

BOARD OF ADJUSTMENT – APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
Community Development Department
City Hall, 701 E. Broadway, Columbia, Missouri 65201

SUBJECT: Request for approval of a variance from requirements of the Unified Development Code on the following described property located in the City of Columbia, County of Boone, State of Missouri (legal description):

lot 19, West Worley Addition

which is presently zoned B-1 and known, or to be known, as 1309 W. Worley St
(Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 1631300630120001

Notice is hereby given that Applicant(s) requests a variance with respect to the above described property from the Decision of Building & Site Dept

On the 4 day of April, 20 24 said official did

The reason given for such action was that
Driveway within 5' of side property line

which does not comply with Section 29-4.1-5, Code of Ordinances of the City of Columbia, Missouri, which Section provides or requires that Driveway must have a minimum of 5' from side property line

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

There are practical difficulties or unnecessary hardships, or both, in the way of carrying out the strict letter of the Ordinance because (all claims shall be justified by supporting documentation. Add additional pages or provide separate letter for response) See attached letter

If the Board of Adjustment varies or modifies the application of the Ordinance as requested, nevertheless there will be a substantial compliance with the Unified Development Code, the spirit of the Unified Development Code will be observed, public safety and welfare will be secured, and substantial justice will be done because (applicant shall fully respond to "Criteria for Approval" as shown in Section 29-6.4(d)(3)(i). All claims to be justified by supporting documentation. Add additional pages or provide separate letter for response)

Applicant(s) requests that the Board of Adjustment vary or modify the application of the Ordinance to the above described property to the extent indicated, and that the variance would allow a parking space be placed within one foot of the side property line as shown in the attached site plan

4/24/24
DATE

SIGNATURE(S) Michael L. Timbrell
PRINTED NAME Michael L. Timbrell
ADDRESS 14465 Steven Kole Ct Boonville, MO 65233
TELEPHONE 573 864 8721

CAPACITY OR INTEREST IN PROPERTY Owner Agent/ Representative

This application is hereby acknowledged as being received for Board of Adjustment consideration by:

COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE Patrick E. Jenner
DATE 4/29/2024

April 24th 2024

DATE:

TOPIC:

Dear City of Columbia,

Please allow me to keep my driveway. My father has ADA needs and his needs have been implemented throughout the house build. It will keep him from having to manoeuvre through Worley St and impatient drivers.

QUESTIONS:

I do apologize for any misconduct or being against any codes, as I have tried to be open and transparent with my plans. ~~to~~ I was in open communication with my neighbor (tenant = owner) at 1311 W. Worley St. to make sure they didn't have any objections. When planning with my contractor, I was assured that it would not cause any issues. If I had known I would have planned differently.

IDEAS:

I understand there are regulations + codes in place for good reason and I do hope you can make this an exception. I, Thank you, in advance for your time.

ACTION:

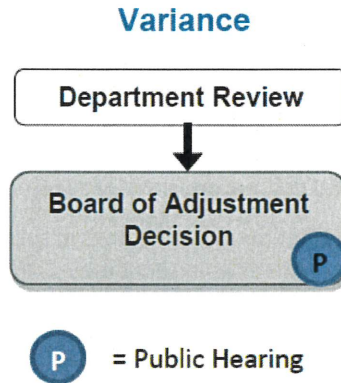
Sincerely,

Tracy B
Owner: 1309 W. Worley St.
Tracy Bussing

-
-
-
-
-
-
-
-
-
-

Transfer to your planner!

(d) Variance.



(1) Procedure.

- (i) An applicant may apply for a variance from the zoning regulations of this chapter, but no variance may change the review and approval procedure for any type of application set forth in this chapter.
- (ii) An application for a variance shall be decided by the board pursuant to the criteria shown in subsection (2) below, with the following exceptions:
 - (A) No variances from the subdivision standards in section 29-5.1 are permitted. Requests for deviations from the subdivision standards shall be considered by the commission and decided by council during the subdivision of land procedures in section 29-5.2.
 - (B) Variances in the historic preservation overlay district shall be approved as described in section 29-2.3(c)(14) (variances).
 - (C) Variances in the floodplain overlay district shall be approved as described in section 29-2.3(d)(15) (variance procedures) and section 29-2.3(d)(16) (conditions for variances).
 - (D) Variances from sign regulations shall be approved as described in section 29-6.4(d)(2)(ii) (sign variances).
- (iii) Any person or persons, jointly or severally aggrieved by any decision of the board, any taxpayer, or any officer or director of the city, may appeal a decision of the board to a court of competent jurisdiction.

