

**BOARD OF ADJUSTMENT MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**

**DECEMBER 9, 2025**

**COMMISSIONERS PRESENT**

Mr. Peter Norgard  
Ms. Janet Hammen  
Mr. Randy Minchew  
Ms. Kittie Rogers  
Ms. Linda Olsen

**COMMISSIONERS ABSENT**

**STAFF**

Mr. Pat Zenner

**I. CALL TO ORDER**

MR. NORGDARD: The December 9, 2025 Board of Adjustment meeting will come to order.

**II. INTRODUCTIONS**

MR. NORGDARD: Mr. Liaison, would you please call the roll?

MR. ZENNER: Yes. Mr. Norgard?

MR. NORGDARD: I'm here.

MR. ZENNER: Okay. Ms. Hammen?

MS. HAMMEN: Here.

MR. ZENNER: Mr. Minchew?

MR. MINCHEW: Here.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Here.

MR. ZENNER: And Ms. Olsen?

MS. OLSEN: Here.

MR. ZENNER: You have five; you have a quorum.

MR. NORGDARD: All right.

**III. APPROVAL OF AGENDA**

MR. NORGDARD: Is there a motion and a second to approve the agenda?

MR. MINCHEW: I make a motion. Minchew.

MR. NORGDARD: A motion.

MS. HAMMEN: I'll second. Hammen.

MR. NORGDARD: All right. Is there any discussion? Seeing none. Let's take a voice vote. All in favor, say aye. Any opposed?

(Unanimous voice vote for approval.)

MR. NORGDARD: No opposed.

**IV. APPROVAL OF MINUTES**

MR. NORGDARD: All right. The November 18, 2025 minutes were distributed to the members of the Board, and Ms. Olsen received a copy here tonight to review. Are there any corrections or additions to the minutes?

MS. HAMMEN: Yes. On the last page, talking about the next meeting, or the calendar for next year, there is statement that because of the Labor Day holiday, then that meeting will be the third Wednesday, and I think it was supposed to be the third Tuesday. Okay. So Tuesday, instead of Wednesday. So did you get that?

MR. CRAIG: You can go ahead and restate that just to make sure we've got it on the -- on record.

MS. HAMMEN: Okay. So the minutes state that the meeting after Labor Day will be on the third Wednesday instead of the third Tuesday.

MR. NORGDARD: All right. Is there a motion and a second for approving these minutes?

MS. HAMMEN: So moved.

MR. NORGDARD: Motion from Janet.

MS. OLSEN: I'll second it. Olsen.

MR. NORGDARD: All those in favor, say aye. Any opposed?

(Unanimous voice vote for approval.)

MR. NORGDARD: Seeing none. Would the court reporter please swear in staff?

(Staff sworn.)

**V. PUBLIC HEARINGS**

MR. NORGDARD: All right. So we're going to start with Case Number 21-2026, and we'll also finish with that case.

**Case Number 21-2026**

**A request of Scott and Angela Claybrook (owners) seeking approval of a five-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 five 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.**

MR. NORGDARD: Mr. Liaison, has the notice been properly advertised?

MR. ZENNER: Yes, it has.

MR. NORGDARD: Has the property been posted with a notice of public hearing?

MR. ZENNER: Yes, it has.

MR. NORGARD: Have the parties in interest been notified?

MR. ZENNER: Yes, they were.

MR. NORGARD: Were there any inquiries?

MR. ZENNER: Yes, there were, and both of those inquiries came after the packet was published for this evening's meeting. Both comments have been submitted to you electronically and should be in front of you this evening, as well.

MR. NORGARD: All right. Thank you. Would the individual making application to the Board please come forward, state your name and address for the court reporter, and then swear in.

MR. CLAYBROOK: My name is Scott Claybrook, and my address is 602 Florence Avenue.  
(Witness sworn.)

MR. CLAYBROOK: Thank you, by the way, for time tonight. I appreciate you all. I'm sure a lighter docket is appreciated. So -- and I appreciate the opportunity to speak with you guys, and I just wanted to say thank you also to City staff. I know you all put in a lot of time and hours in our community, and it's appreciated. I'm standing here tonight on behalf of our family, my wife, my son and daughter and I, as we are seeking a rear yard adjustment. I don't do this every day, so if my language isn't quite right, you'll bear with me, please. But we're looking at an adjustment in the rear yard setback of roughly five feet. And you'll see from the plot plan that the way the house is a little bit cattywampus on the property. It'll be a little bit different across the back span of that house, but that's about the distance. As we look at this particular property, our home, our residence, we've lived here about 12 to 13 years. This was actually a first-time home purchase for us, and we'd like to stay in this home long term. And so some of our current lot and property dynamics include an R-2 zone as it stands today. With that R-2 zone, we've had the privilege to do some of the work we do in the community of building some ADUs over the years, and so we're very familiar with the ordinance and how everything functions in that right. And so the R-2 does create a situation where, by right, we are able to create an ADU, but as I'll show you tonight, we don't think it's the best suited ADU that we could create for a number of important reasons, a number of those are including neighbor concerns that we want to honor, as well as just the overall open space in our community, as well as our -- our family's needs, and so we'll dive into that. So overall, we're roughly a five-foot rear yard setback or encroachment into that 25-foot yard space. This is the proposed plot plan as provided by awesome Ms. Adrienne Stolwick of Monarch Architecture. You can see the current existing house in light gray. You can see both the first-floor plan coverage, what would now be a covered patio suggested with a single pier on that bottom right-hand corner of that plot plan, and then the proposed secondary story above what would be the additional attached ADU. You can see here, trying to call out just visually what the encroachment and/or adjustment would need to pertain to, that's the five foot and you can see how it's got a little bit of variation, but five foot would be the maximum part within that encroachment and adjustment. The kind of shaded area represents the fact that that would be over a covered patio, and that encroachment would be the second floor on that lower and southernmost portion

of the plot. Our goals as a family really kind of represented here in four key items. Sorry, this is a little small. I'll just kind of characterize them for you. We're really trying to achieve the most integrated way of caring for aging family members, so we have a -- my mother-in-law is getting older, has lost her husband in the last two years, and we are just preparing for what may very well be an in-home health care need as the years progress. And so we are wanting to stay in place and help her to age in place to -- and try to avoid both costly and just difficult nursing home potentials in the future. And in order to build an accommodating structure, we're needing to achieve a second story for the sake of space. So you can see and what I'll show you here in a moment that we can, by right, build a detached ADU in the rear yard further, so about six foot from the rear yard setback according to ordinance, but we can only occupy about 30 percent of the rear yard setback if you're -- if you're capturing that idea. It's kind of hard to visualize. I'll show it to you here in a second. That 30 percent is roughly 458 square feet. And so to go to the expense of doing this project and to have it detached from the house where we can't get to Mom as easily, is not really super conducive. In addition to that, it is a size that is limiting to what we're hoping to accomplish with the overall build. And, in addition, when you build it detached, it has an extreme additional cost from adding exterior, an additional exterior side, an additional exterior footer in the foundation, and everything that comes with that detached structure. The -- as I mentioned, the ability is about 458 square feet detached, and again, the additional cost. So those are the goals that we're trying to -- to accomplish with this hardship. The reason we can only go 458 detached, as opposed to with the attached, being able to build a second story is because of the ordinance itself. So the ordinance itself is written to where the primary structure cannot be lower or said the other way, the detached unit cannot be higher than the primary structure, so we cannot get a secondary story in a detached version, and therefore, we can't get that additional square footage because of the rear yard coverage. That's also part of that ordinance. So as it stands today, an attached unit allows us to raise the existing structure roof, capture a second story, and be a lot more efficient both in design and the overall functionality of the home for our goals. You can see here some different examples on our street of additions and/or kind of build-in ADUs that already exist. Our street is a little cross street between Worley and Donnelly, roughly ten homes on that street have a Florence Avenue address, about 12 homes are adjoined to the street itself. I've got three examples on our street right now of buildouts that have already occurred. This would be 607 Florence Avenue where this extended tandem garage has been turned into an in-house ADU for an aging parent. You actually have a -- it's actually really great buildout. The letter that was submitted by Ms. Rachel Cheadle, that is their residence. So they both added on an ADU in their garage, as well as an addition that is not super visible from the street, that gives their family additional living space and an additional bedroom as their children are aging. Similarly, you have 609 Florence Avenue just due north of them. Kind of an interesting build-out where they built an additional bedroom on the back. They've added a stair set and they've been able to go vertical over the years. And then similarly, literally right next door to us at 604 Florence, they were able to take an existing attic space, raise the trusses, and create an additional apartment right next door to us with accommodating parking and a secondary entry through that deck. I

