



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, March 23, 2016
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. NEW BUSINESS
 - A. VA 16-02 Request for Variance from front and rear setback requirements for the proposed new Advanced Collision Repair building on the south side of Highway 12 West 630 feet west of Gretna Lane with the parcel #103I-00-006.00
 - B. VA 16-02 Request for Variance from the rear setback requirements for the proposed new addition to a residence in an R-1 zone located at 1779 Sandwedge Drive with the parcel # 106 -23-002.07
- I. PLANNER REPORT
- II. ADJOURN



THE CITY OF STARKVILLE
COMMUNITY DEVELOPMENT DEPT
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Board of Adjustments & Appeals
FROM: Daniel Havelin (662-323-2525 ext. 3136)
SUBJECT: VA 16-02 Request for Variance from front and rear setback requirements for the proposed new Advanced Collision Repair building on the south side of Highway 12 West 630 feet west of Gretna Lane with the parcel #103I-00-006.00
DATE: March 23, 2016

AREA:

The subject property is +/-1.44 acres and is located on the southeast corner of the intersection of Highway 12 East with Highway 25 at the site of the never occupied KIA Dealership in a C-2 zone.

PROPOSED USE & BACKGROUND:

The applicant, Neil Couvillion, is requesting relief from the front and rear setback requirements on behalf of Haystack Mountain LLC. The site is in the process of being purchase and converted into the new location for Advanced Collision Repair. Due to the unusual shape and dimensions of the site, the applicant is request relief from the setback requirements for the future expansion of the building to the east. The applicant has been in discussion with a representative with Kansas Southern Railroad to obtain a lease of additional property on the south side of the property (attachment 3). On July 22, 2003 the Board of Aldermen approved a Variance request for the setback to the existing structure on the subject property (attachment 5). This new request will be for the expansion of the existing structure to meet the needs of the new tenant. The applicant attended a pre-application meeting Development Review Committee on January 28, 2016 and received comments. In addition to this request, the Tree Advisory Board recommended a Landscape Waiver for approval on March 2, 2016 for the subject property. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the April 5, 2016 meeting. See attachments 1-6.

Variance Requests From:

1. Appendix A- Zoning, Article VII. - District Regulations, Sec. L. - C-2 business (general business) zoning district regulations, 4

**Appendix A- Zoning, Article VII. - District Regulations
Sec. L. - C-2 business (general business) zoning district regulations.**

These [C-2 general business] districts are intended to be composed of the wide range of commercial goods and services to support community needs. Under special conditions some light industrial and distribution uses are also permitted. Usually located along arterial

streets or near the intersection of two or more arterials, these districts are usually large and within convenient driving distance of the entire community. The district regulations provide for certain minimum yard and area standards to be met to assure adequate open space and compatibility with surrounding districts. [The following regulations apply in the C-2 districts:]

1. See chart for uses permitted.
2. See chart for uses which may be permitted as an exception.
3. Minimum lot size: It is the intent of this ordinance that lots of sufficient size be used for any business or service use and to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or service.
4. Minimum yard size: Front, 20 feet; rear, 20 feet; side, a total of 20 feet, but one side shall be sufficient in width to provide vehicular access to the rear. On any lot [in] which the side lot line adjoins a residential district, the side yard on that side shall not be less than required by the residential district.
5. Maximum height of building or structures: 45 feet.
6. Off-street parking: One space for each 200 square feet of retail or office building area. See article VIII of this ordinance for requirements for other uses.
7. Off-street loading and unloading: The required rear or side yard may be used for loading and unloading.
8. All building facades that are visible from public right-of-way or adjacent property zoned residential shall meet these requirements.
 - a) The following materials are allowed for use on a building façade: brick, wood, fiber cement siding, stucco, natural stone, and split faced concrete masonry units that are tinted and textured. Architectural metal panels may be used as long as the panels make up less than 40 percent of an individual façade.
 - b) The following materials are not allowed for use on a building facade: smooth faced concrete masonry units, vinyl siding, tilt-up concrete panels, non-architectural steel panels (R Panels), and EIFS (exterior insulation and finish systems). EIFS is permitted to be used for trim and architectural accents.
 - c) The primary facade colors shall be low reflectance, subtle, neutral or earth tones. The use of high intensity, metallic flake, or fluorescent colors is prohibited.
9. All parking lots adjacent to public right-of-way shall be paved either entirely or with a combination of the following: asphalt, concrete, porous pavement, concrete pavers, or brick pavers. Gravel can be used temporarily as a parking surface for a period on no longer than 12 months upon the approval of the community development director. All temporary gravel lots must provide ADA accessible parking and access ways in accordance with the ADA guidelines.

(Ord. No. 2014-4, 9-16-14)

