



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, FEBRUARY 22, 2023
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. APPROVAL OF THE MINUTES:
 - A. CONSIDERATION OF THE UNAPPROVED MINUTES FOR OCTOBER 26, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 23-01 A REQUEST FOR A VARIANCE FROM SETBACK REQUIREMENTS OF AN ACCESSORY STRUCTURE AT 109 OAK RIDGE IN AN SD-2 ZONING DISTRICT.
- VI. ADJOURN

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
October 26, 2022**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on October 26, 2022, 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, George Sills Ward 4, and Shawn Sullivan, Ward 7. Bo Richardson, Ward 3, was absent. Physically present attending the Commissioners were City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey.

Chairman Webb opened the meeting.

III. CONSIDERATION OF THE OFFICIAL AGENDA

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- 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 SEPTEMBER 28, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-13 A REQUEST FOR A VARIANCE FROM STORMWATER REQUIREMENTS LOCATED AT 216 INDUSTRIAL PARK ROAD IN AN I ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 22-14 A REQUEST FOR A VARIANCE TO DEVIATE FROM SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE LOCATED AT 230 BANCROFT AVENUE IN TN-N ZONING DISTRICT.
- VI. ADJOURN

III. CONSIDERATION OF THE OFFICIAL AGENDA

The Board considered the matter of the approval of the written agenda dated October 26, 2022. Upon the motion of Mr. Nicovich, seconded by Mr. Gaude, the Board voted unanimously to approve the written agenda.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR SEPTEMBER 28, 2022

The Board considered the matter of the approval of the minutes of the September 28, 2022 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Nicovich, seconded by Mr. Sullivan, the Board voted unanimously to approve the minutes.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 22-13 A REQUEST FOR A VARIANCE FROM STORMWATER REQUIREMENTS LOCATED AT 216 INDUSTRIAL PARK ROAD IN AN I ZONING DISTRICT

This is a request by Boardtown Enterprises, LLC from stormwater requirements located at 216 Industrial Park Road. The applicant is looking to renovate an existing building to use as a coffee roasting facility. Due to the project's scope, site plan review and approval are required. The proposed project does increase the size of the existing gravel parking lot. The existing building would not be increased as part of this phase. The existing site is heavily wooded. To meet the stormwater requirements, a large portion of the trees would need to be removed on the western half of the site to construct the detention area. The applicant is requesting relief from the stormwater requirements in section 16.9 of the Unified Development Code (UDC) for this phase to preserve the existing trees.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 5 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 October 6, 2022. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received no response to the notification

Chairman Webb opened the public hearing to citizen comments.

Dr. Kenneth Thomas, the applicant, came forward to speak in favor of the request.

Chad Philips, the project engineer, came forward to speak in favor of the request.

Calling 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. Ford, the motion to approve VA 22-13 was unanimously approved with one condition of approval.

1. Any future expansion of the parking lot or building will require stormwater mitigation.

B. PUBLIC HEARING AND CONSIDERATION OF VA 22-14 A REQUEST FOR A VARIANCE TO DEVIATE FROM SETBACK REQUIREMENTS FOR AN ACCESSORY STRUCTURE LOCATED AT 230 BANCROFT AVENUE IN TN-N ZONING DISTRICT.

This is a request by Joe Couvillion on behalf of Tom Balzli for a variance request to deviate from setback requirements for an accessory structure located at 230 Bancroft Avenue. The applicant, Joe Couvillion on behalf of Tom Balzli, has built an outdoor fireplace within the 5' side setback of the property. The fireplace is placed less than 1' from the property line. An outdoor fireplace is classified as an accessory structure in the Unified Development Code. The applicant is requesting relief from section 6.3.4 of the Unified Development Code (UDC).

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 September 11, 2022. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has received two phone calls requesting information about the request and one email against the request.

Chairman Webb opened the public hearing to citizen comments.

Joe Couvillion came forward to speak in favor of the request.

Dr. Bart Starr came forward to speak in favor of the request.

Dr. Tom Balzli came forward to speak in favor of the request.

