



OFFICIAL AGENDA

BOARD OF ADJUSTMENTS & APPEALS

CITY OF STARKVILLE, MISSISSIPPI

WEDNESDAY, MAY 25, 2011

**4:00 PM IN THE CITY HALL BUILDING DEPARTMENT
101 E. LAMPKIN STREET, STARKVILLE, MS 39759**

- I. CALL TO ORDER
- II. ROLL CALL
- III. INTRODUCTION OF NEW BOARD MEMBER DR. DENNIS NORDIN, REPRESENTING WARD 4.
- IV. CONSIDERATION FOR APPROVAL OF THE APRIL 20, 2011 MEETING MINUTES
- V. NEW BUSINESS
 - A. VA 11-03: A REQUEST FOR A PUBLIC HEARING BY MR. NEIL COUVILLION TO CONSIDER GRANTING A VARIANCE TO APPENDIX A, ARTICLE VII, SECTION L(4) OF THE STARKVILLE CODE OF ORDINANCES TO GRANT AN 11-FOOT ENCROACHMENT INTO A REQUIRED REAR YARD BUILDING SETBACK, CREATING A 9-FOOT REAR YARD IN LIEU OF THE 20 FEET REQUIRED TO ALLOW FOR THE CONSTRUCTION OF A NEW BUILDING IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 827 MS HIGHWAY 12 WEST IN WARD 2.
- VI. PLANNER REPORT
- VII. ADJOURNMENT

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City's ADA Coordinator at least 48 hours in advance of the meeting at (662) 323-8012, ext. 119.

UNAPPROVED

**MINUTES OF THE MEETING OF THE
BOARD OF ADJUSTMENTS & APPEALS
THE CITY OF STARKVILLE, MISSISSIPPI
APRIL 20, 2011**

The Board of Adjustments and Appeals held a meeting at 4:00 PM in the Building Department at City Hall. Members present included Dr. Milo Burnham from Ward 2, Dr. Jeff Markham from Ward 3, Mr. Larry Bell from Ward 5, Mr. James Johnson from Ward 6 and Mr. John Hill from Ward 7. Mr. Larry Bell, Board Chairman, called the meeting to order. Attending the Board Members was City Planner, Ben Griffith and Recording Secretary, Sara McHann. Ms. Patricia McCarthy from Ward 1 was absent from the meeting and Ward 4 is not represented at this time.

CONSIDERATION OF APPROVAL OF THE MINUTES OF MARCH 23, 2011

There came before the Board of Adjustments & Appeals the matter of approval of the March 23, 2011 meeting minutes. After discussion and upon the motion of Dr. Burnham, seconded by Dr. Markham, the Board voted unanimously to approve said minutes.

**A REQUEST BY SALLY & ANDREW PEARSON TO CONSIDER GRANTING
A VARIANCE TO APPENDIX A, ARTICLE VII, SECTION C (3) D OF THE
STARKVILLE CODE OF ORDINANCES TO GRANT A 25-FOOT
ENCROACHMENT INTO A REQUIRED REAR YARD BUILDING SET BACK,
CREATING A 10-FOOT REAR YARD IN LIEU OF THE 35 FEET REQUIRED,
TO ALLOW FOR THE CONSTRUCTION OF A DETACHED GARAGE IN AN
R-1 (SINGLE FAMILY) ZONING DISTRICT LOCATED AT 822 PINE CIRCLE
IN WARD 3**

Next there came before the Board of Adjustments & Appeals item #VA 11-02: a request by Sally & Andrew Pearson to consider granting a variance to appendix A, article VII, section C (3) D of the Starkville Code of ordinances to grant a 25-foot encroachment in to a required rear yard building set back, creating a 10-foot rear yard In lieu of the 35 feet required, to allow for the construction of a detached garage in an R-1 (Single Family) zoning district, located at 822 Pine Circle in Ward 3.

Mr. Andrew Pearson and his contractor, Mr. Terry Jones presented the request.

Mr. Pearson told the members he intends to build a detached garage which will be 936 square feet in size with two storage areas. The garage will be built in the northeast corner of the back yard. The existing storage shed will be demolished and the proposed garage will be built in the same place. There are also plans to put in a new driveway to access the proposed garage.

After discussion, Mr. Johnson made a motion to approve the request based on the findings of fact and conclusion of the staff report and following conditions:

1. The encroachment shall extend no more than twenty-five (25) feet into the rear yard building setback.
2. The accessory structure shall not be used as a dwelling unit.
3. The applicant shall obtain a building permit and begin construction within ninety (90) days of the approval by the Board of Adjustments & Appeals.
4. The variance shall run with the land.
5. All of the above conditions shall be fully and faithfully executed or the variance shall become null and void.