do want to address Mr. Townsend's e-mail that he had sent related to his concerns on the tree and the root system. That is also a concern of ours. We work in central city through some of the work I do with housing, and I know these old trees are -- can be a little bit challenging. And so we wanted to make sure that that was clear, that we have taken that into consideration. So what you've got imaged here before you is, basically, the center of that tree and then the drip line as it stands on the best I could give you from an aerial map. I don't have a drone, so I use Google maps to be able to accommodate that. You can see the measurement from the house where the bump-out exists at 13.91 feet, which is a little bit more than is imaged in our plot plan for that -- for the bottom floor of the ADU. So the bottom floor would be the only thing, plus the pier on that southern corner, that would have anything to do with the root system at a three-foot dig for a footer, and we don't believe it's going to encroach into -- to Mr. Thompson's concern. What we do believe would encroach is that 458 square foot detached. That's definitely going to live in that area of that drip line, and with that in mind, as well, we -- again, that's not our desire. Our desire is to be able to build in that footprint as we're describing and avoid some of those concerns. Just a couple of other things I want to point out. I'm familiar with our Comprehensive Plan, and some of the work we do in the community, and are thankful for the City that thinks ahead. And so as I was reviewing that, I was just struck by some of the things that the plan is trying to accomplish one in particular, and I was with Land Use Principles and Policies on -- if you are interested, on page 120. It talks about strategies for supporting diverse and inclusive housing options. Just kind of culling out one key piece of the puzzle here, it says that strategies to support diverse and inclusive housing options include the promotion of universal design, aging in place, and affordable housing. Universal design -- universal design is the design of goods and environments to be usable by everyone to the greatest extent possible without the need for adaptation. Universally designed homes allow for people to live in homes for longer periods of time as their physical abilities change. An inclusive community also considers policies to promote aging in place. The concept of aging in place means that people will have access, be it proximity, transportation options, and universal design. So these are some of the things that we're trying to accomplish in this move, and thereby the five-foot adjustment request. So, quickly, in review, we are trying to make the least variation possible. We are trying to create a solution that is in line with the existing neighborhood, so an attached structure just like three other examples exist on our street of ten. We're trying to make sure that open space is accommodated for and that neighbors' concerns, like Mr. Townsend's, are taken into view. And we're really trying to make sure that our aging family is well taken care of in a structure that both accomplishes the space needs with a low-rising stair set, enough space to be able to adequately live in and make transition, and to be able to care for those aging needs directly attached to our -- our structure. And lastly, you know, we're trying to create solutions that are in view with our City's Comprehensive Plan. So that's all I have for you guys tonight. Thank you.

MR. NORGARD: Thank you, Mr. Claybrook. Are there any questions from the Board?

MR. MINCHEW: I had a question about the tree, while you're collecting your thoughts.

MS. HAMMEN: Go ahead. Uh-huh.

MR. MINCHEW: At the -- in the neighbor's yard. Is his concern about the tree or the roots of the tree?

MR. CLAYBROOK: His concerns sounded like it was two-fold in the e-mail. I did call him after I found out about this, just to see if we could have a conversation. We had an initial conversation, and then he said he would get back to me, and I have not been able to reach him since. But my understanding is his concern is that he has had dropping limbs in years past. We had one limb drop, thankfully, it was further back in our yard over the fence line. And so one of his concerns is building closer causes more potential for that to occur on an actual structure. And then secondarily, his concern that because the root system and the drip line extends over our property, any footer or concrete work has the potential to damage that and thereby kill the tree long term.

MR. MINCHEW: But the tree is in his yard?

MR. CLAYBROOK: That's correct.

MR. MINCHEW: Okay.

MR. CLAYBROOK: Probably about ten foot off his -- his rear yard, if I had to guess, something like that.

MR. MINCHEW: Okay.

MS. HAMMEN: How many bedrooms are in your house, the existing house?

MR. CLAYBROOK: Three.

MS. HAMMEN: And how many would be in the ADU?

MR. CLAYBROOK: One. Yeah. It would be a larger one-bedroom, one bath, with the view in mind of, you know, aging parent transitioning from having a larger house down to something smaller.

MS. HAMMEN: And you've built other ADUs?

MR. CLAYBROOK: I have. Uh-huh.

MS. HAMMEN: And you didn't have any setback issues with any of them?

MR. CLAYBROOK: No. We've built a number of variations -- attached, I've been involved in some detached work here in the community. We've been exploring ADUs as a viable option for affordable housing. That's the primary work I do. I work with an affordable housing non-profit here in the City.

MS. HAMMEN: So I couldn't really tell from the diagram we were given, the second floor would also infringe on the setback, or just the first floor, or both?

MR. CLAYBROOK: Yeah. So if you look at the plot plan here, yeah, it's not the greatest imagery. I can see where there could be confusion. So the second floor is directly above the first, and extends over that patio.

MS. HAMMEN: Yes.

MR. CLAYBROOK: It kind of creates a -- if you were to look at the side view, it creates a side patio that both structures have access to.

MS. HAMMEN: But not into the backyard setback?

MR. CLAYBROOK: Well, so it would -- because it runs the span the house, it would actually have

a overlay, as well. So you can see it overlaps the first floor, and then the patio, as well. So it's really kind of a one for one encroachment. But it doesn't go any further than the existing structure.

MS. HAMMEN: Okay. So the first floor and the second floor are the same --

MR. CLAYBROOK: Footprint.

MS. HAMMEN: -- footprint? All right.

MR. CLAYBROOK: Yes. Uh-huh.

MS. HAMMEN: Okay.

MR. MINCHEW: As far as -- excuse me. As far as where it encroaches --

MR. CLAYBROOK: That's correct.

MR. CRAIG: Because the first floor doesn't encroach the whole way because there's a patio.

MR. CLAYBROOK: That's correct. Yeah.

MR. CRAIG: Okay.

MS. HAMMEN: Oh, right. The patio doesn't encroach, but the house does.

MR. CLAYBROOK: The patio has been existing at about that -- that as it stands, yeah.

MS. HAMMEN: Can you go -- would you be able to go from inside the ADU into the primary house?

MR. CLAYBROOK: Through the exterior door shared by the patio itself, but there is no adjoining door, they are technically separate units.

MS. HAMMEN: And how high is the ADU? What's the height?

