

BOONE COUNTY BOARD OF ADJUSTMENT MEETING
Thursday, January 22, 2026, at 7:00 PM
BOONE COUNTY GOVERNMENT CENTER COMMISSION CHAMBERS
801 E. WALNUT ST., COLUMBIA, MO.

I. CALL TO ORDER

Meeting Vice Chair Stephens called the meeting to order at 7:00 p.m. with a quorum present.

II. ROLL CALL:

Present: Jesse Stephens, Vice-Chair

Ryan Krueger, Member

Tynton Roberts, Member

Absent: Frank Thomas, Chair

Michael Leipard, Member

Staff: Bill Florea, Director Resource Management

Thad Yonke, Senior Planner

Uriah Mach, Planner

Andrew Devereux, Planner

Paula Evans, Outgoing Secretary

Megan Halford, Incoming Secretary

III. APPROVAL OF MINUTES:

Minutes of the July 24, 2025, meeting were approved as written.

IV. CHAIRPERSON STATEMENT

Vice-Chair Stephens read following statement:

Ladies and Gentlemen, the Boone County Board of Adjustment is now in session.

This Board is appointed by the Boone County Commission to consider specific application of the zoning and subdivision regulations. The Board is empowered to enter rulings that may give relief to a property owner from the specific application of the Zoning and Subdivision regulations. Generally, variances can only be granted in situations where by reason of shape, topography or other extraordinary or exceptional situation or condition of a specific ordinance would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as relating to the property. A variance from the strict application of this ordinance can be granted provided the relief requested will not substantially impair the intent, purpose and integrity of the zoning regulations.

Notice of this meeting has been published in accordance with our by-laws. All decisions of the Board are based on the zoning or subdivision regulations for Boone County, Missouri, and they are hereby made a part of the record of this meeting.

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This Board is comprised of five members, with three members constituting a quorum. An applicant must receive at least three votes in order to receive the relief that they have requested from the Board.

The following procedure will be followed: The agenda item will be announced, followed by a report from the Resource Management Department staff. The applicant or the applicant's representative may make a presentation to the Board. The Board may request additional information at any time.

After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the Board and please restrict your comments to the matter under discussion. The public hearing will then be closed, and no further comments will be permitted unless requested by the Board. The Board will then discuss the matter and may ask questions of anyone present during the discussion.

Please sign in and give your name and mailing address when you address the Board. We ask that you turn off or silence your cell phones. All testimony from the applicants and the public should be given from the speaker table. Any evidence submitted should first be given to the Secretary of the Board to properly identify for the record. During testimony, any reference regarding submitted evidence should be referred to by its exhibit number.

Any materials that are presented, such as photographs, written statements or other materials will become a part of the record of these proceedings and a copy should be submitted to the board as part of the permanent record. If you would like to recover original material, please see the staff during regular business hours.

V. REQUESTS

1. Case No. 2026-001

- A. Request by Kevin & Jennifer Schupp and Rick & Deanna Schupp for a variance from the 50-foot front setback for an existing single-family dwelling in the Agriculture 2 (A-2) zoning district on 13.52-acres located at 1800 E Leo Smith Rd, Ashland. (Zoning Regulations, Section 10.A). Open public hearing.
- B. Request by Kevin & Jennifer Schupp and Rick & Deanna Schupp for a variance from the 50-foot front setback for an existing shed in the Agriculture 2 (A-2) zoning district on 13.52-acres located at 1800 E Leo Smith Rd, Ashland. (Zoning Regulations, Section 10.A). Open public hearing.

Senior Planner, Thad Yonke gave the following staff report:

Case No. 2026-01 A & B: Kevin and Jennifer Schupp and Ricky and Deanna Shupp, owners of property located at 1800 E Leo Smith Rd, Ashland, legally described as Tract 2 of a Survey Recorded in Book 626, Page 969, containing 13.52-acres, and identified as Tax Parcel number 24-100-07-00-005.00 01, currently zoned Agriculture 2 (A-2). All surrounding properties are zoned A-2. This property is located on the south side of Leo Smith Road approximately 1000-feet west of State Highway MM. There is a single-family dwelling and two accessory structures on the property. A lagoon constructed in 1995 currently serves the existing residence.

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SUMMARY OF REQUEST: The applicant wishes to subdivide an approximately 3-acre tract from the parent parcel. Platting of the property will require the dedication of additional road right-of-way. The additional dedication of right-of-way will result in the single-family dwelling and existing shed to be within the new 50-foot front setback. A drawing of the property submitted by the applicant indicates that the existing home will encroach 17 feet into the front setback and the shed will encroach 12 feet into the front setback.