Joel Pettit came forward to speak on the request.

City Building Official Stein McMillen came forward to answer questions about the request.

Calling 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. Gaude, duly seconded by Mr. Sills, the motion to approve VA 22-14 was 4-0 with one abstention with one condition of approval. Mr. Sullivan abstained from the vote.

1. The outdoor fireplace shall either be converted to gas only or a spark arrestor installed on the top of the chimney.

VI. ADJOURNMENT

After discussion, Mr. Richardson moved to adjourn which was seconded by Mr. Ford, and the Board voted unanimously to adjourn until 4:00 p.m. on November 16, 2022, in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Bill Webb, Chairman

Daniel Havelin, City Planner

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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)
Lyle McCaskey, Assistant City Planner (662-323-2525 ext. 3130)
Subject: Public hearing and consideration of VA 23-01 a request for a variance from setback requirements of an accessory structure at 109 Oak Ridge in an SD-2 zoning district.
Date: February 22, 2023

The purpose of this report is to provide information regarding the Variance request by Dan Punday for the placement of an accessory structure in a location other than the backyard located at 109 Oak Ridge in an SD-2 zoning district with property #102P-00-171.00. Please see attachments 1-4.

BACKGROUND INFORMATION

The applicant is requesting relief from Section 13.9.1.B.C of the Unified Development Code which requires that an Accessory structure not occupy any part of a required front yard or side yard. The proposed accessory structure is located at the end of the existing driveway within the side yard. The applicant has already started the construction of the structure without a permit. After the applicant hired a contractor, the contractor started the permit process. At that time, the planning department became aware of the issue. Once we reviewed the location of the structure, it was determined that a variance would be required prior to issuing a building permit. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the March 7, 2023 meeting.

VARIANCE REQUEST FROM

13.9.1 Accessory Use or Structures (Excluding Dwellings)

- A **Definition:** An accessory use or structure that is incidental and subordinate to the principal use of the principal building. Structures with a kitchen area, full bathroom, electricity, and is heated or cooled shall be considered accessory dwellings.
- B **Accessory use or structure for residential uses**
 - 1 Garage, carport, workshop, and pool houses
 - a No garage, carport, workshop, or pool house shall be erected within ten (10) feet of any other building unless attached to the principal structure, or within five (5) feet of a property line unless stated otherwise in a district's base dimensional standards.
 - b No garage, carport, workshop, and pool house shall occupy more than thirty (30) percent of the required rear yard.
 - c An accessory structure shall not occupy any part of a required front yard or side yard except garages and carports if allowed in that district.
 - d A garage, carport, workshop, and pool houses cannot be used as an office or habitable space without meeting the requirements of the current adopted technical codes.
 - 2 Shed or storage building
 - a A maximum of one (1) shed or storage building shall be permitted on a property zoned for residential use.
 - b No shed or storage building shall be erected within ten (10) feet of any other building, or within five (5) feet of a property line unless stated otherwise in a district's base dimensional standards.

- c A shed or storage building shall not occupy any part of a required front yard or side yard except those that are constructed as a part of a garage or carport if allowed in that district.
- d A shed or storage building cannot be used as an office or habitable space without meeting the requirements of the current adopted technical codes.

CRITERIA FOR VARIANCE REVIEW AND APPROVAL (Section 3.7.1)

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.

NOTIFICATION:

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

- 1. 14 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 February 3, 2023.
- 3. A sign was posted on the property in a conspicuous location.

