

BOONE COUNTY BOARD OF ADJUSTMENT
BOONE COUNTY GOVERNMENT CENTER; ROOM 301
801 E. WALNUT ST., COLUMBIA, MO.
Thursday, June 22, 2023

The meeting was called to order at 7:00 p.m. in the Room 301 of the Boone County Government Center having a quorum present.

Roll call was taken:

Present: Frank Thomas
 Michael Leipard
 Jesse Stephens
 Jason Russell

Absent: Paul Zullo

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

Chairperson Thomas read following 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.

This meeting is available through an audio link; members of the public attending by phone will be muted until the Public Hearing portion of each request.

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 or silence 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 May 25, 2023 meeting were approved as written.

REQUESTS

1. Case 2023-006

Request by Lane & Lauren Harmon for a variance to allow construction of an accessory building in front of the main building, without being attached by a common wall, on a lot smaller than five acres. Located on 2.6 acres at 17150 N Crownview Drive, Centralia. (Zoning Regulations, Section 7.A.5)

Planner, Thad Yonke gave the following staff report:

This 2.6-acre tract is located in Hight's Chaparral Subdivision, Block 6 which is located northwest of Hallsville. The lot is on the east side of Crownview Drive at the immediate intersection of Edgeview Road and Crownview Drive; there is a single-family dwelling on the property. The property is zoned Agriculture (A-2) as is all surrounding property. The applicants propose to build an accessory structure on the southwest corner of the property in front of the existing home. The applicants state that the proposed placement is due to terrain and topographic features of the property. The original zoning for this property is A-2. Hight's Chaparral Subdivision Block 6 was platted in 1978. Part of the Hight's Chaparral lake and floodplain is located on the southeast corner of the lot. The requested variance is from Zoning Regulations, Section 7.A.5 which states "On legally created lots less than five-acres in area, 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 27 property owners about this request.

Facts:

- The subject property was created as Lot 11 of Block 6 of Hight's Chaparral Subdivision recorded in Plat Book 12 / Page 82 of the records of the Boone County Recorder of deeds in August of 1978.
- The Lot is 2.60-acres which complies with A-2 zoning district lot size minimum.
- A home was constructed on the lot sometime around 1980, according to the Boone County Assessor's records.
- The home was constructed without an integrated garage.
- The home was constructed in the central to rearward portion of the lot.
- There is an existing lagoon serving the home. The site was very limited as to where a compliant wastewater system would fit, hence the lagoon location to the north west of the home.

- There is a pump and sewer service line that runs north from the northeast side of the house to the lagoon.
- The construction of the home and location of the existing elevated deck structure make adding an attached garage to the existing home problematic as it would be required to have a common wall and roof.
- The existing deck blocks an addition on the south of the main building.
- The area to the west of the existing home appears to be an area in which an attached garage could be built as an addition to the home.
- The west wall of the home does appear to be where several of the utilities connect.

STAFF ANALYSIS & RECOMMENDATION:

Zoning regulation variances:

Variance A: Zoning Regulations, Section 7.A.5 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.

The Board may grant a variance to the Zoning Regulations where, by reason of shape or topography or other extraordinary or exceptional situation or condition of a specific ordinance would result in peculiar and exception 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.

Analysis:

The primary purpose of the regulation is that it is problematic to position multiple structures on smaller lots where the accessory structure can screen the primary structure from view and cause confusion for emergency services by delaying response times. Additionally, accessory structures, in many cases, are made of lower quality materials and present a less aesthetically pleasing image for the neighborhood than most homes. This regulation also encourages compact design for smaller lots by encouraging additions to the primary structure rather than allow separate stand-alone accessory structures.

The request is to construct a detached accessory structure in front of the home. To avoid the need for a variance, the solution is to construct an addition to the home.

The choice of the location of the existing home has, at a minimum, partly created the situation. There is a bit of slope to the property. But, the area proposed for construction is reasonably level. The current parking area to the west also appears level enough to construct an addition. There are utility services connected to the west wall of the home at the northwest corner of the building. There do not appear to be topographic issues present on site that prevent attaching the structure to the residence.

