



OFFICIAL AGENDA

BOARD OF ADJUSTMENTS & APPEALS

CITY OF STARKVILLE, MISSISSIPPI

WEDNESDAY, APRIL 20, 2011

**4:00 PM IN THE CITY HALL BUILDING DEPARTMENT
101 E. LAMPKIN STREET, STARKVILLE, MS 39759**

- I. CALL TO ORDER
- II. ROLL CALL
- III. CONSIDERATION FOR APPROVAL OF THE MARCH 23, 2011 MEETING MINUTES
- IV. NEW BUSINESS
 - A. VA 11-02: A REQUEST BY SALLY & ANDREW PEARSON TO CONSIDER GRANTING A VARIANCE TO APPENDIX A, ARTICLE VII, SECTION C(3)D OF THE STARKVILLE CODE OF ORDINANCES TO GRANT A 25-FOOT ENCROACHMENT INTO A REQUIRED REAR YARD BUILDING SETBACK, CREATING A 10-FOOT REAR YARD IN LIEU OF THE 35 FEET REQUIRED, TO ALLOW FOR THE CONSTRUCTION OF A DETACHED GARAGE IN AN R-1 (SINGLE FAMILY) ZONING DISTRICT LOCATED AT 822 PINE CIRCLE IN WARD 3.
- V. PLANNER REPORT
- VI. ADJOURNMENT

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City's ADA Coordinator at least 48 hours in advance of the meeting at (662) 323-8012, ext. 119.

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
MARCH 23, 2011**

The Board of Adjustments and Appeals held a meeting at 4:00 PM in the Building Department at City Hall. Members present included Ms. Patricia McCarthy from Ward 1, Dr. Milo Burnham from Ward 2, Mr. William Poe from Ward 4, and Mr. Larry Bell from Ward 5. Mr. Larry Bell, Board Chairman, called the meeting to order. Mr. James Johnson of Ward 6, Mr. John Hill from Ward 7 and Dr. Jeff Markham from Ward 3 was absent from the meeting.

CONSIDERATION OF APPROVAL OF THE MINUTES OF DECEMBER 15, 2010

There came before the Board of Adjustments & Appeals the matter of approval of the December 15, 2010 meeting minutes. After discussion, and upon the motion of Dr. Burnham, duly seconded by Ms. Patricia McCarthy, the Board voted unanimously to approve said minutes.

**A REQUEST BY BOARD TOWN, LLC, TO CONSIDER GRANTING A VARIANCE TO
“TABLE 32 RECOMMENDED CROSS DENSITY” OF THE STARKVILLE
COMPREHENSIVE PLAN TO ALLOW 15.38 DWELLING UNITS PER ACRE IN LIEU
OF THE MAXIMUM 15 ALLOWED IN AN R-5 (MULTI-FAMILY, HIGH DENSITY)
ZONING DISTRICT LOCATED AT 509 RUSSELL STREET IN WARD 4**

Next there came before the Board of Adjustments & Appeals item # VA 11-01: a request by Board Town, LLC, to consider granting a variance to “Table 32 (Recommended Gross Density)” of the Starkville Comprehensive Plan to allow 15.38 dwelling units per acre in lieu of the maximum 15 dwelling units per acre allowed in an R-5 (Multi-Family, High Density) zoning district, located at 509 Russell Street in Ward 4.

Mr. Thomas Allen of Pritchard Engineering and Mr. Donnie Massey of Board Town, LLC presented the request. Mr. Allen told board members that the property was purchased by Mr. Massey to build condominiums. A preliminary plat was taken before the Planning & Zoning Commission for approval at their February 8, 2011 meeting. The Commission members noted that the density was 15.38 dwelling units per acre which exceeds the maximum density of 15.

City Planner, Ben Griffith told Board Members that the City Attorney suggested that the applicant ask for a variance, just to be on the safe side. The applicant withdrew his request for preliminary plat approval at that time and applied for a variance. If the request is approved today it will go back before the Planning & Zoning Commission at their next regularly scheduled meeting.

After discussion, Mr. Poe made a motion to approve the request based on the findings of fact and conclusion of the staff report and the following conditions with #3 being stricken.

