Chair Townsend called the meeting to order at 7:00 p.m. Those members attending included Campbell, Hazelrigg, John, Townsend and Clithero. Also attending were the City Clerk, Sheela Amin, Director of the Community Development Department, Tim Teddy, Building and Site Development Manager, Shane Creech, Acting Building Regulations Supervisor, John Simon, and City Counselor, Fred Boeckmann.

The minutes from the regular meeting of September 13, 2011 were approved as submitted on a motion by Mr. Campbell and a second by Mr. Hazelrigg.

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

**Case Number 1828 was a request by Robert J. Buckley, attorney for Rho Alpha of Chi Omega Fraternity, Inc., for a variance to the building height requirement by allowing the building to exceed the maximum height permitted on property located at 406 Burnam Avenue.**

Chair Townsend explained the applicant had requested this case be tabled to the January 10, 2012 Board of Adjustment meeting.

Mr. Campbell made a motion to table Case No. 1828 to the January 10, 2012 Board of Adjustment meeting. The motion was seconded by Ms. John and approved unanimously by voice vote.

Chair Townsend explained the representative of Case No. 1831 had agreed to allow Case No. 1832 to be heard prior to its case.

Ms. John made a motion to amend the agenda to allow Case No. 1832 to be heard after Case No. 1830 and prior to Case No. 1831. The motion was seconded by Mr. Campbell and approved unanimously by voice vote.

**Case Number 1829 was a request by Thomas Schneider, attorney for Boone Hospital Center, for a variance to the sign ordinance by allowing the wall signage (two signs) on the east elevation to exceed the maximum square feet permitted on property located at 1600 E. Broadway.**

Chair Townsend opened the public hearing.

Myrl Frevert, 201 Lucky Street, Fayette, Missouri, stated he was the Director of Support Services for Boone Hospital Center and explained Tom Schneider was still in court so he was representing Boone Hospital.

Mr. Boeckmann explained Mr. Frevert could not represent the organization since he was not an attorney.
Chair Townsend suggested this item be tabled to later in the meeting to provide time for their attorney to arrive.

Mr. Hazelrigg made a motion to table Case No. 1829 to later in the meeting. The motion was seconded by Chair Townsend and approved unanimously by voice vote.

Chair Townsend continued the public hearing to later in the meeting.

Case Number 1830 was a request by Craig Van Matre, attorney for College and Walnut, LLC, for a conditional use permit for the purpose of constructing and maintaining an uncovered, surface off-street parking area on property located at 1221 E. Walnut Street.

Chair Townsend opened the public hearing.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he was representing College and Walnut, LLC.

Jon Odle, 1605 Saddle Bag Court, stated he was the project manager and one of the principals of the entity involved with this project and explained the project entailed a 73 unit apartment building with mixed use commercial on the corner of College and Walnut. It would hold 274 tenants when completed. Mr. Van Matre understood the parking area would be obscured from College and Walnut by a three-story building, which would have substantially the same architectural style as the Stephens College buildings across the street. Mr. Odle clarified it would be a four-story building and noted they were planning for 140 parking spaces. Mr. Van Matre understood all but 18 spaces would be covered and they would be covered in a manner consistent with and of a similar character to the building components of the apartment building that was being constructed. Mr. Odle stated that was correct. Mr. Van Matre noted C-2 zoning required a conditional use permit for any uncovered open parking, so they were requesting the Board allow 18 uncovered parking spaces. Mr. Odle explained the parking spaces would be on the Walnut side directly north of building and along the street. The reason those spaces were not covered was due to fire safety and fire truck access. Mr. Van Matre understood it would be difficult to cover them while still maintaining site lines, etc. Mr. Odle stated that was correct. Mr. Van Matre understood the entire plan had been vetted with staff over a period of a couple months before being presented to the Board. Mr. Odle stated that was correct.