MR. CLAYBROOK: It's hard to pull that measurement. It is encompassed by that additional extension of the gable for the existing structure that is planned.

MR. NORGARD: Any further questions?

MS. ROGERS: Yeah. What, specifically, is the hardship?

MR. CLAYBROOK: Yeah. So the hardship has to do with creating a unit that is not going to be accommodating at 458 square feet. In addition to that, the concerns with neighbor trees and root system, as well as creating a space that is really different than the other existing additions on our street. I know cost is not a hardship that you all take much in consideration of this Board. For us, that is a big hardship. It's about a difference of about \$17,000 to \$25,000. Again, that may not be in view here, but really the bigger hardship is, again, creating a unit that's not accommodating. It's too small for what we're trying to accomplish for an aging family, again, neighbor concerns, and then creating an environment where we can get to family members that's adjoined rather than multiple ten, twelve feet from the house itself.

MS. ROGERS: So what about an addition, like, adding onto your house? Is that not --

MR. CLAYBROOK: So if you're -- so, I mean, really, it's the same exact concern. So the rear yard setback, that 25 foot --

MS. ROGERS: Uh-huh.

MR. CLAYBROOK: -- you can't build into it no matter what.

MS. ROGERS: All right.

MR. CLAYBROOK: So that would be ADU or addition. So because of the way that this R-2 lot has been laid out, you wouldn't be able to -- to go too far deep because it's a more shallow lot. So a lot of R-2 lots in the First Ward are very deep, 100 feet, plus, which makes this kind of a non-issue pretty easily. In our case, it was a lot that was subdivided some years ago from Independence to Florence that cut the lot in half. And so it does have a little bit of a more kind of a stout approach, the lot itself. So we couldn't accomplish that really effectively. You can kind of see the -- the bump-out there causes a -- roughly about a nine foot to the -- to the 25-foot setback, which makes that pretty unusable space.

MS. HAMMEN: Do any of the other three ADUs infringe on setbacks that are in your neighborhood?

MR. CLAYBROOK: I couldn't speak on it. I wasn't involved in their processes. Yeah.

MS. HAMMEN: We hope not.

MR. MINCHEW: So it's -- I mean, I'm looking at this, the map that shows the different streets. And it looks like almost every lot in there is really deep except for these six lots between Florence and Independence. So basically, what you're saying is almost every other neighbor in there could do this or has done it. Just those lots don't allow for that because of the depth.

MR. CLAYBROOK: Exactly, yeah. Across the street, there is -- I think when the neighborhood was plotted, my understanding is that they had actually planned for a alleyway between Hardin and Florence, and those properties that adjoin. So it's a huge, huge, huge rear yard. I mean, they're massive. I mean, the kids play football back there. It's almost full football length, you know, But, yeah, in this case, it was also a very large lot that was then subdivided. Yeah.

MR. MINCHEW: And then I guess the other question I've got is that you say you could do an ADU non-attached in a different spot in the yard, it would just have to be really small? Is that basically --

MR. CLAYBROOK: Yeah. So what's -- so I should have imaged this differently on the plot plan, as well. But if you can see that measurement at 13 feet, you've got to stay with a detached according to the ordinance. You've got to stay ten foot from the rear of the house, six foot from the rear yard setback. So it's a very -- it's interesting how it's written. So we could build a detached all the way back to a six foot setback and six foot from the side yards, up to 458 square feet because that's about 30 percent -- sorry guys. It's about 30 percent of that entire rear yard setback. So there's a couple of different parameters that the ordinance provides to try to define how that all works. In this case, this is what comes out of that process because of the smaller, kind of more stout lot. So we -- could we do that? I mean, we can, and, I mean, but it's not going to produce an environment that's really cost effective, and again --

MR. MINCHEW: I'm just saying the way our code is written, you've investigated it and you could do that?

MR. CLAYBROOK: We could.

MR. MINCHEW: Not it's a good idea or whatever --

MR. CLAYBROOK: Right.

MR. MINCHEW: -- but I'm just saying our code allows -- the way our code is written, you're not

allowed to do what you're proposing, but you would be allowed to put the structure back there which would actually encroach more on the tree in the backyard and --

MR. CLAYBROOK: That's correct. Yeah, that's correct, all the way to the six foot mark, which currently it will be about 20 feet from that rear yard setback --

MR. MINCHEW: Yeah.

MR. CLAYBROOK: -- with this proposed design.

MR. NORGARD: Any further questions? All right. Thank you, Mr. Claybrook.

MR. CLAYBROOK: Thank you so much.

MR. NORGARD: All right. If there's anybody in the audience who wishes to speak in favor, please come forward. Seeing none. Is there anybody in the audience wishing to speak against, please come forward. I see none. Mr. Zenner, would you like to give your report or --

MR. ZENNER: Yes. So as Mr. Claybrook has pointed out a little bit of the history back in this subdivision, the subdivision and the lot that Mr. Claybrook purchased already had the home on it, but this particular lot was subdivided in 2010 from the 1948 Knipp-Boggs Subdivision, which, at the time that this subdivision was originally recorded, the lot in question was roughly 186 feet deep. It went from Independence all the way back over to Florence. And the subdivision action that actually divided Mr. Claybrook's lot was preceded by a platting action several years earlier in 1986 of a lot immediately to the north of him. The lot immediately to the south, which would constitute the six lots that are all smaller than everything in the neighborhood has not yet been platted, but as stated in the staff report, it does appear as though those -- the lot to the south, which consists of two detached single-family homes, those two lots are likely legal lots by our legal lot definition even though they have not been platted. So this is a unique subdivision environment when -- when we look at what the hardship is and we look at is the land part of that unique element. These lots got created out of what was a much larger lot, and therefore, they complied with the R-2 standards that existed at the time that they were re-subdivided '86 and 2010. They are over 5,000 square feet a piece, meaning that the single family homes that exist on these lots are all fully compliant. They are now -- they are not so large, however, that they would be allowed to be improved with a duplex, two dwelling units. So they are under seven -- they were under 10,000 square feet at the time that they were created. Our current standard now would require a minimum of 7,000 square feet, but Mr. Claybrook's lot, as well as the other five that surround it, do not even qualify for a duplex. ADU standards were adopted in 2015 in the City, and, at that point, the dimensional standards requirements associated with an ADU being able to be placed six feet from the rear property line were created. If a garage had been constructed within this particular neighborhood on any one of these six lots, that garage back in 2010 could have been within three feet of a property line, and because there were no ADU standards, that garage potentially could have been improved with a dwelling unit above it. And so we evolved, of course, in five years from when this lot was created to the adoption of our ADU standards, and said, well, if you're going to put a dwelling unit above a garage, you have to double your setback. However, the rules also say that you can have up to 30 percent of improvement in your -- of accessory

