Vice-Chair Clithero called the meeting to order at 7:00 p.m. Those members attending included John, Clithero, Kasmann, Campbell and Hazelrigg. Also attending were the City Clerk, Sheela Amin, Chief Building Inspector, Jim Paneck, and Assistant City Counselor, Susan Crigler.

The minutes from the regular meeting of January 11, 2011 were approved as submitted on a motion made by Ms. John and a second by Mr. Campbell.

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

Case Number 1802 was a request by David Walker, attorney for the Columbia School District, for a variance to the side yard setback requirement by allowing the construction of a pole frame storage building to encroach into the required side yard on property located at 4303 S. Providence Road.

Vice-Chair Clithero explained the Board would continue to the other cases and address Case No. 1802 at the end of the meeting since the applicant was not present.

Case Number 1806 was a request by Joel Hardt for a variance to the minimum lot area per dwelling requirement by allowing the construction of a new two-family (duplex) structure on a lot smaller in size than required on property located at 1510/1512 W. Worley Street.

Vice-Chair Clithero opened the public hearing.

Joel Hardt, 403 Lindy Lane, explained he needed a variance to building a new duplex on the lot because the lot was about 1,100 square feet too small. He noted the existing duplex needed to be torn down as it was dilapidated.

Laurie Matthews, 4135 Sussex Drive, stated she was not in opposition of the request, but wanted to learn more since she owned the property at 1514 W. Worley, which shared a driveway with 1512 W. Worley. She wanted to know if it would affect her property. Ms. John noted the application did not include a plan. Mr. Hardt commented that her property should not be affected because the driveway was wide enough. One side of the duplex would be on the shared driveway, but they would still be able to use their part of the shared driveway.

Mr. Campbell asked if the new building would impede on the existing driveway. Mr. Hardt replied it would not. Mr. Hazelrigg understood the existing driveway would be left alone. Mr. Hardt replied their driveway would be left alone. Mr. Campbell asked if he would have enough space for a driveway on his property. Mr. Hardt replied yes.

Mr. Hazelrigg understood the new structure would not be wider, and would increase in size going deeper into the lot. Mr. Hardt stated it might be wider to the east as well.

There being no further comment, Vice-Chair Clithero closed the public hearing.
Mr. Paneck explained a plan was not submitted, and if approved by the Board, only a variance for the lot size would be provided as it did not meet the minimum lot size required by ordinance. The applicant would be required to meet all yard setback and other requirements when a plan was submitted for a building permit.

Ms. Crigler provided the criteria the Board needed to consider in granting the variance.

Mr. Campbell understood the applicant would be required to ask for a variance if he chose to build closer to the lot line than allowed. Mr. Paneck stated that was correct.

Mr. Hazelrigg made a motion to approve the variance as requested. The motion was seconded by Mr. Campbell.

CASE NO. 1806 VOTE RECORDED AS FOLLOWS: VOTING YES: JOHN, CLITHERO, KASMANN, CAMPBELL, HAZELRIGG. VOTING NO: NO ONE. The variance was approved as requested.

Case Number 1807 was a request by Marjorie M. Lewis, attorney for GRD Properties, LLC (owner) and Joe Machens Nissan, Inc. (tenant), for a variance to the sign ordinance by allowing an additional freestanding pylon sign along the I-70 right-of-way on property located at 201 Nebraska Avenue.

Vice-Chair Clithero opened the public hearing.

Marjorie Lewis, an attorney with offices at 601 E. Broadway, Suite 203, provided exhibits for the record and explained she was representing the owner, GRD Properties, LLC, and the tenant, Joe Machens Nissan, Inc., of the property, which was zoned M-1 and C-3. There was currently one freestanding pylon sign along the I-70 right-of-way. Machens Nissan had been awarded a commercial vehicle franchise, which was a prestigious honor as they could now offer commercial vehicles for sale as well, and this required the addition of a commercial vehicle sign. They wanted to place this additional sign along the I-70 right-of-way. The City denied the permit because only one freestanding sign was allowed for each adjacent street right-of-way per Section 23-13(a)(4) of the Code. As a result, the applicant was asking for a variance to allow an additional sign along the I-70 right-of-way. Ms. Lewis pointed out the sign would be located further west than indicated on Exhibit 9. She explained the existing sign was approximately 45 feet tall with a sign surface area of 226 square feet and the proposed sign would be 24 feet tall with a sign area of 70 square feet. The existing sign was setback approximately 40 feet from the north property line and the new sign would likely be about the same distance back from the property line. She noted the property line was far away from the I-70 road frontage for this property was not optimal due to the tree line and the grade. They hoped that by installing the additional sign further down the lot, it would provide some guidance, and although it would likely not be visible from I-70, it would be visible to people on the exit ramp. In addition, this tasteful sign would be in the commercial vehicle section of the lot, so people would know where to go when on the lot. She noted there would be substantial compliance with the spirit of the zoning ordinances if the variance was approved by the Board. Also, public safety and welfare would be secured and substantial justice would be done. She asked the Board to grant the variance requested.
Ms. John asked where the sign would be seen using either Exhibit 12 or 13. Ms. Lewis replied she understood the sign would be placed near the white truck on Exhibit 13.

There being no further comment, Vice-Chair Clithero closed the public hearing.

Mr. Paneck stated the height and area of the proposed sign was compliant. The only issue was an additional sign being placed along that right-of-way. Ms. John understood they could have that amount of signage. The problem was that they wanted two pylon signs.

Mr. Campbell commented that the rights-of-way for both I-70 and Highway 63 were reserved by the State in terms of billboards, so those involved with the creation of the existing sign ordinances felt there was greater leeway along those roads than on city streets.

Ms. Crigler provided the criteria the Board needed to consider in granting the variance.

Mr. Campbell made a motion to approve the variance as requested. The motion was seconded by Mr. Kasmann.

CASE NO. 1807 VOTE RECORDED AS FOLLOWS: VOTING YES: JOHN, CLITHERO, KASMANN, CAMPBELL, HAZELRIGG. VOTING NO: NO ONE. The variance was approved as requested.

Case Number 1802 was a request by David Walker, attorney for the Columbia School District, for a variance to the side yard setback requirement by allowing the construction of a pole frame storage building to encroach into the required side yard on property located at 4303 S. Providence Road.

Vice-Chair Clithero explained no one was present for Case Number 1802.

Mr. Campbell made a motion to table Case Number 1802 to the March 8, 2011 Board of Adjustment meeting. The motion was seconded by Mr. Hazelrigg and approved unanimously by voice vote.

There being no further business, the meeting adjourned at 7:34 p.m.

Respectfully Submitted,

Sheela Amin
City Clerk