

EXCERPTS
BOARD OF ADJUSTMENT MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO

MAY 11, 2021

Case Number 118-2021

An appeal of Caleb Colbert (attorney) on behalf of Missouri Farm House Association, Inc. (owners) from the denial of the Community Development Department to permit issuance of a building permit for a new fraternity house that exceeds permissible building area into the required front yard, proposes building encroachments into required front and rear yards, proposes parking and/or paved areas within the required front, side, and rear yards, seeks a reduction in required off-street parking, and proposes placement of a building greater than 30-feet in height closer to an adjoining property line than permitted on property addressed 600 Rollins Street and 802 Richmond Avenue which are not permitted by Sections 29-4.1, 29-4.3, and 29-4.7 of the Unified Development Code. (This item was tabled at the April 13, 2021 Board of Adjustment meeting).

MS. HAMMEN: So I see you are here, Mr. Caleb [sic]. Would you please state your name and address and be sworn in.

PUBLIC HEARING OPENED

MR. COLBERT: Good evening, Madam Chair. It is Caleb Colbert, attorney at 827 East Broadway.

(Mr. Colbert was sworn)

MR. COLBERT: Again, good evening, Madam Chair, and members of the Board. Again, my name is Caleb Colbert, attorney. I'm here on behalf of Missouri Farm House Association, Incorporated that is the local alumni board for the Farm House fraternity. They own the property that is located at the southeast corner of Rollins Street and Richmond Avenue. And we are asking for your support for several variances that are necessary to construct the structure that you see on your screen. So before we dive into that, I will go ahead and tackle paperwork and go ahead and get our exhibits into the record. All right. You should have in your exhibit packet a total of six exhibits. Exhibit 1 is the complete application packet. It has the cover letter, legal description, site plan, floor plans, elevations, the original denial letter, the initial letters of support. Exhibit 2 includes the revised site plan, which we adjusted after the April meeting in response to some questions and concerns from a neighbor. It also includes the revised elevations and a description of the revision. Exhibit 3 includes all of the letters of support that we've received on this project, including from the adjacent property owners. Exhibit 4 is a green space exhibit -- and we'll walk through these in more detail. I'm just making sure everyone has a complete packet.

Exhibit 4 is the green space exhibit. Exhibit 5 is a copy of the staff report. And Exhibit 6 is a copy of the presentation. And Madam Chair, at this time I would ask that Applicant's Exhibits 1 through 6 be received into evidence.

MS. HAMMEN: So be it. Thank you.

MR. COLBERT: Thank you. Okay. So to jump into our presentation here again, this is the structure that we are asking this Board to approve the variances that are necessary to construct. It's at, again, the southeast corner of Richmond and Rollins in the area of Columbia known as Greek Town. Greek Town, of course, is associated with the University. Primary structures in Greek Town are, of course, fraternity houses and sorority houses. So the structure that we have proposed, obviously, is a high quality, well designed fraternity house in Greek Town. It's three stories. It's intended to accommodate 61 members of the fraternity. It has the traditional Greek architecture, with the columns in the front. There is an additional basement with the building. Here is a view of the building if you're standing at the intersection and looking to the southeast. Again, we have a good landscaping plan, and we have a great architectural plan, and a lot of features that you would expect to see in a new construction in Greek Town. Again, to hit the highlights, three-story structure with a basement. We're intending to accommodate 61 occupants, 61 beds -- or excuse me -- 61 occupants is essentially the number that we think is necessary to make this project work for a new fraternity construction in Greek Town that will financially make sense. It also makes sense from the chapter's perspective because it allows a couple of classes to live in the house for, you know, a couple of years. Essentially, it accommodates a fair percentage of the overall membership in the house so that you don't have the majority of the folks living out of house off campus. Overall, the plan that we have put together actually goes above and beyond as far as environmental protections are concerned. We're required to provide 15 percent green space; we actually provided 25 percent. So that goes, again, well above and beyond what is required under the Code. The existing site and the existing structure actually encroach into the setbacks to a greater degree than what we have proposed, so our structure eliminates existing non-conformities, existing encroachments, and improves the situation for all the adjacent property owners, and that is why we have the support of all the adjacent property owners. And we have that support in writing. It's part of your packet. So the current site, again, here is the aerial. We are looking at the two lots there at the southeast corner of Richmond and Rollins. You can see that there is an existing fraternity house onsite along the -- closer to Rollins. The southern portion of the property is used for a parking lot. So this is a screenshot from the assessor's website. And I included the dimensional standards on this exhibit for a reason. The lot that we are talking about today is 80 feet in width and 110 feet in length. That is significantly narrower than other lots in Greek Town. In fact, if you look to the lot immediately to the south, that lot is 120 feet wide. If you look at the lot to the east, it's 160 feet by roughly, you know, 120, 140 feet. So the lot that we are dealing with is much more narrow than other lots in Greek Town. I want you to remember that 80 feet because that is an important number that we are going to come back to a couple times this evening. There's a view of the current structure that sits on

site, you know, a two-story structure with some maybe living quarters in the third story, and some sort of rooftop bar there for entertainment purposes on the top. And there's the parking lot that exists. Again, you have parking that is immediately adjacent to the property line to the south. That parking is perpendicular to that property line. That parking is perpendicular to the existing driveway as it exists today. So again -- and we'll run through this in more detail, but the existing building is built into the east setback. It's built into the west setback. That parking is perpendicular to the property line, and that parking lot that we just looked at exceeds 30 percent of the rear yard. That is almost 100 percent pavement covering the rear yard as it exists today. So why are we here today? What -- what triggered the request for the variances that we're going to discuss? Ultimately, when we presented a proposal to the City to construct a structure at this site, the City looked at the type of structure that we were proposing, and then looked at the lot dimensions to determine that we needed to shift the yard orientation clockwise. Today as it sets, this site is addressed from Rollins Street. What the City has determined is that that should be rotated, and the front yard will be on Richmond, and that has a significant impact on the setbacks that are required. So as you may know, the front yard setback in the multi-family zoning district is 25 feet. The rear yard setback in the multi-family zoning district is 25 feet. Our lot is only 80 feet wide, so we have 50 feet of setback on an 80-foot lot. That makes building a fraternity house in Greek Town basically impossible. And that is the condition that is unique to this property because other lots are larger. This is a condition that's related to the shape and the size of this lot. It's not something that we created. It's not something that we contributed to. This is the -- ultimately, the cards that we were dealt with. We have an 80-foot-wide lot. So again, if you do the math, the setbacks alone eat up 60 -- over 60 percent of the buildable area on this lot. And here's an illustration which shows this pretty well. So the yellow area is the building envelope that we could build and have compliant setbacks if the frontage was on Rollins. The green would be the setbacks; the pink is the additional right-of-way that we have to dedicate and we replot to combine these lots. If we shift the front yard to Richmond, you'll see the building envelope changes drastically. We go from something that -- that looks like a feasible fraternity house in Greek Town to something that is not feasible. So the blue represents the buildable area if the front yard is switched to Richmond. To show how this impacts the construction, here is a screenshot of the floorplan on the second floor. A traditional fraternity house, bedrooms on the front of the building, bedrooms on the back of the building, and a hallway in the middle. When you add those setbacks, we lose one row of bedrooms. It's just not feasible. It's not physically possible to put two rows of bedrooms with a hallway in the middle when you have a 50-foot setback requirement on an 80-foot-wide lot. So we did prepare an exhibit which showed, okay, if we're going to get 61 beds with a fully compliant setback, what that would look like. Yes, we would still be here because we would need a height variance, but you would have a seven-story building nearly 90-feet tall in order to accommodate the setbacks and get 61 beds. You would also have to shave the front porch off of the front of the building. No one in this room wants to build what is shown up there. That's why we are here. We are trying to avoid anything that looks like that. So what we're asking for this evening are the variances

necessary to construct a building that is consistent with the site plan that you have in front of you. So this is an exhibit that we submitted. This is the revised site plan. All the variances tie back to this. Again, I mentioned earlier that the proposed construction actually reduces the extent of the encroachments that exist today. So the green area on this screen depicts the rear yard setback if the frontage is shifted such that the front yard is on Richmond. You'll see that that is overlaid on the existing structure, and effectively, we're moving our building further away from the property line. So we're actually increasing the separation between the structure and the property line. We're reducing the extent of the encroachment all along the rear property line. And again, we have the support of the property owner there to the east that fronts on the rear of the property. On the left side of the screen there, you'll see that parking is overlaid with the existing parking. Again, it's the same location -- directed the same orientation. We have the identical driveway. So we're not substantially changing the orientation of the parking, how we access the site, or what is located on that portion of the property. So just to kind of summarize that, in addition to the hardship that is created when we reorient the front yard, that also impacts the parking because as you all likely know, you can't have required parking in the front yard or the side yard. Today, that parking is located in the rear yard. So just by virtue of shifting the front yard orientation, our parking becomes non-conforming, but it's located in the same location it exists today. Again, that just -- this is a depiction of the parking as it exists today. Finally, I mentioned earlier that we are replatting the lot. Well, these lots were platted originally and subdivided years and years ago when we had different subdivision regulations, different development standards, different right-of-way requirements. When we replat these lots, we're going to lose an additional 13 feet off of the Rollins Street frontage, so in effect, we're losing 25 feet on the west, 25 feet on the east, and 13 feet on the north. No matter what we do, we are getting condensed and scrunched down from what exists today. And you also see in this depiction that the existing building is seven feet -- seven or eight feet from the property line, again, into the encroachment -- or excuse me -- into the setback, creating an encroachment. So what are we asking for this evening? We have seven variance requests. The first one is related to the front porch. The front porch is located in the front yard setback, assuming that Richmond is the front yard. In addition, it exceeds the maximum size that is allowed for a covered porch. We are asking for, as shown in Exhibit B in the revised site plan, the structure to actually encroach into the front and rear yard setbacks. We are asking for a waiver of the requirement that the building be stepped down at the rear property line. We are asking for parking to be permitted in the front and side yard. We are asking for parking to be allowed to be perpendicular to that property line in the driveway. We are asking for a reduction in the overall number of parking spaces -- the off-street parking requirement. And we're asking for a variance that will allow in excess of 30 percent of the rear yard to be paved. So kind of just talking through those to some -- a little more detail. So again, the front porch as we saw in the site plan is built into the front yard setback, but it is a very typical, traditional fraternity house front porch. Of -- I think it is important to note that it is an open-air porch. It is not enclosed. It is -- it doesn't give the perception of being built that far into the setback, and that is intentional. I mean, we intentionally designed it to be an open-air porch so that from the street you're

