



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI

WEDNESDAY, APRIL 25, 2012
4:00 PM IN THE CITY HALL BUILDING DEPARTMENT
101 E. LAMPKIN STREET (2nd FLOOR) STARKVILLE, MS 39759

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
- III. ROLL CALL
- IV. CONSIDERATION OF THE OFFICIAL AGENDA
- V. CONSIDERATION FOR APPROVAL OF THE DECEMBER 14, 2011 MEETING MINUTES
- VI. CONSIDERATION FOR APPROVAL OF THE JANUARY 25, 2012 MEETING MINUTES
- VII. CITIZEN COMMENTS
- VIII. NEW BUSINESS
 - A. VA 12-01: A REQUEST FOR A PUBLIC HEARING BY JEREMY HOLLAND ON BEHALF OF CSPIRE TO CONSIDER A VARIANCE TO APPENDIX A, ARTICLE VII, SECTION C (4) OF THE CITY OF STARKVILLE'S CODE OF ORDINANCES TO GRANT A DIMENSIONAL VARIANCE TO INCREASE THE OVERALL HEIGHT OF A MONUMENT SIGN FROM THE REQUIRED 8 FEET TO 21 FEET IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 337 HIGHWAY 12 WARD 2
- IX. PLANNER REPORT
- X. ADJOURNMENT

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
DECEMBER 14, 2011**

The Board of Adjustments and Appeals held a meeting at 4:00 PM in the Building Department at City Hall. Chairman Milo Burnham from Ward 2 was the only member in attendance. Attending the Board were City Planner Ben Griffith and Assistant City Planner Pamela Daniel.

CONSIDERATION OF APPROVAL OF THE MINUTES OF NOVEMBER 16, 2011

Due to lack of a quorum to conduct business, approval of the November 16, 2011 meeting minutes will be rescheduled for the next regularly scheduled Board meeting of January 25, 2012.

**A REQUEST FOR A PUBLIC HEARING BY DAVID MCGEHEE OF CMI
ACQUISITIONS TO CONSIDER A VARIANCE TO SECTION 104-55(B)(8)(A) OF THE
STARKVILLE CODE OF ORDINANCES TO GRANT A 35.57-FOOT VARIANCE,
CREATING AN 84.43-FOOT SETBACK IN LIEU OF THE 120 FEET REQUIRED FOR
A PROPOSED COMMUNICATION TOWER IN A C-2 (GENERAL BUSINESS)
ZONING DISTRICT LOCATED BEHIND THE PINELAKE CHURCH AT 200 MS
HIGHWAY 25 BYPASS SOUTH IN WARD 1**

Prior to the hearing, the applicant had informed Planning staff that discussions with opposing parties had not reached a successful conclusion. He asked that the hearing be postponed until January 25th. Since no formal presentation was going to be made for the hearing, staff advised the Board members not to attend, but requested that the Chairman open the meeting in the event that any interested parties attended to provide public comments regarding the matter. No citizens attended the hearing and no public comments were received. Due to lack of a quorum to conduct business, no public hearing was held. The item will be continued to the January 25, 2012 Board meeting.

PLANNER REPORT

Mr. Griffith stated that all items on the agenda would be continued to the January 25, 2012 meeting and that an additional variance application had been received for another project and that it would also be reviewed on January 25th.

ADJOURNMENT

The meeting was adjourned by Chairman Burnham at 4:10 PM. The next meeting of the Board of Adjustments & Appeals will be Wednesday, January 25, 2011 at 4:00 PM in the Building Department at City Hall.

Milo Burnham, Chairman

Ben Griffith, AICP, City Planner

DRAFT

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
JANUARY 25, 2012**

The Board of Adjustments and Appeals held a meeting at 4:00 PM in the Building Department at City Hall. Present were Mr. Lee Carson of Ward 1, Dr. Milo Burnham of Ward 2, Dr. Dennis Nordin of Ward 4 and Mr. Marco Nicovich of Ward 5. Dr. Jeff Markham of Ward 3, Mr. James Johnson of Ward 6 and Mr. John Hill of Ward 7 were absent. In order to have a quorum to conduct business, the Chairman was required to vote on all matters. Attending the Board Members were City Planner Ben Griffith and Assistant City Planner Pamela Daniel.

CONSIDERATION OF APPROVAL OF THE MINUTES OF NOVEMBER 16, 2011

There came before the Board of Adjustments & Appeals the matter of approval of the November 16, 2011 meeting minutes. After discussion and upon the motion of Dr. Nordin, seconded by Mr. Carson, the Board voted unanimously to approve said minutes as presented.