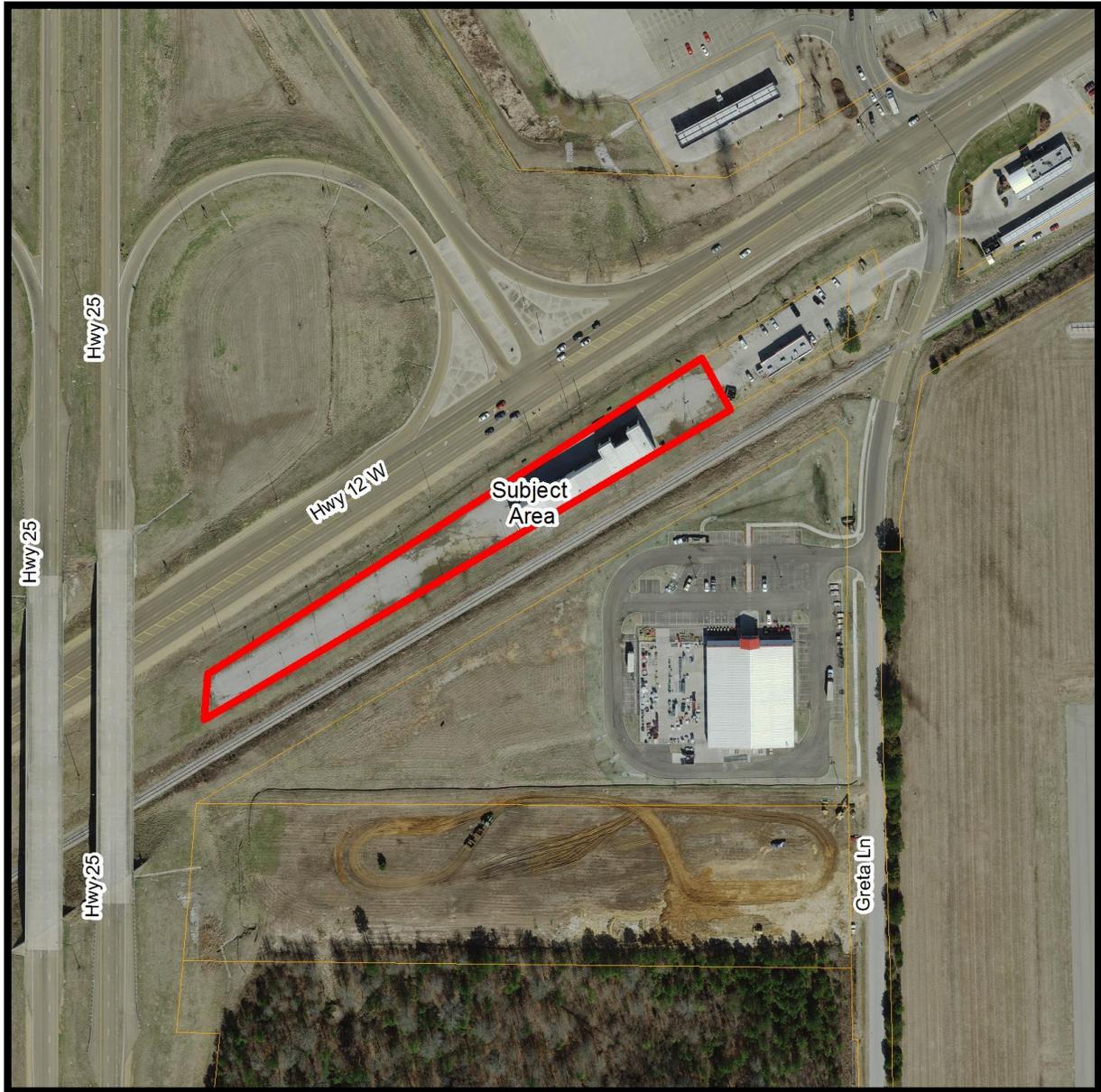
VARIANCE REQUEST REQUIREMENTS:

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

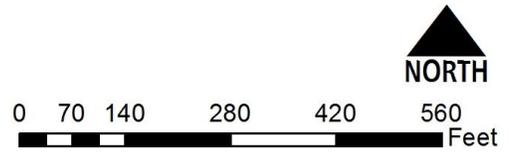
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the 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 16-02 Aerial

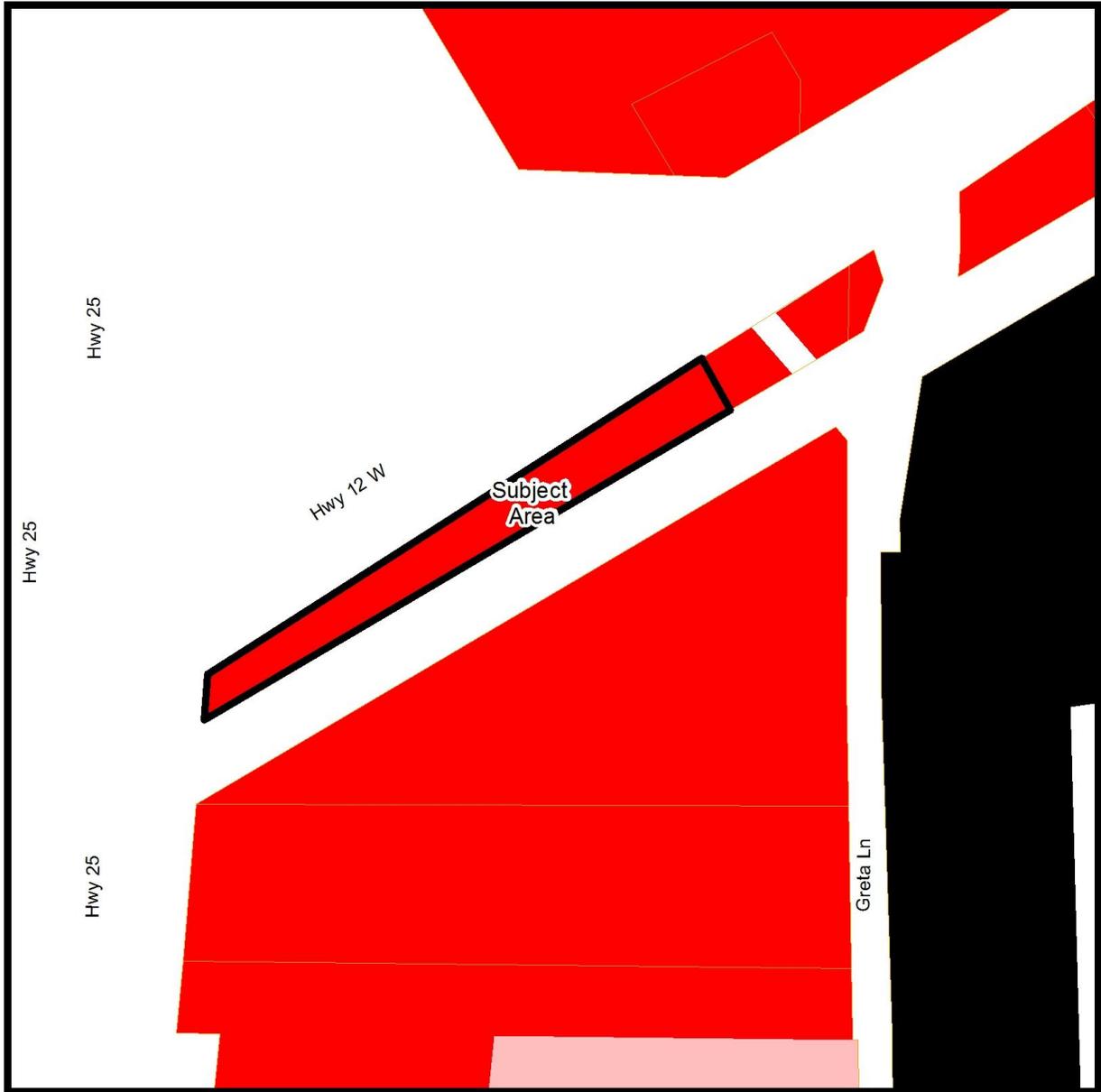


Legend
 Property



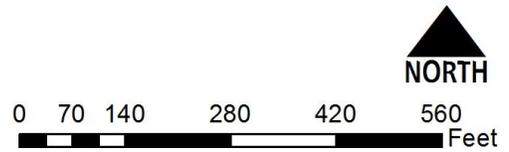
Attachment 2

Attachment 2 VA 16-02 Zoning



Legend

- Property
- C-2 General Business
- M-1 Manufacturing
- R-5 Multi-Family, High-Density



