

## **BOONE COUNTY BOARD OF ADJUSTMENT**

**BOONE COUNTY GOVERNMENT CENTER**

**801 E. WALNUT ST., COLUMBIA, MO.**

**Thursday, March 23, 2006**

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

Chairperson Bier 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: Gregory Bier, Chairperson  
Frank Thomas, Vice-Chairperson  
William Hatfield

Absent: Cindy Bowne  
Vacant Seat

Also present: Thad Yonke, Staff  
Bill Florea, Staff  
Uriah Mach, Staff  
Chris Crane, Secretary

Minutes of the February 23, 2006 meeting were approved with corrections

## **REQUEST**

1. Case Number 2006-002

Request by Aubrey and Kimberly Weger for a variance from the 50' front setback in the A-2 (Agriculture) district for existing structures located at 4905 Rte F., Clark, (**Zoning Regulations Section 10. A.**).

Planner, Thad Yonke gave the staff report stating the property is located at 4905 Route F, Clark. The property is zoned A-2, agriculture as is all the adjacent zoning. The site is located on State highway F approximately 4.5 miles west of highway 63. There is a house, barn, detached garage, and other outbuildings on the property. The applicant would like to survey a 10-acre parcel that will include the house and the barn. The existing barn is located well within the front setback; the southeast corner of the house also encroaches in to the front setback. The original zoning for the tract is A-2; the applicant has indicated that he believes the house was built in 1973, prior to the adoption of the zoning regulations. The barn was built in 1976. It should be noted that prior to 1985 building permits were not required for any type of construction on tracts that were larger than 10-acres. The requested variance is from the zoning regulations, section 10.A. which requires a front setback of 50-feet in the A-2 zoning district. Staff notified 6 property owners.

Present: Aubrey Weger, 4905 Route F, Clark.  
Kimberly Weger, 4905 Route F, Clark.

Mr. Weger stated the barn was built by Robert Conrad in the mid 1970's. It was originally part of the Conrad farm. The house was also built by the Conrad family. The barn was in constant use by the applicants.

Open to public hearing.

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

Closed to public hearing.

Chairperson Bier asked staff if they heard from any of the neighbors.

Mr. Yonke stated no.

Chairperson Bier asked if there were utilities hooked up to the barn.

Mr. Weger stated yes; he has electricity run to the barn.

Chairperson Bier asked if it was a pole barn type structure.

Mr. Weger stated yes.

Chairperson Bier asked what type of floor it has.

Mr. Weger stated it has a dirt floor.

Chairperson Bier asked if there was another residence that is further west on Route F and what is the closest residence to the barn besides the applicants home.

Mr. Weger stated there is a residence approximately 300 feet down the road on the other side of the street.

Chairperson Bier stated these 10-acres that the variance is requested for does the applicant intend on keeping the barn; the applicants are building another residence to the east.

Mr. Weger stated he is selling the 10-acres. The barn has been there for years and hasn't caused any problems; the neighbors are used to it. The barn is well maintained. The applicants never considered the barn to be a problem.

Mr. Yonke stated when the plat was done on the first one the plat was just around the house and the bulk of the property remained; the barn was not an issue then.

Mr. Weger stated the potential buyer is specifically buying the property so he could get the barn for his horses.

Mrs. Weger stated she would rather not take the barn down; the applicants have had a lot of good family time in there with their kids. The applicants have had farm animals in there are there are a lot of good memories.

Chairperson Bier asked what type of siding the barn has.

Mrs. Weger stated it has tin siding.

Chairperson Bier stated that normally when the Board looks at variances like this we always put a clause on it that if the variance is granted it is for the barn "as is where is". So if there is ever any significant damage to the barn it comes down.

Mr. Weger stated the applicants are aware of that. Six years ago the applicants were hit with a tornado that took part of the roof off and Mr. Yonke informed the applicants that if the applicants took out that corner of the house they couldn't put it back. The applicants have been notified by MoDot that the 10 acres would have to remain 10 acres because of the drive.

Chairperson Bier stated that the Board needs to clarify on the variance is for the barn and for the front corner of the house. Chairperson Bier asked staff if the Board needed to add in the fact that the barn technically sits in front of the house.

Mr. Yonke stated yes; it is a little weird because of the way the road curves. It really does need that variance as well.

Member Hatfield stated he assumed the 6 people that were notified were the ones across the road.

Mr. Yonke stated it is from the perimeter of the property so it is going to catch those people and people on both sides and on the back.

Mr. Weger stated the people across the street are his son's teacher.

Member Bier made and Member Thomas seconded a motion to **approve** a request by Aubrey and Kimberly Weger for a variance from the 50' front setback in the A-2 (Agriculture) district for the barn and house and also allow the barn to remain in the front of the house located at 4905 Rte F., Clark, (Zoning Regulations Section 10. A.) **with the following condition:**

- The existing structure(s) maintain the same location, footprint, and square footage. If the existing structure(s) has been damaged, by any cause, equal to more than seventy-five percent of the actual value of the structure immediately prior to the damage then any replacement structure must be built in compliance with the required setback.

Member Bier	Yes	Member Hatfield	Yes
Member Thomas	Yes		

Motion to approve request carries.      3 Yes      0 No

Chairperson Bier stated that normally the Board is usually a little skeptical of pole barns but in looking at this one it seems to be in more of a rural part of Boone County where it is not such an issue as some of those that are closer to the city limits.

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**OLD BUSINESS**

None.

**NEW BUSINESS**

None.

**ADJOURN**

Meeting adjourned at 7:20 p.m.

Respectfully Submitted,

Paula L Evans  
Secretary

Minutes approved this 27th day of April, 2006.