Chair John called the meeting to order at approximately 7:00 p.m. Those members attending included Fred Carroz, Dennis Hazelrigg, David Townsend, Martha John, and Philip Clithero. Also attending were the Deputy City Clerk, Megan Eldridge, Community Development Director, Tim Teddy, and Assistant City Counselor, Ryan Moehlman.

The minutes from the regular meeting of January 13, 2015 were approved as submitted on a motion by Mr. Townsend and a second by Mr. Carroz.

The following cases, properly advertised, were considered. All persons testifying were duly sworn by the Deputy City Clerk.

**Case Number 1894** was a request by Robert Hollis, attorney for Great Circle (contract owner), for a conditional use permit for the purpose of a group home for mentally or physically handicapped persons on property located at 1026 Westwinds Drive.

Chair John opened the public hearing.

Robert Hollis, an attorney with Van Matre Law Firm, offices at 1103 E. Broadway, provided a handout and explained his client was the contract purchaser of the property at 1026 Westwinds Drive and the owner of the property at 1022 Westwinds Drive. He noted they had originally applied for a variance to permit a group home to be in close proximity to another group home, and subsequently realized a better approach would be for an ordinance revision to permit a group home adjacent to an existing group home, if agreeable by the City Council. Since letters had been sent to property owners within 185 feet, the applicant sent another letter and hosted an open house at the existing group home facility, but no one showed up. He noted the Planning and Zoning Commission had considered and recommended approval of the change to the R-1 zoning code, and City Council had ultimately approved the zoning code changes on January 20. He explained the applicant subsequently submitted an application for a conditional use permit, which was why they were before the Board tonight. He offered into evidence a copy of the applicant’s submitted application for a conditional use permit, copies of Section 29-6 and 29-23 of the Code of Ordinances as amended, related staff reports given to the Planning and Zoning Commission, City Council, and Board of Adjustment, the applicant’s Articles of Incorporation, deeds for 1022 and 1026 Westwinds Drive, and the PowerPoint presentation presented this evening to the Board of Adjustment. He reiterated that Great Circle currently owned property at 1022 Westwinds Drive and had operated a group home there for quite some time. He stated group homes had been a permitted use in R-1 zoning for a long time, but there were no exceptions for group homes to be closer than the 1,000 foot radius. Section 29-6(b) of the City Code, which was amended in January, restricted group homes within a 1,000 foot radius unless the group homes were on adjoining lots and on the same side of the street. He commented that the applicant met these conditions, and only needed a conditional use permit. In order to receive a conditional use permit, both sites had to be under common ownership and common operation and no other group home could be located within 2,000 feet, and this was met by the applicant. At least two of the following three criteria also had to be met in order to receive a conditional use permit: the lot had to be adjacent to at least a major collector street, the fronts of the group homes could not face other R-1 dwellings addressed to the same street, and the
sides of the lots when combined could not adjoin more than two R-1 zoned lots. He stated this property met all of those criteria because West Boulevard was a major collector, the properties were facing the backs of houses across the street that had frontage on a different street, and only one lot adjoined two R-1 zoned lots as the other lot was not adjacent to a lot. He mentioned the proposed conditional use complied with the typical conditional use standards. It also complied with R-1 zoning as group homes were a permitted use and a conditional use, the buildings would retain the size and appearance of a single-family dwelling, the parking standards were met and would not change, there would be no site redevelopment or development and therefore no impact to utilities, and adequate access currently existed with no additional access being requested. He asked that the conditional use permit be issued as requested.

Rebecca Nowlin, 7220 S. Highway 163, Chief Program Officer and Vice-President of Residential Treatment Services for Great Circle, stated she had spent several years trying to find a perfect location for a group home. It was important to find a place that was centrally located and safe for children, and the property at 1022 Westwinds Drive had been the perfect property for them at the time. She was very committed to Great Circle’s client population and thought they were misunderstood and easily overlooked and victimized. She thought a lot of people jumped to conclusions about the type of youth or people who would live in such a group home. She noted she was a Columbia resident and very committed to the community and also wanted her two children to be safe.

There being no further comment, Chair John closed the public hearing.

Mr. Teddy reiterated the ordinance allowing a conditional use for two group homes located side by side had been reviewed by the Planning and Zoning Commission and enacted by the City Council on January 20. The ordinance put in place a process that had been requested by this applicant but had general applicability, and it was possible a similar request could come to the Board in the future. He commented that any future group home would have to be located 2,000 feet away from these sites instead of only 1,000 feet, and he was not aware of any existing or pending group home within 2,000 feet of these properties. He noted this conditional use permit would be issued personally to the applicant and would not run with the land, and therefore would not be transferable. If Great Circle sold one or both of these properties, the new owner would have to comply with the R-1 zoning provisions for group homes. He listed the applicable standards that had to be met for a conditional use permit, and stated he believed they had been met.