Attachment 3

Email of discussions with Kansas Southern Railroad

Daniel Havelin

From: Neil Couvillion <neil@couvilliondesignbuild.com>
Sent: Tuesday, February 23, 2016 1:25 PM
To: Daniel Havelin
Subject: Fwd: Fw: Proposed Lease of KCS Land - Starkville, Ms

Daniel,
Below is the email from the Rail Road discussing the land lease.

Russell,

Yes, \$1,800 would be the annual rental unless the parcel was longer than 600 feet.

Tom Cayot | Manager, Transaction Services | JLL Rail Practice Group
4300 Amon Carter Blvd. | Suite 100 | Fort Worth, Texas 76155
Direct: [817-230-2645](tel:817-230-2645) | mobile: [817-240-3665](tel:817-240-3665)
www.joneslanglasalle.com



From: russell winston [mailto:russell_winston1@bellsouth.net]
Sent: Monday, January 18, 2016 2:36 PM
To: Cayot, Tom
Subject: Re: Proposed Lease of KCS Land - Starkville, Ms

Tom,

I will have a survey done to check on that. Thanks for the heads up. I will get in touch with you when we are ready to move forward. I assume that with the small amount of land that we would be talking about the \$1800 yearly would probably be the larger amount of the two. Does that sound correct to you?

Thanks,

Russell

Advanced Collision Repair
825 Hwy. 12 West
P.O. Box 722
Starkville, Ms. 39759
[\(662\)323-3250](tel:6623233250)

On Monday, January 18, 2016 1:14 PM, "Cayot, Tom" <Tom.Cayot@am.jll.com> wrote:

Mr. Winston,

Per our telephone conversation, see my contact information below.

Here are some basic terms & conditions for a KCS land lease.

- 1) KCS right-of-way at the Gretna Lane crossing is 100' wide; 50' on each side from the center of the tracks. KCS can lease land no closer than 25' to the center of the tracks. That is primarily for safety purposes.
- 2) Typically the lease is for one year then it converts to month-to-month
- 3) KCS retains the right to terminate the lease with 30 days' written notice for railroad purposes
- 4) General liability, automobile, and pollution insurances are required
- 5) The rent is based on fair market value or \$1,800 per year wherever is greater.
- 6) Installation of a six foot chain link fence may be required
- 7) Driveway and/or parking is usually an acceptable use
- 8) Any improvements, such as gravel, asphalt, concrete, fence, etc is required to be removed upon termination

It appears that the KCS right-of-way line is very close to the back of the building. In fact, there may be a concrete pad that encroaches onto railroad property. Suggest you obtain a survey to confirm the location of the common boundary line

If you have any questions, email or call anytime.

Jones Lang LaSalle Americas is an authorized representative for The Kansas City Southern Railway Company's real estate department.

Regards,

Tom Cayot | Manager, Transaction Services | JLL Rail Practice Group
4300 Amon Carter Blvd. | Suite 100 | Fort Worth, Texas 76155
Direct: [817-230-2645](tel:817-230-2645) | mobile: [817-240-3665](tel:817-240-3665)
www.joneslanglasalle.com



From: russell winston [mailto:russell_winston1@bellsouth.net]
Sent: Friday, January 15, 2016 10:10 AM
To: Cayot, Tom
Subject: Re: Lease - Starkville

Tom,

Sounds good thanks for the quick response.

Russell Winston
Advanced Collision Repair
825 Hwy. 12 West
P.O. Box 722
Starkville, Ms. 39759
[\(662\)323-3250](tel:6623233250)

On Friday, January 15, 2016 7:29 AM, "Cayot, Tom" <Tom.Cayot@am.jll.com> wrote:

Mr. Winston

Attachment 4

037
177

**MINUTES OF THE PLANNING & ZONING COMMISSION
MEETING OF JULY 8, 2003
THE CITY OF STARKVILLE, MISSISSIPPI**

The Planning and Zoning Commission of the City of Starkville, Mississippi held its regular scheduled meeting in the Court Room in City Hall on Lampkin Street, Starkville, Mississippi, commencing at 5:30 p.m. Present were Commissioners Larry White, Keith Smith, Dora Herring, Lynn Wampler, Gloria Liddell and Duane Motsenbocker. Commissioner Richard Mullenax and Frank Newson were absent and Commissioner Richard Mullenax was excused. The meeting was called to order by Commissioner Larry White at 5:30 p.m. Attending the Commissioners was City Engineer Bill Webb, Interim Attorney Bill Hilbun and Code Compliance Officer, Alice Bassett.

AN ORDER APPROVING THE PRINTED AGENDA

1. The Commission considered the matter of approval of the July 8, 2003 agenda. Upon the motion of Commissioner Smith, duly seconded by Commissioner Liddell to move to accept this as the working agenda with the deletion of item of V (d). This deletion was at the request of the applicant, Charlie Morgan, via fax, to withdraw his request from the July agenda and to be placed on the August agenda.

**AN ORDER APPROVING THE
MINUTES OF JUNE 10, 2003**

2. The Commission considered approval of the minutes of the June 10, 2003 with the correction of the amendment to the motion to the parliamentary procedure. The minutes were approved as modified.

SELECTION OF CHAIRPERSON

3. Commissioner Herring made a motion to elect Commissioner Keith Smith to serve as the next Chairperson. Commissioner Smith's term was vacated with the expiration of his term. There being no other nominations Commissioner Liddell seconded the motion to elect Commissioner Smith as the new chairperson. Commissioner Smith will serve for a period of one year to put the Commission back in terms with the by-laws of the Planning and Zoning Commission. At this time of the meeting, Commissioner Keith Smith took the seat as Chairman of the meeting.