perceived to be further from the building. What the porch consists of is largely a walkway around the side of the building. And again, the need for that encroachment is because we can't shift the building to the east, further to the rear, without getting closer to the rear property line. You -- we just can't move that building back to comply in the front yard -- front and rear setbacks for the building itself. Again, this is related to the fact that we have a narrow lot, an oddly shaped lot, and the yards are being reoriented. Because we encroach in the front and the rear, we have no choice but to have an encroachment. We can't move the building one direction or another to minimize or eliminate that encroachment. And again, the neighbor -- all of the neighbors support this project. And again, this is just a depiction showing that we are actually improving the existing situation moving the building further away from the property line relative to what exists today. As far as the setback or the stepdown requirement, again, we don't have the ability to eliminate a story from this building and still provide 61 beds and comply with the setback requirements. It is sort of a -- a complete package. We can't just eliminate the top story and still have a feasible project. So as a result of the size and the shape of the lot, we can't step that building down. Parking in the front and side yard and the perpendicular parking -- I know I have hit on this before, we're just asking for approval to leave the parking as it exists today. The parking reduction, by our calculation, 27 off-street parking spaces are required. We are proposing to provide nine, with the remainder to be leased at a commercial parking lot that is within 300 feet, you know, walking distance of the site. And there is also the University Parking Garage one block away. There is on-street parking. And again, the reason for that is we can't shift the building to create additional parking. We just don't have the size. The dimensions not -- aren't there. Additionally, I mean, fewer people bring vehicles to campus on a daily basis, so we're within walking distance of campus. We are within biking distance of campus. We are going to have bike racks, all the sort of stuff. And finally, the paving in the rear yard. So the UDC prohibits having more than 30 percent of the rear yard in some sort of a paved structure -- paved structure, driveway, parking lot, sidewalk, that sort of thing. Because of the size of the lot and the configuration and we have the parking now in the rear yard, we don't have any choice but to exceed that 30 percent requirement. But that's mitigated because we're going above and beyond elsewhere. So this is the green space exhibit I referenced earlier. You'll see that we -- again, we are exceeding the green space and landscaping requirement by 10 percent. That's not an insignificant factor when you are talking about a lot that, again, 60 percent of it is in setbacks. We're losing area in right of way. So to be able to preserve 25 percent of green space and landscaping is significant. So just walking through the variance criteria, practical difficulty, or hardship. Again, based on -- I know that I sound like I'm beating a dead horse here, but based on the size of the lot, the layout of the lot, the narrow dimensions of the lot, it is not feasible to comply with the UDC and still have a fraternity house on this lot. Even though it is located in Greek Town, the highest and best use of this property is a fraternity house. The expected use is as a fraternity house, and everyone supports this request. But it is just not feasible to comply with all portions of the Code. It's not something that is self-imposed. Again, we did not select the dimensions of this lot. We did not select the location of this lot. These are the cards that we were dealt, so to speak. The

proposed use of the structure as a fraternity house is permitted in the R-MF zoning district. The proposed use as a fraternity house is consistent with Columbia Imagined. We do believe that all of these variance requests are the minimum change required. I know we have gone back and forth with City staff on a lot of different iterations and ways that we can -- okay, can we shift the building? Can we, you know, do this, or do that? And unfortunately, this is -- we feel like the best layout for this project that gives us a feasible project and complies with the spirit and intent of the Code. Ultimately, we don't believe that the public health or the public safety or the public welfare will be negatively impacted if the variances are granted because at the end of the day, all the neighbors support this, and we are actually improving upon the existing situation. So by definition, we are actually improving public health, public safety, and public welfare. So with that I'd be happy to answer any questions. We have members of the design team here that can answer detailed questions if you have any.

MS. HAMMEN: Questions?

MR. NORGDARD: Mr. Colbert, you mentioned that the change of address was suggested to you by the City.

MR. COLBERT: Yes, sir.

MR. NORGDARD: Is there a reason why?

MR. COLBERT: They felt that -- and I don't want to put words in their mouth, and Rachel can correct me if I'm wrong. But my understanding is because of the dimensions of the lot, it's longer on Richmond than it is on Rollins. And the type of structure that was being constructed, they felt like Richmond was the most appropriate. Again, the bulk of the frontage is on Richmond, but that is different than how it is addressed today. But I don't know why it was originally addressed from Rollins.

MR. NORGDARD: So was this mandated or imposed on you in any way?

MR. COLBERT: I would say that it was, but I don't -- I don't want that to seem like it was hostile. It was --

MR. NORGDARD: Oh, no, no.

MR. COLBERT: -- a decision --

MR. NORGDARD: I'll follow up with staff.

MR. COLBERT: -- and we'll roll with that. Yeah.

MR. NORGDARD: I would also ask; you mention that 61 beds are required. I'd just inquire why 61 beds? Why not 60 or why not 30, you know?

MR. COLBERT: Well, when we looked at the layout and the floorplan, bedrooms are double beds when they're -- in the corners, there's four -- four beds. And you really can't just -- there's not a layout that just gets you to like 50 beds. Right? I mean, if you're building four story -- or three stories, you have three stories. And at the end of the day, 61, again, accommodates if you have class sizes of roughly 30 members. That will allow two classes to live in house, two classes to live out of house, which is pretty typical, you know, for fraternity living. I mean, most fraternity members don't live in the house all

four years. So this will allow a couple members to move in together, live there a couple years, and then move out.

MS. ROGERS: How many beds do you have now?

MR. COLBERT: I will let a representative from Farm House answer that question.

MS. HAMMEN: So on the parking, you state that you can have parking in a private garage.

MR. COLBERT: Yes, ma'am.

MS. HAMMEN: Do you have that in writing?

MR. COLBERT: We don't have the leases executed at this point because the construction is not going to be complete if this is approved until summer of 2022. And so they weren't willing to lease us those spaces today. Does that make sense?

MS. HAMMEN: Wouldn't sign you a contract --

MR. COLBERT: Right. I mean --

MS. HAMMEN: -- with a contingency or something?

MR. COLBERT: I don't believe so. I mean, at this point, we've told verbally that the spaces will be available when we approach them next summer.

MS. HAMMEN: So I have a question about there's a mention of -- oh, no. Did you look at a design that puts the front of the house on Rollins?

MR. COLBERT: I believe we did. In fact, the initial proposal was that the frontage would be on Rollins.

MS. HAMMEN: But with this design or was it a different -- was a different plan?

MR. COLBERT: I believe it was very similar to this plan.

MS. HAMMEN: So the questions about how much the encroachment on some of these are would be better addressed to the architect or to someone else?

MR. COLBERT: Sure. They are shown -- let's go back to the drawing. All of the encroachments are shown on the site plan.

MS. HAMMEN: Right. Yeah. How many parking spaces are there now in the parking lot?

MR. COLBERT: That I do not know.

MR. CREW: I mean, there's more than nine.

MR. COLBERT: Sure.

MR. CREW: There's like 15 or 20 --

MR. COLBERT: Yeah. Yeah.

MR. CREW: -- or something like that. Right?

MR. COLBERT: Yeah. Absolutely.

MS. HAMMEN: And did you -- I see in the staff report there's a mention of a PD, planned district. Did you consider that?

MR. COLBERT: It was discussed briefly, but the challenge with the planned district is I believe -- and again, I don't want to speak for City staff, but the plan designation is supposed to be for an area

where you are trying to preserve environmentally sensitive features. And so you're trying to do something kind of out of the ordinary. And to my knowledge, we have not used the PD or planned district in Greek Town before. And so I don't know that staff would have supported a request. I wouldn't say that we would rule it out but given kind of the history of Greek Town development, and given that, you know, typically development has been facilitated by requesting variances from this Board, going the planned district route would be different than anything that has been done before.

MS. HAMMEN: That's true.

MR. COLBERT: Yeah.

MR. CREW: How long has that house been there?

MR. COLBERT: That is an excellent question, and I will let the architectural team tackle that one.

MR. CREW: Okay. Yeah. I was just thinking, I mean, we talked about -- and you've said this over and over again. It's an L-shaped lot.

MR. COLBERT: Uh-huh.

MR. CREW: Right?

MR. COLBERT: Yeah.

MR. CREW: And so -- and it's not like you even bought up parcels and pieced something together or anything like that. Right?

MR. COLBERT: Right.

MR. CREW: The lot has been like that. The house has been there -- we'll find out for exactly how long. What you're saying is that when you move it, because of the L-shape, you can't go back. Like I was -- was it the Gamma Phi Beta house, which is to the south of it --

MR. COLBERT: Uh-huh.

MR. CREW: -- is built all the way back to the property line it looks like.

MR. COLBERT: Right.

MR. CREW: There's a fence back there.

MR. COLBERT: Right.

MR. CREW: And when you turn the building because you've got the L-shaped lot, you can't replicate that setup and that design. Right? You have to move the forward building -- the building forward, and then have parking on the rear side. But even with that, you're still adding more green space overall.

MR. COLBERT: Correct. Yeah.

MR. CREW: Yeah.

MR. COLBERT: Yeah. Exactly.

MR. SHARP: I have a couple of questions.

MR. COLBERT: Yes, sir.

MR. SHARP: Let's see, for the parking perpendicular to the driveway, one of the concerns there is that headlights shining into -- into neighbors. Is there anything in this revision to address that?

MR. COLBERT: There is not. But that is the condition that exists today, and actually, Gamma Phi Beta to the south has their parking perpendicular as well. So essentially, the parking spaces are going to line up against each other. And there may be a retaining wall at that location now that I think was added after this photo was taken through Google Maps.

MR. SHARP: Okay. And the other question was about the wraparound porch. Is that uncovered over most of it or --

MR. COLBERT: Yes, sir. So let me scroll down. So the only portion that is covered is there on the Richmond frontage. And essentially, you have a sidewalk along the rest of the frontage to the parking lot to the south and to the entrance on the north. Then there's a small section that is covered on the north side, but that is fully compliant with the UDC.

MR. SHARP: Okay. And so that would still be considered a porch and not a sidewalk?

MR. COLBERT: I believe so. Yes. But to be clear, the covered portion also exceeds the maximum requirement.

MR. CREW: And those covered porches are required. Right? As I recall from maybe a different case there was something about underneath the porch there needs to be a certain amount of like safety space or some -- or storage space or tornado or --

MR. COLBERT: As far as like a --

MR. CREW: -- you know --

MR. COLBERT: -- storm shelter?

MR. CREW: Storm shelter type spaces?

MR. COLBERT: And I don't know, but they're commonplace in fraternity and sorority houses.

MR. CREW: Yeah.

MR. COLBERT: I mean, I think every Greek house has that type of pillar system.

MR. SHARP: Although any shelter like that could be built anywhere. It doesn't have to be under the porch.

MS. HAMMEN: Questions? Mr. Norgard?

MR. NORGARD: Mr. Colbert, what is the distance between the proposed outside wall on the eastern extent and the wall on the structure to the east? They look very, very close to me.

MR. COLBERT: Let me scroll to the site plan here. So you're talking about the retaining wall along the patio? That's ten feet.

MR. NORGARD: Okay.

MR. COLBERT: On the wider portion of the lot.

MR. NORGARD: Oh, no. I'm talking about the narrow portion of the structure.

MR. COLBERT: It's still in that ten-foot range.

MR. NORGARD: So it's ten feet to the property line or ten feet to the wall of the house next to it?

MR. COLBERT: It is ten feet to the property line. Yeah.

MS. HAMMEN: So it's a 15-foot --

MR. COLBERT: Encroachment.

MS. HAMMEN: You're requesting a 15-foot variance --

MR. COLBERT: Yes, ma'am.

MS. HAMMEN: -- on the rear yard -- on that portion.

MR. COLBERT: And we are comfortable with the variance request being tied to the revised site plan as shown here.

MS. HAMMEN: All right.

MR. COLBERT: Right.

MR. NORGARD: And what's the front yard encroachment?

MR. COLBERT: So that varies. Obviously, the porch encroaches further than the structure, but the -- the cross-hatched blue area represents the setback.

