



OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, AUGUST 25, 2021  
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 MINUTES:
  - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR JULY 28, 2021
- V. NEW BUSINESS
  - A. PUBLIC HEARING AND CONSIDERATION OF VA 21-08 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS LOCATED AT 211 SOUTH JACKSON STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 102A-00-015.04
- VI. ADJOURN



**APPROVED MINUTES OF THE MEETING OF  
THE BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI**

**July 27, 2021**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on July 27, 2021 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 6, Marco Nicovich, Vice Chairman, Ward 5, George Ford, Ward 1, Kurt Gaude, Ward 2, Bo Richardson, Ward 3, and Dan Shipp, Ward 4. Not in attendance was Shawn Sullivan, Ward 7. Physically present attending the Commissioners was City Planner Daniel Havelin.

Chairman Webb opened the meeting.

**III. CONSIDERATION OF THE OFFICIAL AGENDA**

**OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, JULY 28, 2021  
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 MINUTES:**
  - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR JUNE 23, 2021
- V. **NEW BUSINESS**
  - A. PUBLIC HEARING AND CONSIDERATION OF VA 21-06 A REQUEST FOR A VARIANCE FROM BUILDING SETBACKS, PARKING SETBACKS, SIGN HEIGHT, SIDEWALK REQUIREMENTS, AND DRIVEWAY SPACING FOR A PROPOSED SHOPPING CENTER LOCATED AT 601 HIGHWAY 12 WEST IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102F-00-053.00
  - B. PUBLIC HEARING AND CONSIDERATION OF VA 21-07 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS LOCATED AT 100 EAST MAIN STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 1118P-00-317.00
- VI. **ADJOURN**

The Board considered the matter of the approval of the written agenda dated July 28, 2021. Upon the motion of Mr. Ford, seconded by Mr. Nicovich, the Board voted unanimously to approve the written agenda.

#### **IV. APPROVAL OF THE MINUTES**

##### **A. APPROVAL OF THE UNAPPROVED MINUTES FOR June 23, 2021**

The Board considered the matter of the approval of the minutes of the June 23, 2021 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Nicovich, seconded by Mr. Richardson, the Board voted unanimously to approve the minutes as amended.

#### **V. NEW BUSINESS**

##### **A. PUBLIC HEARING AND CONSIDERATION OF VA 21-06 A REQUEST FOR A VARIANCE FROM BUILDING SETBACKS, PARKING SETBACKS, SIGN HEIGHT, SIDEWALK REQUIREMENTS, AND DRIVEWAY SPACING FOR A PROPOSED SHOPPING CENTER LOCATED AT 601 HIGHWAY 12 WEST IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102F-00-053.00**

The is a request by David Buckel of Buckel Design Group, LLC on behalf of Castle Starkville LLC for a variance from Building Setbacks, Parking Setbacks, Sign Height, Sidewalk Requirements, and Driveway Spacing located at 601 Highway 12 West. The applicant is in the process of designing a new shopping center at the former site of Garan Manufacturing. The site will consist of a strip type shopping center, grocery store and two out parcels. The applicant is requesting 5 separate variance requests.

Variance #1: Building Setback. Requesting a variance to reduce the side setback from 10' to 0' per item. This request is for internal property line only between Grocery Tract and Shopping Center tract to allow the buildings to connect.

Variance #2: Parking Setback. Requesting a variance to reduce the parking setback between all four lots from 5' to 0'. The proposed lot configuration does not allow for a parking setback.

Variance #3: Sign Height. Requesting a variance to increase the allowed size of the monument sign on the Grocery Tract from 8' to 12' high and from 12' to 16'-8" wide. The applicant is proposing a self-imposed condition of not having any site signage on Outparcel #1 if the request is approved.

Variance #4: 15.3.H.3 Sidewalk Location. Requesting a variance to place only one sidewalk on the west side of the entrance drive instead of both sides as required.