Mr. Campbell asked if the parking garage proposed near Short Street might be used by this apartment complex. Mr. Odle replied they planned to utilize that garage as well. He explained they had requested 100 spaces and believed it would be provided, but noted the City was not far enough in the process to sign a contract with them. Mr. Campbell understood that would be considered covered parking. Mr. Odle stated he believed that was correct. Mr. Van Matre pointed out this would be in addition to the spaces behind the apartment building.

Glenn Rice, 602 Redbud Lane, explained he and his wife owned property at the corner of Hubbell and Ash, and understood he was the only person notified of this hearing in the neighborhood. He was not sure if it had to do with property lines and distances, but believed it was a problem. He noted they were concerned about stormwater.

Chair Townsend asked Mr. Rice to limit his comments to the issue of the conditional use permit for parking spaces as he believed the stormwater issue had already been addressed and the only
issue before the Board tonight dealt with these parking spaces.

Pat Fowler, 606 N. Sixth Street, stated she was the President of the North Central Columbia Neighborhood Association and explained the parking lot would generate a lot of water and the Board had an opportunity to require more vegetation to help absorb the extra water as part of the conditional use permit. She noted stormwater variances could be granted by the Director of Public Works so there was not necessarily an opportunity for them to come forward and speak to that topic. She asked the Board to negotiate for additional vegetative buffering between the parking lot and the neighborhood as it would help them with stormwater issues.

Chair Townsend asked if stormwater needed to be taken into consideration in granting a conditional use permit of this type. His interpretation was for the Board to decide whether the limited uncovered parking was acceptable. Mr. Boeckmann replied one of the standards for granting a conditional use permit was for adequate utilities, drainage and other facilities. In terms of variances to stormwater, the Director of Public Works or the Board of Adjustment could grant the variance. Chair Townsend invited Mr. Rice to speak. Mr. Rice stated he did not plan to speak any further.

Nina Wilson-Keenan, 305 St. Joseph Street, stated she resided north of the apartments being built and asked if the Board was also considering whether these 20 parking spaces would be located there. Ms. John replied she thought there would not be parking spaces at that location due to the fire safety issues if uncovered parking spaces were not allowed. Mr. Van Matre explained the pavement would there regardless because it needed to be a drive lane. It was a question of whether it could be striped and used for parking or not. Ms. Wilson-Keenan stated a lot of the neighbors were concerned with limited green space and the drainage issues associated with this project. She asked if these spaces would be used by tenants or businesses and the necessity of having them or of them needing to be covered. Mr. Van Matre replied it was a mixed use development so this would be a logical area for parking by the customers of businesses on the ground floor.

Chair Townsend asked if the plans had been approved with the drive shown there. Mr. Van Matre replied yes. Chair Townsend understood the issue before the Board was not whether it would be paved, but whether it would be striped and allowed for parking. Mr. Van Matre stated that was his understanding.

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

Mr. Teddy explained staff was recommending the approval of the conditional use subject to the condition the parking structures were in substantial conformance with the appearance in the renderings that were part of the applicant’s exhibits. Staff felt the reason surface parking was a conditional use in the C-2 district was to conceal its view as much as possible from the public and they were showing matching material and decorative detail similar to the main apartment buildings, which they believed was important.

Chair Townsend asked if the aesthetic qualities were approved by the City. Mr. Teddy replied it was part of the building plan review process.

Mr. Campbell stated he believed this was a situation where they had to look beyond the site. A new parking garage within a block of this area would change the parking use and those in the
uncovered area might move to the parking garage during a snow storm. He noted he did not have a problem with it since it was not a freestanding isolated development.

Ms. John made a motion to approve the conditional use permit as requested subject to the condition that the parking structures substantially conform to the site plan and rendering submitted with the conditional use application.

Mr. Clithero asked if there were plans that showed the parking area. Ms. John replied preliminary renderings were in the packet. Mr. Clithero asked for clarification regarding staff’s concern. Mr. Teddy replied sometimes covered parking spaces were built with very basic materials and without decorative design. Since this was the frontage of Ash and in an effort to meet the intent of the ordinance, they believed it needed to give an appearance of the building façade. Mr. Clithero asked if it was already a requirement. Mr. Teddy replied it was not.

