

**NOTICE OF APPLICATION TO THE BOARD OF ADJUSTMENT
(FOR A VARIANCE)**

17 DEC 11 AM 10:56

TO: **BOARD OF ADJUSTMENT**
Office of the City Clerk
City Hall, 701 E. Broadway, Columbia, Missouri

SUBJECT: Notice of appeal from Decision of Nina Hennkens, Plan Reviewer

in regard to the following described property located in the City of Columbia,
County of Boone, State of Missouri (legal description):

All of Lot Three (3) and Lot Four (4) of the Plat of La Grange Place, an addition to the City of Columbia, Boone County, Missouri, as shown by the plat thereof recorded in Plat Book 2, Page 17, records of Boone County Missouri.

which is presently zoned R-MF and known, or to be known, as 506 Rollins St. (Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 16-612-00-01-021.00 01

Notice is hereby given that Applicant(s) requests a variance with respect to the above described property.

On the 8th day of December, 20 17 said official did
deny Delta Tau Delta's proposal to construct a fraternity at 506 Rollins Street.

The reason given for such action was that
the proposed fraternity does not meet certain setback, height, yard and screening requirements, as set forth in the denial letter, which is incorporated herein by reference.

which does not comply with Section (see ltr), Code of Ordinances of the City of Columbia,
Missouri, which Section provides or requires that
See attached denial letter.

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
the current fraternity house has a capacity of 66 beds, but complying with all setback, parking, height and yard requirements would reduce the capacity of the fraternity house to a maximum of 28 beds.

If the Board of Adjustment varies or modifies the application of the Ordinance as requested by this appeal, nevertheless there will be a substantial compliance with the Zoning Ordinance, the spirit of the Zoning Ordinances will be observed, public safety and welfare will be secured, and substantial justice will be done because

the requested variances will not adversely impact any neighbors, the requested variances are consistent with other variance requests in Greek town and the requested variances will allow the property to be used in an efficient manner.

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 Board of Adjustment grant the requested variances listed in the attached cover letter, which is incorporated herein by reference.

Attached hereto and made a part hereof is a sheet entitled "Parties in Interest" which lists the names and addresses of all other parties in interest, to the best knowledge and belief of Applicant(s).

12/11/2017
DATE

SIGNATURE(S)

ADDRESS
TELEPHONE

601 E Broadway, Ste 203, Columbia, MO 65201
(573) 442-3181

CAPACITY OR INTEREST IN PROPERTY Caleb Colbert, Brown Willbrand, P.C. Attorney for Applicant

I hereby acknowledge receipt of a signed copy of the above Notice of Application, and I also acknowledge receipt of the deposit required to be made with said Notice of Application.

CITY CLERK
DATE

BW **BROWN WILLBRAND. P.C.**
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December 11, 2017

Board of Adjustment
City of Columbia, Missouri
PO Box 6015
Columbia, MO 65205-6015

via hand-delivery

Re: Delta Tau Delta Association of Columbia, Missouri
Application for Variance - 506 Rollins Street

Dear Commissioners:

On behalf of the Delta Tau Delta Association of Columbia, Missouri ("Delta Tau Delta"), we have submitted an application for several variances with respect to the property located at 506 Rollins Street. Thank you in advance for your time and careful consideration of this request.

I. Background

506 Rollins Street currently serves as the chapter house for the Delta Tau Delta fraternity. 506 Rollins Street is located in the area commonly referred to as Greek Town. Delta Tau Delta proposes to demolish the existing chapter house and build a new chapter house with a maximum capacity of 66 beds. The current chapter house has a maximum capacity of 66 beds. Although the bed capacity will remain the same, the footprint of the proposed chapter house will be slightly larger than that of the existing chapter house in order to accommodate additional study areas and meeting rooms. A site plan is enclosed as Exhibit 1 for your review. In addition, a preliminary rendering of the proposed building is enclosed as Exhibit 2 for your review. As you can see, the proposed chapter house will be of the highest quality and will be a valuable addition in Greek Town.

However, the proposed redevelopment requires several variances. Each variance is summarized in the table below. However, in general terms, if the requested variances are not approved and full compliance with current regulations is required, the maximum capacity of a new chapter house at 506 Rollins Street would be 28 beds – roughly 40% of the current capacity

of the existing chapter house. Because of setback and parking requirements, it simply is not possible to redevelop this site without several variances. In fact, the Board of Adjustment granted variances on this site in 1989 with respect to parking, screening and setbacks.¹

II. Variance Requests

Below is a table summarizing each of the requested variances with comments on the justification for the variance request:

<u>Code Section</u>	<u>Description of Requirement</u>	<u>Requested Standard</u>	<u>Comments</u>
Table 4.1-1	Max Building Height of 35'	Max Building Height = 49'	This will facilitate a 3-story building with basement and the pitched roof aesthetic desired. This is consistent with neighborhood character and there are many existing buildings with this many stories. Approved Variances in this neighborhood for building height are common. (Note: The building may be shorter than the requested 49' height, depending on the final grading of the lot, which has not been completed at this stage in the process. The building height definition depends on the average grade adjacent to the building, and in order to provide some flexibility we have requested a maximum height we know we can meet.)
29-4.1(b)(1)(i)	Median Front Yard determined from Adjacent Lots = 36'	Allow encroachment of building structure up to 11' into the Median Front Yard Setback	This variance is intended to set the Front Yard setback at 25' from the existing Rollins St. right-of-way, in substantial compliance with the attached Exhibit 1. This will facilitate site design and necessary parking needed for the Fraternity. The front 10' of the building will be an open 2 story covered patio, which is significantly less impactful on the streetscape than a solid building face. The median setback requirement has not been consistently applied in this

¹ Nothing contained in this letter or in Delta Tau Delta's application for variances is intended as a waiver, abandonment or release of the previously-approved variances.

			neighborhood as other lots have redeveloped. Because the front 10' of the encroachment will be an open air, 2 story covered porch, the building face itself will be setback at a distance that creates incremental additional setback from West to East along the south side of Rollins St, thus meeting the goal of the median front yard setback code provision.
Table 4.1-5	Driveway setback from side property line as determined by the driveway radius	Driveway Setback from Side Property Line = 0'	The East driveway, at the road, provides setback from side property line to allow for driveway radius, then the driveway swings to go along property line to allow for parking and building width needed. Driveways, and pavement up to the property line, is common in this area. By paving to the property line in some locations we are using the lot as efficiently as possible
29-4.3(g)(3)(v)(C)	No Parking in the Front or Side Yard	Parking allowed in the Front and Side Yard	This is intended to allow parking as shown on the exhibit. If no additional right-of-way is granted, there would be no parking in the front yard. The parking in the side yard is minimal, and we are providing a 6' buffer along the west property line. This will allow us to maximize usability of site.
29-4.3(f)(3)(iv)	Install screening device in Rear yard when used for parking	No installation of screening device	Screening devices between like uses serve very minimal purposes and there are parking lots on either side of the property line. Adjacent property owners currently park up to the rear property line. Variance for no screening was granted for Delta Gamma at 901 Richmond in 2016, and Alpha Chi Omega at 809/811 Tiger Ave in 2014 was approved a C-P Plan allowing no screening.
29-4.3(f)(3)(ii)	No Parking Adjacent to driveway that occupies the	Allow Parking in Front and Side Yards	This is intended to allow parking as shown on the exhibit. This layout facilitates the necessary parking spaces needed for the fraternity. Parking in this proximity up to

	Front or Side Yard		neighboring property is happening currently.
29-4.3(f)(1)(v)	No more than 30% of the front yard to be parking or driveway	Allow up to 40% of the Front Yard to be parking and driveway	This amount of impervious space will allow for the layout as shown, and provide the best navigability through the site.
29-4.3(f)(1)(v)	No more than 30% of rear yard to be parking or driveway	Allow up to 90% of the Rear Yard to be parking and driveway	This amount of impervious space will allow for the layout as shown. We are still maintaining the required 15% open space, and parking proximity to the property lines is what is happening currently on this lot as well as many lots in the neighborhood. Maximizes usability of the site.
29-4.4(c)(9)	Screening of Outdoor Storage Areas	Allow no Screening of Outdoor Storage Areas	Only outdoor storage area planned is the Dumpster Pad in the southwest corner of the site. The current Dumpster is located in the same location without enclosure. Adjacent property use is parking lot.

III. Standard for Granting Variance

a. Hardship/Practical Difficulty

As noted above, full compliance with all setback and parking requirements would only allow the site to be developed as a fraternity house with a maximum capacity of 28 beds. A 28-bed chapter house is impractical in Greek Town. It certainly would not meet the housing needs of most fraternities as the member count of most fraternities at Mizzou exceeds 100 members.

The chapter house needs to be updated and renovated, but redevelopment triggers an obligation to comply with all setback and parking requirements. Compliance in turn reduces the capacity of the fraternity house. Thus, Delta Tau Delta is presented with a clear hardship – rebuild and lose 38 beds (which translates into losing 38 fraternity members every year) or allow the house to deteriorate in order to keep 66 beds. Reducing the capacity of the chapter house is not in the best interest of the fraternity, the campus or the community.

b. Not Generally Applicable to Property

Fraternity and sorority houses are unique relative to other multifamily residential properties. Greek houses are generally located in Greek town and are surrounded by other Greek

houses or dormitory halls. Thus, for example, there is less need for screening devices and setbacks. The adjacent uses are entirely compatible with the requested variances. In addition, there are challenges with developing this particular lot. It is one of the smallest lots on the block and it is adjacent to other properties that have been granted variances.

c. Hardship Not Created by Applicant

Here, the hardships which justify the granting of the variances were not created by the applicant. The character of Greek Town has changed over time in order to accommodate growth in an area with a fixed number of lots. That change has involved building into the setbacks, parking in the setbacks and building height variances. Over time, this has changed the character of development and redevelopment in Greek Town such that nearly every redevelopment in Greek Town now requires some sort of variance.

