

## **BOONE COUNTY BOARD OF ADJUSTMENT**

**BOONE COUNTY GOVERNMENT CENTER**

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

**Thursday, April 27, 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  
Cindy Bowne

Absent: William Hatfield  
Vacant Seat

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

Minutes of the March 23, 2006 meeting were approved by acclamation.

## **REQUEST**

### Case Number 2006-003

Request by Bonnie F. Martin to permit a mobile home as a second dwelling on 5.0 acres, located at 10701 N Flynt Ln., Hallsville (**Zoning Regulations Section 15.C.4.d.**).

Planner, Bill Florea gave the staff report stating that the property is located at 10701 N. Flynt Lane, Hallsville. The current zoning is A-R, agriculture residential; the adjacent zoning is also A-R. The property is located 3.5 miles southeast of Hallsville and ½ mile south of State Highway OO. There is a single family dwelling on the property. There also appears to be a single wide mobile home on the property based on the internet tax parcel map. The applicant would like permission to place a mobile home on the property that will be occupied by her disabled son. The original zoning for this area is A-R; there have been no previous requests submitted for this site. The requested variance is from the Zoning Regulations Section 15.C.4.d “to permit, in case of practical difficulty or unnecessary hardship, for a period of two years, the location of a mobile home on a lot.” Staff notified 14 property owners.

Present: Bonnie Martin, 10701 N. Flynt Ln., Hallsville.  
Robert Martin, son, 8750 E. Hwy OO, Hallsville.

Mr. Martin stated the old trailer has been torn down and burned. He is waiting to see the outcome of this request and he will continue to clean up the area.

Mrs. Martin stated her son is living on some land about 1 ½ miles from her; the property he is living on is being sold and he has to move the trailer. It would be better for the applicants if Mr. Martin could live on her property so she could keep an eye on his health.

Open to public hearing.

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

Closed to public hearing.

Chairperson Bier noted the applicants stated the mobile home shown on the aerial photograph is no longer there.

Mr. Martin stated it has been torn down and burned. The applicants are waiting to see if this goes through to continue cleaning then he will get a backhoe because he will need to dig two new lagoons.

Chairperson Bier asked if the home was using a lagoon.

Mr. Martin stated yes; if the five acres ever gets divided in to 2.5 it would go right through her lagoon. The existing sewer needs to be redone.

Mr. Yonke stated each dwelling unit would have to have its own waste water system whether the property is divided or not; two homes can not share a lagoon. There was some initial interest or confusion over whether or not this land could be divided by a family transfer which would create another property line.

Member Bowne asked who lives in the house on the property.

Mrs. Martin stated she did.

Member Bowne asked Mrs. Martin if it was just her.

Mrs. Martin stated yes.

Chairperson Bier stated the applicant indicated the mobile home on the photograph was gone.

Mr. Martin stated yes.

Chairperson Bier asked what the variance was for.

Mr. Florea stated the variance is to place a new mobile home on the property.

Chairperson Bier asked if it was going to be placed in the same place.

Mr. Martin stated no it will be more toward the west.

Chairperson Bier stated the applicant is also talking about dividing the five acres.

Mr. Martin stated he figured he may as well place it in case the property ever did get divided there wouldn't be an issue about the lagoon. Marshall engineering is designing it so if it was ever sold in the future they had to be put in a spot that would meet the future setbacks.

Member Bowne asked the applicant if they were planning on following through with that. The applicant has to move soon because there is a time issue but the applicant is setting things up so that they can divide the property in the future. Is it the applicant's intent to go ahead with that?

Mr. Martin stated with his health the way it is he may not be around to do it. It may not be an issue.

Chairperson Bier asked the applicants if it was their intent over the short term was to keep this as one five acre lot.

Mr. Martin stated yes.

Chairperson Bier stated there would be a home, a mobile home, and two lagoons.

Mr. Martin stated yes. If it is divided the property line would run straight through the current lagoon system. If it is divided in the future there would be one lagoon for each dwelling.

Member Bowne asked if staff saw any difficulty in dividing that property in to two tracts.

Mr. Florea stated it depends on how they want to divide it. It can be divided so that the line runs east to west so that both lots have frontage on Flynt Lane. The sketch that Marshall is proposing actually has the lots divided the other direction so that one lot has frontage on Flynt Lane and one does not. That could not be approved.

Mr. Martin stated Marshall engineering put a 30 foot easement on Mrs. Martin's property to Flynt Lane. Mr. Martin's brother also has the land from Flynt Lane all the way back with a 75-foot County easement there. He has 40 acres in the back that he has divided off with intentions of selling.

