

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, July 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
William Hatfield

Absent: Cindy Bowne
Vacant Seat

Also present: Bill Florea, Staff
Uriah Mach, Staff
Christina Crane, Secretary

Minutes of the June 22, 2006 meeting were approved with one correction by acclamation.

REQUEST

Case Number 2006-005

Request by Danny R. and Fay Miller to permit a mobile home as a second dwelling on 10.44 acres, located at 7080 W Hwy 124, Harrisburg (**Zoning Regulations Section 15.C.4.d.**).

Planner, Bill Florea gave the staff report stating that the current zoning of the property is A-2; all adjacent zoning is also A-2. The property is 10.44 acres. The site is located approximately 1 mile southeast of Harrisburg; there is a modular home and a detached garage on the property. The requested variance is to allow a mobile home to be placed on the property for their parents. The original zoning for this tract is A-2 and there have been no previous requests submitted for this property. Staff notified 15 property owners of this request.

Present: Danny Miller, 7080 W. Highway 124, Harrisburg.
Fay Miller, 7080 W. Highway 124, Harrisburg.

Chairperson Bier informed the applicants that all five members of the Board are not present tonight and it takes three votes in favor of the request to be approved. Chairperson Bier asked the applicants if they wished to proceed tonight.

Mr. Miller stated the applicants wished to proceed.

Mr. Miller stated his father is getting older and he has lupus and he also has diabetes and he is to the point where he can't maintain the home he is at now. His father is having difficulty walking and he went to the Veterans Hospital today for testing. It would be easier for Mr. Miller if his father could move on his property than to try to upkeep two properties. It would be better to keep him close by. The applicants live a mile out of Harrisburg and there is the fire department and paramedics close by.

Open to public hearing.

No one spoke in favor of the request:

No one was present to speak in opposition to the request however; the Planning Department did receive a letter in opposition.

Chairperson Bier read the letter in to the record from Doris Hollrah of Omaha, Nebraska. The letter was addressed to Boone County Planning and Building Inspections.

A zoning regulation was the reason that required our parents Earnest and Lucille Bruce to they lived in. Our parents, upon their death, did not want to leave their children homeless. At no time did they want a trailer park on their land. My parents were compassionate and caring people and would not wish hardship on Danny's parents. But the same zoning laws exist and as one of the adjoining property owners; I also do not want a trailer park next to me, I find it more offensive than the shed place near the property line.

Please know that I do not wish to see an additional trailer placed on the land at 7080 W. Highway 124, Harrisburg, MO. If a true hardship exists and a variance is granted, at the end of the two years, I hope the Boone County Board will re-examine the variance for its merits. Sincerely, Doris Hollrah.

Closed to public hearing.

Chairperson Bier asked who Doris Hollrah was.

Mrs. Miller stated Ms. Hollrah is her sister.

Chairperson Bier stated the address is Omaha, Nebraska but Ms. Hollrah states she is an adjoining property owner.

Mrs. Miller stated Ms. Hollrah has 10 acres.

Member Thomas asked where Mr. Miller's parents live now.

Mr. Miller stated his parents live at Pinnacles behind the Heuer's Store.

Member Thomas asked where the singlewide would be located on the property.

Mr. Miller stated he has done some measuring. The applicants don't want to leave the trailer there when his parents are done with it.

Chairperson Bier asked where it would be placed on the lot.

Mr. Miller stated he planned to put it on the other side of the garage in an open field area on the northeast side.

Chairperson Bier stated it looks like a heavily wooded lot and the applicants don't have a lot of choices.

Mr. Miller stated that is correct.

Chairperson Bier asked about the sewage hookups for the trailer.

Mr. Miller stated he was going to put in a new lagoon. The applicants have already talked to the water district.

Chairperson Bier stated the County has a stipulation that two residences can not use the same lagoon.

Mr. Florea stated that is a State regulation.

Mr. Miller stated the applicants had already planned on putting in a separate lagoon.

Chairperson Bier stated this would be a stand alone residence.

Mr. Miller stated yes.

Chairperson Bier asked if staff heard from any other neighbors.

Mr. Florea stated no.