Connecting the accessory structure to the home may not be the most desirable option for the property owners and, there may be a bit of inconvenience in doing so. Inconvenience does not equate to the required findings to approve a variance which are: peculiar and exceptional difficulties or exceptional and undue hardship. This case does not appear to have risen to the level of an unreasonable deprivation of use.

Codified standards should only be varied in the most unusual circumstances based on criteria established in the regulations by the County Commission. The variance should be limited to the least amount necessary to provide relief while keeping the greatest degree of regulatory compliance.

In this case staff cannot conclude that there isn't an alternative solution that is possible without the need for a variance such as a building addition to the existing home. Staff recommends the variance be denied.

Present representing the request:

Lane Harmon, 17150 N Crownview Drive, Centralia

Lauren Harmon, 17150 N Crownview Drive, Centralia

The Harmon's made a power point presentation which is attached at the end of these minutes.

Lane Harmon: The proposed option was to build on the west end of the house. The fifth slide is a picture that shows the west end of the house, the bottom left-hand side of the house is where you see the utilities come in. One of the issues we have there is that the electric line comes out and runs parallel with the house to the right side of the picture all the way to the edge of the gully. To build there we would have to relocate the electric line to the house. The other issue is, and it is difficult to get a picture of, it is not as unlevel as some of the other sites but there is a significant slope going to the right side and going downhill at the same time. When I measured it, I was looking at roughly a three-foot difference from one end of the house to the other and another two-foot difference going from what would be the proposed side to the house itself. It would take a significant amount of earthwork and dirt work to be able to build the addition on to there. One of the main issues, as far as emergency services coming into the property and being able to distinguish between the house and the accessory building. One of our key points, on slide six, the picture on the right shows directly from the driveway and the proposed option of where we would like to build the accessory structure is going to be to the right of the house. The issue is when the accessory building is built it will extend beyond the front plane. However, it is not going to be directly placed in front of the building. I don't believe there will be confusion with emergency personnel as to which is the house and which is the shop; when they pull up they are going to be able to see both buildings at the same time and the driveway will naturally lead you around to the house rather than the workshop.

Lauren Harmon: On the first slide I drew where the lagoon and sump pump were and it was notated where the transformer and all that was ran but we are limited as to building it. To my understanding, what was recommended was to attach it at the corner of the front plane of the house, however, we do have those electric lines, therefore if we were to build an accessory building the accessory building would have to be behind those utility lines a couple of feet to be able to avoid those.

Lane Harmon: The location directly southwest where we are proposing to build the accessory structure is relatively flat in general, there would be very minimal dirt work involved to be able to build the structure there, whereas just about anywhere else on the property it will take not only utility relocation but also significant dirt work.

Lauren Harmon: Slide six gives a better view as to looking directly where we would like to build it and it shows how it is higher on the far end which is where we want to be. Going with a smaller option, we are able to go farther west than we originally planned in order to get to a higher altitude and farther from the flood zone.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Member Russell: How much of the accessory structure is proposed to be in front of the house?

Lane Harmon: There will actually be none of it that will extend in front of the house itself. It will just extend into the front plane.

Member Russell: So, it is going to be to the right of the house, none of it will be in front of the house? It will be in the front plane but none of it will be blocking the view of the house. How much in the front plane will it be?

Lauren Harmon: On slide nine (staff note: there is not a slide nine in the presentation – staff assumes Applicant is referring to slide eight), it is staked out, the very top right-hand picture there is a pink stake. That sits even with the corner, if not back behind the corner. You can make another one out in the middle picture where the grass turns brown on the left-hand side.

Lane Harmon: To the left of the bush. That is going to be the front corner closest to the house. When you come toward this direction the other corner does extend a little further out but overall I don't think it is extending out.

Chairperson Thomas: It is not perpendicular off the house, you are actually angling it and that is where it goes into the front plane.

Thad Yonke: The first slide has that the black diagram, that is probably the best way to visualize where they are proposing the building.

