

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):

Lot 121 in PARK HILL NUMBER 3 as shown by the plat recorded in Plat Book 3, Page 8, Records of Boone County, Missouri

which is presently zoned R1 and known, or to be known, as 210 Edgewood Avenue (Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 16-60 700-02 091.0 0

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

On the 8th day of May, 20 25 said official did deny a permit to allow a detached garage to be constructed.

The reason given for such action was that the proposed driveway leading to a detached garage will not comply with the standard of the UDC. Such deficiency is found within

which does not comply with Section 29.4; Table 4.1-5, Code of Ordinances of the City of Columbia, Missouri, which Section provides or requires that a driveway be no closer than 5-feet to a property line.

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) See attached document: 'Practical difficulties -- 210 Edgewood Avenue'

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 document: 'Criteria for Approval -- 210 Edgewood Avenue'

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:

The Board approve a variance from the required 5' setback standard shown within Sec. 29-4, Table 4.1-5 and permit a new driveway extension, no greater than 25' in length, to be added to the existing driveway easement serving 210 and 300 Edgewood Avenue such that a permit may be issued to allowing a new detached garage, fully compliant with required setbacks, to be constructed on property addressed as 210 Edgewood Avenue.

DATE 9/13/2005 SIGNATURE(S) David Borgelt PRINTED NAME David Borgelt ADDRESS 210 Edgewood Ave, Columbia, Missouri 65203 TELEPHONE 816 931-5690

CAPACITY OR INTEREST IN PROPERTY Owner

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

COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE Patrick R Jenner DATE 9/13/2005



May 8, 2025

McCray Builders

317 Nebraska Ave.

Columbia Mo. 65201

RE: 210 Edgewood

Permit # 1931-2025 for a detached garage in rear yard is denied due to required driveway must maintain a 5' setback from side propert line per Table 4.1-5 Yard Area Exceptions

Table 4.1-5: Yard Area Exceptions			
Structure, Feature, or Use	Yard Encroachment (maximum)	Conditions or limits	
Building sills, belt courses, cornices, chimneys, buttresses, ornamental features, eaves, and rain barrels	2 ft. into a yard		
Canopies or open porches	6 feet into front or rear yard	Roof area limited to 60 sf or less; Porch cannot be enclosed	
Driveways	Single- and Two-Family Residential Up to a 2-car garage	Permitted to a maximum width of 20 ft. in any front, rear, side, or corner side yard	Single- and two-family residential driveways shall maintain a setback of 5 ft. from the side property line and shall not occupy more than 50% of the lot width.
	>2-car garage	Permitted to a maximum width of 28 ft. in any front, rear, side, or corner side yard	
	Shared duplex driveway	Permitted to a maximum width of 36 ft. in any front, rear, side, or corner side yard	
	Multi-Family, Commercial, and Mixed-Use	Permitted to a maximum width of 42 ft. without a turning analysis, in any front, rear, side, or corner side yard	Multi-family, commercial, and mixed-use driveways shall maintain a setback of 10 ft. from any side property line adjacent to a Residential district, or as determined by the required driveway radius.
Lot boundary fences, walls, and retaining walls	Permitted up to lot line	May not encroach on public right-of-way or adjacent property without consent of owner	
Open fire escape	Into side yard, by no more than 1/2 the side yard width	Cannot extend more than 4 feet from the building	
Open paved terraces	10 feet into front or rear yards		
Solar or geothermal energy equipment	Permitted in a side or rear yard	Not within 2 feet of a side or rear property line	

Doug Kenney

Senior Building Inspector

Building & Site Development

Building & Site Development
(573) 874-7474
Fax (573) 874-7283

Neighborhood Services
(573) 817-5050
Fax (573) 874-7546

Planning & Zoning
(573) 874-7239
Fax (573) 874-7546

Criteria for Approval -- 210 Edgewood Avenue

UDC Section 29-6.4(d)(2)

The board may approve an application for a variance from the terms and provisions of this chapter if it determines that all of the following are true.

(1) General Criteria

(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's site, those difficulties or hardships are not generally applicable to 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 zone district where the property is located, nor shall a 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

(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.