Mr. Hill seconded the motion and the Board voted unanimously to approve the variance request.

PLANNERS REPORT

Mr. Griffith stated that there would be a meeting on May 25th for a rear yard building setback for a commercial building that would back up to the railroad tracks along MS Highway 12 West.

Mr. Griffith also stated that the terms for the two Board members from Ward 1 and 5 were about to end and that both were not eligible for re-appointment. He stated that staff would be asking the Board of Aldermen for authorization to advertise for these and other appointed positions for various boards and committees. He asked the members to pass the word along to anyone living in those two wards who they thought would be interested.

ADJOURNMENT

There being no further business before the Board of Adjustments & Appeals, a motion to adjourn was made by Dr. Burnham and seconded by Mr. Johnson at 4:15 PM.

Larry Bell, Chairman

Ben Griffith, AICP, City Planner



THE CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759-2944

STAFF REPORT

TO: Members of the Board of Adjustments & Appeals
FROM: Ben Griffith, AICP, City Planner (662-323-8012 ext. 119)
CC: Neil Couvillion, RLA, Applicant
SUBJECT: VA 11-03: Variance request for Advanced Collision Repair located at 827 MS Highway 12 West Parcel Numbers 102L-00-014.01 and 102L-00-015.02
DATE: May 16, 2011

The purpose of this report is to provide you with information regarding the request of Mr. Neil Couvillion to review a variance to Appendix A, Article VII, Section L(4) of the City of Starkville's Code of Ordinances to grant an 11-foot encroachment into a required rear yard building setback, creating a 9-foot rear yard in lieu of the 20 feet required to allow for the construction of a new building. Chapter 2, Article VI of the City's Code of Ordinances provides specific criteria for the review and approval of requests.

BACKGROUND

General Information:

The applicant is proposing to construct a new metal building approximately 2,835 square feet in size which will accommodate an automobile painting booth. It is highly desirable to locate these types of uses as far as possible from other activities due to the possibility of paint overspray and fumes. The proposed location at the rear of the subject property and adjacent to a railroad track is the most appropriate for the site.

Nine property owners of record within 300 feet of the subject property were notified directly by mail of the variance request. A public hearing notice was published in the Starkville Daily News on Friday, May 6, 2011 and a placard was posted on the property concurrent with publication of the notice.

Legal Description: PART OF LOT 8, BLOCK 86 AS SHOWN ON THE MICHAEL BAKER OFFICIAL MAP OF THE CITY OF STARKVILLE, MISSISSIPPI.

Location: the subject property is located on the south side of MS Highway 12 West, approximately 1,000 feet west of Airport Road, to the east of Zaxby's restaurant.

Parcel Size: the subject property is approximately 22,558 square feet or 0.52 acres in size.

Physical Characteristics: the subject property is currently developed with several metal buildings and used as an automotive body shop.

Zoning Classification: C-2 (General Business)

Setback Dimensions: Front 20' Side 20' Rear 20' Max. Bldg. Ht. 45'

Adjacent Zonings / Land Uses:

Direction	Zoning	Current Use
North	C-2	Lowe's Home Center
East	C-2	Commercial Strip Center
South	M-1	Gulf States Manufacturing
West	C-2	Zaxby's Restaurant

Appendix A, Article VI, Section K of the City's Code of Ordinances provides relief from the requirements of the land development regulations when such relief will not be contrary to the public interest and, where, owing to special conditions, a literal enforcement of the provisions of the land development regulations would result in an unnecessary hardship. When appropriate, the Board of Adjustments & Appeals may prescribe appropriate conditions and safeguards in the granting of the variance. In determining whether or not sufficient justification for the granting of a variance has been fulfilled, the Board of Adjustments & Appeals must find that the following criteria have been met. The criteria are outlined below, along with analysis of the conformance of the request with the variance standard.

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

The subject property is an odd shape which has encouraged an odd arrangement of the existing structures located there. The subject property also backs up to the Kansas City Southern railroad tracks which have not been heavily used for some time now.

2. That the special conditions and circumstances do not result from the action or negligence of the applicant.

The applicant did not plat the lot in its current configuration and wishes to utilize it to the best of his ability to accommodate his growing automotive body business.

3. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

No special privileges would be conferred on the applicant that could be denied to others in the same district. The proposed metal building would be in character with others located on the subject property and in the general vicinity, used for similar purposes.

4. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

Literal interpretation of the land development regulations and building setbacks would limit the size of the building proposed to be constructed which would not suit the applicant's specialized needs, possibly forcing him to relocate his growing business in the near future.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance requested is the minimum required to construct the proposed building adjacent to the Kansas City Southern railroad tracks which would be least impacted of all adjacent land uses.

