

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, August 28, 2003

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

Chairperson Bowne 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: Cindy Bowne, Chairperson
Matthew Thomas, Vice-Chairperson
Tom Trabue
Linda Rootes

Absent: Gregory Bier

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

Minutes of the July 24, 2003 meeting were approved with a correction in the Beatty/Love staff report. The sentence that states "They would like to rebuild in the same location." should be omitted. Minutes approved as corrected.

REQUEST

1. Case Number 2003-012

Request by Beverly Roemer for a variance from the minimum lot size requirement of 2.5 acres in the A-2 Zoning District for 2.09 acres located at 14531 Hwy YY, Harrisburg. (**Zoning Regulations, Section 11. A.**)

Member Trabue stated that he will abstain from the proceedings of this request.

Planner, Bill Florea gave the staff report stating that the current zoning of the property is A-2; adjacent zoning to the north is C-G all other adjacent zoning is A-2. The site is located 3 1/2 miles east of Harrisburg near the intersection of Highway 124 and Highway YY. There is a mobile home on this tract. The applicant would like to replace the mobile home with a newer unit. This tract contains 2.09 acres in an area requiring a minimum lot size of 2.5 acres. The original zoning for this tract is A-2. It was part of an adjoining tract that was rezoned to C-G in 1983. The owner also submitted a request to the Board of Adjustment to place a mobile home on the balance of the property, which was 2 acres, more or less. That request was approved and the mobile home placed. Subsequent to these approvals, the tract was split by means of a family transfer. It appears that an inadequate legal description was done at that time such that the mobile home actually straddled the line between the two lots.

The new owner wants to replace the mobile home that is there with a newer one, however, to use the same site improvements, the two lots must be joined in to one lot. The two lots together do not meet the minimum lot size for the A-2 district. The requested variance is from zoning regulations, section 11.A. Staff notified 16 property owners.

Present: Beverly Roemer, 14531 Highway YY, Harrisburg.

Ms. Roemer stated that she bought 1 1/2 acres and it had an older mobile home on it. Then she bought a piece of property next door and the woman she bought it from spoke to the next door neighbors and supposedly they had 3 acres so they could sell a 1/2 acre to make her property enough. It turned out that she didn't have enough. The applicants have two pieces of property that are adjacent from the road but the whole thing only makes 2.1 acres instead of 2.5. Applicants have tried to purchase the additional .4 from the neighbors and due to their circumstances they aren't in a position to sell it. Ms. Roemer stated that her daughter and son-in-law live there and they want to stay. They would like to put a newer mobile home there and then build eventually.

Open to public hearing.

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

Closed to public hearing.

Chairperson Bowne asked how long the applicants daughter has lived at the site.

Ms. Roemer stated 3 years.

Chairperson Bowne asked if the home to be placed on the property is newer than the home currently there.

Ms. Roemer stated the applicant is looking for a 1989 or newer; possibly a doublewide, maybe a singlewide.

Member Thomas asked if the home would be placed where the existing home is.

Ms. Roemer stated yes. The home that is out there now is getting unsightly and is not in very good living condition.

Member Rootes stated that she visited the property and the property is rolling from the street and there are only certain places where you could site a home. The home would look appropriate and would be an improvement to the neighborhood to have it upgraded.

Member Thomas stated that he didn't see any problems with it

Chairperson Bowne stated that she didn't see any problem with placing the home in the same location.

Member Thomas made and Member Rootes seconded a motion to **approve** a request by Beverly Roemer for a variance from the minimum lot size requirement of 2.5 acres in the A-2 Zoning District for 2.09 acres located at 14531 Hwy YY, Harrisburg.

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| Chairperson Bowne | Yes | Member Rootes | Yes |
| Member Thomas | Yes | Member Trabue | Abstain |

Motion to approve request carries. 3 Yes 1 Abstain 0 No

Ms. Roemer asked if the applicants could put a double wide or a single wide on the property.

Mr. Florea stated that the variance allows the two lots to be combined in to one lot, that has to be done by a subdivision plat. Single wide mobile homes are not allowed in subdivision plats unless the lots are 5 acres or greater. To put a single wide on the property would require a conditional use permit, which is a special permit you get by going through the Planning and Zoning Commission and the County Commission. After the subdivision plat is completed the double wide would just require a building permit. If the applicants want to upgrade to a double wide it will be easier through the regulatory process. If the applicants want to go with a single wide then another permit would be required from the County Commission.

Ms. Roemer stated that it was a possibility to have a singlewide on the property.

Mr. Florea asked that Ms. Roemer contact him if the applicants decided to go with a single wide and he would explain the process and get her the application materials.

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2. Case Number 2003-013

Request by Edwin Quinn for a variance from the required 50-foot building setback for an existing home located at 5000 E. Soft Pit Hill Road, Hartsburg. **(Zoning Regulations Section 10. A.)**

Member Trabue stated that he would abstain from the proceedings of this request.

Planner, Thad Yonke gave the staff report stating that the current zoning of the property is A-2 as is the adjacent zoning. This site is located approximately 6 miles south of Ashland, 1 mile west of Highway 63. There is an existing house on this property. The applicant has submitted and administrative survey for a 13.43 acre tract. As a result of providing a required 33-foot half width right of way, the existing house will

not be able to comply with the required 50-foot front setback. The original zoning for this tract is A-2. The requested variance is from zoning regulations, section 10.A. Staff notified 16 property owners.

Present: Steve Proctor, surveyor, 1901 Pennsylvania, Columbia.

Mr. Proctor stated that the applicant bought the property from the applicants brother 20 years ago. The applicant was unaware that there was any setback regulations because he owned more than 40 acres. When the applicant started dividing that up in to 10-acre tracts he dedicated that 33-foot half width right of way which is required for the type of platting for the subject property.

Open to public hearing.

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

Closed to public hearing.

Member Thomas asked how old the house was.

Mr. Proctor stated about 20 years.

Member Rootes asked the situation with the fact that the applicant owned more than 40 acres; would the setback have been different then?

Mr. Yonke stated not really, it would depend on when the house was built. If the house was built prior to 1973 then there would have been no setback requirement.

Mr. Florea stated that the house is currently 33 1/2 feet from the right of way line; that is after the dedication which made it 66 feet which met the requirement at the time. They didn't anticipate the regulations would change.

Chairperson Bowne stated that the house is still in good condition; it is not a hazard to the neighborhood.

Member Rootes asked if the Board could limit expansion.

Mr. Florea stated the Board could condition the variance so if the building is ever demolished or destroyed by any means the applicants would have to rebuilt in compliance and limit any further encroachment on the setback area.

Chairperson Bowne asked what if the applicants wanted to add on to the home.

Mr. Florea stated that is up to the Board; the Board could condition the request to prevent that or they could decide not to condition the request which would then probably allow it.

Mr. Proctor stated that the home is an earth contact so if the applicants decide to add to it they would go away from the road.

Member Rootes made a motion to approve the variance conditioned on no additional encroachment in to the setback.

Member Rootes made and Member Thomas seconded a motion to **approve** a request by Edwin Quinn for a variance from the required 50-foot building setback **with the condition that no**

additional encroachment in to the setback would be permitted for an existing home located at
5000 E. Soft Pit Hill Road, Hartsburg.

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| Chairperson Bowne | Yes | Member Thomas | Yes |
| Member Rootes | Yes | Member Trabue | Abstain |

Motion to approve request carries. 3 YES 1 Abstain 0 NO

NEW BUSINESS

None.

OLD BUSINESS

None.

ADJOURN

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 25th day of September 2003.