MR. CREW: You may not know this, but in case you do, do you know by chance what the traffic counts are on Rollins versus Richmond? Like, I've driven it, and Rollins seems a lot more busy than Richmond. Right? Because Richmond -- your picture showed like no cars parked there.

MR. COLBERT: Uh-huh.

MR. CREW: If you've ever driven there, there's like 100 cars --

MR. COLBERT: Uh-huh.

MR. CREW: -- parked on the street. Right? So its limited traffic going up Richmond, even as you're encroaching on what would otherwise be green space or sidewalk or whatever else. Right?

MR. COLBERT: That's exactly right. I don't know the exact traffic counts, but I agree with that assessment 100 percent.

MR. CREW: Yeah.

MR. SHARP: Another question, please.

MR. COLBERT: Yes, sir.

MR. SHARP: About the front -- the setback on Richmond. What is the average setback of the buildings along that --

MR. COLBERT: I'll have to defer to the design team on what the average -- are you talking about the length of other buildings on Richmond?

MR. SHARP: Right. Yeah. Just looking at Google Maps, it looks like they were all significantly more than you're proposing here.

MR. COLBERT: Meaning setback further from the roadway?

MR. SHARP: Right. Right.

MR. COLBERT: I don't know the answer to that exact dimension, but I'll let the design team respond to that.

MR. CREW: But again, that has to do with the L-shape though. Right?

MR. COLBERT: Right.

MR. CREW: I think that's -- because like if you look at the -- if you look at the Gamma Phi Beta house to the south, it's got what appears -- I didn't measure it, but it's got what appears to be like a 25-foot setback. Reorienting, the fraternity house will now face the Delta Sigma. They also have a setback. But those lot designs are not that -- that L-shape that you see right in this picture.

MR. COLBERT: Right. Those lots have --

MR. CREW: That's a challenge.

MR. COLBERT: Right. They have the ability to meet the front yard setback on those sites. And certainly if our lot was deeper, we would absolutely comply. That's -- we want to comply with the Code, certainly.

MR. CREW: Yeah.

MS. HAMMEN: Other questions for this speaker? Okay.

MR. COLBERT: All right. Thank you.

MS. HAMMEN: Are there other speakers in favor of this application? Please state your name and address and be sworn in.

MR. HILBRENNER: Good evening. I'm Jeff Hilbrenner. My address is 1109 Merrill Court.

(Mr. Hilbrenner was sworn)

MR. HILBRENNER: Good evening. Again, my name is Jeff Hilbrenner. I'm on the alumni board of the Missouri Farm House Association, Incorporated. Twenty-five years ago, as an undergrad at the University of Missouri, I was a member of Farm House. And so we appreciate you hearing our requests this evening. A lot of the folks you see here tonight are alumni from our fraternity here showing support for our request. I wanted to tell you first a little bit about our fraternity. As you might guess, it has strong rural and agricultural roots. We are very proud that our fraternity was founded in 1905 right here at the University of Missouri. We are the original chapter of our fraternity. Today, there are 36 chapters throughout the Midwest and west, and into Canada, mostly at large typical agricultural land grant universities. Historically, Farm House fraternity was a place for young men from rural and small communities that came to the University to come together. That's my story. I graduated from high school in a rural Missouri community. I grew up on a farm outside of Waverly, Missouri, and my high school graduating class had 36 people. When I came to Mizzou, my very first class had more people than my entire high school. So living in an environment with other people similarly situated to me was a real benefit to me. It helped me grow, learn, and flourish in Columbia at the University of Missouri. Like so many others, I didn't go back to my small town. I live and work here as an attorney in Columbia today. I'm proud to live here and I'm proud to be associated with Mizzou, and especially with Farm House. Our alumni, many of them are here in town are successful business owners, bankers, teachers, doctors, lawyers. I wanted to create a list of all the not for profits that our alumni have served on the board of directors, and I quickly realized that there is not nearly one of the local not-for-profits in our organization -- in our community that our alumni have not been active in. Today the membership of Farm House is different than it was historically though. Today Farm House membership, the young men, are much more

diverse both geographically -- the students come from all over, large and small cities, and also culturally. We currently have members -- six members that aren't from the United States that are international students. We're proud now of that geographic and cultural diversity, but we're also proud that we all retain the values that our fraternity stands for of hard work, of ethic, of morality, and dedication to our community. A few things -- I will try to answer a few of the questions that you guys had. Specifically about the 61 number, the second and third floor will each have 30 beds. The first floor will have one bedroom that will be the house director, typically a house mom that you guys may be familiar with. But something that is unique to our fraternity to Farm House and others now is with regards to best practices, how fraternities can best serve their students in the University, freshman and new members, historically referred to as pledges, are not allowed to live in our house. And so we want them to live in a residence hall on the University, and so as they are a new member, they would not be living here. That's the best practice for the safety of both those students and all of our students. So currently, the fraternity house holds 77 people, so we are actually reducing the number of beds, consistent with that philosophy that we no longer allow new members, freshmen, to live in the fraternity house. Additionally, we're proud that our fraternity is an alcohol and drug-free fraternity. We were the very first national fraternity to be alcohol free, so there is no alcohol allowed in our house. And so that provides what we think -- now, it's still a social fraternity, and they still have fun events and are knuckleheads sometimes, but the living environment where they live and learn is alcohol free. That lends to a lot of seniors not choosing to live in the house and having a little more freedom than what is allowed in Farm House. And so that 60 number of members is -- economically allows us to support that house and continue and to thrive, but it is also cognizant of the fact that we don't have freshman. It's also cognizant we know -- we've looked at the trends in planning for this, and we know that there is a cliff -- in about five years geographically across the country, if you look at census data, there are fewer and fewer high school students that will be graduating. And so we know the population of the University probably is going to be affected as well. And so we took that in mind when we reduced the number of beds of the current structure. We, as alum, are very supportive of the fraternity, both by being here tonight and we also give back to the students who achieve both in leadership and academics. This semester alone, our alumni group gave over \$27,000 in scholarships to our students. We're proud of our students when they do well academically, and they prove themselves as leaders on this campus. I wrote some notes and want to try to address some of the questions that you guys had as well. With regard to parking, if you look at the pictures that you see now, basically, there's three rows of parking. What this plan envisions is eliminating one -- the third row of parking and then leaving two. That would reduce the number of parking spots that are available there. But I also have been working and am an active petitioner at the Newman Center, which is just less than 300 feet away, and that's a lot where there are 58 spots that are available to be leased to students. We are on their list. I've had constant communication with them. They weren't comfortable signing a lease a year in advance, but there are 58 spots available to be rented there, and that we are already on their list of potential tenants when that rolls around. In addition, we've spoken with property managers in

downtown Columbia. There are other parking that are available to our students and would be made available to them. There was a question about the front door and the front porch and the orientation of Richmond versus Rollins. When we started this process, because Rollins is the main thoroughfare and kind of the main road through campus, we wanted to have a Rollins address, but we realized that wasn't going to be possible, and that was early on in the process. But had we had a Rollins address, our physical structure would not probably have changed, but I think what you see from Rollins would have looked more like a front door than what you see on Richmond now. So that would have been a small change. It wouldn't have changed the shape of what we are proposing today, but that did change the design just a little bit. One thing I will add, we are very proud that every one of our contiguous neighbors has issued a letter of support that we have provided to you. One of our neighbors had some concerns -- our most contiguous neighbor. We addressed those. That's why this was tabled. And then we are happy that they now have provided you with a letter of support. And so we sought those out. I think that speaks to our standing in the community amongst fraternities and sororities and as alumni and active participants in the community. I think it also speaks to our desire to -- to build a facility on that corner that they all would be proud -- just be proud of it the same way we would. Right now, the structure that is there is not a structure that is really physically proud. With regard to the lots, we've actually never lived in that structure. Historically, we've been housed at 507 Kentucky down at the bottom of Richmond. The parking lot that you see, we've owned for decades and decades and decades, and recently we did purchase that house, and we've never physically lived there. So it was a situation where --

MS. HAMMEN: Which one?

MR. HILBRENNER: Where the house is now at the actual corner.

MS. HAMMEN: Oh, you purchased that.

MR. HILBRENNER: We've purchased that house. We had owned the parking, but not the house. And so it did -- it was a situation where -- putting some lots together to build this structure. The facility at 507 Kentucky is very antiquated and old. And it makes more sense economically for the safety of our students, for technological advances, to build this new structure at the new place.

MS. HAMMEN: Do you own the Kentucky property?

MR. HILBRENNER: We've sold that since we've purchased this property. So we owned it for decades and decades, but we've since sold it.

MR. SHARP: And why was it not considered to build there?

MR. HILBRENNER: We did absolutely consider that, but with regard to that structure, it would have been much more difficult and much more expensive to demolish that building and build something consistent with what we're proposing today. It was sold to a different fraternity for different fraternities living there. But with regard to the age of that facility and the nature of how that facility had been built over the decades and added on, economically, it didn't make a lot of sense for our project to go there. Any other questions I can answer? Thank you.

MS. HAMMEN: I think not. Thank you very much, Mr. Hilbrenner. Anyone else wishing to speak in favor of this project?

MR. STEGEMANN: Brad Stegemann, S-t-e-g-e-m-a-n-n. Address is 2801 Woodard Drive.
(Mr. Stegemann was sworn)

MR. STEGEMANN: Hi. I'm Brad Stegemann; I'm an architect with SOA Architecture here in Columbia. I'm also the project manager on this project. I wanted to speak to any of the questions that you had about the design of the building and to address the front yard question. So as multiple parties have mentioned, we planned this project with the -- the frontage on Rollins. And as Jeff said, we really wouldn't have changed the design because the efficiencies of the double-loaded corridor, getting bedrooms on both sides of a common corridor really kind of dictates the width of that building. So we were also trying to be sensitive to the neighbors to the east. We could easily slide it forward and still not encroach in what is now the front yard setback on Rollins. So -- but that would have created a lot of more shadow and a harder to see Kappa Delta as you're driving up Rollins on the eastbound direction.

MS. HAMMEN: So are you saying that had it been oriented to Rollins, there would -- you would be closer to the side yard on the east?

MR. STEGEMANN: We would have been respecting what would have been the side yard on --

MS. HAMMEN: Instead of the rear yard. Are you saying that the building would be closer than it is now?

MR. STEGEMANN: Well, I'm saying we could under the current conditions with Richmond being assessed as the front yard, we could technically slide the building closer to Rollins, but trying to be respectful of Kappa Delta and give them the best amount of visibility from Rollins --

MS. HAMMEN: Oh, I see.

MR. STEGEMANN: -- by keeping it where it is.

MS. HAMMEN: Because they're setback 25 feet. And so your side yard -- the front yard now, but the to be side yard is set back 25 feet. I'm still not really following why the building wasn't designed to face Rollins. That would -- that would decrease all your variance requests.

MR. STEGEMANN: That was the initial -- so we had a concept review with City staff, and that was the initial feedback that we got from a couple different departments. GIS reviewed it, and also the fire department. So I guess their main concern is when you're coming to a building -- a new building, they first look at the address and also look at their lane. So something that they requested was a 26-foot-wide drive lane, which is accommodated in the site plan. So I think those were the two major factors why the City staff suggested, you know, front yard is on Richmond.

MS. HAMMEN: Where is the drive lane for the fire department? At the rear?

