

# **BOONE COUNTY BOARD OF ADJUSTMENT**

**BOONE COUNTY GOVERNMENT CENTER**

**801 E. WALNUT ST., COLUMBIA, MO.**

**Thursday, September 23, 2021**

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  
Jason Russell

Absent: Michael Leipard  
Paul Zullo

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

Chairperson Thomas entered the following statement into the record:

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.

This meeting is being conducted in compliance with County Commission order 307-2021 which requires that all persons 10-years or older, regardless of vaccination status, wear a face mask while in public areas of the Government Center.

The following procedure will be followed: The agenda item will be announced, followed by a report from the Resource Management Department staff. The applicant or the applicant's representative may make a presentation to the Board. The Board may request additional information at any time.

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

unless requested by the Board. The Board will then discuss the matter and may ask questions of anyone present during the discussion.

Please sign in and give your name and mailing address when you address the Board. Please speak directly into the microphone so your remarks are properly recorded. 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.

Minutes of the August 26, 2021 meeting were approved as written.

## **OLD BUSINESS**

### 1. Case 2021-003

- a) Request by Chad Glascock for a variance from the front setback in the A-2 zoning district for a new accessory structure located at 15445 S. JD Sapp Rd, Hartsburg. (Zoning Regulations, Section 10.A) TABLED ON 8/26/21.

Member Stephens made, and Member Thomas seconded a motion to remove the request by Chad & Wendy Glascock from the table:

Member Thomas	Yes	Member Stephens	Yes
Member Russell	Yes		

Motion to remove the request from the table carries unanimously

The staff report was read at the August 2021 meeting and is entered into the record.

Present representing the request:

Chad Glascock, 15445 S JD Sapp Rd, Hartsburg

Chad Glascock: At the August meeting I was told that I didn't have enough information as far as the property line location and where the building was going to be in relation to the property line. I was asked to locate the property pins. I was unable to find them so I hired Crockett Engineering and they found them.

Chad Glascock presented a drawing showing that he would like to place the accessory structure 41-feet from the front property line.

Chad Glascock: We thought the property stakes were in the middle of JD Sapp Road and they ended up being pretty close to that. The dark line on the drawing is the property line. The northeast corner of the new building will be 41-feet from the property line and the southeast corner will be around 50-feet. It will be 75-feet from the south property line. I am proposing to build a 36 x 56 building, it may be a little smaller than that depending on the cost of the materials.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Thad Yonke: If it is being proposed 41-feet from the property line then the applicants are asking for a nine-foot variance because it is a 50-foot setback.

Chad Glascock: The farther west we get, the steeper the slope and I am trying to stay away from that.

Member Russell: Is there any future issues this may cause by granting this variance? Any safety issues or concerns?

Thad Yonke: All of the setbacks are designed for safety issues to make sure buildings are back from the roadways. By knowing it is only a nine-foot variance you know there is ample distance for the utility easement which is typically the first 20-feet from the property line. There needs to be a compelling reason to grant the variance.

Member Russell: What are the compelling reasons to grant a variance?

Thad Yonke: Topography is the big one. If the Board believes there is enough of a topographic reason that is a justification. Cost to comply with the regulations can't be used as justification, nor can simply not wanting to meet the regulations. Those are things that the Board is prohibited from using as justification. If the Board believes the applicant is being pushed toward the road because of the topography of the site, then that is a valid reason to grant a variance.

Thad Yonke: If this variance is granted the applicants will need to get a building permit and have a setback inspection. The property pins will need to be located and the location of the proposed accessory structure will need to be staked so the building inspector can verify the setbacks.

Member Stephens made, and Member Russell seconded a motion to approve the request by Chad & Wendy Glascock to allow a variance for a new accessory structure to be placed nine-feet into the front setback located at 15445 S. JD Sapp Rd, Hartsburg:

Member Thomas	Yes	Member Stephens	Yes
Member Russell	Yes		

Motion to approve the request carries unanimously

## **NEW BUSINESS**

None

**ADJOURN**

Being no further business the meeting was adjourned at 7:14 p.m.

Respectfully Submitted,

Paula L Evans  
Secretary

Minutes approved this 28<sup>th</sup> day of October, 2021