

NOTICE OF APPLICATION TO THE BOARD OF ADJUSTMENT
(FOR A VARIANCE)

17 NOV 21 AM 11:48

TO: BOARD OF ADJUSTMENT
Office of the City Clerk
City Hall, 701 E. Broadway, Columbia, Missouri

SUBJECT: Notice of appeal from Decision of Senior Building Inspector (Doug Kenney)
in regard to the following described property located in the City of Columbia,
County of Boone, State of Missouri (legal description):

SEE EXHIBIT A

which is presently zoned A and known, or to be known, as 1514 Mills Drive, Columbia, MO
(Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 16-516-00-09-002.00 01

Notice is hereby given that Applicant(s) requests a variance with respect to the above described property.

On the 23 day of October, 20 17 said official did
reject the request to build a new horse barn to be located forward of the existing principal structure.

The reason given for such action was that
The proposed building site for an accessory structure is forward of the existing principal structure.

which does not comply with Section 29-3.3, Code of Ordinances of the City of Columbia,
Missouri, which Section provides or requires that
29-3.3(ii)(2)(iii)(A) provides that "Detached accessory structures . . . shall be located . . . not forward of the principal
structure.

A copy of the letter of said official is hereto attached.

There are practical difficulties or unnecessary hardships, or both, in the way of carrying out the strict letter
of the Ordinance because

There is no other location on the subject property that is suitable for a horse barn. Applicants intend to keep a horse on
the property and require a barn with an interior stable. The principal structure is approximately 75 feet south of the
north property line. Without a variance, the barn would need to be positioned either west or south of the principal
structure and would require several hundred feet of hard surface driveway. Much of the available land is in drain ways.

If the Board of Adjustment varies or modifies the application of the Ordinance as requested by this appeal,
nevertheless there will be a substantial compliance with the Zoning Ordinance, the spirit of the Zoning
Ordinances will be observed, public safety and welfare will be secured, and substantial justice will be done
because

the proposed accessory structure will be a barn that (a) will be attractive; (b) will not invade the setback or building line;
(c) will not be visible from Mills Drive due to the natural screening (eastern red cedar, deciduous trees and shrubs)
bordering Mills Drive that creates a visual barrier; (d) will not require any new asphalt; (e) will be the safest location for
a horse; (f) will be easily accessible by fire personnel; (g) will not be in a drainage area; (h) will be close to pasture.

Applicant(s) requests that the Board of Adjustment vary or modify the application of the Ordinance to the
above described property to the extent indicated, and that

the proposed accessory structure be allowed to be constructed in a location forward of the principal structure without
invading the zoning setback or building line. See Exhibit B for additional information.

Attached hereto and made a part hereof is a sheet entitled "Parties in Interest" which lists the names and
addresses of all other parties in interest, to the best knowledge and belief of Applicant(s).

11/21/2017
DATE

SIGNATURE(S)

A. A. WALTER
A. A. WALTER

ADDRESS
TELEPHONE

700 Cherry Street, Columbia, MO 65201
(573) 442-2454

CAPACITY OR INTEREST IN PROPERTY Attorney for Gary Mills and Tina Mills, Co-Trustees

I hereby acknowledge receipt of a signed copy of the above Notice of Application, and I also acknowledge
receipt of the deposit required to be made with said Notice of Application.

CITY CLERK
DATE

Trusted Counsel. Effective Advocates.

Skip Walther
Rusty Antel
Gary L. Stamper

EXHIBIT B

November 21, 2017

Ms. Sheila Amin
City Clerk
701 E. Broadway
Columbia, MO 65201

Re: Gary and Tina Mills, Co-Trustees
Application for Variance

Dear Sheila:

I am enclosing an application for a variance to the Board of Adjustment, together with the letter of denial, our check in the sum of \$150.00 representing the filing fee, the necessary identification of the parties in interest, and a plan of the subject property.

I thought it would be helpful to provide a more complete discussion of the relevant ordinance and how our proposed development is impacted by that ordinance, and why our variance application should be granted.

