



City of Columbia, Missouri

Meeting Minutes

Board of Adjustment

Tuesday, June 11, 2024
7:00 PM

Regular Meeting

Council Chambers

I. CALL TO ORDER

MR. NORGDARD: The June 11, 2024 Board of Adjustment meeting will come to order.

Present: 5 - Janet Hammen, Peter Norgard, Paul Sharp, Linda Olsen and Randy Minchew

Excused: 2 - Kittie Rogers and Jefferson Crew

II. INTRODUCTIONS

MR. NORGDARD: Mr. Zenner, would you please call the roll?

MR. ZENNER: Mr. Norgard.

MR. NORGDARD: I'm present.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: I'm here.

MR. ZENNER: Mr. Minchew?

MR. MINCHEW: Present.

MR. ZENNER: Ms. Olsen?

MS. OLSEN: Here.

MR. ZENNER: And Mr. Sharp?

MR. SHARP: Here.

MR. ZENNER: You have five; you have a quorum, sir.

MR. NORGDARD: Thank you.

III. APPROVAL OF AGENDA

MR. NORGDARD: Is there a motion to approve the agenda?

MR. MINCHEW: I make a motion.

MR. NORGDARD: Motion by Minchew. Is there a second?

MR. SHARP: Second, by Paul Sharp. MR. NORGDARD: All right. All in favor, say aye.

Anyone against? No. Seeing none. (Unanimous voice vote for approval.)

Motion to approve

IV. APPROVAL OF MINUTES**April 9, 2024 Regular Meeting**

MR. NORGDARD: The April 19, 2024 minutes were distributed to the members of the Board. Are there any corrections or additions to the minutes?

MS. HAMMEN: That would be April 9.

MR. NORGDARD: Okay. You have to --

MS. HAMMEN: The April 9th meeting minutes, I move we approve them.

MR. MINCHEW: Second, Minchew.

MR. NORGDARD: All in favor? Oh, sorry. I said April 19th when I meant April 9th. (Unanimous voice vote for approval.)

MR. NORGDARD: All right. Would the court reporter please swear in staff?
(Staff sworn.)

Move to approve

V. PUBLIC HEARINGS**Case # 160-2024**

A request of Michael Imhoff (agent), on behalf of Tracy Buesing (owner), seeking approval of a 5-foot variance to allow the encroachment of a paved parking space into the required 6-foot side yard on property addressed as 1309 West Worley Street which is not permitted per sec. 29-4.1(c)(2), Table 4.1-5 and sec. 29-4.3(g) of the Unified Development Code.

MR. NORGDARD: All right. Let's see.

MR. NORGDARD: Said real estate being Lot 19 in West Worley addition to the City of Columbia, Boone County, Missouri as shown by the plat thereof recorded in Plat Book 4, page 7, records of Boone County, Missouri, except part for street as recorded in Book 3637, page 96. Mr. Liaison -- oh, I guess I should ask, is there anybody on the Board that has anything to disclose? Seeing none. Mr. Liaison, Mr. Zenner, has the notice been properly advertised?

MR. ZENNER: Yes, it has.

MR. NORGDARD: Has it been posted with a notice of public hearing?

MR. ZENNER: Yes, it has.

MR. NORGDARD: Have parties of interest been notified?

MR. ZENNER: Yes, they were.

MR. NORGDARD: And have there been any inquiries or comments?

MR. ZENNER: No, there have not.

MR. NORGDARD: All right. Would the person making application please come

forward, swear in. State your name and address, and then make your case.

MR. IMHOFF: Michael Imhoff.

(Witness sworn.)

MR. NORGARD: Proceed.

MR. IMHOFF: Okay. I'll say we unknowingly, you know, we put the driveway in mainly for her father, because if you notice, her father is in a wheelchair. I've had most of -- a lot of my contractors are working on her house, you know, where we parked out off the street onto the curb a little bit, and they said the traffic on that street is so horrible that people just drive and fly by, and it's dangerous for him. I was notified by the City. It was one of the inspectors, I think, upstairs, that, you know, that this was in -- in the variance or whatever, and it was not set off right or whatever, but the -- so I got with Doug upstairs and we went through the whole process of what we needed to do to get to this point. But I, for his safety, because he will more than likely be living with her there, so he can access the house, they've got wheelchair ramps that are coming here pretty quick so he can get into the house with the wheelchair and everything, and we just really don't want him parking in the street because, as I say, he, more than likely, will start living with her here eventually and just for his own safety, I would, you know, I hope you all can see the point, you know, that we're needing here. I can say that all the paperwork that we've gotten, I'm sure you all have seen that we've had neighbors, you know, write letters about everything. They're all right with what we did, but just the big thing is just the safety for him. Right now, it's --

MR. NORGARD: Any questions? What's to prevent -- I'm not sure of the individual's name, but what's to prevent him from just parking in the -- in front of the garage?

MR. IMHOFF: She has to park, you know, in there for her in order to --

MR. CRAIG: Mr. Imhoff, would you please speak into the microphone so we can get --

MR. IMHOFF: Oh, I'm sorry.

MR. CRAIG: -- can get a record for the court reporter. Thank you, sir.

MR. NORGARD: You can lift it up if you need.

MR. IMHOFF: But, yeah. Just -- it's, you know, she has to have access to get in and out of the drive -- main driveway, so if he's there, that gives him a place to park where she can get in and out and go to work every day and, you know, maintain her life, basically. And then he can get in as he's needed to get -- you know. Because we made the radius right to where you can get a good car, a van, or whatever, you know, back up in there where you can -- can get out.

MS. HAMMEN: Did you look at alternative plans for parking?

MR. IMHOFF: For room there, there really isn't. They're just -- they're just not. I mean, like I say, it was oversight on my part. I mean, just not knowing, because Doug said -- told me it's like the ordinance was changed back in '17, if I remember right. So -- but for what she -- she's needing for him, really, it's the only alternative, you know, other than parking in the street, and taking, you know, a chance of getting hit by a car.

MR. NORGARD: So does he drive a car or a vehicle of some sort?

MR. IMHOFF: Yeah. There's -- it's a vehicle with, I think the wheel chair has got a thing in the back of it, you know, they can move that around.

MR. NORGARD: Does -- do you know if it includes special equipment for manipulating pedals and things like that, or is it --

MR. IMHOFF: I don't think so.

MR. SHARP: I had a question about how this all came about. When I looked at Google Map Street View, I think the date was October 24, or no, sorry, 23, there was no house at that location.

MR. IMHOFF: No. Her house burnt down last April, or the April before, so, I mean, she notified me to, you know, rebuild here -- rebuild her a house. And like I say, it's probably been 25 years since I've actually built a house in Columbia. Most of the ones we do are out in the county. So I just, on my part, didn't check the codes like I should have and, like, you know, when I got -- pulled a permit and everything, it's not their job, you know to tell me what I can do and what I can't do.

MR. SHARP: Dr. [sic] Zenner, do you -- do you know what the Code was before the UDC was passed?

MR. ZENNER: There was not a restriction on the ability to place a driveway on the property line or within the side yard setback.

MR. SHARP: And a parking lot -- a parking spot included in that?

MR. ZENNER: That would be correct.

MS. HAMMEN: So someone could park on the lot line or up to the lot line?

MR. ZENNER: If my recollection serves me correctly, that is correct, Ms. Hammen.

MR. SHARP: So the --

MS. HAMMEN: Did the -- excuse me. Go ahead.