Member Leopard: What is the red on slide two?

Lauren Harmon: The red is was how I understood it being recommended to us as far as if we had to attach it to the house which would go over all the utility lines and we would start at where we park and it would be like an L shape to my understanding which would cause the loss of a bedroom wall on the same side we want to build on as well as moving the electrical lines. The blue is what we want.

Bill Florea: I am not sure what the applicant is referring to as far as a recommendation. Staff has not recommended any design; all we have pointed out is there are other options than a variance. Staff is not recommending any specific design.

Lane Harmon: Correct, this was to help visualize the thought process.

Member Stephens: What would be considered the front plane of the house is anything extending past the front corner of the house.

Thad Yonke: The vertical line running parallel to the road on slide two shows the front plane pretty accurately.

Chairperson Thomas: The whole structure is in the front plane.

Thad Yonke: If you grant the variance that is what it is for; if it were attached to the house it would become part of the house.

Member Stephens: It is probably not feasible to get the whole building behind the front plane on the west side unless you attach it. If you attach it to the house it doesn't matter. What is considered a legitimate attachment to a house?

Bill Florea: It has to share a common wall.

Member Stephens: Can it be a breezeway?

Bill Florea: No, it has to share a common wall.

Member Leipard: Even if you attach it then it can be in front of the house?

Bill Florea: Yes, because it is part of the house.

Member Leipard: Then the garage could be in front of the house?

Thad Yonke: The garage would be part of the house.

Member Leipard: Where is the driveway?

Staff presented the aerial photo which shows the location of the driveway.

Member Stephens: Does the electric come from the south?

Lane Harmon: It comes from the southwest.

Member Stephens: Is it overhead or underground service?

Lane Harmon: It is underground.

Member Stephens: Is there a transformer?

Lane Harmon: There is a transformer box.

Lauren Harmon: On the first slide, the transformer is approximately where the "334" is.

Lane Harmon: There is a gully that runs to the lake, the transformer is pretty close to the edge of the gully on the southwest side.

Member Russell: Your idea, if you would attach something to the house, for topography reasons that would be the only location possible? Are there no other alternatives other than where the applicants propose on slide two?

Lauren Harmon: On slides six and seven, kind of shows that side of the house. We have a bedroom window under the wrap-around deck so if we were to attach it we would have the loss of a bedroom. We also have 30 windows from ground to roof; our house stands about 35-foot tall so whatever building we end up doing is not going to be 35-foot tall so you have the 30 windows and the loss of a bedroom if we were to attach it on either side of the house. Six and seven show that side if we were to attach it. Slide five, if we were to attach it on that side you have the electric lines and four windows on that side that are also bedrooms.

Member Russell: If there is no place to attach it, is there any other place you could detach it and be behind the line?

Lane Harmon: The only other option would be almost directly north of the house, unfortunately it is hard to make out but there is another gully that runs through the property on that side as well and there is a pretty steep drop off. To be behind the line would put us over the drop off and it descends very quickly so I don't think there is another reasonable option on that end of the property. The other issue we have up there is the driveway leading to the accessory building would run over some of the existing sewer lines that run from the septic tank to the lagoon; from my understanding that would cause damage to it over time from driving over it.

Member Stephens: The setback from a building to the lagoon might preclude doing anything to the north.

Thad Yonke: That lagoon is relatively new; it complies with the setback.

Member Stephens: How far is it from the home?

Lane Harmon: I don't know the exact measurement but it is pretty much to the front of the property so I would assume it meets the 100-foot mark.

Member Stephens: I would assume so; that would have to be a consideration for building anything to the north.

Member Leopard: If emergency vehicles come in from the road the building isn't in front of the house. I guess it is in front of the house from the road but not the driveway.

Lane Harmon: Correct.

Member Leopard: If emergency vehicles come in they are driving right up to the house. They will be coming in north of the building and they will be able to tell the two buildings apart.

Member Russell: (to staff) were there any other ideas other than attaching the building? It is not staff's responsibility to do recommendations but was there any ideas that we presented that staff thought could apply short of attaching?

