Vice Chair Clithero called the meeting to order at approximately 7:00 p.m. Those members attending included Dennis Hazelrigg, Martha John, Philip Clithero, Matt Reichert and Rex Campbell. Also attending were the City Clerk, Sheela Amin, Building and Site Development Manager, Shane Creech, City Arborist, Chad Herwald and Assistant City Counselor, Rose Wibenmeyer.

The minutes from the regular meeting of February 12, 2013 were approved as submitted on a motion by Mr. Campbell and a second by Ms. John.

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

**Case Number 1852** was a request by Kathy Doisy and Matthew Knowlton of 1404 Richardson Street, property owners within twenty feet of 1407 Windsor Street and 1406 Liberty Street, for the Board to rescind the building permit and require the Community Development Department to enforce compliance within the zoning provisions of the Benton-Stephens urban conservation overlay on property located at 1407 Windsor Street and 1406 Liberty Street.

Vice Chair Clithero explained the applicant had requested this item be tabled to the April 9, 2013 Board of Adjustment Meeting.

Mr. Hazelrigg made a motion to table Case No. 1852 to the April 9, 2013 Board of Adjustment Meeting. The motion was seconded by Mr. Campbell and approved unanimously by voice vote.

**Case Number 1858** was a request by Michael and Jewel Keevins to grant a variance to the screening and landscaping requirement by not requiring the parking area to be screened from the view of the adjoining residential use as indicated in Section 29-25(e)(5) of the Columbia Code of Ordinances on property located at 906 Woodson Way.

Vice Chair Clithero opened the public hearing.

Jewel Keevins, 610 W. Broadway, provided a handout and explained they were requesting a variance from the screening requirement as it would restrict their access. She noted a twelve foot driveway easement ran along the west side of the property where this screening would be required, and the screening would restrict all but thirteen feet of access. She pointed out the screening was not being required on the thirteen feet because an adjacent owner had easement rights, so they wanted the same allowance on their easement.

Tom Mendenhall, 7300 Quantrills Pass, stated he was one of the property owners of a strip of land eight feet on the north side of this site and of The Lofts on Ninth Street, a new building being constructed, and noted they were working with this property owner and the adjacent property owner of the two apartment buildings on another project. He understood this screening would be behind the building, and his long term plan would require the screening to be removed at a future
He explained they also owned the Noodles building at the south of the property, so they owned much of the property around this lot and were comfortable with this variance request. He pointed out there was a need for parking in the downtown, and believed this made sense.

Mark Stephenson, 3204 Crestwood Lane, stated he owned the two apartment buildings directly to the west of this site, and noted he was working with Mr. Mendenhall and others on a larger project. The lot owned by the Mr. and Mrs. Keevins was a second tier lot as it did not have frontage on South Ninth Street and was essentially a utility area. He explained they had landscaped in front of the buildings on South Ninth Street and thought it would be a cleaner and simpler development to not require the landscape screening on this lot. He stated he supported the waiver of that requirement.

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

Ms. Wibbenmeyer listed the legal standards, which were one of practical difficulties or unnecessary hardship in carrying out the strict letter of this chapter to vary or modify any of the regulations, and to ensure public safety and welfare was secured and substantial justice was done. Relevant factors included how substantial the variation was in relation to the requirement, the effect of the variance of increased population density on governmental facilities, whether substantial change would be produced in the character of the neighborhood or a substantial detriment would be produced on adjoining properties, whether the difficulty could be obviated by some method feasible for the applicant to pursue other than the variance and whether the interest of justice would be served by allowing the variance.

Mr. Creech explained the Board has previously heard a case to authorize the conditional use permit to allow this parking lot and a variance was requested or granted at that time. The ordinance required paved areas containing more than 1,500 square feet within fifty feet of a residential use or zoning district be screened from view of the adjoining residential use or zoning district. It was a variance only the Board of Adjustment could grant.

Mr. Campbell noted Woodson Way was not a street in the normal sense of the word. It was a ramp going up into the University parking garage and a very high hedge would be required to be able to screen much in that location. He did not believe landscaping in that particular area was feasible.

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

CASE NO. 1858 VOTE RECORDED AS FOLLOWS: VOTING YES: HAZELRIGG, JOHN, CLITHERO, REICHERT, CAMPBELL. VOTING NO: NO ONE. The variance was approved as requested.

Case Number 1859 was a request by Phebe La Mar, attorney for Broadway & Broadfield Properties, LLC, to grant a variance to the requirement to maintain at least twenty-five (25) percent of climax forest area by allowing less or no climax forest to be preserved; or for a determination there is no climax forest, or a determination only approximately 6,500 square feet of climax forest is required to be preserved, or allowance of a trade so the amount of climax forest required is preserved on another lot on property located at 3200 W.
Broadway, 3301 Broadway Business Park Court, 3401 Broadway Business Park Court, 3304 Broadway Business Park Court, 3410 Broadway Business Park Court (lot with climax forest identified for preservation on plan submitted in 2001), 3302 Broadway Business Park Court, 3200 Broadway Business Park Court (all C-1 zoned lots); and Yorkshire Drive (two R-1 zoned lots immediately to the south of 18-20 Yorkshire Drive and lots with climax forest identified for preservation on plan submitted in 2001).

Ms. Amin explained the parties in interest the applicant had provided were notified, but understood that list was incomplete, so not all of the property owners within 185 feet of the subject property was notified.

Ms. Amin also noted an e-mail had been received from Doug and Annie Perry indicating they resided at 107 Yorkshire Drive and were opposed to the trees being removed.

Vice Chair Clithero opened the public hearing.

Daniel Beckett, an attorney with offices at 1117 S. Ninth Street, explained he was the attorney for the applicant and thought the most prudent thing to do was to request this item be tabled to the next meeting since all of the parties in interest might not have been notified.

Mr. Hazelrigg stated he agreed and noted he would rather be safe than have this issue come back up. Mr. Campbell agreed and felt it was the fair thing to do.

Mr. Hazelrigg made a motion to table Case No. 1859 to the April 9, 2013 Board of Adjustment Meeting. The motion was seconded by Mr. Campbell and approved unanimously by voice vote.

Vice Chair Clithero continued the public hearing to the April 9, 2013 Board of Adjustment Meeting.

There being no further business, the meeting adjourned at 7:16 p.m.

Respectfully Submitted,

Sheela Amin
City Clerk