6. That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The variance requested will be in harmony with the general intent and purpose of the land development regulations and the variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

CONCLUSIONS

If the Board of Adjustments & Appeals were to grant the variance request to allow an 11-foot encroachment into a required rear yard building setback, creating a 9-foot rear yard in lieu of the 20 feet required to allow for the construction of a new building at 827 MS Highway 12 West, as proposed by the applicant on the application dated April 18, 2011, the approval would be based on the findings of fact and conclusions of this staff report dated May 16, 2011, and the following conditions:

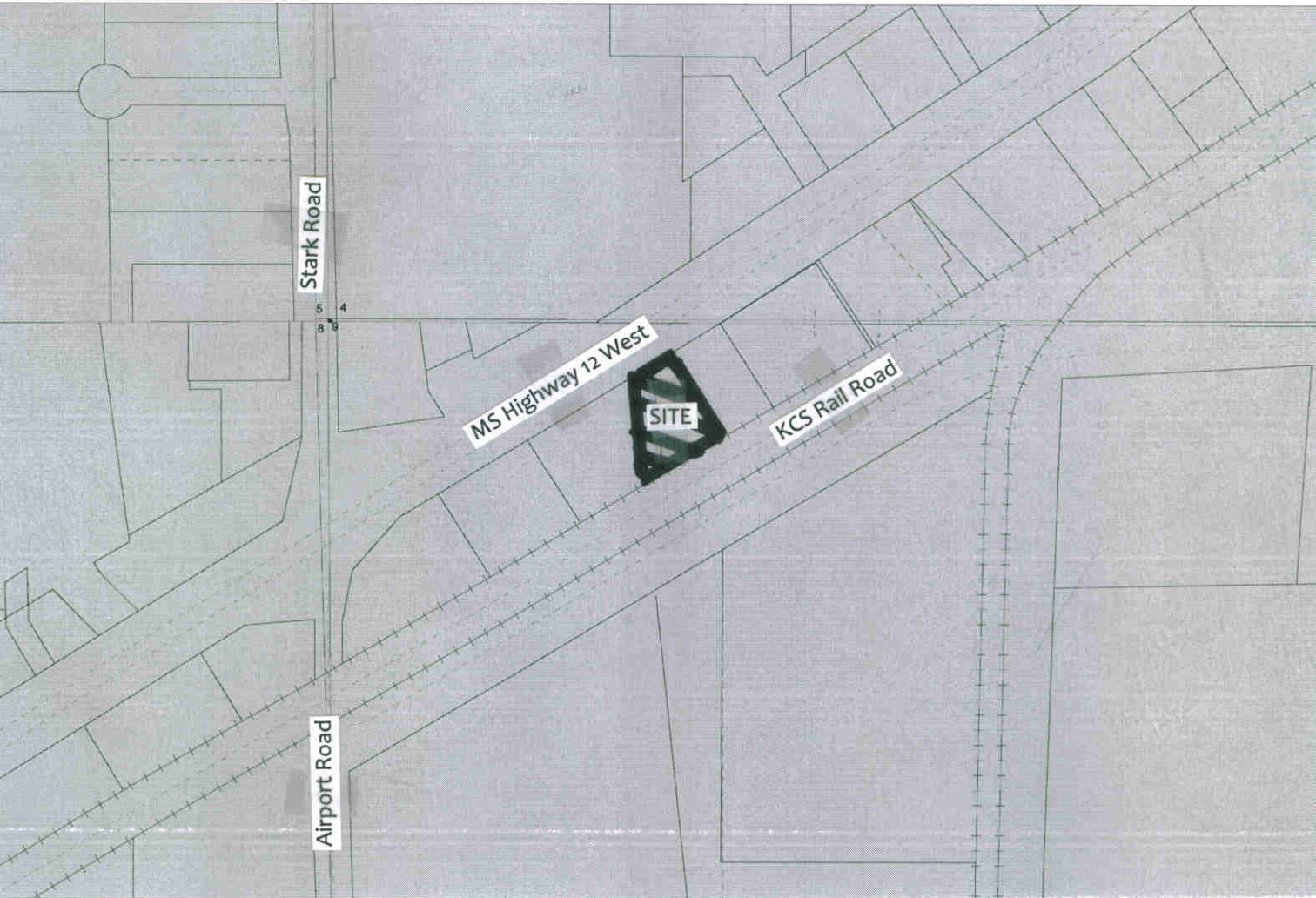
1. The encroachment shall extend no more than eleven (11) feet into the rear yard building setback.
2. The proposed building shall be located in the approximate location identified on the "variance plan" dated April 18, 2011, provided by the applicant and shall not exceed 2,835 square feet in size.
3. The applicant shall obtain a building permit and begin construction within ninety (90) days of the approval by the Board of Adjustments & Appeals.
4. The variance shall run with the land.
5. All of the above conditions shall be fully and faithfully executed or the variance shall become null and void.

