

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, October 24, 2019

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
Michael Leipard
Rhonda Proctor
Paul Zullo
Jesse Stephens

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

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

Chairperson Thomas read the following procedural statement:

Ladies and Gentlemen, the Boone County Board of Adjustment is now in session.

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. All testimony from the applicants and the public should be given from the speaker table, do not approach the Board unless requested. Any evidence submitted should first be given to the Secretary of the Board to properly identify for the record. During testimony, any references regarding submitted evidence should be referred to by its exhibit number.

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 September 26, 2019 meeting were approved as written.

REQUEST

1. Case Number 2019-008

Request by Kemper Revocable Living Trust for a variance from the side setback for an existing accessory structure located at 565 W Dripping Springs Rd., Columbia (Zoning Regulations Section 10.A)

Planner, Bill Florea gave the following staff report:

This site is located on Dripping Springs Road approximately ¼ mile west of Highway 63 and five miles northwest of Columbia, there is a barn on the property which was placed too close to the property line. The original zoning for this tract is A-2. There have been no previous requests submitted for this tract. The requested variance is from Zoning Regulations Section 10.A which requires a minimum side setback of 15 feet in the A-2 zoning district. Staff notified 34 property owners about this request.

Present representing the request:

Pete Kemper, 9161 I-70 Drive NE, Columbia

Pete Kemper submitted three photos of the building. These were marked as Exhibit A.

Pete Kemper: I am asking for a variance on a barn that I built on April 12, 2018. It is a 24 x 30 barn/workshop to be used in my spare time, this will accommodate our tractor, skid loader, lawn mower, etc. I had a meter box from Boone Electric installed and all of the wiring done and on the electrical inspection it was noted that this structure was built too close to the property line and a variance would be required in order for electricity to be granted. Previously when I built barns it has never been close to another person's property line so I never gave it a thought to inquire about setbacks which I should have. I am sure the builders assumed I made inquiries and never questioned it. The electricity is needed to run an air compressor, welder as well as other power tools and keep water for the cattle and horses from freezing in the winter.

Open to public hearing.

Present speaking in favor of the request:

Jean Walker, 2150 W Dripping Springs Rd, Columbia

Jean Walker: We own the property that is closest to the building. We have no problem, that barn has been there for a year and doesn't bother our property and it makes no difference to us that it is that close to our property.

No one spoke in opposition to the request.

Closed to public hearing.

Member Stephens: Was the building measured from the fence line? Were there property pins or was it surveyed?

Pete Kemper: Yes. But we didn't measure off the fence line, I just determined where I wanted it and the builder built it there.

Member Stephens: Is the fence line pretty close to the property line?

Pete Kemper: It is eight feet from the fence line to the building.

Member Stephens: The fence line is on the property line?

Pete Kemper: Yes. I built it about 2600 feet back and never gave a thought.

Member Stephens: Where is the building located on the property.

Mr. Kemper pointed it out on the aerial map.

Member Leipard: What does staff think about this request? Does staff have an issue with it being so close to the property line?

Bill Florea: It doesn't meet the regulations.

Member Leipard: A building permit wasn't required for that building?

Bill Florea: It should have had a building permit.

Member Leipard: Because it was a shop?

Bill Florea: Yes, that would require a building permit. It was when the applicant wanted electricity that he applied for a permit. If a building permit had been issued before the building was built, we could have done a setback inspection and caught it at that time.

Member Leipard: Does staff think the as is where is condition applies here?

Bill Florea: That is a question for the Board.

Member Zullo: Was the fence in place when the barn was built?

Pete Kemper: There was a fence there but I tore it down and put up a new one.

Member Zullo: If the variance isn't granted this will just leave him without electricity?

Bill Florea: We would not be able to issue a permit for electricity unless it gets a variance.

Chairperson Thomas: Does the building have a concrete floor?

Pete Kemper: Yes.

Member Leipard: There is no restroom in the building?

Pete Kemper: No.

Member Stephens: Is this the only structure on the property?

Pete Kemper: I have two storage sheds.

Member Stephens: But no house.

Pete Kemper: No.

Member Stephens: The question is if the as is where is condition is applicable since this was done without a permit.

Chairperson Thomas: It still applies but if we want to follow the definition of what a variance is, this does not meet the stipulations for the Board to grant a variance. There are no topography issues, there is no undue or demonstrable hardship as far as deprivation of use other than economic. In the past the Board has not granted variances due to economic hardship.

