

## (FOR A VARIANCE)

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

SUBJECT: Notice of appeal from Decision of Nina Hennkens of the Community Development Department  
in regard to the following described property located in the City of Columbia,  
County of Boone, State of Missouri (legal description):  
Lot 25 and the south sixty (60) feet of Lot 24 in Harbison's Second Addition to the City of Columbia, recorded in book 35 page 414 of the Boone  
County, Missouri records

which is presently zoned IG: Industrial and known, or to be known, as 705 Fay Street and 709 Fay Street  
(proposed to be zoned M-N: Mixed Use Neighborhood, with Pedestrian standard) (Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 17-113-00-10-031.00 and 17-113-00-10-032.00

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

On the 11th day of June, 2018, said official did deny the proposed design to build in the M-N district a  
building at 709 Fay Street for OTA Properties with a maximum building height above 35 feet

The reason he gave for such action was that neither the stair towers nor the elevator tower qualify as a height exception in  
UDC Table 29-4.1(c)(1)

which does not comply with Section 29-2.2 (2), Code of Ordinances of the City of Columbia,  
Missouri, which Section provides or requires that the maximum building height within Mixed Used District is 35 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 without building the stair towers and elevator tower, there would be difficulties providing safe and  
accessible access to the rooftop patio for residents and customers of the subject site.

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

This variance does not have the effect of permitting a use of land that is not indicated as a permitted conditional use in Section 29-3.1 and the  
proposed development complies with the standards within the Unified Development Code for the zoning M-N with Pedestrian Standard without  
causing harm to the health, safety, or welfare of the public or surrounding properties.

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 subject site is approved to construct the stairs and  
elevator towers to a height of 47 feet in order to provide suitable access to the rooftop patio.

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).

July 26, 2018  
DATE

SIGNATURE(S)

ADDRESS  
TELEPHONE

Phibela Mar  
Phibela Mar  
1115 9th St. 200, Columbia, 65201  
573-443-3141

CAPACITY OR INTEREST IN PROPERTY

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.

COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE

DATE

Patricia R. Zenger  
7/20/18 (revised per staff)



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## 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

June 11, 2018

Matt Kriete  
Engineering Surveys and Services  
1113 Fay Street  
Columbia, MO 65201

The proposal to build a mixed use building at 709 Fay Street for OTA Properties is denied for the following reason:

- 1) CCO 29-2.2(b)(2) and Table 29-4.1(c) – *Dimensional standards for Mixed Use Districts*. In the M-N district the maximum building height shall be 35' feet. Per the definition in the UDC, "building height is the vertical distance from grade plane to the average height of the highest roof surface. Generally, this means to the roof level (ignoring parapets) of a flat roof or the top of a mansard roof, and to the midpoint between the eave and the ridgeline on a pitched roof".

The proposed design shows two stair towers to be 10'-1" over 35' and one elevator tower to be 12'-11" over 35'. Neither the stair towers nor the elevator tower qualify as a height exception in UDC Table 29-4.1(c)(1).

Depending on rezoning and/or approval of M-N pedestrian standards or additional future information, other variances may be required at a later date, however, building height is the only request at this time.

**\*\*Disclaimer:** The review is based on "Request for Building Height Variance" letter, C1.01 titled "Concept Plan" provided by Engineering Surveys and Services dated 6/6/2018, and A1 titled "609 Fay Street" provided by MAC dated 6/6/18, 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](mailto:nina.hennkens@CoMo.gov)  
573-874-7289