IV. Conclusion

Overall, the proposed project is needed and will be a good, high-quality project. It is entirely consistent with other development in Greek Town and it is keeping with the development of the immediately adjacent properties. We believe this project meets all of the requirements for the granting of the requested variances and is in the best interest of all parties.

Thank you again for your time and attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Caleb Colbert", written in a cursive style.

R. Caleb Colbert



CITY OF COLUMBIA, MISSOURI

COMMUNITY DEVELOPMENT

DEPARTMENT OF PLANNING AND DEVELOPMENT

(573) 874-7239

BUILDING AND SITE DEVELOPMENT

(573) 874-7474

OFFICE OF NEIGHBORHOOD SERVICES

(573) 817-5050

December 8, 2017

Cody Darr
A Civil Group
3401 Broadway Business Park Court
Columbia, MO 65203

The proposal to build a new fraternity house at 506 Rollins Road - Delta Tau Delta Fraternity is denied for the following reasons:

- 1) UDC Table 29-2.4 and Table 29-4.1- Maximum building height is thirty five (35) feet. The proposed height is to be forty nine (49) feet, and therefore fourteen (14) feet over the allowable maximum.
- 2) UDC 29-4.1-5: Yard Area Exceptions: Given the median setback shown is thirty six (36') feet and the area under the covered front porch exceeds a maximum of sixty (60) square feet, the porch encroaches 9' into the front yard setback.
- 3) UDC 29-4.1(c) Exceptions and encroachments and Table 29-4.1-5 – Driveways are permitted to a maximum width of twenty four (24) feet. The western driveway is 24.5 feet wide.
- 4) UDC 29-4.1(c) Exceptions and encroachments and Table 29-4.1-5 – (Applies to east side driveway) Driveways shall maintain a setback of ten (10) feet from any side property line adjacent to a Residential district, or as determined by the required driveway radius.
- 5) UDC 29-4.3(f)(3)(ii) – Use of Yards and UDC 29-4.3(g)(3)(v)(C) – Access. (Applies to west side driveway) A permitted driveway may include a defined area for parking adjacent and attached to the driveway provided such extension does not occupy any part of a required front or side yard and complies with all provisions of Section 29-4.7(d) & (e). Parking spaces for all other uses in residential districts shall not be located in the required front or side yard.
- 6) UDC 29-4.3(f)(3)(iv) – Use of Yards. In residential districts, rear yards may be used for open parking of automobiles, including trailers and similar type vehicles, on an approved dust-free surface, subject to the installation and maintenance of a screening device not less than four (4) feet or more than six (6) feet in height.
- 7) UDC 29-4.3(f)(1)(v) - In a residential district, no paved driveway or outdoor parking area shall be permitted to cover more than thirty percent (30%) or five hundred (500) square feet, whichever is greater, of any required front yard or required rear yard area. The thirty percent (30%) limit shall include areas included in driveways.

- 8) UDC 29-4.3(f)(1)(v) - In a residential district, no paved driveway or outdoor parking area shall be permitted to cover more than thirty percent (30%) or five hundred (500) square feet, whichever is greater, of any required front yard or required rear yard area. The thirty percent (30%) limit shall include areas included in driveways.
- 9) UDC 29-4.4(c)(9) – Screening of Outdoor Storage Areas. Such areas shall be enclosed by a permanent screen at least eight (8) feet in height above the ground surface of the storage area, or of such additional height as necessary to screen the stored materials from public view, but non-vegetative screening materials shall not exceed a maximum height of twelve (12) feet. The required screening shall have a year round opacity of at least eighty (80) percent, and if landscaping is used, the eighty (80) percent opacity shall be achieved within four (4) full growing seasons. When a solid wall or any solid fence is used for screening, ornamental landscaping shall be placed between the fence and the adjacent property lines.

****Disclaimer:** The review is based on sheet C101 “BOA Site Plan” dated 11/20/2017, Variance Exhibit, and Front Yard Setback exhibit, and therefore, the above list may not be exhaustive with the limited information received.

Sincerely,



Nina Hennkens, AIA, LEED AP BD+C
Plan Reviewer
nina.hennkens@CoMo.gov
573-874-7289