

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, June 26, 2014

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

Member Lightfoot 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: Rhonda Lightfoot
David Butcher
Lance Robbins

Absent: Frank Thomas
Cindy Bowne

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

Minutes of the October 24, 2013 meeting were approved by acclamation.

REQUEST

1. Case Number 2014-001

Request by Steven Nitkowski for a variance to permit an accessory structure to be constructed in front of an existing dwelling located at 4505 N Wyatt Lane, Columbia (**Zoning Regulations 7.A.5**)

Member Lightfoot asked the applicants if they wished to continue the hearing tonight with the Board only having three members present.

Mr. Nitkowski stated he wished to be heard tonight.

Planner Uriah Mach gave the following staff report:

This site is located northeast of Columbia approximately one mile north of Highway PP. The current zoning is R-S as is adjacent zoning. There is a dwelling and accessory structure on the property. The existing house is located at the north end of the property; the applicant would like to construct a 60 x 40' accessory structure between the house and the public road. The original zoning for this site is A-2; there have been on previous requests submitted for this tract of land. The requested variance is from zoning regulations section 7.A which states that "no accessory building may be erected in front of a main building unless the accessory building is attached to the main building by a common wall. Staff notified 32 property owners.

Present representing the request:

Steven Nitkowski, 4505 N Wyatt Ln., Columbia

Mr. Nitkowski presented photos of the property and a drawing showing the proposed location of the structure.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Member Butcher stated according to the drawing that the applicant presented it doesn't look like the building would meet the setback requirement if the property were to ever be subdivided.

Mr. Nitkowski stated he could move the building a little to the west.

Member Butcher stated that would work because according to the drawing presented by the applicant the building would not meet the setbacks.

Mr. Nitkowski asked where the Board proposes the building be placed.

Member Butcher stated it would need to be 58-feet from the center of the road in order to meet setbacks.

Member Butcher made and Member Robbins seconded a motion to **approve** the request Steven Nitkowski for a variance to permit an accessory structure to be constructed in front of an existing dwelling located at 4505 N Wyatt Lane, Columbia:

Member Lightfoot	Yes	Member Butcher	Yes
Member Robbins	Yes		

Motion to approve the request carries unanimously

OLD BUSINESS

a. Case Number 2006-005

Request by Danny & Fay Miller to permit a mobile home as a second dwelling on 10.44 acres, located at 7080 W Highway 124, Harrisburg (second dwelling removed November 2013)

Planner Uriah Mach gave the following staff report:

The original request was approved by the Board of Adjustment on July 27, 2006. The permit was renewed for a period of two years on July 16, 2010 and again on September 13, 2012. In November 2013 a Boone County Building Inspector noted that the temporary mobile home had been removed from the property. Staff is requesting the Board make a motion to deny renewal of a permit for a mobile home as a second dwelling as the variance is no longer needed.

Member Butcher made and Member Robbins seconded a motion to **deny** the request by Danny & Fay Miller to permit a mobile home as a second dwelling on 10.44 acres, located at 7080 W Highway 124, Harrisburg:

Member Lightfoot	Yes	Member Butcher	Yes
Member Robbins	Yes		

Motion to deny the request carries unanimously

b. Certificate of Decision – Case 2013-007 Bettie L. Asbury

The certificate of decision was not approved. It will be brought back to the Board at the next meeting.

NEW BUSINESS

Annual election of officers will take place at the next meeting.

ADJOURN

Meeting adjourned at 7:19 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this day of , 2014