



OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, MAY 25, 2022
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 APRIL 27, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-08 A REQUEST FOR VARIANCES ON FENCE HEIGHT REQUIREMENTS FOR 217 ROYAL TROON ROAD LOCATED IN COUNTRY CLUB ESTATES SUBDIVISION A SD-2 ZONING DISTRICT..
- VI. ADJOURN

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

April 27, 2022

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on April 27, 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, Bo Richardson, Ward 3, Dan Shipp, Ward 4 and Shawn Sullivan, Ward 7. Physically present attending the Commissioners was City Planner Daniel Havelin and Assistant City Planner Odie Avery

Chairman Webb opened the meeting.

III. CONSIDERATION OF THE OFFICIAL AGENDA

**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, APRIL 27, 2022
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 FEBRUARY 23, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-03 A REQUEST FOR A VARIANCE FROM STORMWATER REQUIREMENTS FOR A PROPOSED RENOVATION OF THE FORMER VOWELL'S MARKETPLACE AT 118 HIGHWAY 12 WEST IN A C ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 22-04 A REQUEST FOR A VARIANCE FROM ELECTRONIC MESSAGE CENTER SIGN SIZE REQUIREMENTS AT 601 UNIVERSITY DRIVE.
 - C. PUBLIC HEARING AND CONSIDERATION OF VA 22-05 A REQUEST FOR A VARIANCE FROM ELECTRONIC MESSAGE CENTER SIGN SIZE REQUIREMENTS AT 405 RUSSELL STREET.
 - D. PUBLIC HEARING AND CONSIDERATION OF VA 22-06 A REQUEST FOR A VARIANCE TO ALLOW TWO POINTS OF ACCESS FOR A NEW DEVELOPMENT ON TO EUDORA WELTY DRIVE.
 - E. PUBLIC HEARING AND CONSIDERATION OF VA 22-07 A REQUEST FOR A VARIANCE FROM MULTIPLE SETBACKS AND DRIVE AISLE WIDTH REQUIREMENTS LOCATED AT 102 HIGHWAY 12 WEST IN A C ZONING DISTRICT.
- VI. ADJOURN

The Board considered the matter of the approval of the written agenda dated April 27, 2022. Upon the motion of Mr. Nicovich, seconded by Mr. Ford, the Board voted unanimously to approve the written agenda.

IV. APPROVAL OF THE MINUTES

A. APPROVAL OF THE UNAPPROVED MINUTES FOR FEBRUARY 23, 2022

The Board considered the matter of the approval of the minutes of the February 23, 2022 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Shipp, seconded by Mr. Nicovich, the Board voted unanimously to approve the minutes with one correction to the adjournment date.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 22-03 A REQUEST FOR A VARIANCE FROM STORMWATER REQUIREMENTS FOR A PROPOSED RENOVATION OF THE FORMER VOWELL'S MARKETPLACE AT 118 HIGHWAY 12 WEST IN A C ZONING DISTRICT.

This is a request by Thomas Stewart of Architectonics PLLC on behalf of 44 Properties. The applicant is proposing to renovate the existing building and parking lot for a future grocery store, hardware store, and retail space. As extent of the renovation requires site plan approval and architecture review. Site plan approval requires stormwater management. The applicant is requesting relief from this requirement due to the difficulties in retrofitting the site to fit the required detention.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 14 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 March 25, 2022. A sign was posted on the property in a conspicuous location. As of this date, the Planning Office has 1 email against this request and one phone call requesting information.

Chairman Webb opened the public hearing to citizen comments.

Thomas Stewart 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. Sullivan, duly seconded by Mr. Gaude, the motion to approve VA 22-03 was unanimously approved.

B. PUBLIC HEARING AND CONSIDERATION OF VA 22-04 A REQUEST FOR A VARIANCE FROM ELECTRONIC MESSAGE CENTER SIGN SIZE REQUIREMENTS AT 601 UNIVERSITY DRIVE

This is a request by Perry Rackley on behalf of Rackley Oil Inc. for a Variance from sign size requirements for proposed electronic message center sign located at 601 University Drive. The applicant is proposing to add electronic message center signs to the fuel canopy. The request is to increase the maximum height from 12" to 25", increase the maximum width from 36" to 75-81", and increase the maximum square footage from 6' to 14'.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 10 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 March 31, 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.

Perry Rackley 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. Gaude, the motion to approve VA 22-04 was unanimously approved.

C. PUBLIC HEARING AND CONSIDERATION OF VA 22-05 A REQUEST FOR A VARIANCE FROM ELECTRONIC MESSAGE CENTER SIGN SIZE REQUIREMENTS AT 405 RUSSELL STREET

This is a request by Perry Rackley on behalf of Rackley Oil Inc. for a Variance from sign size requirements for proposed electronic message center sign located at 405 Russell Street. The applicant is proposing to add electronic message center signs to the fuel canopy. The request is to increase the maximum height from 12" to 25", increase the maximum width from 36" to 75-81", and increase the maximum square footage from 6' to 14'.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 10 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 March 30, 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.

Perry Rackley 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. Shipp, the motion to approve VA 22-05 was unanimously approved.

