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**Board of Adjustment  
December 9, 2025  
Staff Report**

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**Application Summary –**

A request of Scott and Angela Claybrook (owners) seeking approval of a 5-foot variance from the required 25-foot rear setback of the R-2 (Two-family Dwelling) zoning district. The applicants seek to expand the existing single-family home on the site by attaching, as an integral part of the existing dwelling, an accessory dwelling unit (ADU). When an ADU is integral to an existing dwelling, the setbacks applied to the ADU must conform to those applicable to the existing dwelling. The proposed ADU extends approximately 5-feet into the required **25-foot rear yard** setback of the R-2 zoning district which is not permitted as required by Section 29-3.3(ii)(2)(v) of the Unified Development Code. Approval of this request would permit a building permit to be issued for the proposed ADU on property addressed as 602 Florence Avenue.

*Site Characteristics*

The subject site is located on the east side of Florence Avenue approximately 90-feet north of the intersection of Florence Avenue and Independence Street and is presently improved with a 1,252 sq. ft. single-family detached dwelling. The improvements on the lot are consistent in size and character to those surrounding it in all directions. The subject site and all surrounding lots are located in the R-2 (Two-family Dwelling) zoning district.

The subject lot measures approximately 98.7-feet on its north boundary, 93-feet on its south boundary, 60-feet along Florence Avenue and 59.7-feet along its rear boundary. This lot size is consistent with the adjacent lots to the north, south, and east; however, is significantly less in depth than the lots to the west of Florence Avenue and lots to the north fronting to Donnelly Avenue which are all approximately 180-feet deep. Notwithstanding the differences in lot depth, the placement of the existing home on the subject site meets or exceeds all required R-2 setbacks and is located approximately 31-feet, 6-feet, and 34-feet from the front, side, and rear lot lines, respectively. This placement is generally consistent with the placement of structures on the lots immediately adjacent to the north, east, and south of similar size.

The subject lot is accessed from and addressed to Florence Avenue with its rear property line being shared by a dwelling accessed from and addressed to Independence Street to the east. The rear yard of the subject site is improved with children playground equipment and the rear yard of the adjoining lot to the east has a storage structure in its southwest corner. Fences are located approximately 1-foot either side of the shared rear lot line. A 6-foot tall solid wooden “dog-ear” fence is installed on the subject site and a 4-foot “chain-link” fence is installed on the lot to the east.

Based upon staff’s visual survey of the neighborhood and review of available aerial photography, it has been observed that there are no other adjacent lots improved with detached garages or that have detached storage structures similar to the one on the lot immediately east. As such, the applicant’s desire to attached the proposed accessory dwelling unit (ADU) to the primary dwelling on the lot would result in a development pattern of consistent with the existing neighborhood context.

*Relief Sought and Purpose*

The applicant is seeking relief from the UDC provision that requires an accessory structure to conform to the required setbacks applied to the primary structure when the accessory structure is considered

“integral” (i.e. connected to) the primary structure. In this particular case, the applicants desire to attached (i.e. integrate) an accessory dwelling unit (ADU) into the existing single-family dwelling occupying the subject lot. The subject lot is zoned R-2 (Two-family Dwelling) and is required to maintain a 25-foot front, 6-foot side, and 25-foot rear setback.

The existing single-family home is located approximately 34-feet from the rear property line and the proposed ADU would extend approximately 13.03-feet from the existing dwelling toward the rear lot line. This extension would result in a rear yard setback of 20.97-feet from the outside finished wall of the ADU extension which is 4.03-feet less than the required 25-foot rear yard setback of the R-2 district. To provide for a “margin of error” in the construction of the ADU, should the applicant’s request be approved, a variance of no greater than 5-feet would be needed.

**It should be noted**, that the variance sought by the applicant would not be otherwise required if the ADU were **detached** from the primary structure on the lot. Per the provisions of Sec. 29-3.3(gg)(3) of the UDC, an ADU can be located within 6-feet of a rear lot line. Given this provision and the overall depth of the ADU, there would be 19-feet within the standard 25-foot rear yard to accommodate the proposed new construction. However, examination of the applicant’s responses to the variance criteria indicate that requiring construction of a **detached ADU** would reduce the ADU’s floor area desired to less than needed, create a location less practical for desired accessibility, result in the ADU height exceeding that of the primary structure, and increase overall construction costs by approximately 25%.