Bill Florea: Staff's responsibility is to look at the criteria and that is also the Board's responsibility and determine if there is a topographic reason preventing the location of an addition to the home. If you find there is then you have grounds to approve the variance. If the Board doesn't make that finding then you don't have the grounds to approve it.

Member Russell: Is the power lines running parallel to the house precluding them from building? Would that be grounds for approval?

Bill Florea: Electric lines are not a topographic issue.

Thad Yonke: As part of construction, electric lines are relocated all the time.

Bill Florea: Continuing development on an already developed lot is frequently very difficult to do and there are usually complications as opposed to taking a vacant lot and developing on it.

Member Russell: Is the loss of a bedroom window?

Thad Yonke: You wouldn't necessarily have to lose a window in order to add on to a building. It doesn't have to be the full length of the entire wall; it just has to have a connection to the house. It can be designed in such a way to not lose a window.

Chairperson Thomas: I am not seeing any photos of the northeast side of the house.

Lane Harmon: That part is pretty undeveloped and overgrown. Slide four has some pictures of that end of the house.

Chairperson Thomas: I am talking about the side of the house.

Lane Harmon: Slide five; the top right picture looks directly at the north side of the house.

Chairperson Thomas: There are decks on both sides of the house?

Lane Harmon: Yes.

Chairperson Thomas: This is one of the other likely places to add on to the house, correct?

Lane Harmon: I think as far as topography, this end of the house is going to be worse than the other end because there is a pretty significant slope from the right to the left side of the house.

Chairperson Thomas asked staff to show the topographic map and asked staff to give a rough estimate of the elevation change.

Bill Florea: Those are two-foot contours.

Lauren Harmon: There is also a lift pump that runs all the way up and goes over past the circle drive to the lagoon. We were told we can't drive or build over that.

Member Russell: There is one option to attach it to a wall that would be in compliance or build in the front plane which requires a variance. There doesn't seem to be any third option due to the topography.

Member Stephens: While I sympathize with the cause I don't think there are enough topography issues to grant the variance.

Member Leipard: Where is the lagoon?

Lane Harmon: There is a blue dotted line toward the top, it is directly north of that.

Member Stephens: In terms of putting something detached north of the house that is probably easier to do and meet the setback requirement other than the fact that you have a sewer line. The sewer line could be replaced but there would be the question of the setback off the lagoon.

Bill Florea: The setback for a detached accessory structure is 10-feet from the lagoon.

Thad Yonke: The setback for a dwelling unit is 100-feet.

Member Stephens: That would be possible then. The problem with the south side is where the lake is; the lake is hampering the applicants. On the north you don't have that problem. The sewer line is to the north, is there anything else on the north side?

Lane Harmon: On the northeast side there is a pretty significant gully on that side that drops off.

Member Stephens: Where does the waterline come in?

Lane Harmon: As far as we can tell, it comes in where it says Zone X (on the aerial map).

Lauren Harmon: There is also a gully on the lake side and it is the low end of the lake; the gully is probably five or six feet deep so everything does tend to go toward the gully.

Chairperson Thomas made a motion to deny the request. No second. Motion dies.

Member Stephens made, and Member Russell seconded a motion to approve the request by Lane & Lauren Harmon for a variance to allow construction of an accessory building in front of the main building, without being attached by a common wall, on a lot smaller than five acres. Located on 2.6 acres at 17150 N Crownview Drive, Centralia:

Member Thomas	NO	Member Leopard	Yes
Member Stephens	NO	Member Russell	NO
Motion to approve the request fails to pass		1 YES	3 NO

OLD BUSINESS

Case 2023-005 Brad & Dawnde Irwin – Certificate of Decision

Chairperson Thomas approved and signed the certificate.

NEW BUSINESS

None

ADJOURN

Being no further business, the meeting was adjourned at 7:42 p.m.

Respectfully Submitted,

Paula L Evans
Secretary

Minutes approved this 27th day of July, 2023