DRIVE AND MALLORY LANE IN A C ZONING DISTRICT WITH THE PARCEL NUMBERS 103A-00-001.42 AND 103A-00-001.43.**

This is a variance request by Willis Owens of Pritchard Engineering on behalf of Charlie Morgan from the required amount of parking for a proposed condominium development. The proposed development is located on the northeast corner of the intersection of Guest Drive and Mallory Lane in a C zoning district with the parcel numbers 103A-00-001.42 and 103A-00-001.43. The applicant is proposing to build a 30-unit condominium development. The applicant is requesting relief from the minimum parking spaces required. The city code requires 1.25 parking spaces per bedroom which would require 75 parking spaces for the development. The applicant is requesting to reduce the parking to 1 space per bedroom, which would be 60 parking spaces for the development. The Board of Aldermen approved a special exception request to construct a 32-unit townhome on the subject property on July 7, 2020.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 41 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 August 11, 2020. A sign was posted on the property in a conspicuous location. As of this date the Planning Office has received one call about the request.

Chairman Webb opened the public hearing to citizen comments.

The applicant, Mr. Charlie Morgan, came forward to speak in favor of the request. The engineer representing the applicant, Mr. Willis Owens, came forward to speak in favor of the request.

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

After a discussion and upon the motion of Mr. Richardson, duly seconded by Mr. Jefferson, the motion to approve VA 20-09 received approval 6 to 1 with Mr. Nicovich being the dissenting vote.

**C. VA 20-08 REQUEST FOR A VARIANCE FROM THE REQUIRED PARKING SETBACKS FOR A FUTURE RETAIL DEVELOPMENT LOCATED ON THE 601 HIGHWAY 12 WEST IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102F-00-053.00. (THIS ITEM WAS PULLED BY THE APPLICANT ON 8-20-20 BY EMAIL)**

This is a request was pulled by the applicant but because it was advertised as a public hearing, a public hearing must still be held.

Chairman Webb opened the public hearing to citizen comments.

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

**ADJOURNMENT**

After discussion, Mr. Sullivan moved to adjourn which was seconded by Mr. Nicovich, and the Board voted unanimously to adjourn until 4:00 p.m. on September 23, 2020 in the second-floor conference room located at 110 West Main Street, Starkville, MS.

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Bill Webb, Chairman

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Daniel Havelin, City Planner