1. The maximum number of dwelling units on the subject property shall not exceed the four (4) proposed on the “High Cotton” preliminary plat.
2. The applicant shall submit the proposed “High Cotton” preliminary plat to the Planning & Zoning commission for review within sixty (60) days of approval of the variance by the Board of Adjustments & Appeals.
3. ~~The applicant shall include a general note on the “High Cotton” preliminary and final plat stating:~~
4. The applicant shall obtain a building permit and begin construction activities at the site within six (6) months of the approval of the “High Cotton” final plat by the Board of Aldermen.
5. All of the above conditions shall be fully and faithfully executed or the variance shall become null and void.

Mr. Burnham seconded the motion and the Board voted unanimously to approve the variance request.

PLANNERS REPORT

City Planner Ben Griffith stated that a variance request had been submitted for the April meeting and asked if it could be moved from the 27th to the 20th so he could attend a floodplain management conference. The Board approved the adjustment of meeting time so long as proper advertisements and legal notifications could be met.

ADJOURNMENT

There being no further business before the Board of Adjustments & Appeals, a motion to adjourn was made by McCarthy and seconded by Mr. Burnham.

Larry Bell, Chairman

Ben Griffith, AICP, City Planner



THE CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759-2944

STAFF REPORT

TO: Members of the Board of Adjustments & Appeals
FROM: Ben Griffith, AICP, City Planner (662-323-8012 ext. 119)
CC: Sally & Andrew Pearson, Applicants
SUBJECT: VA 11-02: Variance request for 822 Pine Circle, Parcel Number 102H-00-104.00
DATE: April 13, 2011

The purpose of this report is to provide you with information regarding the request of Sally & Andrew Pearson to review a variance to Appendix A, Article VII, Section C(3)d of the City of Starkville's Code of Ordinances to grant a 25-foot encroachment into a required rear yard building setback, creating a 10-foot rear yard in lieu of the 35 feet required, to allow for the construction of a detached garage. 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 build a detached garage of approximately 936 square feet in the northeastern corner of the back yard. The structure would contain a double garage and two 100-square foot storage rooms, one accessible from inside the garage and the other accessible from the outdoors. The plans submitted shows what appears to be stick-frame construction with a peaked roof and siding with a double-sized garage door.

The applicant intends to demolish an existing storage shed and build the proposed detached garage in its place. The proposed detached garage will meet the 10-foot side yard building setback, but the applicant would like to build to within 10 feet of the rear property line, which would be a 25-foot encroachment into the 35-foot required rear yard building setback, creating a 10-foot rear yard in lieu of the 35 feet required.

Thirteen property owners of record within 150 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 1, 2011 and a placard was posted on the property concurrent with publication of the notice. The Planning Office has received several phone calls regarding the variance and all have been supportive of the request.

Legal Description: LOT 10 BLK 1 PLEASANT ACRES

Location: The subject property is located at the northeast corner of the intersection of Pine Circle and Barnett Drive in the Pleasant Acres subdivision.

Parcel Size: According to the legal description and survey provided, the subject property is approximately 0.41 acres in size.

Physical Characteristics: The subject property has been improved with a single-family residential structure. The northeastern corner of the lot is the highest point with the lot sloping towards both adjacent roadways to the south and west.

Zoning Classification: R-1 (Single-Family Residential)

Setback Dimensions: Front 30' Side 10' Rear 35'
Min. Lot Area 10,000 SF Min. Lot Width at Bldg. Line 75' Max. Bldg. Ht. 45'

Adjacent Zonings / Land Uses:

Direction	Zoning	Current Use
North	R-1	Single-Family Residential
East	R-1	Single-Family Residential
South	R-1	Single-Family Residential
West	R-1	Single-Family Residential

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.

The applicant owns almost a half-acre of property in one of Starkville's oldest neighborhoods, which consists of larger lots. Many homes were originally built with single garages or carports and very little storage area. Because of this, many homes have accessory structures in their back yards.

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

The applicant's residence has a single carport and limited storage. The applicant has taken great care and consideration in the placement and design of the proposed detached garage and several of the neighbors have raised no objections.

