

# **BOONE COUNTY BOARD OF ADJUSTMENT**

**BOONE COUNTY GOVERNMENT CENTER**

**801 E. WALNUT ST., COLUMBIA, MO.**

**Thursday, October 24, 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  
Cindy Bowne  
Lance Robbins

Absent: David Butcher

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

Minutes of the August 22, 2013 meeting were approved by acclamation.

## **REQUEST**

1. Case Number 2013-006 a - f

Request by the Silas E. McCubbin Family Trust for numerous variances on property located at 1480 W Highway NN, Clark, MO.

This request was withdrawn by the applicant on October 16, 2013.

2. Case Number 2013-007

Request by Bettie L. Asbury for a variance for existing outbuildings to be in front of a house located at 4575 N Rte E, Columbia (**Zoning Regulations Section 7.A.5**)

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

Applicants stated they wished to be heard tonight.

Planner, Bill Florea gave the following staff report:

The property is 4.1 acres, the current zoning is A-2 as is the adjacent zoning. The site is located on State Highway E approximately 1.5 miles north of Columbia city limits, there is a single family dwelling and several accessory structures on the property; one of the accessory structures is located in front of the house. The original zoning for this property is A-2. There have been no previous requests submitted for this tract. The requested variance is from the zoning regulations 7.A (5) - accessory building in front of a house on lot less than 5 acres in size. Staff notified 18 property owners about this request.

Present representing the request:

Greg Asbury, son of property owner, 4565 N Route E, Columbia  
Brian Dollar, surveyor, 19230 N Tucker School Rd., Sturgeon

Brian Dollar: Bettie Asbury is the applicant, Greg is her son. This is Greg's mom and dad's house that he grew up in. His father has passed away and his mom is in a nursing home. Mr. Asbury is putting an estate plan together and one of the things he is looking at is selling his mom's old house and keeping a piece of ground that would still give him access to Route E. The first thing that came up was that the lagoon had to be fixed and he also needed a variance because the garage is closer to the highway than the house is. Mr. Asbury is still working on the estate plan but he has not decided whether he is going to sell the place yet.

Greg Asbury: I haven't decided yet. The home has sat vacant for two years, my mom doesn't need the money yet but someday she may so I wanted to go ahead and get the estate set up. My parents gave me 20 acres about 18 years ago and I have lived there for 15 years. Instead of spending a lot of money at the time we just made the driveway where I could get in. I am just getting the estate together in case my mother needs the money.

Open to public hearing.

Uriah Mach stated he received a call regarding this request; the caller just asked what the request was about, they did not have an opinion on the request.

Closed to public hearing.

Member Bowne: Is the land just to the north where the fire station is?

Greg Asbury: The land to the north is the graveyard. There is the graveyard, then three or four houses then the old two room school house, then the fire station.

Member Bowne: I knew it was in the area; my only concern was if the fire district had any problems with the building being too close to the road.

Greg Asbury: The garage has been there at least 15 years; there was a building permit for it.

Chairperson Thomas: Is it a slab or pole structure.

Greg Asbury: It is a slab; it is a regular garage.

Brian Dollar: It would be in compliance if they owned more than five acres.

Chairperson Thomas: Is it still within the required setbacks?

Greg Asbury: Yes; it is at least 150-feet off the road.

Member Bowne made and Member Lightfoot seconded a motion to **approve** the request by Bettie L. Asbury for a variance for existing outbuildings to be in front of a house located at 4575 N Rte E, Columbia:

Member Thomas	Yes	Member Bowne	Yes
Member Lightfoot	Yes	Member Robbins	Yes

Motion to approve the request carries unanimously

## **OLD BUSINESS**

Certificate of Decision – Case 2013-005 Scott & Mary Gibbs - certify nonconforming use

Chairperson Thomas accepted and signed the certificate of decision.

**NEW BUSINESS**

None

**ADJOURN**

Meeting adjourned at 7:13 p.m.

Respectfully Submitted,

Paula L Evans  
Secretary

Minutes approved this    day of            , 2013