The motion made by Ms. John to approve the conditional use permit as requested subject to the condition that the parking structures substantially conform to the site plan and rendering submitted with the conditional use application was seconded by Mr. Campbell.

CASE NO. 1830 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, HAZELRIGG, JOHN, TOWNSEND, CLITHERO. VOTING NO: NO ONE. The conditional use permit was approved subject to the condition that the parking structures substantially conform to the site plan and rendering submitted with the conditional use application was seconded by Mr. Campbell.

CASE NO. 1832 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, HAZELRIGG, JOHN, TOWNSEND, CLITHERO. VOTING NO: NO ONE. The conditional use permit was approved subject to the condition that the parking structures substantially conform to the site plan and rendering submitted with the conditional use application.

Case Number 1832 was a request by Christopher Schappe, attorney for the Donald Eugene Light Revocable Living Trust, for a variance to the off-street parking space requirement by allowing the two required off-street parking spaces to be in the required front yard on property located at 604 West Boulevard South.

Chair Townsend opened the public hearing.

Christopher Schappe, an attorney with offices at 3610 Buttonwood Drive, Suite 200, stated he was representing the Donald Eugene Light Revocable Living Trust, which owned the property in question. The two residents, Sean Spence and Leigh Leyshock Spence, were seeking to turn their garage into an office, and in order to make up for the lost parking space, they planned to widen their driveway.

Sean Spence, 604 West Boulevard South, explained there was off-street parking on West Boulevard, but they would not use that off-street parking since they would be widening the driveway.

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

Mr. Simon commented that the Section 29-30(b)(6) clearly stated only one vehicle could park in the required front yard.

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

CASE NO. 1832 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, HAZELRIGG,
Case Number 1831 was a request by Craig Van Matre, attorney for Zeta Phi Corp. of The Beta Theta Pi Fraternity and The Beta Theta Phi Club of Columbia, for a variance to the building height requirement by allowing the building to exceed the maximum height permitted on property located at 520 S. College Avenue, 1300 Rosemary Lane and 1306 Rosemary Lane.

Chair Townsend opened the public hearing.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, stated he was representing the applicants and they were asking for a variance from the height regulation imposed by Chapter 29 for R-3 zoned buildings. The height limit was 35 feet and the building would be 42 feet as measured by Section 29-2 of the Code of Ordinances. The applicants were granted a building permit by the City on August 18, 2011 and the plans as submitted clearly showed the intended height of 42 feet. The architects were unaware of the limitation of 35 feet and City staff missed the error and issued a building permit. The contractor started work immediately in an effort to get the project done by August 1, 2012 as required by contract and there was no way to mitigate this error on-site without starting all over.

Janet Hammen, 1844 Cliff Drive, stated she was the President of the East Campus Neighborhood Association and noted the Neighborhood Association was not opposing the variance.

Mr. Van Matre described how the building height was measured and explained the addition of seven feet of height resulted in the building being 14 feet taller than it would be otherwise. He noted if the building had been a public building, it could be built to 75 feet, and if a school, it could be built to 100 feet high, so there was no assurance there would not be a tall building in an R-3 zoned area. He believed there were practical difficulties and an unnecessary hardship upon the applicants if the variance was not granted, and felt the Board could grant the variance with public safety and welfare being secured and substantial justice being done.

Mr. Van Matre provided 22 exhibits for the record, which he referred to and offered into evidence during his presentation.

Mr. Van Matre noted the adverse determination letter dated November 10, 2011 indicated a variance for the height would be needed. A request for a variance was filed by the applicants on November 17, 2011 and supplemented on November 21, 2011. On November 23, 2011, the contractor received a letter from the City indicating the building permit would be revoked and construction should cease. The applicants immediately filed an appeal on November 23, 2011, which allowed construction to continue. He noted that appeal was scheduled to be heard by the Board at a later date, but would be moot if this variance was granted tonight. He explained they filed the appeal in an effort to stay the enforcement of the stop work order because they believed a work stoppage would produce substantial damages as the structure was not enclosed and the elements could damage the construction already in place. In addition, if they stopped work, it would almost be impossible to finish the construction by August 1, 2012.