(A) The difficulties with the property are detailed in the 'Practical Difficulties' section. The shared driveway, the narrow lot and the relatively steep slope of the lot preexist the current ownership, and appear to be materially unchanged since construction.

(B,C) The requested variance would allow a residential garage to be built, a permitted use in the neighborhood, and consistent with the comprehensive plan. Garages currently exist throughout the neighborhood and continue to be built from time to time.

(D) The requested variance would make use of an existing driveway easement and an extension which will be agreed to and recorded before the Certificate of Occupancy of the garage is issued. The **requested variance** of the 5' setback **applies only to the driveway** needed to access the garage and will be agreed to in writing by the adjacent property owner.

The planned garage structure meets the existing setback requirements to the north and the city drainage easement to the east and does not require a variance.

(E) The requested variance would allow a residential garage to be built. Garages are common throughout the neighborhood.

The construction of a garage would decrease the use of on-street parking and parking in the shared driveway. This would be a positive for the neighborhood in general and the adjacent property owner, as well as being beneficial to the 210 Edgewood Avenue property.

210 Edgewood Avenue (on left), recent photos of shared driveway from street



EASEMENT

THIS AGREEMENT, entered into this 20th day of May, 1991, by and between JEFFERY W. BURNETT and DORIS R. LAWRENCE, husband and wife, of Boone County, Missouri, First Parties, and DONALD E. SIEVERT and MARY ELLEN SIEVERT, husband and wife, of Boone County, Missouri, Second Parties;

WITNESSETH:

WHEREAS, First Parties are the owners of the following described property located in Boone County, Missouri:

Lot Number One Hundred twenty-one (121) in PARK HILL NUMBER THREE (3), an Addition to the City of Columbia, Boone County, Missouri, as shown by the plat recorded in Plat Book 3, Page 8, Records of Boone County, Missouri.

and;

WHEREAS, Second Parties are the owners of the following described property located in Boone County, Missouri:

Lot Number One Hundred Twenty-two (122), in PARK HILL NUMBER THREE (3), an Addition to the City of Columbia, Boone County, Missouri.

WHEREAS, the Parties desire to create a common driveway approximately eleven and one-half feet wide (11'6") wide and consistent with the existing driveway for the use and benefit of both properties above described:

NOW, THEREFORE, in consideration of the mutual covenants and grants herein contained, First Parties do hereby grant to Second Parties an easement of way over the Northeast corner of the above described land owned by First Parties; and Second Parties do hereby grant to First Parties an easement of way over the southeast corner of the above-described land owned by Second Parties, said driveway to be located as it presently exists, and further described as follows:

Beginning at the Southeast corner of Lot Number One Hundred Twenty-two (122) and the Northeast corner of Lot Number One Hundred Twenty-one (121) in PARK HILL NUMBER THREE (3), an Addition to the City of Columbia, thence north along the east line of Lot Number One Hundred Twenty-two (122) a distance of approximately six and one-half (6-1/2) feet; thence West along the north line of the existing driveway a distance of eighty (80) feet; thence south along the west line of the existing driveway a distance of eleven and one-half (11-1/2) feet (the south five (5) feet of which shall lie in the North Half of Lot Number One Hundred

Twenty-one (121)); thence East along the south line of the existing driveway a distance of eighty (80) feet; thence north along the east line of Lot Number One Hundred Twenty-one (121) a distance of approximately five (5) feet to the point and corner of beginning.

The grants herein shall be made on the following terms and conditions:

1. The land hereby conveyed shall be used as a common driveway for the benefit of said properties.
2. Each of the parties shall contribute equally to the construction and maintenance of said driveway necessary to keep the same in a reasonable state of repair.
3. It is understood by the Parties hereto that the existing driveway is presently paved from the east line of said driveway westward for approximately thirty-five feet and that the remaining portion of the driveway is gravel. Said driveway shall never be paved or covered with a hard surface without the mutual consent in writing of the parties.
4. These easements and the covenants herein contained shall run with the land and inure to and be binding upon the successors in title of the respective Parties.

IN WITNESS WHEREOF, The Parties hereto have executed this agreement as and of the day and year first above written.