Member Thomas made, and Member Leipard seconded a motion to deny the request by Kemper Revocable Living Trust for a variance from the side setback for an existing accessory structure located at 565 W Dripping Springs Rd., Columbia

Member Thomas	Yes	Member Leipard	Yes
Member Proctor	Yes	Member Zullo	Yes
Member Stephens	Yes		

Motion to deny the request carries unanimously

2. Case Number 2019-009

- a. Request by Kevin Hunter for a variance to allow an existing accessory structure to remain and be expanded within the front setback on 1 acre located at 7002 N Rt. E, Columbia. (Zoning Regulations, Section 10.A)

- b. Request by Kevin Hunter for a variance to allow an existing accessory structure to remain and be expanded in the front plane of a main structure on 1 acre located at 7002 N Rt. E, Columbia (Zoning Regulations, Section 7.A.(5))

Planner, Thad Yonke gave the following staff report:

This site is located on State Highway E approximately 3.5 miles northwest of Columbia, there is a manufactured home and accessory structure on the property. There is an existing accessory structure in front of the residence, the accessory structure is located in the front setback. The original zoning for this site is A-2. In 1997 a previous owner received a permit for a manufactured home, that unit was replaced in 2010. A permit to remodel the shed was also issued in 2010. The requested variances are from Zoning Regulations Section 10.A which requires a minimum front setback of 50 feet in the A-2 zoning district and from Zoning Regulations 7.A.5 which states no accessory structure 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 12 property owners.

Present representing the request:

Kevin Hunter, 7002 N Route E, Columbia

Kevin Hunter: It is a small building out front, the 50 foot setback goes into the building a little bit, around 5 – 10 feet. I don't want to go more toward the street, I want to go away from it but keep part of the existing building. I've looked at other options of what I could do to build a garage, on the south side of the property there is a drip irrigation field that goes a little to the front of the house and it wraps around to the back of the house. To the north there is a telephone pole and the wire runs across the property. The property owner to the south has an easement to drive through my property and I can't build in the easement. The septic tank is on the north side of the property and attaches to the leach field. Building at the proposed site is really my only option. The existing structure is too small to park a car in so I want build on toward the east. The reason a variance would be acceptable in this case is because I have no other option and this location is the only possibility.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Thomas asked staff the reasoning behind not building in the front plane.

Thad Yonke: Generally speaking, the idea of not having an accessory structure in front of a primary structure is so not to obscure the primary structure. The idea is the smaller the lot gets the more likely an accessory structure is to obscure the main building which would make it a problem for emergency services seeing and finding the location. The front setback is obviously a safety rule. On a statutory road that has only a 30 foot right of way that is where you would measure the 15 feet for the right of way then the 50 foot setback. If it is on a right of way road those are typically 25 or 33 foot half-width right of ways so you are looking at 75 or 83 foot from the centerline of the road. In this case I believe the entire building is in the setback.

Chairperson Thomas: How old is the existing structure?

Kevin Hunter: It was remodeled in 2010.

Member Zullo: What did the applicant want to do with the existing building?

Kevin Hunter: Make it big enough to park a car or two in it and make it a full sized garage.

Chairperson Thomas: Is it a pole structure or does it have a concrete floor?

Kevin Hunter: It is anchored into the concrete.

Chairperson Thomas: Does staff know from the permit if this building has footings?

Thad Yonke: I don't know how we issued a permit in 2010 but the report indicates we did.

Member Zullo: Why can't the structure be placed to the south?

Kevin Hunter: Everything behind the house and to the side is septic system being used.

Chairperson Thomas: The applicant also indicated that up by the shed on the other end of the building is the septic system.

Kevin Hunter: There are two septic systems in the ground, one of them that everything pours into and a secondary one that filters and pumps it up the field and goes back around. Because the ground is so thin and because it is such a small acreage you can't put a lagoon on the property.

Member Zullo: How big is the lot?

Thad Yonke: One acre and this is one of the reasons we don't allow onsite waste water systems on less than 2.5 acres when you are creating new lots because you run into situations like this where it gets really tight.

Member Zullo: Has the access easement ever been used by the neighbor?

Kevin Hunter: No they don't use it. It was used at one time; there used to be a mobile home and they used to use it but they built their own driveway onto Route E but I still couldn't build anything on the easement. Even if I wanted to build over there I'd still have an issue.

