

# BOONE COUNTY BOARD OF ADJUSTMENT

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, August 28, 2014

The meeting was called to order at 7:00 p.m. in the Boone County Commission Chambers having a quorum present.

Member Thomas read the procedural statement stating that 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. Any applicant appearing before this Board has the right to be heard by all five members. At times that all five members are not present, the applicant, and only the applicant, may choose to wait until such time as all five members are present to hear their request.

Roll call was taken:

Present: Frank Thomas  
Lance Robbins  
Rhonda Lightfoot  
David Butcher

Absent: Cindy Bowne

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

Minutes of the July 24, 2014 meeting were approved by acclamation.

## **REQUEST**

1. Case Number 2014-003

Request by Joseph and Sara Cook for a variance from the 50-foot setback in the A-1 (Agriculture) zoning district for a future building to be located on 45 acres at 3550 S. Hancock Hill Rd., Rocheport (**Zoning Regulations 10.A**).

Planner Thad Yonke gave the following staff report:

This 45 acre tract is zoned A-1 as is all adjacent zoning and is situated between the Katy Trail State Park and the Missouri River at the end of Hancock Hill Road, approximately four miles south of the Route O interchange on I-70. The property is currently vacant. During the 10=960's and early 1970's a sand plant operated from an adjoining tract of land. The applicants would like to build a structure on the property. Due to the floodplain and topography there is a limited area that can be used for building. The proposed site does not meet the required setback of 50 feet from the property line. The applicant indicates the building site will be 22 feet from the property line. The original zoning for this site is A-1; there have been no previous requests submitted for this site. The requested variance is from Zoning Regulations 10.A which stipulates that structures must be at least 50 feet from the front property line. Staff notified 13 property owners about this request.

Chairperson Thomas asked if staff received any response from the neighbors.

Mr. Yonke stated he had not received any calls.

Mr. Mach stated that he took two phone calls from people wondering what the request was about. The callers did not indicate whether they were for or against the request.

Present representing the request:

Ralph Twellman, Bilt Rite Buildings, 120 Route K, Columbia

Mr. Twellman stated he is the one that took the measurements to determine how far off the center of the Katy Trail we were. The reason we can't go any further is because the land slopes off dramatically we are as far as we can go from the Katy Trail without doing a lot of dirt work. The building is going to sit just on the other side of the fence and we are off the power line requirements. There are woods on both sides of the building so it will not be seen from the Katy Trail. My understanding with the 50 foot setback is just in case the road is going to be expanded; the trail will probably never be expanded in that area. When you come down Hancock Hill Road it becomes a private drive; the owner has allowed the applicant access.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Member Butcher asked the intended use of the building.

Mr. Twellman stated it is for storage of a boat and duck decoys. The building will be 24 x 36.

Member Butcher asked to see the flood plain on the aerial map.

Mr. Mach stated the entire parcel is in the flood plain or the flood way; the flood way is unbuildable area.

Member Butcher stated he is a little worried because this Board represents the county; the county regulates the FEMA requirements.

Mr. Twellman stated we had an engineer go out on the site and find the FEMA monument that is located out there to make sure what the elevation was. The monument is at 587 feet; anything above that, according to FEMA, we can do. We are at 587.5 feet; we are going to put in a gravel base with a concrete floor which will make our final elevation at 588.5 feet which puts it 1 ½ feet above the base flood elevation.

Member Butcher stated he is not concerned about the applicant being able to build the structure under FEMA regulations, I am worried about if it floods and if there is damage I don't want to put the county at risk because it is a FEMA regulated water way that the county should be doing their due diligence to be responsible with what is built in those water ways. I don't see any issues with the setback I just want to put it on record that while it is not a part of this Board the applicant should be aware that he is at risk building this in the flood plain.

Mr. Twellman stated the applicant is aware.

Member Butcher stated the insurance would be higher.

Mr. Twellman stated the applicant is aware of the insurance cost; the building itself is an \$11,000 or \$12,000 building, he is going to pay cash and I doubt he will insure it.

Member Butcher stated if he loses this building and makes a claim during an emergency then Boone County is on the hook for it.

Mr. Yonke stated that going through this process provides the record that everyone knew he was building the flood plain. If you don't get flood insurance there is no money to be paid.

Member Butcher stated the owner is not here.

Mr. Twellman asked if the owner needed to sign something that says he understands the county is not liable.

Member Butcher stated that the applicants would have to have an elevation certificate on this.

Mr. Yonke stated that is one of the reasons that the applicants are here. If the applicant met the setback he would be in the flood way and you can not build in the flood way. The only way you can do this is to build in the flood plain and that has to be defined and they will have to show exactly where the building is and meet the elevation requirement. The applicant has been working with the Resource Management Department on this.

Member Butcher stated he wanted to put on record that the county is not responsible for what happens in the case of a flood.

Member Butcher made and Member Robbins seconded a motion to **approve** the request by Joseph and Sara Cook for a variance from the 50-foot setback in the A-1 (Agriculture) zoning district for a future building to be located on 45 acres at 3550 S. Hancock Hill Rd., Rocheport

Member Thomas	Yes	Member Robbins	Yes
Member Butcher	Yes	Member Lightfoot	Yes

Motion to approve the request carries unanimously

### **OLD BUSINESS**

- a. Certificate of Decision – Case 2014-002 Bernie & Lisa Kile

Chairperson Thomas reviewed and approved the certificate of decision.

### **NEW BUSINESS**

### **ADJOURN**

Meeting adjourned at 7:20 p.m.

Respectfully Submitted,

Paula L Evans  
Secretary

Minutes approved this 23<sup>rd</sup> day of October, 2014