

BOARD OF ADJUSTMENT MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
NOVEMBER 18, 2025

COMMISSIONERS PRESENT

Mr. Peter Norgard
Mr. Randy Minchew
Ms. Janet Hammen
Ms. Kittie Rogers
Ms. Alice Nguyen

STAFF

Mr. Pat Zenner

I. CALL TO ORDER

MR. NORGARD: The November 18, 2025 Board of Adjustment meeting will come to order.

II. INTRODUCTIONS

MR. NORGARD: Mr. Zenner, would you please call the roll?

MR. ZENNER: Yes. Mr. Norgard?

MR. NORGARD: I am here.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: I am here.

MR. ZENNER: Mr. Minchew?

MR. MINCHEW: Here.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Here.

MR. ZENNER: And Ms. Nguyen?

MS. NGUYEN: Here.

MR. ZENNER: You have five members; you have a quorum, sir.

III. APPROVAL OF AGENDA]

MR. NORGARD: All right. Is there a motion and a second to approve the agenda?

MR. ZENNER: I have adjustments --

MR. NORGARD: Okay.

MR. ZENNER: -- to the agenda before we get approved. So we have received a request to table Case Number 339-2025, a variance from side yard setback requirements for 210 Edgewood Avenue. The applicant, in discussing the project with me today, we came across several technical issues associated with the application that need to be resolved before we can move forward. The

applicant was asked to provide a date certain for this tabling, and the date that he will be available and in town will be the February 10th Board of Adjustment meeting. Given that that is more than two months from today, it will require re-advertising and re-notice. So if the Board is willing to accept that amendment when we -- you can vote on that at this point before approving the agenda, or approve the agenda as amended with this case being tabled to date certain, February 10, 2026. With that, we have one other minor adjustment, and it deals with your first case on the agenda this evening, 336-2025. This is the telecommunication tower CUP request. The attorney that is identified on the application had a family emergency that they needed to attend to, so we have a substitute licensed Missouri state attorney from the same office here along with a representative of the cellular communication company, SBA. So when that item is called, there will be a different individual presenting on behalf of the law firm. With those changes, that is all that the agenda is being amended for this evening.

MR. NORGARD: Okay. We'll go ahead and vote on that as a package, if everybody is okay. All right. So is there a motion to approve the agenda as amended?

MR. MINCHEW: Motion.

MR. NORGARD: We have a motion from Minchew.

MS. HAMMEN: Second. Hammen.

MR. NORGARD: Okay. Is there any discussion? I have a discussion point. There is a small typo. It calls out Section 29-64, and I think it's 6.4 in the text of the agenda.

MR. ZENNER: And that would be correct. 29- -- yeah. 29-6.4(m). You are correct, sir.

MR. NORGARD: Okay. So as amended and re-amended, is there any further discussion? All in favor, say aye. Any against?

(Unanimous voice vote for approval.)

MR. NORGARD: None -- seeing none, the agenda is adopted.

IV. APPROVAL OF MINUTES

MR. NORGARD: All right. The August 12, 2025 minutes were distributed to the Board members. Are there any corrections or additions to the minutes?

MR. NORGARD: I found one. It appears on page 13. After I read in the lot description, the total legal lot description, there's a section where it says Mr. L-, and it looks like there might have been a phrase or something that was lost in translation, and I'm not Mr. L. So that's the only correction I found. Anything else? Okay. Motion to approve the agenda -- or the minutes? I'm sorry.

MR. MINCHEW: Motion.

MR. NORGARD: Motion by Minchew, second by Ms. Nguyen. All in favor? Any against? Seeing none.

(Unanimous voice vote for approval.)

MR. NORGARD: Okay. Would the court reporter please swear in staff?

(Staff sworn.)

MR. NORGARD: All right. We're going to move to Case Number 336-2025:

V. PUBLIC HEARINGS

Case Number 336-2025

A request of Zachary Buchheit (attorney), on behalf of Broadway Office Park Condominium Association (owner) and SBA Towers II LLC (lessee), seeking to amend the existing 2012 "stealth" communication tower conditional use permit (CUP), on property commonly addressed as 1205 W. Broadway, allowing the existing tower to become a "non-stealth" communication tower as required by Section 29-6.3(n) and 29-6.4(m)(2)(i) and (m)(2)(ii) of the Unified Development Code.

MR. NORGARD: Situated in Columbia, Boone County, State of Missouri and being part of Lot 3 in the Final Plat Lake Broadway, Plat No. 2, a Minor Subdivision located in the Southwest Quarter of Section 11, Township 48 North, Range 13 West, recorded in Plat Book 33, at Page 74 of Boone County Recorder of Deeds Records, being a 3,042 square foot Exclusive Lease Area over and upon a parcel of land conveyed to Broadway Office Park Condominium Association, a Missouri not-for-profit corporation, recorded as Instrument #2003030947 of Boone County Recorder of Deeds Records and being more particularly described as follows: COMMENCING at a 3/4" iron pipe at the northwest corner of aforesaid Lot 3 also being on the easterly line of Pershing Road; thence along the easterly line of Pershing Road, South 01°19'36" West, a distance of 56.39 feet to a point; thence, South 86°35'41" East, a distance of 70.94 feet to a point; thence, South 49°44'14" East, a distance of 45.20 feet to a point; thence, North 40°23'27" East, a distance of 10.47 feet to the POINT OF BEGINNING; thence, South 49°36'33" East, a distance of 45.03 feet to a point; thence, South 39°58'04" West, a distance of 69.18 feet to a point; thence, North 50°01'56" West, a distance of 33.01 feet to a point; thence, North 01°37'13" East, a distance of 20.02 feet to a point; thence, North 40°23'27" East, a distance of 53.81 feet to the POINT OF BEGINNING. The Exclusive Lease Area contains 0.070 acre or 3,042 square feet of land known as, or located at 1205 W. Broadway

MR. NORGARD: Does any Board member have anything to disclose regarding this case, please do so now. Okay. Mr. Zenner, has the notice been properly advertised?

MR. ZENNER: Yes, it has.

MR. NORGARD: And has it been properly posted with a notice of public hearing?

MR. ZENNER: Yes, it has.

MR. NORGARD: Have parties of interest been notified?

MR. ZENNER: Yes, they were.

MR. NORGARD: And were there any inquiries?

MR. ZENNER: There have been two that were submitted to you, and a third has been placed in front of you from one of our initial commentary -- or comments that have been submitted, and one inquiry by telephone as to what the application was about.

MR. NORGARD: Thank you.

MS. HAMMEN: Can I ask him a question? So two submitted to us? Two submitted to us?

MR. ZENNER: Two were e-mailed to you prior to this evening's meeting, and one from Ms. Portman -- or Protzman has been --

MS. HAMMEN: Protzman? That's the one I saw by e-mail. I didn't see any others.

MR. ZENNER: There was one that was submitted this morning.

MS. HAMMEN: Oh.

MR. ZENNER: So you may not have seen that one today. It was similar in tone to the commentary that is front of you, as well, tonight -- opposition to the -- to the visual impact that would be created by the tower being converted.

MR. NORGARD: All right. Thank you.

PUBLIC HEARING OPENED

MR. NORGARD: Would the person making application to the Board please come forward, state your name, address, and then be sworn in?

MR. BARRETT: Good evening. Alex Barrett of the Stinson Law Firm. Office at 230 West McCarty Street, Jefferson City, Missouri 65101.

(Witness sworn.)

MR. BARRETT: Thank you, Mr. Norgard. As I mentioned, my name is Alex Barrett. As Mr. Zenner noted, this application was initially submitted by my colleague, Zachary Buchheit. Mr. Buchheit had a death in the family today. He is spending time with loved ones, and Mr. Zenner agreed that I could step in, and I am happy to present this evening on behalf of the applicant. How do I -- I've got the -- a PowerPoint. So I'm here on behalf of the lessee, SBA Towers II, LLC. I also have a client representative, Ms. Cindy Reeder, with me tonight. She will be able to answer questions that the Board may have regarding some of the technical aspects, certainly better than I can, as I have been getting caught up a little bit today on this. But I do have a presentation to go through that is more or less a condensed version of what you have already been provided in the staff report and the application itself. So we are seeking an amended CUP for the tower that is currently located at 1205 West Broadway. That is currently what is known as a stealth tower. It's essentially just a big cylinder. We are seeking to change the top of that tower into a standard monopole tower that will have externally mounted cell antennas on it. The reason for this application is that one of the wireless providers that currently uses space on that tower, T-Mobile, would like to expand and offer five G coverage in the area. Due to the way the technology for that service works, it is not possible to offer that service on the current stealth-mounted -- or the stealth tower. The antennas have to be mounted externally, so that is the reason for the application. I'll go through briefly some of the slides here. So, as I noted, the applicant is SBA Towers II, LLC. The owner of the property is the Broadway Office Park Condo Association. The property is currently zoned planned development office. So, basically -- and there are some slides that we'll go through here that have some cross-sectional details and plans, but the idea here is that they will be removing the top three canisters from the pole, installing a standard monopole, and then there will be, as I noted, toward the top of the tower some flush mounted antennas and then further down, there will be

some antennas that are mounted further out. In total from any given side, you're talking about ten foot out, so you would have a 20-foot wingspan, if you want to call it that, for the tower that T-- or the antennas that T-Mobile is looking to put in. The current tower is 110 foot tall. It would remain 110 foot tall if this application were to be granted. I will note there is some -- there's a site plan here. As you can see, the current tower is located at the corner of these two office buildings. There -- as you may have seen in the staff materials, there are some changes contemplated to the infrastructure that is located at the base of that tower on the ground. However, those changes, if the application is granted, would not result in an expanded footprint on the ground. More or less, what they're looking to do is swap out one of the cabinets with infrastructure in it. It will be more or less identical to the ones that are already there. It would not require, as I said, expanding out the ground footprint. Ms. Reeder can probably address details of some of these drawings that we have better than I can, but this is just to provide a visual explanation of what it is that we would like to do on the top portions of the tower. So I want to go through some of these photos that we have provided. So this is a good time to mention that, as the staff report notes, there are some considerations with respect to this application that are driven by the 2014 Uniform Wireless Communications Infrastructure Deployment Act. I do have but one highlighted copy of that section of the Missouri Revised Statutes that is 67.5094, and I would offer that into evidence at this time.

MR. NORGARD: I'll take that. Thank you.

MR. BARRETT: Thank you. So essentially what this statute does is it places restrictions on local governments in terms of the things that be taken into consideration when deciding whether to approve or reject a conditional use permit application for wireless services. And at a high level, it prohibits consideration of things like co-location opportunities, consideration of the specific technologies used, and perhaps most notably for the discussion this evening, it also precludes taking into consideration the visual appearance of the tower. Nonetheless, we did want to provide these photos because I think that it -- it helps just to visualize what it is that we're talking about doing. So as I go through these, essentially what you're going to see here is just they go in order, so there's -- what you're looking at now is the current view from one angle of what the tower looks like, and then the follow-up would be a visualization of what it would look like from that same position and angle once this work is completed if the Board were to grant the application. And as I just sort of click through these, these are -- they all follow the same pattern from different angles around the existing tower. And as I noted, we're providing those mainly so that you can see what it is that we are proposing to do. I think this is a good time to also mention the citizen commentary that Mr. Zenner mentioned. Both of the comments that I have seen pertain to visual aspects of the tower. And I don't mean to downplay the validity of those comments in any way, but under Missouri Statute, those are not permissible considerations in deciding whether to grant or deny this. That said, we believe that these are fairly minimal comments in the grand scheme of things. As I said, the statute also prohibits consideration of whether the applicant investigated co-location opportunities. In other words, is there some other place where we could put these antennae. Nonetheless, as is noted in the staff report, SBA and T-Mobile did investigate that issue, and it was

determined that there is no existing infrastructure where these antenna that would enable 5G service could be place. And so I think really what we're looking at here, if this were not to be approved, is there would be an application almost inevitably to put another tower somewhere else to enable this type of service. So for the reasons that are outlined in the staff report, we believe that this -- this application is fully consistent with the City's Comprehensive Plan. It advances the twin goals of making sure that there is up-to-date wireless service available for residents and businesses while simultaneously eliminating, to the greatest extent possible, visual clutter because it allows this service to be provided without putting up a new tower and with relatively minimal changes. And so with that, at this time, I would also -- and I can give it to the court reporter, offer into evidence a physical copy of the presentation that we have gone through this evening.

MR. NORGARD: Sure. Thank you.

MR. BARRETT: And then Ms. Reeder is here. She and I are happy to address any comments or questions that the Board may have.