Bill Toalson, 4505 W. Route K, stated he was the representative for Beta Theta Pi and was the person that communicated with the applicants and the contractor, Little Dixie Construction. Mr.
Van Matre understood the property being built upon was located at 520 College, 1313 Wilson, 1300 Rosemary Lane and 1306 Rosemary Lane. Mr. Toalson stated that was correct. Mr. Van Matre understood Beta hired Treanor Architects to design and administer the permitting and construction of the building. Mr. Toalson stated that was correct. Mr. Van Matre pointed the site plan was the same that came before the Board when it granted a stormwater variance. Mr. Toalson explained a new fraternity house was needed because the prior house had some structural issues, the heating and cooling system was inefficient and it was difficult to get the wireless internet to work. Mr. Van Matre understood Beta hired Little Dixie to construct the building in cooperation with Treanor and that Mr. Toalson had relied on the architects for all of the design, permitting and supervision. Mr. Toalson stated that was correct.

Steve Malin, 210 N. Sixth Street, Baldwin City, Kansas, stated he was a member and principal of Treanor Architect and had worked there for 20 years. Mr. Van Matre understood Mr. Malin’s firm prepared the plans submitted to the City in connection with the application for the building permit and that the plans disclosed the height of the building. Mr. Malin stated that was correct. Mr. Van Matre understood Mr. Malin believed the plans were properly done when submitted. Mr. Malin stated that was correct. Mr. Van Matre understood the City commented on the plans and a response had been provided by Treanor. Mr. Malin stated that was correct and noted the plans had been adjusted accordingly. Mr. Van Matre understood during the course of the review process, no one noticed the height discrepancy. Mr. Malin stated that was correct. Mr. Van Matre understood construction began almost immediately after the building permit was issued. Mr. Malin stated that was correct. He explained they first received notice of the lack of compliance with regard to the height limit on November 10, 2011 and immediately began preparation for submitting a variance request. Mr. Van Matre understood the instruction to stop construction did not come until November 23, 2011 and they and the contractor wanted to keep working in an effort to get the building enclosed as soon as possible. Mr. Malin stated that was correct and noted it was important to complete the envelope to protect it from the elements and to finish bolting the steel structure together so it would not move. He commented that he believed this building would fit in with the surrounding area and would be attractive. He pointed out he did not believe the building could be redesigned to bring it into compliance and explained if they shortened the third floor, it would be less than five feet high and not habitable. Its width would be reduced as well. Mr. Van Matre understood eliminating the third floor would destroy the economics of the building. Mr. Malin stated that was correct. He described a shade study he had completed and noted the extent of the shadow fell within the constraint of the Beta House site, so it would not affect any other buildings.

John Simon, 4408 Georgetown Drive, stated he was a plan reviewer for the Building and Site Division and explained he had reviewed the building plans for this building and had recommended granting a building permit. He noted he had inadvertently missed the height issue on the building plans and that the issue had been brought to his attention by Tim Teddy, the Director of the Community Development Commission, in early November. He then communicated the issue with the architects.

Garrett Taylor, an attorney with offices at 1103 E. Broadway, stated he was also representing the applicants.

