## BOARD OF ADJUSTMENT - APPLICATION FOR A VARIANCE

TO:
BOARD OF ADJUSTMENT
Community Development Department
City Hall, 701 E. Broadway, Columbia, Missouri 65201
$\begin{array}{ll}\text { SUBJECT: } & \begin{array}{l}\text { Request for approval of a variance from requirements of the Unified Development } \\ \text { Code on the following described property located in the City of Columbia, County of } \\ \text { Boone, State of Missouri (legal description): }\end{array} \\ \text { Lot } 1 \text { of Pi Beta Phi Plat } 1 \text { as recorded al Book 5.5, Page } 78 \text { of the Real Property Records ol Boone County, Missour }\end{array}$
$\qquad$
which is presently zoned $\quad$ R-M $\quad$ and known, or to be known, as $\frac{511 \mathrm{Rollins} \text { St. }}{\text { (Street Number and Name) }}$

County Assessor's 14 Digit Real Estate Tax Number:
16 -(6)08-00-(0)-(026.00) (0)

Notice is hereby given that Applicant(s) requests a variance with respect to the above described property from the Decision of_ Patrick Zemner, Development Services Manager, Community Development Department

On the $\quad 3 \mathrm{rd}$ day of November, $20 \underline{21}$ said official did $\quad$ deny the recpuest lor approval of the site plan attached hereto as Exhibit B.

The reason given for such action was that the proposed site plan does not comply with the Unified Development Code for the reasons set forth in the denial letter attached hereto as Exhibit C .
which does not comply with Section see Exhibit C , Code of Ordinances of the City of Columbia, Missouri, which Section provides or requires that see Exhibit C

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 cover letter. Additionally, the Applicant desires to preserve the original Chapter House, which was constructed in the 1930s.
However, the original Chapter House was constructed over lot lines. Because the UDC prohibits building across lot lines, the Applicant was required to replat the lots - which required dedication of additional right-of-way, thereby reducing the size of the lot and triggering the need for variances. 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 296.4(d)(3)(i). All claims to be justified by supporting documentation. Add additional pages or provide separate letter for response)_See attached cover letter

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 see attached cover letter and Exhibit B

| December 13, 2021 | SIGNATURE(S) |  |
| :---: | :---: | :---: |
| DATE | PRINTED NAME | Caleb Colbert |
|  | ADDRESS TELEPHONE | 827 E. Broadway, Ste. B, Columbia, MO 65201 573-442-3.53.5 |

CAPACITY OR INTEREST IN PROPERTY Attorney lor Applicant

December 13, 2021

VIA E-MAIL<br>Patrick Zenner<br>Development Services Manager<br>Community Development Department - City of Columbia<br>701 E. Broadway<br>Columbia, MO 65201<br>\section*{Re: 511 Rollins St., Columbia, MO 65201 Revised Application for Variance - Pi Beta Phi}

Dear Mr. Zenner and Members of the Board of Adjustment:
This firm represents the Missouri Alpha Chapter of Pi Beta Phi House Corporation ("Pi Beta Phi") and has been authorized to submit the enclosed Application for Variance and related exhibits on its behalf. Thank you in advance for your time and attention to our application.

## I. Background on Property and Proposed Renovation

Pi Beta Phi owns the real estate located at 511 Rollins St., Columbia, MO 65201. The property is located in the area known as Greek Town and is adjacent to the University of Missouri campus. The property is home to the Pi Beta Phi sorority and is currently improved with a threestory house with a basement. Of note, the original structure was constructed in 1930. Pi Beta Phi constructed an addition to the original house in 1957. A second addition was added to the chapter house in 1971. The current chapter house therefore consists of: 1) the original 1930 chapter house; 2) the 1957 addition; and 3) the 1971 addition. The current chapter house is depicted on Exhibits A-1 through A-4.

Pi Beta Phi proposes to renovate the chapter house by demolishing the 1957 and 1971 additions and replacing those additions with a three-story structure at the rear of the original chapter house. However, Pi Beta Phi desires to preserve the original 1930 chapter house and will not be demolishing the original structure. The proposed site plan for the Pi Beta Phi renovation is attached as Exhibit B.