MR. NORGARD: Okay. Are there any questions from the Board? I have one. So you referenced Chapter 67, Subsection 5094, which enumerates prohibited actions of a municipality.

MR. BARRETT: Yes, sir.

MR. NORGARD: I wonder if you reviewed Section -- or Subsection 5096, which provides the permitted actions of a municipality?

MR. BARRETT: I have not investigated that thoroughly.

MR. NORGARD: Okay. So as it pertains to visual appearance, I think your -- your interpretation is perfectly correct.

MR. BARRETT: Sure.

MR. NORGARD: I have questions about the engineering, though. So I don't know that you're probably -- I don't -- you probably aren't qualified or feel qualified to respond to those --

MR. BARRETT: Sure.

MR. NORGARD: -- so if you would like to have Ms. Reeder come up, I would love to ask her some questions.

MR. BARRETT: Happy to do it, and I will stand by to advise as her legal counsel, if necessary.

MR. NORGARD: Sure.

MR. BARRETT: But she is almost certainly in a better position to respond than I.

MR. NORGARD: Okay. Please state your name, address, and be sworn.

MS. REEDER: Sure. Cindy Reeder, 9900 West Point Drive, Indianapolis, Indiana, is the business address.

(Witness sworn.)

MR. NORGARD: Thank you. So do you know if the original tower was submitted or has stamped mechanical plans associated with an engineering analysis or any -- any type of wind-loading analysis?

MS. REEDER: The original tower?

MR. NORGARD: Right.

MS. REEDER: For the stealth conversation --

MR. NORGARD: Uh-huh.

MS. REEDER: The original tower, I don't have those plans. I do not have those plans. And I -- no. But we do do a structural analysis on each time we change the tower, so we do have a current structural analysis -- a passing structural analysis on the tower considering the mods.

MR. NORGARD: With the additional cross-section --

MS. REEDER: Yes. Uh-huh.

MR. NORGARD: -- of the antenna structures?

MS. REEDER: Uh-huh. Yeah.

MR. NORGARD: So I was disappointed not to see those plans as part of this as -- to sort of demonstrate that it would meet the safety requirements that the City, per Section 5096, is permitted to require as part of a permitting process. How would you respond to that?

MS. REEDER: I believe that when we originally submitted the CUP, the structural modifications considering the mods and a separate modification design were submitted with that CUP application.

MR. NORGARD: So the -- the CUP modification application or the original CUP?

MS. REEDER: It could have been the original CUP.

MR. ZENNER: I'll respond to that when staff makes comments, Mr. Norgard.

MR. NORGARD: Okay. And then one of the other things that is required, 5096 pertains to new tower installations. The question I have is if you remove a section of the tower and then replace it with a new section that has different loading characteristics, does that make it a new tower installation in a sense, because the mechanical factors involved are not the same anymore?

MS. REEDER: Well, we don't believe so because the bottom part of the tower is not being changed. We're -- we call it the internal piece of the tower -- I'm trying to explain it simply -- the rod of the tower will be changed, but again, we have a passing structural analysis considering mods, so the whole overall structure of the tower will still be the same tower base, but we're changing the top of the tower so that it can be -- so that it can house those external antennas.

MR. NORGARD: Okay. So let me -- I just want to -- I'm sorry to be pedantic about this. But what you're saying is the original tower design was compatible with a stealth top or an external antenna top or some other --

MS. REEDER: The base of the tower.

MR. NORGARD: Okay.

MS. REEDER: Uh-huh. Yeah.

MR. NORGARD: That's really what I'm getting at because --

MS. REEDER: Yeah.

MR. NORGARD: -- the City does have authority to regulate that aspect of the tower installation.

I just want to make sure that we're -- I believe the City has that authority. I can ask legal to weigh in on that, as well. But --

MS. REEDER: So if you look at this picture here, you can see the base of the tower will remain.

MR. NORGARD: Uh-huh.

MS. REEDER: And it's really the top of the tower that's changing. So it's still the same tower.

MR. NORGARD: Well, it's still the same tower, but if a 100-mile-an-hour wind is blowing on that stealth tower, it will not experience the same forces that the tower on the -- on our right-hand side will experience. And so what I'm asking is is that base capable of supporting the new top, and is that a stamped certified engineering? I mean, does it come with a certified engineering analysis or something of that nature?

MS. REEDER: It does. It does.

MR. NORGARD: Okay.

MS. REEDER: And I think Mr. Zenner had -- should have copies of that in the original submittal.

MR. NORGARD: Okay. I think that was the only questions that I had for this.

MR. MINCHEW: So can I ask you a question, because my understanding is, as a Board, we're saying that we either -- if we approve, that we are approving it, obviously, not saying it meets those standards. It's not our job to do that. We're not qualified to do that. So we're approving it and then assuming that someone will verify that the antenna will hold the load or withstand the wind with those antennas attached to it. Right? We're not approving -- we're not approving the engineering on this antenna.

MR. NORGARD: Absolutely not. We're approving the -- the ability to change the antenna top --

MR. MINCHEW: Yes.

MR. NORGARD: -- from one type to another type is my understanding.

MR. MINCHEW: Right. Because we're -- I'm not qualified to say whether or not that would --

MR. NORGARD: Well, neither am I, but what I'm asking is, do we have enough information? Is there an engineering analysis, has that work been done as part of this, and will it be done as part of this? I'm just putting it out there on the table, because the City has some --

MR. MINCHEW: So if we -- is there a possibility that we could give them a variance, and that no engineering approval would be done on this?

MR. NORGARD: I don't know.

MR. ZENNER: No.

MR. NORGARD: Mr. Zenner is indicating no.

MR. MINCHEW: Okay. So I -- I mean I appreciate the question, but I just want to make sure I understand what our responsibility is here because I'm not saying it would pass that engineering specification, if I approve -- if I vote in favor of it, I'm not saying it passes anything, I'm just saying --

MS. HAMMEN: You're just wanting to know if there's evidence that it was tested?

MR. MINCHEW: Well, or that it will be tested. I mean, that's --

MS. HAMMEN: He said it was.

MR. MINCHEW: Yeah. Okay.

MR. BARRETT: And I believe the -- the question for the Board is whether, to the extent that these materials are required, whether they have been presented -- (inaudible).

MR. MINCHEW: Can you stand up closer to the --

MR. BARRETT: Apologies, sir. I agree, you're not approving the engineering. I think the question is, have we done the things that are necessary in order to meet the requirements for the permit application. I understand from the staff report that all of the necessary materials to complete the application have been submitted, though I assume that Mr. Zenner will correct me if I'm incorrect about that.

MR. MINCHEW: I mean, I would assume that, or it wouldn't make it to this Board, so --

MR. NORGARD: Just to clarify, what I'm getting at is Section 29-6.4(m)(2)(ii)(c) where it asks the question whether or not the existing towers or structures have sufficient structural strength to support the applicant's proposed antenna. That's what I'm asking.

MR. MINCHEW: Okay.

MR. NORGARD: I think that's what I'm getting at, and what I -- the staff report mimicked the applicant's submission, which basically said we don't have to respond to that because the State says we don't have to, and I'm saying I don't agree with that argument, I think you do have to, and I'm just asking a question. So I think you have answered the question, but I had to ask it.

MR. BARRETT: Understood. Thank you.

MS. HAMMEN: So I have a question that occurred to me. So did the stealth, the way it is now, have lights at the top for aircraft, or will the new one have additional or --

MS. REEDER: The current one did not, and it might not be -- the height of the tower may not be required. If it's required, then by FAA and FCC rules, we do, but this one, I think the height of the tower did not require that, so it will not.

MS. HAMMEN: And that -- that's part of the visual aspect that the City cannot contest, but citizens can. Obviously, we've seen it already.

MR. NORGARD: I have no further questions. Does anybody else? All right. Thank you.

MR. BARRETT: Shall I hand these materials to the court reporter?

MR. NORGARD: Yeah. Yeah. Thank you.

MR. BARRETT: Thank you very much.

MR. NORGARD: All right. Is there anybody in the audience who wishes to speak in favor of this application, please come forward and speak now. Anybody in the audience wishing to speak in opposition, please come forward and speak now. Seeing none. Mr. Zenner, would you like to give your staff comments and report?

MR. ZENNER: Yes. Let's pull the band-aid off of the structural analysis question first. Attachment I to the application, which was not provided to the Planning Commission for many of the

reasons that Mr. Minchew has pointed out. It was viewed as being not in the purview, generally, of the Board to review structural analyses. That is why we have building code officials, and every tower that is modified within the City of Columbia is required to meet the ANSI standards as defined within the City's adopted building code. I am looking at a structural analysis from TES, a Congruex company, from Irving, Texas, that did do the structural analysis on this. It is stamped, signed and sealed by a licensed professional engineer in the State of Missouri from 9/22 of 2024. The analysis results are maximum structural usage, 48.1 percent, it passes, and the maximum foundation uses is 80 percent, and it passes. This is a document that will be provided, should this Board of Adjustment action be approved, to our permit review staff. They will analyze this to ensure that it meets full compliance with the City's requirements and the building code before any permit associated with this modified tower would be permitted. As Ms. Reeder pointed out, simply stated, we're replacing the interior spine of the pole, in essence, in order to support the additional exterior antenna array that will be placed. This is not an uncommon activity within the City. It is maybe less common before the Board of Adjustment because this is a tower that was previously approved as a stealth structure, and specifically required to be contained. And we went around and around with the applicants as to the requirement that they come through this process, and after multiple rounds and almost a year, if I'm not incorrect, of going back and forth, we received this application. Most towers that we have that are either monopole structures that already have exterior mounted antenna array that are looking at adding equipment, go through the exact same structural analysis. So the process that we are following was -- my lack of providing this to you was just to simplify what you were getting, given that there is a lot of material here. I will avoid doing that in the future. We haven't done one of these since 2020, if I am not incorrect. So it has been a while, and thank you for schooling your staff liaison. I will provide you all of the application material next time, but we do have it and what I am seeing here, not that I am a qualified PE either, what I would see here just looking at what has been defined as it does comply with the section, Mr. Norgard, that you're referring to.

MR. NORGARD: Thank you, Mr. Zenner.

MR. ZENNER: So with that, I think what we -- what the pictures don't depict that Alex has provided to you this evening, and they were provided in the packet, those are all distance shots from the tower site. When I went out to post this property specifically, and you get up to the adjoining property and you look at the natural vegetation that was within the viewshed of the adjoining townhouse development that is to the east, with the exception as pointed out, the homes that are directly on the lake closest to West Broadway that have direct access across the water body, this tower is pretty well hidden. It sits in a hole and if you all -- I think there would be only two of you that were here when we approved this tower, maybe not even two of you. I think Ms. Hammen may have been here at that time in 2012. This particular tower, as pointed out in the staff report, was installed in order to accommodate cell splitting for the existing area, and therefore, the critical nature of this tower in 2012 has not diminished. It has probably become that much more important given the reliance on cellular technology, and then the

volume that cellular technology from a data perspective, as well as just a call volume, is passing through this particular location. And so part of where staff is coming from is we do have limitations by the 2004 act, but we also are looking at what are the objectives of trying to provide quality cellular service to our residents in building cellular coverage, as well as just adjoining cellular coverage. This particular tower site, if it is left in its current state, defeats that purpose of having high quality service to our residents. It also may have an impact as it relates to public safety delivery because of in-building call quality. And therefore, when we are approached by these types of situations, not unlike Alex, maybe I was a little bit dismissive to the visual impacts, as you've probably seen in some of the comments. Ultimately, that has come from the perspective, though, of many, many years of just driving past this tower site and not really even noticing it's there anymore. It's because, over time, something that is in the existing built environment becomes basically background noise. Now that may not be for the direct immediate adjacent owners, of course, but I think to the general public, when we're looking at what the benefit is of cellular communication and deployment citywide, we have to be considerate of that. The immediate property owners probably didn't want the tower there to begin with. It's been there. Yes, it's an enclosed container, but we can't get the same service out of it. And so now as the technologies are advancing, you don't have another way or another place within this particular area that surrounds this site really to erect a new tower. And therefore, we need to take advantage of what the grid is already. And as we've talked previously, we have -- we can't ask for propagation maps anymore. That's one of the things that we're excluded from and that's, basically, telling you how good your in-building coverage is or the coverage within the area. We can't ask a provider of cellular service for what their deployment grid is, because that's proprietary. And so we have to rely on where do we have towers placed initially to serve a system that was much less advanced than it is today. Those tower locations, like I said, do not lose their significance. They probably are enhanced now. We are going through a number of processes on City-owned property, as well as other properties that we have towers that are exteriorly mounted, being modified. And so, you know, on average, we probably process a dozen modification requests, if not more, annually. So this is not, again, an uncommon occurrence. We're looking at trying to keep up with the technologies. Often towers that come to you are what we refer to in our world as boomer towers that are larger, taller towards that are looking at taking a much more broader area, and basically transferring calls or data between towers that then into a smaller, more tighter network. This is a tower that's already in a tight network. It's surrounded by three other triangulated towers, and it's bouncing calls off of what pass by this site. This particular tower itself, I think one of the unique things is, is it's not being asked to be increased in height, and, normally, you would like to, if you're really going to want to solve the problem of having coverage, you normally would seek to add height to this tower. This tower is staying at its exact same height, and the most visible antenna which will be at about the 100 to 106 foot point on the tower that -- are flat mounted. So they are the ones that are the least obtrusive. As you come lower onto the tower at about the 80 to 85 foot point, which is where the external array would be established, that external array is going to be generally covered to some extent by the immediate vicinity