(2) Criteria for approval. The board may approve an application for a variance from the terms and provisions of this chapter if it determines that all of the following are true.

(i) **General criteria.**

- (A) The variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain, location or other factors of the applicant's site, those difficulties or hardships are not generally applicable to property in the area, and the difficulties or hardships were not created by the actions of the applicant;
- (B) The variance will not have the effect of permitting a use of land that is not indicated as a permitted or conditional use in section 29-3.1 (permitted use table) in the zone district where the property is located, nor shall a variance be granted to modify a standard that operates as part of the definition of any use;
- (C) The variance will not permit a development that is inconsistent with the adopted comprehensive plan;

(D) The variance is the least change from the requirements of this chapter necessary to relieve the difficulty or hardship; and

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

- (ii) *Sign variance.* The board may only grant a variance to the sign regulations in section 29-4.8 if it also determines (in addition to the criteria in subsection (i) above) that variance will not change both the maximum size and the maximum height of freestanding signs.
- (iii) *Floodplain regulations.* In addition to the findings in subsection (i) above, no variance to the floodplain overlay district regulations in section 29-2.3(d) shall have any effect unless the record of the proceeding before the board contains a written opinion of a registered professional engineer that the granting of the variance would not result in any increase in quantity or velocity of flow, degradation of water quality, or negative impacts upon adjoining or downstream properties, nor upon the stormwater system, which shall be accompanied with supporting documentation used by the engineer in rendering the opinion required by this section.

(A) Loading & unloads handycap on busy street of W. Wootley. ¹³⁰⁹

(B) No chance of use of land

(C) The variance will not permit a development that inconsistent with the adopted comprehensive plan

(D) The variance is the only option for a additional parking spot for handycap parking.

(E) The variance will not have an effect on public health safety or welfare. Improvement would be consistent with neighborhood.

Michael L. Loeff



April 24, 2024

Imhoff Foundation Company, LLC
19465 Steven Kole Ct.
Boonville, Mo. 65233

RE; 1309 W. Worley St.

Final inspection or Certificate of Occupancy can not be approved or issued due to violation of driveway within 5' of side property line per Table 4.1-5 Yard Area Exceptions

Doug Kenney
Senior Building Inspector
Building & Site Development

M:\2023\23004-Heying\23-0908-01-Irnhoff.dwg - Layout1, User: Wanderer, Sep 22, 2023 - 12:04pm

PLOT PLAN FOR THE MIKE IMHOFF FOUNDATION CO LLC

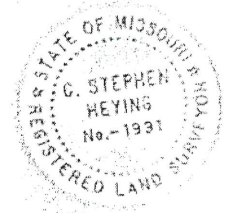
1309 W. Worley Street
Lot 19 of West Worley Addition
City of Columbia, Boone County, MO

Lot 19, West Worley Addition, as recorded in Plot Book 4 at page 7 of the Records of Boone County, Missouri, except that part for additional right-of-way for Worley Street as recorded in Book 3637, page 96.

This is to state that in September 2023, I, C. Stephen Heying, PLS #1991, completed a survey of the hereon described lot. The results of the survey of this Urban Type property, made at the request of Mike Imhoff, and executed in accordance with the current Missouri Standards for Property Boundary Surveys, are shown on this plot plan.

