
**Board of Adjustment
June 9, 2026
Staff Report**

Application Summary –

A request of Caleb Colbert (attorney), on behalf of the Richard G. Miller Revocable Trust (owner), seeking approval of a variance on M-N (Mixed-use Neighborhood) zoned property to permit the placement of multiple accessory structures (a pool, pool house, and proposed garage) forward of the principal dwelling located upon property addressed 2710 Bluff Creek Boulevard which is not permitted specifically per Sec. 29-3.3(ii)(2)(iii)(A) of the Unified Development Code.

Site Characteristics

The subject property is identified as Lot # 201B of East Pointe, Plat 2-E and contains approximately 2.62-acres of land that is improved with a single-family dwelling. The subject acreage is located along the hillside atop the Grindstone Creek which is the precipitating factor for this request has been submitted. The rear yard of the lot has an approximate 55% slope to the creek bottom over its 145-foot width. Likewise, the front of the lot closest to Bluff Creek Boulevard, also slopes approximately 32% to the creek bottom over its 283-feet of length. Within the front yard, there is a flattened area where the applicant is seeking to install the three proposed accessory structures that are not otherwise allowed by the Unified Development Code (UDC). It is worth noting that the proposed lot and structure are the only residential home along this segment of Bluff Creek Boulevard and that construction of any possible improvements were otherwise regulatorily permitted would not be allowed since the slope exceeds the maximum 25% developable slope permitted by the UDC.

The applicant's written correspondence (attached) states that the request for relief is based on the topographic challenges associated with the property and inaccessibility to reach areas behind the home that do not exceed 25% slope. Furthermore, the applicant's correspondence indicates that approval of the requested relief will have no impacts to adjacent homeowners, nor will such improvements be visible from Bluff Creek Boulevard given existing vegetation.

From an on-site inspection of the subject lot and its surroundings, staff finds the applicant's statements to be accurate. The proposed building sites of the accessory structures will be approximately 38-feet above the pavement surface of Bluff Creek Boulevard and screened by dense natural vegetation. The placement of the accessory structures, as shown in the attached Exhibit to the applicant's correspondence, illustrate the closest accessory structure being approximately 80-100 feet from the front property line.

The subject site is bounded on the north and northwest by M-N zoned property improved with a large office building. To the northeast is M-C zoned property that accommodates a movie theater and extends down Bluff Creek Boulevard to the southern property line of the subject site. To the south of the site's southern lot line is R-1 zoned land that is part of the Grindstone Creek Trail and Grindstone Creek itself. The subject site is located approximately 600-feet southeast of the Bluff Creek Boulevard and East Pointe Drive intersection.

Relief Sought and Purpose

The applicant is seeking a variance to be authorized to constructed three accessory structures (a detached garage, pool, and pool house) forward of the principal dwelling on the property. Sec. 29-3.3(ii)(2)(iii)(A) of the Unified Development Code (UDC) specifically prohibits such placement of accessory structures forward of the principal dwelling on a lot. Pursuant to the applicant's correspondence the ability to place the desired accessory structures is not practically permitted given the site's existing topography which generally exceeds 25% slope across the 2.62-acre site.

The proposed accessory structures, aside from the need to be located forward of the principal dwelling, would otherwise be fully permissible given their cumulative total area does not exceed 50% of the size of the site's principal dwelling. The total area of the accessory features is approximately 46% of the size of the principal dwelling.

Variance Analysis –

Summary and Impacts –

The applicant is seeking a variance from the following regulatory requirements of the Unified Development Code (UDC):

- 1. Section 29-3.3(ii)(2)(iii)(A)** – Permission to permit construction of multiple accessory buildings forward of the principal structure on a lot.

The Unified Development Code (UDC) has contained provisions that constrain property owners from the ability to erect accessory structures forward the principal dwelling their lot. This prohibition was implemented as a means to ensure that neighborhood "quality" and "visual appeal" were maintained. In most traditional residential settings, homes are placed on a lot generally an equal distance from the roadway and placement of an accessory structure such as a detached garage, pool, or pool house were believed to be inappropriate and disruptive. Overtime, general relief has been granted to allow certain non-permanent features such as gardens to be placed in the required front yards, but as of now no such exception has been made for more traditional enjoyment servicing accessory uses to be granted such permission.