Although the original chapter house is being preserved, the City has determined that the proposed replacement of the 1957 and 1971 additions triggers an obligation to bring the entire property into compliance with the Unified Development Code (the "UDC"). As discussed more fully below, bringing the entire site into full compliance with the UDC is impossible if the original 1930 building is to be preserved.

After Pi Beta Phi submitted its proposed site plan, the City issued its denial letter dated November 3, 2021. The November 3, 2021 denial letter is attached as Exhibit C.

Based on the November 3, 2021 denial letter, Pi Beta Phi respectfully requests that the Board grant the following variances in order to allow the 1930 structure to be preserved:

1) Variance from Section 29-4.1(a), Table 4.1-1 to permit the building to encroach into the rear yard setback as shown on Exhibit B;
2) Variance from Sections 29-4.3(f)(3)(i) and (ii) to permit parking in the front and east side yard as shown on Exhibit B;
3) Variance from Section $29-4.3(\mathrm{f})(3)(\mathrm{iv})$ to permit parking in the rear yard without installation of screening;
4) Variance from Section 29-4.3(f)(1)(v) and 29-4.1(b)(1)(i) to permit paving to exceed $30 \%$ of the required front and rear yards as shown on Exhibit B;
5) Variance from Section 29-4.3(f)(1)(iv) to permit off-street parking to be located in the public right-of-way, as shown on Exhibit B, subject to the requirement that the City Council approve a right-of-use permit allowing the parking to be located in the right-ofway;
6) Variance from Section 29-4.3(f)(3)(iii) to permit parking perpendicular to the driveway as shown on Exhibit B;
7) Variance from Section 29-4.3 and Table 4.3-1 to reduce the off-street parking requirement to 34 spaces as shown on Exhibit B; and
8) Variance from Section 29-4.3 and Table 4.3-1 to reduce the off-street parking requirement to 10 spaces.

## II. Hardship and Practical Difficulty

Pi Beta Phi believes that the proposed site plan represents the best layout for the property if the original 1930 structure is to be preserved. Simply put, full compliance with the UDC is not possible in light of: 1) the unique layout of the property if the original chapter house is preserved; and 2) the unique nature of Greek Town.

As to the unique layout of the property, the original 1930 structure was built on two adjacent lots that were originally platted in 1910. However, the UDC requires that those two individual lots be replatted and consolidated into a single lot so that the structure does not cross any lot line. In turn, the requirement to replat triggers an obligation to dedicate an additional 13' of right-of-way along Rollins Street and an additional 5' of right-of-way along the rear alley. The re-platting and right-of-way dedication essentially squeezes the lot by moving all of the setbacks closer to the structure - making it impossible to bring the site into compliance with the UDC without demolishing the original 1930 chapter house.

Pi Beta Phi
December 13, 2021
Page 3 of 4

It's worth noting that most of the requested variances are needed to address non-compliant conditions which already exist on the site. For example, there is currently parking in the front yard setback and the side yard setback. The parking in the rear yard does not have any screening between the parking and the alley. The paving in the rear yard currently exceeds $30 \%$ of the rear yard. Thirty-three off-street parking spaces are currently provided on-site. A site plan showing the current site conditions is enclosed as Exhibit D.

Finally, Greek Town is a unique area of Columbia. The original subdivision was platted in 1910 and pre-dates the City's current zoning and subdivision regulations by more than a century. Greek Town consists primarily of fraternity and sorority houses which are a unique subset within the "multifamily residential" use. Greek housing is simply different than a traditional multifamily structure. Greek housing typically includes cafeterias, community dining rooms, community libraries, community meeting rooms, in addition to the actual dwelling areas. Greek Town is a densely developed area within easy walking distance of the University of Missouri campus. Because of the unique nature of Greek Town and Greek housing in general, application of the UDC to the property results in an unnecessary hardship and practical difficulty to the property owner.

Accordingly, Pi Beta Phi respectfully requests approval of the variances outlined above in order to preserve the original 1930 chapter house while also accommodating the proposed construction of the addition shown on the site plan.