CONSIDERATION OF APPROVAL OF THE MINUTES OF DECEMBER 14, 2011

Next there came before the Board of Adjustments & Appeals the matter of approval of the December 14, 2011 meeting minutes. Mr. Nicovich suggested that the minutes be revised to state that there was to be no formal presentation made by the applicant regarding the cell tower. After discussion and upon the motion of Mr. Nicovich, seconded by Dr. Nordin, the Board voted unanimously to approve said minutes as amended.

**A REQUEST FOR A PUBLIC HEARING BY DAVID MCGEHEE OF CMI
ACQUISITIONS TO CONSIDER A VARIANCE TO SECTION 104-55(B)(8)(A) OF THE
STARKVILLE CODE OF ORDINANCES TO GRANT A 35.57-FOOT VARIANCE,
CREATING AN 84.43-FOOT SETBACK IN LIEU OF THE 120 FEET REQUIRED FOR
A PROPOSED COMMUNICATION TOWER IN A C-2 (GENERAL BUSINESS)
ZONING DISTRICT LOCATED BEHIND THE PINELAKE CHURCH AT 200 MS
HIGHWAY 25 BYPASS SOUTH IN WARD 1**

Next there came before the Board of Adjustments & Appeals item #VA 11-06: a request by Mr. David McGehee of CMI Acquisitions to consider a variance to Section 104-55 (b)(8)(a) of the Starkville Code of Ordinances to grant a 35.57-foot variance, creating an 84.43-foot setback in lieu of the 120 feet required for a proposed communications tower in a C-2 (General Business) zoning district located behind the Pinelake Church at 200 MS Highway 25 Bypass South in Ward 1. Ms. Daniel read a brief introduction of the item and introduced the applicant, Mr. David McGehee, to the Board.

Mr. McGehee addressed the Board and stated that he and the opposing parties had originally agreed to continue the item until a mutually agreeable location could be found, and asked that it be tabled rather than withdrawn. He stated that he and the opposing parties were exploring another location and that until it was approved, did not want to withdraw the original request.

Mr. Russ Rogers, a local attorney representing the opposing parties, stated that he and his client were not opposed to tabling the item.

Chairman Burnham asked if anyone else would care to provide public comments regarding the item and seeing none, asked for a motion.

Mr. Nicovich made a motion to table the request, which required no second or vote by the Board.

A REQUEST FOR A PUBLIC HEARING BY SAUNDERS AND JORDAN RAMSEY TO CONSIDER A VARIANCE TO SECTION C(3)D OF THE CITY OF STARKVILLE'S CODE OF ORDINANCES TO GRANT A 15-FOOT ENCROACHMENT INTO A REAR YARD BUILDING SETBACK CREATING A 20-FOOT REAR YARD IN LIEU OF THE REQUIRED 35 FEET IN AN R-1 (SINGLE FAMILY) ZONING DISTRICT LOCATED AT 103 LAUREL VALLEY COVE/LOT 18 LAUREL VALLEY COURT SUBDIVISION IN WARD 3

Next there came before the Board of Adjustments & Appeals item #VA 11-07: a request by Saunders & Jordan Ramsey to consider granting a variance to Section C(3)d of the Starkville Code of Ordinances to grant a 15-foot encroachment into a required rear yard building setback creating a 20-foot rear yard in lieu of the 35 feet required in an R-1 (Single Family) zoning district, located at 103 Laurel Valley Cove in Ward 3. Ms. Daniel read a brief introduction of the item and introduced the applicant, Mr. Saunders Ramsey, to the Board.

Mr. Ramsey explained his intention to build a new home and provided a building plan to show where the encroachment would be. He stated that he had talked to one of the neighbors and that the developer owned most of the adjacent lots, which had not yet been built. Mr. Ramsey stated that his current home has been sold and will close in February. He then offered to answer any questions the Board members may have.

After a brief discussion, Mr. Nicovich made a motion to approve the variance as requested with the conditions as prepared by Planning staff, and Dr. Nordin seconded the motion. Chairman Burnham pointed out that there was a typographical error in condition #1 of the staff report. After further discussion, the Board voted 3—1 to approve the variance requested, with Mr. Carson voting against.

PLANNER REPORT

Mr. Griffith stated that there were no public hearings scheduled for the February 22nd meeting and handed out 2012 meeting schedules for the Board members. He also handed out activity charts detailing all items reviewed by the Board for 2010 and 2011. Mr. Griffith stated that City staff was scheduling annual Board and Committee presentations for the Mayor and Board of Aldermen and

that he would need to schedule one for the Chairman. Dr. Burnham stated that he could be available as early as the February 21st Board meeting. Mr. Griffith stated that when a date was confirmed, he would let the other Board members know in case they wanted to attend.

