

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, August 23, 2018

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:

8/2

Present: Rhonda Proctor
Paul Zullo
Dennis Stephenson
Michael Leipard

Absent: Frank Thomas
Vacant Seat

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

The meeting was called to order at 7:00 pm having a quorum present.

Vice Chairperson Proctor 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. 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.

Please give your name and mailing address when you address the Board and sign the sheet on the table after you testify. When you address the Board please speak directly into the microphone so your remarks are properly recorded. 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 June 28, 2018 meeting were approved.

REQUEST

1. Case Number 2018-010

Request by Russell & Ruth Thompson to allow a guest house to be constructed within the perimeter setback located at 6300 S Hwy 163, Columbia (Zoning Regulations 6.6.4).

Planner, Bill Florea gave the following staff report:

The site is located south of Columbia adjacent to Rock Bridge State Park, there is a single family dwelling and an accessory structure on this property. The applicant would like to rezone the property to A-2P (Planned Agriculture). Planned developments require that a front setback be provided around the entire perimeter of a property. The detached garage is located within the proposed setback of 50 feet. The original zoning for this site is A-2. There have been no previous requests submitted for this property. The requested variance is from Zoning Regulations 6.6.4 which requires that a setback equal to the A-2 front setback is to be provided around the perimeter of a property. Staff notified 3 property owners about this request.

Present representing the request:

David Butcher, Crockett Engineering, 1000 W Nifong, Bldg 1, Columbia
Lisa Griggs, daughter of applicants, 3600 Holly Hills Ct, Columbia
Russell Thompson, 6300 S Hwy 163, Columbia

The applicants provided a drawing of the property showing the location of the proposed building.

Lisa Griggs: Mr. Butcher will speak about the topography. The applicants purchased the property around 45 years ago. The applicants are older now, my mother had a stroke this year and my father has been her primary caregiver. They are at a point where they need a one level home. The applicants would like to tear down the existing garage and construct a new, one-level guest home in its place. The applicants will move in to the guest home and me and my husband will move in to the old home. This will allow for everyone to have their own space but still be close enough in case of an emergency. I am a nurse and feel I can take care of them if they are close by. Once the applicants are gone my children can move in to the new home or me and my husband can move in to the new home and have the kids or grandkids move in the old one. It is about keeping the family close. There is already an existing accessory building and we are looking to take that down and replace it and enlarge it enough to have a living space and it will be within walking distance of the main home. We would be able to keep them in their home a lot longer. We love the place the way it is and would like to keep it exactly as is but we would like to keep the integrity of the land as much as

possible so we felt that this location meets all of our needs in taking care of our parents and giving them the accommodations they need and having a minimal impact because the infrastructure is already out there and we have the driveway already there. When my parents are no longer there we will have it to use as a guest home for our children, grandchildren, and extended family in the future. For us it is a family issue, it means keeping our family together, I am an only child and my husband and I are the ones that will be the support for my parents.

David Butcher submitted a letter from Missouri Department of Natural Resources in support of the request.

David Butcher: Rock Bridge State Park supports this request. The existing driveway comes up a steep grade and there is an existing building that has a driveway already in place and leveled off. It is a spot that doesn't have a lot of relief and is perfect for an elderly couple to live on because it is flatter grade. It is important for the family to keep the same location. The topography is terrible as is the shape of the property. The extraordinary circumstance is that the state park is a buffer so we don't have to worry about the 50 foot setback being a problem. There is a switch back driveway because of the steep terrain, which has a 15 percent grade, so there isn't really a good place other than in front of the house in order to put something and the steep grade doesn't accommodate what they need.

David Butcher presented photos showing the grade of the property.

David Butcher: The house sits on top of a hill. There are limited choices on where we can put the guest house and all of them happen to be in the buffer. If the Board approves this tonight the applicants still have to submit a rezoning request to the Planning and Zoning Commission.

Member Zullo: How is the sewage or septic situation on the hill? Where would the new dwelling have a system?

David Butcher: If the applicants are allowed a guest house the health department will allow us to connect to the existing sewer system.

Member Zullo: Is it a septic system?

Lisa Griggs: Yes.

Member Zullo: Will you have to increase the laterals?

David Butcher: Possibly, when we get our permit they will tell us what we need to do.

Member Zullo: Is behind the house the only flat area?

David Butcher: Yes.

Bill Florea: Have the applicants located the septic system?

David Butcher: No, I will when we bring our plan forward.

Bill Florea: It might be pertinent for this discussion.

Lisa Griggs: The septic system is shown on the aerial.

Member Stephenson: The applicants will have two dwellings on one septic system?

David Butcher: It is considered a guest home so it is like having extra bedrooms added to your house but there is some separation. The way the health department views it is they aren't separating the land so it is not two houses using one septic system it is one house with bedrooms that are not attached to the house. We have an existing driveway that comes in and the goal is set up to be a garage that would basically have an apartment in it. The living quarters aren't going to be quite the same.

Member Stephenson: Is the footprint shown accurate as far as the size of the building?

David Butcher: Yes, I drew it based on what the applicants wanted; they needed a room for their cars and a place to live.

Member Stephenson: What do you plan to do with the garage? Is it going to be completely demolished?

David Butcher: The little garage that is in the photo is going to be demolished completely.

Member Stephenson: It is a little confusing because the application says the applicants are going to rebuild the garage.

David Butcher: It is going to be a garage and an apartment.

Member Stephenson: But you are not going to rebuild the same garage?

David Butcher: No.

Member Stephenson: When I went through the Crockett Engineering one it only mentioned that the applicants wanted to build a guest house and it didn't mention anything about the garage.

David Butcher: The guest house will have an attached garage.

Member Stephenson: What would be the setback?