through the vegetation when we are in full leafed-out conditions. The commentary, as it relates to the visual impacts, have been received from people that are to the south side of Broadway on a higher elevated portion, looking into this depressed site -- not depressed because it's unhappy, just depressed because it's lower in overall elevation. If you go out to the intersection of West Broadway and West Boulevard, you cannot even see this tower. You will not see this tower if it has external antenna on it from that point. If you are elevated above the tower looking into the site, you very well may or if you are looking from north southward, because the site currently is not improved with structures at the very northwest corner of the property. I would suggest to you that even if improvement occurs on the northwest corner, it will not, however, minimize the appearance of the tower from the development that is to the north of the subject site. So you're going to have some visual impacts, but those visual impacts have been mitigated, in staff's opinion, to the greatest extent possible. You have a carrier that can mount directly to the pole at the highest elevation. You have a carrier that is the next carrier below that does not have the capacity or the technologies to allow them to either shrink their antenna down, to flat panel to mount to the pole. And so really we're having to deal with what's the technology, and as was pointed out, the Deployment Act does not allow us to consider the technologies that the actual carriers will use. So we have to accept the reality that that technology requires an exterior amount, and it requires an exterior amount that, yes, may have and likely will have a greater visual impact in the short term and maybe long term for those immediate neighbors. But the benefits associated with the expansion of this tower from internal to external far outweigh probably the impacts that will be experienced in the short term. The tower has existed in its current condition since 2012. We have never heard anything in regards to the tower being objectionable. The applicant was not asked will the actual colorization of the antenna mounted to this tower either directly to or external from the pole, be colorized to match, basically, the existing improvements that are there, which are if you have been out to that site, they are in a bronzed or brown color tone. Before Zach informed us today -- and I'll let Ms. Reeder respond to this, if you want to recall her to the podium when I'm done, it is my understanding that colorization, if that is something that the Board would like to request and the applicant is capable of doing that, it is -- I did not put it in our recommendation because it steps outside the bounds of what the Communications Deployment Act allows us to mandate. However, if the applicant is willing to do so voluntarily, that could become part of the Board order. And that will ensure then that the impact of the antenna that are mounted exteriorly are blending more to the existing pole and potentially the conditions within that neighborhood. Access to the site does not change. As Alex explained, the ground equipment will be modified in order to -- modified and upgraded to meet current technology, but nothing is being expanded, and the actual confined area that that equipment compound is in is actually significantly minimized by existing vegetation that is in front of the tower itself. It is mitigated by the landscape treatments that were required in 2012 when we had the ability to basically say screen with landscaping materials around the base in order to ensure that we don't have the visual impact from the adjoining street views. All of that has presently been done, and none of that will be modified as a result of this request,

should it be approved. So when we look at the totality of why this is something that staff believes is appropriate, it really has to deal with the fact that we are deploying new technologies that our community's residents rely on. It is also consistent with our City's Comprehensive Plan, and wanting to be able to have the highest and greatest value added into our communications network. This particular tower in this particular location, given its unique self-splitting origins, provides for that. Moving forward into the 5G technologies will allow us to stay current and provide our residents those services that they are likely demanding, but don't know it. And so I'm sure we all appreciate having good cell phone coverage and the ability to get on your phone and be able to connect to the internet from your house. If we don't allow expansions of this nature, you may not have that ability, and what does that do? That creates disconnects and disproportionate impacts to particular population groups. This particular request tries to mitigate that, to the best extent it can. With that, that is all I really have to offer. The evidence provided by the applicant, in my opinion I believe, is -- adequately captures what is in our staff report. If you have questions, I'm happy to answer them.

MR. NORGARD: Anybody have questions? Well, I have one just for clarification, or point of clarification. So if the CUP modification is approved, what are the steps that follow?

MR. ZENNER: So the steps that would follow is obviously we would issue the Board order from the -- from the Board. That Board order will be provided to the applicant. The applicant provides that Board order, along with their construction documents, what they refer to as CD plans, to our building and our site development department. They will be evaluated through our building and permitting processes. A permit will be issued to allow for the structural modifications to the tower. There may be an electrical permit that will be required to be issued due to some additional wiring, as well as other inspections that will need to be provided. In essence, if I understand the process correctly, the electrical permitting will have inspections associated with the structural analyses that would require inspections on. The reliance of the signed and sealed structural analysis will, I believe, count for that. We don't go out and specifically go tap on the steel and make sure that it meets whatever ding standard is maybe identified as being acceptable. We rely on the engineering professionals that are bringing the quality materials that they identified in the structural analysis. Ultimately, this particular tower, it's an interesting dichotomy. We've talked about fall zones in the past with towers that are of much significantly greater height, that a tower has to either collapse internally on itself, or fall within the property boundaries of the site that it is on. Irrespective of if it falls on top of an existing commercial building or another structure on that property, it just needs to stay on the property. This particular tower, should that 100 mile an hour wind or ice loading occur on the actual expanded array, the bat wings as we refer to it, as well -- another colloquial term we use for what's not mounted directly to pole, this tower will collapse internally to the project site not impacting any public right-of-way or any adjacent property. Probably a catastrophic loss for the engineer and the operators, but it is still compliant with how the code is set up. I have not evaluated the tower to find out if it has a midpoint break in it, which is typically what's designed, so they self-collapse on themselves. That is standard, generally, when we look at new tower construction, though, and that will

be something, again, that we would want to evaluate if this were brand new, but because we're changing the spine, the original bones, so to speak, of the tower are being upgraded to supported the added weight and, if needed, I'm sure that the structural engineer will have identified that break point in order to ensure loss of property and possibly life is limited.

MR. NORGARD: Thank you. If it's appropriate, I would actually like to ask the lawyer something.

MR. CRAIG: Absolutely.

MR. ZENNER: Which lawyer?

MR. NORGARD: Well, both, actually -- eventually. So the original CUP was back in 2012. The effective date for the Missouri Uniform Wireless Communication Infrastructure Deployment Act was in 2014. So my question is: Do the statutes apply to this project since it was originally conceived in 2012, or does it apply because it's now beyond 2014?

MR. CRAIG: I think they would apply.

MR. NORGARD: Okay.

MR. CRAIG: However, I mean, I -- we'll get to the characterization of the prohibitions, and that when I -- when I speak to --

MR. NORGARD: Okay.

MR. CRAIG: Yeah. It would.

MR. NORGARD: Any further questions? This is the point where we afford the applicant to come forward, if they would like to, and make any clarifications or submit themselves to further questions. I think we would ask if you all are amenable to the color matching.

MR. BARRETT: I was speaking with Ms. Reeder to see if she would like to address that, and she's happy to do so. I do not have anything further.

MR. NORGARD: Okay. Okay.

MR. BARRETT: I think that Mr. Zenner has done a fantastic job laying everything out, so I'll defer to Ms. Reeder.

MS. REEDER: Thank you. Currently the tower is painted that brown or bronze color, as Mr. Zenner indicated. And we agreed -- the carrier agreed that all the new equipment that is being placed on the tower will also be painted to match that same color of the tower.

MR. NORGARD: So regardless of us attaching that as a rider to this application --

MS. REEDER: Yeah. We submitted, actually, plans, and I believe you have those. I think Zach may have e-mailed them a new set of plans, and the plans state on there that all the new T-Mobile equipment would be painted to match the existing tower.

MR. NORGARD: Okay. Any further questions? Seeing none. I will go ahead. Thank you. I'm going to go ahead, I believe, and close the public hearing.

PUBLIC HEARING CLOSED

MR. NORGARD: So this is the point where I ask legal if they have any comments?

MR. CRAIG: Certainly. Thank you, Mr. Chair. As a preliminary matter, I'd like to introduce into the record City's Exhibits 1, 2, and 3, Exhibit 1 being certified copies of Chapter 29, Sections 1.11 and 6.4(m)(2) subsections 1 and 2; Exhibit 2 being a staff report and application; and Exhibit 3 being the public hearing advertisement, parties in interest notice, and parties in interest list.

MR. NORGARD: So moved.

MR. CRAIG: Thank you. And, additionally -- so the matter before the Board here in this case is a request to amend the conditional use permit for communications antenna and tower pursuant to Section 29-6.4 (m)(2), subsections 1 and 2. Pursuant to those sections, the Board may approve an amendment to a conditional use permit for communications antenna tower if it determines that the following criteria have been met, and you've got your -- your standard criteria and then some additional ones, and I'll read those into the record now. The general criteria, A, the proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located; B, the proposed conditional use is consistent with the City's adopted Comprehensive Plan; C, the proposed conditional use will be in conformance with the character of the adjacent area within the same zoning district in which it is located. In make such a determination, consideration may be given to location, type, and height of buildings or structures, and the type and extent of landscaping and screening on the site; D, adequate access is provided and it is designed to prevent traffic hazards and minimize traffic congestion; E, sufficient infrastructure in services exist to support the proposed use, including, but not limited to adequate utilities, storm drainage, water, sanitary sewer, electricity and other infrastructures facilities are provided; F, the proposed conditional use will not cause significant adverse impacts to the surrounding properties. Additionally, when considering a conditional use permit application for communications antenna or tower, the application shall be submitted to the Board, and the Board shall consider the following criteria, in addition to those listed in subsection 1 above. This decision shall be based on substantial evidence in the written record. A, whether or not existing towers are located within the geographic area necessary to meet the applicant's engineering requirements; B, whether or not existing towers, structures or buildings within the applicant's required geographic area are of sufficient height to meet the system's engineering requirements; C, whether or not existing towers or structures have sufficient structural strength to support the applicant's proposed antenna; D, whether or not fees, costs or other contractual terms required by the owners of existing tower structures or buildings within the required geographic area of the applicant or to retrofit existing towers or structures are reasonable; E, whether or not there are other limiting conditions that render existing towers, structures, or building within the applicant's required geographic area unsuitable; F, whether or not the proposed -- rather, excuse me -- whether or not the proposal minimizes the number and size of towers or structures that will be required in the area; G, whether or not the applicant has previously failed to take advantage of an available shared use opportunities provided by this section or otherwise; and, H, whether or not the applicant has provided sufficient evidence indicating that the tower will be made available for use by others, subject to reasonable technical limitations and reasonable financial terms. Now, counsel for the

applicant did bring up revised statutes, Chapter 67, Section 5094. There are certain provisions in that that somewhat preempt some of these considerations. Specifically, Subsection 1 of that statute says the permits the requirement that the applicant submit information about or evaluate an applicant's business decisions with respect to its designated service, customer demand for service, or quality of service to or from a particular area or site. As counsel noted, co-location or alternate sites is preempted/prohibited. Dictating the type of wireless facilities, infrastructure, technology is also preempted, and unreasonable requirements or obligations regarding the presentation or appearance of facilities, including but not limited to kind or type of material those used, relating to screening/landscaping of facilities. So it's not categorical prohibition, it's prohibition against unreasonable requirements.

MR. NORGARD: So, for instance, if they wanted to paint it bright pink or something, that would -- could be considered unreasonable?

MR. CRAIG: Well, the obligation is what the statute speaks to. I mean, if -- the request from the Board would have to be reasonable --

MR. NORGARD: Sure.

MR. CRAIG: -- regarding those. So, yeah. There are certain -- certain preemptions that do exist in that statute that limit -- that limit the consideration of this Board. And if there are any further questions, I'd be happy to answer.

MR. NORGARD: Could I ask for that true copy of this entire section? I think it's Chapter 67, subsection 5090 through 5104 being --

MR. CRAIG: I have a printed copy. I will --

MR. NORGARD: Will you introduce that into evidence?