improvement in your rear yard. And so that could be the garage, it could have been an ADU. As stated in the staff report, there's roughly 19 feet of the 25 foot rear yard setback that could accommodate the ADU, but when you run the calculations on what 30 percent is of the required rear yard of the 60-foot-wide lot, you get to the 458 square feet that Mr. Claybrook has stated. That's the maximum size. Furthermore, the current zoning provisions that exist prohibit the ability of an accessory structure, be it a detached garage or be it the ADU, to exceed the height of the principal dwelling. Based upon some rough measurements, it would appear as though the height of the primary structure that is presently on the lot is probably about 14 feet tall to the -- and, obviously, if we're going to try to construct a two-story ADU, as Mr. Claybrook has indicated, utilizing general floor to ceiling heights of anywhere between eight to nine feet a piece, you're going to end up with 18 feet, you're going to be over. And so when Mr. Claybrook is making a statement that he can't really build a functionally useful ADU, it's because he can't get the second story on it. Ironically, if you add on to the house, I believe, as Ms. Rogers is suggesting, the height of a home within the R-2 zoning district, the maximum height is a total of 35 feet. So if you're adding a second floor on top of the 14-foot-tall structure, you're going to end up at about a 25-foot-tall dwelling unit that has the extended gable on the front going up to the -- going up to the second floor of the ADU, and therefore, it's going to look more like a typical two-story structure, in that neighborhood. When we -- when we evaluated this and I -- we don't enter property unless we are invited by the property owner, so I went back to the southeast corner where Mr. Townsend's property and Mr. Claybrook's property match, and stood on my tippy-toes and took a picture over the fence that is in that backyard, and there is not necessarily topographical related issues to this property. Its size, however, is unique when you think about it in comparison to the rest of the lots in the Knipp-Boggs Subdivision. It's about half the size of any lot that's there. Topographically, there is not an issue. The house, however, that Mr. Claybrook and his family purchased was not of their design, was not of their choice. It was an existing home. So that is, again, a constraint from staff's perspective. They bought a home. They're now trying to accommodate what would be an otherwise lawful use of their dwelling and in their zoning district. So when we look at it from the perspective of, well, what potentially is the impact of requiring that ADU to be built in the rear yard, as it would otherwise be allowed. Well, A, it occupies 30 percent of a rear yard or of a lot that is half the size of any other lot in the neighborhood. It creates a detached structure uncharacteristic of anything that is within this neighborhood. What does the five-foot maximum variance permit? It permits building a home that would be more consistent with a standard two-story construction that would have been allowed in this neighborhood had somebody maybe been more thoughtful and had foresight that maybe a family that was trying to accommodate an aging parent or aging family members in place maybe would have built a two-story structure in order to do this. So there are a number of factors that we looked at as to well what is more beneficial for the neighborhood. We want to keep consistency with the housing stock that's there. We really don't want to promote basically building a detached structure in an environment when that impact, in our opinion, occupying the 30 percent of the rear yard and creating a greater impact to the adjoining property owner, as well as the neighborhood as a whole would be created. Attaching it to the

house from our perspective would appear to be a much more practical approach. It achieves the objectives, yes, of the applicant, but it also ensures that the neighborhood is not negatively impacted by the expansion of a dwelling unit to the rear of the property to where it may create other impacts. I think the one thing that we have -- we consider as a practical approach here is is the five-foot variance still allows for roughly 20 feet behind the structure to be met. To weigh things against it, if the garage were built, if this were just a garage, it would be three feet within the property line. You build an ADU, a dwelling unit, it's six. Instead, we're going to get it 20 feet away from the adjoining property. As stated in the staff report and based off of an aerial photography measurement, there is probably about 45 to 50 feet between dwelling units if attached to the house. The impact is going to be, from our perspective, negligible, but the benefits may be extremely significant in fulfilling not only our Comprehensive Plan goals and objectives, but also allowing the applicant to better utilize this structure for their unique familial needs that they have identified now that they are there. With that, those are the facts that we have identified, and we have uncovered as we have done the evaluation. I think we -- we, from a staff perspective, do not see this as a significant impact. As Mr. Claybrook pointed out, based on the drip line, which is the outermost area of the tree that is in question that Mr. Townsend is concerned about, that drip line, based on the construction, does not appear to be being impacted. Therefore, the root mat of that tree is likely not going to be touched as a result of that. There is a maintenance responsibility associated with the tree that does overhang this property, and that maintenance responsibility is a private civil matter. That is really not a matter that is really germane for this Board as it relates to the ability to allow the applicant to encroach into the rear yard a maximum of five feet. Can't really do anything with the house. You could probably lift the roof and be able to do a second floor, however, that may structurally not be sound either given that the foundation for the home that is there today may not be capable of carrying that weight. And so what you're looking at is the solution that is probably the least impactful to the existing residence by having to do additional foundation-related work and probably the least impactful as it relates to the surrounding neighborhood by allowing it to be connected. If you have any questions, I'll be more than happy to try to answer them. And before we get to that, let me respond to Ms. Hammen's question. Were the other structures that are there built legally? We did not evaluate that. I would assume that, yes, they were only because if they are within the confines of the footprint of the existing structure, such as the home to the north, or an extension of possibly a tandem garage that was already a preexisting improvement, our permitting staff, I'd like to think, would have identified that as a violation before the building permit was issued, and we are hopeful that a building permit was issued to make those improvements. But without going through the permit records, I can't verify for you, in fact, that those dwelling units have not expanded into their required setback either. One would assume though that they are not, given that we haven't heard anything about them.

MR. NORGDARD: Are there any questions for staff?

MS. HAMMEN: What parking is required now and if this ADU is built?

MR. ZENNER: So under the ADU regulations, there is no parking when you have fewer than

three bedrooms associated with it. The present dwelling unit itself is required to have two parking spaces as is our all one and two family dwelling units within the City of Columbia, and this property does have the required requisite two parking spaces.

MS. HAMMEN: In tandem?

MR. ZENNER: In tandem, yes. That is correct.

MS. HAMMEN: And as I understood, if the ADU is built, there's three bedrooms in the original house, there would be one bedroom in the ADU. Doesn't that make four?

MR. ZENNER: The ADU -- so this is a single-family dwelling unit in a two-family zone. The ADU is considered a single family dwelling unit, but the code specifically excludes additional parking for ADUs that are fewer than three bedrooms.

MS. HAMMEN: So the ADU, fewer than?

MR. ZENNER: Yes.

MS. HAMMEN: Okay.

MR. ZENNER: And because this is R-2, there is a -- so there's a nuance here. The R-2 zoning district allows two dwelling units. However, this is not considered a duplex. The ADU is not -- is not equivalent to that. It is basically accessory to the single-family use. If it were considered a duplex, this ADU wouldn't even be allowed because it doesn't meet the minimum lot area for a duplex. A duplex requires 7,000 square feet. This lot is just over 5,000, just under six -- just over 6,000 square feet, if I recall correctly. So it is -- when you do the ADU side of this, that's how it's allowed because an ADU -- a minimum lot size for a single-family home with an ADU is 3,000 square feet. This fits well within the boundaries of that, but would not allow a traditional duplex to be built, which would trigger the additional parking that I think you're -- you're referring to.

MS. HAMMEN: So the existing driveway is adequate?

MR. ZENNER: That is correct, along with the street side parking that is permitted along Florence.

MS. HAMMEN: What amount of green space is required in the front yard, the backyard, the total yard?