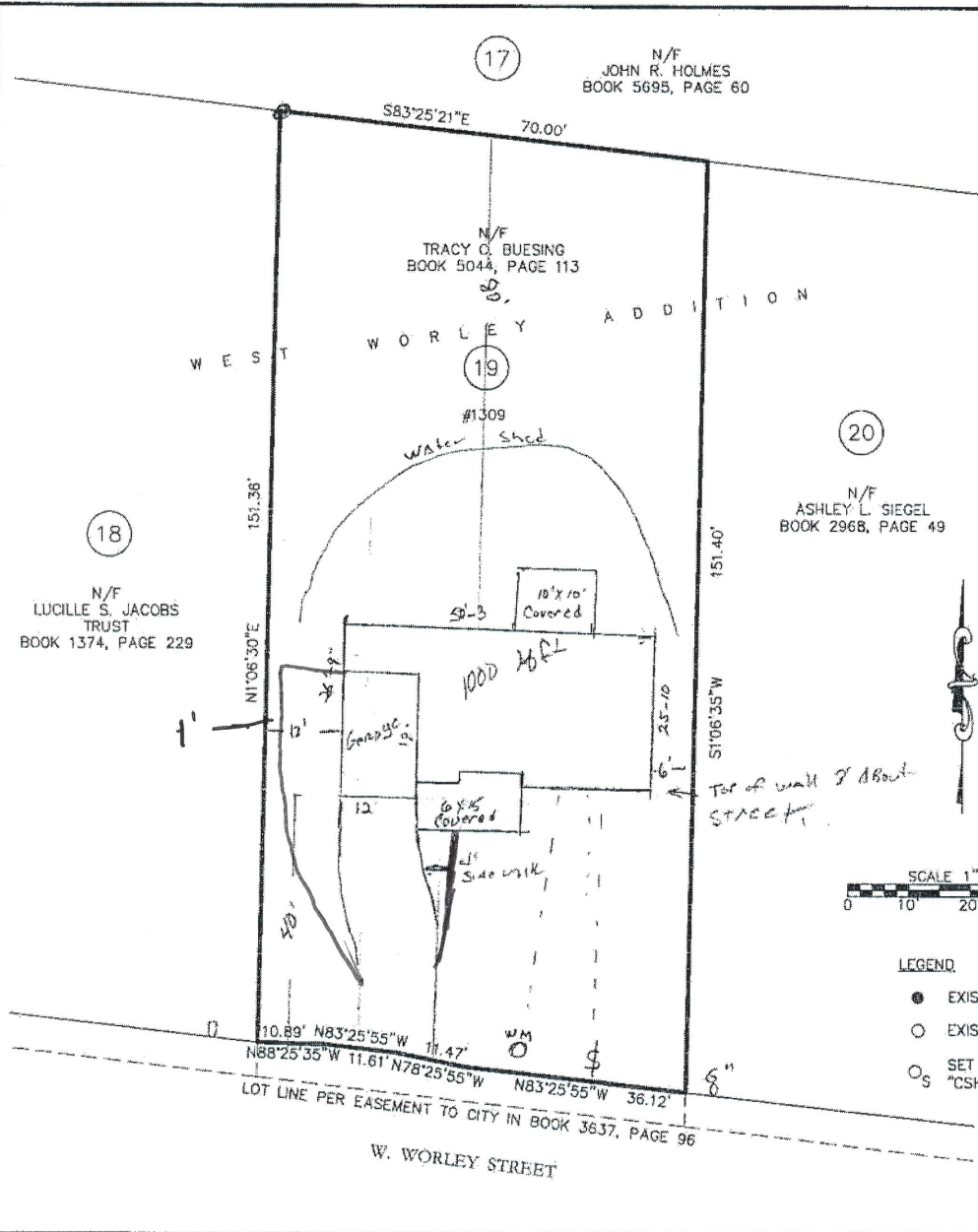
C. STEPHEN HEYING SURVEYING
BY:

C. Stephen Heying
C. Stephen Heying
Professional Land Surveyor
LS #1991



NOTES

- 1) The name, width and location of all known easements are shown on this survey. However, this tract may be subject to easements, unknown to me, that are not shown on this survey.
- 2) Bearings are based on the easement recorded in Book 3637, page 96, of the Records of Boone County.
- 3) Per Flood Insurance Rate Map 29019C0280E, dated April 19, 2017, this tract is located within Zone X, "Area of Minimal Flood Hazard".

