Chair Clithero called the meeting to order at approximately 7:00 p.m. Those members attending included Rex Campbell, Matt Reichert, Philip Clithero, Fred Carroz, and Janet Hammen. Also attending were the Deputy City Clerk, Megan Eldridge, Building Regulations Supervisor, John Simon, Community Development Director, Tim Teddy, and Assistant City Counselor, Rose Wibbenmeyer.

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

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

Case Number 1908 was a request by MFA Petroleum Company for the Board to grant a special permit to allow an addition to a non-conforming building pursuant to Section 29-28(d) of the Code of Ordinances on property located at 18 N. Providence Road.

Chair Clithero opened the public hearing.

Phebe La Mar, an attorney at Smith Lewis LLP, offices at 111 S. Ninth Street, appeared on behalf of the applicant. The applicant operated a Jiffy Lube on the subject property and desired to construct a 190 foot addition to the existing building for a waiting room. She offered into evidence a handout of exhibits numbered 1-4 which included: certified copies of Sections 29-15 and 29-28 of the Code of Ordinances, a proposed site plan, and a photo of the existing building. The subject property was a corner lot at the intersection of Providence Road and Walnut Street that was currently located in the C-2 zoning district. She noted the existing building was constructed a number of years ago and Jiffy Lube had operated at this location for quite some time. Section 29-28(d) of the Code of Ordinances provided that the Board may grant a special permit for construction of an extension to a non-conforming building in the case of evident hardship, as long as the extension did not exceed 25% of the building’s first floor area. The proposed addition would be at the northwest corner of the building which would cause the building to be approximately 10 feet closer to Walnut Street, but no closer to Providence Road. Section 29-15 of the Code of Ordinances required a minimum building height of two stories in the C-2 zoning district. Jiffy Lube was an automobile service business and a permitted use in the C-2 zoning district. She stated it was not conducive for apartments or another business to be located above the existing business and building. The equipment used by the business was noisy, and it made no sense to expect someone to live or work above it. There was evident hardship in applying the requirements of Section 29-15 of the Code of Ordinances. The building was currently 1,690 square feet in size, and the proposed addition of 190 square feet was well below 25% of the building’s first floor area. She requested the Board grant a special permit to expand a non-conforming building pursuant to Section 29-28 of the Code of Ordinances of the City of Columbia, in order to permit construction of a waiting room as shown on the site plan.

There being no further comment, Chair Clithero closed the public hearing.
Ms. Wibbenmeyer commented that the applicant had stated the legal standard of evident hardship, which was set forth in Section 29-28 of the Code of Ordinances.

Mr. Simon noted the ordinance required a building height of two stories or 24 feet.

Mr. Teddy reiterated the business on the subject property was a conforming use, as automotive repair businesses were permitted in the C-2 zoning district. The existing building had been conforming until August 18, 2014, when the City Council amended the C-2 zoning district standards to require a minimum building height of two stories. He noted there were one-story buildings northeast and west of this site. He stated that staff believed the minimum two story building height requirement was intended to preserve parts of the downtown character that were dominated by multi-story buildings, and mentioned that condition did not seem to be present in this instance.

Ms. Hammen asked whether the C-2 zoning district required a second story on the building addition or on the entire building. Mr. Teddy replied the building was non-conforming because it did not have a second story, and the only way it could be in conformance would be for it to be rebuilt with a second story. The proposed addition would expand the waiting room and the amenity space for customers, but would not increase the intensity of the business. He felt an addition built above the main floor level would be a partial story and not a full second story.

Mr. Campbell stated this was an example of a good ordinance that was being applied to places where it was not needed.

Mr. Campbell made a motion to approve the special permit as requested. The motion was seconded by Mr. Reichert.

CASE NO. 1908 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, REICHERT, CLITHERO, CARROZ, HAMMEN. VOTING NO: NO ONE. The special permit was approved as requested.

There being no further business, the meeting adjourned at 7:09 p.m.

Respectfully Submitted,

Megan Eldridge
Deputy City Clerk