While many of the above issues could be resolved via separate variances actions, seeking the requested setback variance is viewed as a more direct and practical route to achieve the applicant’s objectives. As stated in the applicant’s correspondence, the objective of this request is to permit the construction of an “integrated” ADU to create an affordable housing option for a multi-generational family. This objective is consistent with the 2015 underlying intent of creating ADU standards as part of the City’s zoning regulations and is one means of furthering goals and objectives of the City’s Comprehensive Plan as well as the 2024 Boone County-City of Columbia Housing Study.

## **Variance Analysis –**

### **Summary and Impacts –**

The applicant is seeking a variance from the following regulatory requirement of the Unified Development Code:

### **Accessory and temporary uses of land and buildings - Section 29-3.3(ii)(2)(v), [Setbacks applicable to “integral” accessory uses]**

The applicants are seeking relief from the UDC provision that requires an accessory structure that is considered to be an “integral” part of a primary structure occupying a lot comply with the setbacks applicable to the primary structure. In this specific case, the applicant’s desire to construct an “attached/integrated” ADU to the primary dwelling requires the granting of a maximum 5-foot variance from the required 25-foot rear yard setback applicable to the primary structure which is located in an R-2 zoning district. The applicant’s desire to construct an “attached/integrated” ADU versus a **detached ADU** is fully described within the attached “Practical Difficulties and/or Unnecessary Hardships” correspondence prepared by the applicant. It should be noted, construction of a **detached ADU**, would remove the need for the requested setback variance; however, likely create the need for additional variances to address excessive rear yard lot coverage and/or excessive accessory structure height.

To ensure construction of the proposed ADU remains affordable and meets the applicant’s underlying objectives of creating a dwelling unit to accommodate multi-generational family needs, the setback

variance is being sought. If approved, it would allow the applicant to construct **the ADU** a maximum of 5-feet into the required rear yard – expansion of the existing dwelling into the required rear yard is not sought. This authorization would be considered a special privilege when viewed holistically against other construction in the neighborhood. While a **detached ADU** may be capable of being constructed, such construction would be viewed as being more inconsistent with the existing development patterns within the neighborhood given no other adjacent property includes detached structures with the exception of a single storage shed on the lot to the immediate east.

If the requested relief were to be granted, it would “run with the land” in perpetuity and permit the “attached/integrated” ADU to extend no greater than 5-feet into the required rear yard. It should be noted that the primary structure on the property could be **legally** expanded eastward approximately 9-feet and still remain outside the required rear yard setback; however, as stated in the applicant’s attached correspondence limiting the ADU to this area would not achieve their desired objectives with respect to a usable footprint to make the ADU functional. Finally, it should be noted that approval of the requested variance would apply only to the future ADU construction and not grant any relief to possible expansion of the primary structure on the lot to extend into the required rear yard.

Compliance with Variance Criteria -

Staff has reviewed the “General Criteria” for the approval of a variance as articulated in sec. 29-6.4(d)(2)(i)(A-E) of the UDC. Staff’s evaluation of these criterion is provided below and the applicant’s responses are attached.

- A. The stated purpose of this requested variance is to allow the applicants to construct an “attached/integrated” accessory dwelling unit (ADU) as an expansion of the primary dwelling on the subject site for an aging relative. The subject site is zoned R-2 and is generally consistent in area and dimension to the immediately adjacent lots to the north, east, and south. The subject lot was created pursuant to an approved 2010 platting action that divided Lot 2 of the 1948 Knipp-Boggs Sub-division into two lots. This platting action was preceded by a similar division of Lot 3 of the 1948 Knipp-Boggs Sub-division, to the north, that was approved in 1986. Lot 1 of the Knipp-Boggs Sub-division, to the south, has not been formally platted into two lots; however, the lots appear to be considered “legal lots” pursuant to UDC definition via the legal descriptions provided in the deeds associated with those lots.

The 2010 replat that created the subject lot, divided what was previously a 186-foot deep, double frontage parcel. The eastern half of the lot was already improved with a structure fronting Independence Street. The 2010 division permitted the creation of an otherwise compliant R-2 lot capable of accommodating an additional single-family dwelling which was consistent with then existing development patterns of the neighborhood. Based on a site inspection it does not appear the subject site is any different in its site features (i.e. topography, size, shape, etc.) than any of the adjacent lots. The improvements on the lot conform to the setbacks of the R-2 district and accommodates a one-story, single-family dwelling that meets other R-2 dimensional requirements not unlike those found on adjacent lots.