PROPERTY ANALYSIS: The original zoning for this property is A-2. This property was subdivided from the parent parcel in 1987. There have been no previous requests for this property. The requested variance of Zoning Regulations, Section 10.A. Minimum Yard Requirements. The front setback in the A-2 zoning district is 50 feet. Variance A is for the Home which will encroach 17-feet into the setback reducing the effective setback to 33-feet when platted. Variance B is for the accessory structure (Shed) which will encroach 12-feet into the setback reducing the effective setback to 38-feet when platted. Staff notified 16 property owners.

REQUESTED VARIANCE: Zoning Regulations, Section 10.A. Minimum Yard Requirements. The front setback in the A-2 zoning district is 50 feet.

STAFF NOTIFIED 16 PROPERTY OWNERS

FACTS: The 13.52-acre tract was created in 1987 by a survey recorded in Book 626, Page 969. The tract was created prior to 1995 and is more than 5-acres in size, so it is considered a legal lot of record in its current configuration. The requested variance is for existing structures. According to the Boone County Assessor's Records, the estimated construction of the home is 1910. A building permit from 2001 was found for the existing barn, however, only the post holes were inspected, the permit was voided due to lack of inspections. The applicants are proposing to divide a three-acre tract from this 13.52-acres. The platting process will require the dedication of a 33-foot half-width right of way.

STAFF ANALYSIS & RECOMMENDATION: General Standards, Concepts, & Tests Applicable to Board of Adjustment Variance Requests in General. To be eligible for a variance All of the following must be true, for a variance to be granted, however, the first test is the most critical.

The seven general tests are:

1. The regulatory requirements, for which the variance is sought, must result in the property meeting the standard of a regulatory undue hardship. This is not the same as the standard use of the word hardship commonly used on a daily basis. A regulatory undue hardship must be an unreasonable deprivation of use related to the property when the regulation is applied; if the regulation is applied the property must not be able to be used. When the property still has use without the grant of a variance, there is no undue hardship as an unreasonable deprivation of use and therefore no variance can be granted. This may compel the owner to develop in a manner that is not their preferred option.
2. The property must have unique characteristics that, when the regulation is applied, prevent development of that property.
3. Arguments as to why the regulation should not exist or apply can't be used to justify a variance. The Board may not grant a variance when an amendment of the zoning regulations is indicated. Amendment of the Zoning Regulations is the responsibility of the

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Planning and Zoning Commission and County Commission. Granting variances in this case would be a grant of special privilege favoring the applicant over the rest of the population.

4. A variance cannot be granted when the need for the variance is self-created or created by a previous owner of the property.
5. The variance cannot be granted to avoid the cost of compliance with the regulations where the justification is predominantly financial, or where compliance is possible but might be more expensive.
6. The variance sought must be the minimum variance needed to achieve the desired purpose.
7. A variance cannot be granted when there is another viable alternative to achieve use of the property, under the regulations, without the need for variance.

The Board may grant a variance to the Zoning Regulations where, by reason of shape or topography or other extraordinary or exceptional situation or condition of a specific ordinance would result in peculiar and exception difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as relating to the property.

The criteria for granting a variance is intentionally high. So long as the property can be used in compliance with the regulations, the standard that must be met for a variance has not been met. Neither inconvenience nor cost are valid reasons to support granting a variance.

Analysis: General Concept Tests

1. *There may be undue hardship as a deprivation of use:*
2. The property in its current state is compliant with the setback regulations. There is no regulatory compulsion requiring the land division, merely a desire by the owner to divide the property and create an additional developable lot. The division could be undertaken without the need for a variance by removing or modifying the existing structures. This would be a choice where the owner would have to weigh whether the benefit of creating the additional developable lots is worth the effort & cost of the necessary modifications to the structures. While possible, the cost of compliance to remove the noncompliant structures is, arguably, an undue hardship. When **existing structures are involved**, traditionally, this Board has used the “AS-IS-WHERE-IS” condition when all other relevant facts are combined and the totality of the request merits granting the variance. *There are unique characteristics that, when the regulation is applied, prevent development of the property:* When the requirement to dedicate additional right-of-way creates the need for a variance for an otherwise existing compliant structure, the specific details of the situation such as how long the structure has existed, the condition of the structure and how substantial it is should be considered. The extent of the encroachment, etc. is considered to be a unique circumstance due to the number of variables involved. In this case, the encroachment leaves the setback at more than the 25-foot half-width that would be required for a local roadway and is greater than the 25-foot front setback that would be required if this was a residential zoning district and does not interfere with the standard 20-foot utility easement.