A brief discussion ensued regarding locator maps provided with staff reports. It was requested to provide locator maps at a larger scale in order to give the Board members a better view of the area in which subject properties were located. Mr. Griffith stated that he would work with the City's GIS Coordinator to provide a "neighborhood map" to assist the Board members in the future. Mr. Griffith then reminded the Board members to be mindful of all ex parte communications and to not hesitate to call the Planning Office with any questions regarding any items on upcoming agendas.

ADJOURNMENT

Mr. Nicovich made a motion to adjourn which was seconded by Dr. Nordin at 4:30 PM.

Milo Burnham, Chairman

Ben Griffith, AICP, City Planner



THE CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Board of Adjustments & Appeals
FROM: Pamela F. R. Daniel, Assistant City Planner (662-323-2525 x 131)
CC: Jeremy Holland on behalf of C Spire, Applicant
SUBJECT: VA 12- 01: Variance request for a sign height at 337 MS Highway 12 West
Parcel Number 102G-00-031.02
DATE: April 19, 2012

The purpose of this report is to provide you with information regarding the request of Mr. Jeremy Holland on behalf of C Spire to review a variance to Appendix A, Article VII, Section C (4) of the City of Starkville’s Code of Ordinances to grant an overall height increase for a monument sign from the required 8-foot to 21-foot. Chapter 2, Article VI of the City’s Code of Ordinances provides specific criteria for the review and approval of requests.

BACKGROUND

General Information:

The applicant is proposing to erect a 21-foot tall monument sign in front of the C Spire located at 337 MS Highway 12 West. The business currently has an 8-foot tall monument sign that was approved by the City and is in compliance with the City’s sign ordinance.

Twelve property owners of record within 300 feet of the subject property were notified directly by mail of the variance request. A public hearing notice was published in the Starkville Daily News on Friday, April 6, 2012 and a placard was posted on the property concurrent with publication of the notice.

Legal Description: LOT 2 RESIDENCE PLACE SUBDIVISION

Location: The subject parcel is located at 337 MS Highway 12 West on the south side of the highway between the Sunsatons Tanning Salon and Advance Auto Parts.

Parcel Size: The subject property is approximately 0.821 acres in size.

Physical Characteristics: The subject property was once part of the former “Coke Plant” site. The “Coke Plant” parcel has been subdivided into four lots, with three outparcels along the roadway and the fourth lot in the rear (south) proposed for hotel use.

Zoning Classification: C-2 (General Business)

Setback Dimensions: Front 20' Side 20' Rear 20'
Min. Lot Area: none Min. Lot Width at Building Line: none Max. Building Height: 45'

Adjacent Zonings / Land Uses:

Direction	Zoning	Current Use
North	C-2	Various Small Businesses
East	C-2	Sunsations Tanning Salon
South	C-2	Proposed Hotel Site
West	C-2	Advance Auto Parts

Appendix A, Article VI, Section K of the City's Code of Ordinances provides relief from the requirements of the land development regulations when such relief will not be contrary to the public interest and, where, owing to special conditions, a literal enforcement of the provisions of the land development regulations would result in an unnecessary hardship. When appropriate, the Board of Adjustments & Appeals may prescribe appropriate conditions and safeguards in the granting of the variance. In determining whether or not sufficient justification for the granting of a variance has been fulfilled, the Board of Adjustments & Appeals must find that the following criteria have been met. The criteria are outlined below, along with analysis of the conformance of the request with the variance standard.

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

No special conditions exist. The applicant desires to erect a 21-foot monument sign because all surrounding businesses have identification signs 16' or greater. It is the applicant's belief that the existing 8-foot height of the C Spire sign "gets lost" among the taller signs.

2. That the special conditions and circumstances do not result from the action or negligence of the applicant.

The variance requested is for an overall height increase of the monument sign from the existing 8 feet to an overall height of 21 feet. The existing sign is in compliance with the City's sign ordinance.

3. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

A special privilege would be conferred on the applicant that would otherwise be denied to others in the same district. The proposed overall height

increase would be similar in character with some of the other sign heights in the area, but most are to be amortized over the next ten years per Article 6 Section C (18) of the City's sign ordinance. Signs which were permitted and constructed under the previous version of the sign ordinance are exempt from the amortization clause.

4. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

There would be no unnecessary and undue hardship on the applicant. The existing 8-foot sign is compliant with the City's currently adopted sign ordinance and the applicant has not proven that any hardship exists. It is not uncommon to grant height variances to signs along high-speed, limited-access highways however the speed limit along Highway 12 West is 35 mph.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance requested is not the minimum required. The City's previous sign ordinance allowed an overall height not to exceed 15 feet above the crown of the adjacent roadway. The height requested would also exceed the maximum allowable height of the previous sign ordinance.

