

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, August 22, 2013

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
Rhonda Lightfoot
Lance Robbins

Absent: Cindy Bowne
David Butcher

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

Minutes of the June 27, 2013 meeting were approved by acclamation.

REQUEST

1. Case Number 2013-005

Request by Scott & Mary Gibbs for a variance to allow an existing accessory structure to remain in front of a single family dwelling on 3.22 acres located at 710 W Dripping Springs Road, Columbia. (Zoning Regulations Section 7.A.5)

Chairperson Thomas asked the applicant if he wished to continue tonight only having three members present.

Applicant, Scott Gibbs stated yes.

Uriah Mach gave the following staff report:

This site is located on State Highway VV, approximately five miles north of Columbia and one mile west of Highway 63. The property is zoned A-2 as is adjacent zoning. There is a house and accessory structure on this property. The applicants would like to create a 3.22 acre platted lot that will include the house and accessory structure. The accessory structure is located in front of the front plane of the house. The original zoning for this tract is A-2, there have been no previous requests submitted for this tract. The requested variance is from Zoning Regulations Section 7.A (5) and accessory building in front of a house. Staff notified 24 property owners about this request.

Present representing the request:

Scott Gibbs, 10881 N Highway VV, Columbia

Scott Gibbs: The property is adjacent to 37 acres that I currently own; I bought it at the courthouse steps with the intent of selling off the house, I've had it for sale for a long time and now I have a buyer interested. I wanted to sell it with as few acres as I could so I could keep the remaining acreage. The barn was there all along, it was built by previous owners.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Thomas asked if staff heard from any of the neighbors.

Uriah Mach stated he took one call from someone wanting information about the request.

Chairperson Thomas: What kind of barn is it?

Scott Gibbs: It is a pole barn; I guess the size to be 30 by 40, maybe a little bigger. It is a three sided barn with the open side facing away from the road. It has a sliding door on the west end.

Chairperson Thomas: Is it pretty far away from the house?

Scott Gibbs: Yes.

Member Lightfoot: There is a fence between the house and barn.

Scott Gibbs: Not anymore, it has all been cleaned out.

Member Robbins: How was this building built in the first place?

Uriah Mach: The house was built in 1968; we don't know when the barn was built. On property more than five acres an accessory structure can be closer to the road than the primary structure.

Member Robbins: Is it far enough off the right of way?

Uriah Mach: Yes.

Scott Gibbs: One of the reasons I didn't want to sell more acres is that I heard in that neighborhood that if you had 2.5 acres you could build a house. I didn't want anymore houses around so I didn't want to sell five acres and I wanted to keep as much as I could. The reason it is 3.22 is because the lagoon had to meet the setbacks.

Member Lightfoot: The barn has been there a long time.

Chairperson Thomas: Is the barn made of wood or steel?

Scott Gibbs: It is a pole barn, it's wood with steel siding.

Member Robbins made and Member Lightfoot seconded a motion to **approve** the request by Scott & Mary Gibbs for a variance to allow an existing accessory structure to remain in front of a single family dwelling on 3.22 acres located at 710 W Dripping Springs Road, Columbia **with the following condition:**

1. 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 Lightfoot	Yes
Member Robbins	Yes		

Motion to approve the request carries unanimously

OLD BUSINESS

Certificate of Decision – Case 2013-004 Broadway Business Park. - certify nonconforming use

Chairperson Thomas accepted and signed the certificate of decision.

NEW BUSINESS

Annual Election of Officers

Chairperson Thomas turned the meeting over to staff to take nominations for Chairperson

Member Lightfoot nominated and Member Robbins seconded Member Thomas as Chairperson.

No other nominations.

All members voted in favor of Member Thomas as Chairperson

The meeting was turned back to Chairperson Thomas to take nominations for Vice-Chairperson.

Member Thomas nominated and Member Robbins seconded Member Lightfoot as Vice-Chairperson.

No other nominations.

All members voted in favor of Member Lightfoot as Vice-Chairperson.

ADJOURN

Meeting adjourned at 7:19 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 24th day of October, 2013