BOARD OF ADJUSTMENT – APPLICATION FOR A VARIANCE

TO: **BOARD OF ADJUSTMENT**
Community Development Department
City Hall, 701 E. Broadway, Columbia, Missouri 65201

SUBJECT: Request for approval of a variance from requirements of the Unified Development Code on the following described property located in the City of Columbia, County of Boone, State of Missouri (legal description):

A tract of land located in the northeast quarter of Section 7, and the northwest quarter of Section 8, Township 48 North, Range 13 West, of Boone County, Missouri and being all that tract shown in the survey recorded in Book 5133, Page 83 and containing 121.22 acres.

which is presently zoned M-N&O and known, or to be known, as Midway Golf & Games, 5500 W Van Horn Tavern Road (Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 16-103-00-00-001.0001 16-104-00-00-009.0001 16-104-00-01-001.0001 16-104-00-05-001.0001

Notice is hereby given that Applicant(s) requests a variance with respect to the above described property from the Decision of Doug Kenney

On the 6th day of February, 20 24 said official did deny the application for a freestanding digital sign.

The reason given for such action was that such sign did not meet the requirements of city ordinances regarding types of signs.

which does not comply with Section 29-4.8(c)(12), Code of Ordinances of the City of Columbia, Missouri, which Section provides or requires that no digital signs shall be allowed.

A copy of the letter of said official is hereto attached.

There are practical difficulties or unnecessary hardships, or both, in the way of carrying out the strict letter of the Ordinance because **(all claims shall be justified by supporting documentation. Add additional pages or provide separate letter for response)** This property is on the edge of Columbia, fronting on I-70 and as such, it is an unnecessary hardship to preclude a digital sign in this location.

If the Board of Adjustment varies or modifies the application of the Ordinance as requested. nevertheless there will be a substantial compliance with the Unified Development Code, the spirit of the Unified Development Code will be observed, public safety and welfare will be secured, and substantial justice will be done because **(applicant shall fully respond to "Criteria for Approval" as shown in Section 29-6.4(d)(3)(i). All claims to be justified by supporting documentation. Add additional pages or provide separate letter for response)** See attached.

Applicant(s) requests that the Board of Adjustment vary or modify the application of the Ordinance to the above described property to the extent indicated, and that applicant be permitted to construct its otherwise conforming digital sign.

2-26-24
DATE

SIGNATURE(S) Phebe La Mar
PRINTED NAME Phebe La Mar
ADDRESS 111 S 9th, Suite 200, Columbia, MO 65201
TELEPHONE (573) 443-3141

CAPACITY OR INTEREST IN PROPERTY Attorney for owner and tenant on property

This application is hereby acknowledged as being received for Board of Adjustment consideration by:

COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE Patrick R. Zenner
DATE 2/26/2024

JOHN L. ROARK
PHEBE LA MAR
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JENNY BECKETT, RN

ROBERT C. SMITH (1923-2016)
RAYMOND C. LEWIS, JR. (1926-2004)
BRUCE H. BECKETT (1947-2022)

February 26, 2024

City of Columbia Board of Adjustments
701 E. Broadway
Columbia, MO 65201

Re: Variance Application – 5500 W. Van Horn Tavern Road, Columbia, Missouiri

Dear Board Members:

I represent MFL Golf, LLC, and Midway Golf and Games LLC, respectively the owner and tenant of the above-referenced property. Concurrently herewith you have received my clients' Application for Variance.

This Application for Variance meets the criteria for approval set forth in Section 29-6.4(d)(2):

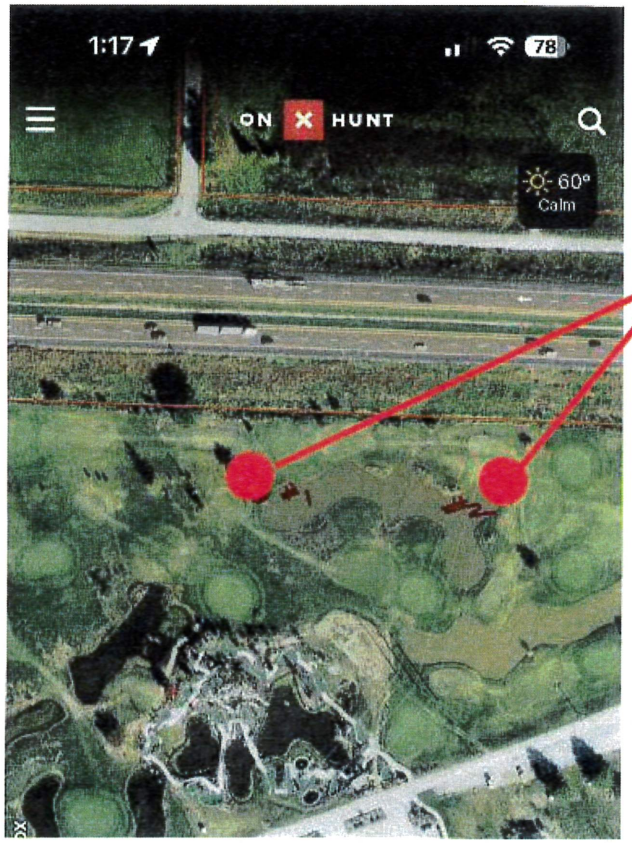
-The requirements of Section 29-4.8 present an unnecessary hardship for the property at issue here. The location of the subject property is barely within the City limits, and fronts on I-70, although it is accessed from Van Horn Tavern Road. Unlike the properties close to this, the business is also set very far back from I-70. There is a digital sign very close to this property (although it is located in Boone County rather than in the City of Columbia), and is not located near any residential property. Given all of this, nothing about this unnecessary hardship is in any way created by the actions of the applicant.
-This request does not in any way permit a different use than that which the property is zoned for.
-This variance will not permit development that is inconsistent with the comprehensive plan.
-The requested variance is the least change from the requirements of Section 29-4.8 that will address the hardship – specifically, the proposed sign will comply with every other requirement of Section 29.4.8, including the size and height of the sign.
-There is no harm to the public health, safety, or welfare, or any injury to other property or improvements in the area around this property arising from granting this variance.
-This variance application also does not change either the maximum size or height of the sign, and therefore is in compliance with Section 29-4.8(d)(d)(ii).

