



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, October 26, 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 16-07 Request for Variance from the rear and side setback requirements for the proposed construction of a new residence in an R-2 zone located at 604 Critz Street with the parcel # 117L-00-042.01
 - B. VA 16-08 Request for Variance relief from maximum lot width requirements for a proposed lot aggregation of three lots located at 519 University Drive with the parcel #117M-00-090.00,117M-00-90.01 and 117M-00-191.00
 - C. VA 16-09 Request for Variance relief from sidewalk requirements on a proposed subdivision of four lots between Lynn Lane and Academy Road with the parcel # 102I-00-013.00
 - D. Discuss changing the December 2016 Board of Adjustment and Appeals meeting date.
- 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) Emily Corban (662-323-2525 ext. 3138)
SUBJECT: VA 16-07 Request for Variance from the rear and side setback requirements for the proposed construction of a new residence in an R-2 zone located at 604 Critz Street with the parcel # 117L-00-042.01
DATE: October 26, 2016

AREA:

The subject property is +/-0.10 acres and is located at 604 Critz Street in a R-2 zone.

PROPOSED USE & BACKGROUND:

The applicant, Tyler Sorrels, is requesting relief from the setback requirements for a proposed new structure on an existing building footprint at 604 Critz Street in an R-2 Zone. The applicant is proposing to construct a 3 story +/- 2100 sqft residential structure with four bedrooms. To accommodate the needed dimensions for the structure, a variance from the rear setback requirement of 35' to a proposed rear setback of 2.5' is needed. The applicant is also requesting relief from the side setback requirement of 7.5' to a proposed side setback of 7.25'. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 15, 2016 meeting. See attachments 1-3.

NOTIFICATION:

33 property owners of record within 300 feet of the subject property were notified directly by mail of this request. A public hearing notice was published in the Starkville Daily News September 29th 2016 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 call against this request.

Variance Requests From:

- 1. Appendix A- Zoning, Article VII. - District Regulations, Sec. D. - R-2 residence zoning district regulations

***Appendix A- Zoning, Article VII. - District Regulations
Sec. D. - R-2 residential zoning regulations.***

These [R-2 residential] districts are intended to be composed of higher density single-family residential properties and, under special conditions, duplexes, along with appropriate neighborhood support facilities, with their character protected by requiring

certain minimum yard and area standards to be met. [The following regulations apply to R-2 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: 7,500 square feet.

(b) Minimum lot width at the building line: 60 feet.

(c) Minimum depth of front yard: 25 feet.

(d) Minimum depth of rear yard: 35 feet.

(e) Minimum width of each side yard: 7½ 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:

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 16-07 Aerial

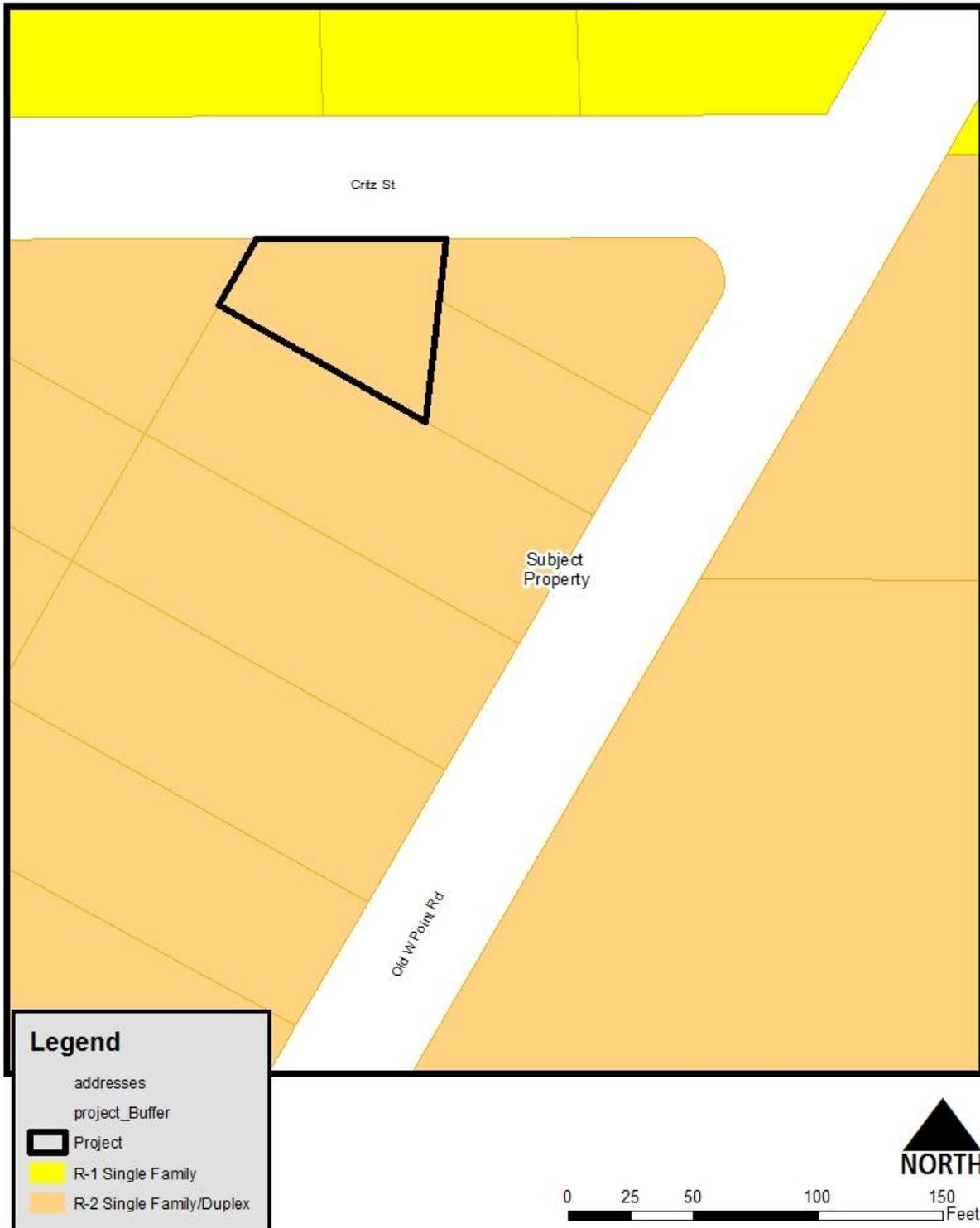


Legend

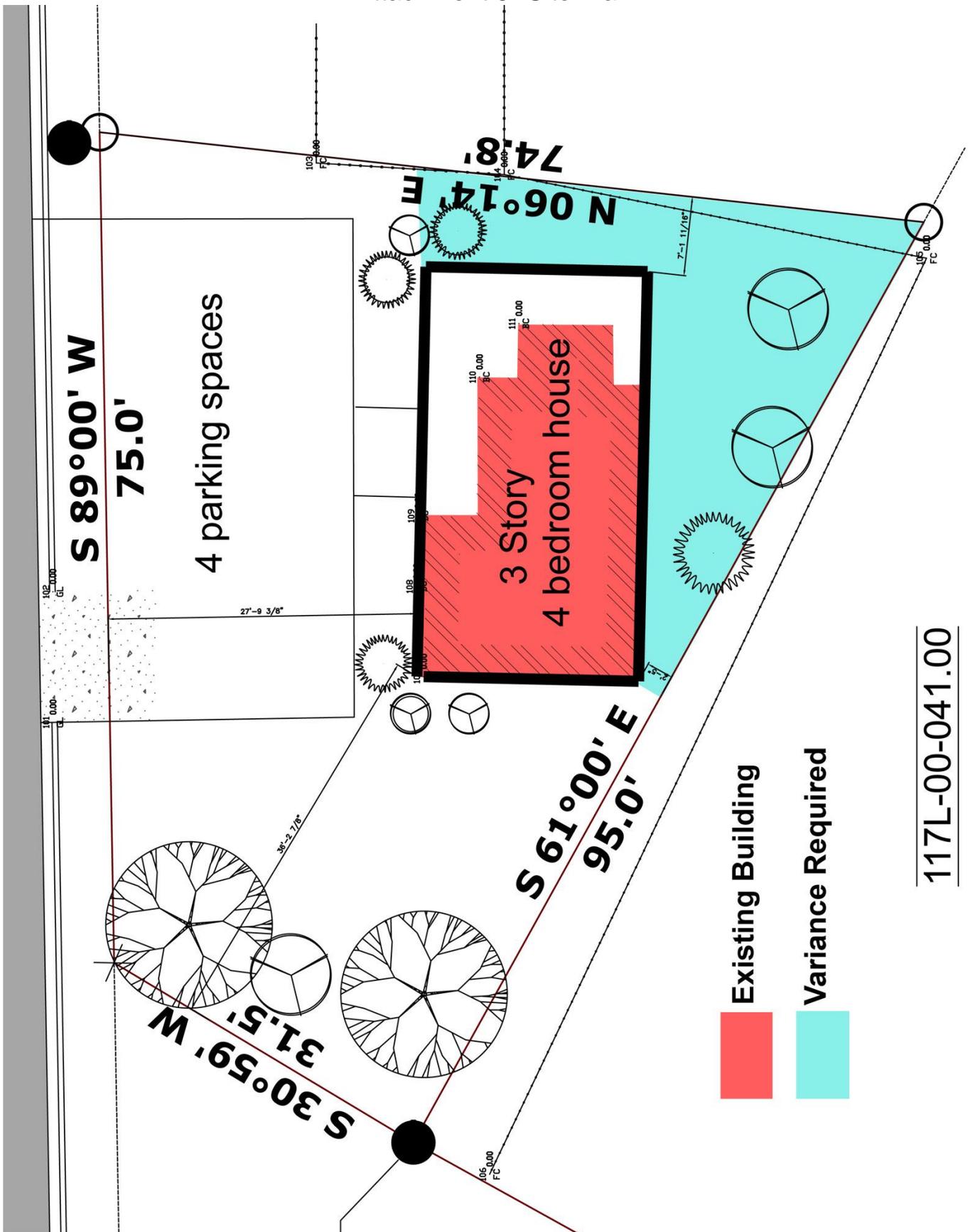
- addresses
- project_Buffer
-  Project



Attachment 2 VA 16-07 Zoning



Attachment 3- Site Plan



Existing Building

Variance Required

117L-00-041.00



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) Emily Corban (662-323-2525 ext. 3138)
SUBJECT: VA 16-08 Request for Variance relief from maximum lot width requirements for a proposed lot aggregation of three lots located at 519 University Drive with the parcel #117M-00-090.00, 117M-00-90.01 and 117M-00-191.00
DATE: October 26, 2016

AREA:

The combination of the subject properties would be +/-0.71 acres and 519 University Drive in a T-5 District.

PROPOSED USE & BACKGROUND:

The applicant, Mitch Mitchell, is requesting relief from the maximum lot width requirements on behalf of Sparrow Properties. The three properties are part of a proposed residential development. The applicant is requesting to aggregate all three properties into one property. The proposed aggregated property would exceed the maximum lot width for a T-5 District. The proposed new lot width along University Drive is 160'. A Variance from the maximum lot width of 120' would be required prior to the lot aggregation. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 15, 2016 meeting. See attachments 1-3.

NOTIFICATION

24 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 29th 2016 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 call against this request.

Variance Requests From:

1. Appendix A- Zoning, Article VII. - District Regulations, Sec. T. - Transect districts., § 4 – Specific to T5 Districts, 7.1 Lots, A

**Appendix A- Zoning, Article VII. - District Regulations
Sec. T. - Transect districts**

§ 4 - SPECIFIC TO T5 DISTRICTS.

Lots located within the T5 District shall be subject to the requirements of this section.

7.1 LOTS

- (a) *Subdivisions of existing Lots and new combinations of Lots shall have a minimum width of 18 feet and a maximum width of 120 feet, measured at the Frontage Line.*

VARIANCE REQUEST REQUIREMENTS:

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

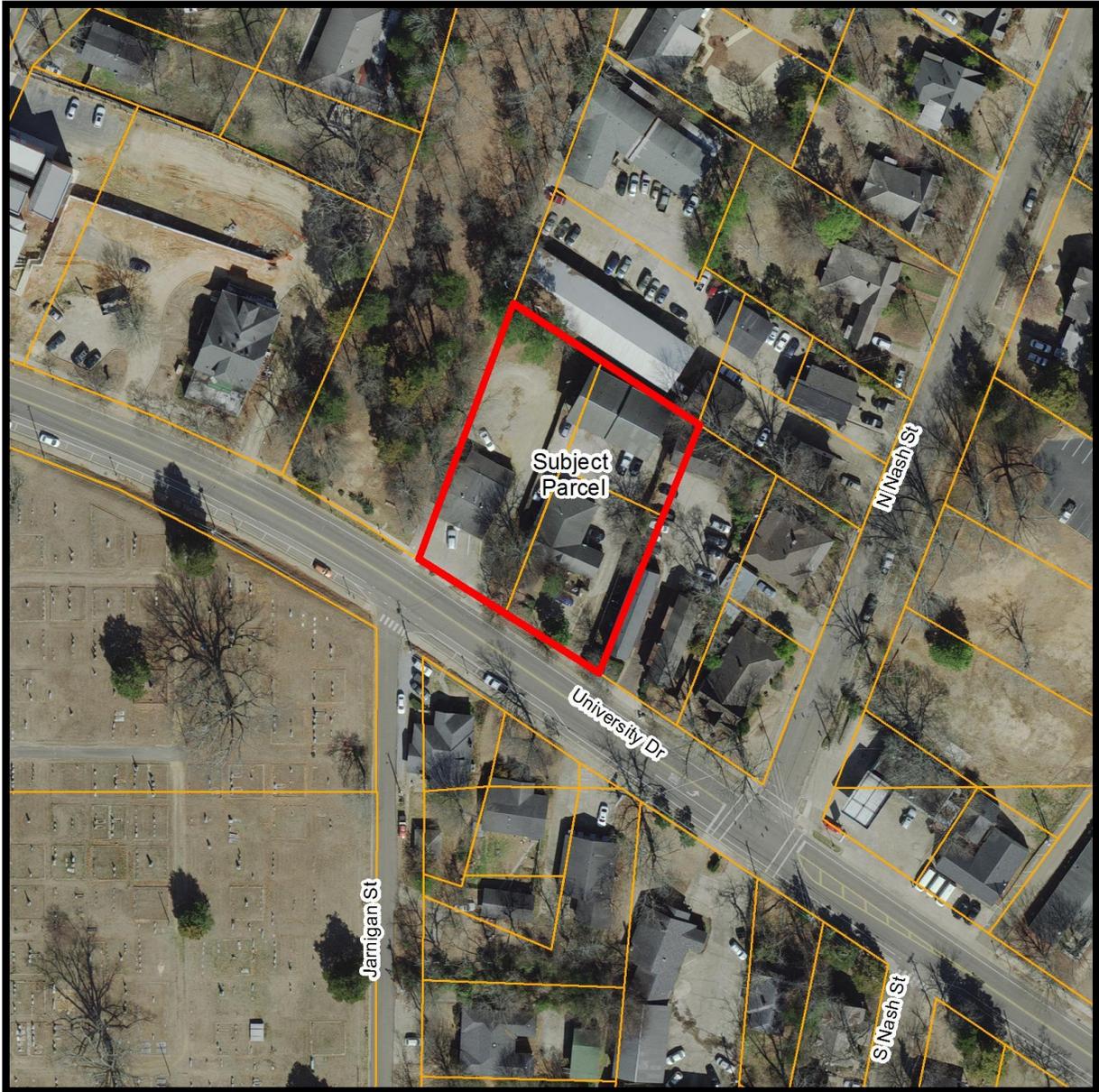
To authorize an appeal in specific cases such variance from the terms of this ordinance [may be issued] as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A variance from the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

REQUESTED CONDITIONS:

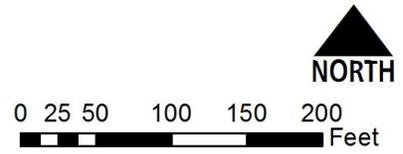
1. Building 1 and 5 of the proposed site plan (attachment 3) shall have the front door of both units face University Drive with a walkway going straight to University Drive.
2. Building 1 and 5 shall be both built as part of Phase I of the development.
3. No ADA Ramps shall be constructed along any façade along University Drive.

