

# NOTICE OF APPLICATION TO THE BOARD OF ADJUSTMENT

(FOR A VARIANCE)

**TO:** **BOARD OF ADJUSTMENT**  
**Community Development Department**  
**City Hall, 701 E. Broadway, Columbia, Missouri 65203**

001961

**SUBJECT:** Notice of appeal from Decision of Patrick Zenner, Development Services Manager  
in regard to the following described property located in the City of Columbia,  
County of Boone, State of Missouri (legal description):

See attached Exhibit A

which is presently zoned R-MF and known, or to be known, as 404 McBaine Ave. ; 402 McBaine  
Ave (Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 1631900090020001; 16319 0009 004 00 01

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

On the 7th day of June, 20 18 said official did deny approval of the site plan for  
the proposed parking lot and building addition

The reason he gave for such action was that new parking is located in front of the building and  
results in a total paved area of 5,148 square feet in the front yard

which does not comply with Section 29-4.3(a)(3)(ii), Code of Ordinances of the City of Columbia,  
Missouri, which Section provides or requires that parking spaces for residential and non-residential uses  
other than single and two-family dwellings shall not be located in the front yard; and Section 29-4.3(f)(1)(v),  
which states that pavement area in the front yard shall not be permitted to cover more than 30% or 500  
square feet.

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 original design was established to provide for parent drop-off in the front  
and a protected rear playground directly accessed from classrooms for safety. Drive access and parking at  
the rear of the site would eliminate the possibility of expanding the existing playground space and result in  
an unsafe environment between parking and playground. The intent is to keep parking and playground  
separate for safety.

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 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

The condition that the original building was designed for will be maintained. Less overall site paving will be  
required for parking in the front of the lot. A rear playground with direct access from classrooms and  
separated from traffic areas will be able to be provided. This provides a safer environment for the facility.

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 parking in the front lot be allowed as indicated  
on the attached site plan.

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).

**DATE**

**SIGNATURE(S)**

**ADDRESS**  
**TELEPHONE**

Brown Willbrand, PC PO Box 1304  
Columbia, MO 65205-1304  
573-442-3181

**CAPACITY OR INTEREST IN PROPERTY**

Attorney for Patrick Enterprises, LLC & Bobbie Brown

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.

**COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE**

**DATE**

Patrick R Zenner

6/14/18 (revised application form 6/14/18  
Submission)



# City of Columbia

## Community Development Department

701 EAST BROADWAY • PO BOX 6015 • COLUMBIA, MO 65205-6015

June 7, 2018

Mr. Keenan Simon  
210 Park Avenue  
Columbia, MO 65203

Re: Denial Letter – Neighborhood Nanny Daycare (404 McBaine Avenue)

Dear Mr. Simon:

This letter is to inform you that the parking lot reconfiguration shown on the proposed site plan at the above referenced day care dated June 5, 2018, is hereby denied for permitting based upon the following findings:

1. The proposed improvements violate the provisions of Section 29-4.3(a)(3)(ii) of the Unified Development Code that specifically prohibits parking of automobiles for residential and non-residential uses, except for one or two-family dwellings, within the required front yard; and
2. The proposed improvements violate the provisions of Section 29-4.3(f)(1)(v) of the Unified Development Code which specifies no greater than 30% or 500 sq. ft., whichever is greater, of the required front yard or rear yard may be occupied by a paved driveway or outdoor parking spaces; and
3. The proposed improvements cross an interior property line between the subject parcel and the parcel addressed as 402 McBaine Avenue which is proposed to accommodate the 2, 870 sq. ft. addition to the existing daycare facility. This violation is to be addressed through a replat of the two parcel into a single tract of land in accordance with the provisions of Section 29-5.2 of the Unified Development Code and the submission of an appropriate demolition permit as required by Chapter 6 of the City Code.

Authorization from the Board of Adjustment through issuance of a variance is necessary to permit such proposed parking configuration and shall be limited to violation items # 1 and #2 above. Please submit the required variance application and appropriate filing fees in accordance with the procedures and forms available at the following link: <http://www.como.gov/council/boa-forms/>. Please utilize the forms under the heading of "Notice of Application for a Variance".

Should you have additional questions please contact our offices.

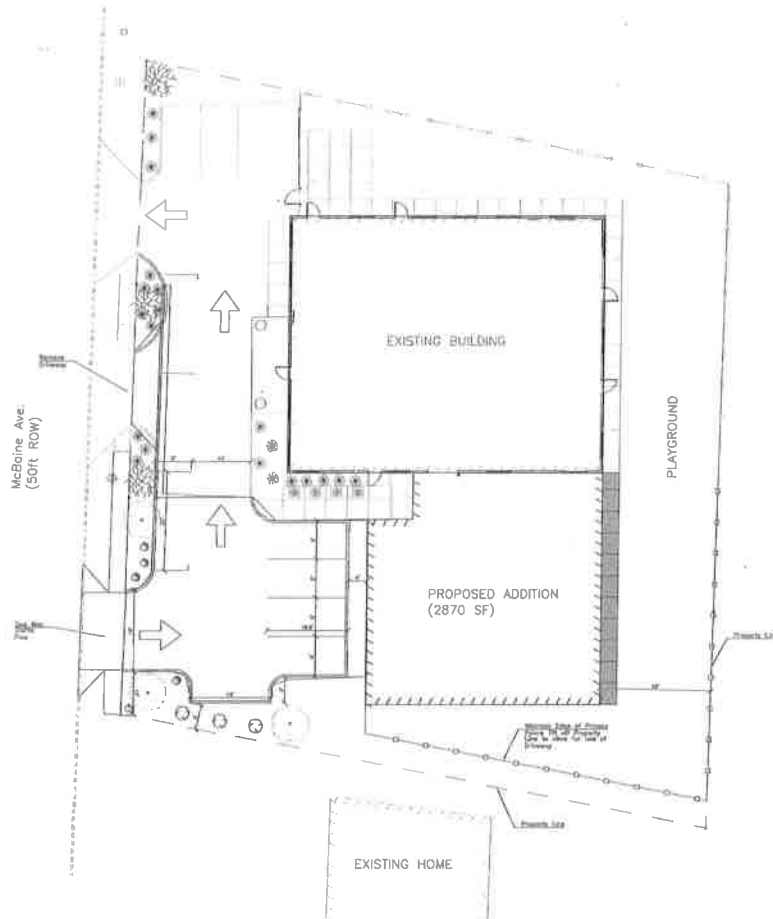
Sincerely,

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

Building & Site Development  
(573) 874-7474  
Fax (573) 874-7283

Neighborhood Services  
(573) 817-5050  
Fax (573) 442-0022

Planning & Zoning  
(573) 874-7239  
Fax (573) 874-7546



PRELIM SITE LAYOUT	
QUANTITY	UNIT PRICE
C101	0.00