Notes: Commissioner Herring made the motion that Commissioner Mullenax has an excused absence at the meeting. Commissioner Mullenax made an announcement at the last meeting that he would be out of town for several weeks. The motion was seconded by Commissioner Liddell with none opposing.

The three vacant positions for the Planning and Zoning Commission were filled by Gloria Liddell, Dora Herring and Keith Smith.

CONSIDERATION OF A REQUEST BY JASPER DAVID CORK TO REZONE 28.5 ACRES FROM R-1(SINGLE-FAMILY) TO C-2(GENERAL BUSINESS) AND 7.9 ACRES FROM R-1 (SINGLE-FAMILY) TO C-1 (NEIGHBORHOOD COMMERCIAL).

4. Applicant, Mr. and Mrs. Jasper David Cork were present at the meeting and addressed questions and concerns of the Commission. Chairman Smith covered the procedures for rezoning to the applicant. Engineer Bill Webb stated that two separate legals were advertised for the two rezoning request. Commissioner Smith expressed in order to consider the request for a rezoning the applicant would need to show how the character of the neighborhood has changed and the burden of proof is on the applicant to show a public need to support a rezoning. Issues that arose from public comments to the

rezoning were traffic concerns on Old West Point Road and possible impact on residential property values. Mr. Cork stated that he would withdraw the rezoning request for the C-1 for the sake of public concerns over the residential area being adjacent to commercial property if the rezoning were approved. The Commissioner considered the request of the C-2 rezoning. After discussion of the TVA power line that runs west of the C-2 request, the Commission entertained the idea of the applicant providing a revised exhibit excluding the power line easement and to table the request until the regular meeting in September.

Due to the request of the applicant that the property requested to be rezoned C-1 be withdrawn was made after the approval of the written agenda and to be in keeping with the new by-laws, a motion was made by Commissioner Herring, seconded by Commissioner Motsenbocker to recommend to the Mayor and Board of Aldermen that the request for C-1 be denied. The vote was unanimous.

A motion was made by Commissioner Liddell, seconded by Commissioner Wampler, to table the C-2 rezoning until the regular meeting in September of the Planning and Zoning Commission, and advised the applicant to provide a new exhibit excluding the power line easement and to provide evidence demonstrating public need.

CONSIDERATION OF A REQUEST BY KIA FOR A VARIANCE TO THE REAR SETBACK REQUIREMENTS. THE PROPERTY IS ZONED C-2 (GENERAL BUSINESS) AND CONSIST OF 1.44 ACRES LOCATED WEST OF GRETA LANE ON HWY 12 WEST

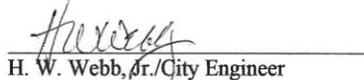
Applicant Steve Ferraez was present at the meeting to answer questions from the Board of Commissioners. The applicant is seeking an approval of a site plan review for Golden Triangle Kia's relocation of Kia of Columbus to a facility in Starkville. Engineer Bill Webb stated that the site plan met all the requirements of a site plan review. Questions were raised if the Southern Kansas Railroad should be notified of the variance to the rear yard setback. Mr. Webb stated that he would notify the railroad of the variance prior to the meeting by the Board of Adjustments for approval. A motion was made by Commissioner Liddell, seconded by Commissioner White to approve the site plan review contingent on the Board of Adjustments and Appeals approving the variance to the rear yard setback and to recommend to the Mayor and Board of Aldermen for approval.

ADJOURNMENT

A motion was made by Commissioner White seconded by Commissioner Liddell to adjourn the meeting at 7:30 p.m. The next regular meeting is August 12, 2003 at 5:30 p.m. in City Hall.



Keith Smith, Chairman



H. W. Webb, Jr./City Engineer

Attachment 5

MINUTES OF THE RECESS MEETING OF THE MAYOR AND BOARD OF ALDERMEN

The City of Starkville, Mississippi
July 22, 2003

Be it remembered that the Mayor and Board of Aldermen met at a Recess Meeting on July 22, 2003 at 5:30 p.m. in the Courtroom of City Hall on Lampkin Street. There being present were Mayor Mack D. Rutledge, Aldermen Sumner D. Davis, III, Frank M. Davis, Sr., P.C. McLaurin Jr, Lee Beck, Virgil N. Bolin, Roy A'. Perkins, and Vic Zitta. City Clerk Vivian E. Collier attended the Mayor and Board.

The mayor called the meeting to order and a moment of silent meditation was followed by the Pledge of Allegiance to the flag.

1. **A MOTION TO APPROVE THE OFFICIAL
AGENDA, AS AMENDED**

There came for consideration the matter of approving the Official Agenda. After discussion, and

upon motion of Alderman Vic Zitta, duly seconded by Alderman P.C. McLaurin, the board voted unanimously to approve the Official Agenda, as amended.

2. **A MOTION TO APPROVE THE MINUTES OF THE
RECESS MEETINGS OF JUNE 17 AND 20, 2003 AND THE
REGULAR MEETING OF JULY 1, 2003**

There came for consideration the matter of approval of the minutes of the Recess Meetings of July 17 and 20, 2003 and the Regular Meeting of July 1, 2003. After discussion, and

upon motion of Alderman P.C. McLaurin, Jr., duly seconded by Alderman Lee Beck, the board voted unanimously to approve the noted minutes with any necessary typographical errors.

upon motion of Alderman Lee Beck, duly seconded by Alderman Frank M. Davis, the board voted unanimously to schedule a Public Hearing for Tuesday, August 19, 2003 at 5:30 p.m.

8. **A MOTION TO APPROVE THE SITE PLAN REVIEW
WITH A FIVE FOOT (5') BACK VARIANCE FOR
GOLDEN TRIANGLE TRANSPORTATION, INC.**

There came for consideration the matter of a request to approve a site plan review with a 5' back yard variance for location of the building. The property's location and description are 1.44 acres in NE4, Section 8, Township 18N, Range 14 E, on Highway 12 West. The Planning and Zoning Commission has reviewed the plan and recommended approval, provided there is no rear exit/entrance to the building. After discussion, and

upon motion of Alderman Vic Zitta, duly seconded by Alderman Virgil N. Bolin, the board voted unanimously to approve the site plan review for Golden Triangle Transportation, Inc. (a Kia dealership), as approved by the Planning and Zoning Commission.