MR. ZENNER: So there is not a green space calculation or minimum for single and two-family development as there is for other types of development within the community, which is 15 percent. The green space that you would end up with in a standard residential single or two-family lot is normally going to be made up by your front-yard setback, which is 25 feet, the width of a lot, and then your rear yard setback, which is the 25 feet and the width of the lot itself. And this is why we don't -- we try to maintain -- we specify the maximum coverage of a rear yard is 30 percent because you're trying to ensure that the rear yard, the private recreational space that would normally be possible enclosed with a fence isn't being diminished such to a point that it is, as I point out in the staff report, potentially pushing the private open space needs elsewhere, either back out on the public street creating a more dangerous situation, or in the worst case scenario, expanding off into neighboring properties that may not be fenced in. As Mr. Claybrook points out, there is very large lots in this neighborhood where maybe the families that live within

the community allow their children and others within the neighborhood to play, because, you know, some of these lots are smaller, and therefore, you know, some of those demands -- you don't get to play a football game in a backyard that's only about 34 feet deep by 60 feet wide, but if you go across the street to where you have 100 feet of rear yard still left after your home is -- that happens. And so what we don't want to do is we don't want to create an area that makes the house less desirable long term. This is the whole idea of part of the underlying objectives of creating a livable and sustainable neighborhood. You -- you reduce the usable green space on this lot by having a detached structure, you may really diminish the desirability of this property long term. You may achieve one goal, and that's getting aging in place compliantly without a variance, but then you may, on the flip side, create a different problem when it comes to resale and somebody wanted something that may have had a little bit more backyard and the secondary dwelling unit, but we forced the dwelling unit to be built where the backyard would have been, and therefore, you may reduce your availability to potential buyers that may want to buy into that community or that neighborhood itself.

MS. HAMMEN: Let me understand what you said. The maximum coverage of a rear yard, there needs to be 30 percent green space in a rear yard? No?

MR. ZENNER: It would be 80 percent if we look at -- if we look at what the maximum -- what the maximum coverage is is 30. It's 70 percent green then. And the rear yard is anything that is behind the building. So rear yard, by definition, is anything that's behind the rear wall of the structure. There is a -- there's a difference between general rear yard behind the rear wall of the structure, and then there is a required rear yard. The required rear yard is the regulatory setback, and that is 25 feet in the R-1 and the R-2 zoning district. So that particular area, unless you build an accessory structure, is generally left open because you don't have a structure back there. Your primary residence can't be within that regulatory setback. And so the ADU is considered accessory. It is allowed to be within six feet of the rearmost boundary of that lot, but can't cover --

MS. HAMMEN: If it's detached. Right?

MR. ZENNER: Yeah. Detached. Yeah.

MS. HAMMEN: Well, let's not talk about detached.

MR. ZENNER: Yeah. Detached. And then it can't cover more than 30 percent of that required rear yard.

MS. HAMMEN: So if this variance is granted, and this addition -- this ADU is built, does it meet the requirement for green space in the backyard?

MR. ZENNER: Yes, it would. Because you're only encroaching five feet. So if we --

MS. HAMMEN: So all is needed is -- okay. Wait. So -- so tell me why?

MR. ZENNER: So the five feet -- all we're encroaching into that rear yard is five feet, so this is a 60-foot-wide lot. Sixty-foot-wide lot, and you're going to end up having 20, so 60 by -- 60 by 5 is 300, if I'm not incorrect. And so that 25 by -- 25 by 60 is going to be -- bear with me here. I'm going to get my handy dandy calculator out. So 25 times 60, so that's 1,500 square feet of green space that would be required if

you don't build a structure in it if it's not accessory detached -- a detached structure. So it's 1,500 square feet. Right now, you're going to take roughly 300 square feet out of that with the variance, so you're going to end up with a 1,200 square foot green space. So that's really when we look at it from open area -- compare open area to open area, you're losing 300 square feet, roughly.

MR. MINCHEW: And the difference if you were to build a separate ADU is you would have about 1,100 square feet -- 1,143 or something --

MR. ZENNER: Yeah. Correct.

MR. MINCHEW: -- but it just wouldn't be continuous. It would be around that building as opposed to being one larger backyard.

MR. ZENNER: Correct. And, I mean, there's -- there's ways that if -- if the detached structure were to be placed in the required rear yard, you could offset it to one side of the property, thereby creating maybe more of a usable square. But still, you'll end up taking out about another 180 square feet of usable lawn area than allowing the five-foot encroachment.

MR. MINCHEW: So let me ask you another question. Because it's zoned R-2, but really small for R-2, is there an additional potential hardship if you -- if we didn't allow the variance or if the person wanted to utilize it as R-2? I mean, I always think about if you -- if I say no to something, what am I forcing -- potentially forcing someone into if they want to utilize the property the way they want to use it. Because it's R-2, but it's not really usable as R-2, is there an additional hardship there in your mind if they -- if they wanted to create a big enough space for -- for -- to accomplish what they're wanting to get?

MR. ZENNER: So what that would result in, so we deny the current variance request, which is to encroach five feet into the required rear yard. The alternative that the applicant would have is they could come back and they could ask for two different designs -- they could ask for two different variances then. One would be to allow for greater than 30 percent coverage in the required rear yard, and allow a structure greater than the height of the principal dwelling. So again, from an efficiency perspective of dealing with the impacts to the applicant processing a variance, this is the simplest way of getting the issue resolved. So that's one of the questions we ask as a part of the criteria. Is this solution -- is this request the most conducive? And, you know, it would be given that all -- if we deny, we then have two other variances that would need to be considered. And, you know, ultimately, at that point, it would be, I think, more challenging for us from a staff perspective to suggest that there truly is a hardship at that point. It's -- it's more or less you've got a house that's already here. You're wanting to build something new. Well, you don't have to build something new detached from the home, as Ms. Rogers suggested, just do a home addition. And at that point, you basically can avoid the issue, but doing a home addition isn't the same as doing an ADU. An ADU is truly creating a second dwelling that will co-exist, which fulfills more of the general objective of the R-2 zoning district as a two-family zone. It's just the ADU is restricted on its size, and therefore, you're not getting a full-scale secondary dwelling unit, so to speak. And that's -- so we are controlling the impacts in that way to the neighborhood, as well. But we -- we either -- if you deny this evening, these -- this request, then we end up coming back probably with an alternative request, which

would possibly not have the same parameters associated with it, and therefore, not necessarily be as -- as supportable.

MR. MINCHEW: So then last question. With the idea of creating affordable housing, I mean, isn't there some part of that that includes keeping the housing we have affordable or -- or if you want to expand, because to go find a four bedroom, you know, sell what you have, go -- go move to another neighborhood, find something bigger, becomes more challenging. I mean, isn't -- because I know part of the goal, as we discussed with the -- with the Airbnb ruling, was to try to keep some of the housing that might be used for other things, to keep it in play, to keep it used by single-family to keep that affordability there. I mean, isn't this in a way the same sort of attempt and to keep something affordable to a family who is trying to grow? I mean, we don't want our -- our zoning laws to -- to work against what our other goal is. Right? I'm not sure if I said that as well as you could have said it, but --

MR. ZENNER: No. I understand what you're driving at, Mr. Minchew, and I think you are correct. So part of what Scott does in his day job is actually trying to create attainability for folks that may be on the margin of being able to afford a home. And so when we add ADUs to existing dwelling units, those ADUs can be registered within the long-term rental program. They could be used as a short term rental to augment owner income in order to allow them to stay in place. And the same goes for a family that may want to age in place, they build the ADU -- the parents may be aging. They build the ADU to allow them to move into the smaller portion of the dwelling and their family comes and lives in the original house. So they get to stay and they get to keep that -- that nuclear family connected and the neighborhood, basically, benefits from that because it's long-term residents. I mean, there are a couple of variance to how can occur, but again, as I said earlier, the idea of allowing ADUs in an R-2 zoning district, which is a by-right use, provided you meet the zoning requirements, is fully aligned with the concept of keeping our housing stock available for those that can afford it, and an ADU does offer that opportunity either to accommodate expanded family, multi-generational family, or allow somebody to have that rental property, that dwelling unit as rental income that then can allow them to stay in their house. And that is -- that's really a huge component of meeting the housing study's objectives that we had completed in 2024, and it is one of the primary and underlying purposes of why in 2015 we created within the zoning ordinance the opportunity for ADUs. And that's -- this particular request, aside from the fact that it's encroaching into a rear yard on a lot that got chopped in half from when it was originally created, this really would be probably the quintessential example of why we have the standards we have.