Mr. Moehlman reminded the Board that standards for practical difficulties and undue hardships did not apply to conditional use permits, and the correct standards were those stated by Mr. Hollis and Mr. Teddy.

Mr. Carroz made a motion to approve the conditional use permit as requested. The motion was seconded by Mr. Clithero.

CASE NO. 1894 VOTE RECORDED AS FOLLOWS: VOTING YES: CARROZ, HAZELRIGG, TOWNSEND, JOHN, CLITHERO. VOTING NO: NO ONE. The conditional use permit was approved as requested.

Case Number 1895 was a request by Jennifer Bukowsky, attorney for Jennifer Building, LLC (contract owner), for a variance to the sign ordinance by allowing a wall sign that does not face a public or private street, or alley, and allowing that wall sign to exceed 32 square feet
Chair John opened the public hearing.

Marjorie Lewis, an attorney with Brown Willbrand P.C., offices at 601 E. Broadway, Suite 203, stated she was present on behalf of the applicant, Jennifer Building, LLC. She noted Jennifer Bukowsky was also present and was a principal and attorney for Jennifer Building, LLC. On January 30, 2015, the applicant purchased the subject property, which was currently zoned C-2 and commonly referred to as 217-219 N. Ninth Street. The applicant was seeking a variance for a 49 square foot wall sign on the building’s south wall, which was not adjacent to a street. She provided a handout of exhibits numbered 1-30 which included: a certified copy of the warranty deed showing the applicant as the current owner of the property, a current City of Columbia zoning map showing the property’s zoning, the property’s real estate detail and an aerial photo from the Boone County Assessor, a survey of the property, photos of the front, north, and south sides of the building on the property, views of the building’s front looking south toward the back of the courthouse and Boone County Government Center, the building’s south side from the sidewalk behind the Boone County Government Center, the south side and backside of the building at night where the proposed sign would be showing the current lighted sign, the proposed exterior building design for the property, copies of the sign permit application before it was completed and a sign permit application submitted by the applicant for the building’s south side, representations of the front of the building with the proposed two awning signs, the south side of the building with the proposed 49 square foot sign, and the back and south sides of the building, a certified copy of the certificate of decision granting a variance for the current “DWI Traffic Defense Center” sign, a copy of the declaration of equitable servitude executed by the applicant in connection with proposed windows to the building, a copy of a letter from City staff denying the sign permit, a copy of the applicant’s application for a variance for a 49 square foot wall sign reading “Bukowsky Law Firm”, a copy of the parties in interest list that was submitted with the application for a variance, and certified copies of Sections 23-1, 23-2, 23-12, 23-31, 29-31 of the Code of Ordinances and the Board of Adjustment rules. She noted Exhibits 3-5 were fair and accurate representations of the site and the adjacent properties as they currently existed, however the structures immediately adjacent to the north side of the property were no longer there and an apartment complex was currently in that location. She stated that Jennifer Bukowsky intended to relocate her office, Bukowsky Law Firm, to the building’s south suite and a separate tenant would occupy the north suite. She noted Exhibits 6 and 7 were fair and accurate representations of the building and adjacent property as they now existed. She mentioned that the applicant had already obtained a permit for an awning sign and a logo awning sign on the front of the building adjacent to North Ninth Street, which was on the east side of the building, and all proposed building improvements had been approved by the City except for the proposed sign at issue today. The applicant did not have a completed copy of the sign permit application, therefore Exhibit 8 was a copy of the application before it was completed. She noted Exhibits 9-12B and Exhibit 30 were fair and accurate representations of the building with the proposed wall sign and other planned improvements. She mentioned that the south side of the building adjoined a public parking lot, the north side was adjacent to an apartment complex, and the west side faced another building. She pointed out that a preexisting 64 square foot sign for which a variance had already been granted was located on the south side of the building. She noted Exhibits 14-19 were fair and accurate representations of the south side of the building and other views of the building and adjacent property views as they now existed. She commented that neither the north nor west sides of the building had any signage and the applicant did not intend to put signs in those locations. The applicant desired to remove the existing sign and install a new 49 square foot wall sign that said “Bukowsky Law Firm.” On January 20, 2015 the application for a sign permit was denied in that the
south wall of the building faced a parking lot and not a street, as required by Section 23-12(c)(2) of the Code of Ordinances. Furthermore, the proposed sign exceeded the allowed 32 square feet per sign under Sections 23-12(b)(6) and 23-12(c)(2) of the Code of Ordinances. She asked for exhibits 1-30 to be offered into the record. She noted the Bukowsky Law Firm would be a street level business, which generally was allowed two wall signs up to 32 square feet each since it was within the central business district. She understood the central business district was intended to be attractive, historic, and pedestrian-friendly, and the applicant believed the proposed sign met that requirement. She pointed out that the aggregate size limitation of signs on a single elevation could not exceed 15% of the wall space, and that requirement was met in this case. The applicant was not requesting two wall signs, and only was requesting one 49 square foot wall sign. She commented that the proposed sign was not an unlawful sign as shown in Section 23-2 of the Code of Ordinances, and there were practical difficulties and unnecessary hardships that authorized the Board to grant the requested variance. The front of the building was relatively narrow compared to its length, and although 38 feet of the building’s front would be available for signage, most of it would be window space. Although the building was very deep at 92.5 feet, it only had one street front that was shared by two occupants. She mentioned North Ninth Street was relatively quiet and there was more pedestrian and vehicular traffic along Ash Street, which was immediately to the south across the adjacent parking lot. She commented that due to the surface parking lot being adjacent to the building and the street being adjacent to the parking lot, the building appeared to be on a street frontage because it was very visible from the street. If the building had street frontage on its south side, the applicant would be allowed to place two wall signs on that side without a variance. The applicant believed allowing a sign on the south side of the building would be useful for people trying to locate the law firm, and that the requested sign size was required for adequate legibility from Ash Street and to fit aesthetically with the building size, design, and planned improvements. She noted an adequate sign size was also important if the law firm’s name changed and more names needed to be included as part of the sign. If the requested variance was granted there would be substantial compliance with the zoning ordinances, the spirit of the zoning ordinances would be observed, public safety and welfare would be secured, and substantial justice would be done. The signs were designed to be very tasteful and beautify the neighborhood, and the applicant believed the proposed sign would be an improvement over the existing sign. The applicant felt the proposed sign would be consistent with the neighborhood as the law firm Eng & Woods had a similar type sign about a block away and another business had a fairly large sign on its side which was visible from Ash Street and could be seen on Exhibit 17. The applicant requested the Board vary or modify the application of the ordinances to the property to the extent indicated, grant the applicant a variance allowing the applicant to install the sign as indicated on the exhibits, and vary the application of the sign ordinances to allow the proposed sign to be placed on the building’s south side despite the lack of street frontage and for an increase in square footage for the wall sign from 32 square feet to 49 square feet.