David Butcher: The applicants are proposing eight feet away from the property line. We don't have a defined setback, if the Board will allow it and tie it to eight feet the applicants would be happy with that.

Member Stephenson: But the applicants are asking for eight feet.

David Butcher: I am asking to be inside the building line. If you want the applicants to be limited to only going eight feet the applicants would accept that.

Member Zullo: Can the applicants go more than eight feet?

David Butcher: Based on the existing driveway we can go a couple of feet more if that would suit the Board.

Member Stephenson: What does the project look like if they go back 50 feet?

David Butcher: It will put it too close to the existing house and the topography is such that it is not really suitable.

Member Proctor: Did staff hear from any other property owners?

Bill Florea: No.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Member Proctor: What is the square footage of the existing house?

David Butcher: I didn't measure that.

Member Proctor: What is the square footage of the existing garage?

David Butcher: I don't know that either.

Member Proctor: What is proposed for the guest house and garage?

David Butcher: I don't know that either. This is the preliminary, once I develop the plan and take it to the Planning and Zoning Commission I will have those answers. Right now I just need the ability to build in this location.

Member Proctor: When was this built? The applicants have lived on the property for 45 years, did they build it?

Lisa Griggs: Yes.

Member Stephenson: I am assuming that the garage was built prior to this being a Planning and Zoning County?

David Butcher: I don't know.

Member Stephenson: Otherwise I wonder how it got within four feet of the property line to start with.

Bill Florea: If you go back to the Assessor's map the property line isn't depicted correctly. Mr. Butcher went out and measured from the property line that is at the point we knew it encroached in the setback. Normally there would be a fifteen-foot side setback.

Member Stephenson: We know where the boundary line is and if I am reading this correctly then if the applicants built this the way it is drawn they would have eight feet between the edge of the house and the boundary line.

David Butcher: Correct.

Member Stephenson: And to be within code he would have to be fifteen feet?

Bill Florea: Fifty feet. The regulations allow for one dwelling per lot, they have one legal lot and one existing dwelling unit however it is A-2 which allows a density of one dwelling unit per 2.5 acres. There are three dwelling units worth of density on this parcel. If a PRD is approved from the Planning and Zoning Commission and County Commission they can add another dwelling unit without subdividing the property.

The rules of the PRD state that they have to have a perimeter buffer around the property equal to the front yard setback of the base zoning district which is 50 feet in A-2 zoning.

Member Stephenson: The code would be fifty feet and the drawing shows eight feet.

Bill Florea: They are proposing eight feet. I believe there is a 50 foot line on the drawing.

Member Stephenson: Most of the building would be inside the 50 foot setback.

Bill Florea: Correct.

David Butcher: That buffer is normally there as a way to protect the adjacent zoning. In this circumstance we have the state park. I feel the buffer is a moot point in this plan.

Member Leipard: I think what is interesting is there is already a building there.

Bill Florea: The current setback is 15 feet. When we do inspections if the property line isn't easily identified we ask the contractor or owner to identify the property line and that is what we measure setbacks from and it is likely that is where the error occurred.

Member Leipard: How long has the garage been there?

Mr. Thompson: About 16 years.

Uriah Mach: As an accessory structure it could be placed as close as two feet to a side setback if it is more than ten feet from the primary structure and more than 60 feet from the front property line. I would expect that was the circumstance.

Member Stephenson: If it is allowable then why do the applicants need an adjustment?

Uriah Mach: In this situation it is because they desire the 50 foot perimeter setback for the A-2P.

Bill Florea: And a second residence is a second primary structure.

David Butcher: I am going to request to rezone this property and in that request I have to stay 50 feet away unless the Board grants a variance. When I go to request the rezoning if I already have the Board's permission then I know that Planning and Zoning will be able to hear the rezoning request.

Member Proctor: Do the applicants think they can get 10 feet off the property line?

David Butcher: If the Board wants ten we can make it work.

Member Zullo: Is there a plan for the house?

David Butcher: They have a floor plan that they have been working on. Normally when you hear a request like this someone wants to put in a mobile home and make it temporary it just so happens they have the ability to do something more than temporary.

Member Leipard: The applicants could remodel the garage.

Bill Florea reminded the Board to make their decision based on the facts of the case and to make sure it meets the criteria for approval.

Bill Florea read the criteria: Where by reason of shape or 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 provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the Zone Plan as embodied in these regulations and Zoning Map.

David Butcher: The topography and shape of the property is terrible.

Member Zullo: I am not opposed to it. If you add seven feet and go to fifteen it looks to be something the applicants can do. Do you not have that much room because of the septic tank? Or is it due to the space between the two houses?

David Butcher: They want to line up with the existing driveway.

Member Zullo: But you can do ten feet?

David Butcher: I can give you ten.

Member Zullo made and Member Leipard seconded a motion to approve the request by Russell & Ruth Thompson to allow a guest house to be constructed within the perimeter setback located at 6300 S Hwy 163, Columbia with a minimum of 10 feet from the property line.

| | | | |
|----------------|-----|-------------------|-----|
| Member Proctor | NO | Member Stephenson | NO |
| Member Zullo | Yes | Member Leipard | Yes |

Motion to approve the request does not carry

OLD BUSINESS

None

NEW BUSINESS

Annual Election of Officers

The floor was open for nominations for Chairperson:

Member Stephenson nominated Frank Thomas as Chairperson, member Zullo seconded the nomination. No other nominations were made. All members voted in favor of Frank Thomas as Chairperson.

The floor was open for nominations for Vice-Chairperson:

Member Zullo nominated Rhonda Proctor as Vice-Chairperson, member Stephenson seconded the nomination. No other nominations were made. All members voted in favor of Rhonda Proctor as Vice-Chairperson.

ADJOURN

Meeting adjourned at 7:41 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 27th day of September, 2018