6. That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The variance requested would not be in harmony with the general intent and purpose of the City's current sign ordinance. While the requested variance would not be injurious to the area involved, it would be contrary to the public interest which has demanded a reduction in the size and height of signage through the adoption of more stringent signage regulations.

CONCLUSIONS

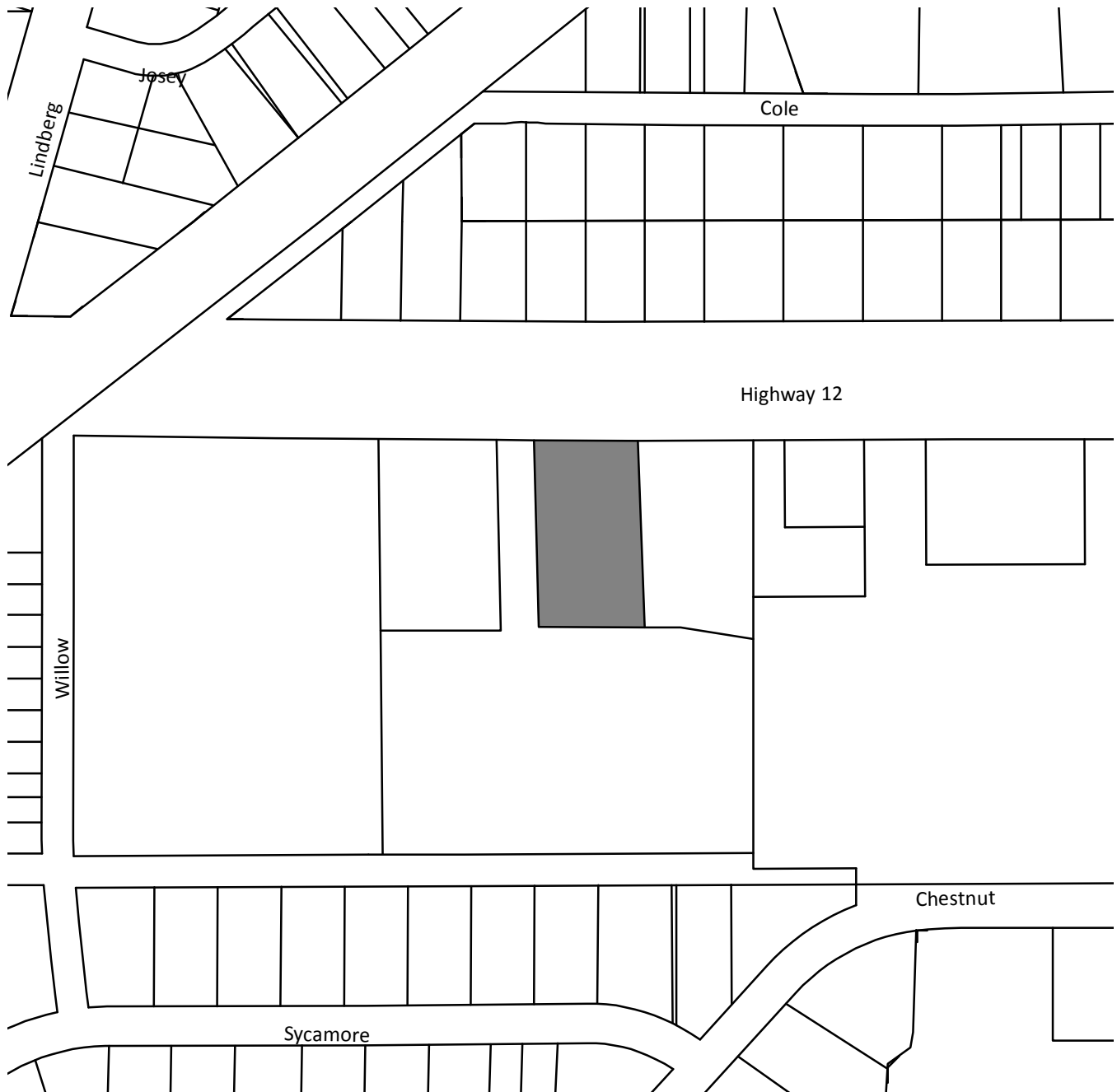
Based on the application packet submitted by the applicant and the findings of fact and conclusions of this staff report, dated April 19, 2012, it is the recommendation of Planning staff to deny the variance request due to the applicant's request for a sign height which exceeds the maximum allowed by the City's previous sign ordinance and lack of hardship conditions which have not been proven by the applicant.