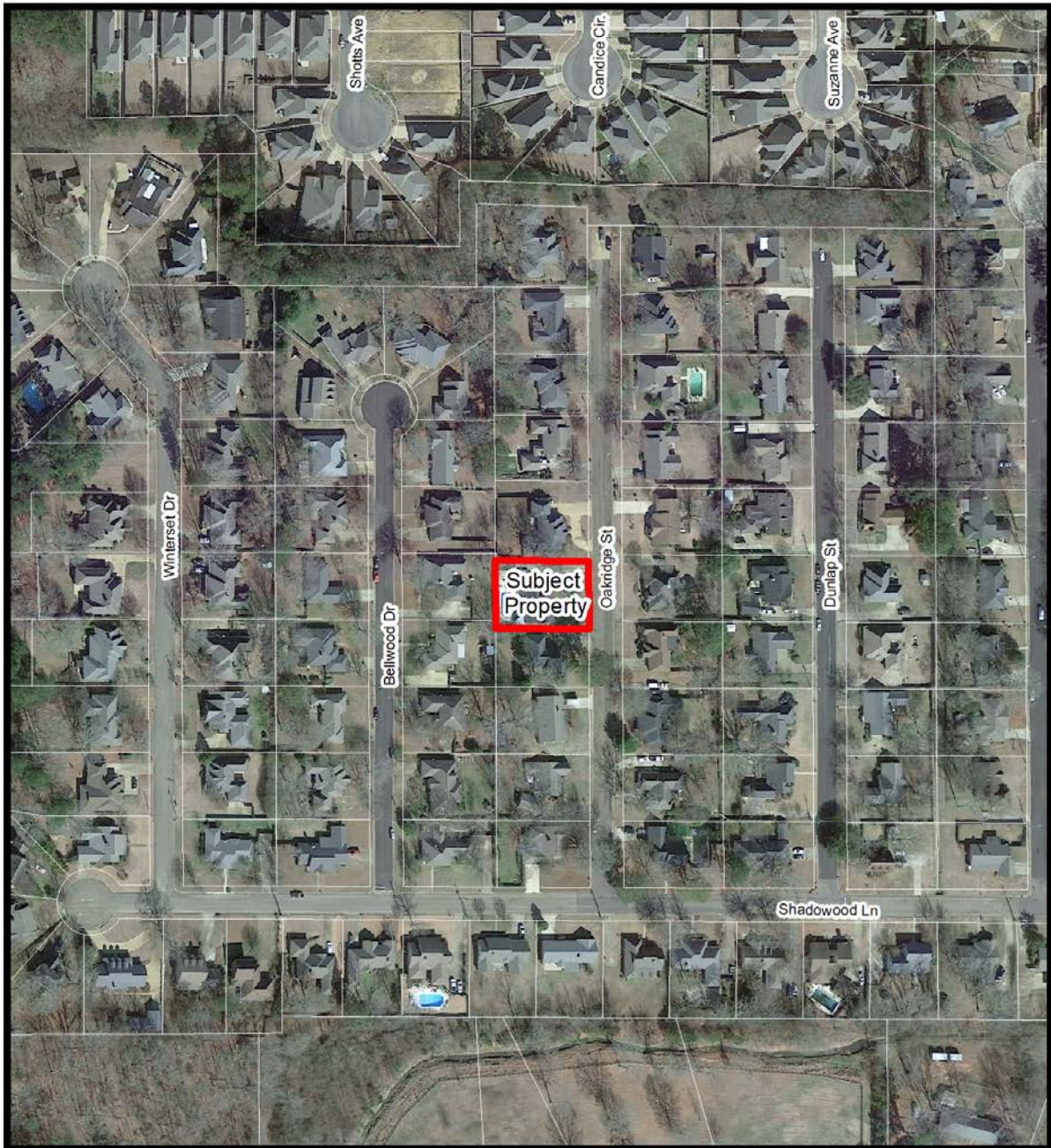
RESPONSE TO NOTIFICATION

As of this date, the Planning Office has received one phone requesting information about the request.