MR. SHARP: And so the house was built from scratch quite recently. Couldn't have accommodations been made in the design of the -- of the new house that would have accommodated this without having to put a spot on the side there?

MR. IMHOFF: Well, the house like it is set, it's, like, right on the property point of six foot on the right side of the house, so, I mean, we're right there on that one. So this one gave us, you know, enough to get her -- you know, big enough to get a car parking in

there, you know. Actually, without looking on what we did originally, it drew it into the plan for the City, I'm not for sure if it was drawn [sic]. I don't think it was. I think it was, you know, after the fact, you know, she'd like -- we need a parking spot for dad, and that's kind of how it came to be. I mean, like I say, I should have probably come and talked to Doug about it and just, you know, say, hey, what do I need -- what can I do, you know. We could have maybe tried to do this process before we built or whatever, you know, to see if we could do it or -- or however. But the house is just so tight on the lot, you know, it just allowed us enough room to get that drive in there, that parking area.

MS. HAMMEN: Is the house built on the foundation of what burned down?

MR. IMHOFF: No. We -- they tore the whole thing out and we started from scratch with a whole brand-new crawl space and everything else in it, so --

MR. SHARP: And you followed the setback -- the street setback rules and built --

MR. IMHOFF: Yes.

MR. SHARP: -- it to the -- to what the Code is.

MR. IMHOFF: Yes. What we ended up, I talked to the guys, and it was, like, the house is actually set back further. It's, like, 40 feet, you know, because we just went along and -- and went with everybody was there just to make the house look like it belonged where it needed to be.

MS. OLSEN: So the extension of the new extra parking is on the left of the house?

MR. IMHOFF: Yes, ma'am.

MS. OLSEN: And the driver -- the handicapped driver drives a car or vehicle. Correct?

MR. IMHOFF: Yes.

MS. OLSEN: So what -- why couldn't the right-hand side be the extension? Wouldn't that be easier for the driver to get out of the vehicle?

MR. IMHOFF: Well, the right goes right directly into the driveway -- or into the garage. The way the house is set up, you know, the garage is on the left side of the house, and it just -- you know, because that's -- we used the existing driveway that was there, like the approach and everything. So we didn't want to tear all that out and have to redo all that, extra cost and everything. So we -- we worked with what we had and just, you know, made it work to where she's got enough room to get, you know, the driveway would wind it up so they can get the ramps in to where he can go straight into the house off of that. But like I say, he just needs somewhere it's safe to park.

MS. OLSEN: Thank you.

MR. MINCHEW: Can I ask you, Pat, would it -- would it have been outside the Code if he had added the -- and I'm not saying he could have, but added the driveway to the

right? Is the -- is the issue that he put it on -- on the -- too close to the property line? Is that the --

MR. ZENNER: That's the principal issue. And when we're done with the speakers, I'll provide you the staff's side of that and I'll give you a fuller explanation of how the Code applies in this instance.

MR. MINCHEW: So you're allowed -- you're allowed, basically, to do -- but you just, instead of going left, he should have gone right because of where the property line is.

MR. IMHOFF: Correct.

MR. MINCHEW: So you can widen your driveway, you just widened it left instead of widening it right.

MR. IMHOFF: Yeah.

MR. NORGARD: Where do you intend to put the wheelchair ramp?

MR. IMHOFF: They are going, like, if looking at right beside the garage is the front door, and they are going to go right from their straight down, because we made -- we veered the driveway off far enough to where, you know, they can sit there and he can still get -- you know, she's in the garage, he can get around and get right up them without no problem, all the way up to the door.

MR. NORGARD: Any further questions?

MR. IMHOFF: Oh. Can I say one more thing?

MR. NORGARD: Oh, yeah. Please.

MR. IMHOFF: I did -- I did have -- I won't say who asked me to do this, but -- told me to go up and down that street and look and see if there's any other houses that are kind of like what we've done that are close to the property line, and there are several. Some of them I know were put in, you know, before the Code change and all that. So I mean, it -- it's kind of like -- I don't know how to say it. You know --

MR. MINCHEW: It wouldn't be the only house --

MR. IMHOFF: New one. There's a new one about a block to the east -- east of us that, I don't know if it's a remodel or if it's a brand-new house, but they have a driveway going right beside, you know, the neighbor beside them, too. Same thing, but they go back to a garage that's sitting behind the house. So it's, like, but actually, it's a -- I don't know if it's a remodel or if it's -- they built it from the ground up. I don't know.

MR. NORGARD: Okay.

MS. HAMMEN: So backing out on that street will be a hazard.

MR. IMHOFF: Yes, ma'am.

MS. HAMMEN: Do you think --

MR. IMHOFF: You really -- you really have to watch when you're backing out. I

mean, when we were building it, you know, we were in and out dozens and dozens of times, and you really have to watch both ways and you have to hurry up, basically, to do it.

MS. HAMMEN: I know some people put in circular drives, so they can pull in and pull out. Did that enter your equation?

MR. IMHOFF: That probably would have been a hard thing to do just to the fact that, you know, we didn't have another approach to do it off of, and we were on a budget, you know, to get this house at a certain budget, and it just would have added --

MR. MINCHEW: Well, then you would have to get a curb cut --

MR. IMHOFF: Yeah.

MR. MINCHEW: -- approval to do a circle. Right?

MR. IMHOFF: Yeah. Curb cut, yeah.

MR. NORGARD: Questions? Seeing none. Is -- thank you. Are there anybody else in the audience wishing to speak in favor? Seeing none. Is there anybody wishing to speak against? Oh, come on up. State your name and address and be sworn in.

MR. BUESING: James W. Buesing, and I live at 7900 West Rollingwood Boulevard out west of town right now out by Midway, between Trails West and Rollingwoods and that street through there.

(Witness sworn.)

MR. NORGARD: The floor is yours.

MR. BUESING: How are you all doing this evening?

MR. NORGARD: Good.

MR. BUESING: I think I'm about the subject of this conversation quite a bit here. Yeah. I've listened to you. The street is not a good one to back out on, but if you be careful and do it, you can do it well. The question on the parking in front of the house is the way her driveway sits. There's a -- it's got a pretty good steep driveway going into it, and I've got to be truthful. I ain't worth a tinker's from the waist down. I have no balance and coordination. So if I get out and try to get my chair out on that ramp, I'm going to be rolling down into the street. I have parked across the street in that daycare center, but just to be nosy when they was building it, get in my wheelchair and go across the street and roll up the driveway and look around a little bit, but I have never been in the house, so that driveway was put in there for me, so -- that's all I -- if you've got any questions and --

MS. HAMMEN: Do you have plans to move in or mostly just visit?

MR. BUESING: Fifty-fifty, because right now, I can't take care of my place out there at Midway. I've got my name on Lenoir Home out there, but that's a one- to two-year waiting list, and I'm looking at selling my place and getting out of it. So if I get out of it, I

need someplace to go, so she's got a spare bedroom. I'm too old to lie. I even bought bidet to put in the bathroom that I can sit on, so --

MR. NORGDARD: Any further questions? Thank you, James.

MR. BUESING: You're welcome. Thank you.

MR. NORGDARD: All right. Staff comments?