John States, 6075 Arrowhead Lake Drive, stated he was the principal for Little Dixie Construction and was hired to be the general contractor on this project. Mr. Taylor understood Mr. States’ had relied on Treanor Architects to design the building plans and to handle all of the permitting and
architectural services needed to complete the project. Mr. States stated that was correct. Mr. Taylor understood Little Dixie was not responsible for researching the applicable ordinances for this building. Mr. States stated that was correct. Mr. Taylor understood the demolition permit had been issued on May 31, 2011, the footing and foundation permit had been issued on June 10, 2011 and Mr. States had been before the Board of Adjustment on July 12, 2011 for a stormwater variance for the project. Mr. States stated that was correct. Mr. Taylor understood the building permit was issued on August 18, 2011 and they had received notification for lack of compliance in terms of the height of the building on November 10, 2011. Mr. States stated that was correct. Mr. Taylor understood the superstructure of the building had been substantially completed at that time. Mr. States stated that was correct and explained the main foundation and the first, second and third floors had been poured. In addition, the structural steel had been erected and the roof steel was on-site. Mr. Taylor pointed out an application for a variance was filed on November 17, 2011. In addition, a notice of revocation of the building permit had been received on November 23, 2011, and a decision was made to file an appeal to the revocation on that same date. Mr. States commented that if they had stopped work, the project might not be completed by August in time for the students to move into the building. They also needed to get the roof on the building due to winter weather. He noted the building today was substantially framed. The roof sheathing was going on and there had been a substantial amount of work in the basement. Mr. Taylor understood the cost of construction was over $5 million. Mr. States stated that was correct. Mr. Taylor understood the structural integrity of the building would be compromised by lowering the roof. Mr. States stated that was correct. Mr. Taylor understood the building would have to be torn down and work would need to start all over if the variance was not granted. Mr. States stated that was correct and explained it would cost about $12 million if this were to happen because nothing was salvageable except for the sale of the steel.

Tim Crockett, an engineer with offices 2608 N. Stadium Boulevard, stated he was familiar with the site as he had helped obtain the stormwater variance and noted he believed the character of the building would fit in with the surrounding area. He described some properties within the area and listed their heights to show similarities.

Allan Moore, 550 S. Rangeline Road, provided a copy of his report and curriculum vitae and explained he had been hired to develop an opinion of the affect, if any, on the value of the surrounding neighborhood and properties due to the height of the fraternity house. He noted he did not believe the additional height adversely affected the market value of the neighborhood and surrounding properties, and described the methodology used in arriving at that conclusion, which included a review of homes in the area and near the Columbia Public Library and Boone Hospital.

Mr. Van Matre listed the addresses of the property owners that provided affidavits of consent to the variance request. He explained the variance was being requested due to the practical difficulties and unnecessary hardships demonstrated if the R-3 height limits were imposed. They were asking for a variance of seven feet and noted it would not result in a substantial change to the character of the neighborhood or be detrimental to adjoining properties. In addition, the violation could not be cured by any other method reasonable under the circumstances. He stated he believed justice would be served by the Board granting the variance. He noted it would not be economically feasible for the applicants to continue if the variance was not granted and asked for approval of the variance.

There being no further comment, Chair Townsend closed the public hearing.
Mr. Creech explained the City had a lengthy checklist for building codes, but did not have one for zoning. They had since created a zoning checklist that would be utilized and would require certification from the design professional indicating the plans submitted met building and zoning codes.

Mr. Boeckmann suggested the Board accept the exhibits submitted for the record. Chair Townsend stated the exhibits were accepted by the Board.

Mr. Campbell commented that he believed College had evolved into what he considered a high speed commercial street with increased density on both sides. This development was on the edge of the East Campus Neighborhood and not on Wilson or another central street, and as a result, he did not believe the impact was the same. In addition, this was a mistake by the City and the architect. He did not believe all of the costs associated with the mistake should be transferred to only one party, and felt they had an obligation to grant the variance needed.

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

Ms. Amin noted the presentation indicated a height of 42 feet while the application indicated a height of 42 feet and 4 inches. The Board indicated the motion was for approval of the request in the application of 42 feet and 4 inches.

CASE NO. 1831 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, HAZELRIGG, JOHN, TOWNSEND, CLITHERO. VOTING NO: NO ONE. The variance was approved as requested.