While this application seeks to be granted relief to allow such enjoyment serving accessory uses to be constructed forward of the principal dwelling on the lot, the context of the lot, its topography, and the impacts to adjacent dwellings are significantly different from a traditional neighborhood setting. The subject lot is the only lot in the immediate vicinity improved with a residential structure and is located at the dead end of Bluff Creek Boulevard. It surrounded to the north and northwest by office buildings in the M-N zoning district. The property to the northeast is zoned M-C and improved with movie theater as well is not permitted to be developed with single-family dwellings. And while the property to the south is zoned R-1 it is owned and actively used by the City of Columbia for the Grindstone Creek Trail and other riparian/open spaces purposes and not available for residential development.

Finally, as noted earlier in this report, the slope of this acreage generally exceeds the permissible maximum developable allowance of 25% by the UDC. The existing home on the site was constructed in approximately 2015 prior to the city's adoption of its "Steep Slopes" regulations intended to ensure preservation of such topographic features

throughout the city. The UDC does allow development on slopes less than 25% and the areas identified for the desired accessory structures would appear to comply with those limitations.

When evaluating the location of the subject site, the topography of the site, and the impacts that allowing the desired accessory structures would have upon adjacent development, staff finds that such a grant of relief would be a privilege to the applicant. However, staff is also challenged to identify what negative consequences would be wrought outside the boundaries of the subject site if such relief were granted based upon the applicant's correspondence.

Compliance with Variance Criteria -

Staff has reviewed the "General Criteria" for the approval of a variance as articulated in Section 29-6.4(d)(3)(i), subparts A-E, of the UDC. In relation to these criteria, staff finds that:

- A. The applicant states that topography is a significant limiting factor allowing the proposed accessory improvements to be placed in a compliant location that would be readily accessible to construction. The staff concurs that the topography is significantly extreme in relationship to other lots within the East Pointe Subdivision that are developed for residential purposes. The topographic conditions were not created by the applicant; however, were integrated into the initial construction of the primary dwelling on the property.

Had there been greater forethought at the time of initial housing construction the siting of the home could have been shifted eastward to accommodate possible future site improvements. It would appear the improvements now sought for installation were not envisioned at the time of initial construction; therefore, the current request for relief. As stated in the applicant's correspondence, "all of the areas that are located behind the principal structure are considered steep slopes and therefore not able to be built upon. Simply put, there is no place behind the principal structure in which to construct the proposed improvements."

- B. Approval of the requested variance would not permit use of land that is not otherwise permitted on the lot as shown within the Permitted Use Table or modify any portion of any standard that operates as part of a definition of any use. Approval of the variance simply would allow the applicant to place three customary accessory structures forward of the principal dwelling on the subject site.
- C. Approval of the requested variance would not result in permitting development inconsistent with the Comprehensive Plan. The subject site is located within a "Commercial" district within a quarter mile of a major interchange along the US 63 and Stadium Boulevard corridor. The development of this site with a single-family, would be considered inconsistent with the present land use designation; however, the M-N zoning applied to the property permitted such development. Given the site's constraints it is possible that development with uses similar to the north and northeast were not view as viable.
- D. Approval of the requested variance is the only efficient means by which the applicant can be authorized to construct the accessory structures desired. Rezoning a single lot to PD (Planned Development) is not viewed as appropriate in this context and would provide no meaningful benefits to the city as a whole. The variance process was intended to be used in atypical situations, such as this, where a hardship has been exhibited and the

corresponding impacts to adjacent property are mitigated or minimized to the greatest extend possible.

- E. Approval of the variance sought is not seen as harming the public health, safety, or welfare. The subject site is surrounded by more intensely improved property and is located at the dead end of major street. Given the topographic grade difference between the adjacent roadway (approximately 38-feet) and the building sites as well as their placement approximately 100-feet from the right of way staff sees no possible conflicts. This is statement is further supported by the presence of dense natural vegetation surrounding the building sites.

Potential Board Action -

Should the Board determine that compelling testimony has been provided and the standards of Section 29-6.4(d)(3)(i)(A-E) have been met, it would then be appropriate to offer a recommendation of approval relating to the requested variances. If a determination is made that such request is not supported by the testimony given or the standards of Section 29-6.4(d)(3)(i)(A-E) have not been met, then a recommendation of denial is appropriate.

For the purposes of establishing a “complete” public record, Board justification supporting approval or denial of the requested variance with the provision of Section 29-6.4(d)(3)(i)(A-E) shall be stated within the public record prior to a final decision being rendered.