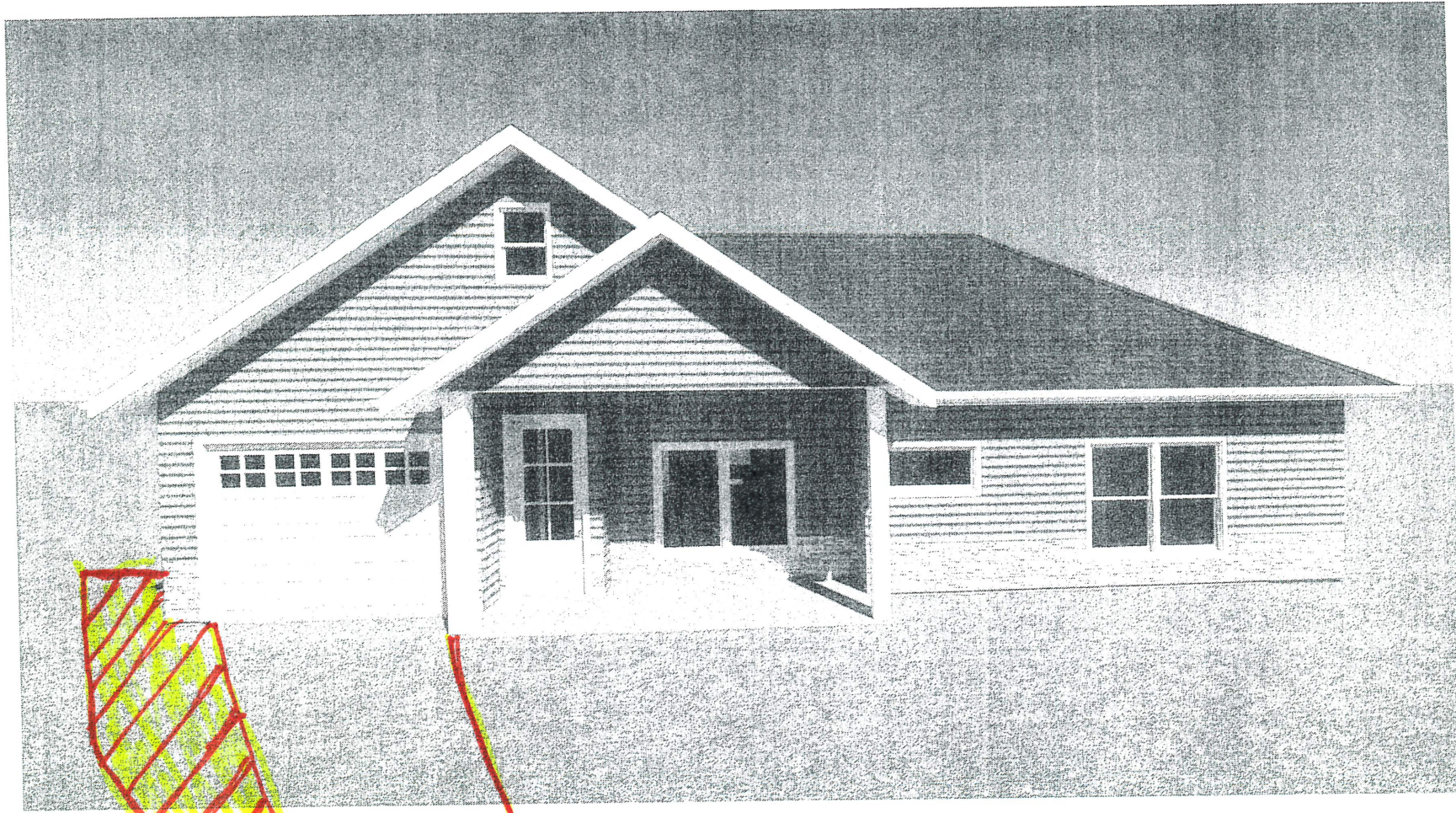


LEGEND

- EXISTING REBAR
- EXISTING PIPE
- SET 1/2" PIPE "CSH 1991"

PLOT PLAN FOR		
THE MIKE IMHOFF FOUNDATION CO LLC		
Located in the East Half of the West Half of the Northwest Quarter Section 11, Township 48 North, Range 13 West		
1309 W. Worley Street, Columbia, Boone County, Missouri		
PREPARED BY C. STEPHEN HEYING SURVEYING 1202 MADISON STREET COLUMBIA, MISSOURI 65203		
PHONE & FAX (573) 442-3455		
JOB # 23-0908-01	SURVEY DATE SEPTEMBER 22, 203	DRAWN BY: JAC