MR. NORGARD: So, Mr. Zenner, since you uniquely qualified to answer the following question, I'm going to ask it. Is there intentionality behind the height differential between ADUs and R-2 principal structures?

MR. ZENNER: So an ADU, in general, is -- was envisioned as a detached structure, so a single-story detached -- possibly a single-story detached structure. And so, when we talk about accessory structure height, which those standards have existed for a quite significant period of time, when you take a single story, a single-family home, your ADU or your accessory structure, which can -- has never been, to

my recollection, allowed to be greater than the principal structure height, you basically cast the mold. It's either going to be a single story ADU or a single story garage. But if you have a home that's different, that's a two story structure, you're going to be able to get some variation. And therefore, you know, the accessory structure -- standard accessory structure at 24 feet, that's going to give you two basically -- and height is measured again to the -- to the midpoint of a pitched roof, so really the peak of a roof that's pitched is going to allow you to extend above probably 24 feet when you look at it. But when you think about, basically, how we measure height, 24 feet is going to allow you two nine-foot floors for living space. And then when you measure to the peak of that -- or the center of the pitched room, you're going to be able to get to the 24. And that and the two-story construction is most likely more comparable with what we see in those environments. So there's -- we -- you know, we don't want accessory structures towering over primary structures on a property, and that is the reason that there is the difference between the 35-foot height maximum, 35 foot, you know, depending on how you want to slice it or dice it, you could have three floors in a 35-foot height. You may have a very, very shallow pitched roof, but you could have a three story structure.

MR. NORGARD: So could I follow up with a question? Is adding onto an existing structure considered an accessory structure, or is it considered an integral part of the original structure? Is an accessory structure, in other words, definitionally detached?

MR. ZENNER: Definitionally, no, especially as an ADU. An ADU, by definition, can be either an integrated part of an existing dwelling unit, or it can be detached. Now, when you think about an accessory garage, based on that an accessory structure by just definition, accessory means it is subordinate to the primary use. And ADU, though, by definition, could be integrated into a home, meaning you take an attic space, such as the neighbors have done, and you could convert that attic space to a completely independent dwelling unit within the confines of the roof structure that's there. What the Claybrooks would like to build is really it's a cross between an expansion of the house, but because it is being integrated into it and it will be a separate dwelling unit when it is done, it is -- it is -- it's a dwelling unit in and of itself, but it is an extension of the house.

MR. NORGARD: Okay. So here's my -- an ultimate question. If this is in an R-2 zoned district, and you have two dwelling units that are separate from each other, is that not the definition of a duplex?

MR. ZENNER: Definition of a -- well, definition of a duplex generally is a -- is a single structure with a shared common wall.

MR. NORGARD: Again --

MR. ZENNER: Yeah.

MR. NORGARD: -- which will exist in this case. So --

MR. ZENNER: Correct. But we refer --

MR. NORGARD: -- this is technically an ADU.

MR. ZENNER: We refer to it as an ADU because it is restricted based on its square footage. So the ADU has other limitations associated with it, whereas if this were a duplex unit, a completely separate

-- not a completely -- they both are completely separate units. But if it was considered a duplex, a two-family structure, there would be no limitation on the second structure being built. So really that -- it all comes back to how is the applicant wanting to constrain themselves on the secondary dwelling unit. If they are constraining themselves to be within the confines of the ADU requirements, it casts itself as an ADU being attached or detached. It is not a secondary -- it is not a traditional duplex or secondary dwelling unit on the property in the sense that it doesn't have those limitations. Hopefully, that answers the question.

MR. NORGARD: It does. I was noticing on the applicant's plot plan, their 25-foot setback line was substantially in front of the original structure. Do we know how far the house is?

MR. ZENNER: I think the -- the -- the diagraming that is on the actual front setback may be a little bit inaccurate. If I'm not incorrect, the front corner, and because the house is set somewhat cattywampus, as Mr. Claybrook put it, the northwest corner of the home is actually slightly closer to the -- to the street right-of-way. I think that is a total of a 31-foot front yard, approximately 31 feet, and it is angled, so that is -- that would be -- and then it is 34 feet -- approximately 34 feet from the back. The site plan itself has not yet been -- it's not a finalized site plan. It was more idealized with the general setbacks. Again, when we did our evaluation, we took our measurements off of the Boone County Assessor's files. Given the dimensions that are shown on the plot plan, that is what the variance is being driven off of. And so you will also probably note within the application that was submitted, there was a reference to a three-foot setback variance, and that is actually how the title -- no, the title was not -- the title on the staff or the title on the staff report and the title on the agenda reflects the five feet. When we did our evaluation and we started looking at the calculations based upon what was on the specific site plan, we identified it was just a little bit over four -- almost four and a half feet of extension into the required rear yard, and therefore, just to give that opportunity for just a little of wiggle room, it's a maximum of five feet. So it has been modified slightly, but that was based upon our further detailed review of all of the material submitted.

MR. NORGARD: So what I'm getting at is, if this house -- if the builder had chosen to put this house at 31 feet or, you know, moved it forward to the 25 foot, then we wouldn't really be here tonight discussing this?

MR. ZENNER: Likely -- likely not.

MR. NORGARD: Okay. So this -- okay. That was all -- that was all I had to say. I wanted to clarify that.

MR. MINCHEW: But it does actually answer some of the green space part because you've got more front yard, less backyard, but you still end up with the green space because you have it in the front yard, so -- maybe not enough for a football game, but --

MR. NORGARD: Any further questions? Okay. Thank you, Mr. Zenner. I will, at this point, offer the applicant an opportunity to come back up if they would like, to make any final comments or correct any misstatements, if you want. You don't have to. You're not obligated. All right. I'm going to go ahead -- oh, sorry.

MR. CLAYBROOK: All I was going to say is just, again, appreciate you all taking the time to be so thorough on this. In the work that we do in the community, these are nuance dynamics in existing lots, and one of the things we really love doing and love working with minds like Mr. Zenner's, who has got the ability to navigate all the details, it's pretty amazing, if you ask me. We love trying to work within existing neighborhoods to try to make them what they have been and what they could be, especially in light of just the growing needs in our communities. So I appreciate you all taking the time on these kinds of matters because I think it matters, so -- and not just for our family, but for neighborhoods that are growing and for family needs that arise. So, again, just appreciate your time. Thank you.

MR. NORGDARD: Thank you. All right. I'm going to go ahead and close the hearing.

### **PUBLIC HEARING CLOSED**

MR. NORGDARD: And I will ask Mr. Lawyer over there if he would like to make some statements.

MR. CRAIG: Mr. Lawyer. Yes, thank you, Mr. Chair. First, I'd like to introduce into the record City's Exhibits 1, 2 and 3, Exhibit 1 being certified copies of Chapter 29, Sections 1.11 Rule -- Definitions and Rules of Construction, 29, 3.3 (gg), Subsection (gg) through (ii) Accessory Land and Buildings, Section 29, 6.3 Standard Regulatory Procedures, and 29, 6.4 (d)(2), Variances. Exhibit 2 will be a staff report, and Exhibit 3 will be the Public Hearing Advertisement, Parties in Interest Notice and Parties in Interest List.

MR. NORGDARD: So moved.

