Chair Townsend called the meeting to order at 7:00 p.m. Those members attending included Clithero, Campbell, Gorman, John and Townsend. 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 August 9, 2011 were approved as submitted on a motion by Mr. Campbell and a second by Mr. Clithero.

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

Case Number 1812 was a request by Kimberly R. Black for a variance to the rear yard setback requirement by allowing a reduced rear yard so the structure can remain in its existing location on property located at 5003 Cherry Blossom Lane.

Case Number 1820 was a request by Adam Patchett, attorney for College and Walnut, LLC, for a conditional use permit for the purpose of providing an uncovered, surface off-street parking area, which does not meet the minimum screening and landscaping requirements, does not meet the setback requirement of six feet of an adjoining lot in a residential district and does not meet the requirement for curbing or similar measures to assure safe and proper control of vehicular and pedestrian movements on property located at 1211 E. Walnut Street, 1213 E. Walnut Street, 1215 E. Walnut Street, College Avenue & Walnut Street and 113 College Avenue.

Mr. Townsend explained Case Nos. 1812 and 1820 had been withdrawn by the respective applicants.

Case Number 1826 was a request by Casey Goodman and Peter Holmes for a variance to the side yard setback requirement by allowing a reduced side yard so the structure and a recent addition can remain in their existing locations on property located at 1400 Gary Street.

Chair Townsend opened the public hearing.

Casey Goodman, 1400 Gary Street, explained they decided to renovate this house and the renovation included adding a bedroom toward the back of the house. They obtained a building permit from the City and were well into the addition when the inspector told them they were too close to the property line and would need a variance. The home was 10 feet from the building next door, but was consistent with other homes on the street. She noted the addition was located straight back from the existing house, so it was not any closer to the property line than the existing house. She asked the Board to grant the variance to allow them to continue this renovation.

Mr. Townsend asked how many feet the structure was from the property line. Ms. Goodman replied they were five feet and five inches from the property line. Mr. Gorman understood the required setback was six feet. Ms. Goodman stated that was correct.
There being no further comment, Chair Townsend closed the public hearing.

Mr. Paneck commented that this was a typical side yard variance request in many of the older neighborhoods when homes were built prior to the zoning requirements.

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

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

CASE NO. 1826 VOTE RECORDED AS FOLLOWS: VOTING YES: CLITHERO, CAMPBELL, GORMAN, JOHN, TOWNSEND. VOTING NO: NO ONE. The variance was approved as requested.

Case Number 1827 was a request by Daniel Beckett, attorney for Columbia College, for a variance to the sign ordinance by allowing the installation of two freestanding signs on property located at 608 E. Cherry Street.

Chair Townsend opened the public hearing.

Daniel Beckett, an attorney with offices at 111 S. Ninth Street, Suite 200, stated he was representing Columbia College, the owner of the building at 608 E. Cherry Street, and explained they were requesting a variance to the prohibition of the construction of freestanding signs on lots within the Special Business District in order to permit Columbia College to construct two freestanding signs at 608 E. Cherry. The signs, if permitted, would be located on the northwest and northeast corners of the lot. He provided Exhibits 1-9 for the record and described those exhibits. He noted the freestanding signs were needed to identify the building as being a facility owned and operated by Columbia College for the convenience of students and faculty. The architecture and design of the building could not accommodate any other signage without negatively impacting the aesthetic appeal of the building as it had columns on the front façade and windows spanning each floor. He explained all other Columbia College facilities were identified by freestanding signs of a similar nature and design. He pointed out the University of Missouri, Stephens College, banks, churches, private schools and several private businesses had buildings within the Special Business District with freestanding signs and displayed some of those signs for the Board. He felt the majority of these freestanding signs did not detract from the attractiveness of the buildings or the Special Business District and neither would the freestanding signs Columbia College wished to construct at 608 Cherry. Columbia College wanted two small, pedestrian-friendly freestanding signs. One would be placed at the northwest corner of the lot, approximately 4 feet from the Cherry Street and Sixth Street sidewalks and the other would be placed on the northeast corner of the lot, approximately 2.5 feet from the Seventh Street and Cherry Street sidewalks. The signs would be 9.75 square feet in size as they were 3.75 feet in height and 5.5 feet in width, and would be substantially smaller than the permitted maximum square footage for signs for a single use building, which was 64 square feet. The granting of the variance would not result in a detriment to public safety or general welfare and would help preserve the historic value of the property, facilitate the identification of the building as a Columbia College facility, and maintain uniformity for Columbia College. He asked the Board to grant the variance as requested.

