

BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, February 27, 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
Michael Leipard
Paul Zullo

Absent: Rhonda Proctor

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 January 23, 2020 meeting were approved as written.

OLD BUSINESS

1. Case Number 2020-001

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)

Member Thomas made, and Member Leipard seconded a motion to remove Case 2020-001 from table

All members voted in favor.

Planner, Bill Florea gave the following staff report:

This 11.7 acre tract is zoned A-R (Agriculture Residential) as is the surrounding property. The subject tract is located approximately three miles north of Columbia on State Highway VV, there is a single-family house and an 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 requires that lots larger than 2.5 acres be at least 150 feet wide at the building line. Staff notified 23 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 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 feet 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.

Chairperson Thomas asked staff if they received any calls from adjacent property owners.

Bill Florea stated he received a call from someone asking information but the caller did not specify if they had any issues with the request.

Present representing the request:

David Butcher, Crockett Engineering, 1000 W Nifong, Columbia

David Butcher apologized for missing the January meeting.

David Butcher: Every acre that we add to the property makes it that much closer in conforming to the regulations, eventually it could end up being more than 20 acres. The owner wants to add property to his existing tract and there is no real mechanism to fix that (the same narrow piece), it will still require a variance no matter how many acres we add unless we have over 20 acres. I have a survey that I am ready to submit to Resource Management for review but we need the variance to move forward.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Member Stephens: As a point of clarification, at the last meeting I was not aware that Crockett Engineering (where Member Stephens is employed) was involved in the project. I had communication with C.J. Dykhouse, County Counsel, to make sure there was no conflict. These issues are probably going to come up from time to time as to whether it is appropriate for me to vote on a matter. Based on the fact that I have no knowledge of the project, I have nothing financial to gain from the project in this particular circumstance it seems appropriate for me to render a decision here.

Member Stephens: What is being added to the property.

David Butcher: The wooded area to the west.

Member Stephens: What will be the total acreage after the property is added?

David Butcher: Sixteen acres.

Member Stephens made, and Member Leipard seconded a motion to approve the 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

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

Motion to approve the request carries unanimously

REQUEST

1. Case Number 2020-002

Request by Anna Nichols for a permit for to place a manufactured home as a second dwelling on 10 acres, more or less, located at 2851 W Hwy 124, Harrisburg.
(Zoning Regulations, Section 15. C. (4) (d))

Planner, Thad Yonke gave the following staff report:

This 10 acre tract is zoned A-2 as is property to the north, east, and west, zoning to the south is A-2 and C-GP. The subject site is located on State Highway 124 approximately 2.5 miles west of Highway 63, there is a modular home on the property and several accessory structures. The applicant would like to place a single wide manufactured home on the property to be used by a grandson. The original zoning for this site is A-2. In 1990 a modular home was placed on the property replacing an existing single-wide mobile home. A shed was added in 1993 and a pole barn in 2017. There have been no previous requests for changes in zoning or the Board of Adjustment. The requested variance is from Zoning Regulations, Section 15.C.4.d to permit, in case of practical difficulty or unnecessary hardship, for a period of two years, the location of a mobile home on a lot. Staff notified 19 property owners.

Chairperson Thomas asked if staff heard from any of the neighbors.

Staff indicated they had not.

Present representing the request:

Anna Nichols, 2851 W Highway 124, Harrisburg

Anna Nichols: I need help doing things because I am there by myself, my husband is in a nursing home. I would like to have a mobile home there for my grandson to help me out with things that I cannot do. I can mow some grass and other little things but I can't do the trimming and painting and everything else that has to be done.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Thad Yonke asked the applicant if they understood that this variance, if granted, is only for a period of two years and it has to be renewed.

Ms. Nichols stated yes.

Thad Yonke asked the applicant if they were aware that it has to have a separate waste water system.

Ms. Nichols stated yes and in the future she will sign five acres over to her grandson.

Member Leipard: Getting utilities and water to the new home won't be a problem?

Anna Nichols: No.

Member Zullo: Is it being placed in an area that will not conflict with a future land division or will the new trailer be moved again?

Anna Nichols: I am not sure, I just need it closer to me right now, we don't do anything with the back part of the property, we keep about five acres mowed all of the time.

Member Zullo: So when the property is divided it is a different situation.

Thad Yonke: It is a mobile home so it can be moved it needed.

Member Leipard: Does the location of the mobile home have to be approved?

Bill Florea: It will have to meet setbacks, the applicant will have to get a permit to place the mobile home and a waste water permit.

Chairperson Thomas: I suggest the applicants work with staff to make sure it is placed closer to where they want to keep the mobile home in case the property is divided in the future.

Anna Nichols: Will someone come out to the property and show us what we need to do?

Chairperson Thomas: You will have to get someone to help you with that, you can talk to staff and they can give you some guidance but the best thing to do is to get with a contractor or a surveyor who can give you some advice.

Member Thomas made, and Member Leipard seconded a motion to approve the request by Anna Nichols for a permit to place a manufactured home as a second dwelling on 10 acres, more or less, located at 2851 W Hwy 124, Harrisburg to be reviewed before the Board in two years.

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

Motion to approve the request carries unanimously

Chairperson Thomas informed the applicant that they would have to appear before the Board in two years.

NEW BUSINESS

Case 2019-010 Certificate of Decision – Mann

Chairperson Thomas accepted and signed the certificates of decision.

ADJOURN

Being no further business the meeting was adjourned at 7:28 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 23rd day of April, 2020