Attachment 1
VA 16-08 Aerial

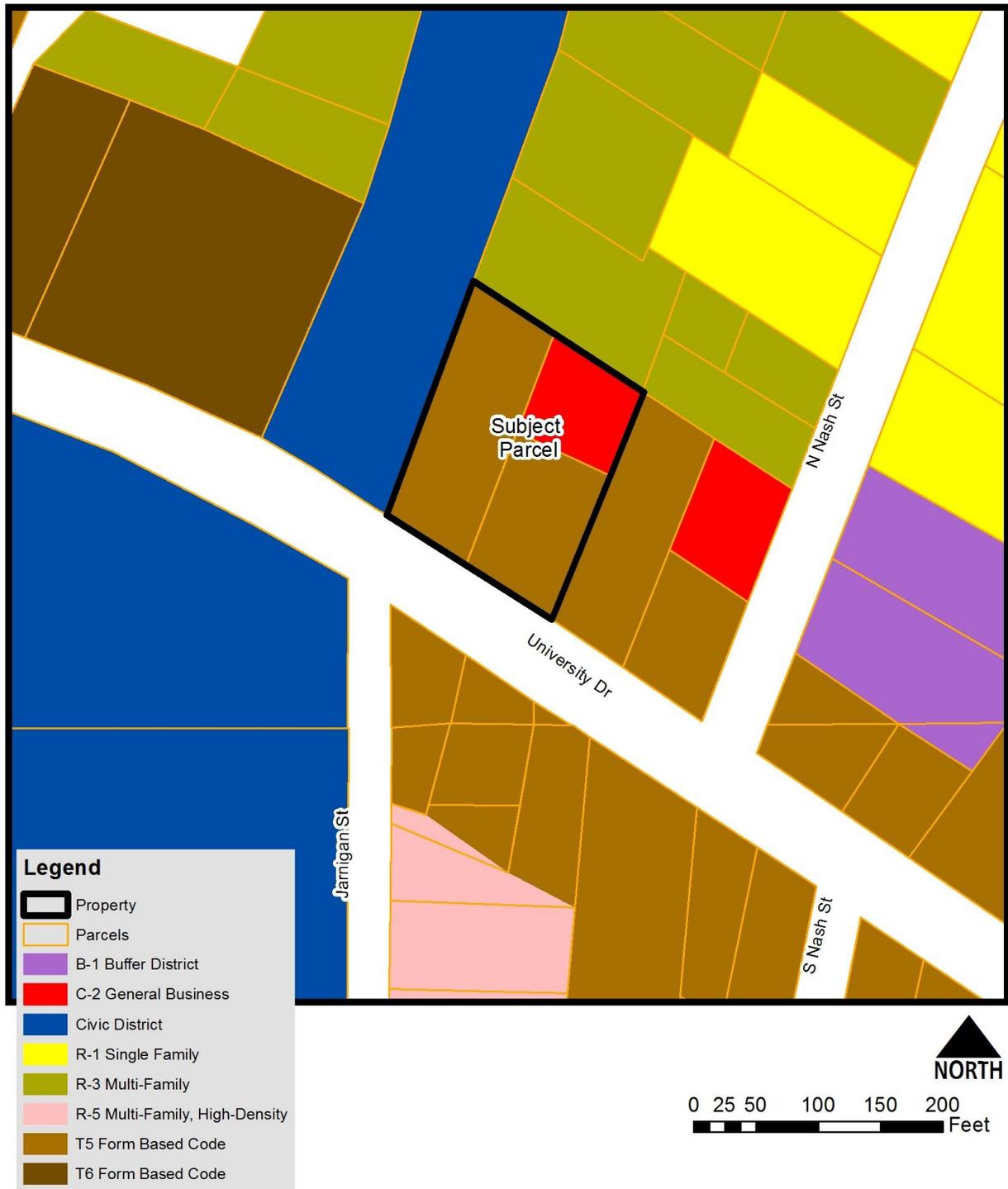


Legend

-  Property
-  Parcels



Attachment 2
VA 16-08 Zoning



Attachment 3- Proposed Site Plan





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) Emily Corban (662-323-2525 ext. 3138)
SUBJECT: VA 16-09 Request for Variance relief from sidewalk requirements on a proposed subdivision of four lots between Lynn Lane and Academy Road with the parcel # 1021-00-013.00
DATE: October 26, 2016

AREA:

The subject property is located between Lynn Lane and Academy Road on the north and west side of Starkville Academy property. The parent parcel is approximately 32 acres and is zoned C-2. One lot of this subdivision is the private drive for the north entrance into Starkville Academy. The drive was not properly platted when constructed.

PROPOSED USE & BACKGROUND:

The applicant, David Josey, is requesting relief from some of the sidewalk requirements on behalf of 4J-I. The property is being subdivided for a pending land sale. The applicant is requesting to remove the requirement of the sidewalks being built or bond from the seller (the applicant) and place the requirement on the buyer (the future developer of the property). If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 15, 2016 meeting. See attachments 1-3.

NOTIFICATION

23 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 October 4th 2016 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 call against this request and one letter of support for this request (see attachment 4).

Variance Requests From:

1. Chapter 98 – Streets, Sidewalks and Other Public Places, Sec. 98-53. – Permit requirement and installation, 1, (b)

Chapter 98 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
Sec. 98-53. – Permit requirement and installation.