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3. *Arguments as to why the regulation should not exist or apply can't be used to justify a variance:* The Board may not grant a variance when an amendment of the zoning regulations is indicated. Amendment of the Zoning Regulations is the responsibility of the Planning and Zoning Commission and County Commission. From the materials presented with the application, staff does not believe any argument of this type is being proposed by the applicant.
4. *A variance cannot be granted when need for the variance is self-created or created by a previous owner of the property:* The location of the home and accessory building are currently compliant with the setback. The need for the variances is created by the desire to subdivide the property into smaller lots. This is a type of self-created hardship; however, the home has been in this location for over 100 years. Where existing structures in similar situations have only encroached a few feet into the required setback the Board has historically granted a variance with the "AS-IS-WHERE-IS" provision to mitigate the self-imposed nature when the trigger is by land division. This has been especially true for homes but less so for accessory buildings.
5. *The variance cannot be granted to avoid the cost of compliance with the regulations, where the justification is predominantly financial, or where compliance is possible but might be more expensive:* Modifying or removing the existing structures to create a single additional developable lot is certainly a more expensive choice than obtaining a variance and therefore, this case would seem to fail this test. But the disproportionality of the modifications required with respect to the existing structures are of a magnitude that goes beyond being a costs-more-to-comply financial justification and do approach the level of at least partial deprivation of use.
6. *The variance sought must be the minimum variance needed to achieve the desired purpose:* In this case the variance requested is the minimum needed for the subdivision to occur.
7. *A variance can be granted since there is not another viable alternative to accomplishing the same goal under the regulations without the need for variance:* Short of substantial building modification of the existing buildings there is no other viable alternative under the regulations.

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Recommendation: Based on the analysis above these tests seem to have been substantially met.

- Staff recommends approval of variance request A for the home with the “AS-IS-WHERE-IS” condition.
- Staff recommends approval of variance request B for the shed with the “AS-IS-WHERE-IS” condition.

Chairperson Stephens asked staff if they have received any phone calls or other notification on this case.

Thad Yonke stated we did not get any.

Present representing the request: Mike Klasing, 4651 E Flamingo, Hallsville

Mike Klasing: My name is Mike Klasing. I'm a surveyor. I work for Trek Design. I'm here on behalf of the client who is requesting this variance on the setback so that they can dedicate that additional right -of -way for the road out front and not be out of compliance. I just wanted to be here in case there were any questions.

OPEN TO PUBLIC HEARING

NO ONE SPOKE IN FAVOR OR OPPOSITION OF THE REQUEST

Chairperson Stephens: The existing unplatted property, does it have any easements on it currently?

Thad Yonke: The utility easement is over 25-feet back; typically, that type of easement is 10 to 25-feet back. So, the variance that's being requested does not seem to encroach upon any easements from what we're found.

Chairperson Stephens: Once platted, will be sufficient right -of -way for any future improvement?

Thad Yonke: Yes. Once it's platted, not only will the right -of -way be dedicated, but then a 20-foot utility easement will be dedicated on the face of the plat as well along that road frontage. It will allow for other utilities to be placed there. The requested variance does not impinge upon any of that.

Member Roberts made, and Member Krueger seconded a motion to approve request A by **Kevin & Jennifer Schupp and Rick & Deanna Schupp for a variance from the 50-foot front setback for an existing single-family dwelling in the Agriculture 2 (A-2) zoning district on 13.52-acres located at 1800 E Leo Smith Rd, Ashland. (Zoning Regulations, Section 10.A)** with the following conditions:

“AS-IS-WHERE-IS”

- Chairperson Stephens — Yes
- Member Krueger — Yes
- Member Roberts — Yes

Result: The motion to approve the variance passes unanimously.

Member Roberts made, and Member Krueger seconded a motion to approve request B by **Kevin & Jennifer Schupp and Rick & Deanna Schupp for a variance from the 50-**

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foot front setback for an existing shed in the Agriculture 2 (A-2) zoning district on 13.52 acres-located at 1800 E Leo Smith Rd, Ashland. (Zoning Regulations, Section 10.A) with the following conditions:

“AS-IS-WHERE-IS”

- Chairperson Stephens — Yes
- Member Krueger — Yes
- Member Roberts — Yes

Result: The motion to approve the variance passes unanimously.

2. Case No. 2026-002

- A. Request by Brian & Jennifer White for a variance from the 50-foot front setback for a proposed barn in the Agriculture 1 (A-1) zoning district on 10.00-acres located at 7940 S Ginn Ln, Columbia. (Zoning Regulations, Section 10.A). Open public hearing.