Chairperson Thomas: It would be a situation of needing the same variance.

Kevin Hunter: There is a building already where I want to build so I am not making it any worse, I am just adding on.

Member Leopard: How much square footage did the applicant want to add?

Kevin Hunter: I would like a 24 x 30 addition.

Member Leopard: That would make it fairly close to the house.

Member Zullo: Are you trying to get a roof over a vehicle?

Kevin Hunter: Yes, to get where I can park in a garage.

Member Zullo: Just a roof, do you need walls around it?

Kevin Hunter: I'd like to be able to work on my car in my garage and park my mower in there.

Member Zullo: Do you anticipate pouring a concrete slab and having a metal building?

Kevin Hunter: Yes.

Member Leopard: Is there electric in the building now?

Kevin Hunter: No.

Chairperson Thomas: Will there be?

Kevin Hunter: I would like to have electric. From the one before they had wires ran to it and I just never hooked it back up from the house.

Member Zullo: Is it overhead or underground?

Kevin Hunter: Underground.

Member Stephens: The property is zoned A-2 so there is a 15 foot side setback. Is there enough room to go north with the building and not obscure the house?

Kevin Hunter: The existing building is about 25 feet from the side property.

Chairperson Thomas: The septic system comes off what looks like the north side of the property?

Kevin Hunter: Yes. I believe you can see it on the aerial map.

Member Stephens: Is the septic system newer or has it been that way since you bought the property.

Kevin Hunter: I had to have it installed when I moved out there.

Member Stephens: How old is the septic system?

Kevin Hunter: About 10 years old.

Member Leopard: If we were to allow this variance he would have to get permits to build.

Thad Yonke: Correct, he would have to get a building permit which we can't issue unless the variance is granted.

Member Leopard: Are you planning on having any plumbing in the building?

Kevin Hunter: No, just electric.

Member Leopard: The septic system is probably at capacity anyway.

Kevin Hunter: With the house size the septic is at its limit. I don't need a restroom in it, it is just a garage.

Member Stephens: I am inclined to think that there are some extreme conditions but it doesn't make sense to allow any addition to the structure to extend further to the south or closer to the road and it doesn't make sense to allow the structure to impede any side yard setback.

Member Stephens made and Member Proctor seconded a motion to allow the addition to the existing structure pending no closer to the road and it has to be at least 15 feet off the side yard and it cannot be extended any further to the south.

(Note: This motion was withdrawn later in the meeting)

Thad Yonke: Member Stephens is saying in line with the south wall of the current shed? And no closer to than 15 feet to the northern property line and essentially in line with the rear wall of the shed as well, no closer to the road than that?

Member Stephens: Correct.

Member Leipard: And he for sure wouldn't put any sewer in there?

Thad Yonke: I don't know that the Board can stipulate that. The Health Department is the authority on that, it is probably maxed out to where they couldn't do that anyway. If the Board approves a variance whether it has electricity or not is all included in the same building permit.

Paula Evans asked if this motion was for Case Number 2019-009 (a) only.

Member Stephens: It is for A and B.

Thad Yonke: I think it is both because the way that Member Stephens stated it, it is probably in the front setback a little bit and it is also in front of the primary structure. In order to meet that criteria the motion covers both requests, if we need two separate motions it can be made twice and voted on twice but you can't really do one without the other.

Paula Evans asked that the motion be clarified.

Chairperson Thomas: Yes, we need to work on it a little more. Let's think about the existing structure and the fact that it is completely in the setback. That is where the as is, where is condition can come in.

Thad Yonke: That would be appropriate because the new structure you can't do as is where is.

Chairperson Thomas: The applicant can make the structure longer to the north, correct?

Kevin Hunter: Yes, I believe so.

Thad Yonke: From what he described a 24 x 30 against the back wall would be L shaped.

Chairperson Thomas: What I am wondering is how we can come up with language that we grant a variance to be able to build in the front plane but if something happens to part of the building that is in the setback that it gets fixed. As far as staff is concerned this becomes a single structure?

Thad Yonke: Any time you build within 10 feet of a building it becomes one building from the building code point of view. I believe that the applicant wanted to expand the front wall according to the drawing

and there would be more extended along the front plane which is not what they are saying in the variance. The Board is saying it could be in the back and build along the back edge of the building.