MR. CRAIG: All right. Thank you, Mr. Chair. Additionally, the matter before the Board this evening is a Request for a Variance. The criteria for that is found in Section 29, 6.4 (d)(2). Pursuant to that section, the Board may approve an application for variance if it determines that all of the following criteria are true and have been met. First, 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 the property in the area, and the difficulties or hardships were not created by the actions of the applicant. Second, the variance will not have the effect of permitting a use of land that is not indicated as a permitted or a conditional use in the Permitted Use Table in the zoned 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. Third, the variance will not permit a development that is inconsistent with the adopted Comprehensive Plan. Fourth, the variance is the least change from the requirements of this chapter necessary to relieve the difficulty or hardship. And finally, 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. Thank you. Any questions -- additional questions?

MR. NORGDARD: Is the matter of the tree of any concern to the Board?

MR. CRAIG: I -- I would say that there is plenty of -- of case law pertaining to trees and property lines. That's not the purview of this Board. If that's a concern, that is a private matter for private counsel.

MR. NORGDARD: Thank you.

MR. CRAIG: Thank you.

MR. NORGARD: All right, Board. Do you have any comments or discussion before we make any motions?

MS. HAMMEN: So if the variance is not approved, there still could be built an ADU or an addition. It would just be 300 square feet smaller; is that -- I'm sorry.

MS. OLSEN: And cost prohibitive.

MS. HAMMEN: No attached still.

MR. NORGARD: You have to speak into the mic.

MS. HAMMEN: Oh, sorry. Any comment from Board members?

MR. NORGARD: What, specifically, is the concern that --

MS. HAMMEN: Well, if the -- you know, the concern of approving a variance that doesn't meet the criteria.

MR. NORGARD: I guess you have to ask, do you see any practical difficulties or unnecessary hardships that were not created by the actions of the applicant? I don't -- I don't know.

MS. HAMMEN: Okay. I'm not asking that, so --

MR. NORGARD: What is -- what are you asking then? I'm --

MS. HAMMEN: I was -- I was asking --

MR. MINCHEW: The questions I would have, I think, in response to you would be is it even useful to build that small of an -- you know what I mean. Could you accomplish --

MS. HAMMEN: How small would it be?

MR. MINCHEW: Well, it would be the --

MS. HAMMEN: How small would it be?

MR. MINCHEW: Five feet by -- it would be another -- well, I don't -- so the question would be, it's not necessarily how small it would be, what would the dimensions of the rooms be. Because you could make 100 square foot room five foot by twenty foot, but it wouldn't be right. So it's really the dimension in my mind. So it's not a question of could you build it smaller, it's to why would you build it smaller if you're going to make, you know, an accommodating bedroom or accommodating bathroom. So, in my mind -- that's where my mind goes. And then the second thing is, if you moved it out to the yard, and you made it 458 square feet, it -- it --

MS. HAMMEN: I'm not asking that.

MR. MINCHEW: Yeah. I mean, I'm just saying, to me, the usefulness of that, you've really have kind of messed the yard up now with putting this thing right in the middle or even off to the side of it, along with walkways and more hard surfaces for, you know, surface water problems and all of that. So it's -- but, anyway, I do -- I do -- to your point, I think that the dimensions would be more of -- or how useful would the dimensions be if you reduced it by that, if it's 100 square feet, you know. How useful are the rooms? How useful would they be if you had to accommodate a square footage requirement? So -- and the other thing to me, just personally, is I think he's got other options. I think this is -- in -- you know, in my

mind, you can -- you can create the need for urban sprawl by not allowing people to upgrade, you know, existing neighborhoods like this because then you've got to move out to other neighborhoods to get -- it all -- it just becomes all these starter homes which then just turns into renter homes, and then a neighborhood kind of -- can kind of fall apart. This particular neighborhood has made sort of a renaissance because I owned a home on -- on Donnelly that we fixed up. And so it's really kind of on the rebound, but part of that is because people are willing to make investments in those existing homes instead of moving out to their new four bedroom someplace else and then letting this one turn into a rental. So that's part of my motivation when you see something like this, it's, like, somebody is resisting the need to move out to a subdivision, staying and improving an area like this, like, the house we had on Donnelly that we improved and sold. So that is what motivates me about it is the investment in the neighborhood because it's a significant investment on a -- on a small house like that, so --

MR. NORGARD: I think the reason I asked the specific question about site location or the location of the structure on the site was because the site could potentially take this entire development, including the ADU, with no action on our part had it simply been built a little closer to the street, which, you know --

MR. MINCHEW: I think the reason it was built back there was because it was a really long lot to begin with, and it wouldn't -- there was no backyard issue. If someone could have forecasted the future, they would have built it closer to the street. And like you said, we wouldn't even be meeting with Mr. Claybrook, so --

MR. NORGARD: I would question the useful -- the utility of an eight and a half foot wide room, which would be the maximum he could build if you were to chop -- I mean, if you were to chop it off at the 25-foot yard rear setback. So I think that -- I mean, I'm personally finding that there are certain difficulties associated with this particular site. I'm inclined to support it because of that, and I tend to agree with what Mr. Minchew said about promoting affordable options, promoting families to reestablish in our inner-city neighborhoods, something we haven't seen in a long time.

MS. HAMMEN: So I've been thinking -- I -- I have relatives with accessory dwelling units on their properties in other states. One is 450 square feet, one is 650 square feet, and they're quite lovely. Of course, one of them, it's warmer weather, and there's lots of outdoor use also associated with it. And I guess what moved me -- and I see that if you take away the five feet, it becomes an eight-foot room, which an eight-foot addition, first and second floor, which does make a difference.

MR. NORGARD: Any further discussion? Seeing none. Is there a motion to approve the variance?

MR. MINCHEW: I make a motion to approve the variance.

MS. ROGERS: Second.

MR. NORGARD: By Minchew, second by Rogers. Okay. Mr. Zenner, would you please read the variance for us and take the roll?

MR. ZENNER: A motion has been made and seconded in the matter of Case Number 21-2026, a

request to grant a maximum five-foot rear yard setback variance to Scott and Angela Claybrook at 602 Florence Avenue, to allow for the construction of a compliant accessory dwelling unit that would be an integral structure to the principal dwelling on the property.

Mr. ZENNER: Mr. Norgard?

MR. NORGDARD: Yes.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Skip me. Come back.

MR. ZENNER: Mr. Minchew?

MR. MINCHEW: Yes.

MR. ZENNER: Ms. Rogers?

MS. ROGERS: Yes.

MR. ZENNER: Ms. Olsen?

MS. OLSEN: Yes.

MR. ZENNER: Ms. Hammen?

MS. HAMMEN: Yes.

MR. ZENNER: The motion carries with five votes. So ordered.

MR. NORGDARD: Thank you, Mr. Claybrook. All right.

#### **VI. GENERAL COMMENTS BY PUBLIC MEMBERS AND STAFF**

MR. NORGDARD: Is there anybody from the public wishing to speak? Seeing none. Are there any other items that need to be discussed, Mr. Zenner?

