

**Board of Adjustment Work Session Minutes
November 14, 2017
City Council Chambers - Columbia City Hall**

ATTENDANCE:

Commission Members Present: Carroz, Clithero, Hammen, John, Waters

Commission Members Absent: None

Staff: Caldera, Zenner

Guest: None

ADJUSTMENTS TO AGENDA: None

TOPICS DISCUSSED – New Business:

- **2018 Variance Deadlines**

Mr. Zenner gave an overview of the 2018 variance deadlines and explained that the submission date shown on the calendar now was coordinated with the other application deadlines that were used within the Community Development Department. He noted that the calendar had been prepared to ensure compliance with the new advertising deadlines established by the UDC for all items that required a public hearing. The prior requirement stated 7 days of notice for variances whereas the new UDC standard was 15 days.

There was general discussion regarding the calendar and it was noted that the May meeting date was in error. The date was on the 3rd Tuesday of the month not the Board's usual 2nd Tuesday. Mr. Caldera asked if the meeting date was specifically established in the Board's enabling legislation. Mr. Zenner and several Board members indicated they did not believe it was. Mr. Zenner stated he would review the matter and make the change accordingly. He also noted that the submission deadline for that meeting may need to be adjusted as well.

TOPICS DISCUSSED – Old Business:

- **Proposed Revisions to Board Rules of Procedure**

Mr. Zenner picked up the discussion of the revisions to the Rules of Procedure where the Board concluded its discussion on October 10. He noted that the version before the Board now included Mr. Caldera legal review of the revisions for accuracy and conformance with Sunshine provisions as well as other legal issues. Mr. Zenner noted that Mr. Caldera comments were shown as "blue" text within the marked-up version of the Rules.

The Board had general discussion of the Rules and the proposed revisions to them. In response to concerns expressed about the "reasons for appeal to the Board", Mr. Zenner provided clarity on what was the intended purpose of the Rules of Procedure. He noted that the rules were not intended to be a user guide for the public, but were intended to be used by the Board members themselves to provide clarity on how the Board was to function and operate. Given this explanation, the Board concluded that when duplicative text was shown within the Rules and the duplicative text was summarizing the actual regulatory text from the Unified Development Code the summarized text would be deleted to keep the Rules as tight and streamlined as possible.

Mr. Zenner continued to explain the revisions to the Rules and deferred to Mr. Caldera for explanation of his proposed edits. In several instances the Rules were revised to make them gender neutral. There was discussion relating to several of these revisions and given the context the Board felt that the change to a gender neutral term should be changed back to being gender specific. Staff made the changes as they were identified within the revised Rule as requested.

As Mr. Zenner began wrapping up the revisions to the Rules he explained that the applicant's responsibility to submit a "Parties in Interest" list was being removed from the application requirements. He noted that this was being done since

the staff would be able to prepare those lists and confirm their accuracy using the City's GIS software. There was limited conversation regarding this change, but Board members supported it.

Additionally, Mr. Zenner noted that the application forms were removed from the Rules to ensure that they would be capable of being amended if necessary without Council approval. There was discussion regarding this change and a recommendation to eliminate the specific instructions on how to get to the forms since the text seemed very cumbersome. Mr. Waters as noted that the removal of the forms was reasonable given the Rules were intended to guide the Board not function as a public "help" document.

Mr. Zenner noted that a non-marked up version of the Rules would be placed on the Board's December 12 agenda for a formal recommendation to City Council. Following the Board's recommendation an ordinance would be prepared for the Council to adopt the revised Rules as required by the UDC. Upon adoption, anticipated in late January or early February 2018, the Rules would become effective.

- **Variance and Appeal Staff Reporting**

Mr. Zenner provided an overview of why staff reports were proposed to be prepared and went over the components that would be contained within them. He noted that the purpose of having staff reports was to provide the Board with more detailed information regarding the requested action and to aid in better decision making.

He noted that the reports would include a specific recommendation and noted that it was likely there would be an increase in the number of staff recommended denials. Mr. Zenner stated the reason for this would be due to the fact that most variances do not meet the variance criteria and are either self-imposed or due to just "mere" inconvenience. He further stated that under certain circumstances "alternative" recommendations may be provided when staff felt the Board had some latitude in granting the variance, but staff was unable to due to the way the Code was written.

There was general Board discussion regarding the report format and its proposed content. Board members supported the idea of the reports. Mr. Zenner indicated that staff would begin generating the reports with the January 2018 meeting.

ACTION(S) TAKEN: The minutes of the October 10, 2017 meeting were not adopted. No other votes or motions were taken.

Meeting adjourned at approximately 6:58 p.m.