

Board of Adjustment Work Session Minutes
October 23, 2018
City Council Chambers - Columbia City Hall

ATTENDANCE:

Commission Members Present: Clithero, Hammen, John, Norgard, Waters

Commission Members Absent: None

Staff: Zenner

Guest: None

ADJUSTMENTS TO AGENDA: None

TOPICS DISCUSSED – New Business:

- **BOA Correspondence to Council - Discussion**

Mr. Zenner indicated that pursuant to the Board's direction at their September 11 work session the draft correspondence before them had been produced. He noted that prior to forwarding the correspondence to Council it was his desired to ensure that the contents of the letter adequately captured the Board's comments and observations related to variance actions specific to the Greek Town area. Following this introduction there was general discussion about the correspondence.

Comments were provided suggesting that the Greek Town area be better defined as the current description appeared to not capture the homes on the north side of Rollins Street. Mr. Zenner noted that by adding "to the north and south of Rollins Street" this issue could be clarified. Board members agreed that was sufficient. Additional minor editorial corrections were provided by Chairman Waters that Mr. Zenner indicated he would incorporate into the final version of the correspondence.

There was additional discussion regarding the Board's authority to forward correspondence to the City Council that recommended changes to the UDC. The discussion focused on the potential issue that the Board's request for UDC amendment may be seen as a way of justifying prior approvals for variances in Greek Town and that sending the proposed correspondence was outside of the Board's established responsibilities.

Mr. Zenner indicated that, to his knowledge, there was no limitation on the Board's ability to forward correspondence to the Council as a means of communicating concerns or observations with the code provisions to which they were responsible for rendering decisions upon. He further noted that what body is better equipped to make comment on the issues to which the correspondence was referring to than the Board of Adjustment. The Board is directly responsible for granting relief to the UDC's provisions and if the same relief was being granted each time a request was being made it seemed only appropriate that the Board raise the question if the UDC provisions should be amended to avoid unnecessary hearings. Mr. Zenner further indicated that this issue was raised at the time the UDC was being discussed, but a formal change in the provisions was not made at that time.

Several of the Board members did not see transmitting the correspondence as an issue. They noted that the decisions made on prior Greek Town cases met the criteria for granting the variances received. They also indicated that the purpose of the correspondence was to communicate the recurrence of similar issues and ask Council to assign the Planning Commission with the task of looking at possible amendments. Theses members did not see the correspondence as seeking to justify prior actions, but rather as method by which to avoid unnecessary future Board action on parcels impacted by similar issues.

Mr. Zenner suggested that another approach to potentially address the issues that the Board has with the UDC provisions and their application to redevelopment within Greek Town could be to have him discuss the Board's concerns with the Planning and Zoning Commission directly. He reminded the Board what he was the liaison to both bodies and this unique roll provided the opportunity to directly communicate with the body that is actually responsible for recommending changes to the UDC and seeking authorization from Council to do so. Board members agreed that utilizing this approach would potentially distance themselves from possible criticism and questioning of their motives.

Following additional discussion the Board agreed to hold off on forwarding the correspondence to Council until staff was able to obtain Legal Department confirmation that submitting such correspondence was not an “over-reach” of the Board’s authority. They indicated that depending on the outcome of this confirmation the correspondence should either be placed on the Board’s regular November 13 agenda, as amended this evening, for approval or Mr. Zenner should take the Board’s concerns to the Planning and Zoning Commission and let them seek Council direction to proceed forward with a potential amendment.

Old Business -

- **Zoning District Height Limits**

Mr. Zenner indicated that this item appeared on the agenda as a follow up to the discussion from September 11 which he understood was not complete. He stated the Board had yet to formally decide on how it desired to proceed with making a recommendation on what possible text changes may be appropriate to address the issue of building height within the M-N and M-C zoning districts.

Mr. Zenner noted that the discussion of height was precipitated by the most recent variance case at 709 Fay Street where a height variance was sought to permit an “active” roof-top within the M-N zone that was also approved to utilize the “Pedestrian” design standards. He further noted that the Board had expressed concerns that the current height limits do not acknowledge contemporary building trends and may compete with implementing UDC and Comprehensive Plan objectives.

There was general Board discussion regarding this matter and it was discussed it may be appropriate to revise the application content requirements such that additional construction/design information be provided to better justify granting a height variance. Mr. Zenner agreed this would be beneficial and noted that he and the Board could work on what the criteria should be. He stated that such an action was appropriate given the height standards within the M-N (formally C-1) district had not changed when the UDC was adopted and to require such added information would ensure that a solid record for granting or denying a height variance would be established.

There was additional discussion regarding the appropriateness of sending a recommendation for a text change to Council without knowing if it was within the Board’s purview. As such, the Board decided that prior to further discussion on this matter or potentially recommending a UDC amendment it wanted to await on the outcome of its earlier request of the Legal Department to determine if correspondence with Council was appropriate. Mr. Zenner indicated he would await the outcome of the Legal Department’s review and schedule additional discussion on this matter at a future work session.

- **General Zoning Provision Amendments**

Mr. Zenner noted that the excerpt from the staff’s working spreadsheet for UDC amendments was provided as part of the Board supplemental email correspondence for this evenings meeting. He noted that the purpose of the materials was to provide the Board with an idea of the issues the staff was already looking at as possible revisions to the UDC’s text.

Chairman Waters thanked Mr. Zenner for providing the information and asked what the next steps were with the materials. Mr. Zenner indicated the materials were provided for reference; however, if there were items that the Board felt needed specific discussion they could be addressed at a future work session.

ACTION(S) TAKEN: The Board made a motion to direct staff to work with the Legal Department to determine if the Board could transmit correspondence to Council. Motion passed unanimously (5-0). No other votes or motions were taken.

Meeting adjourned at approximately 9:00 p.m.