FIRST PARTIES:

Jeffery W. Burnett
JEFFERY W. BURNETT

Doris R. Lawrence
DORIS R. LAWRENCE

SECOND PARTIES:

Donald E. Sievert
DONALD E. SIEVERT

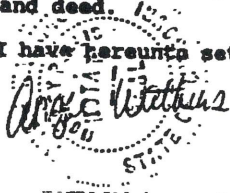
Mary Ellen Sievert
MARY ELLEN SIEVERT

STATE OF MISSOURI)
) ss.
COUNTY OF BOONE)

On this 10th day of May, 1991, before me personally appeared Jeffery W. Burnett and Doris R. Lawrence, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and they acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

ANGIE WATKINS
NOTARY PUBLIC—STATE OF MISSOURI
COUNTY OF BOONE
MY COMMISSION EXPIRES APRIL 1 1995



my official seal in the County and State aforesaid, the day and year first above written.

NOTARY PUBLIC

My commission expires _____
Commissioned in _____ County.

STATE OF MISSOURI)
 (ss.
COUNTY OF BOONE)

On this _____ day of May, 1991, before me personally appeared Donald E. Sievert and Mary Ellen Sievert, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and they acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

NOTARY PUBLIC

My commission expires _____
Commissioned in _____ County.

my official seal in the County and State aforesaid, the day and year first above written.

NOTARY PUBLIC

My commission expires _____
Commissioned in _____ County.

STATE OF MISSOURI)
(ss.
COUNTY OF BOONE)

On this 20th day of May, 1991, before me personally appeared Donald E. Sievert and Mary Ellen Sievert, husband and wife, to me known to be the persons described in and who executed the foregoing instrument and they acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Angie Watkins

NOTARY PUBLIC

ANGIE WATKINS
NOTARY PUBLIC—STATE OF MISSOURI
COUNTY OF BOONE
MY COMMISSION EXPIRES APR 1 1992

My commission expires _____
Commissioned in _____ County.



STATE OF MISSOURI
COUNTY OF BOONE

I, the undersigned Recorder of Deeds for said county and state do hereby certify that the foregoing instrument of writing was filed for record in my office on the 22ND day of MAY, 19 91 at 3 o'clock and 50 minutes P M and is truly recorded in Book 823 Page 557.
Witness my hand and official seal on the day and year aforesaid.

BETTYE JOHNSON, RECORDER OF DEEDS

Karen Johnson, Deputy
Karen Johnson



Practical Difficulties -- 210 Edgewood Avenue

This property is approximately 100 years old and was constructed with a single shared driveway with the adjacent property to the south, 300 Edgewood Avenue.

In 1991, a shared driveway easement was signed by both owners and recorded with Boone County formalizing a 11.5' x 80' easement based on the width of existing pavement at the street and extending to 80' eastward from Edgewood Avenue.

A copy of the recorded easement is attached. It is defined as extending from the shared property line 5' (north) into 210 Edgewood and 6½' (south) into 300 Edgewood Avenue. The 80' extent into the lots reaches a few feet past the rear wall of the house.

>>> The existing easement is marked as a **DARK BLUE** rectangle on the attached sketches.

This is the sole access to the backyard of the property which is a 50'x164.8' lot.

The two property owners, David Borgelt (210 Edgewood) and Tate Cooper (300 Edgewood), have discussed extending the existing easement into the lots (to the east) to provide both owners access to their backyards and are in agreement this would be a positive action. The maximum distance needed for this extension would be 25'.

>>> The easement extension is marked as a **LIGHT BLUE** rectangle on the attached sketches.

The property drops off to the back of the lot (east). It also slopes from the south boundary (the driveway) to the north near the house and from the north to south towards the back of the lot along the drainage easement. The high point of the lot is near the east end of the driveway easement; the low point is near the southeast corner.

