

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, June 22, 2006

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

Vice-Chairperson Thomas 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: Frank Thomas, Vice-Chairperson
Cindy Bowne
William Hatfield

Absent: Gregory Bier, Chairperson
Vacant Seat

Also present: Thad Yonke, Staff
Paula Evans, Secretary

Minutes of the April 27, 2006 meeting were approved by acclamation.

REQUEST

Case Number 2006-004

Request by Kristina Metcalf for a variance from the 50' front setback in the A-2 (Agriculture) district for an existing structure located at 5000 Mount Zion Church Rd., Hallsville (**Zoning Regulations Section 10. A.**).

Planner, Thad Yonke gave the staff report stating the property is lot 2 of Little Horse subdivision. The current and adjacent zoning is A-2 agriculture. These are original zonings. This site is located 2 ½ miles south of Hallsville just west of highway B. There is a house and several outbuildings on the property. The existing barn is located within the required 50 foot setback for the property. This is the original A-2 zoning district for the property. Little Horse Acres subdivision was platted in 1995. The applicant received permission to vacate and replat this lot in November of 2005. The requested variance is from the zoning regulations section 10.A. which requires a setback of 50-feet. The existing barn is located within the setback and may encroach in to the utility easement as well. Staff notified 25 property owners.

Present: Kristina Metcalf, 5000 Mt. Zion Church Rd., Hallsville.

Ms. Metcalf stated she had originally requested to separate off 2 ½ acres of the 6 ½ acres. At the time she did that she was unaware the barn was an issue but as we went through the survey Mr. Klasing found out that the building was in the front building line. It is Ms. Metcalf's understanding that you have to get special approval in order for that barn to stay or have it removed in order to separate the 2 ½ acres.

Member Bowne asked if the applicant is separating the 2 ½ acres in order to sell it.

Ms. Metcalf stated that is correct, she has a buyer who would like to build a home on it.

Open to public hearing.

Present speaking in favor of the request:

Mike Klasing, Allstate Consultants, 3312 Lemone Industrial, Columbia.

Mr. Klasing stated he is the surveyor of the property. The applicants found that this barn is within the 50-foot building line on the property and it is depicted on the plat. Ms. Metcalf purchased the property about a year ago with the barn and the house; she purchased it with that value and expected value all on the property. She was quite surprised when she found out this may be an issue and she may have to lose one of her barns. That is part of the reason she had bought the property was because of the two nice barns and the house. It does lie up on the front it is a very steep bank with a lot of tree cover that runs all the way along the road so it is really not very visible at all from the road.

Vice-Chairperson Thomas asked if the barn was in the utility easement.

Mr. Klasing stated the corner of the barn does lie within the utility easement. It looks like there is about 18 feet from the property line, the easement is a 20 foot easement.

Ms. Metcalf stated she purchased the property approximately a year and two months ago and at that time she didn't know the barn was an issue at all. The applicants have 6 ½ acres of land due to personal reasons they thought it would be beneficial to separate off 2 ½ acres if they could. There is a buyer who really wanted to use that land wisely and build a home on it. The applicants thought that would be a good use for the other 2 ½ acres and keep the remaining 4 acres with the house. Once the applicants found out the barn was an issue they found out approximately how long it had been there, supposedly it has been there for years and Ms. Metcalf would like to not have to take it down; it is a well built barn.

Ms. Metcalf presented photos of the barn from several different angles.

No one spoke in opposition to the request.

Closed to public hearing.

Ms. Metcalf stated she wanted to know to whom the advantage it would be to take the barn down because it has been there so long and it is a good use for the property.

Mr. Yonke stated staff received no inquiries regarding this request. It is on the dead end section of Mt. Zion Church road and it will never be put through because it dead ends in to the park.

Member Bowne asked the age of the barn.

Ms. Metcalf stated she believes it is approximately 16 years.

Vice-Chairperson Thomas asked if it was as old as the house.

Ms. Metcalf stated she believes the house may have been built in 1988. The barn was built a couple of years later. Ms. Metcalf called the gentleman she purchased the property from to ask what year it was built he said 1990. There is a new house built to the right of them on 2 ½ acres.

Member Bowne asked the applicant if she intended to sell the property when she bought it.

Ms. Metcalf stated no.

Member Bowne asked what the easement was in 2005 when Ms. Metcalf purchased the property.

Mr. Yonke stated it would have been the same as it is now.

Member Bowne asked how long that 50-foot building line has been in effect.

Mr. Yonke stated since the 1995 platting.

Member Bowne stated it was in effect in 1995 and there was no variance granted.

Mr. Yonke stated it should have been caught at that point in time; no building permit was taken out for this building. Staff had to do a little bit of research, Ms. Metcalf did not build this building, the previous owner built it but staff found no record of a building permit on it. It is highly likely when the original plat came through it didn't show the building there and we didn't have a building permit and didn't know there was a building.

Member Bowne asked how long the County has required a building permit.

Mr. Yonke stated since 1986. Getting people to take out building permits for what they thought were barns or sheds were harder because people didn't realize they were required.

Vice-Chairperson Thomas asked what type of floor was in the barn.