MR. STEGEMANN: So it's -- it's in the rear.

MS. HAMMEN: On the --

MR. STEGEMANN: Well, it's --

MS. HAMMEN: -- south.

MR. STEGEMANN: Exactly. South. So now it is front yard exactly where the current drive is.

MS. HAMMEN: But it couldn't be on the south if that were a rear yard? If that were a rear yard the way it is now --

MR. STEGEMANN: Correct.

MS. HAMMEN: -- there couldn't be a drive lane there?

MR. STEGEMANN: No. There -- well, that's up to the fire department and how they want to look at addressing, and also GIS's department.

MS. HAMMEN: Other questions?

MR. NORGARD: Did the fire department reject the Rollins Avenue address?

MR. STEGEMANN: They didn't reject it. It was just a comment on the concept review.

MR. NORGARD: Okay.

MR. STEGEMANN: Which again, those are more of a -- just suggestions at that point, but it did make its way through City staff when they put together their report following the meeting.

MR. CREW: So the fire department asked you turn the building, and City staff said turn the building? That's the gist. Right?

MR. STEGEMANN: Essentially. I mean, they wanted a conforming way to approach the building because they need to be able to reach it with their ladder and they can't -- can't assume that Rollins is free, or Richmond would be free for a fire truck. As we've all seen from the aerial photo, there are tons of cars on Richmond, so there's no guaranteed access for a truck on Richmond. So that's the need for the drive to get into the property.

MS. HAMMEN: Questions?

MR. NORGARD: What is the exact front yard encroachment at its minimum, and also maybe at the average building envelope?

MR. STEGEMANN: So the -- what we're asking for is basically ten feet to encroach. So it's right at that 15-foot mark right now. But we also do have a jog back for the main entry, so an average would be, you know, 17, somewhere along there -- sixteen and a half if you averaged it out along the whole front of the building.

MS. HAMMEN: That's the building or the porch?

MR. STEGEMANN: Well, including the porch because the main -- main entry recesses. So if we're just purely dimensioning from the building face out to the property line and accounting for that setback --

MS. HAMMEN: Is how much?

MR. STEGEMANN: It would be about sixteen and a half if we account for that jog in the middle.

MS. HAMMEN: The building?

MR. STEGEMANN: Just for the building. Yeah. But if you have questions about the porch, it's on the -- the order of 450-square feet. So we're coming from the face of the building out about eleven and a half feet.

MR. SHARP: It might be shorter?

MR. STEGEMANN: It could. Proportionally, we are trying to kind of keep with the aesthetics in Greek Town and also allow access. So we've got columns there. We need to maintain acceptable access, so a clear ADA path.

MS. HAMMEN: Questions? Thank you, Mr. Stegemann.

MR. STEGEMANN: Thank you.

MS. HAMMEN: Would someone else from the audience wish to speak in favor of the application? (No audible response.) Is there anyone who wishes to speak in opposition to the application? (No audible response.) Okay. Mr. Colbert, do you want to come back -- no, I guess it is after staff. Will staff -- do you want to weigh in on this?

MR. ZENNER: We'll need to be sworn in first, please, ma'am.

MS. HAMMEN: Oh. Please do.

(Staff was sworn)

MR. ZENNER: Let's go ahead and let's start with the question that I think that is on all of your minds. Who forcibly chose to make this building have to front to Richmond? You know, it's like who framed Roger Rabbit. But no, we are -- the issue here is that 802 Richmond was an existing building site, and it is true that through the review process the discussion as to what was front, what was side was discussed. And given the fire department and our addressing division's -- I wouldn't say preferences, but the best practices associated with how we as a City apply addresses, the address is determined by where the front door of the structure is. And the structure's length and its entry -- the columned entry that is shown along the Richmond side was deemed to be the front door. The director has authorized -- the Director of Community Development has authorized the discretion of determining the corner -- the address of a corner lot and assessing what is front, what is rear. So under his authority, it was concluded after reviewing all of the other departmental commentary as it related to this proposed redevelopment that the site was going to be addressed off of Richmond. Furthermore, the property was being replatted, and that replat has been approved, so the property at this point is one consolidated lot that would accommodate the proposed structure being built on the access of Richmond. So at this point -- that was going to be a requirement regardless, so I want to dispel the idea that you are being boxed into a particular decision based on a platting action. They were not going to be able to build over a property line if this parcel was ever going to be able to be redeveloped, so the issues here would have come up regardless of what type of construction would have been proposed. So with that in mind, the issue then comes into play, and I think Ms. Hammen may have this on the tip of her tongue, median setback, and how does that apply. As many may recall, our old Code used to require that the median setback was determined based upon the block face. When the UDC was adopted in 2017, that provision was changed, and it is based upon the setback on either side of the developing parcel. Given the location on a corner, it would likely have been determined -- even it was on the Richmond frontage, you would have still had a greater than 25-foot setback because of the average. The average that is on Richmond at this

point is probably 25 feet, given the fact that the lot depth is the depth of the larger 802 Richmond lot, consistently down the rest of the block to the south. So the existing lot condition, as Mr. Colbert pointed out in his testimony, is unique. There is no question -- and I think our staff report makes that very clear. It is a unique element. There are other aspects, however, that we have evaluated associated with the project, and I'm going to let Ms. Smith speak to those after any questions that you may have of me.

MS. HAMMEN: I have a couple of questions. So, one, this platting action, so it has been -- the Council approved it --

MR. ZENNER: Yes.

MS. HAMMEN: -- at the last meeting or is it this coming meeting?

MR. ZENNER: Is it --

MS. SMITH: It's been for first reading.

MR. ZENNER: First reading. I apologize.

MS. SMITH: I think it's going for second read --

MS. HAMMEN: Okay.

MS. SMITH: -- next week.

MS. HAMMEN: So when it is approved, does that dictate the frontage of the property since it's corner could still be either one?

MR. ZENNER: The dictate on the setbacks of this property has been determined by the director as authorized by our Unified Development Code.

MS. HAMMEN: But he could change it too?

MR. ZENNER: He will not change it given the -- given the information that has been provided to him for multiple departments in relationship to how we view these types of situations. The addressing of property is driven very significantly by the fire service; and therefore, when you look at this and you consider the reconsolidation of the property, which would have been a necessity to begin with, the conclusions --

MS. HAMMEN: Right.

MR. ZENNER: -- that were reached by our director are such that the Richmond frontage is the principal front.

MS. HAMMEN: Okay. So two more questions. So I don't understand why the fire department -- if they want a fire lane on the south side of the property whether the property faces west or north, they could still have a fire lane; isn't that correct?

MR. ZENNER: The fire lane --

MS. HAMMEN: And no matter the parking on Richmond.

MS. SMITH: Separate.

MR. ZENNER: The fire lane is a separate -- entirely separate issue from --

MS. HAMMEN: Okay.

MR. ZENNER: -- the platting. It has to deal more generally with the land use. They're not going to deploy in that fire lane. If the building is burning down, it's not where they are going to park their truck and fight a fire. They're going to park their truck either on Rollins or they're going to park their truck out on Richmond. Given the constraints that we have to both road rights-of-way given the congestion and the on-street parking, it's a known condition by the fire service. You know, if I'm not incorrect, there are hydrants within proximity, but the -- the building code stipulates that all points of a building must be within 150 feet of a FDC -- a fire department connection or a hydrant. And therefore, part of the building code talks to the idea of being able to have fire access to do that. We can -- a fire official has the ability to stripe lanes as a fire lane where there is no parking, which is probably employed in this particular instance, hence the reduction in total parking. It currently doesn't exist. I mean, they would have deployed either on Richmond or they would have deployed on Rollins today. So I don't want that issue to cloud the -- the overarching need for these dimensional variances which would have existed most likely with any structure placed on this property given its determined setback orientation of front facing Richmond, rear being opposite that, and then the sides being on the opposite ends. And so we are flipping and rotating the building, as Mr. Colbert pointed out -- or the setbacks, I should say.

MS. HAMMEN: So are you saying that the building frontage cannot be changed no matter what action this Board takes?

MR. ZENNER: I --

MS. SMITH: I've actually thought about that, and I can talk about that in my presentation. But -- so when Mr. Teddy did the determination of the frontage, he asked me to provide him with a lot of information on adjacent properties, and then Greek Town properties, and then he also drove -- drove through. So the biggest issue is that the building was designed prior to them asking City staff what the orientation, what was the addressing, what was the front yard setback. They didn't ask us that, they just assumed that it would be on Rollins. The building, as the span is so much longer on Richmond, that was really where the fire department said, look, this building is designed to orient to this street. That is their main front entrance, that is where people are going to go in an emergency, that is where we are going to go to get in. So really the design of the building -- so you could try and call it one way or the other. To get it flipped would actually be -- they would have to request a -- an appeal of the director's decision, which in the Code, it statutorily is an option. We suggested that they not do that given how much time and effort Mr. Teddy spent doing his due diligence to make his determination. In consultation with several other departments, all of them were unanimous. I presented facts I thought, you know, could be supported either way, and then he was very adamant that the facts did determine with the consultation of the other departments that it was going to be the Richmond side. So that's where we are with that. I will say, too, I ran the variances through the Code, whether it was oriented on either side. There were seven variances either way. They are a little bit different depending on which way it is oriented, but there are still seven variance requests that would have come before you.

MS. HAMMEN: And if the building were redesigned, are you saying that there's -- it can't be redesigned to sit with what departments are saying --

MS. SMITH: I don't believe --

MS. HAMMEN: -- that they --

MS. SMITH: -- so just because it is such a constrained site. The long side is always going to be on the Richmond side. Yeah. We talked about potentially beefing up the front entrance or maybe -- but the fire department was like, no, that's not -- that's not really going to do it because the long side -- the preponderance of the building frontage face is going to be on Richmond, and then some other things. And if -- the fire lane is not really part and parcel to this discussion. The fire lane could have been there either way. So I don't want to get hung up on that.

MS. HAMMEN: So how is this not a hardship then?

MS. SMITH: It's up to the applicant to prove their case to you that they have a hardship.

MS. HAMMEN: Well, okay. But I'm -- I read in the staff report that this is a new building design.

MS. SMITH: Uh-huh.

MS. HAMMEN: And so the hardship is self-made. But I'm not sure that is what I'm hearing.

MR. ZENNER: I -- I think the hardship -- we view things from a different perspective and a prism. You have a deeper portion where the parking lot is today, and you have the shallower portion going out towards the Rollin Street frontage. It is possible in our mind should a redesign and should the Board deem that there isn't a hardship, that the opportunity to use the larger, deeper portion -- the deeper portion of the lot and reorienting the L or utilizing the L to their advantage may be an option, may be a plausible option. You would still get possibly a three-story building on the parking area. But when you look at the aesthetics associated with that type of redesign, not that we're the aesthetics police, you end up then taking and putting the parking as the principal element being visible from the intersection. So architecturally speaking in blending a structure into the environment, the proposal that Mr. Stegemann and SOA has come up with on behalf of the Farm House better respects probably the aesthetic of the area, not necessarily the dimensional demands of our Code. And that is, to some extent, driven by the unique nature, which I understand your point, Ms. Hammen. We, however, have to view this from the perspective of we're protecting the Code's integrity, and its ability to be able to require compliance. As Ms. Bacon -- Smith just pointed out, you have to rely on the applicant to express to you what the hardship is. And it sounds like, at least by your comment -- I don't want to put words in your mouth -- but you may believe that there is a hardship. And if there is, I think, you know, our staff report speaks for itself. We point out where there are opportunities, potentially, and where we acknowledge there is some uniqueness. There are significant limitations, and there are provisions that are within our Code that in this particular environment, as we discussed in more recently discussed cases with the Board here in Greek Town, that certain standards not -- may not necessarily be applicable given the environment. And again, that goes into your deliberation as a body. I'll go back to my point earlier, though. We look at things from a slightly different prism, and a slightly different perspective. We believe that the site could be

redesigned, if it is effective to be able to redesign the building and get what they need out of it, but truly, diminish the quality of the environment, which is what we should also may be equally concerned about, you have to weigh those issues. And I think the Board has the power by which to be able to, you know, slice that hair that thin and be able to reasonably defend a decision that may in the face of it go against what staff is recommending because we believe that the Code can be achieved, but it is achieved maybe at an expense.