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.

No special privileges would be conferred on the applicant that could be denied to others in the same district. The neighborhood, one of Starkville's oldest, consists of large lots with many homes built with single garages or carports and very little storage areas. The proposed detached garage would be in character with the neighborhood and several of the neighbors have raised no objections to its placement or construction.

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.

The applicant has almost a half-acre on which to build the proposed garage and many of the neighbors have raised no objections to its placement or construction.

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 the minimum required to construct the detached garage as proposed by the owner.

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

CONCLUSIONS

If the Board of Adjustments & Appeals were to grant the variance request to allow 25-foot encroachment into a required rear yard building setback, creating a 10-foot rear yard in lieu of the 35 feet required, to allow for the construction of a detached garage at 822 Pine Circle, as proposed by the applicant on the application dated March 20, 2011, the approval would be based on the findings of fact and conclusions of this staff report dated April 13, 2011, and the following conditions:

1. The encroachment shall extend no more than twenty-five (25) feet into the rear yard building setback.
2. The accessory structure shall not be used as a dwelling unit.
3. The applicant shall obtain a building permit and begin construction within ninety (90) days of the approval by the Board of Adjustments & Appeals.
4. The variance shall run with the land.
5. All of the above conditions shall be fully and faithfully executed or the variance shall become null and void.

CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CASE LOCATOR MAP

Case # VA 11-02

Ward # 3

Date of Public Hearing: Wednesday, April 20, 2011



North



Not to Scale

OKTIBBEHA, MISSISSIPPI



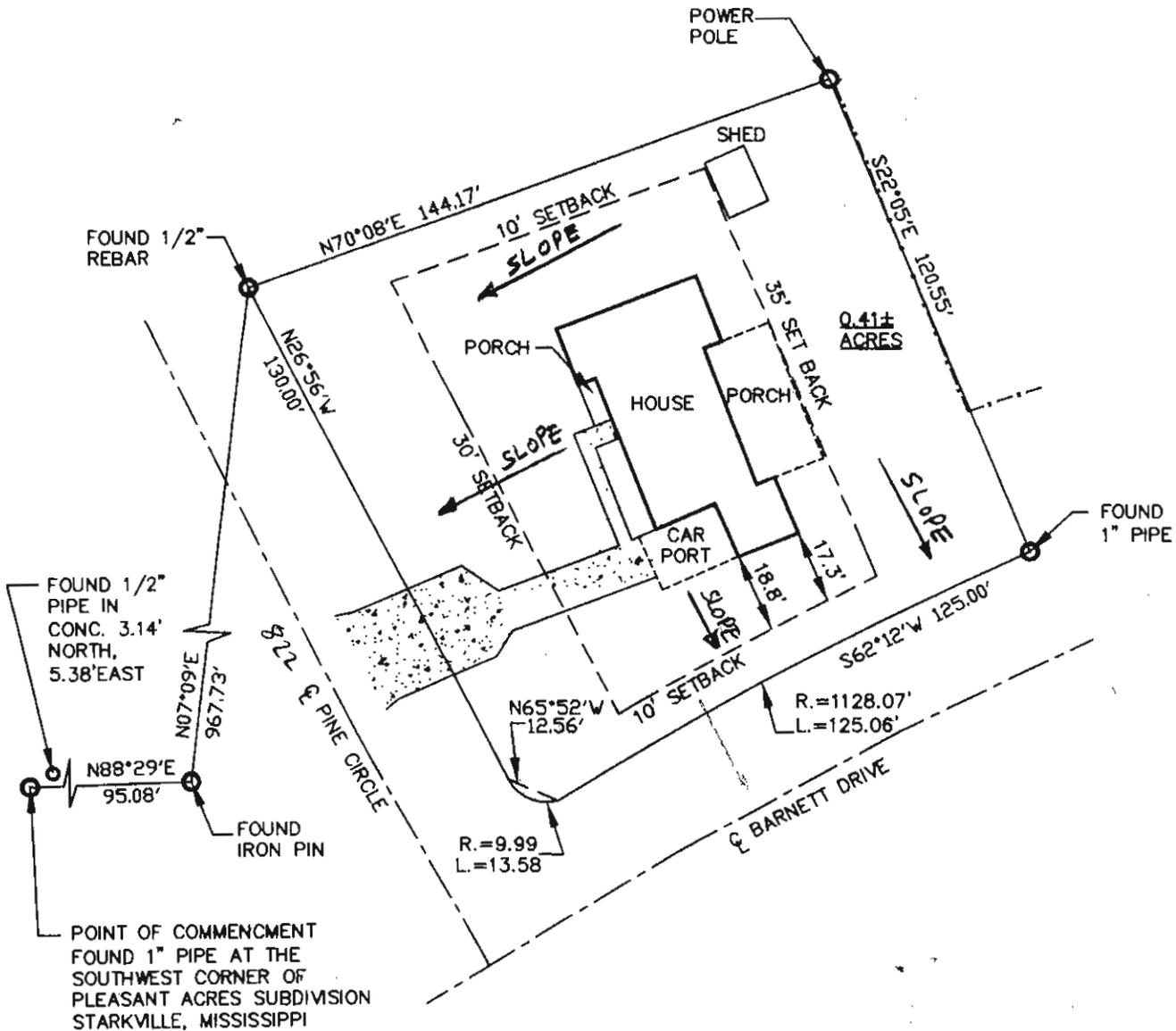
THENCE RUN N70°08'E FOR 144.17 FEET TO A POWER POLE; THENCE RUN S22°05'E FOR 120.55 FEET TO A FOUND 1 PIPE AND THE WEST RIGHT-OF-WAY OF BARNETT DRIVE; THENCE RUN ALONG SAID RIGHT-OF-WAY AND A CURVE TO THE LEFT WITH AN ARC LENGTH OF 125.06 FEET, A RADIUS OF 1128.07 FEET WITH A CHORD BEARING S62°12'W FOR 125.00 FEET; THENCE RUN ALONG SAID RIGHT-OF-WAY AND A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 13.58 FEET, A RADIUS OF 9.99 FEET WITH A CHORD BEARING OF N65°52'W FOR 12.56 FEET; THENCE RUN N26°56'W ALONG THE EAST RIGHT-OF-WAY OF PINE CIRCLE FOR 130.00 FEET TO A SET IRON PIN AND THE POINT OF BEGINNING FOR THIS DESCRIPTION.

