



**OFFICIAL AGENDA  
SPECIAL CALL  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
MEETING OF WEDNESDAY, NOVEMBER 13, 2019  
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 OCTOBER 23, 2019
- V. NEW BUSINESS
  - A. VA 19-12 REQUEST FOR A VARIANCE BY JACKSON CONSTRUCTION INC. FROM FRONT SETBACK REQUIREMENTS FOR LOTS 308-314 ON TALAMORE LANE AND LOTS 301-307 ON LAMBERTON LANE IN THE PHASE 9 OF HUNTINGTON PARK.
- VI. ADJOURN



**UNAPPROVED  
MINUTES OF THE MEETING OF THE  
BOARD OF ADJUSTMENTS & APPEALS  
THE CITY OF STARKVILLE, MISSISSIPPI  
OCTOBER 23, 2019**

The Board of Adjustments & Appeals held their meeting at 4:00 PM on October 23, 2019, in the Community Development Department at City Hall. Members present were Kim Moreland, Ward 1, Jerry Jefferson, Ward 2, Bo Richardson, Ward 3, Robert Camp, Ward 4, Chairman Bill Webb, Ward 5, Marco Nicovich, Ward 6, and Shawn Sullivan, Ward 7. Attending the Board members were City Planner Daniel Havelin, Assistant City Planner Emily Corban, and Community Development Director Dr. Simon Kim.

**A CONSIDERATION OF THE WRITTEN AGENDA**

**OFFICIAL AGENDA  
BOARD OF ADJUSTMENTS & APPEALS  
CITY OF STARKVILLE, MISSISSIPPI  
SPECIAL CALL MEETING OF WEDNESDAY, AUGUST OCTOBER 23, 2019  
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 AUGUST 28, 2019
- V. NEW BUSINESS
  - A. VA 19-12 REQUEST FOR A VARIANCE FROM SETBACK REQUIREMENTS FOR A PROPERTY LOCATED AT 301 YEATES STREET IN A R-2 ZONE WITH THE PARCEL # 102A-00-506.00
  - B. DISCUSSION OF CHANGING THE MEETING DATE FOR THE NOVEMBER MEETING.
- VI. ADJOURN

The Board considered the matter of the approval of the written agenda as amended dated October 23, 2019. Upon the motion of Ms. Moreland seconded by Mr. Jefferson, the Board voted unanimously to approve the written agenda.

**CONSIDERATION FOR APPROVAL OF THE MINUTES OF  
THE MEETING OF AUGUST 28, 2019**

After discussion and upon the motion of Ms. Moreland, seconded by Mr. Camp, the motion to approve the Minutes of the August 28, 2019 Board of Adjustments and Appeals meeting as amended received unanimous approval.

**NEW BUSINESS**

**A. VA 19-12 REQUEST FOR A VARIANCE FROM  
SETBACK REQUIREMENTS FOR A PROPERTY  
LOCATED AT 301 YEATES STREET IN A R-2 ZONE WITH  
THE PARCEL # 102A-00-506.00**

City Planner Daniel Havelin presented the request. This is a variance request by Heather Osborne on behalf of Mary Ann Henderson for Variance relief from setback requirements for a property located at 301 Yeates Street in a R-2 zone.

The applicant is in the process of purchasing the property to remove the existing house and build a new house. The existing house does not meet setbacks.

The request is to build a new house with setback similar to the existing house. The requested front setback is 5' the side setback to the north is 7' and 2' to the south. If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 5, 2019 meeting.

22 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

on September 24, 2019 and a sign was posted on the property. As of this date, the Planning Office has received no phone calls about this request.

Chairman Bill Webb opened the public hearing.

The applicant Heather Osborne came forward to speak in favor of the request.

Calling for and receiving no comments, the Chairman closed the public hearing. After discussion among the Board Members, Mr. Sullivan moved to approve VA 19-11, which was seconded by Mr. Camp and the Board voted 7 to 0 to recommend approval of this request.

**B. DISCUSSION OF CHANGING THE MEETING DATE  
FOR THE NOVEMBER MEETING.**

Mr. Nicovich moved that the November meeting be moved from November 27, 2019 to November 13, 2019 at 4:00 PM which was seconded by Ms. Moreland and the Board voted unanimously to approve this request.

**ADJOURNMENT**

After discussion, Mr. Camp moved to adjourn which was seconded by Mr. Nicovich, and the Board voted unanimously to adjourn until 4:00 p.m. on November 13, 2019 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)  
Emily Corban, Assistant City Planner (662-323-2525 ext. 3138)  
**Subject:** VA 19-13 Request by Jackson Construction for Variance relief from front setback requirements for lots 308-314 on Talamore Lane and lots 301-307 on Lamberton Lane in Phase 9 of Huntington Park Subdivision in an R-4 zoning district with the property # 105 -15-003.04  
**Date:** November 13, 2019

The purpose of this report is to provide information regarding a Variance Request by Jackson Construction for relief front setback requirements for Lots 308-314 on Talamore Lane and Lots 301-307 on Lamberton Lane in Phase 9 of Huntington Park Subdivision in an R-4 zoning district with the property # 105 -15-003.04. Please see attachments 1- 3.