- (1) *Within all newly platted single-family residential subdivision developments and commercial subdivision developments, sidewalks shall be shown on all subdivision plans and plats and installation shall be required in the following manner:*
 - (a) *On developed lots, sidewalks shall be completed prior to the issuance of a either a certificate of occupancy or certificate of completion for each individual lot, and*
 - (b) *All required sidewalks on undeveloped lots shall be completed by the record owner of property within two years of the acceptance of infrastructure facilities and roadways by the city. Should the owner refuse to complete the sidewalk installation, the city shall perform the remaining improvements and shall levy and collect taxes by special assessment in accordance with state statute.*
- (3) *Any property outside the sidewalk development area, as identified in this article, that is in the process of being developed or for which the developer is currently in the process of obtaining a building permit, shall be exempted from the requirements of the existing ordinance during the 30-day time period from the date of passage of this article to its effective date.*

Sidewalks are required within all new subdivisions; however, those subdivisions occurring outside of the City of Starkville Sidewalk Development Area are required only to provide internal sidewalks and not connections to adjacent properties with no sidewalks. In the event that sidewalks exist adjacent to a new subdivision outside of the sidewalk development area, connections must be made from the subdivision to the existing system. Developments within the sidewalk development area shall provide sidewalk connection to adjacent, undeveloped property or properties and any adjacent, existing sidewalk.

- (2) *For all other new development projects, or construction improvements equating to or greater than \$100,000.00 and where the cost of sidewalk installation does not exceed ten percent of the total construction improvement cost, and located within the City of Starkville Sidewalk Development Area, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a certificate of occupancy. Provided, however, that this specific provision does not apply to single family residential development projects and development projects in agricultural zoned areas, when those two categories of development projects are not otherwise affected by additional sections of this article. Developments shall provide sidewalk connection from lot line to lot line, to adjacent, undeveloped property or properties and any adjacent, existing sidewalk. Builders putting up new houses or improving residential structures on existing lots in existing subdivisions with public streets which were accepted by the city prior to the sidewalk ordinance shall not be required to install sidewalks.*
- (3) *For all new buildings and new roadway infrastructure developed by the city, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a certificate of occupancy. For all improvements to municipal buildings, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a certificate of occupancy.*
- (4) *The city will maintain a line item in the city's budget and that budget shall be dedicated to the installation of sidewalks conforming to the standards and requirements of this*

article and in conjunction with the city improvements to arterial, major, and collector streets as defined by the comprehensive plan. These sidewalks shall be constructed in conjunction with the roadway improvements where this budget amount and existing right-of-way allow. For city improvements to arterial, major, and collector streets as defined by the comprehensive plan where non-conforming sidewalks currently exist, the installation of sidewalks conforming to the standards and requirements of this article shall be required prior to a final inspection where this budget amount and existing right-of-way allow.

(Ord. No. 2012-05, § 3, 6-5-12)

VARIANCE REQUEST REQUIREMENTS:

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

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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.

REQUESTED CONDITIONS:

1. All required sidewalks on undeveloped lots shall be completed by the purchaser of proposed lot. Sidewalks shall be either built immediately upon purchase as shown on Final Plat or a form of approved surety shall be in place for a period not to exceed 1 year.
2. Restrictive covenants, approved by the City, shall be placed in the deed requiring the sidewalks either be built as shown on Final Plat or a form of approved surety shall be in place at the time of purchase.