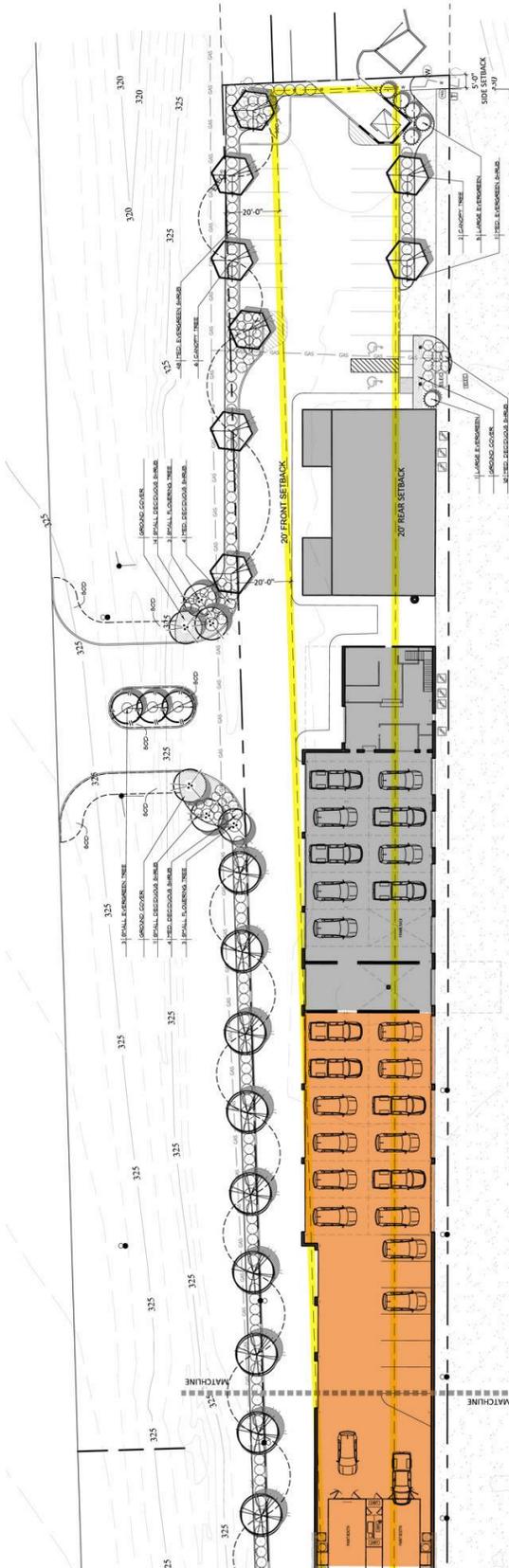
9. **A MOTION TO AUTHORIZE THE ADVERTISEMENT FOR
THE PURCHASE OF A JET/VACUUM TRUCK FOR THE NEW
CONSTRUCTION/REHAB DIVISION OF THE PUBLIC WORKS DEPARTMENT**

There came for consideration the matter of a request to advertise for bids for the purchase of a jet/vacuum truck for the New Construction/Rehab Division. Mr. Webb requested to bid as a purchase or a lease purchase with a trade-in. After discussion, and

upon motion of Alderman Vic Zitta, duly seconded by Alderman Lee Beck, the board voted unanimously to authorize the Public Works Department to advertise for the purchase of a jet/vacuum truck, as requested.

10. **A MOTION TO APPROVE CHANGE ORDER #1 TO THE
CONTRACT WITH PRAIRIE CONSTRUCTION, LLC TO
CONSTRUCT BOOSTER STATION NO. 1 FOR THE
WATER SYSTEM IMPROVEMENTS**

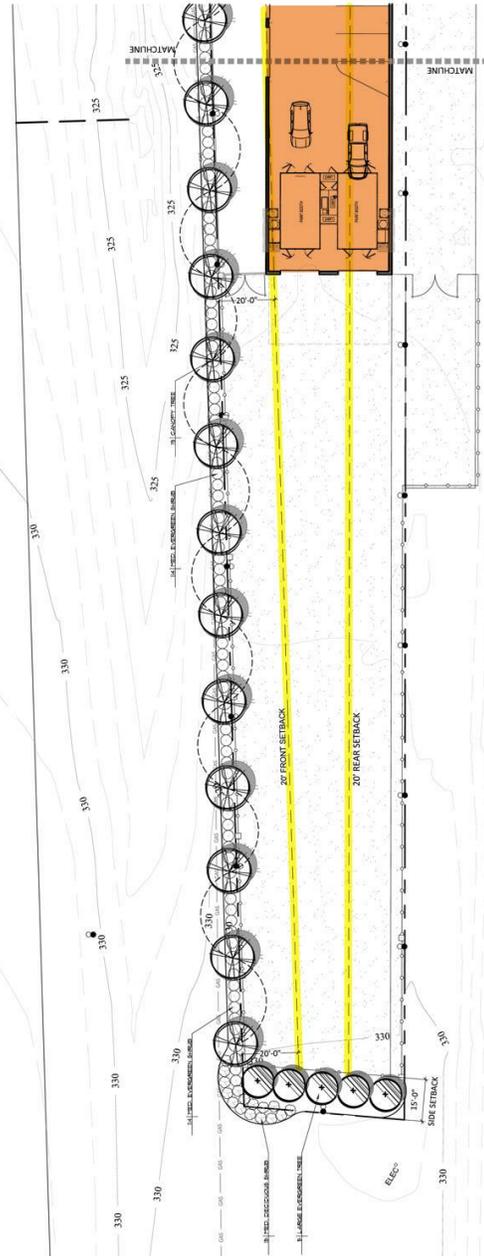
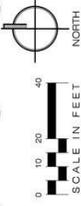
Attachment 6



SITE DATA	
PERMIT AREA	1,44 AC
BUILDING FOOTPRINT	9,442 SF
VEHICULAR AREA	9,442 SF
NON-VEHICULAR OPEN SPACE	1,258 SF
FRONTAGE LANDSCAPE STRIP	24.8 SF
REAR LANDSCAPE STRIP	255 SF
INTERIOR LANDSCAPE AREA	1,038 SF