Member Stephens: Not obscure the front of the mobile home more than it already is.

Thad Yonke: So it would basically be all along the back wall.

Kevin Hunter: Would it be possible to come forward two or three feet if necessary if I am getting close to the 15 feet? I would like to make use of the existing slab.

Chairperson Thomas: You have a lot of room to the north. How much room is there between the existing building and the side setback?

Jesse Stephens: About 45 feet.

Chairperson Thomas: You have 30 feet to work with.

Chairperson Thomas asked staff for aid in wording a motion.

Thad Yonke: You could make a motion for the existing structure to be in the front setback and in front of the building with the as is where is condition and do that as one motion and it would cover both of the variances. Then you could do a separate motion for the new construction aspect of it then ask for that and the new part couldn't have the as is where is condition.

Uriah Mach: I don't know that we could use the as is where is condition, that assumes the same footprint and square footage. Tying anything it to the existing structure with the as is where is condition is questionable because the applicant is seeking to modify the existing structure.

Thad Yonke: The question becomes if something happens to the existing structure: does the Board wish to allow that portion of the building to be built back? If that is not the case, then you may not be able to use the as is where is condition, but you don't have to use that particular condition. The Board could say if something happens to the existing building you can't build it back. The as is where is condition is a construct that we created because it fits most of the situations, if it doesn't fit this situation the Board can say that they grant the variance for that portion of the building as that portion is and if something happens to that portion of the building that portion can't be built back. The Board has the ability to modify, they don't have to follow the as is where is definition.

Bill Florea: How important is it to keep the existing portion if the applicant is going to build a new one?

Kevin Hunter: It isn't.

Bill Florea: The reason I ask is because it would be much simpler and the record would be more clear if the Board denied the variance on the existing structure and, if the Board is inclined to do so, grant a variance for a new structure with no as is where is condition if that is acceptable to the applicant. To me we get a building closer to meeting the setback that is not obscuring the home any more than the current building does which is one of the stated goals of the Board. And, it eliminates the complication of that existing structure and what to do with it in the future.

Member Leopard: The applicant will end up with a better structure too.

Member Zullo: Is the applicant limited to height?

Thad Yonke: There is a building code height.

Member Stephens: There is no way it will be that tall.

Member Zullo: It is about obscuring the view of the home and he could build something in the same footprint but taller it will still obscure the home.

Bill Florea: The Board could put a limit on that if they want, there is a zoning regulation that limits it to 35 feet.

Member Zullo: If we are doing this because it is in front of the building and it obscures the view and we can make him take it down it seems like obscuring the view is moot.

Thad Yonke: That is the general aspect: not having accessory structures in front of a primary structure.

Bill Florea: I don't think the height of the new building is going to have any effect on the visibility of the existing home because whatever you build is going to obscure the home anyway.

Member Stephens: It appears the way the driveway is oriented you have to drive right up to the front of the mobile home; they aren't going to miss the location of the driveway.

Paula Evans stated there is a motion on the table that has been made and seconded and asked Member Stephens if he would like to withdraw his motion.

Member Stephens withdrew his previous motion.

Member Stephens made a motion for a variance from Zoning Regulation Section 10.A to allow the front setback of the shed to fall within the 50 foot setback but no closer than the existing shed for a new building.

This motion was not seconded. Motion dies.

Bill Florea: Is this the east wall?

Member Stephens: The east wall would be the back of the current shed.

Bill Florea: The original motion was the current shed was going to be built to the east.

Member Stephens: The picture drawing shows basically the distance from there to the road staying the same and going that direction.

Bill Florea: That is not what I heard in your previous motion.

Thad Yonke: In your previous motion you assumed the building was going to stay so the new building part that was going to be built you had indicated it would be at the back wall, that is why we tried to clarify that.

Member Stephens: If the existing building is going to go away then we would not want the new building to be any closer to the road than the existing building is now. Basically whatever the existing distance is from the west wall of the existing shed to the road would not be encroached any further.

Thad Yonke: Which is the front face?

Member Stephens: Yes, it is not allowed to encroach the road more than it already does.

Thad Yonke: Any closer than the existing shed currently is whether that shed is there or not. Essentially no closer than the existing slab.

Member Stephens: Correct, no closer than that. If we go to the back wall I am not sure whether he will get into the existing septic tank or not.

Member Zullo: His picture has where he proposes it to go, right?