Variance #5: Minimum Intersection Spacing Along Collector Street. Requesting a variance to reduce the required space from 185' to 148'. These driveways line up with drives across the street. In addition, the southern driveway allows for trucks to service the development and adds a secondary access further away from Hwy 12. Note, there is a center turn lane for vehicles to

use to clear the thru lane.

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 July 8, 2021. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has 1 phone call and 1 in person visit requesting information about this request.

The Planning Department recommended one condition of approval:

1. A site sign shall not be placed on Out Parcel #1 if the monument sign on the Grocery Tract exceeds maximum allowed dimensions.

Chairman Webb opened the public hearing to citizen comments.

Sam Berry came forward representing the applicant to speak in favor of the request.

David Buckel came forward representing the applicant 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. Ford, the motion to approve VA 21-06 with one condition received unanimous approval.

**B. PUBLIC HEARING AND CONSIDERATION OF VA 21-07 A REQUEST FOR A VARIANCE FROM WALL SIGN SIZE REQUIREMENTS LOCATED AT 100 EAST MAIN STREET IN A T-5D ZONING DISTRICT WITH THE PARCEL NUMBER 1118P-00-317.00**

This is a request by Jonathan Ty Thames of Restaurant Tyler, LLC for a variance on wall sign size requirements located at 100 East Main Street. The applicant is proposing to paint a large mural and wall sign on the South Washington Street side of the building. The proposed wall sign exceeds the maximum dimensions of 3' tall and the maximum font height of 18".

Variance #1: Sign Height Requirement. Request a variance to increase the height of the sign from 3' to 22'.

Variance #2: Font Height Requirement. Request a variance to increase the height of the font above 18".

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 17 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 July 9, 2021. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has 1 phone call in favor of this request.

Chairman Webb opened the public hearing to citizen comments.

Gary Shafer came forward representing the applicant 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. Nicovich, duly seconded by Mr. Gaude, the motion to approve VA 21-07 received unanimous approval.

#### **VI. ADJOURNMENT**

After discussion, Mr. Nicovich moved to adjourn which was seconded by Mr. Richardson, and the Board voted unanimously to adjourn until 4:00 p.m. on August 25, 2021 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



**THE CITY OF STARKVILLE**  
**PLANNING DEPARTMENT**  
**BOARD OF ADJUSTMENTS & APPEALS**  
CITY HALL, 110 WEST MAIN STREET  
STARKVILLE, MISSISSIPPI 39759

**STAFF REPORT**

**To:** Members of the Board of Adjustments & Appeals  
**From:** Daniel Havelin, City Planner (662-323-2525 ext. 3136)  
**Subject:** Public hearing and consideration of VA 21-08 a request for a variance from wall sign size requirements located at 211 South Jackson Street in a T-5D zoning district with the parcel number 102A-00-015.04  
**Date:** August 25, 2021

The purpose of this report is to provide information regarding Variance Request by Thomas Stewart of Architectonics, LLC on behalf of Michele Fant for a variance on wall sign size requirements located at 211 South Jackson Street in a T-5D zoning district with the parcel number 102A-00-015.04. Please see attachments 1- 4.

**BACKGROUND INFORMATION**

The applicant is proposing halo lit wall sign on the south side of the building approximately 65 feet from the right-of-way of South Jackson Street. The proposed wall sign exceeds the maximum dimensions of 3’ tall and the maximum font height of 18”. If the request for Variance is recommended for approval, the applicant’s requests will be heard by the Board of Aldermen at the August 3, 2021 meeting.

**VARIANCE REQUEST FROM**

**Variance #1: Sign Height Requirement. Section 14.7.8.A.2.ii. The sign area of a wall sign in Form-based districts shall not exceed three (3) feet in height and ninety percent (90%) of the width of the facade face.**

Request a variance to increase the height of the sign from 3’ to 5’.

**Variance #2: Font Height Requirement. Section 14.7.8.A.4.i. The font height of wall signs in the TN-N, TN-E, and Formbased Districts shall not exceed eighteen (18) inches.**

Request a variance to increase the height of the font above 18”.