Mr. Florea stated if you create lots that are less than 5 acres all of the lots in that divisions, so both lots in this case, have to have frontage on a publicly maintained road. The 30-foot easement doesn't constitute a public road; it has to be a County maintained road or a State maintained road. In order to do it the way Marshall has sketched this the applicant would have to build a road back to the back parcel.

Mr. Martin stated he thought that was what the 30 foot easement was for.

Mr. Florea stated it would have to be a road built to county standards; that means designed by a professional engineer, it is going to be 32-feet wide, paved either asphalt or concrete, and a 50-foot wide right of way corridor. It would be a very expensive road to build.

Mr. Martin asked how the applicants could do this. Mr. Martin is on disability and can't afford to build a road.

Mr. Florea stated that is why the applicant is here asking for a variance.

Member Bowne asked if it was possible to set the trailer south of the existing house instead of west of the house; in the clearing.

Mr. Martin stated not without moving the driveway.

Member Bowne stated she was thinking further south, east of the lagoon and south of the house.

Mr. Yonke stated the only other option potentially under the county regulations is if there is enough land there if it was rezoned to A-2 would be to do a family transfer. If the property is a full five acres or larger and it were rezoned to an A-2 then a family transfer could be done and under the family transfer rules you do not necessarily have to have road frontage for all the lots. In the future it may be potentially possible to divide it this way but the important thing to focus on at this point is a good effort to try to set things up so that they have to have as little done in the future as possible. The real focus is that this is a temporary situation; which is what the approval is for and if that is granted whatever the long term solution is it may require some shifting of things when it gets to that or it may not. The real key is what is currently being asked for can only be approved for the two years and it is considered a temporary solution. It is smart for people to look at how it is going to affect the property in the long term but it really does need to be focused on as a temporary dwelling with the potential for renewal.

Member Bowne asked if it was possible to place the trailer south of the house.

Mr. Martin stated the way it is set up if it was divided in the future from east to west the property line would probably come directly through Mrs. Martin's house. If it is divided the other way, the property line would be 100 foot from the house. Mr. Martin stated he is not sure what is going to happen with his brother's land which adjoins the property. He has 40 acres and if he sells it there will eventually be a county road; all the easements are there for it.

Chairperson Bier asked if that was Russell Martin's property.

Mr. Martin stated yes; that has been surveyed off. There is already a road bulldozed through so he is pretty serious about selling it. Eventually the north/south division will become County road frontage

Member Bowne stated we could try it for two years and see what happens.

Chairperson Bier stated what happens after two years is the applicant's prerogative in how that land is divided and working with the surveyor to make sure it meets County regulations. Chairperson Bier asked the Board if they wanted any future renewal of this temporary home to come back before the Board of Adjustment.

Member Thomas asked if the Board could say that it is done administratively.

Mr. Yonke stated it could be administratively reviewed in two years to see if they still need the variance.

Member Thomas asked if the Board could say it is only for two years.

Mr. Florea stated that is the maximum that you can approve it for. You can't bar the applicants from coming back and requesting another two year period. The question is whether the Board wants the Planning and Zoning Department to review administratively or of the Board wants it to come back before the Board of Adjustment for review.

Member Bowne asked if Russell Martin owned the property all around the applicant's property.

Mr. Martin stated he owns to the west, a 75-foot easement to the north.

Member Bowne asked who owns to the south of the applicant's property.

Mrs. Martin stated her daughter owns that property.

Member Bowne stated it is family all the way around.

Chairperson Bier asked if staff heard from any neighbors.

Mr. Florea stated staff took no calls on this request.

Member Bowne made and Member Thomas seconded a motion to **approve** a request by Bonnie F. Martin to permit a mobile home as a second dwelling on 5.0 acres, located at 10701 N Flynt Ln., Hallsville **with an administrative review in two years:**

Member Bier	Yes	Member Bowne	Yes
Member Thomas	Yes		
Motion to approve request carries.	3 Yes	0 No	

Member Bowne informed the applicants that staff would review this request in two years.

Mr. Florea informed the applicants they could come to the Planning and Building Inspections Department to apply for their permits.

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## **OLD BUSINESS**

Certificate of Decision; Greg and Dana Cunningham  
Certificate of Decision; Aubrey and Kimberly Weger

Chairperson Bier signed certificates.

## **NEW BUSINESS**

None.

## **ADJOURN**

Meeting adjourned at 7:18 p.m.

Respectfully Submitted,

Paula L Evans  
Secretary

Minutes approved this 25th day of May, 2006.