MR. ZENNER: So included in your packet, you should have had the plot plan that was approved by the City prior to the issuance of the initial building permit, which did show that the -- the home was fully compliant with all our required setbacks for the R-1 zoning district or -- yeah -- R-1 zoning district in which the house sits. The left side of the home, which is where the parking space is located and encroaching into the side yard setback, the actual exterior wall of the garage was 12 feet away from the property line, double what the required setback was. Hence, the reason why we have approximately and eight-foot wide or so space that may -- is sitting in the required side yard. It's pretty standard for a vehicle parking space. And then the east side of the home, right-hand side is at the minimum six feet. And as Mr. Buesing has indicated and as probably many of you are aware, the property is perched, so there is about a four-foot elevation from grade at Worley up to the front porch and entry of the home, if not a little bit more, making the driveway grade relatively steep. And obviously, that does create a potential safety hazard. I think what the bigger issue is here when we start to look at this is, well, how did this happen and what is the implication or the impact in general. So as noted in the staff report, flat work does not require a permit, after we have issued a building permit, a principal building permit. So it is not uncommon, unfortunately, that through the inspections process, flat work that is installed that is not shown on the original site plan, so it's a post-construction or a post-permit issuance adjustment, field adjustment, is often flagged by our enforcement staff when we are doing inspections, and that is, as I understand it, how this particular scenario was identified. In 2017, we amended the Unified Development Code, and as part of the overall amendments, parking areas, patios, and a number of other previously non-regulated improvements to a site became considered structures. Structures cannot sit within required setbacks, and there is an exception within the Code which is why there are two provisions that have been noted and how this project or this request was advertised. We have a yard exception, which allows a driveway -- allows a driveway to be within six feet of a property line, if I'm -- I'm going to get these reversed probably. A driveway within six feet of the property line -- or, I'm sorry, you can have a driveway within five feet of the property lines, you cannot have a parked vehicle within six. So that's why the two standards are existing here, and they are somewhat confusing at best. And so as I pointed out in the staff report, we chose to take

the most conservative approach here and sought -- have written this report as though we are encroaching into the setback by five feet, and we probably could have argued if it was four feet or five feet, we just decided let's just go ahead and do it at five. You're a foot from the property line, so any way you slice it or dice it, we've got a vehicle parked in a parking space that's not supposed to be there, and you have a driveway that's there as well. We created the standard for the setback, the offset, it was part of a neighborhood protections provision -- a group of protective standards that were created. And they did not previously exist in 2017. So as Mr. Imhoff has indicated, it's been 20-plus years since he built a house inside the city of Columbia. We have contractors that are more familiar and frequent flyers in our permitting program and still make the same error. So, I mean, this is not something that is unfortunately an uncommon issue that does come up; however, it's not nearly as unforgiving as it is in this particular situation, based upon the property. So it's -- you may be encroaching, or you may have a driveway that leads back to your garage that's detached in the rear yard, which is a path not traveled here, just based on probably costs associated with the reconstruction of the home, but if they had put a driveway that was within five feet of the property line and you weren't parking a vehicle in it, that would be legally permitted by the definition of a driveway. It takes you from the front to the rear of the property to an attached or a detached garage. As long as you don't park in that portion of the driveway that's within six feet of the property line, you're all good. So there are a couple of different ways that this could have been considered if there was a better understanding of the actual end needs, and we probably - - Doug Kenney, our building inspector two upstairs who deals with our over-the-counter permits, which is what the house would have been, possibly could have advised Mr. Imhoff as they were looking at the site plan, here's what you have to do. But because they added parking space was a field change, Doug didn't have the opportunity to do that. So we would have -- we may never have seen this. We may have ended up having them put a garage to a rear or to a rear entry garage where you came up the driveway that's currently in place, and you pulled behind the home. That's not what we're dealing with. So that's how we got to where we're at. Now I think as the staff report fully points out, there are a couple of other unique features here that exist that I can't explain because I wasn't here when Worley got build and how Worley has been built out, but as noted in the staff report, Worley is actually classified as a major collector. Major collectors are not supposed to have any on-street parking on them. This street has on-street parking based upon the historical usage of Worley. It creates a safety issue, and it actually impedes the ability probably if we were ever looking to do any expansion to the street, if needed, we would be displacing parking that is currently on-street. So whenever there is

an opportunity, we would look at trying to get that on-street parking off of this particular street in order to be able to better fulfill its street classification by our Code. So the parking space, while a violation of the written regulation, is actually in a backhanded way solving a problem that we have, and we have allowed it to be perpetuated just because of the developed nature of the corridor. In this particular instance, as Mr. Imhoff pointed out, and as was contained within the actual packet, you have correspondence from the adjoining property owner that would be the most aggrieved individual by this, indicating both the tenant and the owner, if I am not incorrect, saying that they don't have an issue with this, which is sometimes an odd situation. When we created neighborhood protection standards, it was to provide that relief, and often those neighborhood protection standards were designed more with the concept of multi-family development or parking lots associated with multi-tenanted buildings being pushed away from an adjoining single- or two-family developed property. The placement of the extra parking space, and I think both Ms. Olsen, as well as Mr. Minchew, and possibly, Ms. Hammen, you all hit on the right point, and that was -- that was labeled and listed in the staff report, as well. The path not chosen here either was you could have gone more towards the center of the property with the spare parking space. Obviously, that has an impact to the general appearance of the property, though functional, and depending on how far you were able to get over the ridge, or the slope area on the driveway coming up where the -- where it breaks on the property to where the actual foundation and footprint is of the building, where the parking space is proposed is you're beyond that ridge line. And so the car that will be parking in that spare space to the left of the garage approach is actually on a flatter surface than if we were to have moved it more centrally to the property. And so, again, not probably thought out in that manner, but that is the reality that probably you would have ended up by having a sloped parking space to the right of the driveway more central to the building. And while Mr. Imhoff took my advice -- and I asked him to go out and take a look at the street, and identify and come back to this body with some conversation as it relates to what exists in the actual built environment, yes, there are homes that are along Worley that do have wings. We refer to these as driveway wings or extra parking spaces. They do exist, many of which were probably constructed prior to the beginning of 2017 when we adopted the UDC. There are almost no properties that have a driveway parking space sitting central to their home along its roadway frontage. And I think one has to think about how odd would that look. It may address what the Code compliant related issue is, but it really diminishes the general appearance of the residential neighborhood which is where you're trying to focus maybe on your facade, your front sidewalk, some nice landscaping, and all the parking is off to maybe one side

of the home. The Code is what the Code is, and you'll notice that there is no staff recommendation here. I wanted this to be a decision that the Board needed to make. We pointed the facts out. There is no question that when we look at this particular request, there probably are other alternatives that could be employed in order to remove and eliminate the violation. One has to ask the question, however, is the remedy or the cure worth it. There is no harm being caused to the neighbors based upon their justification or based on their correspondence. We are resolving a significant traffic management and traffic-related safety issue along Worley by having this parking space in this location, not that that same safety-related issue couldn't be maybe resolved by moving it to the right of the driveway, but then given the conditions of the occupant of the house longer term and the impact that that may cause on the neighborhood, you have to weigh those. The site is problematic, so you have one of the criterion in the first general conditional use criteria met. The second is that we have a public safety issue that we are also resolving by permitting the driveway to stay in the location that it is, which is another one of those the conditions of the environment. This is not a standard variance request that we would normally talk about where the architect decided to build three feet bigger and, you know, knew that they could or they couldn't. I mean, in that respect, maybe this is very similar to that, but the architect made a choice possibly to design more than could fit on the lot. Here, we're trying to resolve some other issues. And so differentiating those from a standard variance request and looking at the five-point criteria is probably advantageous. With that, I really don't have more to offer. I think that that probably gives you the idea of where we're at here, where the Code stands, as well. I mean there's a -- the Code is pretty clear. We've got a driveway; we've got parking within six feet of the property line. It's within a foot. And then, of course, you have a driveway and the parking space that's attached to that driveway encroaching an additional four feet into the side yard. So -- and that is -- that's where the two pieces overlap. If you have any questions, I'll be more than happy to try to answer them.

