

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, January 25, 2018

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

Chairperson Thomas read the following 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.

Roll call was taken:

Present: Frank Thomas
 Rhonda Proctor
 Paul Zullo

Dennis Stephenson

Absent: Vacant Seat

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

Minutes of the December 28, 2017 meeting were not sent in the members packet. The Board will review the minutes at the next meeting.

REQUEST

1. Case Number 2018-001

Request by Henry J Waters III on behalf of Mary Waters for a variance from the minimum lot depth on 4.0 acres for lot 1 of Turkey Creek Estates, Plat 1 located at 5150 E Deer Park Road, Columbia

Planner, Thad Yonke gave the following staff report:

The property is zoned A-1 and a rezoning request for A-1P is pending. Zoning to the north is A-1, to the east is A-2, south is A-1 and A-1P and to the west is A-1P. This site is located 3 miles south of Columbia and is currently vacant. The applicant desires to transfer 4 acres of land to the adjoining tract to the west which is part of an A-1P planned development. The area to be transferred is bounded by Turkey Creek. On the east side of the property Turkey Creek does not provide the required 250 feet minimum lot depth. The original zoning for this site is A-1. Land immediately to the west was rezoned A-1P and a review plan was approved in 1998. Turkey Creek Estates subdivision plat created one lot containing 5 acres. The remaining 25 acres included in the review plan was undeveloped with the notation that an additional lot might be created in the future. In 2010 that plan was revised to add a second building lot. A review plan and rezoning application has been approved that would allow an additional 4 acres to be added to lot 1 of Turkey Creek Estates. The requested variance is from Subdivision Regulations, Appendix B, Section 1.8.2, Table A which requires a lot to have a depth of at least 250 feet. Staff notified 15 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 property is directly adjacent to an A-1P Planned Development known as Turkey Creek Estates. The applicants desire to add 4 acres to Lot 1 of Turkey Creek Estates from an adjoining property zoned A-1. Turkey Creek runs through the parcel and forms a natural boundary that the applicant would prefer to use. Appendix B Section 1.8.2 of the Subdivision Regulations states "Lot depth shall comply with Table A". Table A

sets a minimum lot depth of 250 feet. The area between the north property line and Turkey Creek is only 192 feet deep for a distance of approximately 380 feet to the west.

- a.) The applicant will incur unnecessary hardship if the variance is not granted. Turkey Creek forms a natural boundary for the division of the property as the topography is steep adjacent to the creek. Adding land from the south side of the creek to make the 250 foot minimum depth would make a section of land that is not readily accessible for the main part of the tract.
- 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:

David Butcher, Crockett Engineering, 1000 W Nifong, Bldg 1, Columbia
Mary Waters, 5150 E Deer Park Rd, Columbia

David Butcher submitted a copy of Turkey Creek Estates Plat 3.

David Butcher: We have submitted a review plan to rezone the property. Mary owns a house in the area and her father owns property adjacent to hers. We would like to add 4 acres north of Turkey Creek to her existing parcel of land. In filing the plat we found out that the east portion of the property doesn't meet the 250 minimum depth requirement. The applicants considered adding property south of the creek but given that her father can't maintain property north of the creek Ms. Waters won't be able to maintain property south of the creek due to access. The applicants talked to the landowner to the north and they are unreasonable with the price.

Mary Waters: We would like the creek to be the natural boundary for the property; I am not being offered any property south of the creek to purchase. My father will only sell the property north of the creek.

David Butcher: The goal for Ms. Waters is to create a buffer and her father is willing to sell her land.

Mary Waters: There is an old logging road that follows the contour.

Open to public hearing.

Present speaking in favor of the request:

Robert Trower, 5540 E Brandywine Creek Rd, Columbia

Robert Trower: I am mainly a curious neighbor wanting to know what is going on but it looks like a reasonable request, I have no objections to the request.

No one spoke in opposition.

Closed to public hearing.

Member Stephenson: Can this be split in to two lots?

Thad Yonke: It is part of a review plan and while it is theoretically possible there are a lot of hoops to jump through; they could propose a change it is not as easy as just dividing the property.

Mary Waters: It is mostly floodplain.

Member Thomas made and Member Stephenson seconded a motion to **approve** the request by Henry J Waters III on behalf of Mary Waters for a variance from the minimum lot depth on 4.0 acres for lot 1 of Turkey Creek Estates, Plat 1 located at 5150 E Deer Park Road, Columbia:

Member Thomas	Yes	Member Proctor	Yes
Member Stephenson	Yes	Member Zullo	Yes

Motion to approve the request carries unanimously

OLD BUSINESS

- Certificate of Decision – Case 2017-012 Deborah L Vollrath Revocable Trust

Chairperson Thomas accepted and signed the certificate of decision.

NEW BUSINESS

None

ADJOURN

Meeting adjourned at 7:16 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 22th day of February, 2018