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 23-01 Aerial



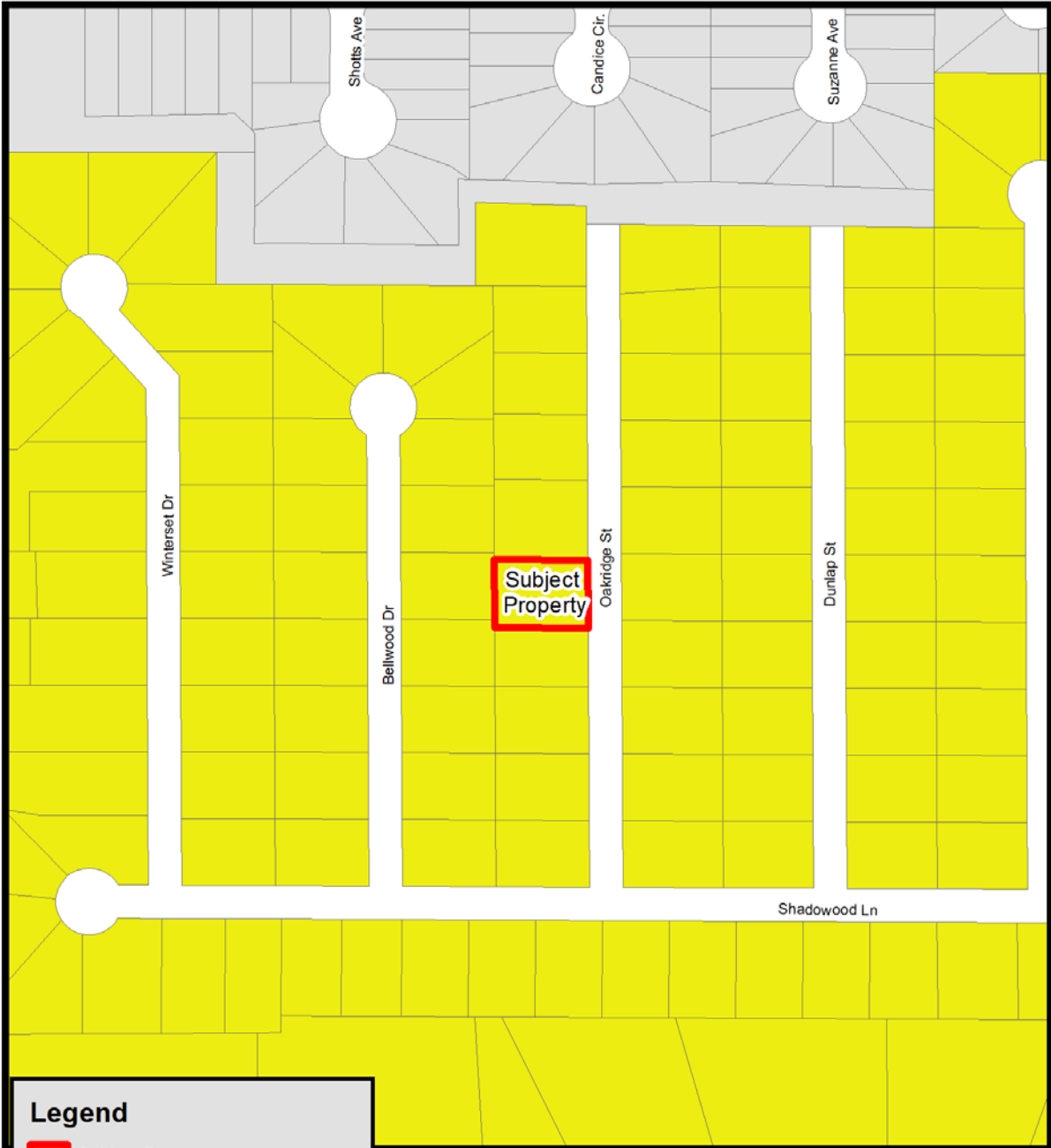
Legend

-  Subject Property
-  Parcels




NORTH

0 100 200 400 600
Feet



Attachment 2 VA 23-01 Zoning

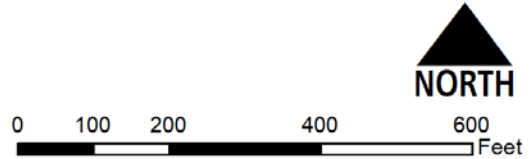


Legend

-  Subject Property
-  Parcels

Zoning

-  SD-2 Suburban Detached
-  PUD Planned Unit Development



Attachment 4- Site Pictures

