

**APPROVED MINUTES OF THE MEETING OF
THE BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
September 28, 2022**

Be it remembered that the members of the Board of Adjustments & Appeals of the City of Starkville held their regularly scheduled meeting on September 28, 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, Kurt Gaude, Ward 2, Bo Richardson, Ward 3, and Shawn Sullivan, Ward 7. Commissioner George Ford, Ward 1 was absent. Physically present attending the Commissioners was City Planner Daniel Havelin and Assistant City Planner Lyle McCaskey.

Chairman Webb opened the meeting.

III. CONSIDERATION OF THE OFFICIAL AGENDA

**OFFICIAL AGENDA
BOARD OF ADJUSTMENTS & APPEALS
CITY OF STARKVILLE, MISSISSIPPI
MEETING OF WEDNESDAY, SEPTEMBER 28, 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 AUGUST 24, 2022
- V. NEW BUSINESS
 - A. PUBLIC HEARING AND CONSIDERATION OF VA 22-11 A REQUEST FOR VARIANCES FROM MAXIMUM LOT WIDTH AND MINIMUM FRONTAGE BUILDOUT FOR A PROPOSED DEVELOPMENT ON THE THREE LOTS ON RUSSELL STREET AT THE NORTHWEST CORNER OF THE INTERSECTION WITH JARNIGAN STREET IN A T₅-C ZONING DISTRICT.
 - B. PUBLIC HEARING AND CONSIDERATION OF VA 22-12 A REQUEST FOR A VARIANCE FROM STORMWATER AND PARKING SETBACK REQUIREMENTS AT UNIVERSITY CROSSING SHOPPING CENTER ON THE SOUTHWEST CORNER OF HIGHWAY 12 EAST AND BLACKJACK ROAD IN A C ZONING DISTRICT.
 - C. DISCUSSION AND CONSIDERATION OF AA 22-01 A REQUEST FOR AN ADMINISTRATIVE APPEAL OF STAFF'S DECISION TO REQUIRE A BOULEVARD TYPE ROAD FOR THE FUTURE ACCESS ROAD FOR THE ROW DEVELOPMENT ON THE WEST SIDE WALMART NEIGHBORHOOD MARKET.
- VI. ADJOURN

III. CONSIDERATION OF THE OFFICIAL AGENDA

The Board considered the matter of the approval of the written agenda dated September 28, 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 AUGUST 24, 2022

The Board considered the matter of the approval of the minutes of the August 24, 2022 Board of Adjustments and Appeals meeting. Upon the motion of Mr. Sullivan, seconded by Mr. Nicovich, the Board voted unanimously to approve the minutes.

V. NEW BUSINESS

A. PUBLIC HEARING AND CONSIDERATION OF VA 22-11 A REQUEST FOR VARIANCES FROM MAXIMUM LOT WIDTH AND MINIMUM FRONTAGE BUILDOUT FOR A PROPOSED DEVELOPMENT ON THE THREE LOTS ON RUSSELL STREET AT THE NORTHWEST CORNER OF THE INTERSECTION WITH JARNIGAN STREET IN A T5-C ZONING DISTRICT.

This is a request by Tabor Construction & Development for a variance from maximum lot width and minimum frontage buildout for a proposed development on the northwest corner of Russell Street and Jarnigan Street. The applicant is currently proposing to develop the site into a mixed-use development with residential and commercial units in two buildings. The parking for the site will be located in the rear of the property and new street parking will be added along Russell Street. The three existing lots will be combined into two lots. The width of the two proposed lots is +/- 134.5 feet for the western lot and +/-129 feet for the eastern lot. The maximum lot width for a T-5C zoning district is 120 feet. The proposed percentage of frontage buildout at the side setback of a corner lot is approximately 40.5% along Jarnigan Street. The minimum percentage of frontage buildout at the side setback of a corner lot is 65%. The applicant is requesting relief from maximum lot width and minimum frontage buildout

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

13 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 three phone calls. One for, one against, and one requesting information about the request. The Planning Office also received two letters against prior to the start of the meeting. Both letters against referenced the parking reduction request being heard by the Planning and Zoning Commission and not the variance being heard by the Board of Adjustments and Appeals.