****COVER PAGE IS AN ARTISTIC RENDERING AND IS NOT 100% ACCURATE TO THE BUILD. PLEASE USE FLOOR PLAN AND SELECTION SHEET/CIS FOR FINAL BUILD (SEE DISCLAIMER)****

TYPICAL HEAD NOTES:
OFFRANGES ARE 1'-0" UNLESS SHOWN OTHERWISE.
SEE ELEVATIONS FOR FINISHES AND HEIGHTS.
ALL EXTERIOR FINISHES TO BE IDENTIFIED BY THE BUYER.
*ALL SHOWER HEADS TO BE IDENTIFIED BY THE BUYER.
*SHOWER TILE STOPS AT 6" ON WALL.
*CONTINGENTS HEADERS ABOVE THE DOOR.
*WALL GROUPS WILL BE NECESSARY IN BASEMENTS.
*9" OR LESS FOR DUCTWORK.
***SIGNING OFF PLANS MEANS THE BUYER/CLIENT ACKNOWLEDGES AND ACCEPTS THESE TERMS**
COPYRIGHT 2023

IMPORTANT DISCLAIMER:
***ALL RENDERINGS, OFFERINGS OR ANY OTHER ASPECTS OF PROJECT ARE FOR VISUAL AID AND SHOULD NOT BE USED FOR ANY OTHER PURPOSES. PLEASE REFER TO FLOOR PLAN AND SELECTION SHEET/CIS FOR REPRESENTATION OF FINAL WORK. BY SIGNING OFF ON PLANS, THE BUYER ACKNOWLEDGES THIS REPRESENTATION OF FINAL WORK AS A MEASURE OF THE WORK COMPLETED. (THIS INCLUDES THE COVER PAGES AND 3D DESIGN ELEMENTS) ***

SF	953
AREA TOTALATION	
AREA 1st FLOOR	318
PORCH	100
COVERED PATIO	86
UNCOVERED PATIO	120
TOTAL AREA	1577

NOTES:
1. THE DRAWINGS SHOWN ARE DIFFERENTIAL DRAWINGS.
2. CONSULT THE DATA SHEETS FOR ALL MATERIALS AND FINISHES.
3. OFFERS AND BIDDERS SHOULD BE BASED ON THE PLAN AND SPECIFICATIONS.
4. ALL WORK TO BE COMPLETED IN 90 DAYS.
5. ALL WORK TO BE COMPLETED IN 90 DAYS.

OFFSITE - BUESING



MODEL	CUSTOM
SHEET	COVER
CUSTOMER	BUESING
COMMUNITY	OFFSITE/DEVELOPMENT
ADDRESS	N/A
LOT	N/A
SCALE	1/4" = 1'-0"

REVISION:	BASE/NO
SHEET#:	TOTAL SHEETS
1	8

GIRARD HOMES LLC
600 CHERRY ST. SUITE 201
COLLEMBIA, MD 21051
PHONE: (301) 485-2422

April 24th, 2024

To: The City of Columbia,

It is my understanding as the owner of 1311 W Worley St. Columbia, MO 65203 that the property adjacent, 1309 W Worley St. Columbia MO 65203, needs a Letter of Permission for the driveway.

The owner has been in open communication with me when planning this driveway to make sure it would not impede my property. From my understanding it is to help with the safety of her father's ADA needs and living on Worley St. I have no issues or complaints regarding the location of her driveway, and it does not affect my property.

Please allow the owner of 1309 W Worley St. Columbia, MO to retain her driveway.

Sincerely,

Jucille S. Jacobs Trust
Delton Jacobs Trustee

April 24th, 2024

To: Whom it May Concern at City of Columbia,

It is my understanding as the tenant of 1311 W Worley St. Columbia, MO 65203 that the property adjacent to mine, 1309 W Worley St. Columbia MO 65203 is need of a Letter of Permission for the driveway.

The owner was in contact with me when planning this driveway to make sure it would not bother or impede my property, as it is to help with her father's ADA needs. The driveway is not in any way going to affect my property and I look forward to seeing her father get around without the dangerous traffic of Worley St.

Please allow the owner of 1309 W Worley St. Columbia, MO to retain her driveway.

Sincerely,

Ruby Henderson
Ruby Henderson