**PROPOSED USE & BACKGROUND:**

The applicant is currently working on Phase 9 of Huntington Park subdivisions. This phase unique from the other phases in that there will be a large open common area in the center. The common area will be a park that is also used for stormwater detention. Lots 308-314 on Talamore Lane and lots 301-307 on Lamberton Lane front the common area and are accessed by a rear alley. The applicant is requesting relief from the front setback requirements to move the houses closer to the common area (see attachment 3). If the request for Variance is recommended for approval, the applicant's requests will be heard by the Board of Aldermen at the November 19, 2019 meeting.

**NOTIFICATION:**

10 property owners of record within 300 feet of the proposed sign location were notified directly by mail of this request. A public hearing notice was published in the Starkville Daily News on October 26, 2019 and a placard was posted on the property concurrent with publication of the notice. As of this date, the Planning Office has received one phone call requesting information about the request.

**VARIANCE REQUESTS FROM:**

Request #1- Appendix A- Zoning, Article VII, Sec. F- R-4 residential zoning regulations

***Sec. F. - R-4 residential zoning regulations.***

*These [R-4 residential] districts are intended to be composed mainly of zero lot line and cluster development type single-family dwellings, with duplex and three- and four-family dwellings also permitted. Mobile home parks and mobile home subdivisions are also permitted under certain special conditions. Appropriate residential support facilities are provided for along with certain yard and area standards to protect the open character of the district. [The following regulations apply to R-4 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, one-family dwelling: 3,200 square feet.*

*(b) Minimum lot width at building line: 34 feet.*

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

*(d) Minimum width of side yard (only one required): Ten feet.*

*(e) Minimum depth of rear yard: 20 feet.*

*(f) Maximum height of structure: 45 feet.*

*(g) Minimum distance between buildings: Ten feet.*

4. *Off-street parking requirements: See article VIII of this ordinance for requirements for other uses.*

### **VARIANCE REQUEST REQUIREMENTS:**

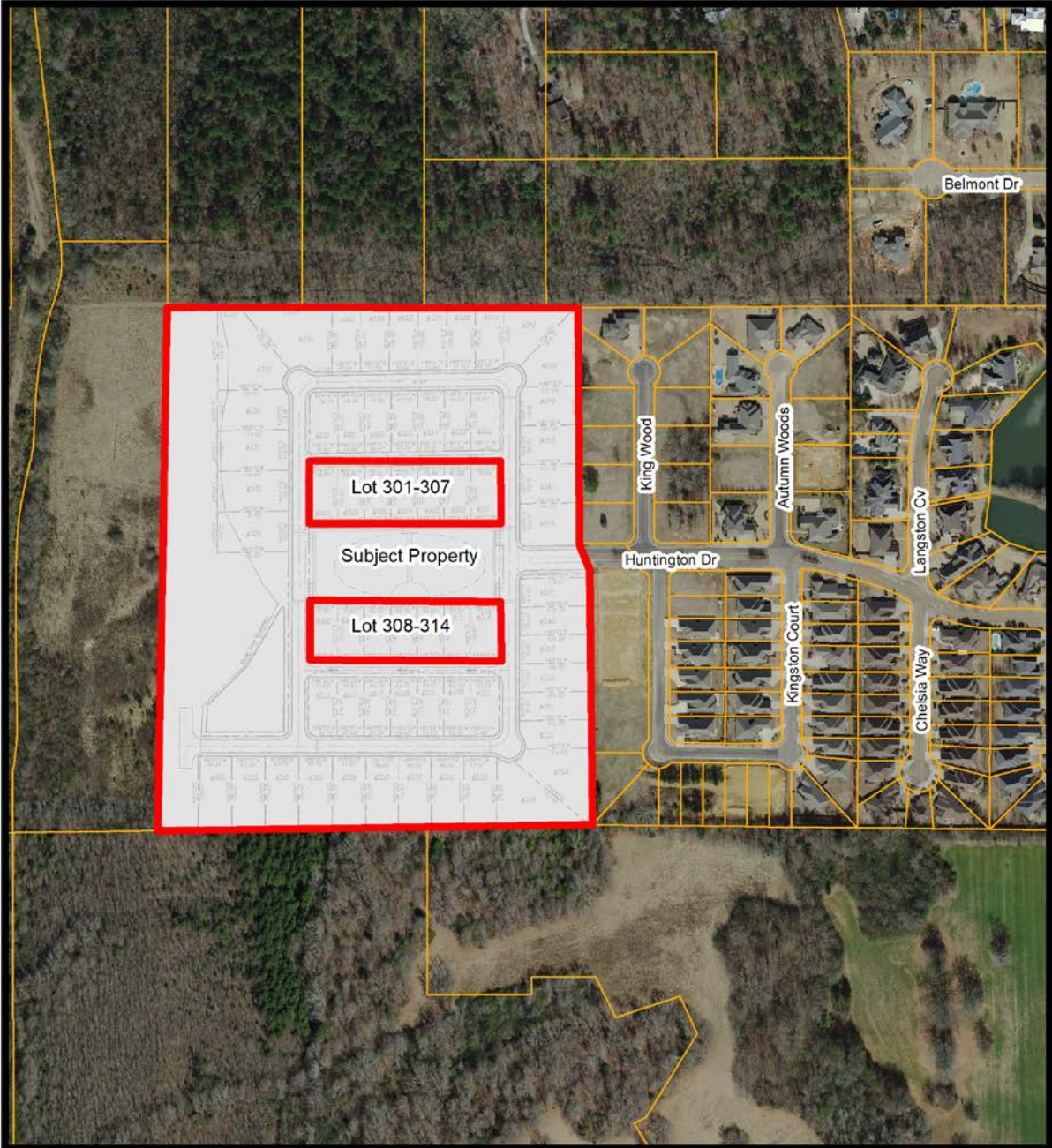
Appendix A, Article VI, Section K outlines four conditions a Variance request needs to meet:

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 19-13 Aerial

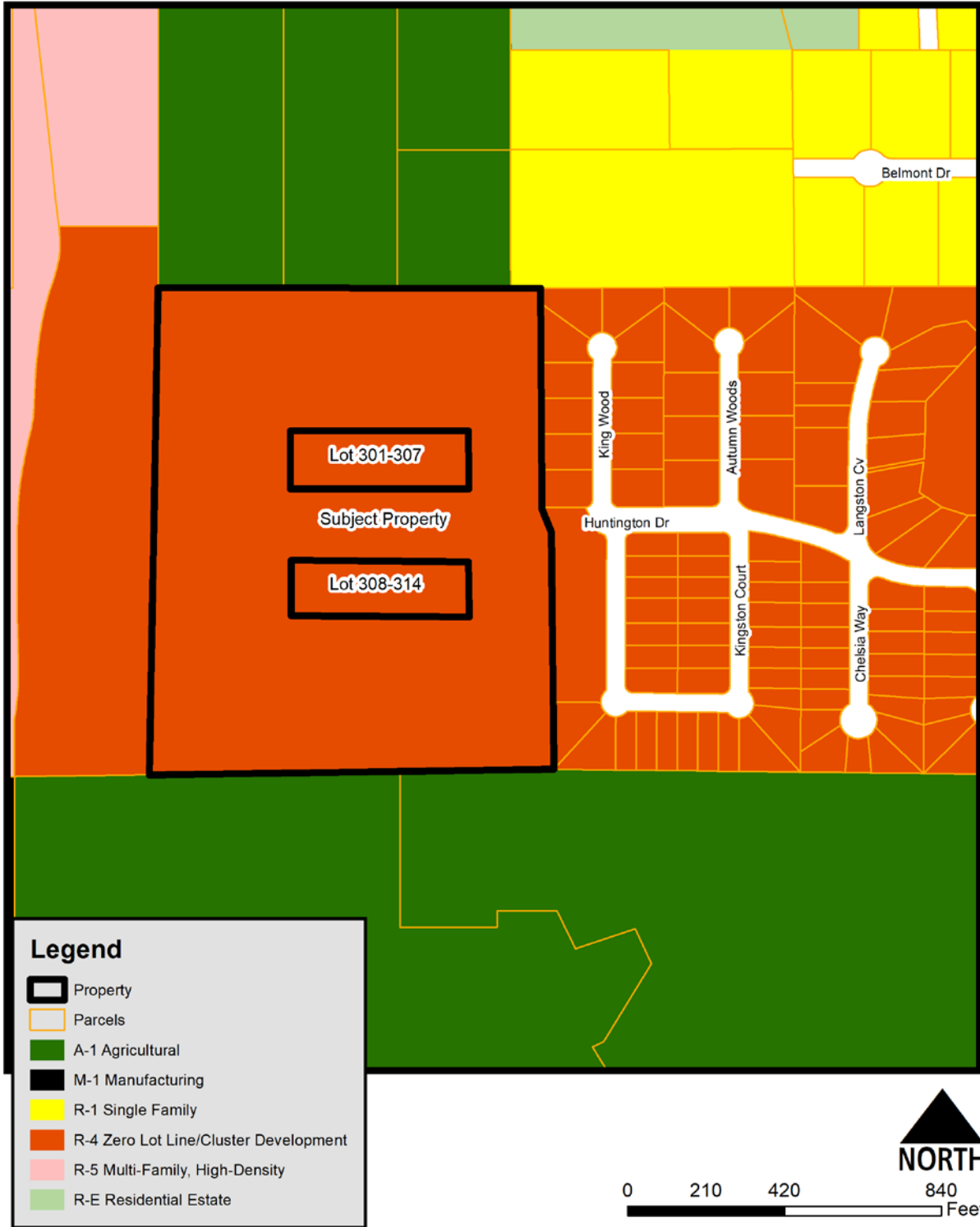


**Legend**

-  Property
-  Parcels



# Attachment 2 VA 19-13 Zoning



Attachment 3- Sketch of proposed setback