MR. CRAIG: I can, and -- yeah. I will absolutely do that, then I will -- let's see. I'll move to introduce a hard copy. Oh, it's already in -- it's already in the applicant's submission, so it's in the record.

MR. NORGARD: The entire -- the entire subsection?

MR. CRAIG: The entirety of it, yes, it is. Yeah.

MR. NORGARD: Okay. I don't have access to that, so --

MR. CRAIG: I have an alternate copy, if you would like to look at it.

MR. NORGARD: Well, I'm -- I can see it here on the screen --

MR. CRAIG: Oh, okay.

MR. NORGARD: -- but I'm just saying I don't have access to the full packet. We got a subset of -- of the -- I think we got 5094 in our packet, but we didn't get any of the definitions or any of the other aspects, so I was just hoping to get a whole -- the entire Uniform Wireless Communication Infrastructure Employment Act.

MR. CRAIG: Oh, the -- oh. The Act in its entirety?

MR. NORGARD: Yes. Because it includes prohibitions, as well as authorities.

MR. CRAIG: Yeah. Well, it can also -- I mean, should -- judicial notice can be taken of it.

MR. NORGARD: Okay.

MR. CRAIG: So I mean, in a subsequent proceeding, if there is such a thing. If there is such a thing, there is an opportunity to have judicial notice of -- taken of it in the future. But I can move to have the entire act put into the record. So -- what's that?

MR. NORGARD: So moved.

MR. CRAIG: Okay. If there's no objection, we'll put the whole act in there.

MR. BARRETT: Apologies. No objection. And I further don't object to the Board taking notice of any statutes for that matter.

MR. CRAIG: Sure. Thank you.

MR. NORGARD: Okay. Are there any questions of Mr. Craig? All right. Thank you. All right. Okay. Board members, are there any comments, discussion before we make a motion?

MS. HAMMEN: No. Thank you for being so thorough.

MR. NORGARD: All right. All right. Well, in that case, let's have a motion to approve the conditional use modification, and I'll let Mr. Zenner read the full -- the full Monty.

MS. HAMMEN: So moved, and shall we put it in there to paint it to match, just because it's on there. But I don't know. Do we need to do that?

MR. NORGARD: I think we have it from the applicant that whether or not we attach it, it's their policy to do -- do color matching, so I don't think we need to state that, personally.

MS. HAMMEN: Okay.

MR. NORGARD: Does anybody else? Okay. So we have a motion to approve by Hammen. A second?

MS. ROGERS: Second.

MR. NORGARD: Rogers, second. Mr. Zenner, would you please call the role?

MR. ZENNER: Yes. So a motion has been made and seconded to approve Case Number 336-2025, a request to modify the 2012 Stealth Cellular Communication Tower located at 1205 West Broadway to a non-stealth facility of the same height. The additional condition, and it's subject to the recommendation of staff; is that correct?

MR. NORGARD: Yes.

MR. ZENNER: With the condition that the tower construction shall be substantially in compliance with the development plans prepared by WT Group attached to this report and sealed 7/8/2025.

MR. ZENNER: Mr. Norgard?

MR. NORGARD: Yes.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Mr. Minchew?

MR. MINCHEW: Yes.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: Ms. Nguyen?

MS. NGUYEN: Yes.

MR. ZENNER: Five votes to approve. Motion passes. So ordered.

MR. NORGARD: Thanks, Mr. Barrett and Ms. Reeder. Sorry to the audience for keeping you here longer. All right. We're going to move on to the next hearing. We'll skip over 339 because that was tabled. All right.

Case Number 01-2026

A request of Ulysses Clayborn (attorney), on behalf of The Columbia Housing Authority (owner), seeking a 19-foot rear yard setback variance that will allow a final plat to be approved placing the structure addressed as 211 Boone Drive on its own individual lot as required by Section 29-4.1(a), Table 4.1-1, of the Unified Development Code.

MR. NORGARD: All of that part of Lot 101-B, Providence Walkway, Plat Number 1-A, recorded in Plat Book 59, page 40, located in the northeast quarter of the southwest quarter of Section 12 Township 48 north, range 13 west, Columbia, Boone County, Missouri, known as or located at 211 Boone Drive. All right. Does any Board member have anything to disclose regarding this case? Seeing none. Mr. Zenner, has the public notice been -- or has the notice been properly advertised?

MR. ZENNER: Yes, it has.

MR. NORGARD: And has it been posted with a notice of public hearing?

MR. ZENNER: Yes, it has.

MR. NORGARD: Have the parties in interest been notified?

MR. ZENNER: Yes, they were.

MR. NORGARD: And where there any inquiries?

MR. ZENNER: No, there were not.

MR. NORGARD: Okay. Thank you. Will the person making application to the Board please step to the podium. State your name and address, and be sworn in by staff -- or --.

MR. CLAYBORN: Good evening, Chairman Norgard, and to the other members of the Board. My name is Ulysses Clayborn, and I'm an attorney for the Housing Authority of Columbia, Missouri. I'm located -- I'm with the firm of Clayborn & Associates. We're located at 117 West 20th Street in Kansas City, Missouri.

(Witness sworn.)

MR. CLAYBORN: We are here this evening to request a 19-foot variance to the 25-foot rear yard setback as required by Section 29-4.1(a), and our -- the reason for this is -- is because of the structure in which this project is being financed. This property is situated on Lot 101B, Providence Parkway Plat Number 1A. And on -- on Lot 101B, there's located seven multi-family structures, and then also located on that same lot is a building that is a maintenance and operation facility of the Housing Authority. This property is being financed with low-income housing tax credits and also through a HUD

program called Rental Assistance Demonstration Program, RAD, and one of the requirements is that the properties -- that all properties that are being financed with low-income housing tax credits, they must be placed in a limited partnership and -- and that partnership has to be a single purpose entity, and it only has really one purpose, and that is to own and operate the property. There is also, as I stated, on that site a maintenance and operations facility that the Housing Authority uses to address the maintenance needs of all of its properties. And so while the tax credit, Section 42 of the Internal Revenue Code, requires that properties be transferred into a limited partnership, and the housing components of this property will be transferred into a limited partnership in which the Housing Authority will hold a governing interest in, but the maintenance and operation facility will not be transferred and so, therefore, there is a need for the creation of a lot -- a separate lot to which -- on which the 211 Boone Drive, that maintenance facility, will be located. So the question is how -- but we cannot create the plat because of the fact that -- excuse me. We cannot create the plat because of the fact that until we are able to get to -- to a closing because -- and the lot cannot -- and the lot cannot be created, of course, without running afoul of the 25-foot rear yard setback. So we're kind of at a quandary here because if the -- if -- since we can't get to -- all the properties have to be transferred, and the multi-family properties will be transferred and -- but we can't -- but we can't create the plat without running afoul of the setback. And so it creates an issue here, and it's not as a result of our -- any hardship that we've created, it's a product of the financing. We will -- the setback issue will be rectified once we get to a closing because the -- the funding will be provided and all of those multi-family structures will be demolished. And once they're demolished, then the property line that is created by the proposed plat that -- the property line that we -- that's created by the proposed plat, once those properties are -- are demolished, then we don't run afoul of the setback. But right now, if we -- the proposed plat, the property line runs afoul of the setback, and there's only six feet difference between that property line and the adjoining property. This -- our request that is for the variance, the 19-foot variance we're requesting because we cannot move without it. If we -- we can't get to a closing, and get to the point where we are demolishing all those units which will -- and those units will be reconstructed with a one for one replacement, and the properties will be restored, and the new parcels, the new multi-family developments, they will comply with the Unified Development Code and also with the setbacks, but we are kind of at a quandary, we can't get there without obtaining the variance.

MR. NORGARD: Is that all for you?

MR. CLAYBORN: That's it.

MR. NORGARD: Okay. Thank you. Are there any questions from the Board?

MS. HAMMEN: So I have a couple of questions. So does the 211 Boone Drive create the -- the setback issue, or is it 213, 215, and 217?

MR. CLAYBORN: It's the fact that the proposed -- yes. It's the fact that the proposed property line of the new lot runs afoul of the 25-foot setback.

MS. HAMMEN: So we don't need to differentiate because they're both running afoul, if you will. What's the time line for the financing, and then the demolition?

MR. CLAYBORN: Yes. We anticipate that we will be able to get to closing because we have to get to a closing on the tax credit parcel, and that will -- I think we can get there in six months, I think. Is that right? Yeah. And we're going to have the -- Randall Cole, the chief executive officer of the Housing Authority, he'll be speaking and can address those issues, and also Tim Crockett.

MS. HAMMEN: The one question that perhaps -- so are you requesting a variance or a temporary variance, or is this a difference without a distinction -- or a distinction without a difference?

MR. CLAYBORN: Well, I think the fact that the variance is going to be temporary --

MS. HAMMEN: Uh-huh.

MR. CLAYBORN: -- is, I guess, is the way we're phrasing it because once we are able to get to a closing, we will -- the variance has been provided, and will no longer be necessary because the units, the existing units that are on the property now will be demolished.

MS. HAMMEN: Right. So the variance goes with the land, so the land is still there -- the variance goes with the land, so the land is still there, but we'll address that as we go. Thank you.

MR. CLAYBORN: Thank you.

MR. NORGARD: All right. Please state your name, address, and swear in?

MR. COLE: Randy Cole, CEO of the Columbia Housing Authority. Our offices are located at 201 Switzler.

(Witness sworn.)

MR. COLE: Yes. All right. Thank you. I have a couple of signs to reiterate some of the points that Deke made, and -- and then Mr. Crockett will come up and reiterate some, as well. So yeah, the project converts our Public Housing Units on Providence Walkway right on Providence Road from public housing, so it will no longer be under the Housing Authority's public housing ownership, it'll go to a limited partnership, but we will have an interest in that project through the life of the -- the life of the project. So we'll convert to LIHTC and Section 8. This is important because it brings in over seven million dollars to make improvements to the housing there onsite. It'll be demolition and new construction, as Deke spoke to. The variance allows for the final plat that we need to get in place to be able to move forward with all of our financing. Our investors require it, the bank requires it, MHDC, the Missouri Housing Development Commission and HUD, as well as our title company. We have to have a final plat in place so that we can get a commitment from title insurance. So this is something important to navigate to be able to get to closing and to be able to do the project. From my understanding, the main conflict point is those existing buildings beyond the maintenance, so just to the east of the maintenance, and I think Mr. Crockett will specific -- talk to those specifics. So once the buildings are demolished, after we close on the project, the variance will be in place, as I -- as I know with the approval of the plat, but there will be no conflict with the Uniform Development Code at that point after demolished. So the full development at the end of the project, we'll be in full compliance with the Unified Development Code. We need the maintenance building platted into its own lot so that we can keep that under the ownership of the Columbia Housing Authority. So we will -- will have an ownership interest in the partnership, but

so will investors, so we want to keep that asset out of it, and so does HUD and MHDC, so want the LP to own just the housing for the project and the single purpose entity. Until closing, the land will remain in public housing ownership. There is what's called a Federal Declaration of trust on that land. It's like a deed of trust, but even stronger and more stringent with all the federal regulations, so HUD will not allow us to demolish the projects before we close or the buildings there before we close. We have to go through all the due diligence with MHDC, the investors, and HUD. HUD hits the final approval, and that will be sometime in second quarter of next year, and that's when the land will be sold to the partnership and then we'll be cleared to demolish. So that's why we need the -- the land into a legal plat now so we can get to that point and improve the housing. So the next slide here, who the project serves -- older adults, elderly and disabled, a person with disabilities, lots of families with children there, women fleeing domestic violence, and veterans. We serve over 400 veteran households across all of our properties including on this project, and about 52 percent of our residents are elderly or disabled. Why this project is really important, it preserves much needed affordable housing in our community, and really improves the housing that's there. Those buildings are over 60 years old. There's deteriorating sewer lines, electrical issues, HVAC that's not up to modern standards that we want our residents living -- living in, also shifting foundations, so that's why we've moved to full demolition and reconstruction to really preserve these -- this housing opportunity downtown with nice, new affordable housing. It's also going to really beautify our corridor on Providence as you come into town. It's also an improved storm water and other infrastructure upgrades, so not only will it help this development, but surrounding developments, and it will leverage major investments from the City, the County, Veterans United Foundation, and Central Bank have all put in a lot of money towards this project, as well as the Missouri Housing Development Commission. So the City will maintain an ownership interest in this project through the end of the compliance period. So the funds that the City provides is a \$350,000 secondary lien on the property, so they will have a controlling interest in the duration of the property. So we will meet all of our commitments associated with the Planning and Zoning piece, but the City will also have a long-term interest in the project, too, so beyond this body to -- to keep -- to ensure we're meeting our mission and meeting all of our public commitments. There is definitely strong resident and community support. Our residents are extremely excited about the project. We've had them play a role in shaping what they look like, how they function, and they're very excited about their housing, and that's really why we're here and who we're asking this request be on. So I'll shift it over. These are some of the pictures of what they'll look like, nice new housing. They're going to be really high quality, similar to our development you may have heard of at Kinney Point. Had a lot of good feedback on the -- just the standards. They're going to be similar standard and quality -- really high quality housing that's going to look like mid-builder grade or higher level housing and really beautify our corridor, and, most importantly, really serve our residents well.