MR. MINCHEW: I have a question. So would -- would there be any relief if they call this a driveway with the potential for building a garage in the back in the future?

MR. ZENNER: No, not at this point, because as soon as you start parking a vehicle on the parking space --

MR. MINCHEW: No, I didn't say they would park a vehicle.

MR. ZENNER: Uh-huh. I think the reality is is the -- the reality is is there's --

MR. MINCHEW: But my question is is if they decided to build a garage in the back -

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MR. ZENNER: Uh-huh.

MR. MINCHEW: -- and this was a driveway, would it -- would it, in fact, be the driveway that led back to that garage?

MR. ZENNER: It would likely have to be the access because you can't get to it from the right-hand side of the house --

MR. MINCHEW: Right.

MR. ZENNER: -- because it's at its minimum setback.

MR. MINCHEW: Right.

MR. ZENNER: There -- you could. I mean, that's one way of approaching this. However, you're still four feet encroaching into what's required as a five-foot side yard setback.

MR. MINCHEW: So even if you were doing a driveway to the back, you couldn't encroach --

MR. ZENNER: Uh-huh. Yeah. You would still have to be four -- you would have to have an additional four feet away.

MS. HAMMEN: I thought plat -- so the driveway can't encroach any closer than six feet of the property line -- or five feet to the property line?

MR. ZENNER: So parking -- so here's how the two -- here's how the two parts work. The 29-4.1(c)(2) table, 4.1-5, is the yard exceptions table. So the yard exceptions allow a driveway, which would go from front to rear of the property, leading to an attached or detached garage, to be within five feet. The provision that's in 24.9 -- or 29-4.3(g), on the other hand, specifically stipulates that parking cannot be within six feet of an adjoining residential one- or two-family structure. And so that's where we have this -- we have an overlap. You can't park in a driveway. So if the driveway were compliant, if it was five feet away from the property line, and led from the front to the rear, you couldn't park a vehicle in that portion of the driveway where it's closer than six feet. It would basically be the access to and from the rear garage. In this particular instance, given the fact that you have 12 feet, you're still going to be encroaching at least a foot into the side yard if you put an eight-foot-wide driveway right up along the exterior wall of the garage. So you would still need a variance at that point. There is no evidence that has been provided to us at this juncture that there is a garage permit pending; and therefore, I think resolving the matter at hand is probably a more efficient solution to the problem.

MR. MINCHEW: Sure.

MR. ZENNER: It's a creative -- it's a creative solution, Mr. Minchew, but I still think that's a variance --

MR. MINCHEW: I wasn't suggesting that they needed a garage back there, but I thought, you know, if -- just to see what -- how we -- how the Code looked at that, so --

MS. HAMMEN: So is there anything about backyard parking?

MR. ZENNER: You can park within your rear yard. That is permitted by the Code. There are particular standards as it relates to screening, the amount of area one can occupy in the required rear yard and we refer to rear yard in a broader sense, and then we refer to rear yard in required. It's the same as the front. We talk about front yard being everything forward of the front wall of your structure out to the curb or to the property line. The required front yard is the front 25 feet back from the right-of-way line 25 feet in. And you cannot -- you have a maximum amount of paving that's permitted within that area. Similarly, we apply the same standards in the rear yard, the required rear yard.

MS. HAMMEN: Is that 25 feet or 10 feet? It's 25?

MR. ZENNER: It's 25 -- it would be 25, as well, since this is R-1, or 25 or 30 percent of the depth of the lot, whichever is greater. We have an additional standard as it relates to structures in the rear yard, as well. You can't cover more than 30 percent of your rear yard, and we have other standards that deal with accessory structures, too, which, at that point, you know, I could go down a rabbit hole of regulatory morass, if we would like, but we have other standards that deal with a lot of different things that would control the amount of structure, impervious area, and the like in the rear yard. Similarly, where they've got this particular extra stall, this extra parking space located, they are not in a restricted area. So the driveway is fully compliant, the house is fully compliant. It doesn't exceed the maximum amount of paving allowed in the front yard. All of that is in keeping with the Code. It's simply that the actual extra parking space that is in the setback is the violation.

MS. HAMMEN: So I'm a little unclear still about a driveway that deviates from the driveway in front of the garage. And I thought there was something behind that -- that new driveway that was put in.

MR. ZENNER: There's a fence. There is a -- there is a privacy fence behind the parking stall.

MS. HAMMEN: Okay. So I'm correct, that there's something there. But what is the reason that that driveway cannot extend to the back of the house and turn into the back of the house and have a parking space there?

MR. ZENNER: It is an encroachment into -- so the driveway itself, the house is 12 feet from the property line.

MS. HAMMEN: Uh-huh.

MR. ZENNER: You cannot be closer than five feet. That gives you a seven-foot-wide driveway. Standard vehicle travel way is going to have to be at least eight feet, if not more. Standard drive is probably about -- a single car drive is maybe ten feet

wide, in order to be able to get your vehicle safely around the corner of the house. You don't want to clip the house. And so you're going to have to be out -- if you're more than -- if you're more than seven feet, you're in the required five-foot side yard, as the driveway cannot be closer than five feet to the neighboring property. Functionally, a drive -- functionally, you can't -- you can't put in a functional driveway to achieve, I think, what you all would like to achieve, and that's to slide the parking space back behind the house, and salvage maybe what's already here without potentially having to give consideration to just allowing what's there to exist. Again, the issue at hand is one that's probably a relatively I wouldn't say simple task, but it's -- it's a little bit more clean cut that we've got an improvement that's nonconforming to give consideration to not trying to create a greater nonconformity by a driveway extending further back than it already is.

MS. HAMMEN: How wide is a regulation parking space, like, in a parking lot?

MR. ZENNER: A regulation parking space ranges -- it can range from as small as eight and a half by eighteen upwards to nine. In some instances, we've seen them as small as eight, and that may have been previous Code. If I'm not incorrect, our current Code requirement is an 18 by eight and a half is the standard parking space.

MR. MINCHEW: Can I ask you another question? Is there not any relief under the ADA? Like if you -- if you wanted to improve the property to make it accessible -- handicap accessible, is there not any relief?

MR. ZENNER: In keeping -- in -- specifically as it relates to the UDC, that we do not have any such mechanism within it, this is the body by which that relief would be granted.

MR. MINCHEW: Okay.