Chairman Webb opened the public hearing to citizen comments.

Jeremy Tabor came forward to speak in favor of the request.

John Hartlien came forward to speak against 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. Richardson, duly seconded by Mr. Sullivan, the motion to approve VA 22-11 was unanimously approved.

B. PUBLIC HEARING AND CONSIDERATION OF VA 22-12 A REQUEST FOR A VARIANCE FROM STORMWATER AND PARKING SETBACK REQUIREMENTS AT UNIVERSITY CROSSING SHOPPING CENTER ON THE SOUTHWEST CORNER OF HIGHWAY 12 EAST AND BLACKJACK ROAD IN A C ZONING DISTRICT.

This is a request by John Granberry on behalf of Highway 12 East, LLC, for a variance from stormwater and parking setback requirements at University Crossing Shopping Center. The applicant is proposing to expand an existing building at the north east corner of the site. Since the development exists on one lot as a condo, any modification to a building as part of the condo could require the entire site to be brought into conformity with the Unified Development Code. As part of that, the parking lot will need to be modified and the stormwater requirements will need to be met. The parking lot is being proposed to be reworked to change the flow of traffic, add in required landscape islands, sidewalks, and landscaping. Due to existing dimensional constraints, some areas of the parking lot will not be able to meet the 5 foot parking setback. The existing site was developed prior to the any requirement to detain stormwater. To modify the existing site to meet the current stormwater requirements would be difficult and require extensive grading and piping. The applicant is requesting relief from stormwater requirements and minimum parking setback requirements.

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

39 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 one phone call requesting information about the request.

Chairman Webb opened the public hearing to citizen comments.

John Granberry came forward to speak in favor of the request.

Joel Reeves came forward to speak in favor of the request.

Michelle Chesteen came forward to speak against the request.

Cayla Clayton came forward to speak against the request.

City Engineer Cody Burnett 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. Sullivan, duly seconded by Mr. Gaude, the motion to approve VA 22-12 was unanimously approved.

C. DISCUSSION AND CONSIDERATION OF AA 22-01 A REQUEST FOR AN ADMINISTRATIVE APPEAL OF STAFF'S DECISION TO REQUIRE A BOULEVARD TYPE ROAD FOR THE FUTURE ACCESS ROAD FOR THE ROW DEVELOPMENT ON THE WEST SIDE WALMART NEIGHBORHOOD MARKET.

This is a request by John Granberry on behalf of Development Enterprises of Starkville, Inc, for administrative appeal of road type for a proposed access road. The applicant is currently working on a proposed mixed-use development directly east of Laquinta Inn. In order for the development to get access to Market Street and ultimately Highway 12 East, an access road will need to be construction across the property currently owned by Development Enterprises of Starkville, Inc. The City Engineer and City Planner have determined that the same road type of existing Market Street needs to be continued to service future commercial development to the east and service a possible future connection to Pat Station Road to the north. Existing Market Street is classified as "Minor Collector, Avenue, 2-Lane, Divided, Parking Optional". The applicants have proposed to use a modified version of the "Minor Collector, Main 2-Lane, Undivided". Section 5.3.3.F states "The City Engineer and City Planner shall review the street system for the proposed subdivision and shall classify all proposed streets in one of the categories listed in the City of Starkville Standards for Design & Specifications". Section 3.8 states "An administrative appeal is any appeal from administrative interpretations on all matters pertaining to the adopted codes of the City that does not require a variance, waiver, use exception, or special exception". Since the request is not a dimensional departure from the requirement, approval of an administrative appeal is required to use the proposed road type.

Chairman Webb opened the item for discussion.

City Engineer Cody Burnett came forward to answer questions about the request.

John Granberry came forward to answer questions about the request.

After a discussion and upon the motion of Mr. Sullivan, duly seconded by Mr. Nicovich, the motion to approve AA 22-01 was approved by a vote of 3-2.

VI. ADJOURNMENT

After discussion, Mr. Richardson moved to adjourn which was seconded by Mr. Nicovich, and the Board voted unanimously to adjourn until 4:00 p.m. on October 26, 2022 in the second-floor conference room located at 110 West Main Street, Starkville, MS.

Bill Webb, Chairman

Daniel Havelin, City Planner