## III. Criteria for Approval

We believe the requested variances satisfy each of the requirements of UDC § 296.4(d)(2)(i).
a. Each Variance is Required to address Practical Difficulty or Unnecessary Hardship related to the shape, size, terrain, location or other factors of the applicant's site

We believe the hardship or practical difficulty criteria is clearly satisfied. As noted above, the applicant's site is located in Greek town, lacks the size necessary to fully comply with the UDC and has many existing, non-compliant conditions. Further, application of the required setbacks after dedication of the additional right-of-way exacerbates the existing issues.

## b. No Variance will allow for a nonconforming/unpermitted use

The property is zoned R-MF and the proposed use of the site is multifamily residential, which is a permitted use in the R-MF zoning district. If the Board approves the requested variances, none of the variances will change the use to a non-conforming or unpermitted use.
c. No Variance will permit a development that is inconsistent with the adopted comprehensive plan

The property at issue is in an area designated in Columbia Imagined as residential. If the Board approves the requested variances, the requested variances will not change the residential nature of the development or permit a development inconsistent with Columbia Imagined.
d. Each Variance is the least change from the requirements of this chapter necessary to relieve the difficulty or hardship

Each of the requested variances represents the least change from the requirements of the UDC necessary to relieve the difficulty and hardships created by the unique location of the property and the unique challenge presented by preserving the original 1930 chapter house. Further, any modification from the proposed site plan results inevitably results in a need for a variance elsewhere. For example, eliminating the parking in the side yard setback just shifts more parking into the front yard setback. Similarly, eliminating the parking perpendicular to the driveway either increases parking in the setbacks or reduces the overall parking provided.
e. No variance will harm the public health, safety or welfare or be injurious to other property or improvements in the area where the property is located

None of the proposed variances will have an adverse impact on public health, safety or welfare or be injurious to other property or improvements in the area.

## IV. Conclusion

For all of these reasons, we respectfully believe that the criteria necessary for approval of the requested variances has been satisfied and respectfully request approval of the requested variances.

Again, thank you in advance for your consideration of our application. If we can provide any other information or answer any questions, please do not hesitate to contact us.

R. Caleb Colbert

## Enc:

Application for Variance
Ex. A-1 to A-4 - Depiction of Current House
Ex. B - Proposed Site Plan dated October 28, 2021
Ex. C - Denial Letter dated November 3, 2021
Ex. D - Site Plan of Original 1930 Chapter House

Welcome to the Boone County Parcel information iner. Wint this viewer you ar terrain, and aerial photos for Boone County, MO. You can also use the search box above to quickly search for properties by owner's name, address, or parcel number or simply click on the map to view its owner information.

and suggestions regarding this ne mapping application. E-mail GIS These maps were prepares for the invenoy of real propery base













Community Development
November 3, 2021
Michael Hug
TreanorHL
211 N. Record Street, Ste. 450
Dallas, TX 75202

## Re: Denial Letter - PI BETA PHI Sorority New Chapter House, 511 Rollins Street (variances)

Dear Mr. Hug:
This letter is to inform you of site and building aspects in connection with the proposed redevelopment of the PI BETA PHI Sorority's new Chapter House on property addressed 511 Rollins Street which are not consistent with the requirements of Sections of the City of Columbia's Unified Development Code (UDC). This determination has been based upon the REVISED site plan and elevation documents submitted to our offices on October 28, 2021 and supersedes any previously issued denial letters for this site. The following deficiencies in meeting the denoted Sections of the UDC will require relief to be granted by the Board of Adjustment (BOA) prior to a building permit being issued for the anticipated/desired construction.