MS. HAMMEN: So I have to agree with you. I do not -- I'm not sure the applicant has made their point from my point of view; however, staff might have made it. You know, if you can't reorient with the new drawing with that building, I don't understand, except putting the parking lot at the intersection, if I take that is what you mean, which I believe could happen.

MR. ZENNER: That is correct.

MS. HAMMEN: Uh-huh.

MR. ZENNER: You have interpreted my statement correctly.

MS. HAMMEN: Uh-huh.

MR. ZENNER: That may be the only way that achieving -- and I don't think that they would have to -- I don't think they would be waiving -- they still will probably have to seek some variances because at that point, parking out on the corner is probably going to necessitate other types of parking relief. We may have certain issues associated with stepdown and setback again because you will be adjoining property, so you're not going to be out of the woods. There's no -- I think as Ms. Smith pointed out in her report, any alternative design that could be achieved here isn't going to make the variances that are being sought be completely evaporated.

MR. CREW: Right. That's what we just heard. Right? Seven variances this way; seven variances that way. Only with what they've proposed, you have seven variances, plus you have the fire department recommendation, plus you have the detailed and thorough review and recommendation of Mr. Teddy. Right?

MR. ZENNER: Yes.

MR. CREW: So even if you were to keep it facing Rollins, you would have to then, you know, basically go against or, you know, question Mr. Teddy's review and judgment and have that evaluated. Right? Yeah.

MS. SMITH: And then still get zone variances.

MS. HAMMEN: Right.

MS. SMITH: Right.

MS. HAMMEN: So, Ms. Smith, I -- I interrupted your -- whatever you want to continue saying, and then we can continue with questions, I think.

MS. SMITH: I would love to give a very brief staff report --

MS. HAMMEN: Thank you.

MS. SMITH: -- if that's okay. And to answer a couple of questions, so front porches are not required. They are a common design feature in Greek Town. They do certainly serve a design and a functional purpose. They aren't required to be above any sort of security or safe space. They often are because it just works out very well that they are a shelter space. And you can generally have a very large porch on your building to match your very beautiful large building, but it can't encroach into the front yard setback -- the 25-foot front yard setback by more than 60 square feet. And so their porch is considerably larger than that. We don't disagree that it's probably an appropriate look and size to serve the function and the aesthetics of the building, but the Code does prescribe that it is too far into the front setback of a size that is not permitted. So that is their first variance. So, real briefly, there are two dimensional standards, there are five related to parking and loading, and there is one related to neighborhood protection standards. It is up to the applicant to make the case on whether the five criteria to bestow a variance are met. I'll talk just briefly about the impetus behind some of those Code sections that they are asking for relief from -- why are they in the Code, why are they applied equally to all properties who are seeking redevelopment or platting within the City, what are the reason for those Code aspects, and then what the associated then impacts or negative externalities might be if the variance is granted relief from those sections. Okay. So looking at the two dimensional standards, I think we've talked quite a bit about the porch. Staff does not have problem with the porch other than it is too big for where it is. And this is strictly the Richmond porch. The Rollins porch is believed to be fully compliant with the setback requirements. So related to that, we've got encroachment on both the front and rear yards. They provided a pretty good document, which I could pull -- well, I won't pull up. But they have a pretty good document that shows that the building on both the front and the rear exceeds into the required 25-foot front yard setback. They have talked quite a bit about the fact that the building is only 80 feet deep, so you could take 50 feet away and that leaves you 30. And that may or may not, if after your review, be considered a hardship of some kind. Related to the five variances requested for parking and paved areas, they've got parking in the required front and side yard. This is probably related to some extent to the building orientation, although, as I mentioned, there were other variances in its place. But the Code for multi-family does not permit any side or front yard parking. This is both an aesthetic thing, and then also a safety thing, and then thinking of your neighbors. So when you are parked into the side yard, you have issues with folks backing up, with headlights going potentially into your neighbors' windows. That is sort of the idea behind that. Also, too, that perpendicular parking requirement, we don't permit any perpendicular parking other than in the rear yard. That is directly because of the issue of headlights going into the windows of a neighbored property. Now, the applicant has mentioned that that is an existing condition now, that the headlights do go to the southern property boundary, that there is parking there in that generally same location now, but that is something that we would point out that that is the reason for that Code. So if you approve that variance, in the staff report we do mention that you could condition that there be some sort of screening device. So typically, in the rear yard there is required screening from parking. Parking is allowed in the rear yard, but since parking is not required or not

allowed at all in the side yard, there is no screening requirement. So we would suggest that you might want to consider conditioning that any perpendicular or side yard parking, if you do grant that variance, be screened such as the same manner that rear parking is typically screened. Also related to parking, the exact numbers or percentages of square feet of hard surface in the rear of the lot is not depicted on the site plan, so the applicant has indicated that they would be okay with just tying this variance request to what was presented in the revised site plan. But they are asking to have paving in the rear yard in the excess of 500 square feet or 30 percent of the required rear yard. It's definitely more than 500 square feet. It is over 30 percent of the required rear yard -- by how much, I'm not entirely sure. But it -- that variance, if granted, could be tied to what was presented in the staff report -- or in the site plan. And then related to that, they did talk quite a bit about their desire to provide 18 fewer parking stalls than what is required -- so for the 61 beds, 27 parking spots is required. They mentioned that there will be nine on site, and that they can make up that 18 difference in offset agreements, but as they alluded to and we also mentioned in the staff report, we have not seen any agreement at this point. If we do see an agreement, we probably -- given past practice, would be supportive of that off-site arrangement, given it's within the 1,000 feet that is generally prescribed in the Code as being an acceptable walking distance for off-site usage. In similar situations we've looked at and approved similar such arrangements in the past. Then that brings us to the last final seventh variance. So that has to do with the neighborhood protections. This Board a couple of months ago heard a similar such request for a sorority property. So the idea here is that in the R-MF, a sorority or a fraternity may be permitted to go up to 45 feet, instead of the 35 feet otherwise prescribed by the Code if they do additional setbacks. So this property is partially compliant with that. They are just under 45 feet. They do have the increased side yards on both sides, but they aren't providing an expanded rear yard setback. So it would be -- to go above 30 feet in their 45, they would have to provide a 35-foot rear yard setback. Here, they are providing about a 15 foot, so they are short that by about 20. The typical rear yard setback, as we have talked about, is 25. So you would have to go to 30 -- to 35. Well, they are not doing that. They are actually providing about 15.

MR. CREW: And that -- sorry. That one was a significant one -- the sorority one was a significantly different lot. Right? It wasn't the L structure. It wasn't the -- so the limitations --

MS. SMITH: The facts were a little bit different.

MR. CREW: -- of this one --

MS. SMITH: Yeah. And at the time of writing the staff report, we had mentioned that we had heard that they had been talking to the neighbors. They had tabled, in fact, at the last meeting to this meeting to allow additional talk with the Kappa Delta sorority. That letter of support didn't quite make it into the agenda, given the timing of the packet, which had to get posted. But we did email that out -- after the agenda was posted to you, we did get a letter of support from the Kappa Delta house. So what had been proposed two cycles ago in the initial application materials that were posted to the agenda with the revised application materials that were posted to the agenda, they had a -- a taller kitchen/dining deck structure that has since been removed. So now it will just be a flat surface deck as shown. So they're

partially in a couple of ways in support of seven -- that neighborhood protection stepped down, but they just haven't quite entirely met it. So those are the seven variances. In a nutshell in the staff report and in front of you, we have the five criteria that this Board uses in consideration of bestowing a variance. In general, staff believes that four -- that the last four, so two, three, four and five, those criteria are generally met based upon the facts of the case and the provisions of the Code. It is that first one that is always kind of tricky with new construction as the application alluded to. You know, while the structure may not meet their needs -- and that's their job to talk to you, it is possible to build on this lot in such a way that is compliant. Now, it may not be big enough, parking may still be an issue, the return on investment or the money factor or the number of kids we need to house factor, you know, all of that is a challenge, certainly that they are going to talk to you about and they have, but we -- our job as staff is to defend the Code and talk about why the Code is applied equally to everyone, and it's their job to really talk about the facts of the case and the hardships of the site that are not of their own making. And we'll just always remind you that it's new construction. So with that, that is all that I have. I'm happy to answer questions.

MS. HAMMEN: I have a question. So on the parking and the lack of documentation for the 18 additional spaces. Is there a way that that can be remedied right here tonight? I mean, given an amendment, given -- I don't know what. It's not our job to -- to do their job for them, you know. Documentation isn't here, but --

MR. CREW: Right. Are you thinking like a contingency, like we approve it, but it is contingent on them being able to lease --

MS. HAMMEN: I'm asking staff. Yeah.

MS. SMITH: We would use the word condition.

MR. ZENNER: We would condition -- and I think what you're driving at, Ms. Hammen, is as Ms. Bacon [sic] laid this out, there's two approaches the Board can take. One is -- and we have had requests of this nature, a full waiver of the additional 18 parking spaces. And we have a number of fraternities and sororities previously that have received that variance. And, in essence, that is not what the applicant has asked for here, but that is a viable option given the fact that you do not have a document showing securing of those spaces. The other option is that the Board could as part of its grant of variances, unless the law staff says otherwise, you -- because the issuance of a building permit is -- is contingent upon this Board taking effective action to approve the requested variances. As a condition of approving an offsite allocation of 18 parking spaces, you could condition the building permit certificate of occupancy being restricted until such time as documentation is provided that the 18 spaces have been secured. That condition at that point becomes a little bit more challenging, I would suggest, because it's going to be an added condition that goes on top of the building permit process. However, we do have processes now in place that that condition is probably going to be able to be easier tracked than it has been in the past.

MS. HAMMEN: What do you mean by that? Oh, easier to track.

MR. ZENNER: Easier to track --

MS. HAMMEN: Not detract.

