

BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY GOVERNMENT CENTER
801 E. WALNUT ST., COLUMBIA, MO.
Thursday, January 23, 2020

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
Jesse Stephens
Rhonda Proctor
Michael Leipard

Absent: Paul Zullo

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 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. 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 December 5, 2019 meeting were approved as written.

REQUEST

1. Case Number 2019-009

Request by Jonathan R. Meyer and Michael A. Nichols for a variance from the minimum lot width in the A-R (Agriculture Residential) zoning district located at 9175 N Hwy VV, Columbia
(Subdivision Regulations, Appendix B 1.8.2, Table A)

Planner, Thad Yonke gave the following staff report:

This site is located on approximately three miles north of Columbia on State Highway VV, there is a single-family house and accessory structure on the property. The applicants want to do a boundary change with an adjoining property. The frontage adjacent to Highway VV is too narrow to meet the minimum lot width which is 150 feet wide at the building line. The building line in the A-R district is 25 feet. The subject tract is 100 feet wide at a point 25 feet back from the front property line. The original zoning for this site is A-R. The subject tract was originally part of a 21.65 acre tract surveyed in 1989. The 21.65 acre tract was subsequently divided by family transfer in 1999. The house on the tract was built in 2015. The requested variance is from Subdivision Regulations, Appendix B 1.8.2, Table A which states that lots larger than 2.5 acres are required to be at least 150 feet wide at the building line. Staff notified 23 property owners about this request.

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 was part of a 21.65-acre survey recorded in 1989. That survey shows that there is a 238.35 foot wide area adjacent to State Highway VV. A family transfer tract (by a previous owner) was created in 1998 that resulted in 168.95' of frontage being part of the family transfer tract. Tracts created by Family Transfer are exempt from many of the design standards contained in the subdivision regulations. The applicants desire to alter the tract boundaries which will require a design that complies with the subdivision regulations. No new lots will be created. 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 width of 150 feet at the building line.

- a. The applicant will incur unnecessary hardship if these variances are not granted. Adjoining property owners would have to provide additional area which is impractical.
- 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.

No one was present to represent the request.

Chairperson Thomas asked staff what the options were.

Staff informed the Board that the Board of Adjustment bylaws, Section 4.E states that when there is a hearing scheduled upon any appeal and the person making the application or appeal to the Board is found to not be present at the hearing, the Chairperson, after consultation with members of the Board, may continue said hearing and reschedule the hearing or may dismiss the application or appeal after a favorable vote of three members of the Board to do so.

Member Stephens made, and Member Leipard seconded a motion to table the request by Jonathan R. Meyer and Michael A. Nichols until the February 27, 2020 meeting

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

Motion to table the request carries unanimously

OLD BUSINESS

Case 2019-011 Certificate of decision – Acton
Case 2019-012 Certificate of decision – Riddles

Chairperson Thomas accepted and signed the certificates of decision.

NEW BUSINESS

None

ADJOURN

Being no further business the meeting was adjourned at 7:15 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 27th day of February, 2020