ALL BEING A TOTAL OF 0.41 ACRES, MORE OR LESS.

ALSO BEING ALL OF LOT 24, BLOCK 1 OF THE PLEASANT ACRES SUBDIVISION AS SHOWN BY PLAT RECORDED IN PLAT BOOK 1 AT PAGE 17 AND ALSO KNOWN AS LOT 10, BLOCK 1, PLEASANT ACRES SUBDIVISION AS SHOWN BY PLAT RECORDED IN PLAT BOOK 1 AT PAGE 21 IN THE OFFICE OF THE CHANCERY CLERK OF OKTIBBEHA COUNTY, MISSISSIPPI.

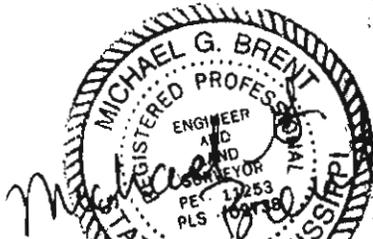
PLUS OR MINUS A STRIP OF LAND ALONG THE SOUTHEAST SIDE TO NORTHWEST RIGHT-OF-WAY OF BARNETT DRIVE.

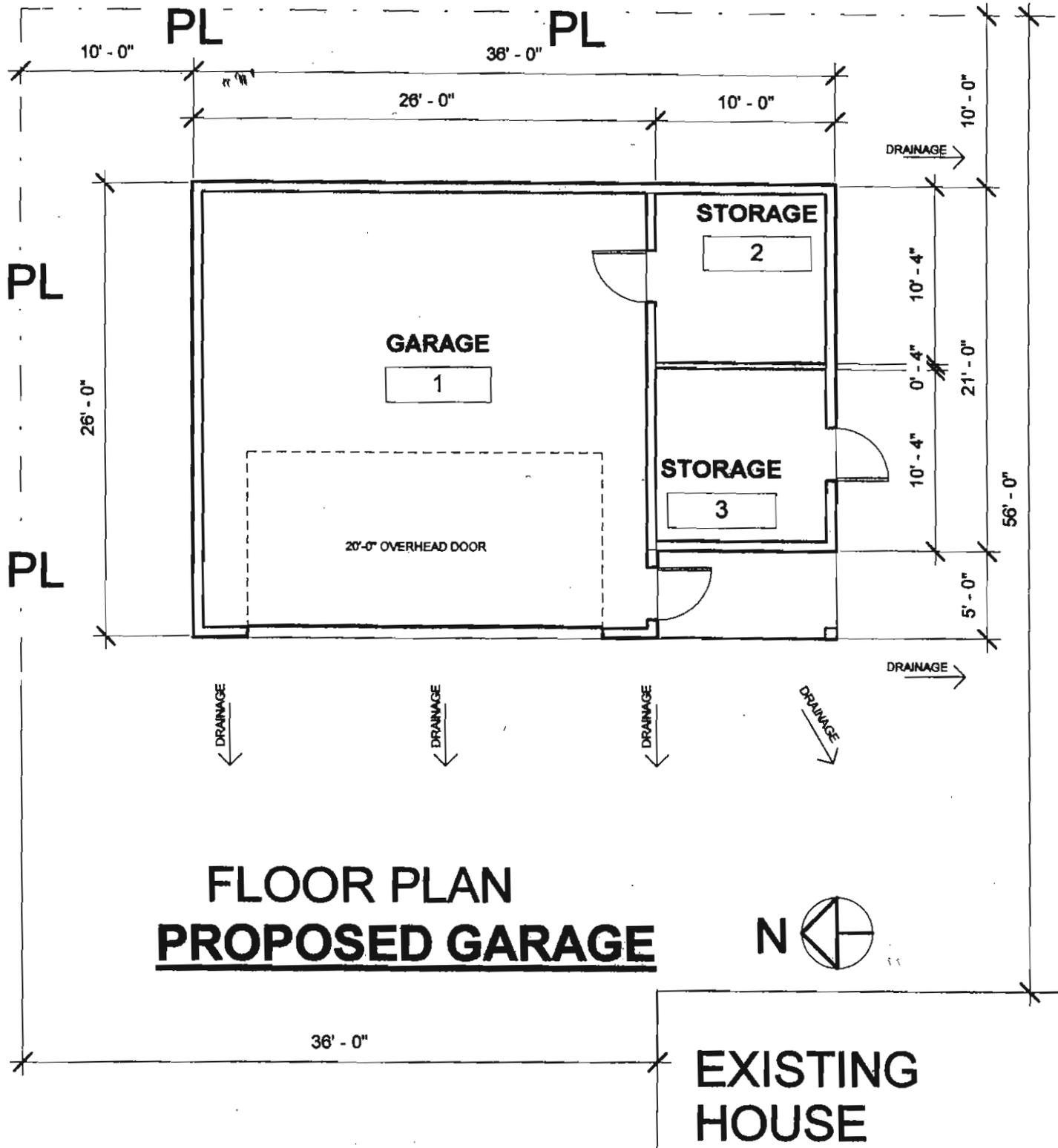
PLUS OR MINUS A STRIP OF LAND ALONG THE SOUTHWEST SIDE TO NORTHEAST RIGHT-OF-WAY OF PINE CIRCLE.



