

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, February 23, 2012

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

Member 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
John Schultz
Greg Bier
David Butcher

Absent: Cindy Bowne

Staff: Bill Florea, Senior Planner
Uriah Mach, Planner
Paula Evans, Secretary

Minutes of the September 22, 2011 meeting were approved by acclamation.

REQUEST

1. Case Number 2012-001

Request by Georgia R. Redden, Mildred I. Wright, John Williams, Edward Williams, George and Ethel Williams Trust FBO James Otis Williams and Betty A. Butler for variances from the 25' front

setback and 6' side setback for existing single family residences in the R-S (Single Family Residential) district on 18.41 acres located at 1764 S Rustic Road, Columbia (Zoning Regulations Section 10 A.).

Chairperson Thomas asked the applicants if they wished to continue only having four members of the Board present. Applicants indicated they would continue this evening.

Planner, Bill Florea gave the following staff report:

This site is located just east of the Columbia municipal limits approximately $\frac{3}{4}$ mile south of Highway WW on Rustic Road. There are two single family dwellings on this tract of land. The applicants wish to subdivide the tract. The existing house on the east side of Rustic Road is too close to the required right of way. The house located at the south end of the property may be too close to the side property line and may also require a variance. However, information staff has received that it does meet the required setback. The original zoning for this property is R-S, there have been no previous requests submitted for this property. The requested variance is from Zoning Regulations section 10.A which requires a front setback of 25 feet in the R-S zoning district. Staff notified 157 property owners about this request.

Present, representing the applicant:

James Jeffries, Allstate Consultants, 3312 Lemone Industrial Blvd., Columbia
John Williams, 1701 S. Rustic Rd., Columbia

James Jeffries: I am here with the applicants and the potential buyer, Terry Russell. This property was purchased by John Williams' parents in 1945 and even before that it was purchased from family. According to the Assessor's records the house was built in 1930. John C. Williams would like to build a house north of the existing house, he would like to purchase three acres. With the property being zoned R-S, it is not eligible for a family transfer, therefore we need to subdivide it. The property is a little unique in that it used to be this entire piece and they have sold off pieces of property to family. We are trying to clean this area up on the left side. We are asking for a variance to allow the house to remain where it is in order to divide the property so John C. Williams can purchase three acres from the family. The house tract would remain with about 12 acres and Mr. Russell would purchase the piece on the west side of Rustic Road.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Member Butcher: We can't pick up the house and move it and I don't know that we will be creating any issues if we let someone move in next door as long as they are far enough away that they don't create a problem in the future.

Member Thomas: So it is ten feet from the roadway?

James Jeffries: It is an unimproved gravel road; it feels like it is sitting back farther than that but once you dedicate a half-width right of way it takes up a lot. It gets pretty narrow toward the end of

Rustic Road, there is only one property owner past this and there are no plans with CATSO to extend Rustic Road to connect it to anything.

Member Butcher: Has staff received any phone calls from the neighbors?

Bill Florea: Staff has received several calls but mostly just asking what it is about.

Member Schultz: What is the condition of the house?

James Jeffries: It is fair, it has been added on to since 1930. It is a three acre tract, the house Mr. Williams is going to build will be towards the back of the tract.

Member Thomas: Are there any outbuildings around the original house?

James Jeffries: There are a couple of them.

John Williams: The house has been there a long time; when they built back then they used oak. We have had some work done to the house; we've added concrete floors and most of the work was done by Terry Russell.

Member Thomas: Is someone living in the house now?

John Williams: Yes.

Member Butcher made and Member Bier seconded a motion to **approve** the request by Georgia R. Redden, Mildred I. Wright, John Williams, Edward Williams, George and Ethel Williams Trust FBO James Otis Williams and Betty A. Butler for a variance from the 25' front setback an existing single family residence in the R-S (Single Family Residential) district on 18.41 acres located at 1764 S Rustic Road, Columbia (Zoning Regulations Section 10 A.).
with the following condition:

- The existing structure maintain the same location, footprint, and square footage. If the existing structure 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 Thomas	Yes	Member Butcher	Yes
Member Schultz	Yes	Member Bier	Yes

Motion to approve the request carries unanimously

OLD BUSINESS

Certificates of decision

- Case # 2011-005 Marie Haught - Approved and signed by Chairperson Thomas

- Case # 2011-005 Marie Haight - Approved and signed by Chairperson Thomas
- Case # 2011-004 David Clark - Approved and signed by Chairperson Thomas

NEW BUSINESS

None

ADJOURN

Meeting adjourned at 7:20 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 24th day of May, 2012