MR. ZENNER: -- so the -- when the final inspection is done to issue the CO for the structure, we're going to have to have documentation provided by Farm House, in fact, that there is a valid parking lot lease arrangements for those spaces. That would be a written condition into the building permit that no inspector that was going out to do that final inspection would be able to release the final CO without that document. Previously before now or probably before about a year ago when we went to our newer permitting software programming, this type of condition would probably be one that could get lost between the cracks of building permit issuance and final inspection. We now, because we have gone more electronic and we utilize more technology, this condition is not one that would concern me as much today. It is a practical way of approaching this, giving them the opportunity to be able to submit the permit application package should this Board find for the other six variances, and allow them to be able to make plans. They're not going to be able to occupy this building, and they've got to build it yet. As we were told today, they won't be actually completed with construction until '22, which then, at that point, should they find out that the Newman Center doesn't have 58 extra parking spaces, they are going to have to figure out where they are going to go because they're not going to be able to occupy the building if you condition it such that those parking spaces need to be allocated. Again, the other option here is, as we have done in other instances, you waive the entire 18 parking spaces. That seems to be counter-intuitive to the request that you just approved three months ago where we proposed to put more parking on a site in order to provide for safety. We are dealing with a fraternity; we are not dealing with a sorority, so, you know, there is a distinction there as well, not that guys are any less vulnerable to be being attacked, but that is something to always keep in the back of your mind. I think a condition is simplest way to solve maybe the dilemma of the not having the arrangement, and, quite honestly, if the Newman Center is not ready to do something a year and a half in advance, they are just not ready to do it. And I don't think, you know, allowing them that latitude is something that we can't address moving forward.

MS. HAMMEN: But that brings me to a question I've had on that three month ago one that I wasn't here for that, but, you know, the University used to allow fraternities and sororities to use their lots by Hearnese. Is that no longer an option? I was surprised in the Alpha Phi staff report that that wasn't mentioned because it was mentioned in a number of the other ones. Is that no longer allowed?

MR. ZENNER: It is -- it is our understanding that there is a parking permit program that the University operates. We do not control that.

MS. HAMMEN: Right.

MR. ZENNER: We don't control the allocation of parking spaces. And for Alpha Phi, the issue there really was being able to ensure that their members had an opportunity for the most parking on their site. It was a slightly different set of facts as well with how the property was configured than this. And I think that -- you know, that does -- that parcel was not to some extent in the same similar shape, size, or area that we're dealing with here, nor was it in the same proximity, I would like to say, to probably commercial off-street parking either. This is much closer to viable parking that could potentially be

utilized. And the request that is being made, should you defer it and condition it on having that contract provided before the CO is issued is very consistent with our parking alternatives that, again, the director is authorized to implement in order to reduce excessive paving on a particular site. So it would not be inconsistent. The director also has the authority within the provisions of this off-site parking arrangement, shared parking, if he believes that there is a concern that it may not be able to be maintained in perpetuity, such agreement would have to be approved by City Council. So, I mean, there are some safeguards here to ensure that that parking is going to be viable and will be available, and I think that we have the ability, again, like I said, with the current processes to be able to track that through the process of construction up to the point of issuing a CO for the occupancy of the building.

MS. HAMMEN: You know, for the fate as we mandated that they had to use the University, and they had something written that said they could, so I -- I just wondered if that's still available. Other questions of staff?

MR. NORGARD: The idea of a planned district was thrown out and summarily slayed, and I'm just wondering what staff's view on that is.

MR. ZENNER: Slayed, yes. That was a very good term there. It is, I think, as Mr. Colbert pointed out, we would probably from a staff perspective -- I would imagine from the Planning Commission's perspective, and I don't want to speak for them, we though, as a staff, would probably not support it. It does not meet the intent of a planned district, and that is why. I don't think we really truly achieve a whole lot associated with it. It -- every planned district that gets created within the City of Columbia has an administrative burden associated with it over time. Most of the Greek structures that are being built or have been reconstructed are 50-plus year structures. Once they're there, they are not really going anywhere, and they're not being modified most likely. In a planned zone, if you modify the footprint of a building, which is how the site plans are normally prepared, it becomes a very laborious process, and we have to then, in essence, administer a mini-zoning code to that specific site. It's much easier to go back to a Board order such as this and say, okay, if the building is damaged or we have some other event that occurs, this is the maximum extent of what they were allowed to build. That's it. You don't -- there's no variability, so I would almost suggest that the variance grant is far more definitive for the property owner. You're building a building that fits in this envelope, and that is it. You don't get to come back unless you want to come back for another Board action and ask for a little bit more relief. So I -- you know, you put your best foot forward with the first variance request and you hope you convince the Board.

MR. NORGARD: And just one other question. There is no Greek Town overlay in our zoning code, is there?

MR. ZENNER: There is not. And let me ask for a mea culpa -- mea culpa right now. This body has asked that we, as a staff -- and requested that Council redirect the Planning Commission to produce one. We have not been able to get to that. It is something that is still in my rearview mirror. It may be getting bigger now. Unfortunately, we just haven't been able to get to it. And I believe we are down to about three, maybe four houses that need to be rebuilt, so the effort to go through that type of carveout

becomes less and less meaningful if we have rebuilt most of Greek Town to meet other requirements. And really, the impetus, as many of you are aware, that started the rebuilding activity in Greek Town were fire code changes that were made many years ago that were extended at one point allowing for more compliance time. And as we have seen this rash of reconstruction, teardown, and rebuild, the same set of issues generally come up -- normally always setbacks, height, and parking. Those are the three most common that come back before this Board -- not that you set precedent in any individual issue. We remind you that only to just make that clear, each site is reviewed on its own, and each site, at times, has other opportunities to be able to address their unique issues. Some sites though, you know, they are really -- they have problems, unfortunately, and you can't -- viability becomes an issue. And that, I think, again, is the applicant's responsibility to prove to you. We acknowledge that there are sites that sometimes can't comply with our standards, but unfortunately, as I said earlier, we view things from the perspective that design can achieve a lot of different things. And development is possible on this site through compliance, it's just not maybe the development that they would like.

MR. NORGARD: Okay. One quick follow up. So you mentioned fire code changes -- fire code issue -- NFPA issued extensions to their fire code requirements, so is it true that at the end of those extensions, a rebuild is required?

MR. ZENNER: It's -- I'm not -- I mean, I think unless you are doing something to modify a structure, they're existing non-conformities at this point, and I think it becomes more of an issue from building permitting, you're doing renovation work or things of that nature. And Mr. Stegemann may be able to speak to that from an architect's perspective working here locally, but it is my understanding that the compliance side of it, it was extended to allow for the last couple of houses to be able to get there. And as, I think, the panhellenic world changes and houses are needing to be reconstructed to meet current contemporary needs, the issue of having a mandate that we were supposed to have all of our houses done within a specified period of time, it's naturally occurring because these homes are obsolete to the types of people that are living in them anymore. And, to that, I mean, we run into these issues. We've changed our code. I mean, some houses are built over property lines. We don't allow that anymore. So, I mean, just -- as we evolve regulatorily, some of the problems just were compounded a little bit, and others are being addressed just through natural processes.

MS. SMITH: And just to clarify, it's the sprinkler, so it's really expensive and difficult to retrofit the sprinkler. So it's -- sprinklers are just kind of the number one in terms of costs and effort, but then it comes down to outlets, fiber internet, and personal versus private space as well. So just the needs of students are different, and the expectations of their parents.

MS. HAMMEN: Any other questions of staff? Okay. So, Mr. Colbert, your turn again.

MR. COLBERT: Thank you, ma'am. I just want to respond to a couple of quick comments. So we do believe we can secure parking through the University of Missouri if we needed to. We're happy to have that condition added on to the certificate of occupancy if the Board is willing to consider that request. As far as the question of hardship and alternatives and what can we do, the comment was made that

well, what if we move the building to the wider portion of the lot? Well, think about that. Then our parking is in the other side yard, and we're right back here asking for a variance to allow parking in that side yard. No matter where we move the building, we're going to have parking issues that get us right back here. It is not possible, in our view, to build a multi-family structure on this site when the lot is 80 feet in width at the narrow portion and put the parking in the rear of the structure. It's just not possible. We can't design that. So we think that is a clear hardship. It's a difficulty. If you look at the Code, the Code talks about is the hardship or the difficulty related to the lot size and the lot shape, and is it unique, is it different from other properties in the area. And that is absolutely true here. The hardship is created by the dimensions of this lot, the shape of the lot. None of those are issues that we created. These lots were subdivided years and years ago. Ultimately, again, we are playing the cards that we're dealt with in this situation. There is no alternative that will eliminate every needed variance to allow some kind of construction on this site. Mr. Norgard, you asked about a planned district. And I would suggest if you are willing to support this project in a planned district, I would ask you to support it this evening because it is the exact same project. It is the exact same site features. If it is a good project in a planned district, it is a good project tonight. To me, we've proposed a good project. It is supported by every neighbor. Every fraternity or sorority in Greek Town that has looked at this site plan, has looked at the elevations, has said this is going to be a good addition to our community. It will be a valuable asset to Greek Town. We recognize that when we built our fraternity house or we built our sorority house, we had these same challenges. And despite having multiple Greek Town variances over the years, we don't have an overlay district. That's not this fraternity's fault. It's not any fraternity's fault.

MS. HAMMEN: Right.

MR. COLBERT: We're trying -- we're operating under the Code as it is written. Fraternity housing is different than your standard multi-family housing. So that's why we are here this evening. Again, we have a good project. It's deserving of your support. We would respectfully request your support. I'm happy to answer any questions. All right. Thank you.

MS. HAMMEN: Thank you very much. All right. I'm going to close the public hearing.

PUBLIC HEARING CLOSED

MS. HAMMEN: So, legal, please?

MS. THOMPSON: Thank you. Just to make sure that we've got a clean record, I'm going to move to admit some exhibits into evidence. Mr. Colbert has already admitted a number of exhibits that I would otherwise need to, so I've just got a few. To start us off, I'm going to admit the sections from the City Code of Ordinance that are pertinent to our case tonight. I'm going to read them and ask that they all be admitted as one exhibit. Now, I'll note at the outset, some of the code sections have been recently amended by ordinances that have not been codified, so just bear with me as I read both the section and then also the amending ordinances. Mr. Colbert, if you want to look at these while I read them out loud. So I'm going to move as the City's Exhibit 1, Sections 29-4.1 and amending ordinance 024558; Section

29-4.3 and amending ordinances 024559, 024560, 024561; Section 29-4.7 and amending ordinance 024562; Section 29-6.1 and amending ordinance 024565; Section 29-6.3 and Section 29-6.4.

MS. HAMMEN: Yes. Thank you.

MS. THOMPSON: Thank you. As City's Exhibit 2, I will seek to admit the locator map, the public hearing advertisement, the public in interest notice, and the parties in interest list.

MS. HAMMEN: Thank you. Yes.

MS. THOMPSON: Thank you. As City's Exhibit 3, I'm going to seek to admit the public correspondence from the published agenda. I know that Mr. Colbert also admitted a number of letters in support. I didn't have a chance to cross reference those to make sure that they capture all the public correspondence, so I'll just go ahead and admit that now as City's Exhibit 3.

MS. HAMMEN: Good. Yes. I agree.

MS. THOMPSON: And then as -- I think that is actually all that I have regarding the exhibits.

MS. HAMMEN: Thank you very much.

MS. THOMPSON: The only other comment that I will make is as you all know, you have to find that there are five criteria for each of these seven variance requests and find that those five criteria are true. Those are found in Section 29-6.4(d). I'm happy to read those aloud at this point if you all would like.

MS. HAMMEN: Anyone want them read aloud? (No audible response.) No, I think not. Thank you.