**CRITERIA FOR VARIANCE REVIEW AND APPROVAL (Section 3.7)**

3.7.1. Criteria for variance review and approval.

- A. Special Conditions. 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 surrounding area.
- B. Literal Interpretation. That the literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Code.
- C. Hardship. That the hardship has not resulted from the actions of the applicant.
- D. Special Privilege. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or buildings in the same district.
- E. Minimum Variance. That granting the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- F. Consistency with Comprehensive Plan. That the granting of the variance will be consistent with the general purpose, intent, goals, objectives, and policies of the Comprehensive Plan and this code and will not be injurious to surrounding areas or otherwise detrimental to the public welfare.

3.7.2. Criteria for variance review and approval in form-based zoning districts. In addition to the criteria stated above, the following criteria shall also be used to review variances in any form-based district.

- A. Physical Conditions. The physical condition of the property, such as steep slopes, floodplain, drainage, or small or irregular shaped lots, make compliance to the specific standard physically impossible, and this hardship is not created by the applicant.
- B. Burden. The burden of proof is on the applicant to demonstrate by clear and convincing evidence that the requested variance meets the criteria for variance review and approval.
- C. Impact. The variance will not significantly impact adjacent property owners, the character of the area, traffic conditions, parking, public infrastructure, stormwater management, and other matters affecting public health, safety and general welfare.
- D. Urban Principle. The modification will not result in a substantial departure from the basic urban principle that buildings should directly front streets (as opposed to being set back from the right-of-way) and add value to the public realm and pedestrian walkability of the street edge.

**NOTIFICATION:**

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code.

- 1. 5 property owners of record within 160 feet of the subject property were notified directly by mail of the request.
- 2. A legal ad was published in the Starkville Daily News on July 29, 2021.
- 3. A sign was posted on the property in a conspicuous location.

**RESPONSE TO NOTIFICATION**

As of this date, the Planning Office has received no response to the notification

**ANALYSIS**

In the opinion of the Planning Department the proposed variance request could meet the criteria for variance review and approval.

**CONDITIONS OF APPROVAL**

Any condition attached to the approval of a variance by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, and successors.




Attachment 1  
VA 21-o8 Aerial



**Legend**

-  Subject Property
-  Parcels

  
**NORTH**

0 25 50 100 150  
Feet

Attachment 2  
VA 21-08 Zoning



**Legend**

- Subject Property
- Parcels

**Zoning**

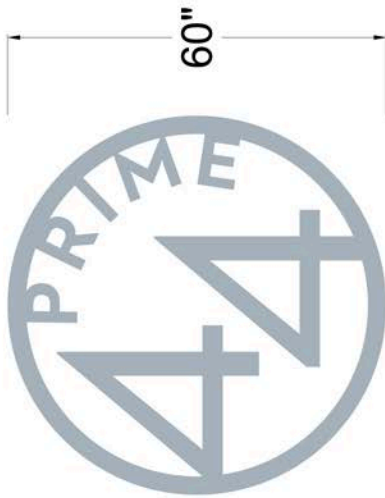
- T-5D Downtown Form-based District
- TN-E Traditional Neighborhood- Existing

NORTH

0 25 50 100 150 Feet



Attachment 3- Proposed Sign



(1) 60" L.E.D. HALO LIGHTED REVERSE CHANNEL LOGO



1-800-728-8869



MID-SOUTH SIGNS  
COLUMBUS, MS / SHEFFIELD, AL / MEMPHIS, TN

APPROVAL INFORMATION & CONFIRMATION

Proof is approved. Proceed with production of order.  
 Proof is approved with corrections. Make corrections as indicated and proceed with production of order.

SIGNATURE \_\_\_\_\_ PRINT NAME \_\_\_\_\_ DATE \_\_\_\_\_

(Signed in regard to: Size, type, color, quality, and accuracy of work, symbols, and text (e.g. spelling, abbreviation, punctuation))

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Client: 44 PRIME Location: STARKVILLE, MS Drawn By: JEANNIE Approved By: \_\_\_\_\_ Date: 7/13/2021 Sheet: \_\_\_\_\_ Scale: \_\_\_\_\_ File: 44 PRIME 2

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