

# **BOONE COUNTY BOARD OF ADJUSTMENT**

**BOONE COUNTY GOVERNMENT CENTER**

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

**Thursday, June 22, 2017**

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

Roll call was taken:

Present: Frank Thomas  
Dennis Stephenson  
Paul Zullo

Absent: Rhonda Lightfoot  
Cindy Bowne

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

Chairperson Thomas read the following procedural statement:

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.

Minutes of the March 23, 2017 meeting were approved by acclamation.

## **REQUEST**

1. Case Number 2017-004

Request by Stephen J. Keithahn for a variance to allow an existing accessory structure to remain in the front plane of a home on less than 5 acres located 6575 S Arrowhead Lake Dr., Columbia (**Zoning Regulations Section 7. A.(5)**)

Chairperson Thomas informed the applicants that he would have to recuse himself from this request for personal reasons so there would not be a quorum to hear the request tonight. The request will be tabled until the July 27, 2017 meeting.

## **OLD BUSINESS**

1. Case Number 2017-005

Request by Michael W. Rice for a variance from the front setback on .88 acres for an existing structure and proposed addition located at 5220 E Dee Woods Rd., Ashland. (Zoning Regulations Section 10.A). Tabled from May 25, 2017.

This site is located ½ mile south of Ashland, there is a single family dwelling on the property. The existing house is located inside the front setback, the applicant would like to add on to the house. The original zoning for this tract is A-2 and was created by survey in March 1973. The survey showed a right of way for the road as 40 feet. The existing house was built in 1976. In 2000 easements were granted to increase the right of way to 50 feet total. The requested variance is from Zoning Regulations Section 10.A which requires that structures in the A-1 and A-2 zoning districts provide at least a 50 foot setback from the front and rear property lines, and 6 feet from the side property line. Staff notified 18 property owners about this request.

Present representing the request:

Harold Rice, authorized representative, 22251 S Westbrook Dr, Hartsburg

Harold Rice stated that he is Michael Rice's father. The applicant wants to build an attached garage flush with the front of the house but the house is in the front setback. There is an inground pool on the southwest corner of the house and that would have to be moved for the garage to meet the setback.

Open to public hearing.

Carl Freiling, P.O. Box 319, Ashland

Carl Freiling: Did the house meet setbacks for the easements were granted?

Bill Florea: If an easement was granted it would only be for 10 feet.

Closed to public hearing.

Chairperson Thomas: Do we know how far the existing house is in the setback?

Uriah Mach: If the aerial photo is accurate then it is about 20 feet into the setback.

Chairperson Thomas: Generally the Board will only grant variances for topography problems, not for economic or financial reasons. How old is the house?

Bill Florea: According to the Assessor's records it was built in 1976.

Harold Rice: The applicant wants to make the garage look like part of the original house. There is a pump for the pool and other pool equipment that would have to be removed in order for the garage to meet setbacks.

Member Stephenson: 20 feet is too much of a variance to grant.

Member Stephenson made a motion to deny the request because the existing house is too far into the setback and the Board should not add to it.

Member Stephenson made and Member Zullo seconded a motion to **deny** the request by Michael W. Rice for a variance from the front setback on .88 acres for an existing structure and proposed addition located at 5220 E Dee Woods Rd., Ashland:

Member Thomas	Yes	Member Stephenson	Yes
Member Zullo	Yes		

Motion to deny the request carries unanimously

## 2. Certificates of Decision

- Certificate of Decision – Case Number 2017-001 Request by C and Do Properties
- Certificate of Decision – Case Number 2017-002 Request by Drake Enochs

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

## NEW BUSINESS

None

**ADJOURN**

Meeting adjourned at 7:21 p.m.

Respectfully Submitted,

Paula L Evans  
Secretary

Minutes approved this 24<sup>th</sup> day of August, 2017