CITY OF STARKVILLE BOARD OF ADJUSTMENT AND APPEALS CASE LOCATOR MAP

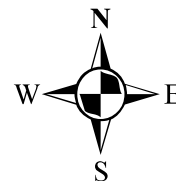
Case # VA 12-01

Ward # 2

Date of Public Hearing: Wednesday, April 25, 2012

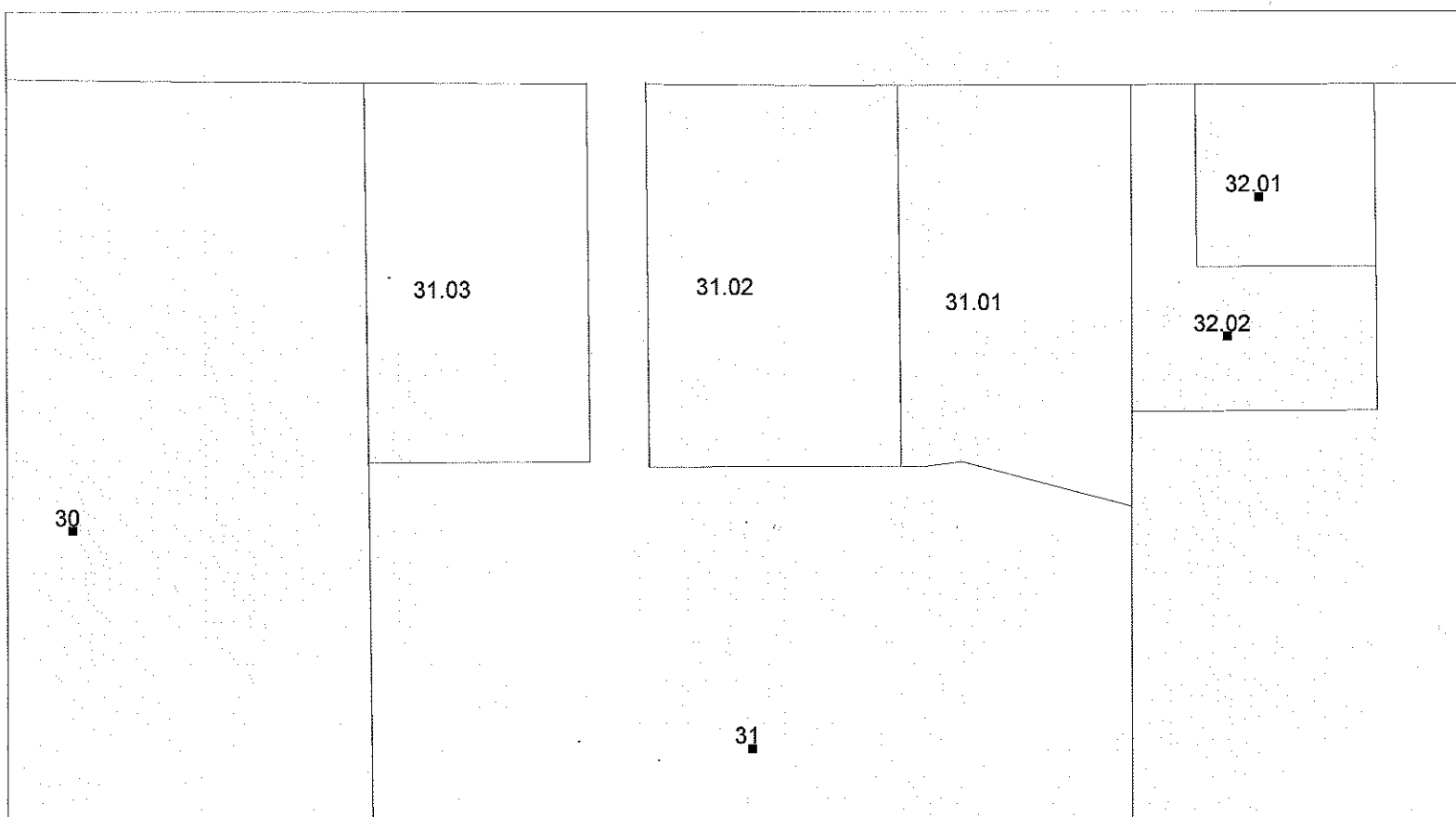


Shaded Area Indicates Subject Property



Not to Scale

OKTIBBEHA, MISSISSIPPI



OKTIBBEHA, MISSISSIPPI