MS. THOMPSON: And then regarding conditions, this Board, as you know, has broad authority to -- to apply conditions to the grant of a variance. I would advise against making those conditions too complicated just because that can become hard to track and enforce. But it is certainly within your authority to -- to apply those conditions to the grant of a variance.

MS. HAMMEN: Thank you very much. All right. Comments? Discussion? What do you all think?

MR. SHARP: I would certainly like to -- (inaudible).

MR. ZENNER: Speak into the microphone, Mr. Sharp.

MR. SHARP: Okay. I was just saying I would like us to include the condition of securing parking for the building permit.

MS. HAMMEN: And when we get to that, I think I agree. We can have broad discussion, and then we will go through each variance and -- and a motion and a second to approve it, and we can add as we wish. So just --

MR. CREW: Well, I was thinking, I think it might make -- it might be easier on them, and I think it solves the same thing to tie it, as Pat was saying, to the certificate of occupancy rather than the building permit itself. So they can build the building. Once it is complete, then they are in a position to sign a lease and -- as soon as they, you know -- you know, you give us the lease and we can get the CO and we can move in the building. Right? Otherwise, you try -- you still -- you know, you might have a year and a

half construction period, you know. So if you have to get the lease now, that's a lot harder. I think you solve the same thing. And then I was thinking about -- I think they said they wanted to get, like, 58. Right? But if it is 25 required parking spaces --

MS. HAMMEN: Eighteen.

MR. CREW: Eighteen. Right. So basically, you -- I think that that was my recommendation.

MS. HAMMEN: That's what we --

MR. CREW: It just like, okay, the contingency is 18, not 52. Right. Yeah.

MS. HAMMEN: Right. Absolutely.

MR. CREW: Yeah. Or the condition. Sorry.

MS. HAMMEN: Other discussion or shall we just go through each variance now? So the first variance is a variance permitting encroachment of the front porch into the required 25-foot yard setback required for the R-MF district. The proposed structure, including the front porch on the Richmond frontage exceeds the permissible dimensional (6-feet into) and area (60 square feet total) encroachments allowed by Table 4.1-5 of the UDC. Discussion of that?

MR. NORGARD: I would say that it does appear to be a hardship. However, I would look at the staff report and -- or not even the staff report. I'll look at the criteria, and it says, and the difficulties or hardships were not created by the actions of the applicant. And the fact that this isn't a redevelopment, hence it is of the applicant's own hand.

MS. HAMMEN: And is it incumbent on us to look at possible outcomes? And I -- actually, it's not incumbent on us to look at possible outcomes, but is it enlightened of us to do so?

MR. CREW: I think -- I mean, I have a little bit of different reading of that. So when it says difficulties or hardships created by the actions of the applicant, the subject is specific to the site, terrain, location of the site, itself. Right? So it is this L-shaped site. There is no other L-shaped site around there. Staff even said turn the building this way, and that -- you know, it's seven variances this way, seven variances that way, only you do it the way they are proposing. City staff said you should do it that way, the fire department said you should do it that way. That meets criteria (e), improving safety and welfare of, you know, the property.

MR. NORGARD: Well, I would agree with that, Jefferson; however, I would also point out that the -- nobody held their hand to the fire and told them they have to have 61 beds.

MR. CREW: You yourself brought up the point that there is no zoning codes specific to Greek Town. Right?

MS. HAMMEN: Overlay.

MR. CREW: Overlay. Right. All of these fraternities and sororities have to compete to stay alive. Right? To provide housing --

MR. NORGARD: Sure.

MR. CREW: And they provide that value in student life and to the University and so, yes, no one says they have to have 61 beds, but you might also be limiting their future as a house. And I don't think

that supports our community or supports, you know, our commitment to the University, the University's commitment to our community.

MR. SHARP: On the other hand, the porch isn't -- it is purely aesthetic. It is not required.

MR. CREW: That's true. I would quote to say to not diminish the quality of the environment was I think, Pat, what I wrote down. So every other house has columns. Right? They have the porch. I mean, sure, it's not required, but every other house has it. So you're going to have one odd looking house without the porch when the house across the street and the house across Rollins and the house next door all have it? And it's not on Rollins. Right now, it's on Richmond. And so there's less pedestrian traffic on that, you know. I guess I just don't -- I don't see it as a big deal, but that's Jefferson's opinion.

MS. HAMMEN: Questions? Well, is there a motion to accept? We will always want to move to accept and then agree or deny, approve, or not approve the motion. And I guess it would read a variance to permit encroachment of the front porch into the required 25-foot yard setback as required for the R-MF district. I would like to say as per the site plan. Okay. And that ties that in because we don't know exactly -- we've heard several things, but we don't know the exact dimensions. So is there a motion and a second to that?

MR. SHARP: I'll move.

MR. ZENNER: Before we -- I think the motion also needs to include area. So you have not only the encroachment of the front porch, but you have excessive area as shown -- as depicted on the site -- on the revised site plan. And tonight, we have to refer to revised site plan.

MS. HAMMEN: Okay.

MR. ZENNER: Because that is the information that we are basing all of your decisions on.

MS. HAMMEN: Okay.

MR. ZENNER: So it would be -- that motion would then be a motion is being made to approve the front porch to encroach greater than 6 feet into the required 25-foot front yard setback for the R-MF district and exceed the maximum 60-square feet allowed within the front setback as shown on the revised site plan.

MR. SHARP: Okay. I make that motion as described by Pat.

MS. HAMMEN: Okay. Mr. Sharp made the motion. Is there a second to that?

MR. CREW: Second.

MS. HAMMEN: And do we want further discussion before we have a vote?

MR. ZENNER: And if I may also just remind everyone, all motions to carry require four affirmative votes.

MS. HAMMEN: Any more discussion? Okay. Would you call the roll, please.

MR. ZENNER: I forgot I had to do that. Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Mr. Sharp?

MR. SHARP: Yes.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: Mr. Norgard?

MR. NORGARD: Nay.

MR. ZENNER: Mr. Crew?

MR. CREW: Yes.

MR. ZENNER: Motion number one passes four to one.

MS. HAMMEN: Thank you. The next variance, two, is a variance to permit building encroachments into the required rear front [sic] and the rear yards as required by Sections 29-4.1(a), and Table 4.1-1. In addition to the porch encroachment as described in (1) above that we just approved, the proposed structure (including the patio dining structure in the rear) -- and that's in the revised site plan -- encroaches into the required front yard setback and rear setbacks of the site (the depth and square footage of the encroachments varies, see the revised site plan for details of each elements' encroachment). So discussion on that? Again, we're faced with the same thing as we were in the first one and the L-shaped lot. Mr. Norgard, do you want to say something?

MR. NORGARD: No. I thought you were suggesting that we should tie the variance request to the revised site plan.

MS. HAMMEN: Yeah.

MR. NORGARD: That seems prudent.

MS. HAMMEN: Okay. So can what I read as the second part be the motion in that wording? I mean, it gets everything in it, or do we need to make it more concise?

MR. ZENNER: It would be easier to be more concise if we could.

MS. HAMMEN: All right.

MR. ZENNER: So the second motion, the second variance request would be a motion to approve the dimensional setback variances for the front and rear yard less than the required 25 feet as depicted on the revised site plan -- to the extent and as depicted on the revised site plan.

MS. HAMMEN: You don't need to say the depth and square footage?

MR. ZENNER: No.

MS. HAMMEN: Okay. All right. I'll move that -- Ms. Hammen.

MR. SHARP: Second.

MS. HAMMEN: Who seconded that? Sharp. Any discussion? Call the roll, please.

MR. ZENNER: Mr. Sharp?

MR. SHARP: Yes.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: Mr. Norgard?

MR. NORGARD: Nay.

MR. ZENNER: Mr. Crew?

MR. CREW: Yes.

MR. ZENNER: And Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Motion passes four to one.

MS. HAMMEN: All right. The third variance, a variance to permit the parking and/or paved areas within the required front, side, and rear yards. Specifically, the proposed parking layout was in violation, da da da, which generally indicate "no vehicle shall be parked in a required front or side yard except on a permitted driveway..." and "parking spaces for all other uses (beyond one and two family) shall not be located in the required front or side yard side". The nine (9) parking stalls on the site plan are shown encroaching into the required southerly side yard and two (2) of these stalls are also shown as encroaching into the required front yard along the Richmond frontage. Now here is the place where we could put screening, although I saw on the revised site plan there is landscaping, but that is -- it's not classified as screening?

MS. SMITH: It's -- it's not quite the same thing. So we -- we do have a screening standard that applies to parking in the rear yard because no parking is allowed in the side yard, there is no standard. But I would suggest that the same -- what otherwise would be required for screening of parking in the rear yard be applied to the southern property boundary.

MS. HAMMEN: The southern?

MS. SMITH: Uh-huh.

MS. HAMMEN: Which would be the side yard?

MR. ZENNER: Yes. That is correct.

MS. SMITH: Yes. So section 29-4.3(f)(3)(iv) dictates the screening. So it is between a four- and six-foot screening device. There's a couple of different things -- it could be a fence; it could be hedges. The Code talks about it.

MS. HAMMEN: And what about the front yard screening?

MS. SMITH: So there is actually some screening there for a different reason that sort of takes care of that. So how does that --

MR. ZENNER: There's a six-foot --

MS. SMITH: There's a --

MR. ZENNER: There's a six-foot wide landscape strip that is required to be improved with four qualities -- four different types of plant materials and then there are also street trees.

MS. SMITH: There's already a screening right there, I guess, is my point.

MR. ZENNER: So this is very similar if we think about what you all considered two months ago -- two or three months ago. This was the screening requirement that would have been along the southern property line of Alpha Phi's property adjacent to the fraternity where we had a landscape strip replaced -- so the landscape strip, the landscaping is there, but the screening device that's prescribed and

recommended by the staff was not necessarily the same. So there's -- the parking is separated, if I'm not incorrect, an adequate distance from the southern property line, but it is not screened adequately. So the -- the condition here that is recommended by staff should you desire to approve the request would be to add screening and an elevation of four to six feet. And typically, we require that for headlight blockage, so you're not actually getting headlights penetrating in. A four foot elevation is probably sufficient in order to accomplish that, and then that generally would still provide the opportunity for a visual access into the site for safety purposes, which may not be something that we want to forget about because we are in an area of, you know, a significant amount of activity, and part of what we are discussing more and more as it relates to planning related issues is crime prevention through environmental design. While we still can achieve screening that would address the issues of impact, we can also promote effective crime prevention by keeping those types of hedge rows and things down at a height where the average adult is going to be standing above that, so they are visible. It creates less opportunity for jumping out or hiding of the criminal activity.

MS. SMITH: Right sizing screening.

MS. HAMMEN: Right sizing --

MR. CREW: Can we -- can we specify that be some sort of natural barrier, like bushes or hedges because a fence I just don't aesthetically think is going to look --

MS. SMITH: Most people do hedges.

MR. ZENNER: Yeah. And I would suggest probably a hedge, and our arborist can work with the applicant to determine what the appropriate plant material would be, a boxwood hedge or something else that's going to be easy to maintain --

MR. CREW: Yeah.

MR. ZENNER: -- can fill in according to the Code. The Code also prescribes -- just so we're clear on this, the Code prescribes opacity levels at the time of planting and within a particular amount of growing seasons. So that's not something that really needs to be addressed by the Board specifically because the Code already addresses that. It is really the matter of applying the condition that you want the screening that is otherwise not required because we don't require -- we don't allow parking in the side yard, period.