MR. ZENNER: And that may be another part of the compelling argument here is that we're trying to make a property ADA accessible for not only this individual, potentially, future individuals. As I noted in the report as well, we don't often draw parallels between compliance with the Comprehensive Plan; however, as we pointed out, creating an environment in where people can enjoy where they live safely is, you know, creating livable and sustainable neighborhoods. And this house has obviously burnt down once, it's been reconstructed. Ms. Buesing wants to move back into this property, potentially have her father move in with her as a result of his situation. They may have a unique situation at this point, but that doesn't necessarily mean that the next owner of that property may not have something very similar and would benefit by not having to park out on Worley, thereby creating it as a more attractive and livable environment for future residents. And so that is how we draw the conclusion that it is promoting livability and sustainability within the context of the Comprehensive Plan. It's very rare that we get

these types of unique correlations, but this is one that we believe, from a staff perspective, is there. The point very well taken, though, Mr. Minchew, the Code just does not -- you know, we have other provisions that deal with ADA and the building code. You know, we have requirements. It's more of a requirement. The bathroom turning radii needs to be X, and you need to have your ramps at particular grades. You know, certain improvements that have been made on this site have been made with the idea that this -- they needed to be made in order to accommodate an individual with that condition.

MR. MINCHEW: So if we had an individual that owned a home and became handicapped, they need to make their property work for them, they would have to come in front of this group if it was outside the Code like this is? They would have to come in front of this group and ask for that variance?

MR. ZENNER: Correct. I think -- all things being considered equal, if a situation like this posed itself again, and again, I point out the flatwork does not require a permit. We have no mechanism by which somebody couldn't hire a contractor, a concrete contractor to go out and pave an extra parking stall on their lot. I can point to a number of properties that I drive by regularly that that's happened. And we don't -- we can't -- we have very limited ability to be able to enforce by requiring them to pull it out.

MS. HAMMEN: Unless it infringes on the setbacks.

MR. ZENNER: That, or the neighbors then -- and the neighbors would complain. I think that that's the only time you're going to get that. So I think if somebody wanted to do it right, and understood, and it's not that Mr. Imhoff or Ms. Buesing did not want to do this right. They were doing what they felt necessary unaware of the regulation. An ignorance of the law isn't forgiveness to it. So, I mean, I think they understand that, we understand that, hopefully. If they had come and consulted with us, we probably would have recommended that here's how you solve this problem. Now if that still wasn't tenable, they would still be before this body, asking for this relief for the exact same reasons that they're here tonight.

MR. SHARP: I've got a couple of questions. You referred to the slope there as being relatively steep. What does the ADA have to say about sloped --

MR. ZENNER: That, I did not look into, Mr. Sharp. I apologize. That's not normally something that I go through in my -- my actual process of what I do because I'm looking at land use normally, not ADA. That's our building staff. But, I mean, you've got at least, based on the topographic maps that are in your packet, and based on my analysis, you're looking at least a four-foot grade change between street level of Worley and the foundation level of the existing home. And given you're only dealing with probably 40 feet of driveway space between the street and the house, that puts you at a fairly significant

grade. We won't allow a driveway -- we won't allow a public street -- let me put it this way. We won't allow a public street greater than 10 percent for fire apparatus related issues. Driveways that generally are greater than, if I'm not incorrect, four to five percent are normally not recommended just because -- I mean, you can go up to some of the homes in Vanderveen, and you'll see driveways that are basically a cliff. You drive up and, you know, you have an ice storm, you would be lucky if your car is still in your drive the following morning. And that's the type of thing that when you deal with, in this particular instance, an individual that may be wheelchair bound, we have to be cognizant of that as we consider what the facts are with the case. And that's part of what I think this body is intended to try to balance those issues out.

MR. SHARP: And I have one other question. The -- if we do grant this variance, it would be in perpetuity. Right?

MR. ZENNER: To this particular property, the parking space could not be expanded. It could be maintained, it could be -- if there's maintenance needing on it, it's allowed to be maintained. It would be -- but we would deem it as a legal nonconformity by the variance. So the extension of the northern end of the driveway for -- you know, the northern end of the parking space to the rear yard, to maybe access a future detached garage or some other structure to the rear if a future owner would want to do that, that would require another trip to the Board because you're going to be building an extension onto that parking area right now that is going to encroach into what the current side yard setback requirement is that can't be impeded upon by a drive. So they would be back here and -- to be able to get that approval. If they don't do anything but maintain it, it will be there in perpetuity. If it comes out, that is something that if it's removed by choice, if I'm not incorrect, and I'll let Mr. Craig respond to this if I say this wrong, I believe that that variance at that point, because you're removing -- you're removing a nonconformity and now that I'm saying this, I'm incorrect. If the -- if the nonconformity, if it was a nonconformity with no relief being granted, once it was removed, it could not go back. Because the variance is being granted, if they needed to pull it out, let's, for instance say it collapsed or it settled and they needed to pull it out and be able to come back and reinstall the parking space, the variance would allow for that because it's granting the relief to be within a foot of the existing property line. You could not expand it at that time, though. It would have to be constructed -- reconstructed in the exact configuration that it is today. You would not be able -- also, let me further go on. You would not be able to build a structure over this driveway, so let's for instance say you want to put a car and a half garage on the house, because right now it's a single car garage, you could not put the structure out there. We've got six extra feet to do a

structure. That's where you would reach your westernmost side yard lot line, but that's still not going to get you a garage space big enough for a conforming two-car garage. You would have a garage and a half.

MS. HAMMEN: And this variance is asking for a paved space?

MR. ZENNER: Yes. We will not allow unpaved spaces to be created. And dust-free parking surfaces are a requirement of the Code. There are many locations within the community that are replete with examples of where we have gravel parking lots, and they've been allowed to exist and continue to exist to be maintained, but anything that gets constructed new is concrete or asphalt.

MS. HAMMEN: So I have several that pertain to this case, but not exactly what we've been talking about. This is zoned R-1. Is a site plan required?

MR. ZENNER: A site plan is required for any building permit that is issued. So -- and the purpose of the site plan, as I denoted within the staff report, is to ensure that we're -- that the features that are being constructed and are envisioned at the time that the permit is being pulled are all compliant. And when you make a field change, it's called a field change for a reason. And it's something that either gets made and we find out about it when we go out to do a footing and a foundation inspection or a framing or some other inspection, and we say, come back, update your plot plan or we'll update your plot plan for you, so when our inspector goes back out, we know what's going on here. And you have a document that was highlighted in color in your packet that identified where that additional was actually identified and we quantified what existed. It's at that point then, if it conforms, great. If it doesn't, you've got a problem probably getting your CO until that's resolved, or you come in and you take effective action to remove the error.

MS. HAMMEN: So the site plan just shows that there's a building there?

MR. ZENNER: Yeah.

MS. HAMMEN: Okay.

MR. ZENNER: Well, it would have shown the driveway, and it would have shown how that driveway was connecting and compliant with the limitations established by the development code. And so that's a consistent -- that's a consistent element of all zoning districts and all building permits. Single and two-family construction within the city of Columbia do not require specific plan review for architectural purposes, unlike multi-family and then anything that is considered commercial or office.

MS. HAMMEN: So if we grant this variance, can we put a stipulation that a ramp is required?

MR. ZENNER: I'll let Mr. Craig respond to that. That would be a conditional use

normally, and that's not what we're doing here in my -- in our world, but I'll let Mr. Craig respond.

MR. CRAIG: Generally, the sort of conditions precedent are not favored. It would be -- you can -- conditions of the dimensions and how it would be built, but a tit for tat, or quid pro quo, I don't know that that would be an acceptable consideration for the Board to have a ramp built that's not part of the subject matter of the variance.

MS. HAMMEN: But it's -- okay. It's been stated they're going to put a ramp in, and I know sometimes we put requirements on our variance that something does happen that's been stated.