Senior Planner, Thad Yonke gave the following staff report:

Case No. 2026-002: Brian White and Jennifer White, owners of property located at 7940 S Ginn Lane, Columbia, legally described as Tract 4-B of a Survey Recorded in Book 3822, Page 67, containing 10.00-acres and identified as Tax Parcel No. 22-500-16-00-009.09 01, currently zoned Agriculture 1 (A-1). This property is located on the east side of Ginn Lane at the end of a private drive. There is a single-family dwelling on the property which was constructed in 2014. The home is served by a septic system also installed in 2014.

SUMMARY OF REQUEST: The applicant submitted a building permit application for a 1956-sq.ft barn. According to the site plan, submitted with the building permit application, the proposed barn would be located approximately 10 feet from the front property line. During staff discussion with the applicant, the applicant identified an alternate location on the north side of the property but stated that this area was the horse pasture and placement of the building at that location would decrease the pasture area. The applicant stated that they believe there was no other viable location due to topography and the wastewater drip field.

PROPERTY ANALYSIS: The original zoning for this property is A-1. This property was created by Administrative Survey in 2011. There have been no previous requests for this property.

REQUESTED VARIANCE: Zoning Regulations, Section 10.A. Minimum Yard Requirements. The front setback in the A-1 zoning district is 50 feet.

STAFF NOTIFIED 11 PROPERTY OWNERS

FACTS: This 10-acre tract was created in 2011 by an Administrative Survey recorded in Book 3822, Page 67. The western property line is comprised of three segments and is the front property line for purposes of establishing the 50-foot front setback. The front setback is identified in blue on Exhibit B. Exhibit A is a graphic diagram, submitted with the application, depicting the applicants desired building location that is within the front setback. Exhibit B is a graphic depicting the property with the setback, topography, and distances to the front property lines. The

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requested variance is to allow a 40-foot encroachment into the required 50-foot front setback. The side yard setback of 15 feet is easily met. Exhibit C is a detail blow-up of a portion of Exhibit B that shows the applicant's desired location from Exhibit A, and two possible compliant locations that have been identified by staff. Home was constructed in 2014. The requested variance is for new construction.

STAFF ANALYSIS & RECOMMENDATION: General Standards, Concepts, & Tests Applicable to Board of Adjustment Variance Requests in General. To be eligible for a variance All of the following must be true, for a variance to be granted, however, the first test is the most critical.

The seven general tests are:

1. The regulatory requirements, for which the variance is sought, must result in the property meeting the standard of a regulatory undue hardship. This is not the same as the standard use of the word hardship commonly used on a daily basis. A regulatory undue hardship must be an unreasonable deprivation of use related to the property when the regulation is applied; if the regulation is applied the property must not be able to be used. When the property still has use without the grant of a variance, there is no undue hardship as an unreasonable deprivation of use and therefore no variance can be granted. This may compel the owner to develop in a manner that is not their preferred option.
2. The property must have unique characteristics that, when the regulation is applied, prevents development of that property.
3. Arguments as to why the regulation should not exist or apply can't be used to justify a variance. The Board may not grant a variance when an amendment of the zoning regulations is indicated. Amendment of the Zoning Regulations is the responsibility of the Planning and Zoning Commission and County Commission. Granting variances in this case would be a grant of special privilege favoring the applicant over the rest of the population.
4. A variance cannot be granted when the need for the variance is self-created or created by a previous owner of the property.
5. The variance cannot be granted to avoid the cost of compliance with the regulations where the justification is predominantly financial, or where compliance is possible but might be more expensive.
6. The variance sought must be the minimum variance needed to achieve the desired purpose.
7. A variance cannot be granted when there is another viable alternative to achieve use of the property under the regulations without the need for variance.

The Board may grant a variance to the Zoning Regulations where, by reason of shape or topography or other extraordinary or exceptional situation or condition of a specific ordinance would result in peculiar and exceptional difficulties to or exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as relating to the property. The criteria for granting a variance is intentionally high. So long as the property can be used in compliance with the regulations, the standard for granting a variance has not been met. Neither inconvenience nor cost are valid reasons to support granting a variance.

