

BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY GOVERNMENT CENTER
801 E. WALNUT ST., COLUMBIA, MO.
Thursday, August 25, 2016

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

The following procedural statement was entered in to the record:

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.

The following procedure will be followed: The agenda item will be announced, followed by a report from the Resource Management Department staff. At that time, the applicant or the applicant's representative may make a presentation to the commission. The Board may request additional information at that time, or later following the public hearing.

After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the Board and please restrict your comments to the matter under discussion. Please give your name and mailing address when you address the Board and sign the sheet on the table after you testify. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the Board. The Board will then discuss the matter and may ask questions of anyone present during the discussion. Also, we ask that you turn off your cell phones.

Any materials that are presented to the Board, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

Roll call was taken:

Present: Frank Thomas

Rhonda Lightfoot
Dennis Stephenson

Absent: Cindy Bowne
Lance Robbins

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

Minutes of the May 26, 2016 meeting were approved by acclamation.

REQUEST

1. Case Number 2016-008
 - a. Request by Boone County for a variance from the minimum lot depth for lots larger than 2.5 acres located at 4221 E Hwy 124, Hallsville (**Subdivision Regulations, Appendix B 1.8.2, Table A**)
 - b. Request by Boone County for a variance from the width to depth ratio on a lot larger than 2.5 acres located at 4221 E Hwy 124, Hallsville (**Subdivision Regulations, Appendix B 1.8.2, Table A**)

Bill Florea gave the following staff report:

This site is located 1/5 miles west of Hallsville and 3.25 miles east of Highway 63 on the northeast corner of State Highway 124 and Barnes School Road. This site is owned by Boone County and has been used for equipment and material storage and as a satellite office for the Boone County Sheriff's Department. This tract is going to be platted as a subdivision. A. The lot is only 208 feet wide so does not meet the minimum lot depth if the two lots are platted. B. The lot is 1304 feet long so exceeds the maximum lot depth if the lot is platted as one lot.

The original zoning for this site is A-2. This property was owned by the Missouri Department of Transportation (MoDot) when Boone County adopted zoning regulations in 1973. MoDot used the site as a regional maintenance facility for equipment, trucks and material storage. When the property became surplus it was sold to Boone County in 2010. The Boone County Public Works department used it for the same purpose. The property is now surplus and the County Commission plans to offer it for sale. Prior to sale, the County will seek to rezone the property to M-LP (Planned Light Industrial) and plat the land.

The requested variances are:
Subdivision Regulations Appendix B 1.8.2 Table A.

- a. The minimum lot depth is 250 feet.

Subdivision Regulations Appendix B 1.8.2 Table A

- b. The maximum lot depth is 3 x width.

Staff notified 13 property owners.

Section 1.9.2 of the Subdivision Regulations requires that the Director make a recommendation on requests for variance from the provisions of the regulations. The Board may grant a variance only if it finds after public hearing and upon competent and substantial evidence that the applicant meets the criteria for grant of a variance required by these regulations. No variance from any requirement contained within Appendix A or B of these regulations shall be granted unless the Board finds: (a) the applicant will incur unreasonable and unnecessary hardship if a variance is not granted and the variance is not sought primarily to avoid financial expense in complying with the requirements of these regulations (b) grant of a variance will not endanger the health, safety or welfare of the public, and (c) grant of a variance will not hinder, thwart or circumvent the general intent or any specific purpose of these regulations. All applications for variances shall be filed with the Director and after review thereof the Director shall make a recommendation to the Board to grant or deny the application and state the reasons for his recommendation.

The subject tract apparently was created by legal description prior to Boone County Zoning and Subdivision Regulations. The property is 1304 feet north and south and 208 feet east and west. Appendix B 1.8.2 Lot Specification and Table A of the subdivision regulations requires that lots larger than 2.5 acres have a minimum lot depth of 250 feet and can be no deeper than 3 times the width.

- a. The applicant will incur unnecessary hardship if these variances are not granted. Compliance with the subdivision design requirements would require that the applicant obtain additional land from and adjoining property owner so that a configuration that complies with the dimension requirements can be met. The lot dimensions have been established for at least 50 years.
- b. Granting this variance will not endanger the health, safety or welfare of the public.
- c. Granting this variance will not thwart or circumvent the general intent of the regulations.

Staff recommends that this variance be granted.

Present representing the request:

Ron Sweet, Assistant County Counselor, 801 E Walnut, Columbia

Ron Sweet stated this will not hinder, thwart or circumvent the general intent of the regulations. It will allow for the county to establish a 33 foot half width right of way along Barnes School Road. This property has been used largely in the same way for about 50 years. Because of the restrictions to be placed on the property it will probably continue to be used in the same manner.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Thomas asked staff if there were long term consequences that the Board needs to be aware of if the property is sold and if the property could even be used because it is so narrow.

Bill Florea stated the property can be used and informed the Board that Uriah Mach passed out a site plan for the property that went before the Planning and Zoning Commission last Thursday. The

Planning and Zoning Commission recommended approval and it will go before the County Commission on August 30, 2016. A building envelope is shown on the plan and the square footage under roof will be limited on the property. Only the proposed uses listed on the plan will be allowed. The county intends to plat the property as one lot and in the platting process a 33 foot half width right of way will be granted. Because of the thin nature of the property if you create two lots out of it you will have one lot that fronts on Highway 124 and Barnes School Road and a lot that only fronts Barnes School Road and that one wouldn't be able to meet the lot depth because what is now the width will become the depth. It is a usable lot but it doesn't currently meet the standards.

Member Lightfoot asked if staff heard from any of the neighbors.

Uriah Mach stated he took a call from someone that wanted to know what the request was about.

Member Lightfoot made and Member Stephenson seconded a motion to **approve** the request by Boone County for a variance from the minimum lot depth for lots larger than 2.5 acres located at 4221 E Hwy 124, Hallsville:

Member Thomas	Yes	Member Lightfoot	Yes
Member Stephenson	Yes		

Motion to approve the request carries unanimously

Member Lightfoot made and Member Stephenson seconded a motion to **approve** the request by Boone County for a variance from the width to depth ratio on a lot larger than 2.5 acres located at 4221 E Hwy 124, Hallsville:

Member Thomas	Yes	Member Lightfoot	Yes
Member Stephenson	Yes		

Motion to approve the request carries unanimously

OLD BUSINESS

- Case Number 2016-004 Request by Boone County
- Case Number 2016-005 Request by Todd & Susan Twenter
- Case Number 2016-006 Request by CMT Construction LLC

The certificates of decision were accepted and signed by the Chairperson.

NEW BUSINESS

Annual election of officers

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

All in favor. None opposed.

Member Thomas nominated and Member Stephenson seconded Member Lightfoot as Vice Chairperson.

All in favor. None opposed.

ADJOURN

Meeting adjourned at 7:15 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 22nd day of September, 2016