MR. ZENNER: I think when we've done that in the past, Ms. Hammen, that has been as it relates to seller communication where we're requiring particular elements of screening and things of that nature. We're not -- we're normally -- you have a little bit more latitude in certain actions. In this, this is a -- this is a straightforward dimensional variance request unlike a conditional-use permit. So cellular communication towers and solar facilities -- or not solar -- wind facilities are actually conditional uses that are assigned to the Board by City Council. All other conditional uses are handled by the Planning Commission. Conditional uses is where we get into the conditions that you have previously said I am unaware in the years that I've represented the City on this -- with this body, that we've ever taken a variance and we've applied conditions to the variance.

MS. HAMMEN: And I'm thinking of the next owner and the next owner.

MR. ZENNER: Uh-huh.

MS. HAMMEN: You know, this was granted for a specific -- if it's granted for a specific ADA situation, and having ramp then would encourage someone to buy it for that purpose, and that's what I'm thinking about.

MR. ZENNER: And I would -- if I may, I'd view it from the perspective that if the owner is going to make that investment, that's going to appeal to a future buyer. And so realizing that the owner who is seeking the waiver -- the relief has a family member that this would be needed for, I -- the expense associated with putting the ramp in and making sure that it meets ADA is probably far more significant than putting it in and then ripping it out before they sell the home.

MR. CRAIG: And I would add to that. I don't think making that a condition for granting of the variance appropriate, that they -- it would be a condition present or a condition of -- of your approval, so --

MS. HAMMEN: Thank you.

MR. MINCHEW: And I don't know how we would specify where the ramp would go or

what the slope -- I don't know, just a ramp.

MS. HAMMEN: Right. Right.

MR. MINCHEW: Yeah.

MS. HAMMEN: Right. So, thank you. One more thing that's -- so the parties of interest, and this could be a question -- well -- so this is the first time I've noticed parties of interest, and the list says resident or tenant.

MR. ZENNER: And we have -- we are in the process of refining our mailing lists. Due to the fact that the particular area in which this structure is located is a -- significantly dominated by rental property. So we have the owner of record that owns the underlying land, and they have a tenant within the property. Tenant address is the actual physical street address within the 185-foot radius. Property owner address is where the actual tax bill goes to for the individual that owns that property. Both are as equally entitled to having notice provided to them as it relates to the impact of an action being brought on a property within the notification radius. And that is why you have seen -- you see what you see. It was something that we have been working on in order to try to address a deficiency that exists, so that is the difference. It is something that you should continue to be observant to because we are trying to ensure that the Code's requirements for notification are adequately met.

MS. HAMMEN: And many times, it's been addressed to the owner at the property address where they obviously do not live. But my concern is now it does not even go to the owner, it goes to the resident or tenant at the property address. And, you know, when I get something that's addressed to resident, I might not open it. Now coming from the City, someone might open it, but my concern is that the property owner in this situation is not getting notice of this. So are two notices going to be sent out?

MR. ZENNER: Yes. Two notices were -- two notices were sent out. I specifically culled every single address that you see in the list --

MS. HAMMEN: Uh-huh.

MR. ZENNER: -- because the system that we have right now does not do an effective job of ensuring that the tenant of a rental property and its owner of that property receive mailed notice as is required by our notification procedures within the Unified Development Code. This was a -- this was a very significant finding of mine when I started to verify who was receiving what in the way of notice. When we -- if we would have done this in the prior process, we would have utilized the mailing address of the tax bill, not necessarily the mailing address of the actual structure on the property.

MS. HAMMEN: So maybe at our comments at the end, we can seek to further refine that process, which I applaud, that, you know, two, and that's more expense and so on,

that everybody who could be concerned is getting notified. But the way I see it now is you don't know what owner owns what property.

MR. ZENNER: No, we do.

MS. HAMMEN: Well, not in -- not in that letter of interest-- parties of interest.

MR. ZENNER: The parties of interest list that was provided, if I'm -- unless I left that column out, we have actual names of every single owner, be it an LLC or --

MR. MINCHEW: I'm looking them now because one of them is my neighbor --

MS. HAMMEN: Right.

MR. MINCHEW: -- and there's a bunch of street addresses here that are not on Worley.

MS. HAMMEN: Right.

MR. MINCHEW: There's Worley, of course, Pershing, and Pennant, those are the ones around it, but Bluff Point, McNabb, those are --

MS. HAMMEN: Yeah. Right.

MR. ZENNER: And so we have notified every single configuration of how the properties are either actively being used, and if they're -- if we sent an address to 1311 West Worley --

MS. HAMMEN: Right.

MR. ZENNER: -- and it wasn't the owner of record that lived there, it was sent to -- the envelope that was addressed was sent to the resident of 1311 West Worley. If they own property in Pennsylvania, or if the owner who receives the tax bill on that lived in Pennsylvania, you'll see the corresponding Pennsylvania address. It's not tied -- I think it's clearly to the property that that owner is associated with, and I think that may be what's confusing you, Ms. Hammen.

MS. HAMMEN: Well, I'm -- yeah. I'm wanting to know the owner of 1311, which we found because of that letter of support.

MR. ZENNER: Yes.

MS. HAMMEN: But all of those on Pennant, who owns those?

MR. ZENNER: And that -- and so what we do not do at this point is we are not actually -- because we use the assessor's records information --

MS. HAMMEN: Uh-huh.

MR. ZENNER: -- we are not -- we -- if a parcel has an address -- so as many of you are aware if you've ever gone to the parcel records, you will see the owner of record and where that tax bill is being sent to.

MS. HAMMEN: Right.

MR. ZENNER: That is the first item that you will see in the assessor's records for

any parcel within the city of Columbia. If you drop down and go into the detailed property record, you will find the actual street address of the structure that is on that property. If that owner's billing address for tax purposes does not match the address in the detail, you know that that property generally will be in a rental. And that is -- so we send to the general Worley address the actually -- send a letter to tenant, or it will be -- the envelope will be addressed tenant or resident, and then we will send the property owner the actual -- an envelope with their name on it to wherever their tax -- wherever the tax bill would go.

MR. NORGARD: Would it be possible to continue this after this hearing?

MR. ZENNER: And we can --

MS. HAMMEN: Yeah. Let's do that.

MR. ZENNER: So that's how the -- that's how the mailing list is pulled. And I understand what you're getting at, and I think I fully understand how you would like it correlated.

MR. NORGARD: Are there any other comments or questions for staff? Seeing none. Would the applicant like to come up and make any closing statements or correct any incorrections -- or incorrect statements? You don't have to if you don't want to.

MR. IMHOFF: I said all I needed to.

MR. NORGARD: Okay. All right. Well, if there's no further questions for the applicant, then I'm going to go ahead and close the hearing.

PUBLIC HEARING CLOSED

MR. NORGARD: Okay. Would legal like to make any comments?

MR. CRAIG: Yes. Thank you, Mr. Chair. Two matters. As a preliminary matter, I'd like to introduce into evidence City's Exhibits 1, 2, and 3, Exhibit 1 being a certified copies of Chapter 9 -- or Chapter 29-1.11, Definitions of Rules of Construction of the City Code, Chapter 29, Section 4.1(c)(2), and accompanying Table 29-4.15, as well as Chapter 29-4.3(g) and Chapter 29, Section 6.4, as amended, and it appears that Chapter 29-1.11 and 29-6.4 were amended recently effective as of June 1st of this year. Exhibit -- I'm sorry. Exhibit 2 being the staff report, and Exhibit 3 being the public hearing advertisement, parties in interest noticed, and parties in interest list.