ORDINANCE REQUIREMENTS			
BUFFER ZONE	45' UNITS / 100' UNITS	UNITS PROVIDED	N/A
FRONTAGE LANDSCAPE	45' UNITS / 100' UNITS	UNITS PROVIDED	458
REAR LANDSCAPE	15' UNITS / 100' UNITS	UNITS PROVIDED	13
INTERIOR LANDSCAPE AREA	15' UNITS / 100' UNITS	UNITS PROVIDED	2

Proposed Additions
Existing Building





THE CITY OF STARKVILLE
COMMUNITY DEVELOPMENT DEPT
CITY HALL, 110 WEST MAIN STREET
STARKVILLE, MISSISSIPPI 39759

STAFF REPORT

TO: Members of the Board of Adjustments & Appeals
FROM: Daniel Havelin (662-323-2525 ext. 3136)
SUBJECT: VA 16-03 Request for Variance from the rear setback requirements for the proposed new addition to a residence in an R-1 zone located at 1779 Sandwedge Drive with the parcel # 106 - 23-002.07
DATE: March 23, 2016

AREA:

The subject property is +/-0.68 acres and is located at 1779 Sandwedge Drive in a R-1 zone.

PROPOSED USE & BACKGROUND:

The applicant, Stuart Smith, is requesting relief from the rear setback requirements on behalf of Lawson and Joy Graves. The Graves are in the process of planning for an addition to the rear of their existing home. The home backs up to the Starkville Country Club Golf Course on the northeast side and the rear yard of a neighboring residence on the northwest. The proposed addition to the home includes a bedroom and storage for a golf cart. To accommodate the needed dimensions for the golf cart storage, a variance from the rear setback is needed. The applicant is request the rear setback of 28' be allowed by variance. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the April 5, 2016 meeting. See attachments 1-3.

Variance Requests From:

1. Appendix A- Zoning, Article VII. - District Regulations, Sec. C. - R-1 residence zoning district regulations, D

**Appendix A- Zoning, Article VII. - District Regulations
Sec. C. - R-1 residence zoning district regulations.**

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.*

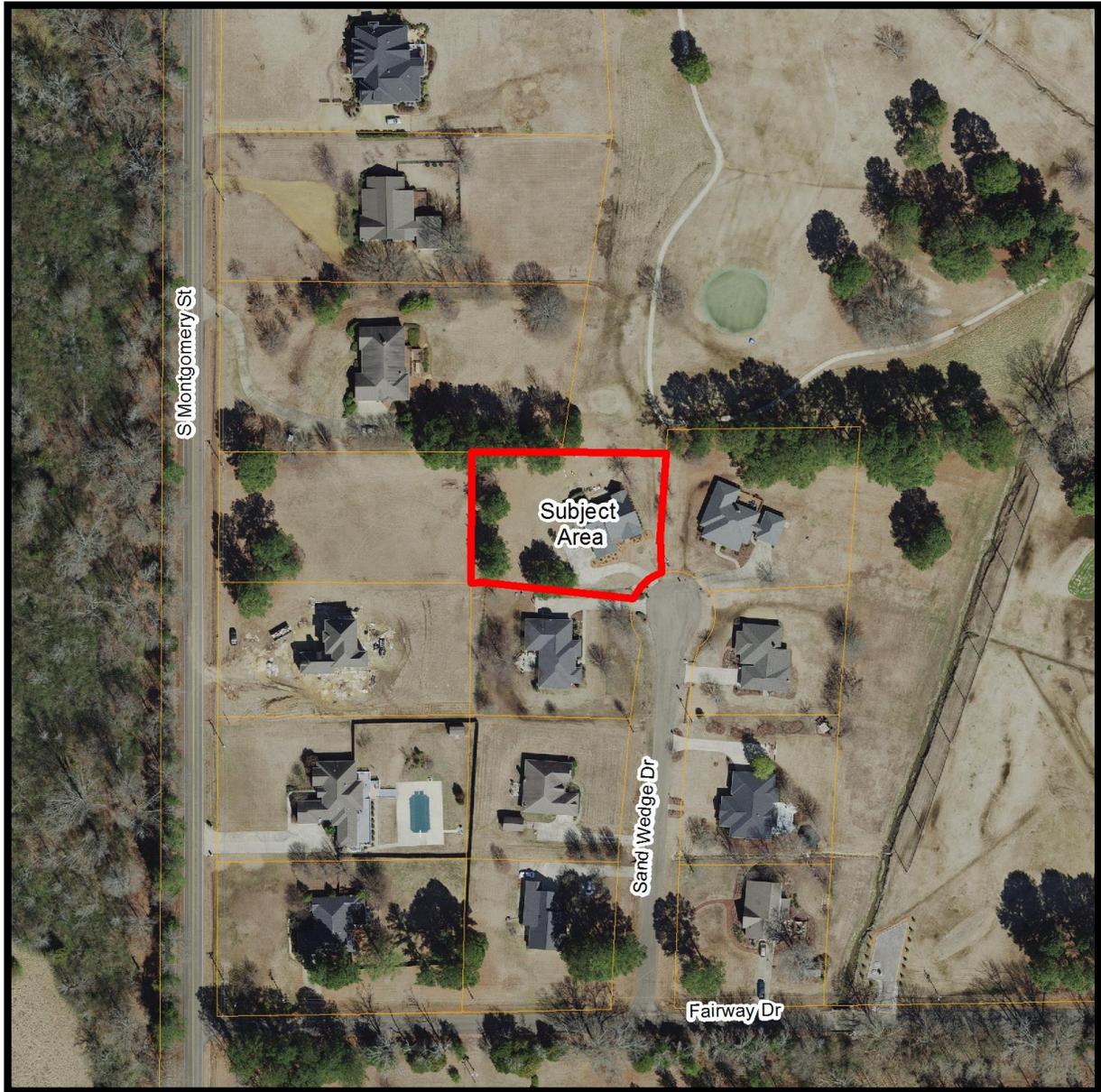
VARIANCE REQUEST REQUIREMENTS:

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

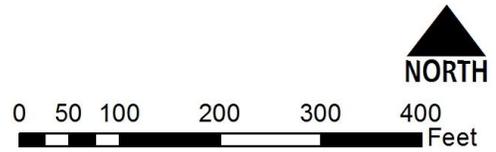
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3. That the special conditions and circumstances have not resulted from the actions of the applicant.
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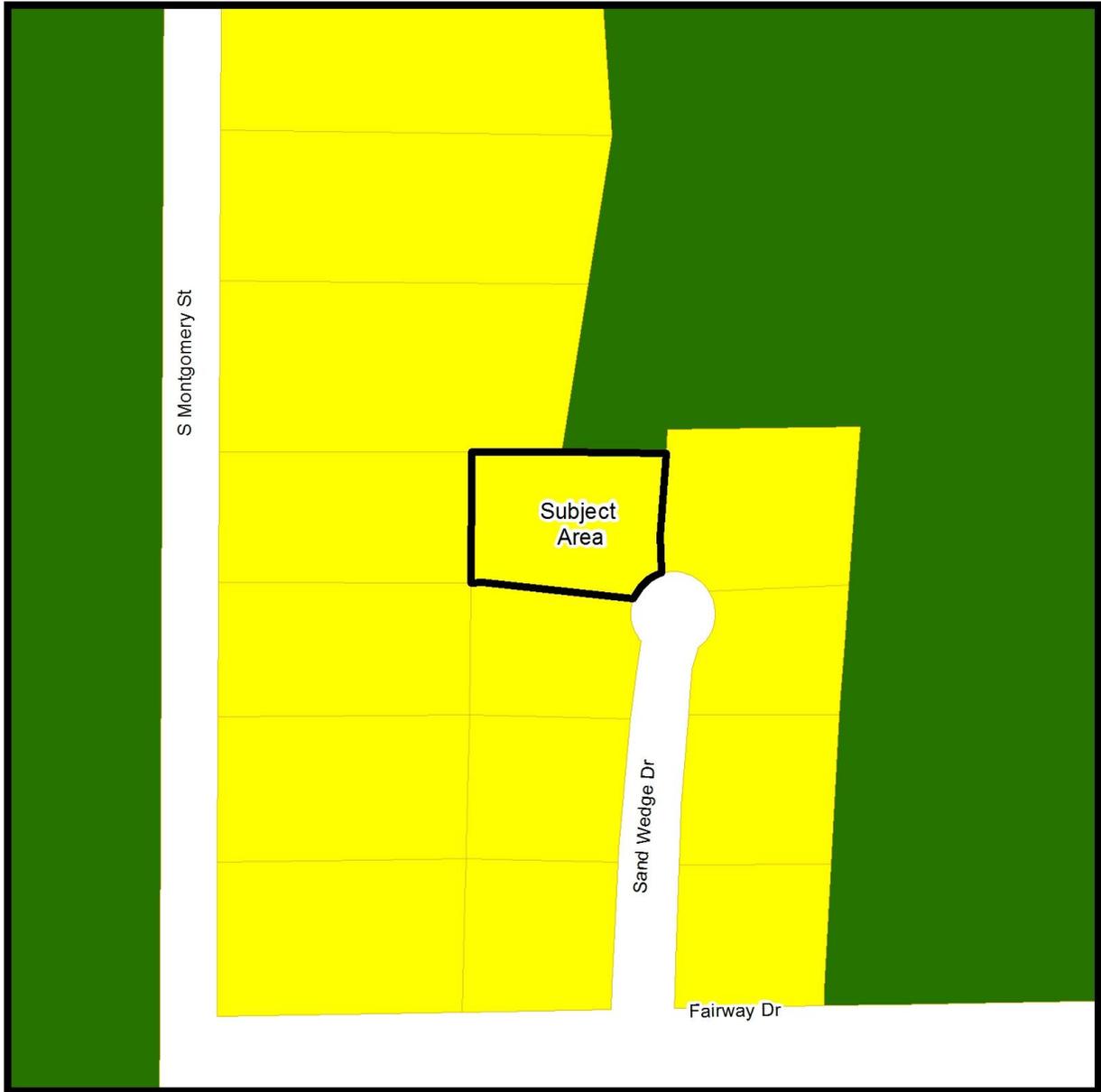
Attachment 1
VA 16-03 Aerial