Chairperson Bier asked the applicants if they were aware of the front setbacks if the trailer was placed northeast of the garage there is a setback issue with that highway.

Mr. Miller stated it is 75-feet; the applicants have already measured it out.

Chairperson Bier asked the applicants if they were aware that this variance was only for two years.

Mr. Miller stated yes.

Mrs. Miller asked if the applicants would have to come back in two years.

Chairperson Bier stated staff has dealt with that issue in a variety of ways.

Mr. Florea stated it is currently being done administratively. Staff would contact the applicants and verify that the set of facts are the same as they were when they received the variance. If so then it is extended; if not then the trailer would have to be removed.

Chairperson Bier stated the variance is renewable but it is not automatic.

Mrs. Miller stated the applicants were aware of that. The applicants are proud of their property and have maintained it for a long time.

Mr. Miller stated if he had 20 acres could this be done without the variance.

Chairperson Bier stated 20 acres is the threshold.

Mr. Miller stated he had the option of purchasing the 10 acres next to him. The property is his sister-in-law's but he didn't want to buy it because that property may benefit her in the future. Mr. Miller stated he would rather do it this way and have them there and when they are done using the trailer it could be moved. Mr. Miller stated he talked to all of his neighbors but didn't think about talking to his sister-in-law because he didn't think she would do this. All of the other neighbors know the situation.

Mrs. Miller stated she believed this would give Mr. Miller's parents more of a life span. Right now they are on a dead end they only time they go out is when they have family things. They don't see a lot of people.

Member Hatfield asked how far the sister's property was away from the applicants.

Mrs. Miller stated about 300 yards.

Member Hatfield asked if the sister lived on that property.

Mrs. Miller stated no.

Member Hatfield asked if there was a residence on the property.

Mrs. Miller stated no.

Member Hatfield asked what kind of residence the parents lived in now.

Mr. Miller stated they live in a house that was originally started out as a two room house in 1955. It has been added on some, it has a garage that was built 20 years ago. It is not quite 5 acres.

Member Hatfield asked if the applicants housed any one else in their home now.

Mr. Miller stated no.

Member Hatfield asked if the applicants had enough bedrooms to accommodate the parents in the applicant's house.

Mr. Miller stated yes.

Member Hatfield stated he thought that may be a possibility.

Mr. Miller stated the applicants thought of that too but there are times when you need privacy and the parents will probably want their privacy; it will work better for the applicants and the parents. Mr. Miller stated he didn't know what else he could do other than acquire the other property and make it work that way. That would be better for the applicants and their lifestyle they could have their own but still be close enough to see the applicants.

Member Hatfield asked if the applicants are able to acquire the other property.

Mr. Miller stated yes.

Member Hatfield stated the applicants will have to purchase the trailer.

Mr. Miller stated the applicants plan was to talk to the bank and they could get the money and once the place was ready the trailer could be set and the parents home could be sold and the loan could be paid off. Hopefully they could have spare money to help with their utilities.

Member Hatfield asked if the applicants agree to move the trailer once the parents pass on.

Mr. Miller stated yes; the applicants don't want any rental property.

Mrs. Miller stated the applicants like their space.

Mr. Miller stated in talking to the parents they had stated they would feel better if they sold it and moved by the applicants. The applicants are not talking about putting in an old home they want to purchase something brand new because they want it energy efficient.

Member Thomas made and Member Hatfield seconded a motion to **approve** a request by Danny R. and Fay Miller to permit a mobile home as a second dwelling on 10.44 acres, located at 7080 W Hwy 124, Harrisburg for a period of two years:

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

The applicants asked what their next step was.

Mr. Florea stated that once the applicants know what home they are going to buy they would need to apply for a building permit and a wastewater permit.

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OLD BUSINESS

Certificate of Decision; Kristina Metcalf

Vice-Chairperson Thomas signed the certificate of decision.

Mr. Florea informed the Board that Ms. Metcalf did remove the barn and their plat has been approved.

NEW BUSINESS

Annual Election of Officers.

Member Thomas was elected Chairperson.

Member Bier was elected Vice-Chairperson.

ADJOURN

Meeting adjourned at 7:30 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 24th day of August, 2006.