D. PUBLIC HEARING AND CONSIDERATION OF VA 22-06 A REQUEST FOR A VARIANCE TO ALLOW TWO POINTS OF ACCESS FOR A NEW DEVELOPMENT ON TO EUDORA WELTY DRIVE

Michael Dowdy on behalf of EW Drive Properties, LLC for a variance to allow two (2) points of access (driveways) for a proposed medical office development. The applicant is proposing to have two driveways accessing Eudora Welty Drive. The current access requirements only allow for one driveway every 200 feet of frontage. The applicant is requesting the variance to allow 2 driveways to enhance the patient drop off / pick up and prevent added traffic congestion once all phases of the development are complete. The requested variance is from Chapter 14 of *The City of Starkville Standards of Design & Specifications* policy.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 2 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 April 5, 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.

Calling for and receiving no comments, Chairman Webb closed the public hearing and opened the item up for discussion.

After a discussion and upon the motion of Mr. Shipp, duly seconded by Mr. Gaude, the motion to approve VA 22-06 was unanimously approved.

E. PUBLIC HEARING AND CONSIDERATION OF VA 22-07 A REQUEST FOR A VARIANCE FROM MULTIPLE SETBACKS AND DRIVE AISLE WIDTH REQUIREMENTS LOCATED AT 102 HIGHWAY 12 WEST IN A C ZONING DISTRICT.

This is a request Zach Foster of Neel-Schaffer, Inc. on behalf of Mark Castleberry for a variance from front building setback, parking setbacks, and drive aisle width requirements for a proposed restaurant with a drive-thru. The project's intent is to redevelop the existing building and site into a proposed Dunkin Donuts restaurant. The building was originally built and used as a Wendy's drive-thru restaurant. When the new Wendy's restaurant was building on the adjacent

property to the east, the lot was subdivided. The original parking lot for the drive-thru restaurant was added to the new Wendy's site. Thus, leaving only the drive-thru lane and a portion of a row of parking on the east side of the current site. The current lot dimensions do not allow for a parking lot with a drive-thru to be built in accordance with the current development standards found in Section 14.10 of the Unified Development Code. The applicant is requesting the following variances:

1. Requesting a variance to reduce the parking setback on the west side of the property from 5' to 0'.
2. Requesting a variance to reduce the parking setback on the east side of the property from 5' to 0.75'.
3. Requesting a variance to reduce the front setback from 20' to 11.97'.
4. Requesting a variance to reduce the minimum drive aisle width (for zero-degree parallel parking) from 12' to 10'.

Mr. Havelin, the City Planner, explained the request and expressed concern of potential traffic problems due to the proposed site configuration.

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code. 9 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 April 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.

Calling for and receiving no comments, Chairman Webb closed the public hearing and opened the item up for discussion.

After a discussion and upon the motion of Mr. Sullivan, duly seconded by Mr. Gaude, the motion to approve VA 22-07 was unanimously approved.

VI. ADJOURNMENT

After discussion, Mr. Nicovich moved to adjourn which was seconded by Mr. Sullivan, and the Board voted unanimously to adjourn until 4:00 p.m. on May 25, 2022 in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Bill Webb, Chairman

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)
Odie Avery, Assistant City Planner (662-323-2525 ext. 3138)
Subject: Public hearing and consideration of VA 22-08 a request for variances on fence height requirements for 217 Royal Troon Road located in Country Club Estates subdivision a SD-2 zoning district.
Date: May 25, 2022

The purpose of this report is to provide information regarding a Variance Request by Slade Kraker to deviate from fence height requirements at 217 Royal Troon Road located in Country Club Estates subdivision a SD-2 zoning district. Please see attachments 1- 3.

BACKGROUND INFORMATION

Applicant Slade Kraker is requesting a variance from fence height requirements for a front yard on a corner lot at 217 Royal Troon Road within the Country Club Estates subdivision. The applicant is requesting a variance to increase the maximum fence height from 3 1/2 feet to up to 8 feet within the side setback adjacent to the street of a corner lot. The lot is located on the northwest corner of the intersection of Somersett Road and Royal Troon Road. The fence is being proposed adjacent to Somersett Road side of the lot.

VARIANCE REQUESTS

Section 13.9.1.B.6 Fences. Variance to deviate from / increase the maximum fence height from 3 1/2 feet to up to 8 feet within the side setback adjacent to the street of a corner lot.

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.

NOTIFICATION:

The request was noticed in accordance with Section 3.7.3.E of the Unified Development Code.
1. 4 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 May 6, 2022
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 call asking questions about the request.

ANALYSIS

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

CONDITIONS OF APPROVAL

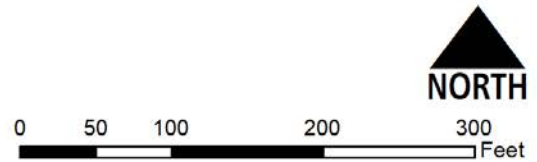
Any condition attached to the approval of a variance by the Mayor and Board of Aldermen shall run with the land and shall be binding upon the applicants, their heirs, and successors.

Attachment 1
VA 22-o8 Aerial



Legend

-  Property
-  Parcels



Attachment 2
VA 22-08 Zoning



Attachment 3 – Plan Sketch