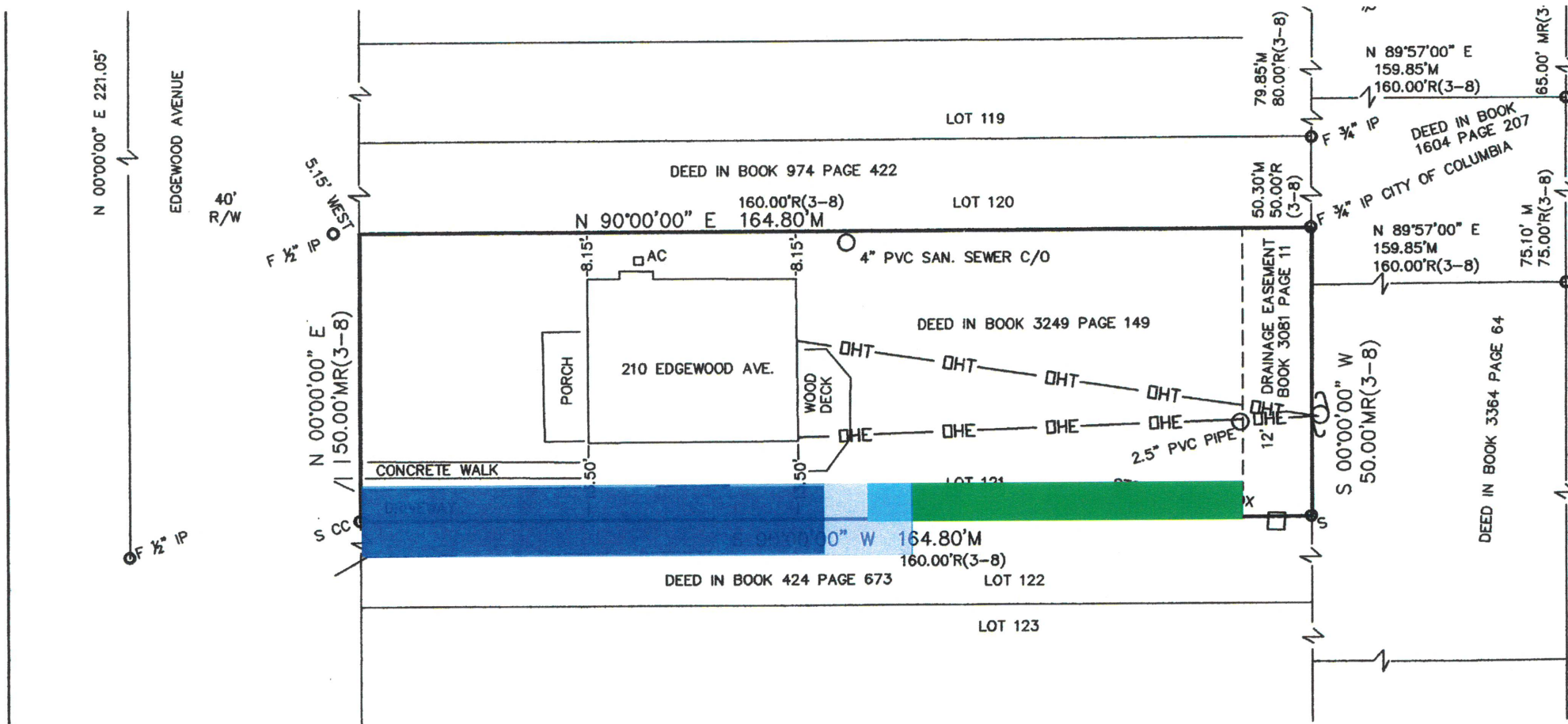
There is a storm water inlet near the southeast corner of the lot. This inlet is the low point of the lot and the surrounding area which includes multiple properties. This is noted as 'STORM WATER BOX' on the survey from 2010.

The 50' lot is narrower than many modern lots. This constrains the space significantly.

The proposed garage structure complies with the 5' setback requirement from the north boundary and 12' drainage easement to the east (back) boundary.

The owner of 300 Edgewood Avenue, Tate Cooper, supports the extension of the easement to the east by up to 25' and the waiving of the requirement of the 5' setback to allow a backyard driveway to be built up to the shared property line and will provide this agreement in writing.

>>> The driveway past the easement which is along the property line is marked as a **GREEN** area on the attached sketches.