The property at issue is owned by Gary Mills and Tina Mills, Co-Trustees of the Gary B. Mills Trust and the Tina I. Mills Trust, each dated February 22, 1999.

My clients wish to stable a horse on their agriculturally zoned property on Mills Drive and a horse barn would be required. Although my client's property is a 2.75 acre lot, the only practical site for a horse barn is just off the existing driveway and forward of my clients' residence (the principal structure).

Our proposed location already has a hard surface apron that extends slightly east from the existing driveway. It is relatively flat and has sufficient room for a "dry lot," (or exercise paddock) which should be a graveled area that remains relatively dry for a horse to use when just outside the barn. This desirable location allows for a short and direct path to the pasture land lying east of the subject property on a separate lot.

No other location on the subject property presents these desirable characteristics.

My clients' residence is located approximately 75 feet from Mills Drive. To comply with the ordinance in question, the horse barn would be located either west or south of that residence. A lake lies south, east and west of the residence and occupies a significant portion of the subject property. The remaining

Ms. Sheila Amin
November 21, 2017
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available land has several drainage ways that move water coming from the north into my clients' lake, and all of that land is unsuitable for a horse barn. A horse requires a dry area for sleeping and exercise and locating a barn within a drainage way would be inappropriate and dangerous to the health of the horse.

While there is a location to the west of my clients' residence that could accept a horse barn, several hundred feet of asphalt drive would need to be built and significant dirt work and landscaping -- including berms or retaining walls and drainage ways -- would need to be done. Such a location would be problematic for the fire department as we understand that accessory structures are best located within 175 feet of the nearest public road. As stated above and in the application for variance, my clients would need to build an interior asphalt driveway to the horse barn and we estimate the distance would be at least 300 feet. Adding that much asphalt to my clients' lot would also increase surface water runoff to the remaining part of my clients' lot.

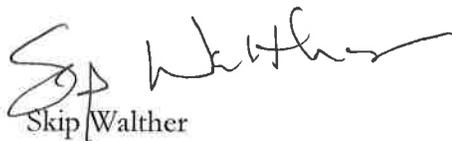
Locating the horse barn forward of my clients' residence will not be detrimental to the neighborhood. The barn will be attractive. My clients intend to build a barn that is very similar to the one depicted in the attached picture. Even so, the presence of eastern red cedars, shrubs and deciduous trees along Mills Drive will screen the view of most motorists passing by, who would only glimpse the barn as they drive past the subject property.

Our proposed location is just past the 25 foot building line and will be a convenient location for fire personnel and for my clients. Because the location is relatively flat and lies above the existing lake, it would be easy to maintain the barn and dry lot in a suitable condition for the horse, and would not require any additional asphalt and only minimal landscaping.

We strongly believe that our variance request substantially complies with Columbia's zoning ordinances, and the spirit of those ordinances will be soundly served by granting our request.

Thank you for your courtesies.

Sincerely,



Skip Walther



001956

City of Columbia

Community Development Department

701 EAST BROADWAY • PO BOX 6015 • COLUMBIA, MO 65205-6015

October 23, 2017

Gary & Tina Mills
1514 Mills Dr.
Columbia, Mo. 65203

RE: 1514 Mills Dr.

The application for a 28' x 36' horse barn must be denied due to the placement of an accessory structure forward of the principle structure as shown in the site plan.

Sec.29-3.3 (ii) (2) (iii) (A)

- (iii) Detached accessory structures and accessory surface improvements (such as tennis courts, basketball courts, swimming pools, or paved patios) shall be located:
- (A) Not forward of the principal structure,
 - (B) Not less than three (3) feet from any side lot line, and
 - (C) Not less than one foot from any alley line;

Regards,

Doug Kenney

Senior Building Inspector

Building & Site Development

Building & Site Development
(573) 874-7474
Fax (573) 874-7283

Neighborhood Services
(573) 817-5050
Fax (573) 874-7546

Planning & Zoning
(573) 874-7239
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TTY 1-800-676-3777 MO Relay

www.como.gov/communitydevelopment