MR. CREW: Uh-huh. Oh, sorry.

MR. ZENNER: Go ahead.

MR. CREW: I was going to say -- I was going to say -- so it makes sense to me. I would point out however we decide on that one that the Gamma Phi Beta house, which is the house to the south, they didn't write anything and they're not here saying, hey, the headlights are going to come from the parking lot into my windows. Right? So it's -- it's our judgment to add that or not add that, assuming we want to approve this variance.

MS. HAMMEN: Any more discussion? Would someone like to make a motion or shall I read it?

MR. ZENNER: Or I can simplify the motion for you.

MS. HAMMEN: All right.

MR. ZENNER: I guess there are, I believe, three parts to this motion.

MS. HAMMEN: All right.

MR. ZENNER: I'll work with -- I'll work with Ms. Smith next time to give you simpler motions. So in regards to the parking variances that have been requested for this project, a motion is being made that the Board approves said request by allowing parking to the nine parking spaces shown on the revised site plan to exist within the side yard setback on the southerly property boundary, be parked perpendicular to the driveway, encroach into the required front yard and rear yard setbacks.

MS. HAMMEN: So you're combining -- you're combining --

MS. SMITH: Six is perpendicular.

MR. ZENNER: Oh, six is perpendicular? I'm sorry. So we'll take six off.

MS. SMITH: You're on three.

MR. ZENNER: I'm on three.

MS. HAMMEN: Yeah. We're on three.

MR. ZENNER: Generally --

MS. HAMMEN: So parking and/or paved --

MR. ZENNER: Parking and paving is where we are. Right?

MS. HAMMEN: -- in the front, side, and rear yards.

MR. ZENNER: So basically you are approving variance number three to allow parking to occur within the front, rear, and side yards along the southerly property boundary, the Richmond Avenue and then the rear setback.

MS. HAMMEN: And screening.

MR. ZENNER: Do you -- would you like the screening added? Is there a consensus that the Board would like that?

MR. NORGDARD: Yes.

MR. ZENNER: And in order to mitigate light -- headlight bleed over to the southerly property, the installation of a four-foot natural hedge to be installed along the southerly property boundary abutting the nine parking spaces.

MR. CREW: Do we need to also have the condition for the certificate of occupancy?

MS. HAMMEN: No.

MR. ZENNER: That will come -- that will come -- that is a separate --

MR. CREW: Okay.

MR. ZENNER: That will be an entirely separate -- that will be with the parking waiver.

MR. CREW: Okay. Sorry. Yeah.

MS. HAMMEN: All right. And that front yard parking, it is required -- that landscaping that's on the revised site plan?

MS. SMITH: It's required for a different reason.

MS. HAMMEN: Right.

MS. SMITH: It's pavement within 25 feet of the right-of-way. It -- it comes up in a different way, but it has the effect of screening those parking spots anyway.

MS. HAMMEN: Okay.

MS. SMITH: Yeah.

MS. HAMMEN: So we don't have to reiterate that because it is required?

MS. SMITH: Yeah.

MS. HAMMEN: All right. Is there a second to -- so I so move --

MR. SHARP: Second.

MS. HAMMEN: -- what Mr. Zenner said.

MR. CREW: Second.

MS. HAMMEN: Okay. So --

MR. NORGARD: Lots of seconds.

MR. SHARP: Take your pick.

MS. HAMMEN: Mr. Crew is second. Any more discussion of that? All right. Would you call the roll, please.

MR. ZENNER: All right. Mr. Crew?

MR. CREW: Yes.

MR. ZENNER: Mr. Norgard?

MR. NORGARD: Nay.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: Mr. Sharp?

MR. SHARP: Yes.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Motion passes four to one.

MS. HAMMEN: Thank you. Variance number four, variance from Section 29-4.3 and Table 4.3-1 to permit a reduction in the required off-street parking spaces provided to nine spaces. This is short by 18 required parking stalls (27 would be required to facilitate the desired bed count of 61 after taking into account all permitted parking reduction factors). Here is where we want the -- the occupancy thing. Any discussion on this?

MR. CREW: I guess that we have the 18 parking spaces conditional to the certificate of occupancy being granted.

MS. HAMMEN: Okay. So, maestro?

MR. ZENNER: Motion -- variance number four, a motion to -- a motion is being made to approve variance number four allowing for a reduction in on-site parking spaces such that nine shall be provided

on the site as shown on the revised site plan, and the remaining 18 necessary to support a 61 bed fraternity house shall be provided off site via a parking contract submitted to the City of Columbia prior to the issuance of the certificate of occupancy for the structure to be built at 802 Richmond Avenue.

MR. NORGARD: Would that be for the required number of --

MR. ZENNER: The 18 and the nine gets you to 27.

MS. HAMMEN: Yeah. Thank you. That sounds good. I so move.

MR. SHARP: Second.

MS. HAMMEN: Okay. Mr. Sharp seconds. Any more discussion on that? All right. Would you call the roll, please.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Mr. Sharp?

MR. SHARP: Yes.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: Mr. Norgard?

MR. NORGARD: Nay.

MR. ZENNER: Mr. Crew?

MR. CREW: Yes.

MR. ZENNER: Motion passes four to one.

MS. HAMMEN: Thank you. Number five, A variance to permit paving in rear -- in the required rear yard to exceed the greater of 500 square feet or 30 percent of the required rear yard area, as shown on the proposed revised site plat, per Section 29-4.3(f)(1)(v). Discussion? You know we haven't talked about this very much, and the dumpster does not count; is that correct? The dumpster pad, does that count toward the paved?

MR. ZENNER: Yes, it does.

MS. HAMMEN: Oh, okay.

MR. ZENNER: So -- and hence the reason for the uncertainty as to the maximum areas, as Ms. Smith pointed out.

MS. SMITH: Apply it to the site plan.

MR. ZENNER: Yeah. And I think as the motion was just read by Ms. Hammen, that is the motion that would be appropriate to approve or to use as the motion for approval. It describes everything that needs to be captured.

MR. NORGARD: I have a quick comment. It goes to some of the -- some uncertainty about the actual section you called out. You indicated 29-4.3(f)(1)(5), but I contend that that (v) may be a (v) instead of a Roman numeral five.

MS. HAMMEN: Oh.

MR. NORGARD: Just -- just so that is clear and possibly in the record.

MS. HAMMEN: All right. Thank you. You know, I almost said v, and I thought, oh, it's a five.

MS. SMITH: I don't remember.

MR. NORGARD: Yeah. I can't tell.

MS. HAMMEN: Yeah.

MR. ZENNER: Our subparagraphs underneath our principal paragraphs that are lettered, then numbered, then Roman numeral numbered. So it is probably Roman numeral five --

MS. HAMMEN: Okay.

MR. ZENNER: -- which is v. We will get the parliamentarian out later to go through the Code and tell us.

MS. HAMMEN: So should we keep that into the motion -- that section?

MR. ZENNER: Yes.

MS. HAMMEN: All right.

MR. ZENNER: It is -- it is the section -- it is the appropriate referenced section if it is five or v.

MS. HAMMEN: So we will say Roman number v at the end?

MR. ZENNER: That is what I believe it to be.

MS. HAMMEN: All right. So I so move that. Is there a second?

MR. CREW: Second.

MR. NORGARD: Second. Crew has got it.

MS. HAMMEN: All right. Would you call the roll, please. We're getting slap happy.

MR. ZENNER: You're going to get -- you're going to get punchy tonight. Mr. Crew?

MR. CREW: Yes.

MR. ZENNER: Mr. Norgard?

MR. NORGARD: No.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: Mr. Sharp?

MR. SHARP: Yes.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Motion passes four to one.

MS. HAMMEN: Thank you. Number six, a variance to permit perpendicular parking -- the proposed parking layout is in violation of Section 29-4.3 (f)(3)(iii) -- Roman numeral iii -- which states that parking of vehicles in a direction perpendicular to the driveway is prohibited, except in the rear yard. As depicted on the revised site plan, the parking of vehicles will be perpendicular to the driveway in both the front and side yards. Any discussion of this? I suppose in this motion we really want to include a screening, also?

MS. SMITH: It's the same parking.

MS. HAMMEN: Right.

MS. SMITH: So if they've already got it, I don't think you need it. It is redundant.

MS. HAMMEN: Really?

MS. SMITH: Yeah.

MS. HAMMEN: Well, I'd rather be redundant.

MS. SMITH: Okay.

MR. ZENNER: It's her right.

MS. HAMMEN: Okay.

MR. ZENNER: I can -- I can read you the motion.

MS. HAMMEN: Okay. So read it. Yes, please.

MR. ZENNER: A motion is being made to approve variance number six, if I am correct --

MS. SMITH: Yes.

MR. ZENNER: -- to permit parking perpendicular to the driveway, subject to the addition of a natural screening buffer along the southerly property line of the development site as shown on the revised site plan.

MS. HAMMEN: And what about parking in the front yard?

MR. ZENNER: It's perpendicular parking within the front and rear yards of the -- as shown on the revised site plan, subject to the installation of a natural screening buffer no less than four feet in height -- I forgot to put the height in -- along the southerly property line.

MR. NORGARD: And just to be clear, you said front and rear. Do you mean front and side?

MS. SMITH: Front and side.

MR. ZENNER: Front and side. Front and side. Boy, you people are getting really grumpy.

MS. HAMMEN: Very good. Yes.

MR. CREW: Motion to approve.

MR. ZENNER: All right.

MR. SHARP: Second.

MS. HAMMEN: Mr. Sharp, second; Crew, first. All right. Thank you. Any more discussion? Okay. Roll call, please.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: Mr. Sharp?

MR. SHARP: Yes.

MR. ZENNER: Mr. Norgard?

MR. NORGARD: No.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Mr. Crew?

MR. CREW: Yes.

MR. ZENNER: Four to one. You all realize I'm trying to mix up the names so you all maybe will stumble over somebody's name. it doesn't work.

MS. HAMMEN: Take us by surprise.

MR. ZENNER: That's right. All right.

MS. HAMMEN: Number seven.

MR. ZENNER: We're almost done.

MS. HAMMEN: Yes. A variance from Section 29-4.7(c) to allow the proposed structure to be constructed within 24 feet of the rear property line as shown on the proposed site plan without stepping down the building or providing additional rear yard setback as is required by the neighborhood protection standards for residential zones. Discussion? Can we -- go ahead.

MR. NORGARD: I was just going to move that we make this approval, but I'll let Pat read it.

MR. ZENNER: No. The motion that was made was fine. So is there a second to that motion?

MS. HAMMEN: Mr. Norgard made the motion.

MR. CREW: Second.

MS. HAMMEN: Mr. Crew, second. Roll, please.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Mr. Sharp?

MR. SHARP: Yes.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: Mr. Norgard?

MR. NORGARD: No.

MR. ZENNER: Mr. Crew?

MR. CREW: Yes.

MR. ZENNER: Motion passes four to one. All seven variance requests have been passed four to one. A Board order will be so issued with the conditions as stated. And I would suggest that it may be time for a break.

MS. HAMMEN: Time for a break. So thank you very much, applicants and audience. You've been very patient, and good job.

MR. COLBERT: Thank you. We appreciate your time.

(Off the record)