

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, November 29, 2012

The meeting was called to order at 7:10 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
Rhonda Lightfoot
David Butcher
Lance Robbins

Absent: Cindy Bowne

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

Minutes of the October 25, 2012 meeting were approved by acclamation.

REQUEST

1. Case Number 2012-007

Request by James and Vicki Brocksmith for a variance from the setback requirements in the A-R (Agriculture-Residential) zoning district for a carport addition located at 7390 E North Shore Drive, Hartsburg (**Zoning Regulations 10.A**)

Chairperson Thomas asked the applicants if they wished to continue tonight only having four members present for the meeting.

The applicant indicated they would like to proceed.

Planner Uriah Mach gave the following staff report:

The property is zoned A-R, agriculture residential, as is the adjacent property. The tract is located approximately five miles south of Ashland and 3.5 miles east of Hartsburg. Access to the site is from Westbrook Drive to Champetra to North Shore Drive. Neither Champetra nor North Shore Drive are county maintained roads. There is a single family dwelling located on the tract; the applicants are requesting a variance from the setback requirements of the A-R zoning district. The original zoning for this area is A-R, the site is part of Champetra Lake Northshore Section 2 which was platted in 1972. The requested variance is from zoning regulations 10.A which requires structures in the A-R zoning district provide at least a 25 foot setback from the front and rear property lines and a six foot setback from the side property lines. Staff notified 23 property owners about this request.

Present representing the request:

Vicki Brocksmith, 620 W Logwood Ln., Columbia
Jason Watts, contractor, 1750 E Highway MM, Ashland

Vicki Brocksmith: Mr. Watts informed me that the Boone County inspector had been to the site and measured the distance from where we want to build the carport to the center of the road and it was 52 feet, it needed to be 55 feet.

Mr. Mach showed the topographical map. Mr. Mach stated he and Ryland Rodes with Resource Management went to the site and measured. Mr. Rodes was sitting the tape on the ground, Mr. Mach stated he was holding the tape measure over his head to get a straight line measurement. That level of slope was significant enough to justify the applicants coming forward for a variance.

Jason Watts: The proposed carport will cover the existing driveway location.

Vicki Brocksmith: I can't do anything about where the driveway or house is; we are just covering the current location of the driveway. There will be a retaining wall on the outer edge of the driveway.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Vicki Brocksmith asked if staff received any responses from the neighbors.

Staff indicated they had not.

Vicki Brocksmith: We had to go through our Homeowners Association to get the plans approved; it was approved in September. A couple of weeks ago when I was looking at the property our closest neighbor came out and said that he had no problem with the request.

Member Butcher asked the applicant where they intended to put the structure.

Vicki Brocksmith: Over the current driveway in front of the house. It won't cover the entire length of the house; it will cover the middle section.

Member Butcher: Will it be attached to the house?

Vicki Brocksmith: Yes, it will have a high roof which we felt would improve the curb appeal and aesthetics.

Member Butcher: We've seen cases at Lake Champetra and one of the things that works out well is if we have a specific location if we want to approve it. If we grant an open variance then you could build this all the way up to the edge of the road. We would like some kind of way to restrict it.

Chairperson Thomas: The current plan is 3 to 5 feet into the setback?

Jason Watts: It is three feet from the furthest corner.

Chairperson Thomas: How much of the carport is going to be in the three feet?

Jason Watts: It will just be a corner.

Member Butcher: Do we have a square footage that we could maybe add to the existing structure that might help?

Jason Watts: The carport is 21 x 24. As you are facing the house it starts pretty much dead center of the house and goes to the left.

Member Robbins: Does it extend beyond the corner of the house?

Jason Watts: No; it is about 14 foot from the end of the house.

Member Butcher: How many feet from the pavement do the applicants need to be?

Jason Watts: We need to be 21 feet from the property line.

Member Butcher: If we were to say 20 feet from the right of way and you didn't have the property corners located and it turns out it was 19 feet you will have to shave a foot off your building when we could have cleared this up if we had the right language in place to begin with.

Jason Watts: Could you do from the center of the road?

Member Butcher: I think we could as long as we get the applicants to where they need to be.

Jason Watts: You could do fifty feet from the center of the road because we are measuring 52 feet.

Member Butcher: North Shore Drive is 40 feet wide so 20 feet from the center line would be roughly where the property line should be.

Uriah Mach: Ryland and I assessed that in the field; if the Board gave them anywhere between 48 and 50 feet from the center of the road that should give them a couple of feet of leeway to work with.

Member Butcher: If the road moves that kind of language is dangerous.

Uriah Mach: True, but these are not county maintained roads.

Member Butcher: If we went 50 feet from the center of the road that is close to meeting the setback they have anyway.

Member Robbins: 48 feet would give them a little more leeway.

Chairperson Thomas: Yes, to be safe.

Member Butcher: I think we should probably say 45 feet to protect the landowner if we are going to make this kind of recommendation.

Vicki Brocksmith: We are currently adding on to the south side of the house and extending toward the lake.

Member Butcher made and Member Thomas seconded a motion to **approve** the request by James and Vicki Brocksmith for a variance from the setback requirements in the A-R zoning district for a carport addition located at 7390 E North Shore Drive, Hartsburg with the stipulation that the building will not be any closer than 45 feet from the center of North Shore Drive as currently located:

Member Thomas	Yes	Member Robbins	Yes
Member Butcher	Yes	Member Lightfoot	Yes

Motion to approve the request carries unanimously

OLD BUSINESS

- Certificate of Decision – Case Number 2012-006 Craig and Lucy Watts Trusts

Chairperson Thomas accepted and signed the certificate of occupancy.

NEW BUSINESS

None.

ADJOURN

Meeting adjourned at p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this day of , 2012