Attachment 1
VA 16-09 Aerial



Legend

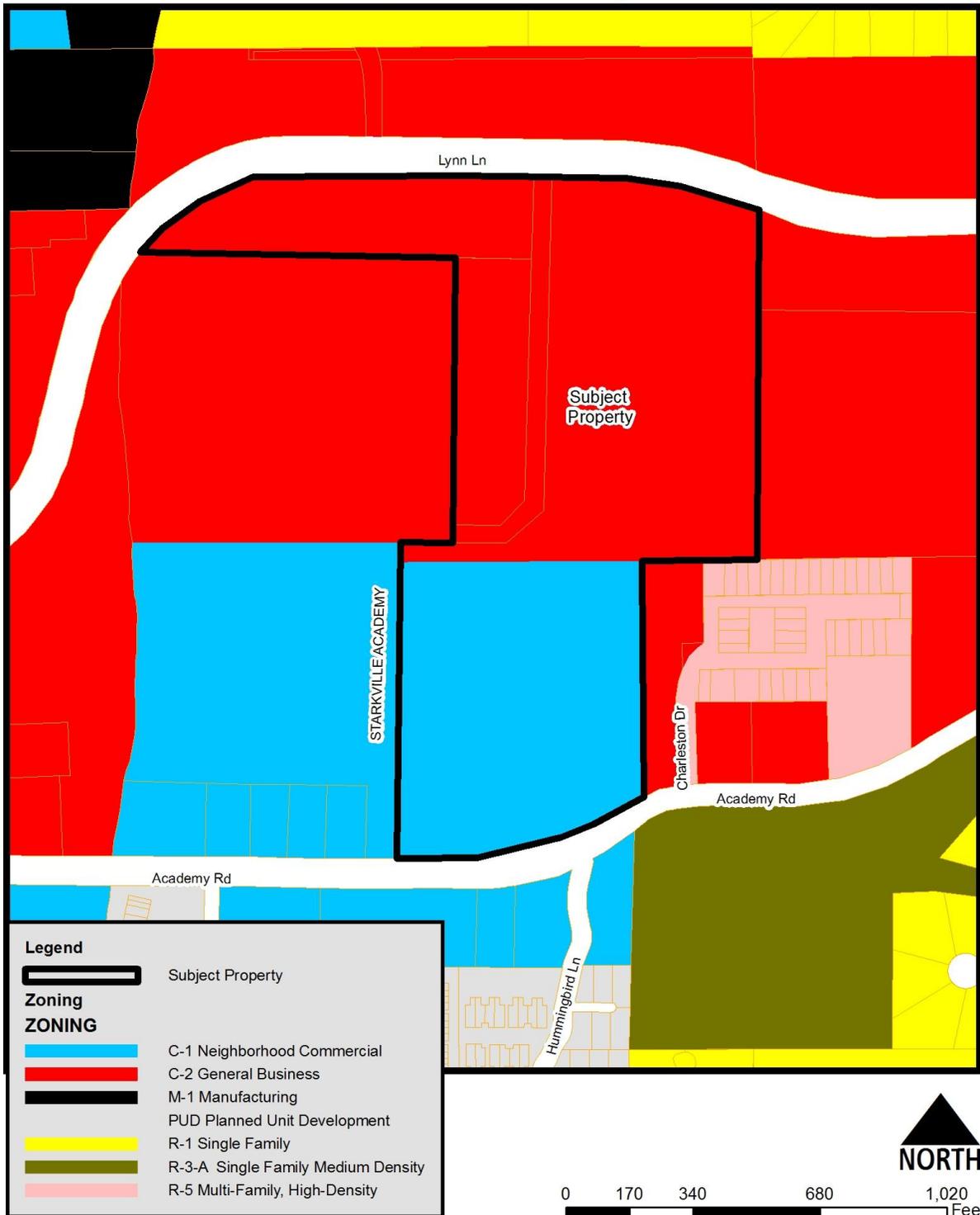
 Subject Property

 **NORTH**

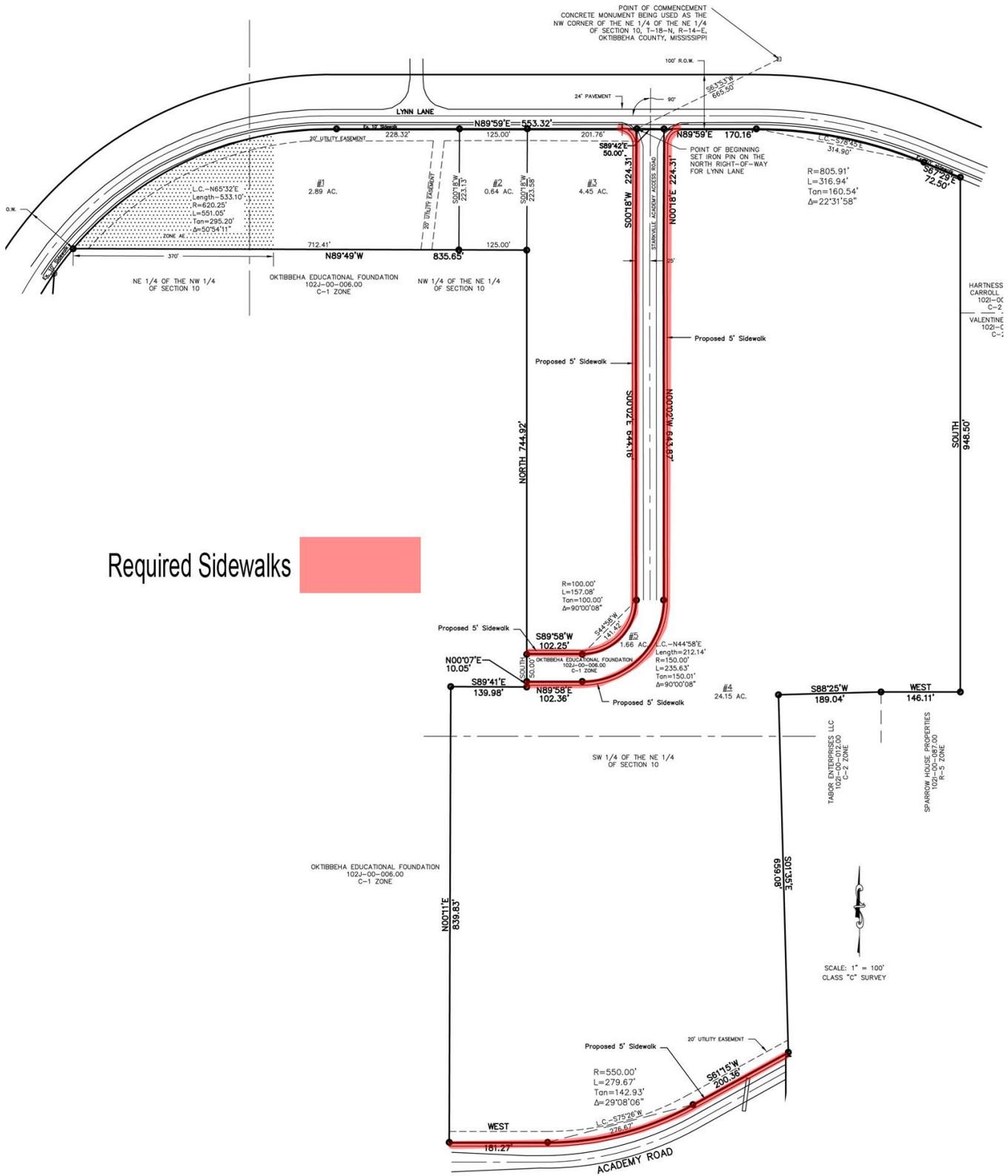
0 170 340 680 1,020 Feet



Attachment 2 VA 16-09 Zoning



Attachment 3- Propose Final Plat with Sidewalks Shown



Required Sidewalks [REDACTED]

Attachment 4- Support Letter- Starkville Academy

Daniel Havelin

From: Robert Clark <robertc@ccclark.com>
Sent: Tuesday, October 18, 2016 1:39 PM
To: 'd.havelin@cityofstarkville.org'; 'b.sanders@cityofstarkville.org'
Cc: 'david josey'; 'Charles Winfield'
Subject: Upcoming Variance Request

To: Board of Adjustments & Appeals, City of Starkville

Re: David Josey Application Variance Request, October 26, 2016

David Josey has graciously kept the Board of Starkville Academy apprised of activity as it pertains to future development of his property contiguous or in the vicinity of the school. As a school we do take keen interest in potential development and land usage around us and have appreciated the courtesy offered by Mr. Josey in keeping us informed. As it may apply to your consideration on October 26, Mr. Josey has presented his proposed variance request to our board, and we find nothing material that would be of concern or objectionable to the interests of Starkville Academy in granting his request.

Kind Regards,

Robert Clark
Starkville Academy Board President



Board of Adjustments & Appeals

2016 Public Meeting Schedule

Advertised Submittal Deadline	Non-Advertised Submittal Deadline	Public Meeting Date
December 29, 2015	January 12, 2016	January 27, 2016
January 26, 2016	February 9, 2016	February 24, 2016
February 23, 2016	March 8, 2016	March 23, 2016
March 29, 2016	April 12, 2016	April 27, 2016
April 26, 2016	May 10, 2016	May 25, 2016
May 24, 2016	June 8, 2016	June 22, 2016
June 28, 2016	July 13, 2016	July 27, 2016
July 26, 2016	August 9, 2016	August 24, 2016
August 30, 2016	September 13, 2016	September 28, 2016
September 27, 2016	October 11, 2016	October 26, 2016
October 26, 2016	November 8, 2016	November 23, 2016
November 29, 2016	December 13, 2016	December 28, 2016
December 27, 2016	January 10, 2017	January 25, 2017

Advertised items, such as variances, require advertisement, notification, and posting

Non-Advertised items, such as appeals, do NOT require advertisements

Meetings begin at 4:00 pm in the Community Development on the 2nd floor at City Hall located at 110 West Main Street