MR. NORGARD: Thanks, Randy. Any questions for Randy? No? Okay. Thanks.

MR. CROCKETT: Mr. Chairman, members of the Commission, Tim Crockett, Crockett

Engineering, 1000 West Nifong.

(Witness sworn.)

MR. CROCKETT: I believe Mr. Clayborn and Mr. Cole did a good job describing what we're requesting tonight, so I'm going to try to illustrate what we're asking for tonight. We know the location. Providence Road is the main north-south road here, and you can kind of see Boone Drive on the south, Switzler to the north, and Trinity to the west, so you see the property in question. We have, I believe, there's seven residential buildings, and as also talked about, the maintenance buildings out there, as well, all on a single lot as it's contained today. This is just a schematic showing those locations, those buildings. There in the central lower portion is the maintenance building. What we're asking for is we want to create this property line as illustrated in green. And what that allows us to do is be able to subdivide that property, that one lot into two lots, so that the portion to the north can be conveyed, can be transferred for the future redevelopment, while the maintenance building stays in conjunction with the Housing Authority. And when we do that, we're going to have two lots, you can see there the different shaded regions, but here's the little zoomed-in portion of it, of the same thing, and you see here on the -- on the right-hand side, when we have the green property line -- and Ms. Hammen, you asked which is causing the issue, 211 Boone Drive, the maintenance building, what we want to do is we want to place that property line because that building is going to remain. We want to make sure that it is not in conflict with any setback. However, in doing so, the three units that are to the east or to the right-hand side will be in conflict, and that's the 19 feet in question, and you can see that illustrated in this schematic. So we need to create that lot line. Those buildings or those units would be in conflict with the rear yard setback. However, this is the redevelopment of the site, and so, long term, when the property gets redeveloped, those existing units gets demolished and these get built in its place, you can see where that green lot line is now situated, and we zoom in on it, and now it's in full compliance with both rear yard setbacks. So while we're calling it a temporary, I don't believe there is a definition of a temporary variance, you have a variance, either you have a variance or no variance. We're going to refer to it as a temporary one because we're going to rectify it and fix the issue down the road. So it's not something that we're asking this -- this Board to give us a variance on forever. We're simply asking for it -- it's a chicken or egg type of thing. What we really need it for is in the short term because when this project gets redeveloped, it will rectify itself and we will comply with the setback issues that are out there. And so that's the reason why we're asking for it. As stated in the application, there is additional criteria for approval of a variance, and so the variance is required -- is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain, location, or other factors of the applicant's site, and I think we've kind of illustrated that today. Outside of our control, the financing issue is a hardship that we're -- that we're coming up against. We have to create this plat. We have to create these lots, and we're not able to do so without some assistance and the variance that we're asking for tonight. Also, the variance will not have the -- have the effect of permitting a use of land that is not indicated as a permanent or conditional use in Section 29-3.1. Basically, what they're saying is this variance isn't going to allow us to do

something that's not permitted to do to the zoning code, and we're not doing that. Right now, the property is zoned residential multi-family, and that's certainly the intent to long term. So we're not changing the use of the property, we're not changing any of that kind of characteristic. Of course, the variance will not permit a development that is inconsistent with the adopted Comprehensive Plan, and really, the comp plan doesn't really speak to this specific use really, but we're certainly not going against the comp plan by any means either. The variance is the least change from the requirements of this chapter necessary to relieve the difficulty or hardship. And I believe that this is -- we've talked with Mr. Zenner and his staff many, many times about what's the best course of action to -- to go this route, and I think that simply if you go out there and know the residents that are out there now, or the other residents that will be out there in the future are going to recognize that property line. We're not building new buildings, we're not going to encroach on the existing residences, we're not doing anything like that. Everything that's out there now is going to remain out there until the site gets redeveloped. So simply putting the property line there is not going to change anything with the -- the existing site. And then the variance will not harm the public health, safety, or welfare, or be -- or other property or improvements in the area where the property is located. There will be no impact to the public health and safety of this property. The variance will not impact other properties at all. Quite honestly, when you look at the other properties adjacent to it, all of the other properties are either owned by the school district or owned by the Housing Authority. I think there was only two other properties that are to the north that are owned by other entities outside of those two. And so all the -- all the neighbors are properties of our own. And so -- so, in conclusion, the variance that is being requested is needed to create new CHA units for our community. The variance is not self-imposed, we believe. This is something that's kind of put on us due to the financing mechanism, and it will not -- the variance will not affect negatively or otherwise any other property in the community, and, of course, it's essentially temporary. Again, it's -- it will self-rectify long term. So with that, I'm happy to answer any questions that the Board may have.

MR. NORGARD: Are there any questions for Mr. Crockett? I see none. Thank you.

MR. CROCKETT: Thank you.

MR. NORGARD: Is there anybody else in the audience wishing to speak in favor of this application, please come forward now. Seeing none. Is there anybody wishing to speak in opposition, please come forward now. I see none. Mr. Zenner, would you like to give your commentary?

MR. ZENNER: I don't have much commentary to add. I think our applicants have done an exceptional job of explaining the situation at hand. As pointed out in the staff report, however, this is a -- this is a unique little situation here, not necessarily contemplated at the time that we adopted the Unified Development Code when a temporary condition will be created, necessitating the modification of a dimensional standard. And so when this application was submitted, there has been an increased amount of conversation amongst the staff as to how can our regulations be modified such that allowing a platting action to be approved with a special condition of potentially revoking that approval, that approved platting action from the public record if the issue is not resolved, there are many options that we have

identified, at least, that are worth conversation, but that's not how the Code is structured today. The Code really only allows this path in order to relieve an applicant of compliance with the dimensional standards, and as stated by legal counsel and Mr. Cole, getting there is essential in order to close the deal. And our -- our staff is restricted from being able to approve and process a platting action without it being compliant to either dimensional standards of the Code, or a variance granted by this Board. I think it's been clearly stated this evening this is "a temporary matter," and the request is to address a means to an end. The redevelopment of this particular project area has been very well known and very well publicized, and therefore, granting the variance is not seen as something that staff believes is negative to this environment, it actually will be at the end of the project a benefit and a significant improvement to the overall community, not only from the residents that it will serve, but from the community as a whole. The Comprehensive Plan does not address this type of issue, but the Comprehensive Plan does address the opportunity for us to create housing in neighborhoods that are integrated and meeting the needs, creating complete neighborhoods, in essence. This type of housing is a necessary element of our community. It will exist in a form very similar, and serve the same population that it has historically, but in order to get there, we have to approve a plat. The property is presently a through lot, so when you look at this, one may ask, well, it seems awfully odd that the front of this property is not on Boone Drive. Well, the front of the property, as it's platted today, is actually Providence Road, because when the property was originally platted, Providence was chosen as the front, the rear is Trinity. Side -- sides at that point then are Switzler to the north and Boone Drive to the south. And so when you look at the diagrammatic of this particular lot, it may appear odd that 25 feet is not being maintained off of Boone Drive, but rather is being maintained off of Trinity, and off of the property line that is being proposed, and that is because when we finalized the subdivision action front to the maintenance facility will actually be to Trinity. That is how we have viewed this, and that is why, when you look at where the front and the rear setbacks are, the 25 feet that is depicted on these diagrams, that is why the 25 feet is being met on what would be basically the east and west ends of the building, not what is traditionally considered where you enter the front door. So, you know, there's a couple of gyrations that we go through as staff in order to try to fit -- how do you fit it into the property, and how does it fit into the grander scheme of redevelopment. And when we evaluated this particular request, consistency with the overall master plan for this particular portion of the CHA's holdings, as well as the benefits that it will create long term, and the limited impact that it creates from a very technical perspective are why we believe that approval of this particular variance is appropriate. It is not the standard fare of a property having extreme problems that created this issue for the applicant. The property is not much different than many larger multi-family. It is really the lack of our guidance and our lack of clarity within the Code when we adopted in 2017 and prior, as to how do you handle temporary non-compliance. We used to allow building over a property line, but that was eliminated in 2017. And so that may not have resolved this issue, specifically, because of the way that the property has to be broken up in order to be able to receive their financing, but we also, as I said, are looking at different ways of being able to address this type of issue. It does not occur very frequently, but

it does occur time to time. Often when it arises, we are able to, from a staff perspective, work with the applicant to get them to gain compliance versus having to bring it before the Board like we are tonight. That is why you don't see these very frequently. And so this particular issue we believe is -- I hate to use the term -- but innocuous, and will resolve itself over time with the redevelopment of the property, which is imminent, and will be really a lot of bluster for a lack of really any impact. So, with that, if you have any questions, I'll be happy to answer them.

MR. NORGARD: I'd like to circle back to this notion of temporary variance. So it's my understanding that the variance goes -- runs with the land, but that means runs with the plat, or does that mean actually running with a land; i.e., when it's replatted, does that essentially invalidate the variance that we would grant tonight?

MR. ZENNER: So, I think as Mr. Crockett points out, this is a chicken and an egg scenario. We can't approve the platting action without approving the variance. And so -- and I will let Mr. Craig speak.

MR. NORGARD: No. Well, I agree. But what I'm saying is, we've -- we grant this variance tonight --

MR. ZENNER: Uh-huh.

MR. NORGARD: -- so now we have a non-compliance that we've allowed.

MR. ZENNER: Yes.

MR. NORGARD: And the land is replatted to make it compliant. Does the variance even exist at that point, however, because now the land has been replatted, does that -- does the replatting process remove the variance?

MR. ZENNER: The replatting process would only be possible if the variance is granted, so it will remain in place. Once the building is removed, that is the offender, so to speak, the 312 through 317, once that building is removed as a part of the overall redevelopment process, the necessity for the variance that is granted to the remainder, and, in essence, we have to look at this that the -- the lot that will be created to accommodate the maintenance facility will be fully compliant. The lot that will remain after we have subdivided out the maintenance building is the lot to which the variance will run with permanently. And so when they reconstruct the building that is necessitating the variance in a compliant fashion, unless that building is torn down, which we're building buildings for a life span probably of 50 years, there will be no need to ever reuse that variance, though it will exist with the land. It will run with the land. The question is unless somebody wants to build a bigger footprint at some point in the future, why would you ever need it? The building that's being built there will be able to accommodate the needs for the immediate and near long term, but we can't say what may end up happening in the future. And so while that variance will run with this land permanently, it is an essential component to be able to get the plat that will create the two lots out of 101B to even get to City Council. We can't do it, and so it is with the property permanently, but it will only affect the lot that contains all of the multi-family that is to be torn down.

MR. NORGARD: I get all that. So I guess what I'm saying is this section where I read all that

part of Lot 101B, Providence Walkway, blah, blah, blah, blah, blah, that is where the variance actually applies?

MR. ZENNER: And once -- and so when you subdivide the property, the -- the --

MR. NORGARD: So it's not really temporary, it exists into perpetuity?

MR. ZENNER: Yes. In perpetuity, and it will apply to that portion of Lot 101B.

MR. NORGARD: Okay.

MR. ZENNER: And think to -- to the purposes of the clarity that may be needed, it is not being applied to the lot that will accommodate 211 Boone Drive. It is to accommodate the multi-family development that is on the balance of the tract.

MR. NORGARD: Right.

MR. ZENNER: That is exceptionally essential I think to get to the point that you're -- you're commenting on. The legal description is the entire described property today. The piece that we are applying the variance to, though, should it be granted, is what will be modified by the redevelopment of the existing housing, and that is not 211 because 211 will stay the way 211 is.

MS. HAMMEN: So it doesn't matter which way 211 is addressed either now or in the future?