Member Stephens: Right.

Chairperson Thomas asked Member Stephens to clarify his motion.

Member Stephens: The west wall of the existing shed, the distance between the west wall and Route E should not get any closer to Route E than the west wall is now.

Chairperson Thomas: That is not what I was thinking at all. I was thinking we were going to deny the variance for the existing structure to be in the setback and that structure would need to be removed and the new building would be built no closer than the east wall.

Member Stephens: I am not sure that is physically possible.

Member Zullo: Why?

Chairperson Thomas: That is where he is proposing to build on to it right now.

Member Stephens: Do we know where the actual right of way line is?

Thad Yonke: Since there isn't a survey you would be starting from the center line of the road.

Uriah Mach measured on the aerial the distance from the center of the road to the west side of the existing building.

Thad Yonke: At worst case it would be an 85-foot setback from the center of the road or it could be 65 feet depending on the width of the right of way.

Member Stephens: If it is the worst-case scenario then there is no physical way possible he could build that.

Thad Yonke: If that were the case he wouldn't need a variance to begin with.

Member Stephens: The problem with specifying an actual distance, unless we just pick a number and he has to build the shed to that number, there is missing information here so we really don't know.

Bill Florea: I would suggest that maybe the Board table this and ask the applicant to come back with more information like a lot survey and show exactly where the setback is, where he wants to locate the building and locate the septic system so that you know exactly where the building could be located.

Member Leopard made a motion to table the request. Member Zullo seconded the motion.

Chairperson Thomas: We need more location information about where this is going to be, where things are right now and where you are proposing things are going to go so that we can make sure we grant you the right kind of variance.

Kevin Hunter: I am not quite clear what kind of information I'll need to have.

Bill Florea: You should consult with a professional surveyor and identify where the property line is and then have them work with you to develop a site plan to show where you can build that structure and maximize the setback from your property line. The site plan should show where can you build that structure given the constraints of the property with your septic system and keep it as far back from the road as possible in order to minimize the variance that you are asking for. If you would like to come in and meet with staff in the office we can talk about it in more detail.

Kevin Hunter: I almost have to stay in this area.

Bill Florea: That is fine but we don't know any details like where your property line is so the Board is having trouble granting a variance because there is a lack of concrete dimensional data and that is what you can get from a surveyor. They can help you develop a site plan and identify exactly where your property line is, where the septic system is, and those are your two constraints as to where you can build that building. Then you can come back and show the Board a site plan telling them exactly what you are asking for.

Kevin Hunter: I talked to a surveyor and he said that it would be between \$2000 - \$10,000 after he started looking into it.

Thad Yonke: To do the survey or to do a variance?

Kevin Hunter: To survey the property, something about stones that don't exist in the corners. It sounded like a ridiculous amount.

Member Stephens: We just need a little more concrete data and it could be as simple as getting some hard dimensions from the road.

Kevin Hunter: Me doing measurements?

Member Stephens: Something that you could do and get some very specific measurements to the septic tank and to the front of the building. I would assume maybe working with staff you could figure out what the right of way widths are.

Thad Yonke: Normally the Board requires that to be done by a surveyor.

Chairperson Thomas: Yes.

Thad Yonke: The applicant can always measure and put down on paper and show a diagram but typically in the past when the Board has wanted that kind of specificity they have required it to be done by a licensed surveyor.

Bill Florea: I would shop around, there are several surveyors and some of them work more inexpensively than others.

Thad Yonke: You might be able to get one to come in with you to talk with us about what you need because there may be a difference between them doing a site plan survey where they feel comfortable telling you that is where it is without having to do a full blown, recorded survey that would be around the entire boundary which may be what they were thinking when you talking with them. They may be able to establish the front line and corner without going through all of that. Staff is willing to sit down with you and the surveyor and try to talk that through.

Member Leipard made and Member Zullo seconded a motion to table the requests by Kevin Hunter for variances for an existing accessory structure on 1 acre located at 7002 N Rte E, Columbia.:

Member Thomas	Yes	Member Leipard	Yes
Member Proctor	Yes	Member Zullo	Yes
Member Stephens	Yes		

Motion to table the request carries unanimously

Kevin Hunter: I will be here at the next hearing then?