## Yard and area violations

1. The proposed future building is within the required 25 -foot rear yard setback for the R-MF zone. This violates Section 29-4.1(a), Table 4.1-1.
2. Proposed parking is within the required front and eastern side yard setbacks. This violates Sections 29-4.3(f)(3)(i) and (ii).
3. Proposed parking is within the required rear yard without proper screening. This violates Section 29-4.3(f)(3)(iv).
4. Paved surfaces within the required front and rear yards exceed the permissible $30 \%$ or 500 sq. ft . This is a violation of Section 29-4.3(f)(1)(v). The proposed site plan shows a total of 4,581 sq. ft . of paving within the required 50 -foot front yard setback (based on the median calculation from new property line) which is greater than the allowed $2,700 \mathrm{sq}$. ft . The rear yard is shown as containing $2,130 \mathrm{sq}$. ft . of paving which is greater than the allowed $1,360 \mathrm{sq}$. ft . (based on the required 25 -foot rear yard).
5. It appears that the site plan is seeking to obtain a waiver from the standard calculation method used for determining the median setback by utilizing the new property line location on the subject site as the starting point for measuring the existing building setbacks on the adjoining properties to the east and west. While this adjustment would result in a 37-foot median setback it does not resolve the issues of having greater than $30 \%$ or 500 square feet of paving in

[^0]573.874.7474 Service Counter

701 E. Broadway, P.O. Box 6015 Columbia, Missouri 65205
in the required front yard. A total of $3,514 \mathrm{sq}$. ft . of paved are would be located in required front yard which exceeds the $1,998 \mathrm{sq}$. ft . permitted. If it is your intent to pursue this relief you will need to seek variances from Section 29-4.1(b)(1)(i) as well as Section 29-4.3(f)(1)(v).
6. The proposed 10 parking spaces to the rear of the future construction and the front 2 parking spaces along the Rollins Street roadway frontage are located within recently dedicated public right of way. This violates Section 29-4.3(f)(1)(iv).

It is staff's understanding that a "Right of Use" permit has been requested from the City Council to allow these spaces to occupy City right of way. Depending on the outcome of this request the Board will still need to grant relief to permit excessive paving with no screening in the rear setback and relief from having parking in the required front yard setback as a portion of the proposed spaces along Rollins are located within the required front yard.

## Parking requirement violations

1. The proposed 34 parking spaces shown on the site plan do not comply with the requirements of Section 29-4.3(b), Table 4.3-1. A minimum of 40 spaces is required. Documentation as to where the remaining 6 spaces is to be provided unless a fully waiver of the required spaces is sought. 4 bicycle spaces would be required (per Section 29-4.3(k) and can be used to reduce the required parking. If the maximum number of beds is unchanged the proposed parking is two (2) spaces deficient following the application of the bicycle parking reduction.

Should the Board deny any variances to allow parking in the required front or rear yards additional parking space deficiencies will be created. The Board cannot consider variances in the "alternative"; therefore, it is possible an additional application specifically addressing parking may be required in the future. To alleviate this need, it is recommended that three separate requests for relief be submitted within this application. The first would address the issue of parking in the front and rear yard, the second would address the 6 -space deficiency, and the third would address a complete on-site parking deficiency. If the first two requests are approved the third could be withdrawn.
2. Parking forward of the sorority is not permitted to be perpendicular to the driveway per Section 29-4.3(f)(3)(iii). The prior design would have been considered a "non-conformity" with respect to location (being within the required front yard) as the parking was adjoining the driveway in its pre-redevelopment configuration.

Building \& Site - CATSO • Housing Programs • Neighborhood Services • Planning • Volunteer Programs

## Fire Access (Advisory)

1. The identified distance from the "Fire Apparatus Access" may not be compliant with the requirements of the IFC and its requirement that all points of a building be within 150-feet of such access. Modification of this requirement is outside the purview of the Board of Adjustment and may require relief from the Building Construction Codes Commission. Please consult with the Fire Department to ensure that this issue been resolved.

Given the details shown on the site plan and building elevations dated October 28, 2021, a permit authorizing the construction of the proposed improvements cannot be issued without first obtaining regulatory relief from the above identified deficiencies by the Board of Adjustment. The request for such Board relief will not be processed for consideration until the matter relating to the Right of Use permit has been taken up by the City Council.

This letter of denial has been based upon the information provided by your office. Its findings should not be considered as exhaustive as it relates to the possible relief that may be necessary to address all potential issues arising from the modification of the existing site improvements.
Additional variances may be identified upon formal submission of an application seeking Board of Adjustment action.

Should you have additional questions please contact our offices.
Sincerely,


Patrick R. Zenner, Development Services Manager
City of Columbia - Community Development Department



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