

**APPEAL OF A DENIAL BY THE PLANNING COMMISSION
FOR A CONDITIONAL USE PERMIT**

***APPEALS MUST BE SUBMITTED TO RESOURCE MANAGEMENT WITHIN 3 BUSINESS DAYS
FROM THE DATE OF DENIAL**

1. Briley Investments, LLC N/A
NAME - PROPERTY OWNER POTENTIAL BUYER/LEASOR
2901 Farleigh Ct
ADDRESS ADDRESS
Columbia, MO 65203 573-825-4881
CITY - STATE - ZIP PHONE CITY - STATE - ZIP PHONE
markpbriley@gmail.com
EMAIL ADDRESS

2. LEGAL DESCRIPTION of land for which Conditional Use Permit application is made, including SECTION, TOWNSHIP and RANGE, ADDRESS AND/OR PARCEL NUMBER:
Subdivision Plat Book/Page 0007 0006; Section/Township/Range 6 47 12
Legal Description BEARFIELD SD LOT 1; Lot Size 100.00 x 145.00

3. Classification and proposed use for conditional use:
(Please be as detailed as possible)
(see attached)

4. Reason why Planning Commission recommendation for denial is in error:
(see attached)

5. Name of individual(s) who presented request to Planning Commission:
Mark and Carrie Briley

6. Date request was denied by Planning Commission. October 19, 2023

7. Who should we contact with questions regarding this request? Mark Briley 573-825-4881
NAME PHONE

THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT IT IS NECESSARY FOR THE APPLICANT OR THEIR REPRESENTATIVE (WITH WRITTEN AUTHORIZATION) BE PRESENT FOR THE COUNTY COMMISSION HEARING. I ALSO UNDERSTAND THAT NO SIGNIFICANT CHANGES CAN BE MADE TO THE REQUEST BETWEEN THE PLANNING AND ZONING COMMISSION HEARING AND THE COUNTY COMMISSION HEARING.

Mark P. Briley 10/24/23
OWNER'S SIGNATURE DATE

N/A
POTENTIAL BUYER'S SIGNATURE DATE

RECEIVED BY: [Signature] 10/24/23
RESOURCE MANAGEMENT DATE

Appeal of a Denial by the Planning Commission
For Conditional Use Permit
Attachment to Primary Form
Bearfield Subdivision, Lot 1
Briley Investments, LLC

3. *Classification and Proposed Use for Conditional Use: (Please be as detailed as possible).*

The application for the Conditional Use Permit by Briley Investments LLC was made following extensive consultation and recommendation of the Boone County Staff. It was deemed prudent and best possible use of the property and also fitting to the nature and character of the surrounding area. While the lot is zoned for single family use, it is a large lot that is matched in the subdivision in size only by the lot directly across the street – which is zoned for multi-family use and currently houses a duplex.

Our intentions for Lot 1 are to build a duplex designed with the surrounding area in mind. With a single access drive off of both Bearfield Subdivision and Bearfield Road, careful attention was given to create an appearance of a single-family home from both streets. Having 1,200 square feet per unit, the size and design fits the other homes on the street.

The quality of construction should not only fit the feel of the neighborhood but increase its appearance as there are a number of homes on the street that are poorly maintained. Given our location on the front of the subdivision, our intention is to care for the property with pride and create a warm, clean and attractive entrance to the neighborhood, inspiring the upkeep and beautification of other homes on the street. The stone signage at the entrance of the neighborhood is dilapidated and hasn't been tended to for years. We intend to restore it that it might be presented with pride as the entry point to the neighborhood.

Many of the homes on the street are owned by LLC's or individuals who rent out their homes, including the homes that are in direct contact with our property. Many are using their properties as investments for their incomes or retirement. Our intentions are similar. This would be our very first investment property and we are excited and motivated to care for it with diligence and personal care. We have immediate family who will likely occupy one side of the duplex though that is not fully certain at this point.

We sent out personal letters in advance of the required County notice to a number of homes in immediate proximity of our property. We invited questions and connection and two home owners reached our way. One contact came from a man who grew up in the adjacent property to the subdivision and still lives there as his primary residence. His family also owns the duplex across the street and he was fully understanding of our plan and shared no opposition to our intentions. The second was a couple who lives next to the duplex across the street from our property who has lived in that home for over 40 years. They also shared no opposition to our plans for the property.

We fully intend to be invested neighbors on the street and long to see continued improvements in the subdivision. We love our city, our community, and this street that we long to be connected to for the rest of our lives. We have followed every guideline and suggestion of the County and long to see this Conditional Permit Use approved so we can invest in this neighborhood as intended.

4. *Reason why Planning Commission recommendation for denial is in error:*

The County Staff, hearing our hopes for the property, did the research and homework to guide us in this approach for approval. It meets every stipulation and guideline required. The Planning Commission's

recommendation for denial was determined not on the criteria of the guidelines but rather on the comments of a handful of citizens who oppose our plans for the property. Some feared a decline in property value. Our newly constructed and tasteful duplex will far out-perform the appraisal of many, if not all, of the homes on the street. A number of the homes are in disrepair and some are potentially hazardous or condemnable. Those should be of far greater concern to the neighbors. A number of the dissenters introduced themselves as property owners in the area but admitted that they don't live in the subdivision but rent out their homes as investments in support of their livelihood. Others named they didn't live near the area but visited there frequently and simply didn't want anything on that parcel. The property has been vacant for decades and we recognize that any change to the property is significant to the emotions of those who don't like change. Even so, our submitted plans do fit the character of the area, meet the criteria of the County, and have been created with sensitivity and creativity accordingly. One from the commission named to the dissenters in the crowd that night, "*You do know that they could build a 4,000 square foot single family home on the property tomorrow, correct?*" Such would look out of place but is within the criteria of current and potential use. We are attempting to build something very appropriate for the property and one that meets every guideline required of the County. For these reasons, we believe the recommendation for denial is in error.