MR. NORGARD: We'll go ahead and admit those.

MR. CRAIG: Thank you, Mr. Chair. And, secondly, additionally, as the -- as the Board may know, the matter before it is a variance request, and so the applicable five criteria for granting such variance requests are found in Chapter 29, Section 6.4, subsection (d)(2) of UDC, which I'll read both to the Board and into the record at this time in its entirety. The Board may approve an application for a variance from the terms and provisions of this Chapter if it determines that all of the following are true:

A. The variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain, location or other factors at the applicant's site. Those difficulties or hardships are not generally applicable to the property in the area, and the difficulties and hardships were not created by the actions of the applicant.

B. The variance will not have the effect of permitting a use of land that is not indicated as permitted or conditional use in Section 29-3.1, Permitted Use Table, in the zoned district where the property is located, nor shall a variance be granted to modify a standard that operates as part of the definition of any use.

C. The variance will not permit a development that is inconsistent with the adopted Comprehensive Plan.

D. The variance is the least change from the requirements of this Chapter necessary to relieve the difficulty or hardship.

E. The variance will not harm the public health, safety or welfare or be injurious to other property or improvements in the area in which the property is located.

MR. NORGDARD: Thank you. All right. Are there any comments from the Board members?

MR. MINCHEW: Well, I think, you know, if this had been reversed, and I think Mr. Zenner said it, that if -- if they had come in front of us to ask for relief because of the slope of the property and the way that, you know, because the property falls the way it does on the right side, the only relief for putting the -- what would be handicapped parking on the property, I think if we were looking at that, my view would almost be exactly the same way it is now. It is after the fact. I've been in the construction business for 30 years, so I have a little bit of empathy for Mr. Imhoff on doing something and then going, oh, wow, I didn't realize Mr. Zenner had a rule against that. So just kidding. So I think, to me, I mean, it seems like it makes sense. It seems like this is what this family needs. I think it also makes in the future, if and when you ever sell the house, it makes an accessible house for someone going forward. So it's not just their use, but, you know, there's plenty of folks looking for accessible living for -- for handicapped folks. So I'm -- I'm -- my vote would be that we approve this.

MS. OLSEN: I -- public safety is a big issue for me, and that street as that -- as we grow in Columbia, when there's so much traffic on that street now, without granting this variance, I think we're just increasing that, and that kind of scares me, so I kind of agree with Randy.

MR. NORGDARD: Sure. I think that we are -- we can build by the Code, cut off the nose to spite the face, and put a driveway up the middle of the lot. That seems absurd. It does seem like the least change required to achieve the desired outcome, given Mr.

Buesing's balance issues, trying to disembark from a vehicle on a grade seems like a bad idea. I have to support this.

MR. MINCHEW: Can I make a motion that we --

MS. HAMMEN: Just -- yeah. The -- yeah, the issue of green space and setbacks has been hard fought, and yet exceptions do apply. It's too bad it wasn't known ahead of time and could put parking behind, but that's water under the bridge, as it were.

MR. MINCHEW: I'd like to make a motion to approve. You can fill in all the blanks on exactly what it is I'm --

MR. NORGARD: We have a motion on the table. Actually, I -- I should be the one to make the motion. Do you want to -- well, I guess anybody can make a motion. I'll second the motion. There, we've got a motion on the table. So we have a motion to approve the variance. Mr. Zenner -- is there any conversation on this motion? Seeing none. Mr. Zenner, would you like to formalize the motion?

MR. ZENNER: I will. A motion has been made and seconded to approve a variance authorizing a driveway with an attached parking stall to encroach into the required side yard setback or 13 -- the western side yard setback of 1309 West Worley Street such that the driveway extension and parking space shall be no closer than one foot to the western property line of said lot. Mr. Norgard?

MR. NORGARD: Yes.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Mr. Minchew?

MR. MINCHEW: Yes.

MR. ZENNER: Ms. Olsen?

MS. OLSEN: Yes.

MR. ZENNER: Mr. Sharp?

MR. SHARP: Yes.

MR. ZENNER: The motion carries, five votes, so ordered by the Board.

MR. MINCHEW: Thank you, all.

MR. NORGARD: Thank you, guys.

MR. MINCHEW: Good job.

MR. NORGARD: All right. That's the end of our meeting.

A motion has been made to approve a variance authorizing a driveway with an attached parking stall to encroach into the required western side yard setback of 1309 West Worley Street such that the driveway extension and parking space shall be no closer than one foot to the western property line of said lot.

Yes: 5 - Hammen, Norgard, Sharp, Olsen and Minchew

Excused: 2 - Rogers and Crew

VI. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

MR. NORGDARD: So is there anybody from the public who would like to speak?

Seeing none. Is there any other items the Board would like to discuss?

MS. HAMMEN: So, Mr. Zenner, can you and I come to an understanding of what -- how this parties of interest letter might look next meeting?

MR. ZENNER: The parties of interest letter, Ms. Hammen, will not change. We do a generic parties of interest letter for a reason.

MS. HAMMEN: Well, the list.

MR. ZENNER: The list can be modified, and I'd like to just express, I don't know if you understand the effort that it takes to be able to produce your parties in interest list, and to further have to refine that list to address who is the property owner when that is available to you as Board members if you are interested in that, is something that I would appreciate it if you understand what the task is. This was a relatively small request of notice. As the notice increases, and I understand what you would like, and I believe if the Board believes that this is essential that the owner of the property is identified and an address associated with that owner for that property is needed, that's fine. But as the issues and the notice requirements that we are required to comply with grow, so too does the amount of staff time that we have to devote to something that really, to be quite honest, is not relevant as it relates to the decisions that are made here. Who owns a property is really not relevant to the issue of the relief that is being sought by that applicant. They are noticed. The tenants are noticed, the owner is noticed, and we have the ability to receive written or in-person public comment. And I'm -- I just --

MS. HAMMEN: As you know, I'm very interested in transparency. And so in two years, when this house goes back on the market, and someone wants to know what happened in the past, they can look and find out exactly, and not have to go after the fact and try to look everything up. And I think that could be worth the effort.

MS. OLSEN: My understanding that it -- the differences in notification, because on the tax record, it's --

MR. MINCHEW: Talk into your microphone.

MS. OLSEN: Sorry. It's who -- you can find who owns the structure. But you're not going -- you know -- you're sending the owner notification by -- through the address of resident or tenant?