Ms. John asked if the proposed sign was intended to be lighted. Ms. Lewis replied it was.

Jennifer Bukowsky, an attorney with the Bukowsky Law Firm, offices at 810 E. Walnut, thanked the Board for their service. She stated making the environment in which she worked and spent most of her waking hours pretty was a hobby of hers and she would never do anything trashy or tacky to the building to degradate Columbia. She felt the surface parking lot did not necessarily enhance the beauty of the area and thought the addition of glass and other building improvements would. She passed around a brochure showing the type of lettering that would be on the proposed sign.

There being no further comment, Chair John closed the public hearing.
Mr. Teddy stated staff felt the variance for the original 64 square foot “DWI Traffic Defense Center” sign only allowed that sign to remain and did not declare the sign was allowed despite the lack of street frontage or as an enlargement from the 32 square foot standard. He reiterated this variance request was to consider the south wall as if it were on a street and to allow the sign size to be 49 square feet.

Mr. Carroz asked if the Board could stipulate that the sign would have to be removed if a building was constructed on the parking lot. Ms. John agreed the applicant would not need a wall sign in that situation. Mr. Hazelrigg understood the sign was for the benefit of street exposure, although it was technically on a parking lot. Mr. Moehlman pointed out the applicant executed an equitable servitude agreement, which basically said if a building was constructed on the surface parking lot owned by the City, the applicant’s building would need to comply with fire code provisions related to fire ratings in between buildings due to the small distance between the property lines. He thought a condition could be imposed in that the variance would expire if something was built on the parking lot, but did not see that as a practical issue. Mr. Clithero noted a parking garage could be built whereby people could see the sign.

Mr. Carroz asked how far out the sign was from the building. Ms. Bukowsky replied the sign would not be very far out if she chose to use the company whose brochure she passed around. She noted a retaining wall was between the surface parking lot and the building, and there were a few inches between that and the railing. She did not think the proposed sign would interfere with anything unless the retaining wall was moved. Mr. Hazelrigg noted the sign would only interfere if a building was built right on the property line. Ms. Bukowsky stated she did not know if the sign would extend past the roof overhang. Mr. Townsend asked if the sign would encroach onto the adjoining property. Mr. Carroz stated it appeared it would from the survey. Ms. Bukowsky did not know how much more the sign would stick out compared to the roof and gutters, but imagined it would be less than the current 64 square foot sign. Mr. Carroz commented that the existing sign was currently on the property line, so it was probably not a big deal.

Mr. Clithero made a motion to approve a variance to allow a 49 square foot sign on the south side of the building.

The motion made by Mr. Clithero to approve a variance to allow a 49 square foot sign on the south side of the building was seconded by Mr. Townsend.

CASE NO. 1895 VOTE RECORDED AS FOLLOWS: VOTING YES: CARROZ, HAZELRIGG, TOWNSEND, JOHN, CLITHERO. VOTING NO: NO ONE. The variance was approved.

There being no further business, the meeting adjourned at 7:54 p.m.

Respectfully Submitted,

Megan Eldridge
Deputy City Clerk