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Analysis: General Concept Tests

1. There is no undue hardship as a deprivation of use: The property continues to be used primarily as a residential property and will continue to be used whether a barn is constructed or not. There are locations on the property where a barn may be built that conform to the setback requirements.
2. There are no unique characteristics that, when the regulation is applied, prevent development of that property: Since the features of the site did not prevent the home from being constructed in 2014 the property has already been developed for its primary use. Additionally, from review of the county Light Detection and Ranging (LiDAR) topography mapping shown on Exhibit B & Exhibit C, the topography just north and northeast of the home is roughly the same for both the applicant's proposed location and compliant locations and is not severe enough to totally prevent construction, which negates an extreme topography justification argument.
3. Arguments as to why the regulation should not exist or apply can't be used to justify a variance: The Board may not grant a variance when an amendment of the zoning regulations is indicated. Amendment of the Zoning Regulations is the responsibility of the Planning and Zoning Commission and County Commission. Granting this variance in this case where compliance is possible would be a grant of special privilege favoring the applicant over the rest of the population.
4. A variance cannot be granted when need for the variance is self-created or created by a previous owner of the property: The choice of location for the home site has imposed limitations on where the new barn can be constructed. Any possible site location for additional structures is influenced by this choice. There is area for the barn to be built in compliance with the regulations. Site preparation such as grading is required for both the site desired or for any compliant location.
5. The variance cannot be granted to avoid the cost of compliance with the regulations, where the justification is predominantly financial, or where compliance is possible but might be more expensive: There is area for the barn to be built in compliance with the regulations. Any expense due to grading the proposed, non-compliant, site cannot be used as justification for a variance. "Exhibit B & C" indicates that compliance is possible.
6. The variance sought must be the minimum variance needed to achieve the desired purpose: This test can't be met because it has been demonstrated that there are compliant locations on the site for construction of a barn without a grant of the variance.
7. A variance cannot be granted since there is another viable alternative to accomplish the same goal under the regulations without the need for variance: The applicant identified an alternate location for the proposed structure which complies with the regulations without granting a variance. The location corresponds roughly to the location indicated on Exhibit B & C in the area the applicant has called mixed pasture on Exhibit A. Loss of pasture area does not meet the criteria for the granting of a variance.

Staff recommends denial of variance requests for failure to meet the preceding seven tests and because the request appears to be a desire to not comply with the regulations rather than an inability to meet the regulations.

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One letter expressing opposition was received from Mary Jo Doherty, and one neutral email from Scott Rowson requesting clarification was also received and entered into the record.

Present representing the request: Brian White 7940 South Ginn Lane, Columbia

Brian White: After hearing this analysis, we withdraw our request. May we request copies of the correspondence associated with this matter?

Vice-Chair Stephens: Certainly, it is public record.

The Board acknowledged the withdrawal. No vote was taken.

VI. OLD BUSINESS

1. Certificate of Decision – MuddyMo Landing

Vice-Chair Stephens accepted and signed the Certificates of Decision.

VII. NEW BUSINESS

1. Presentation and discussion of proposed Administrative Variances

Bill Florea, Director of Resource Management, presented proposed regulatory changes intended to support affordable housing and improve stormwater management. The amendments include revisions to the Zoning Regulations and Subdivision Regulations authorizing the Resource Management Director to grant a limited Administrative Allowance for an existing, legally constructed structure that encroaches into the required front setback following subdivision of property.

The allowance may be approved only if the structure is located at least 25 feet from the new right-of-way, does not encroach into utility easements, and does not negatively affect access, drainage, or current or future utility service. The structure must be clearly identified on the subdivision plat, including the extent of the encroachment.

Required plat notes must state that the structure may remain unless it is damaged beyond 75 percent of its value. If damage exceeds that threshold, the structure must be removed and any reconstruction must comply with current setback requirements.

The Administrative Allowance would be granted administratively by the Director and would not require review by the Board of Adjustment.

Three public hearings are scheduled to receive public comments on the proposed regulatory changes. Following the hearings, Resource Management will review and organize the comments and questions, then forward them to the Planning & Zoning Commission. The Commission will review the comments and may recommend changes or forward a recommendation to the County Commission for adoption. The County Commission will hold at least one public hearing before making a final decision. The date of that hearing will be posted on the Resource Management website.

PUBLIC HEARINGS:

- Tuesday, February 10, 2026, at 7:00 PM – City of Centralia, Council Chambers, 114 S Rollins St, Centralia

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- Thursday, February 19, 2026, at 7:00 PM – Boone County Government Center, Commission Chambers, 801 E Walnut St, Columbia
- Tuesday, February 24, 2026, at 6:30 PM – Southern Boone County Schools Central Office, Board Room, 5275 W Red Tail Dr, Ashland

Written comments may be submitted to RMPlanning@boonemo.gov until 11:59 PM, Tuesday, February 24, 2026.

VIII. ADJOURN

There being no further business, the meeting adjourned at 7:49 p.m.

Respectfully Submitted,

Megan Halford, Incoming Secretary