MR. ZENNER: No. 211 is historically the address that has gone to that maintenance building, along with the units that are to the east and -- the units that are to the east, as well as some units, if I'm not incorrect, that are further to the southwest. That -- they have some mixture of Boone and Park Avenue addresses, as well as Providence addresses. So the Boone Avenue address is the historically applied and would be consistent with the fire code addressing processes because it's where the doorway enters that building, and they want to know how do we get to the building -- how do we get into the building. What is the front door of the building, and that is all from Boone.

MS. HAMMEN: So we could put a time on this variance. Right?

MR. NORGARD: Can you sunset a variance?

MS. HAMMEN: I don't know.

MR. ZENNER: And I'm seeing Mr. Craig -- I'm seeing Mr. Craig furrow his brow a little bit, but that is not -- we don't condition variance requests.

MR. CRAIG: There is no such thing as a temporary variance. I mean, it's not a thing.

MS. HAMMEN: In real estate.

MR. CRAIG: I mean, this will -- this will run with the land.

MR. MINCHEW: I have a question. Can we move along, because I think we know how we're going to vote on this, so can we just -- I think it's been explained. I think we understand it.

MR. NORGARD: Sure. I don't have any further questions. Does anybody have any further questions for staff?

MS. HAMMEN: Well, that just answered my -- I thought I had read somewhere that there could be a temporary real estate variance, but you're saying no.

MR. CRAIG: I know of no such thing that's in the UDC. I mean, it's not something that I'm

familiar with.

MS. HAMMEN: Well, not in our UDC, but -- okay.

MR. ZENNER: And I think to your point, Ms. Hammen, we'd have to amend our Code to include something of that nature. Right now, there is nothing in our Code that addresses this scenario. And I think to avoid going through this process in the future, with similarly situated properties, it would be advantageous for our staff to examine what does exist in other municipalities codes, but, right now, we only have this means to address this matter.

MR. NORGARD: Thank you. Would the applicant, Mr. Clayborn, Mr. Cole, Mr. Crockett, like to rebut anything? You all should form a sort of lobbying firm, Clayborn, Cole and Crockett. It's pretty nice. All right. I'm going to go ahead and close the public hearing.

PUBLIC HEARING CLOSED.

MR. NORGARD: Comments from legal?

MR. CRAIG: Oh, yes. Thank you, Mr. Chair. Again, as a preliminary matter, I'd like to introduce into the record City's Exhibits 1, 2, 3, Exhibit 1 being certified copies of Chapter 28, Section 1.11; Section 29-4.1A and accompanying table 4.11 -- 4.1-1, and Article 6.4(d)(2). Exhibit 2 would be the staff report, and Exhibit 3 being the public hearing advertisement, parties in interest notice, and parties in interest list.

MR. NORGARD: So moved.

MR. CRAIG: Thank you. Additionally, the matter before the Board in this case is a request for a variance, pursuant to Section 29-64(d)(2). Pursuant to that section, the Board may approve an application for a variance if it determines that all of the following criteria have been met: And it is, A, the variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain location, or other factors of the applicant site. Those difficulties or hardships are not generally applicable to the property in the area, and the difficulties or hardships were not created by the actions of the applicant. B, the variance will not have the effect of permitting a use of land that is not indicated as a permitted or conditional use in Section 29-3.1, permitted use table in the zoned district where that property is located, nor shall the variance be granted to modify a standard that operates as part of the definition of any use. C, the variance will not permit a development that is inconsistent with the adopted Comprehensive Plan. D, the variance is the least change from the requirements of this chapter necessary to relieve the difficulty or hardship. And, finally, E, the variance will not harm the public health, safety, welfare, or be injurious to other property or improvements in the area where the property is located.

MR. NORGARD: Thank you.

MR. CRAIG: Thank you.

MR. NORGARD: Okay. Is there any discussion amongst the Board?

MS. HAMMEN: No. I thought this was going to be exciting to craft a temporary variance.

MR. NORGARD: Sorry to disappoint.

MR. MINCHEW: As long as we can do it before 10:30.

MR. NORGARD: All right. Well, is there a motion to approve the variance?

MR. MINCHEW: I make a motion.

MR. NORGARD: We have a motion from Mr. Minchew. A second?

MS. ROGERS: Second.

MR. NORGARD: We have a second from --

MS. ROGERS: Rogers.

MR. NORGARD: -- Ms. Rogers. Okay. Are there any special -- any comment or -- any commentary on the motion? Seeing none. Mr. Zenner, would you please formulate the motion for us?

MR. ZENNER: Yes. A motion has been made and seconded with respect to Case Number 01-2026, 211 Boone Drive, a variance -- a 19-foot variance from the rear yard setback of the proposed property line that will separate 211 Boone Drive from a residential structure addressed as 213, 215, 217 Boone Drive, and 305 Providence Road. Pursuant to the recommendation, the front yard setback that will be applied to the remainder of Lot 101B containing the residential dwelling units on the subject property would be with a front yard setback of 25 feet, and that would be from Providence Road, a side yard setback from Boone Drive of ten feet, a side yard setback from Switzler Street, which would be ten feet, and then a -- I apologize -- 15 feet, the corner side, and then a rear yard to the rear of the building addressed 213, 215, 217 and 305 Boone Drive and Providence Road 305, would be six feet. That is the 19-foot variance that is sought. The variance applies to the remainder, again, of Lot 101B. Mr. Norgard?

MR. NORGARD: I will vote yes.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Mr. Minchew?

MR. MINCHEW: Yes.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: And Ms. Nguyen?

MS. NGUYEN: Yes.

MR. ZENNER: The motion passes with five votes. So ordered.

MR. NORGARD: All right. Thank you, Mr. Cole, Mr. Clayborn, and Mr. Crockett. All right. We shall move on to the final hearing of the night.

Case Number 02-2026

A request of Phebe LaMar (attorney), on behalf of Envy Builders, LLC (owner), seeking approval of a variance to allow a maximum of 75 square feet of covered structure (i.e. a deck) to extend into the required rear yard setback of 5700 Camden Circle such that approval of the suspended rough-in inspections may occur and construction activity to complete the home upon

the site may recommence as required by Section 29-4.1, Table 4.1-5 of the Unified Development Code.

MR. NORGARD: Lot 358, 3-5-8, of Eastport Village Plat 3, a subdivision located in the City of Columbia, Boone County, Missouri, as shown by the plat thereof recorded in Plat Book 37, page 42, Records of Boone County, Missouri, also known or located at 5700 Camden Circle. If any board member has anything to disclose, please do so now. Seeing none. Mr. Zenner, has the notice been properly advertised?

MR. ZENNER: Yes, it has.

MR. NORGARD: Has the property been posted with a notice of public hearing?

MR. ZENNER: Yes, it has.

MR. NORGARD: Has the party of interest -- have the party of interest been notified?

MR. ZENNER: Yes, there were.

MR. NORGARD: And were there any inquiries?

MR. ZENNER: No, there were not.

PUBLIC HEARING OPENED

MR. NORGARD: Thank you. Would the person making application to the Board, please step forward, state your name and address, and be sworn in.

MS. LAMAR: Good evening. My name is Phebe LaMar; I have an office at 111 South Ninth Street.

MR. NORGARD: Would you bend that -- yeah. There you go.

MR. MINCHEW: There you go. Thank you.

(Witness sworn.)

MS. LAMAR: I'm going to pass out -- (inaudible). I just passed out a packet of information for all of you. I'm going to cover a lot of it as I'm talking through my presentation, but I thought it might be easier to see it on paper, as well. My client is in the process of building a home that's -- that will be located at 5700 Camden Circle, which is at the corner of Camden Circle and Port Way. Starting at the beginning of the process, in order to begin construction of this home, my client submitted to City staff a plan prepared by a surveyor, which is of the construction, and which included a plot plan of the location of the home. That was the first page of the packet that I pointed out -- that I prepared for you. And it showed the location of that home on the lot. As you can see on the top of the plan, there's what's called a covered deck that's depicted as ten feet wide from the back of the house and is 15 feet long. City staff reviewed the plan -- and that's a little bit larger, but you've got it on paper, as well. City staff reviewed that plan and returned it with comments. That's the second page of the packet that you got. As you can see, City staff noted the location of the 25-foot setback from the rear of the property, and that the deck would encroach. They did not, however, say anything in the note on that application that suggested that this was going to be in any way in conflict with the UDC, and that it, in fact, passed the -- gave the permit for construction of the home pursuant to that -- to that permit. There's a scale at the bottom right side of

the approved plan that allows staff to determine how far the deck is proposed to encroach, and which would have enabled staff to determine how much encroachment was actually proposed. Nothing was noted on the inspection suggesting that the deck encroached too far into the setback. Here's a slightly larger version of that. Following -- following approval of the plan, my client and his surveyor marked the locations of the property corners, and the location of the structure, including the location of the piers required for the covered deck. City staff came to -- came to the site and did an initial inspection, as -- it's called the setback inspection. I've learned lots about inspections in the last couple of days. They did the setback inspection, and it was passed without comment. Second was the frost footer inspection in which the back wall was measured to be sure it was placed correctly and deep enough to accommodate for the frost -- for the frost here in Columbia. As you can see, on May 12th, following that, the house foundation was inspected, which included measurements to the back foundation wall. That was once again passed without comment. On June 11th, the garage placement inspection was performed on the front of the house. That was, again, passed without comment. On June 13th, the appurtenance footing inspection was done, which measured the pier footing as placement for the back deck at issue here, and which was noted on the plan to be covered, there was no discussion of not -- of only a portion of it being covered. It was called a covered deck, and it was, again, passed without written comment. Following those inspections, my client continued work on the house as planned, and as shown on the plans that were permitted by -- by the staff, following which, on September 2nd, a rough-in inspection was conducted, at which the HVAC, plumbing, electrical, and framing were inspected. This included an inspection of the deck, but nothing was said about any issues with the size or the setback of the deck. Construction continued. On September 9th, another framing inspection was done, at which changes were required to be made to both the front and the back decks, which included removing the rear deck and putting it back up. Still nothing at that time was stated regarding the size or the setback of the rear deck. Then on September 25th, after three footings inspections had been done, two previous rough-in inspections had been done, at which there was no written comment made failing the deck for reasons relating to the size or the setback of that covered deck. A final rough-in inspection was done of the roof, framing, plumbing, electrical and deck, and at that time, when everything else had been approved, the inspection of the deck square footage noted to encroach more than the permitted amount into the rear setback. So now we're four and a half months into construction on this house, and it is completely under roof, and all of a sudden, the covered deck that includes a roof is not -- is not in compliance. At the time when the footings inspections were done, the inspector had a copy of the plans and had looked at where the piers were located on the property, which is at the -- at the edge of the deck, and if the inspection report had included anything about the covered deck being too large for the setback, it would have been an easy fix to change at that time. If, at the time of the first framing inspection, which would have been done following the initial rough-in of the framing, including the framing of the roof line, something had been said about this covered deck, the fix of which might result in a covered deck that is proportionately smaller than ideal, it would have still been a relatively easy fix. That is not the case now. At this point,

my client has -- has to remove a big part of the back half of the house in order to undo what was permitted and never mentioned by staff until it had all been enclosed. My client has a basic understanding of the UDC requirements as the staff report states is expected of a contractor. However, the requirements regarding how much covered deck may extend it into the setback line is clearly not basic. It escaped the notice of City inspectors for whom one of their primary functions, if not their primary function, is to know the UDC requirements backward and forward. While contractors are expected to have a basic knowledge, and my client is happy to accept personal responsibility for that basic knowledge, to expect him to have a better knowledge of this ordinance than the inspectors apparently did during the stages up to the point that the back half of the house must be removed in order to remedy the problem seems to strain the definition for personal responsibility to a breaking point. The plan that was submitted followed -- showed a fully covered deck on the rear of the house. The construction that was done throughout the process clearly included the same. And yet nothing was said to my client suggesting that anything was out of compliance about this until the house had been under construction for four and a half months, and is completely under roof. While there is for sure a financial component to this matter, there is an even more important fairness component to this issue. If this matter had been caught and addressed earlier in the process, the site could have accommodated for the change. At this stage, trying to accommodate for the -- trying to get the site to accommodate for the change requires removal of much of the rear of the house after not just my client, but also City inspectors on about a half-dozen instances, failed to comment on the discrepancy at issue here. Specifically, at this point, changing the roof requires changing the post location, which requires concrete removal and replacement, including new piers, rebuilding the whole structure to reduce the size of the roof because it's all one roof, it's not just a portion of the roof, and all new materials including concrete, framing, siding, roofing, rain gutters, soffit, insulation, electrical and trade labor. This is the very type of scenario that a variance is appropriate and should be used to address. There are practical difficulties due to the site because the site was developed in a way pursuant to City permitting that wasn't entirely in compliance. But to expect for a contractor to know that ordinance better than the City staff does doesn't seem fair and it doesn't seem right. This was not a scenario that was created by the applicant. He submitted for permitting a plan that could have easily been changed at any step in the process except that now it's under roof and we're asking him to undo a big chunk of the work that's already been done on the project. This is the type of scenario that's appropriate for a variance. We're not changing the use of the property. It's all going to be single-family residential. This is the least variance necessary to address the issue. It encroaches by 15 feet more than is permitted. We're asking you to grant a variance to that extent. There is no impact on other properties. All of the others were previously developed-- all the others had been previously developed, and as you can see on the last page of your packet, which is also the slide that's up there now, my client has spoken with each of the owners of homes surrounding 5700 Camden Circle, and what you're seeing there is a document signed by each of them indicating that they are in favor of the requested variance being granted. And they all know that they already have houses that are on their

properties, that they're not going to get a variance granted in order to allow them to expand the roofline of their house to encroach further into the setback than is already -- than is already present. As a result, we're asking that you please approve this variance so that my client can get back to work. He and I are both here to answer any questions that you may have.