For all of these reasons, and those set forth in the Application for Variance, we request approval of the variance requested.

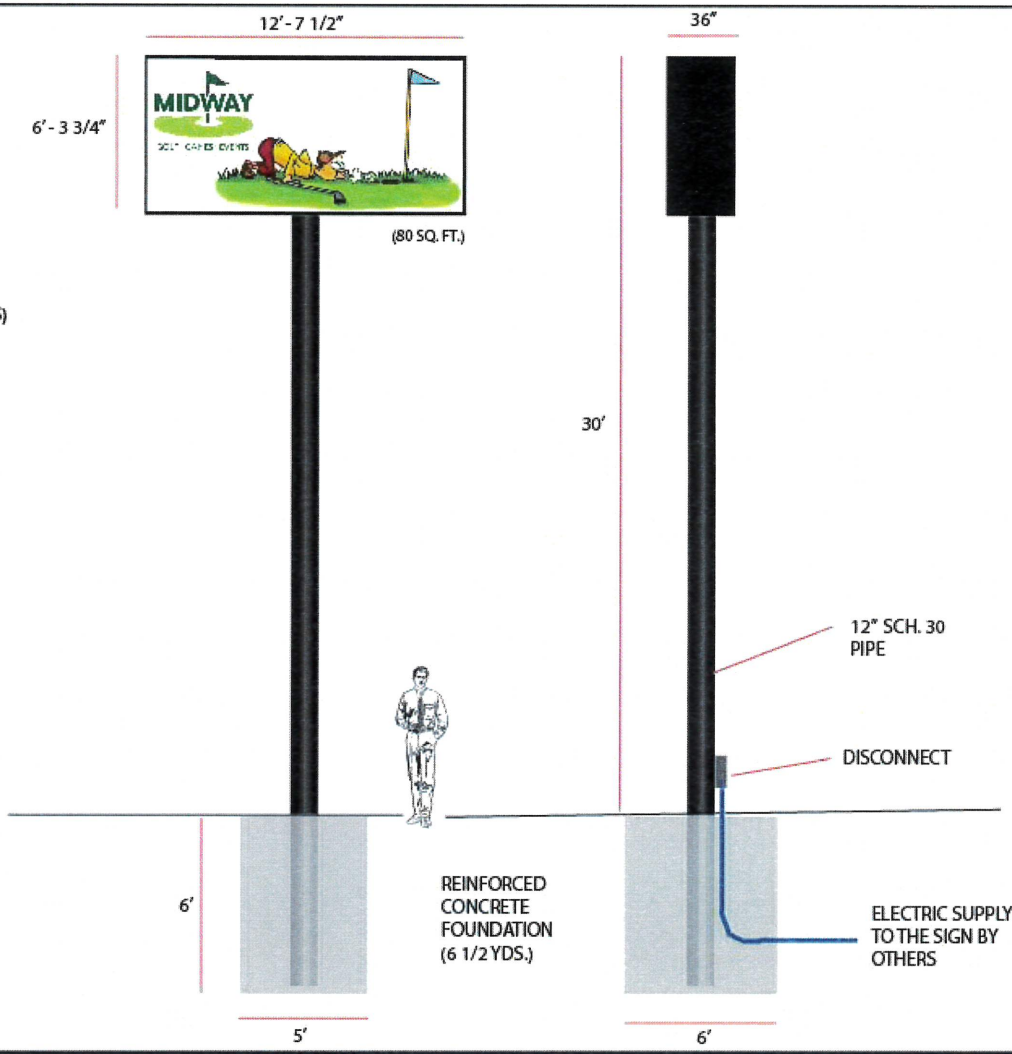
Sincerely,

Phebe La Mar

Phebe La Mar



(POSSIBLE SIGN LOCATIONS)



DOUBLE-SIDED NEXT LED ELECTRONIC MESSAGE CENTER

180 x 360 MATRIX / 10mm FULL COLOR

PROJECT	SALESPERSON / ARTIST: DEWAYNE HASLAG	FILE NAME:	DATE: 1/18/24
MIDWAY GOLF & GAMES ATTN. TIM ROST	DESIGN APPROVAL ☐ YES ☐ NO, SPECIFY CHANGES BELOW SIGNATURE: DATE:	REVISIONS	ESTIMATE 61146

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City of Columbia
Community Development Department
701 East Broadway • PO Box 6015 • Columbia, MO 65205-6015

February 6, 2024

Impact Signs
1602 Old Hwy 40
Columbia, Mo. 65202

RE: 5500 W. Van Horn Tavern Rd.
Midway Golf & Games

The application for a freestanding digital sign is denied due not meeting the requirements of 29-4.8 Sign Standards. 29-4.8 (c) Prohibited Signs, (12) No digital signs shall be allowed.

Doug Kenney
Senior Building Inspector
Building & Site Development