Case Number 1829 was a request by Thomas Schneider, attorney for Boone Hospital Center, for a variance to the sign ordinance by allowing the wall signage (two signs) on the east elevation to exceed the maximum square feet permitted on property located at 1600 E. Broadway.

Mr. Campbell made a motion to hear Case No. 1829 at this time. The motion was seconded by Mr. Hazelrigg and approved unanimously by voice vote.

Chair Townsend re-opened the public hearing.

Tom Schneider, an attorney with offices at 11 N. Seventh Street, explained this was a sign variance on the east façade of the Boone Hospital Center building and referred to three mock-ups provided in the packet by the sign company. He described the view locations of the mock-ups and noted the existing sign to left of the logo on the right tower would be removed. He noted wayfinding was important for hospitals internally and externally, and many patients came from Highway 63, I-70 and other counties, so the visibility of signage was important. He believed the signage would be unobtrusive to the surrounding neighborhood. Most of the East Campus Neighborhood was to the south of Boone Hospital and this would impact the east façade. Due to its elevation, he did not believe the signage would intrude on anyone’s space at the ground level. He understood a representative of the East Campus Neighborhood had been concerned about illumination of the signage and it would be the same as what currently existed on the west façade of Boone Hospital. He showed the Board photos of signage from University Hospital and Ellis
Fischel and provided copies as exhibits for the record.

Trevor Starkenburg, a project manager for Sign Productions with offices at 500 Walford Road SW, Cedar Rapids, Iowa, agreed with Mr. Schneider in that the signs would be fabricated in the same way as the existing signage previously approved on the west and north elevations of the hospital. They would be LED illuminated letters. The faces would be white and the signs would look like the signs at the other elevations except they would be larger. The reason was due to patient safety and getting people to the hospital as fast as possible. The sign would not have much of an impact locally and its impact would be less than the impact of a 48 square foot sign at one story high. He noted the illumination would be the same as the existing signs on the west and north elevations.

Myrl Frevert, 201 Lucky Street, Fayette, Missouri, stated he was the Director of Support Services for Boone Hospital Center and provided a handout which showed improvements being made to the area in partnership with the City. He described the improvements, which were an upgrade to the hospital campus and this area of the City, and explained the signs represented additional efforts to enhance wayfinding.

Mr. Campbell stated he was concerned with someone finding the correct entrance and not turning too soon and ending up in the neighborhood. He asked if there was a way to ensure the main entrance was easily found. Mr. Frevert replied he thought there was a hospital sign on Broadway. In addition, they would be finishing up monument signs at the corner of Broadway and William and Broadway and Ann next week.

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

Mr. Campbell stated he drove around all of the hospitals and the University had some fairly large signs at their locations. He did not think he could oppose this due to the signage at the University Hospitals.

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

CASE NO. 1829 VOTE RECORDED AS FOLLOWS: VOTING YES: CAMPBELL, HAZELRIGG, JOHN, TOWNSEND, CLITHERO. VOTING NO: NO ONE. The variance was approved as requested.

Mr. Clithero asked when the 35 foot limitation came into effect. Mr. Campbell replied he was on the Council when the issue came up and it had been established in an attempt to determine the height of a typical residence. Mr. Clithero stated building construction had changed. Floors no longer sagged and they did not have water or steam heat. They now had forced air through duct work and requirements for drainage, slope and distance from finished floor to grade. He wondered if it was time to review the height limitations. Mr. Teddy agreed it was good to look at building practices when evaluating and rewriting regulations. He noted he had seen 35 feet in a lot of zoning ordinances for single-family homes, and depending on the community, some would allow an additional tier of height in the multi-family district. He viewed Columbia’s R-3 district as being both a multi-family and a single-family district where there would likely be many interior residential streets where they would not want buildings taller than 35 feet. Mr. Campbell explained part of the argument when the limit was established was the difference between a single-family and multi-family structure as they did not want apartments. Chair Townsend felt the location made a
difference.

There being no further business, the meeting adjourned at 8:51 p.m.

Respectfully Submitted,

Sheela Amin
City Clerk