DATE: 08-31-10

THIS SURVEY CONFORMS TO TYPE URBAN ACCURACY STANDARD 20 CSR 2030-16.040

SURVEY FOR: DAVID BORGELT

REFERENCE BEARING: THE EAST LINE OF EDGEWOOD AVENUE, ASSUMED BEARING
N 00° 00'00" E

NOTES:

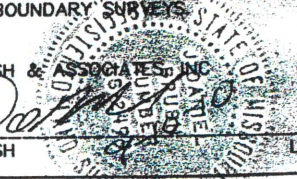
1. ABSTRACT AND OR TITLE INSURANCE POLICY WERE NOT AVAILABLE FOR REVIEW OTHER EASEMENTS MAY EXIST.
2. THIS TRACT IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AS PER THE CITY OF COLUMBIA FIRM MAP NUMBER 260036 0011 C, DATED 12-28-1982.

THE RESULTS OF THIS SURVEY ARE AS SHOWN ON THE PLAT.

I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE UNDER DIRECTION AND CONFORMS TO THE CURRENT MISSOURI MINIMAL STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY BRUSH & ASSOCIATES, INC.

J. DANIEL BRUSH

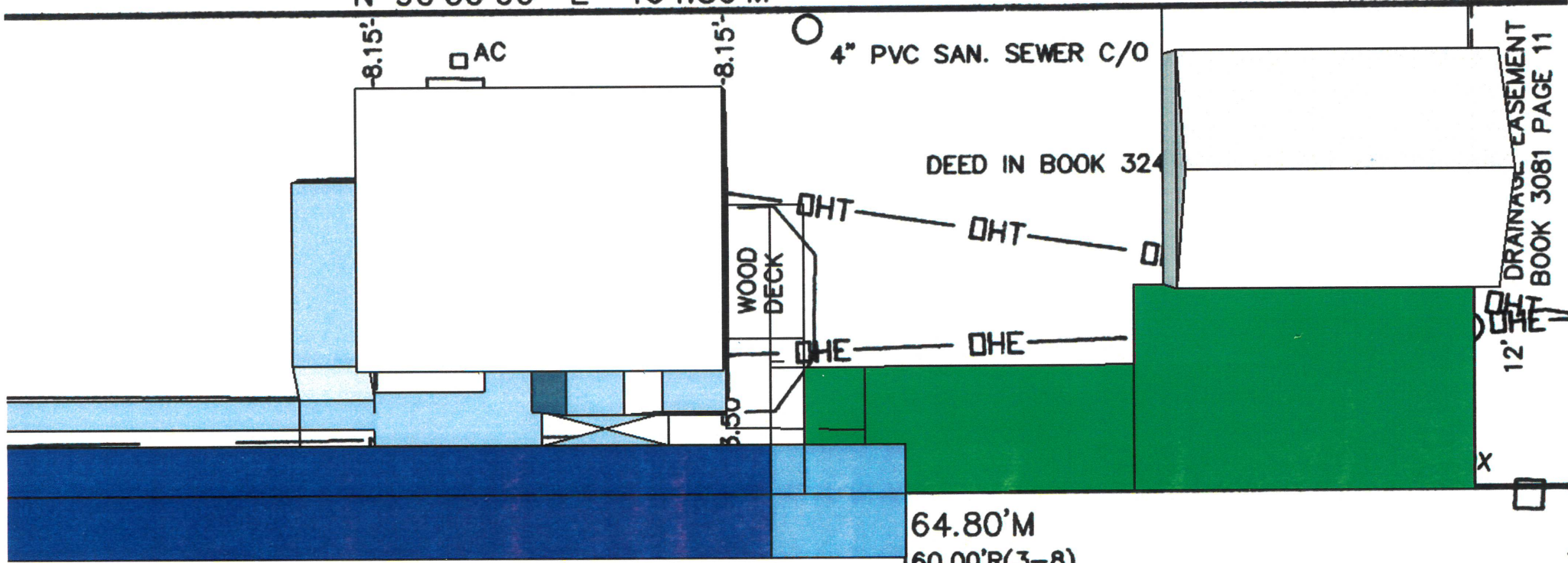


DEED IN BOOK 974 PAGE 422

N 90°00'00" E 160.00'R(3-8)
164.80'M

LOT 120

50.30'M
50.00'R
(3-8)



DEED IN BOOK 424 PAGE 673

LOT 122