Legend
 Property

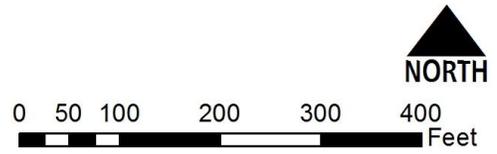


Attachment 2
VA 16-03 Zoning

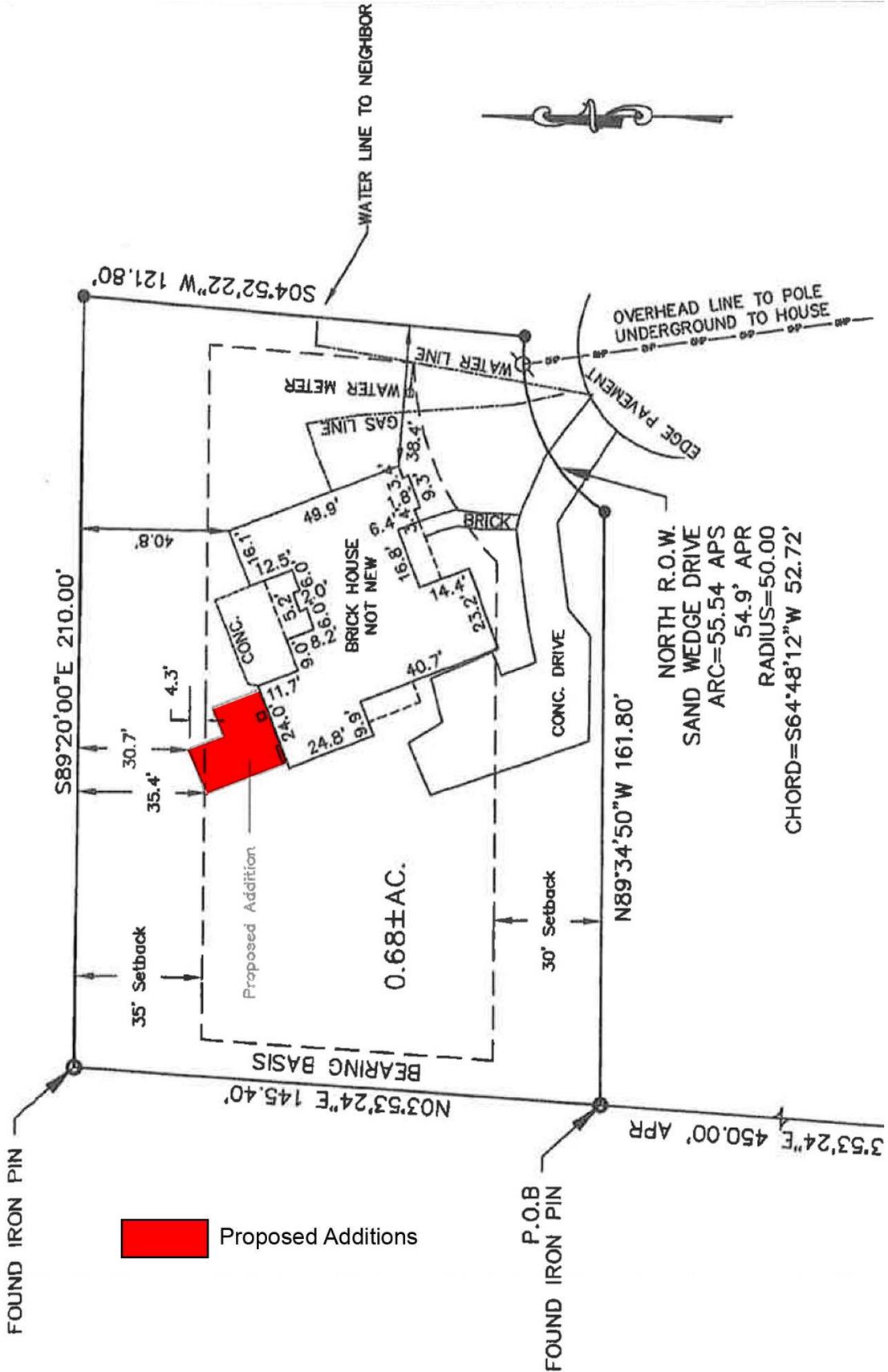


Legend

-  Property
-  A-1 Agricultural
-  R-1 Single Family



Attachment 3

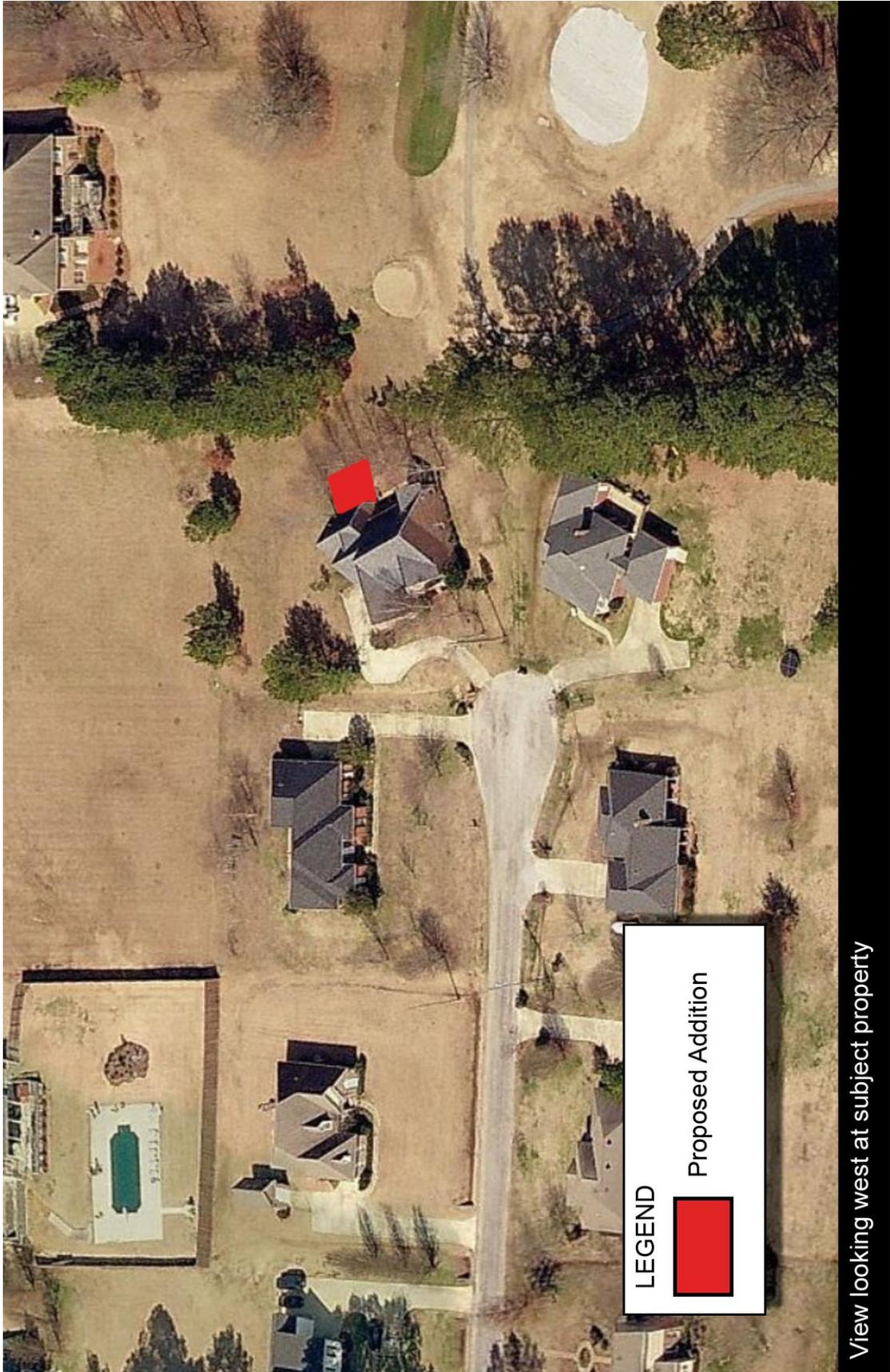


Attachment 4



View looking east at subject property

Attachment 5



LEGEND



Proposed Addition

View looking west at subject property