SURVEY PARTY:
ERIC KOIVA
JUSTIN WALKER

DATE OF FIELD WORK: JULY 20, 2010





1 FIRST FLOOR PLAN
1/8" = 1'-0"

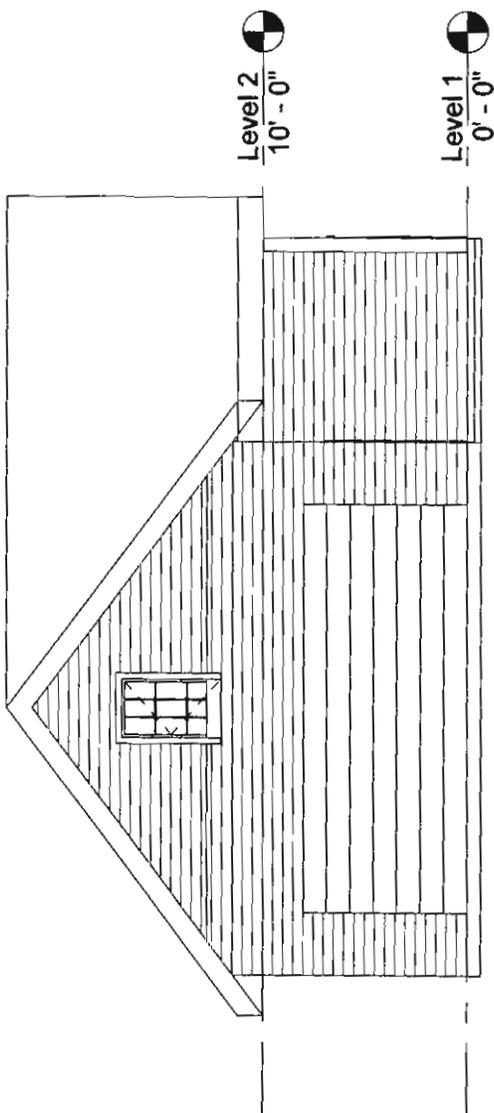
Autodesk Revit	Owner A. PEARSON GARAGE	822 PINE	
		Project number	CIRCLE
www.autodesk.com/revit		Date	Issue Date
		Drawn by	Author
		Checked by	Checker
		Scale	1/8" = 1'-0"

1.2

Checked by	822 PINE
Drawn by	Author
Date	Issue Date
Project number	CIRCLE
Unnamed	
Scale	1/8" = 1'-0"
1.5	

Owner
A. PEARSON
GARAGE

Autodesk Revit
www.autodesk.com/revit

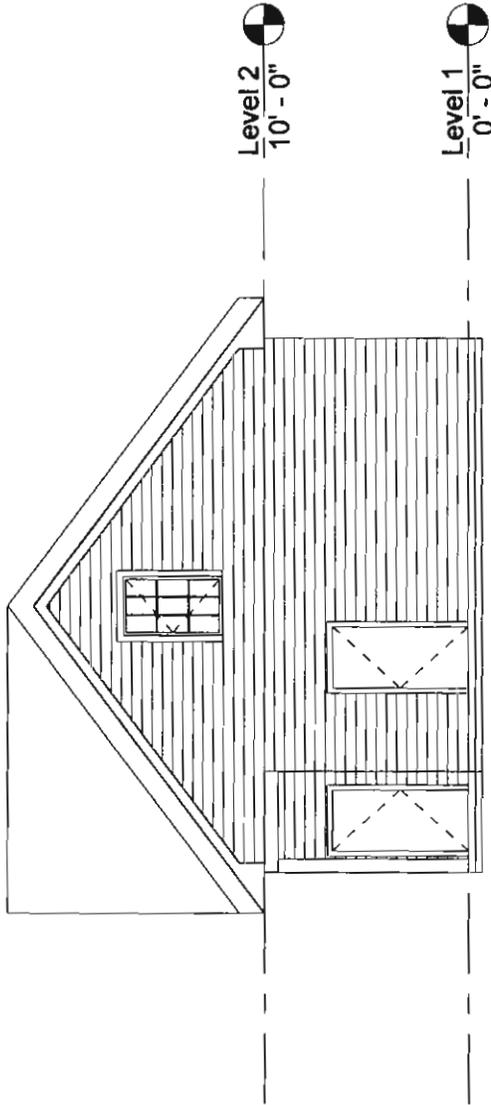


1 FRONT ELEVATION
1/8" = 1'-0"

Checked by		Scale 1/8" = 1'-0"	
Drawn by		Author	
Date		Issue Date	
Project number		CIRCLE	
R22 PINE		1.4	
Unnamed			

Owner
A. PEARSON
GARAGE

Autodesk Revit
www.autodesk.com/revit



① SIDE VIEW
1/8" = 1'-0"