Ms. Metcalf stated it has a dirt floor and it does have electricity.

Member Bowne asked what the shed is used for.

Ms. Metcalf stated it is used for storage of a tractor and mower.

Member Bowne asked the purpose of the other shed on the property.

Ms. Metcalf stated the applicants have not used it this past year; it has been used for storage. It is a much smaller shed.

Member Hatfield asked how large the barn in question is.

Ms. Metcalf stated it is 24' by 39' and 13' tall.

Member Hatfield asked the size of the other shed.

Ms. Metcalf stated probably about half the size.

Member Hatfield stated the building is more visible in the winter.

Member Bowne stated she didn't believe visibility is necessarily the issue. The fact is that it is within the 50 foot building line and within the utility easement. Member Bowne stated the property is in a subdivision.

Mr. Yonke stated it is a subdivision plat which created the 6 acre piece. You have a 2 ½ acre lot on the east side then the applicants own the middle piece which is 6 acres then there is a 2 or 3 acre lot on the west side. The reason this piece was done as 3 lots when it was first done is because the water line that was in front of the house at that time would not support a fire hydrant and you could only divide the land in to 3 pieces by plat without triggering the water requirement.

Member Bowne asked if it supported a water line now.

Mr. Yonke stated yes; that is why they now can come back and take the 6 acres which was left as a bigger piece and divide it in to two. Had the water line been capable of supporting it in the first place this would have been platted in to four lots. They set it up so they could do this again in the future. Staff anticipated that this would eventually come along.

Member Bowne asked what changed in that it now supports a hydrant.

Mr. Yonke stated the water district put in a larger water line along the road which can now take a hydrant.

Member Bowne stated that applicants property is in a subdivision.

Mr. Yonke stated yes; it is in a subdivision plat.

Member Bowne asked the applicants if they had any animals that would use the building.

Ms. Metcalf stated no. The better of the two buildings is the barn and the applicant would really like to keep it; it is the best outbuilding on the property. The barn has a lean to that is closest to the road. If the Board would not consider retaining the whole building Ms. Metcalf requested that they consider taking the lean to off, that would take 9-foot off of that building.

Mr. Yonke stated that would take it out of the utility easement.

Ms. Metcalf stated she feels the lean to can be taken off without damaging the rest of the barn.

Member Bowne asked how many feet the building sits in to the building setback.

Mr. Klasing stated 32 feet.

Mr. Yonke asked Mr. Klasing if during the platting process did any of the utilities comment on the building encroaching in to the easement.

Mr. Klasing stated no.

Member Bowne stated she has concerns because this area is being developed at a high rate. The applicant is wanting to sell 2 ½ acres because she doesn't need them and she can make a profit. Part of the cost of making a profit may be removing the shed or moving it back. That just may be the cost of development. Because it is within the 50-foot building line and it is within the utility easement in a highly developed area that is a big concern. That area is developing so quickly and even though it is on a dead end road that doesn't mean it is going to stay within a dead end road and that causes problems in the future. This doesn't seem to be a hardship to the applicant but as a way to sell off property that is not a necessity so it is an advantage to sell it off but part of the cost of that may be removing the building.

Vice-Chairperson Thomas stated he agrees. If the applicant is going to sub-divide to sell it then that is part of what happens when you do business.

Member Bowne made and Member Hatfield seconded a motion to deny the request.

Discussion:

Member Hatfield stated if the front 9 feet were removed it wouldn't be in the utility easement and no one has come forward from the 25 neighbors that were notified. Being on a road that is not going to be all that accessible what kind of impact would that have down the road?

Member Bowne stated she didn't believe they were going to hear from the neighbors because they are not the ones that would be impacted by that; it is future development in an area that is highly developable. It is in an area that is at the end of a dead end road but that is just today.

Vice-Chairperson Thomas stated it is all open land around it.

Member Bowne stated this isn't a need by the request, this is a convenience.

Mr. Yonke stated Mt. Zion will never be cut through, because it as a straight road, dead ends in to State land that is a park. That doesn't mean someone else might not build a road off of that that connects to something else.

Member Bowne stated that doesn't mean that isn't a developable area.

Member Hatfield asked if the building was movable.

Ms. Metcalf stated she didn't believe it could be moved.

Mr. Yonke asked if the leen to came off would it meet the 25-foot setback as required in the A-R district.

Mr. Klasing stated yes; it would be 27-feet.

Member Bowne stated that is another option the applicants can pursue; it is not an option with this Board but with the Planning and Zoning Commission.

Member Bowne made and Member Hatfield seconded a motion to **deny** a request by Kristina Metcalf for a variance from the 50' front setback in the A-2 (Agriculture) district for an existing structure located at 5000 Mount Zion Church Rd., Hallsville:

Member Thomas	Yes	Member Bowne	Yes
Member Hatfield	NO		
Motion to deny request carries.	2 Yes	1 No	

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OLD BUSINESS

Certificate of Decision; Bonnie Martin

Member Bowne made and Member Hatfield seconded a motion to table the signing of this certificate. Motion approved by acclamation.

NEW BUSINESS

None.

ADJOURN

Meeting adjourned at 7:25 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 27th day of July, 2006.