Mr. Campbell asked if the white frames used by the previous tenants would be removed. Mr.
Townsend thought the Board had granted that variance to the Youzeum for banners and asked if banners would still be used by Columbia College.

Bob Hutton, 2252 Country Lane, the Executive Director of Administrative Services at Columbia College, stated he understood permission for eight banners had been granted by the Board of Adjustment to the previous property owner as there were eight frames. Columbia College might want to do something with banners, and if they did, he thought they would utilize four at the most. In addition, they would not be used to identify the building. They would likely be used to celebrate an event.

Mr. Townsend asked if those banners counted toward the square footage allowed for signs on the site. Mr. Paneck suggested that this particular variance be investigated prior to providing permits to replace those banners. Mr. Townsend understood they already had a Columbia College sign on the front of the building, and would potentially have banners and the freestanding signs. Mr. Paneck explained freestanding signs and wall signs were calculated separately and did not impact one another.

Mr. Campbell wondered why the banners would be needed if they granted the variance for the two freestanding signs. Mr. Hutton replied he was not sure they would be needed. They had discussed the banners, but had not developed a banner plan. He pointed out banners served a different purpose than building identification signs. Ms. John asked if the frames would be removed if they decided not to use them. Mr. Hutton replied yes.

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

Mr. Paneck explained the appeal did not include Section 23-25(g), which required a minimum 10 foot setback from the right-of-way line, and neither of the proposed freestanding signs met that requirement.

Mr. Beckett stated he felt the Board had the authority to grant the variance, notwithstanding the fact it did not meet the 10 foot setback requirement, as the lot had a large yard to accommodate the signs. The signs would not obscure traffic or be visually intrusive. They were relatively small compared to other freestanding signs that were grandfathered or permitted via a variance by this Board.

Mr. Townsend asked what was defined as the right-of-way. Ms. John replied it was usually the back of the sidewalk. Mr. Paneck noted the right-of-way line was synonymous with the property line. Mr. Clithero stated they just did not know where that was located. Mr. Paneck explained that was normally the back of the sidewalk, but due to the downtown district being zoned C-2, it could be anywhere.

Ms. Crigler commented that the notice did not include a variance for the setback requirement and noted she would have been more comfortable with proceeding if it had been included.

Mr. Townsend noted the language in the notice was vague as it indicated the granting of a variance to the sign ordinance by allowing the installation of two freestanding signs. Ms. Crigler felt the wording implied they were compliant with the setback requirement.

Mr. Beckett noted the notice of denial that had been received only referenced Sections 23-12 and
23-25. In addition, the building was positioned on the lot such that they would not be able to meet the 10 foot setback requirement regardless of where the signs were placed because there was not any room on the lot.

Mr. Campbell asked if it was possible to move the sign at the corner of Cherry and Seventh Street farther back. Mr. Beckett replied there was not a lot of room due to a landscaped area.

Ms. Crigler suggested the applicant withdraw this request and reapply with the request for a variance to the setback requirement.

Mr. Hutton understood the 10 foot setback requirement was part of the sign ordinance and the notice indicated the request was for a variance to the sign ordinance.

Mr. Campbell made a motion to approve the requested variance, to include the variance for the setback of the signs. He explained this was one of the older areas of town and there was not flexibility due to the way the buildings were built. He also felt it was worthy to have those signs for direction purposes. Mr. Townsend agreed. The motion was seconded by Ms. John.

Mr. Clithero agreed there was not a need to publicly readvertising the notice since they would still be requesting a variance to the sign ordinance. Ms. John noted no one had come to speak on the issue either, which implied no one really had a problem with the request.

Ms. Amin asked if the motion was for approval of the sign setback and dimensions as indicated in the application. Mr. Townsend replied yes. The other board members agreed.

CASE NO. 1827 VOTE RECORDED AS FOLLOWS: VOTING YES: CLITHERO, CAMPBELL, GORMAN, JOHN, TOWNSEND. VOTING NO: NO ONE. The variance was approved as requested.

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

Respectfully Submitted,

Sheela Amin
City Clerk