However, when considering the approximate 14-foot height of the primary structure and how this impacts the applicant’s ability to achieve regulatory compliance in constructing a **detached ADU**, staff finds this existing condition to be a factor outside the applicant’s control or making. The home was pre-existing when it was purchased and prior to the applicants identifying a need to accommodate a multi-generational family member utilizing the ADU and accessory structures regulatory provisions. The height of the current home would be less than the height of the desired two-story ADU when considering standard 8 to 9-foot floor to ceiling heights and a pitched roof. Approving the variance and allowing the “integration” of the desired ADU into the existing primary

structure would permit the primary structure's overall height to be increased up to the maximum 35-foot allowance within the R-2 district.

The resulting height increase of the primary structure coupled with a minimal encroachment into to the required 25-foot rear yard is viewed as more consistent with the surrounding built environment than requiring construction of a **detached ADU** given the lack of any other detached structures within the remaining portions of the neighborhood. Furthermore, **detaching** the ADU from the primary structure and requiring it to be built as a single-story dwelling would reduce its overall usable ground floor area by nearly 50 sq. ft. and cover almost the entire rear yard. Neither of these outcomes is viewed as beneficial to either the applicant or the community at large.

- B. Single-family dwellings and lots within the R-2 zoning district are permitted to have ADUs either constructed as an "integral" component of the primary structure or detached from the primary structure occupying the lot. When an ADU is constructed as an "integral" feature of the primary structure it must abide by the setbacks applied to the primary structure on the lot. Furthermore, no more than two dwelling units may exist on an R-2 lot. Approval of the requested variance would allow a proposed ADU to extend 5-feet into the required 25-foot rear yard of the subject R-2 zoned lot. Approval of the variance would not modify a standard that operates as part of any defined use within the R-2 district.
- C. The Comprehensive Plan includes specific references to the need to create "Livable and Sustainable Neighborhoods" which includes supporting diverse and inclusive housing options. ADU construction is a means of fulfilling this goal its associated objectives. ADUs specifically intended to be used to accommodate multi-generational families and "aging in place" populations were viewed as a primary purpose for adopting ADU regulations in 2015. Additionally, ADU creation supports several goals identified in the 2024 Boone County-City of Columbia Housing Study which seeks to address the pronounced housing shortage that exists within the community.

While the applicant is seeking approval of the requested variance to construct the desired ADU to address an aging family member's immediate needs, the availability of such a dwelling once the immediate needs have past will assist in addressing broader community goals. ADUs in general provide options to off-set housing expenses to the primary property owner as well as provide viable rental housing options for those seeking such housing at potentially a more affordable price-point. The location of the subject dwelling is nearby to walkable amenities and employment.

- D. Granting the variance would be the least change necessary to accommodate the applicant's desired objectives and would result in the most compatible development outcomes for the neighborhood notwithstanding that such approval would also grant the applicant a privilege not extended to other properties within the neighborhood that are similarly improved. The only regulatory option available to the applicant would be to seek rezoning to PD (Planned Development) and ask for a "design exception" with regard to the rear yard setback. This option is viewed as being more significant than necessary given the time to process a PD request and its inability to meet several of the criterion necessary to justify such an action.
- E. Approval of the requested variance is not likely going to not harm the public health, safety, or welfare. The proposed construction would be fully integrated into the existing dwelling and would non-visible from Florence Avenue. The closest point of construction along the subject site's southern property line would be greater than 6-feet from adjacent development and no greater in height than a traditional 2-story home. The maximum 5-foot encroachment into the rear year would still leave approximately 45-feet between the ADU and adjacent dwelling to the east. No less than 20-feet would be retained from the ADU to the subject site's eastern property line.

While public health, safety, and welfare are not believed to be negatively impacted by the granting of this variance, should the variance be denied it is possible that negative impacts could be felt. Such impacts would be more likely seen in the quality of the private open space enjoyed on this lot when compared to those surrounding it the north, east, and south. The creation and improvement of these lots was allowed to occur with less private open space than those in the broader neighborhood. As such, denying the applicant's request to encroach a maximum of 5-feet into the required rear yard versus building the entirety of the ADU within the rear yard will further compromise the amount of private open space available to this lot. Such a reduction will potentially create a greater reliance upon adjacent public spaces (i.e. the street) or in a worst-case scenario adjacent private property to regain private open space areas lost due to strict compliance with the code's requirements.

#### **Recommendation Action –**

If the Board finds that compelling testimony has been given, a recommendation supportive of the requested relief would be appropriate. Conversely, if the Board does not believe compelling testimony has been provided a recommendation of denial would be appropriate.

In either instance, **for the purposes of establishing a “complete” public record**, Board justification supporting the variance or denial of the variance in accordance with the criteria defined in sec. 29-6.4(d)(2)(i)(A-E) shall be stated within the public record prior to a final decision being rendered.