MR. NORGARD: Thank you.

MS. LAMAR: Thank you.

MR. NORGARD: Are there any questions from the Board?

MR. MINCHEW: Yeah. So when I'm reading this, what I thought -- what I -- it said the reason given for such action was that the covered deck area exceeds 60 square feet in max in rear setback, and it's actually 75 square feet. So did it fail because the deck was too big, or because it's encroaching, because that doesn't read the same as what the --

MS. LAMAR: I think, and Pat may correct me. But I think that it is permitted to encroach to a certain degree, a certain number of -- I believe it's allowed to encroach up to 60 feet, but this encroaches 75 feet.

MR. MINCHEW: The encroachment is not the square footage, it's how far it projects off the back of the house.

MS. LAMAR: It's not because of how far it projects off the back of the house. It's permitted to encroach a certain amount past the setback. It's just that it can't be more than 60 feet that encroaches beyond the setback. Am I right, Pat?

MR. ZENNER: I'll explain in my comments. And it's -- I think the nuance is getting lost in the square footage of the roof and what is allowed from the deck itself, and that's -- that's the difference here. So you would have -- you have --

MS. LAMAR: The fact is it's really darn complicated, and it's something that City staff should have caught and didn't.

MR. MINCHEW: Right. And that may -- I just want to -- I just want to make sure I understand what's not in compliance. Right? It's the -- how much --

MS. LAMAR: Pat can probably explain it better than I can.

MS. HAMMEN: So I was just going to say that I'm confused. I thought the deck was -- I thought the ordinance to say that you can encroach six feet into a front or back setback, but the issue, I thought, was the cover on the deck.

MS. LAMAR: The fact that there is a cover impacts that, for sure.

MS. HAMMEN: Yeah.

MS. LAMAR: But that was absolutely noted on every single plan that was submitted.

MR. NORGARD: So I'm -- I have a question or two. You submitted this list of surrounding neighbors. I noticed that a couple were missing, notably 311 and 313 Port Way. Were they for or against this? And I see a builder back there wants to comment, so we may -- if there's --

MS. LAMAR: And he can answer that question.

MR. NORGARD: I can -- I can withhold my question for now, if there's other questions. I have some --

MS. LAMAR: He can come up and answer it. It doesn't matter.

MR. NORGARD: Yeah. We can have him come up and swear in.

MS. LAMAR: Yeah.

MR. NORGARD: Okay. State your name, address, and get sworn in.

MR. SAUNDERS: For clarification, do you want this address that I own, or do you want my home address?

MR. NORGARD: Your personal or business address.

MR. SAUNDERS: Business address. Okay. My name is Kyle Saunders, and my home address is my business address, is 1603 North Pin Oak Boulevard, Columbia, Missouri.

(Witness sworn.)

MR. SAUNDERS: Sorry. I've forgotten what we were talking about.

MR. NORGARD: Okay. So you submitted this letter here with names and signatures, and I notice that a couple of the surrounding neighbors, specifically 311 and 313 Port Way were not included. I was wondering if there was some reason.

MR. SAUNDERS: Respect of individuals. So I went to all the immediate neighbors, knocked on doors. One house has a sign that says no soliciting no matter what, so I didn't knock.

MR. MINCHEW: Probably smart.

MR. NORGARD: Understood.

MR. SAUNDERS: The next one on Port Way is -- I'm not sure if it's a half-way house or a residence dwelling where the owner is not on site, it's a business. So I talked with the individual there who is in charge of things. I didn't feel like he was legally accepted to sign, but they said it looks great. But -- so those were the only immediate neighbors that I didn't get to sign, if that makes sense why I didn't have them sign.

MR. NORGARD: And so are we to understand that the roof is continuous from the house to the covered porch, but the porch itself is not enclosed?

MR. SAUNDERS: Correct.

MR. NORGARD: Okay. And then I guess the only other question I have, are there -- I mean, I'm looking at the satellite picture. Are -- are there similar types of arrangements on the surrounding properties, or is this sort of unique to the area?

MR. SAUNDERS: I don't know that there are any covered decks on the street. There are other decks, but I don't know that I've seen a covered deck in the neighborhood.

MR. NORGARD: Okay. And can you clarify? What is a snake pit?

MR. SAUNDERS: It's a new code that Columbia has adopted in the last two years that's used elsewhere. It's for a sewer tap, where a sewer tap attaches to City, a snake pit is a way to be able to trace the line so they can identify it in the future for service.

MR. NORGARD: Got you.

MR. MINCHEW: Does this -- does the back of this property back up to the industrial part of that neighborhood, or --

MR. SAUNDERS: No. The -- so Camden Circle is a loop that comes off of Port Way, and so the backyard neighbor is the last signature on that last sheet.

MR. MINCHEW: Okay.

MR. SAUNDERS: Sorry. I know him as Jim, so I just had to double-take when I read his name.

MS. HAMMEN: And so Port Way is the side yard?

MR. SAUNDERS: Yes, ma'am.

MR. NORGARD: Any other draw -- any drawings. Any other questions for this -- the applicant?

MS. HAMMEN: During inspections, did -- was the cover of the deck broached? Was that topic talked about ever?

MR. SAUNDERS: No, ma'am. After -- before they gave the final inspection failure, the inspectors were very open and talked to me about everything. And then the final inspection wasn't actually published until they asked me to call Aaron Decker with the City and discuss with him a discovery they just made, which was the reason why they failed the final.

MS. HAMMEN: And when was the roof completed?

MR. SAUNDERS: The roof was completed before the first framing inspection. In order to -- to schedule a framing inspection, the last nail, the last fitting attachment for a structure has to be in place.

MS. HAMMEN: So the roof was covering the deck the entire time?

MR. SAUNDERS: Yes. For all four -- or all three framing inspections. In fact, I believe that the soffit and finish roofing were also installed at that point to dry in the building to make sure that the --

MS. HAMMEN: Why is that called the rough-in that -- that failed, if the roof was already there?

MR. SAUNDERS: So a rough-in inspection is -- is a generic inspection term. Generally, your rough-in inspection includes your heating and your air conditioning, your plumbing, and your electrical.

MR. MINCHEW: Your mechanicals.

MR. SAUNDERS: Yeah. So all of the major fixtures, structural, are supposed to be in place and completed.

MS. LAMAR: We haven't -- they haven't drywalled yet.

MS. HAMMEN: So did the --

MS. LAMAR: I believe it's because there isn't drywall on the inside, so it's rough on the inside, but the outside is largely complete.

MS. HAMMEN: So is the deck covered into the encroachment of the backyard setback? Is the entire deck covered?

MR. SAUNDERS: Yes. The -- I don't know that there's a picture posted in -- in anything that we have here, but the backside of the building is straight vertical from the foundation up to the roof eave, and then the covered deck. So if you look at the aerial, it encroaches back, and the corners of that are where

the pier pads are, so the far back of that 10 by 15. But there's actually a small discrepancy is that the back deck is not 10 by 15, it's only 8 by 15. It's actually two foot smaller than it was permitted.

MS. HAMMEN: So you knew the deck could go into the backyard six feet?

MR. SAUNDERS: Well, according to the permit, I knew I could go back ten feet, because the permit approved a covered deck 10 by 15 in that space.

MS. HAMMEN: Into the -- into the required backyard setback? Oh, I'm sorry. Maybe I didn't state that right. Right. So you knew you could go a certain ways into the setback?

MR. SAUNDERS: So the -- the deck size, as submitted for the permit in the application, as well as the approved plot plan returned to me have delineated a ten-foot extrusion off the back of the main building as a pertinent structure at 15 feet wide, but when we placed the concrete, being a cheap contractor, I made the deck two foot smaller because I saved some money. Structures come in eight foot, not ten foot, so we made it eight foot as cost prohibits. Not thinking anything about the pertinence, I know smaller is always easier to get than bigger, so we made it smaller just to save on costs a little bit. And so, actually, it's less square footage than they approved, but somehow, we're --

MS. LAMAR: But in -- but in answer to your question, yes, based on the permit application that was approved, he knew that he could construct the deck to go back into the setback because that's what was shown on the -- on the plan that was approved.

MR. MINCHEW: So I still don't understand how we get 60 square feet versus 75 square feet if it's eight by fifteen. Those don't add up.

MS. LAMAR: I think -- I think the reason that -- that you got that is because -- and I can't get -- I can't -- I can't do that math, that whatever math it is that's necessary to do -- to get to the -- whatever the encroachment is that they're calling it is beyond my ability to do. But at the end of the day, the reason that we have the encroachment in the fashion that we have it is because at the time that the house was placed on the lot, it ended up being moved two feet back due to some kind of site issues. The house itself was moved two feet back from where it was shown on here. And then the deck was shrunk by two feet so that it wouldn't go any further into the -- into the setback than was shown on the plan. So the deck was made two feet smaller. The house was moved two feet back. So, ultimately, the -- the location of the back of the deck was exactly the same as what was shown on the plan.

MR. SAUNDERS: I don't have a real answer. I have an assumption. I don't know if you want an assumption.

MS. LAMAR: No.

MR. NORGARD: Any further questions? All right. Seeing none, thank you.

MS. LAMAR: Thank you.

MR. NORGARD: If there's anybody in the audience wishing to speak in favor, now would be an opportune time. Anybody in opposition? Seeing none.

PUBLIC HEARING CLOSED

MR. NORGARD: I'm going to go ahead and ask staff if they would like to give their report?

MR. ZENNER: After what I just heard, I have no idea what is up now. Based on the documentation provided to me, I am completely perplexed. We have a home that's been pushed back two feet further than is shown on a plot plan that was supplied to us. We have a deck that's been shrunk by two feet. I don't know what is factual at this point with this application. What I can surmise is that we went through a very detailed series of inspections, and obviously did not identify something that may have been a problem. And so let's just base the conversation here now on a deck that's eight feet by fifteen feet. It would appear as though where the house was placed initially on the plot plan that we have been provided, would have been five feet from the rear yard setback. So a deck, pursuant to the UDC, is permitted to project six feet into the required rear yard, which means the deck could have taken the five feet which was inside the buildable area and added six additional feet onto it, making it eleven foot long or deep deck. It would have been fifteen feet wide. When you have a covered deck, however, that projects a covered deck -- a covered porch is how it is defined in the Code, and porch and deck are considered, in some instances, synonymous. When you have a covered porch that is projecting into a setback, the maximum amount of square footage allowed to project, or the maximum square footage of that structure is sixty square feet. And so right now what we're looking at is a 10 by 15 deck that would --

MS. HAMMEN: Eight by fifteen.

MR. ZENNER: Well, an eight by -- yeah. An eight by fifteen. The deck is entirely covered. The deck, at that point, is eight by fifteen, is going to get you 120 square feet. We are 60 square feet over, and so again, relying on what was on the application, in order to produce the staff report, we were looking at 75 square feet, and I'm not again --

MR. NORGARD: The 75 comes from the fact that only five feet project into the setback.