Thad Yonke: If you get the information submitted it can come back at the next hearing. Technically Monday is the submission deadline for the next meeting. You don't have to apply again but the stuff that we are going to get for the next month will all be turned in next week and then we will get packets pulled together. Depending on how quickly you think you are going to be able to get the information we can get you back on but it can't be like two days before the meeting.

Bill Florea: We will put this on the agenda for the next meeting and if we get the information in time we will submit it to the Board and if not then it will be pushed to the meeting after.

3. Case Number 2019-010

Request by Brad & Carmen Mann for a variance to allow an accessory structure to be constructed in the front plane of an existing single-family dwelling on 4.45 acres located at 2030 E Cedar Tree Lane, Hartsburg. (Zoning Regulations, Section 7.A.(5))

Planner, Thad Yonke gave the following staff report:

This site is located approximately 2.5 miles southwest of Ashland. There is a single family house on the property. The applicant would like to place an accessory structure in the front plane of the house which is approximately 180 feet off of the right of way. The construction site would be at the location that had an old barn that pre-dated zoning regulations. The original zoning for this site is A-2, the tract was created as a family transfer in 2005 and the house was completed in 2006. The requested variance is from Zoning Regulations Section 7.A.5 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 15 property owners.

Present representing the request:

Brad Mann, 2030 E Cedar Tree Ln, Hartsburg

Brad Mann submitted a statement and two aerial photos for the record. This was marked as Exhibit A.

Brad Mann: The items I submitted are similar to what I turned in with the application. I am here to ask for a variance on putting a structure in front of the front plane of my residence. I have lived there since 2005, my grandma and grandpa, great-grandma and great-grandpa have all owned this property. Ever since I can remember there has always been a barn where I am proposing to build one. When we built our residence the barn was there and I kind of designed everything around where the barn was. There have been three different barns there through time. Where our house sits was where the old homestead originally was so I fit the footprint where everything was when we moved in there. That barn went down about six or seven years ago when we had a big snow and it caved in so I demolished and removed it. I have saved up enough money now to where I can put another barn in. I am proposing a 30 x 40 structure. One of the pictures I submitted shows where I am proposing the building to be. This is kind of up in the river bluffs and everything falls off on both sides of the house. Where the house is you can see the contour lines to the north they drop off immediately at the house, to the south it drops off immediately from the house all the way around, there are big drop offs. The backyard slopes down pretty steep too so how I see it I don't have much of a choice except for where I am proposing to build it. The property is in a rectangle but the lay of the land is more like a triangle and my house is sitting the back at the point with slopes all the way around it.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Thomas: The proposed structure is going to be how far from the existing home?

Brad Mann: If you look at the aerial where the horse trailer is, that is about where I am proposing to put the structure, it's about 300 feet from the house.

Chairperson Thomas: Are you going to have a driveway from the main road?

Brad Mann: There is an existing driveway that already has a culvert. To the south is where we have put some pasture in, it's where we keep our livestock and I would like the barn to be near the livestock.

Chairperson Thomas: The applicant won't have any problem with the front setback.

Thad Yonke: No, and they are not asking for a variance from the front setback.

Brad Mann: The road comes in and turns with the barn being where it is I can't see it obstructing the view of the front of the house as far as emergency vehicles go.

Member Leopard: What kind of livestock does the applicant have?

Brad Mann: Horses.

Chairperson Thomas: What utilities will be in the barn?

Brad Mann: Electricity, I have a water meter by the building so I have a spigot there, I would like to pipe some water into the barn to water the horses inside but I wouldn't have a bathroom or shower.

Member Thomas made and Member Zullo seconded a motion to approve the request by Brad & Carmen Mann for a variance to allow an accessory structure to be constructed in the front plane of an existing single-family dwelling to be placed as shown on the applicants site drawing on 4.45 acres located at 2030 E Cedar Tree Lane, Hartsburg:

Member Thomas	Yes	Member Leipard	Yes
Member Proctor	Yes	Member Zullo	Yes
Member Stephens	Yes		

Motion to approve the request carries unanimously

OLD BUSINESS

Certificate of decision – Case 2019-005 David and Linda Sappington

Certificate of decision – Case 2019-006 William and Mary Oswald

Certificate of decision – Case 2019-007 Aaron and Hannah Foster

Chairperson Thomas approved and signed the Certificates of Decision.

NEW BUSINESS

None

ADJOURN

Being no further business the meeting was adjourned at 8:16 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 5th day of December, 2019