

**BOONE COUNTY BOARD OF ADJUSTMENT**  
BOONE COUNTY GOVERNMENT CENTER  
801 E. WALNUT ST., COLUMBIA, MO.  
Thursday, May 22, 2003

Chairperson Rootes called the meeting to order at 7:00 p.m. in the Boone County Commission Chambers having a quorum present.

Chairperson Rootes read the procedural statement stating that this Board is appointed by the Boone County Commission to consider specific application of the zoning and subdivision regulations. The Board is empowered to enter rulings that may give relief to a property owner from the specific application of the Zoning and Subdivision regulations. Generally, variances can only be granted in situations where by reason of shape, topography or other extraordinary or exceptional situation or condition of a specific ordinance would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as relating to the property. A variance from the strict application of this ordinance can be granted provided the relief requested will not substantially impair the intent, purpose and integrity of the zoning regulations.

Notice of this meeting has been published in accordance with our by-laws for the proper number of days. All decisions of the Board are based on the zoning or subdivision regulations for Boone County, Missouri, and they are hereby made a part of the record of this meeting.

This Board is comprised of five members, with three members constituting a quorum. An applicant must receive at least three votes in order to receive the relief that they have requested from the Board. Any applicant appearing before this Board has the right to be heard by all five members. At times that all five members are not present, the applicant, and only the applicant, may choose to wait until such time as all five members are present to hear their request.

Roll call was taken:

Present: Linda Rootes, Chairperson  
Tom Trabue  
Cindy Bowne  
Gregory Bier  
Matthew Thomas

Absent: None

Also present: Thad Yonke, Staff                      Bill Florea, Staff  
Paula Evans, Secretary

Minutes of the March 27, 2003 meeting were approved no corrections.

## **REQUEST**

1. Case Number 2003-008

Request by William and Patty Zschoche to allow an accessory structure prior to construction of a primary structure on a lot located at 3501 Old Field Rd., Columbia. **Zoning Regulations, Section 7. A. (5).**

Planner, Thad Yonke gave the staff report stating that this property is located in section 33, township 48 N, range 13W. The current zoning is RS. The adjacent zoning is also RS. The tract is located in Country Farms Subdivision on the south west side of Columbia. There is a metal accessory structure on the proposed lot which is the land use. The requested variance is to allow an accessory structure prior to construction of a primary structure. The County Commission approved a request to vacate and replat lot 7 in April of 2003. The applicant has submitted a plat that divides lot 7 in to three lots. This request is to allow the existing accessory structure on what will be lot 7A to remain pending construction of a dwelling at a future date. This is the original zoning for this tract, Country Farms Subdivision was platted in 1977. The requested variance is from zoning regulations section 7.A.5. Staff notified 27 property owners.

Present: William Zschoche, 3501 Old Field Road, Columbia

Mr. Zschoche stated that the applicants would like a variance for the secondary structure to remain until the primary structure is built. Mr. Zschoche stated that he didn't know that this was a problem until it all came up in the survey. It is a nice barn, it is not a run down shack. Someone may buy the whole tract and the problem will be resolved anyway but right now applicants are asking for a variance to take the three acres and leave the secondary structure until someone buys the property. If someone were to buy the property the secondary structure would probably go away and it would be a new set of circumstances.

Open to public hearing.

No one spoke in favor of or in opposition to the request.

Closed to public hearing.

Member Bier asked the applicant if he was planning to keep the lot for applicants personal lot.

Mr. Zschoche stated things change everyday so who knows. It may be sold as 10-acres or maybe 6-acres and the house or it may be sold as three acres and the barn could be torn down. The barn is metal and is used for horses, it is not an eyesore.

Chairperson Rootes stated that the plat shows lot 7A where the barn is and 7B where the house is. Chairperson Rootes asked where lot 7C is located.

Mr. Zschoche stated it is to the east of the house lot. There are three lots on the 10-acres and you could divide it in to thirds.

Chairperson Rootes stated there are no structures on lot 7C.

Mr. Zschoche stated no.

Chairperson Rootes stated that there have been some occasions in the past where there are similar situations and the variance that was granted was for a certain length of time to guarantee that the secondary structure would go away sometime if the house was never built there.

Mr. Yonke stated that the Miller request from a couple of months ago was in the exact same subdivision and was a similar request.

Member Bowne stated that there were no conditions on that request.

Mr. Yonke stated that each variance request is an individual request and is weighed on its own. Conditions can be placed there if the Board feels that they are necessary. On the other hand from a staff point of view that it makes much difference. This is a provision in the regulations to keep someone from buying two lots in a subdivision and building a house on one lot and a garage on the other lot then using the garage as a commercial business or things like that when renting the house or buying a vacant lot in a subdivision putting up a commercial type barn then running a business out of it when they don't live in that neighborhood. That is the reason it is in the regulations, people do get caught on it. The only reason to have a stipulation on the structure is if you felt the structure would cause a problem if it were there for an extended period of time. From its location odds are it is going to end up either being removed when a house gets put in or a house is going to be put in that will work with the barn. The only thing that should be pointed out is tract 7A, once it is legally divided and they were wishing to build the house on the rear portion of the lot then they would be back for another variance because you can't have an accessory structure in front of the primary structure.

Member Trabue stated that what staff pointed out was an important point.

Mr. Yonke stated that there was another part of the regulations which isn't relevant to this now is if a house was being built on the lot, one of the regulations says that you can't have an accessory structure in front of the primary structure.

Member Trabue stated that it is a nice structure and could see someone wanting to save it.

Mr. Yonke stated that both the barn and the house need to be back behind the 50-foot building line.

Member Bowne asked the applicant if he lived in the neighborhood.

Mr. Zschoche stated yes. His house is located on lot 7B.

Member Bowne asked if the applicant was going to continue the insurance on the barn.

Mr. Zschoche stated yes.

Chairperson Rootes stated that the structure in question is quite attractive and the whole neighborhood seems to have similar structures, there are no houses close to it.

Mr. Yonke stated that staff received no calls from the neighbors.

Mr. Zschoche stated that he received a lot of questions from the neighbors.

Member Trabue made and Member Bier seconded a motion to **approve** a request by William and Patty Zschoche to allow an accessory structure prior to construction of a primary structure on a lot located at 3501 Old Field Rd., Columbia. **Zoning Regulations, Section 7. A. (5).**

Chairperson Rootes	Yes	Member Trabue	Yes
Member Bowne	Yes	Member Bier	Yes
Member Thomas	Yes		

Motion to approve request carries unanimously. 5 Yes

### **NEW BUSINESS**

### **OLD BUSINESS**

None.

### **ADJOURN**

Meeting adjourned at 7:22 p.m.

Respectfully Submitted,

Paula L Evans  
Secretary

Minutes approved this 26th day of June 2003.

DRAFT