MR. ZENNER: No. We are -- we are sending notification to the owner, to the address that the assessor's record has on file for the tax bill. The tenant or resident of

the structure, if it is not the same address as the owner, is receiving specific notice at that address as the most affected party. If we have an absentee owner of land, it's in St. Louis, California, wherever, they're getting notice they're not going to most likely show up, and they're most likely not going to care because they aren't living there. The owner and the way that our Code is set up is that -- and this is a notification issue that we have known -- that we have been trying to resolve for many years based upon how we collect information and how the information is provided. We cannot be assured that the addresses on properties are actually accurate in the assessor's records, but I can guarantee you that the tax bill address is very accurate because they get their money every year. So we have to go through a lot of extra steps by which to ensure that the address of the property and the structure that is on it that is within 185 feet actually is correct, and we do that to ensure all affected occupants or owners are aware of what is occurring around their property. We are obligated by the Code to do that. And so what you have in the list for this particular case, which is, yes, the first time that you have ever seen a list like this, it's because when I looked at that list and I looked at what was being mailed produced on the envelopes that would have gone out, we would have sent out probably about 13 or 14 notices, and that was it. There were a whole heck of a lot more people that lived in that neighborhood that would be affected by this potentially that could have come out and supported it or could have opposed it because they want the same thing on their lot, or they didn't want what was allowed to occur on the lot. We do that in order to ensure that not only they're notified, the owner is notified. In a small mailing list, this is not that big an issue. In a larger mailing list, it becomes a very significant issue, and I will tell you that rezoning actions where we have condominium associations and apartment buildings, that is a massive undertaking, and at this point, we have not yet experienced that scenario through a Planning Commission action to where we would have to do what you see on your mailing list, but we don't product mailing lists for the Planning and Zoning Commission. They rely on the fact that we're doing our notice the way that the Code says we do our notice. I will be quite honest with you, property owner interest - - property owner notification lists and a copy of a property owner letter I believe is a process that we, the City of Columbia, has created. It is not a regulatory requirement. And so we've created a lot of extra work for the staff that mans this body and has to produce the paperwork to go along with it. And that is why I am just a little bit concerned that we are -- we're asking for more time potentially to be invested in a list that's really -- it shouldn't be influencing the Board's decision as to who owns the property or doesn't when we're looking at the facts of the case.

MR. MINCHEW: I think, if I understand this correctly, what -- and I could be wrong,

Janet. But on the list that we're looking at here and we see the Gauses Houses, or Two Brothers Investment Group at 2204 -- 2205 Bluff Point Drive, which are my neighbors, around the corner from me, I don't know which house on Worley that they own. Technically, I don't care. As long as you say that you're sending the -- the people on Worley the notice, the people in the area the notice, and then you've gone out here and sent the owners of record -- that are on record, sent them a notice, I don't personally need proof that Two Brothers Investment Group at 2205 Bluff Point Drive owns the house at 1401 Worley Street. I don't need that proof. If you tell us that you've sent that, I don't - I don't know why it becomes our -- our issue. So I -- I don't know --

MS. HAMMEN: I'm just -- yeah. I -- I -- well, like -- so 1311 went to tenant, but we also know from that letter that came in that Lucille Jacobs Trust owns that house from the --

MR. MINCHEW: Okay.

MS. HAMMEN: So that way we do know. And I don't know -- I agree. why do we -- and I applaud that the tenants are now getting letters because they -- I've often wondered why only the owner does. But -- so I'm just wondering if sometime in the future, someone going back -- you know, as someone who has gone back and looked at past City things, making it easy for someone to figure out what went on in a situation --

MR. NORGARD: But how does this help you figure out what went on? I mean, aside from the court recorder's written testimony or --

MS. HAMMEN: Yes.

MR. NORGARD: -- you know, transcribed testimony, what more -- and the evidence that's been submitted, how does this help you build a case?

MR. MINCHEW: I mean, the only thing it would be is if you went and said, well, I don't think the people at 1310 West Worley actually got a chance to say whether or not they liked this or not or did all of the -- I'm going to buy that house, did all of the neighbors around there approve it? I mean, I don't know. I kind of see what you're saying, but I don't know that it's Planning -- I don't know that it's Planning and Zoning's duty to us to provide anything like that or for a scenario sort of, you know, that might be. I just don't -- I mean, I don't disagree with you that it's possible, but I don't think we, as a Board, have any right to ask Planning and Zoning to prove out something like that, so --

MR. NORGARD: And I would -- I would just add, you know, this notice of -- this notice includes ways for the individual to contact the City, contact Mr. Zenner, and make comments if they want, whether they can show up or not. So by not making a comment, they have tacitly commented.

MR. MINCHEW: And I have rental properties and I've had the City send -- we had a --

I have a house on Clinkscales, and there's a project going on over there, and I got an interested parties notice at my house, and so did the tenant there because the tenant gave it to me and said, hey, I don't know if this -- what this means, but, you know, here you go. So --

MS. HAMMEN: So, good. I appreciate this discussion and I don't -- I always hate to upset you, Pat. But --

MR. ZENNER: I just -- I'm going to stand my ground on this one. I'm sorry.

MR. MINCHEW: Oh, just add a little to your day, Pat.

MR. ZENNER: That's all right, you know.

MS. HAMMEN: That's right. But -- but I think -- you know, I think it does behoove us as a -- as a body to be able to discuss these things and decide this makes sense. Okay. So --

MR. ZENNER: And what I can -- what I can -- see what can be done, because I understand where the disconnect is, and I appreciate your understanding in that. I understand where the disconnect is, and the technology that's utilized, here's what the challenge is. If I had the technology that could say that Two Brothers Investments are tied to 1310 or whatever the address is, if I had the way to be able to do that in an automated fashion, I'd have no problem giving you what you're wanting. We just don't have that solution identified at this point. And as the technologies advance, it is very possible that we would be able to say this property is tied to this physical address, or this owner is tied to this physical address even though they don't live there. The system is not smart enough. It's like what everybody says with computer technology, good information in -- bad information, garbage in-garbage out. And so -- and we've got great meaningful information in the systems that we utilize, but they're -- they weren't set up for the same purposes, and that's hence the problem. If they were set up for the same purposes to where that tax parcel owner and their address were matched for that purpose, that's what we would be pulling, and we could then say, well, their tax address, their tax parcel ID and their tax bill doesn't match. The parcel -- the physical mailing -- or the physical street address, at that point, it would flag it. It doesn't right now, and so what we are doing in order to compile the list that you see, there's two separate lists running. We're running a list of all addresses and where the address matches with the tax parcel, because we have to compare the two, then we don't send the tenant letter. But when we know we don't have an address covered, then we send the tenant resident letter, plus the owner letter. I mean, we're -- we're doing both and we're trying. I can -- I will continue to work with my IT staff and my in-house GIS staff to find out if they've got a better way to do a merge to where we can do what you're asking for so you can say you

have a tenant plus the owner of this address got that, but I can't -- I'm not going to be able to get there easily.

MS. HAMMEN: Thank you.

MR. MINCHEW: Thank you.

MR. NORGDARD: Chat GPT.

MR. ZENNER: No. We've seen how that works in other -- in other venues that the Planning staff utilized.

MR. NORGDARD: So it looks like we don't have any further discussion.

VII. NEXT MEETING DATE - August 13, 2024 @ 7 pm (tentative)

MR. MINCHEW: Move to adjourn.

MR. NORGDARD: Wait. We have --

MR. ZENNER: You do not have a meeting in July, so take a vacation, and I won't be as mean as I was with the Planning Commission and retracted their ability to leave. You don't have a meeting in July because we have no applications. We had none in June. And then -- or I'm sorry, we had none in May. And then we did not have any applications submitted on Monday of this week, so you do not have an August meeting either. So take a very long vacation.

MR. NORGDARD: There you go.

MR. ZENNER: And we'll do all this all over again in hopefully September. We're following the pattern we followed last year where we only had about four meetings. So maybe within that period of time, we'll solve the dilemma on addresses.

MR. NORGDARD: You said no just the right number of times.

MR. ZENNER: With that, that is all I have to offer.

VIII. ADJOURNMENT

MR. MINCHEW: Motion to adjourn.

MR. NORGDARD: Second.

MS. HAMMEN: Yeah. Second.

MR. NORGDARD: Closed.

(The meeting was adjourned at 8:22 p.m.)

(Off the record.)

Move to Adjourn