CITY OF STARKVILLE
BOARD OF ADJUSTMENTS & APPEALS
CASE LOCATOR MAP

Case # VA 11-03

Ward # 2

Date of Public Hearing: Wednesday, May 25, 2011

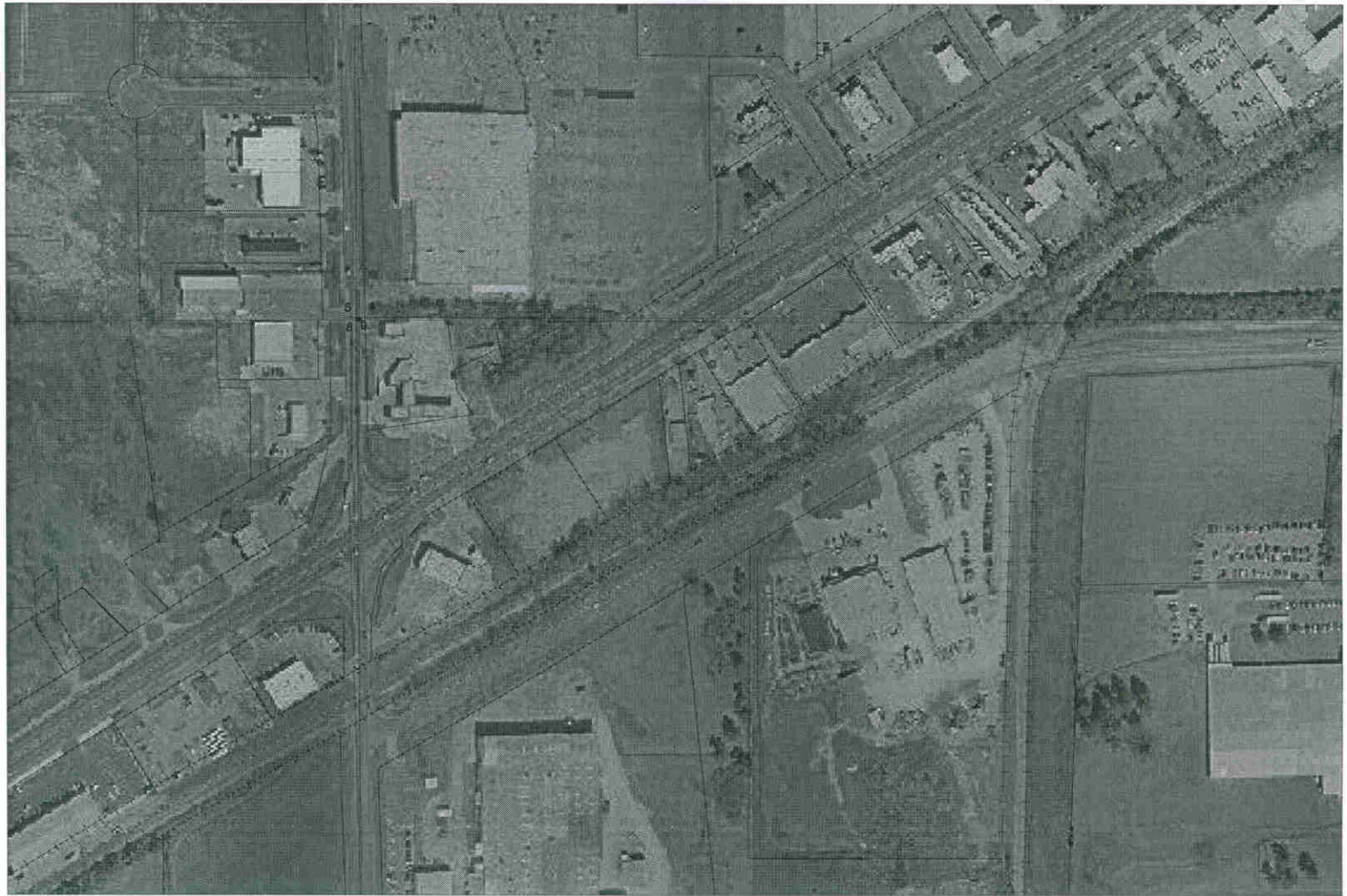


North



Not to Scale

OKTIBBEHA, MISSISSIPPI



Sunday, April 24, 2011 2:49 PM

ADVANCED COLLISION REPAIR

APRIL 18, 2011

VARIANCE PLAN