MR. ZENNER: It's five feet -- five feet projecting, yeah. Five feet is projecting into the setback. And that's where it was still five feet, so if we're now -- if we're five feet from the property line, which would have been assumed based on the plot plan, but where the building is two feet further back now, so that would have left you three feet before you reach the property line, meaning five feet is projecting into the rear yard -- five feet of the roof area. So five by fifteen is 75 square feet, which is 15 square feet greater than what would be allowed. The deck's placement, the footers of the deck and the southernmost expansion of the deck surface is compliant with the Code because it is no greater than six feet into the required rear yard. So we're still dealing with a 15 foot variance to allow 75 square feet of roof to exist, and that's the 75 square feet that is in the required setback or it would be the required area. It is not based upon the area that is compliant, which would be the three by fifteen. So the total covered area of this eight by fifteen deck is 120 square feet. So 120 square foot open three-sided structure, integrated roof into the main roof of the home. There are no other covered decks that project into the rear yard setback of any other structure that is to the east of this subject property. This is the last property in this subdivision to be developed. When you look at the encroachment and you look at it in scale, 15 square feet is a relatively minimal amount of area coverage. I cannot speak for my inspection staff. I cannot speak for the errors that may have been made through the inspection process. I can only tell you that

this is not compliant with the Code. It exceeds the requirements by 15 square feet. I will throw this grenade to you as the Board of Adjustment to make the decision as to what you believe is appropriate based upon the course of inspections that occurred to get us to this point, the expense associated with potentially rectifying the situation, and the impact that that may create not only to the neighborhood, but to the -- the impact to the neighborhood by allowing it to remain, or -- and/or the impact to the property owner who has this investment on reliance of the services of the City of Columbia offers. We missed something here. Our inspectors are human. Our inspectors may have been newer than some of our more experienced inspectors that did the inspections of the homes that were further to the east. I cannot comment on that because it is not my area or my operation that I oversee. If my planners were here, I would chastise them significantly, but they probably would have asked me, as well. I can't do that with my building officials and my building staff. As the staff report points out, this impact is minimal, and I think you have to weigh it against, as Ms. LaMar points out, what's the benefit may be gained by getting the corrective action versus the medicine that's going to be delivered to the property owner. In order for them to move forward in the construction process in completing this building so we can get to the point of where a CO can be issued and the building can be completely finished and offered for someone to live in, we have to get through this step. I can only express our desire to, as it points out in the staff report, we take the time as we have the possibility to do so, over the counter permits are done on an expedited process; therefore, it is possible that errors can be easily, but unfortunately made. And that is something that we have to train on and we have to remind our staff of the significance of an error of this nature. That is something that if I not incorrect, Aaron Decker, our Building Regulation Supervisor, and Phil Teeple, the division manager for our building and site development, have taken corrective action toward. I would express to the staff or to the Board that, you know, evaluating this from the perspective that you have neighbors that don't seem to oppose this, the condition is unique in the sense that it is the only covered porch that would even encroach into the rear yard setback when you look at all of the other properties that are to the east of this, and this property is elevated, and so, you know, it is a different scenario. Everything on the Oswego side of the loop that Camden is part of, so it's not much different than some of our crazy streets in town where the name gets split through the middle of the horseshoe. Camden is on the north, Oswego is on the south. Everything on the south side of the property is below everything that's on Camden Loop. And therefore -- you know, you have an elevation change here, and these -- this applicant chose to put in an improvement that is normally enjoyed and appreciated by general homeowners, wanted to cover it. It does have full southern exposure, and therefore, the roof area was built the way that it was built in order to provide relief from the summer heat and the southern exposure. It was an error that was made by our staff. That's all I can tell. I leave it to this Board to use its judgment as to how it believes it is appropriate.

MR. NORGARD: Any questions for staff? I see none. I will ask the applicant if they would like to come back up and rebut anything they've heard or subject themselves to further inquiry.

MS. LAMAR: We don't have anything further.

PUBLIC HEARING REOPENED

MR. NORGARD: I do have a question for the builder, if you wouldn't mind coming back up. So just for the point of clarification, do you -- do you believe that on this plot, on this drawing that we have, the backside of the covered deck is accurate in terms of its placement on the lot?

MR. SAUNDERS: I do.

MR. NORGARD: Okay. So it was the front that was moved backwards two feet, the entire envelope was essentially slid back two feet; is that what we understand?

MR. SAUNDERS: Yes. I believe the -- the building, so I've built in nine states, and I've never had a backyard setback where I built before, so it's always road base. So my -- my assumption was, keep my front eve further off the road by moving the house back. I thought I moved it a foot, it was two feet. Made the deck two foot smaller to compensate, so I assumed we were all still square. So that was my application of thought.

MR. NORGARD: Okay. Thank you. I didn't have anything else -- anything else. All right. Thank you. Okay. Closing the public hearing.

PUBLIC HEARING CLOSED

MR. NORGARD: Mr. Craig, do you have anything to add?

MR. CRAIG: Yes. Thank you, Mr. Chair. Again, I'd like to introduce into the record City's Exhibits 1, 2, and 3, Exhibit 1 being the certified copies of Chapter 29, Sections 1.11, Section 29-4.1(c), and accompanying Table 4.1-5, and Section 29-6.4(d)(2). Exhibit 2 being the staff report, and Exhibit 3 being public hearing advertisement, parties in interest notice, and the parties in interest list.

MR. NORGARD: So moved.

MR. CRAIG: And, again, thank you. The matter before the Board is a variance, and pursuant to Section 29-6.4(d)(2), the Board may approve an application for a variance from the terms and provisions of this chapter, being Chapter 29, if it determines that all of the following are true: A, the variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain location, or other factors of the applicant site. Those difficulties or hardships are not generally applicable to the property in the area, and the difficulties or hardships were not created by the actions of the applicant. B, the variance will not have the effect of permitting a use of land that is not indicated as a permitted or conditional use in Section 29-3(1) in the zoned district where the property is located, nor shall a variance be granted to modify a statement that operates as part of the definition of any use. C, the variance will not permit a development that is inconsistent with the adopted Comprehensive Plan. D, the variance is the least change from the requirements of this Chapter necessary to relieve the difficulty or hardship. And finally, E, the variance will not harm the public health, safety, or welfare, or be injurious to other property or improvements in the area where the property is located. And if there are any questions, I can field those now. That's all I have.

MR. NORGARD: All right. Thank you.

MR. CRAIG: You're welcome.

MR. NORGARD: All right. Is there any commentary or discussion the Board would like to have on this case?

MS. NGUYEN: I want to confirm, so this variance also like -- (audible) -- is going to apply, like, no matter --

MR. NORGARD: We can't hear you.

MS. NGUYEN: Like, this variance will apply, like, even if they, let's say, you know, changes in the future to the property?

MR. NORGARD: Yeah. A variance runs with the property, so this lasts until the end of time.

MS. HAMMEN: So that porch can stay there the way it is if we approve the variance forever.

MR. NORGARD: Unless it falls down.

MS. HAMMEN: Yeah. Whatever.

MR. NORGARD: Naturally, of course. I think the only comment I have is I'm a little frustrated that staff didn't catch this error. I think this -- right. I think this is an error that the applicant created or an injury they created for themselves, but, inadvertently, because of the City's inability to catch this. And so I -- I been subjected to some of these types of re-inspections and catching new things every time before. I'm sympathetic. I believe they have met the requirements for a variance.

MR. MINCHEW: And my opinion is that the deck -- the deck, if it's just a deck, there's no issue. It's that it's covered, and then that's where the issue, and then it's the amount of covered square feet.

MR. NORGARD: We're fighting over one foot.

MR. MINCHEW: We -- yeah, we really are. And so -- and I believe the hardship is to -- just way too much. Given all the circumstances, I -- I'm -- I would be inclined to say let's -- let's just all agree that this was a mistake, and -- and give the variance, so --

MS. HAMMEN: Isn't it still 60 feet too large to be covered? I'm just asking that, because it's not just one foot. Right?

MR. NORGARD: Well, it's one linear foot of additional porch length or 15 square feet.

MS. HAMMEN: Oh. Is that all?

MR. NORGARD: That's all. If he removed one square -- one linear foot from the roof, then that would meet the Code requirement. He could keep the porch, but he would have to remove one foot from the roof.

MS. HAMMEN: Yeah. I would -- I couldn't tell from the staff report that this roof was covered from the get-go.

MR. MINCHEW: But I think, in fact, it was --

MS. HAMMEN: It was.

MR. MINCHEW: -- because it was -- it was on the frame and inspection --

MS. HAMMEN: Yeah.

MR. MINCHEW: -- and it wasn't caught until the rough-in after all the mechanicals had been put in, so --

MS. HAMMEN: Yeah.

MR. NORGARD: Okay. I don't see anybody else offering discussion. So is there a motion to approve the variance request?

MS. ROGERS: Motion.

MR. NORGARD: We have a motion from Rogers. Is there a second?

MS. NGUYEN: Second.

MR. NORGARD: Second from Nguyen. Is there any conditions you want to attach? I see none. So at this time, I guess, Mr. Zenner, would you call the role -- formulate the motion for us, please?

MR. ZENNER: A motion has been made and seconded to approve a 15 square foot variance on the covered deck at 5700 Camden Circle. No conditions added. Mr. Norgard?

MR. NORGARD: Yes.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: Mr. Minchew?

MR. MINCHEW: Yes.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: And Ms. Nguyen?

MS. NGUYEN: Yes.

MR. ZENNER: Five votes in favor. The motion approved. So ordered.

MR. NORGARD: All right. Thank you, guys.

MS. LAMAR: Thank you all.

MR. MINCHEW: Thank you. Good luck.

MR. NORGARD: All right.

VI. GENERAL COMMENTS BY PUBLIC, MEMBERS AND STAFF

MR. NORGARD: So is there anybody out there in the public world that would like to speak to us? Now you have your chance. And remember, we have, it looks like 40 minutes to burn up according to Mr. Minchew.

MS. HAMMEN: Oh, yeah. We --

MR. MINCHEW: And I believe the public now -- (inaudible) -- until 10:30, so --

MR. NORGARD: He obligated us until 10:00. Okay. So are there any other items that the Board needs to discuss?

MR. ZENNER: No other items for discussion.

VII. NEXT MEETING DATE

MR. ZENNER: You do have a meeting on December 9th. It will be your last meeting of the year. There is a single variance request that we are in the process of preparing. And then, of course, we do have the tabled item that we'll come back in February of 2026. So that is what is ahead. We will

also be approving at your upcoming meeting the 2026 calendar. I have already been identified -- it's already been brought to my attention that due to the Labor Day holiday on September 7th, your regularly scheduled Board meeting of September 8th is going to be moved to a third Wednesday, which is typical when we have an observed holiday and a conflict. I will make that much more of an episodic type of thing when I present you your calendar, and I apologize for any confusion possibly that this evening's meeting created with the Veterans Day holiday, but we -- our movement of our meetings to the following meeting date is a standard City practice that we do, but I will make sure that you are aware of that at the time that we do our approval. We try to approve our agendas a year in advance with an added meeting to allow us a little bit of buffer for our public that may be submitting applications because we are always normally a month ahead of -- well, actually two months ahead of where the item will appear on the agenda based on the submission calendar, so -- for the deadline for application. So applications for the December 9th meeting were actually due and, if I recall correctly, at the beginning of November. So beginning of November, the end of October. But we will present that to you, as well. We typically do not have -- we typically do not have work sessions, but we have also failed to do elections this year for a new chairman and other executive team members. Your secretary, which is more of a -- a glorified title, and then your vice-chair. If you would like, I will add that as a special item to your December 9th agenda, as well, to have that begin as a portion of our upcoming calendar year for 2026. It would be a little bit out of cycle with what we would normally would do. Normally, we would have handled that election process in July had we met, but this is the first time we have met, if I am not incorrect, since August. So it has been a real weird year for us. We have not had more consistent meetings. They have been sporadic. Can't tell you what will come next year, but we're still working on trying to get some things shed from the Board, and the one thing that would be more consistent as we move forward would be your optional development standards for cottage style housing, which we are working toward getting that amendment finished so we can present that to our Planning and Zoning Commission, and then, ultimately, City Council. If approved, that would take that particular process out of the Board's purview. It would become more of a by-right use within our residential zoning districts, but you still will have cellular communication towers, and then a couple of other very specialized conditional use processes plus the regular variance applications that we bring to you occasionally. So with that, that is all we have. I hope you have a wonderful Thanksgiving holiday. We will see you at the beginning of December, and then we will look forward to what we may have coming for our new year.

MS. HAMMEN: Thank you.

VIII. ADJOURNMENT

MR. NORGARD: All right. Thanks. Is there a motion to close?

MR. MINCHEW: Yeah.

MR. NORGARD: We have a motion from Minchew. And a second?

MS. ROGERS: Second.

MR. NORGARD: We have a second from everybody else, but we'll pick Rogers. Meeting

closed.

(The meeting adjourned at 9:25 p.m.)

(Off the record.)