#### **VII. SPECIAL ITEMS**

MR. ZENNER: Yes. We actually opened up Public Comment ahead of where we needed to be, so we're under special items on the agenda right now. You had on your agenda an item referring to Board of Adjustment elections, and this would be for the Chair and the Vice Chair, and after conferring with our legal counsel earlier today and after review of our Board rules, as well as an apparent oversight on our part of not having elections for quite some time, we are going to -- it is -- it is being advised that we suspend the elections at this point until reappointments occur, which will be in June of this coming year, 2026. And what that will allow us to do then is to reset the election cycle of the Chair and the Vice Chair to the proper period of time, which is supposed to be annually. I went back through and I looked at all of our history since 2021. And so, 2021 is -- we held an election, and that was in May of that year, and then following that election, there were three meetings in 2022. We did not provide a reelection at that period because we did not meet in the month of May. And then apparently, I must have had an epiphany, and we held elections in September of 2023. And in 2023, we had five meetings. In 2024, we should have held reelections in September of that year when we have four meetings; however, we did not. So we are now in an extended session at this point. This year, we are closing out 2025 with a total of five meetings. We will do better coming in 2026. So we will go ahead and we're going to keep the status quo for what it is right now, and then we will reset the clock for elections moving forward. So this particular item, while we

didn't adjust the agenda at the very beginning, is not needed to be taken action on this evening for the explanation that I have given you. The second item that is here under special items is the 2026 calendar, and based on our adjustments that we need to make annually for certain holidays, as Ms. Hammen pointed out at the beginning of this evening's meeting, the Labor Day holiday will occur on September 7th, which is the first Monday of every -- of the month. That requires then that the Board of Adjustment -- the Board meeting, which would be the second Tuesday of every month needs to be moved to September 15th. So the first Tuesday, September 1st is a Tuesday. And so the plan -- the City Council's meeting that would normally occur on the first Monday of the month, which would be the holiday, is being moved from the 7th to the 8th. That requires that, of course, that Board of Adjustment's meeting, by standard City practices, to be moved to the September 15th meeting. And that is -- that's the only adjustment to this year's calendar that would be made, and it is similar to the adjustment that we had to make this past year with our meeting -- or I apologize -- this year that we had to make with Veterans' Day, which occurred on a Tuesday, and that's why that meeting was shifted one week further out.

MR. CRAIG: There may have to be one more amendment to the calendar. Our intrepid reporter has noticed that February 19th, 2027, is in fact a Friday.

MR. ZENNER: Oh, okay. Well, I will make that adjustment then.

MS. HAMMEN: It's what? What is it?

MR. NORGARD: Friday.

MR. MINCHEW: Friday.

MS. HAMMEN: Oh, it's a Friday. Oh.

MR. ZENNER: Well, you know --

MR. CRAIG: February 19th, 2027, will be a Friday, so --

MR. ZENNER: Why don't we just meet on that day? I don't know. Let me confuse everybody and let me get the right date.

MR. CRAIG: I think it would be --

MR. ZENNER: I think it was meant to be the 9th, and I just added an extra digit in there. It should have been February 9, 2027, and that will be the second Tuesday of the month. Is there any objection? And this is one reason why we are belaboring this point on the calendar for 2026. Is there an objection to having your meeting in September on the 3rd Tuesday of the month? We're publishing the calendar a year in advance, so I need to know now in order to ensure that if we're not going to have a meeting, we have to redo all of our application deadlines to ensure that if you're going to apply for that meeting, you actually will still apply on the 3rd of August, but you will not go until the 13th of October.

MR. NORGARD: Sure.

MS. HAMMEN: But thank you --

MR. MINCHEW: I think he speaks for all of us.

MS. HAMMEN: -- for pointing it out, which I don't think we did last year.

MR. ZENNER: We did not, and that is part of again why I am making such an issue out of this.

We only -- we have this problem with both the Boards of Commissions I operate, and therefore, I oversee, and therefore, I wanted to make clear. And thank you very much, Janna, for pointing out that February 2027 date. It is that -- your calendar should be amended to 2/9/2027 is the last Board meeting that's on the calendar in front of you. We have updated all of our application forms with this schedule. We will make the change for the February meeting. That -- those forms will be reposted within the next week to our website so applicants know when our deadlines are, and these will be the meetings that we will be conducting for the coming year. With that, that is all I have. We do not have a meeting in January. There were no applications received. And at this point, we had a tabled item from our November 18th meeting. That item is subject to an adjoining property owner making application in order to have a complete variance package, since the application that we tabled is requesting to have a half of a driveway at the property line, and it was also identified after we tabled the item that there was a secondary variance that would need to be addressed, and that's parking within six feet of a property line that has a -- that's a -- the adjoining lot is improved with a single-family dwelling, an additional variance is needed. But the property owner immediately adjoining the existing shared driveway will need to participate in the variance request. And so that property owner has been communicated to by the original applicant. We have sent out the appropriate documentation. We are waiting for those applications to come back revised. It is possible that those applications may not make it to our offices before the end of this month. Unfortunately, we have tabled to a date certain, and so we will need to meet at a minimum if the additional tabling request is needed. It could be a very short meeting. The deadline for the February 10th meeting is December 29th, so we may have other applications that do come in that may require us to conduct business, if we are not conducting business on the tabled matter. Without the adjoining property owner submitting the requested variance that was supposed to be discussed on November 18th actually really has no value because you need to have both property owners sharing -- that share the same driveway participating in getting a relief to have the drive expanded and addressed so it is fully code compliant. It is, as I think Mr. Claybrook pointed out today, there is a lot of technical requirement here that is needed to be met, and it is unfortunately something that was not identified initially when our Building and Site Development staff issued the denial letter, and it is something that we are now picking up and collecting at the very end, which is an entirely reversed process that we should not be using moving forward. So we're working with both applicants and trying to get them to make their submissions as needed.

MR. NORGARD: I have a really quick question. Is there a statutory requirement that we table to a date certain or can we table to a date uncertain?

MR. ZENNER: The applicant had asked that question at the time, that he just wanted it tabled. And the historic practice that we have had -- and I'd have to ask Mr. Craig to look into this. The historic practice, however, has been we table to a date certain because if the public is following our actions, they need to know when this matter will be brought back up. That's not to say that we would not have renotified and re-posted property, but we want to make sure that we are not getting an item that would have come before the Board more than two months out from its original public hearing date without going through a

series of re-advertising processes. So again, in the years that I have been engaged with the City, the standard practice for the Planning and Zoning Commission, and not as frequently with the board, is we table to a date certain in order to provide a pin in the public hearing process. And if we have to withdraw or we have to extend again, unfortunately, it is an inconvenience, but that is the best practice. The applicant may choose to withdraw the application before we have our February meeting, and Mr. Craig, correct me if I'm wrong, if the application is withdrawn, would the Board need to take action to receive that withdrawal because the applicant is removing their item from further consideration, and all we would do would be to notify the neighbors that the item has been withdrawn.

MR. CRAIG: I don't believe that would require an action of the Board.

MR. ZENNER: Okay.

MR. CRAIG: But as to tabling to a date certain, State statute does require action by certain applicants. I know for certain Zoning and Planning, it's 60 days or it's deemed approved by certain bodies. I don't -- I'd have to revisit the statutes and look if that applies to variances, but a lot of applications before Planning and Zoning Commission, by State law, as a bulwark against Commissions just sitting on varying applications, there must be action on them unless -- unless the applicant themselves asks for a continuance on those. So there's -- that's a layer of reason why -- why we do a date certain.

MR. NORGDARD: Makes perfect sense.

MR. CRAIG: Yeah.

MR. NORGDARD: All right.

MS. HAMMEN: I don't know if this is an appropriate question, but couldn't the applicant -- both neighbors put in an irrevocable easement that negates the need for a variance?

MR. ZENNER: Well, so the issue at hand, not to get too deep into the application itself, the applicant -- the applicant that was to be before you on the 18th is seeking to build an attached garage in his rear yard. As you probably recall from the staff report, that requires the extension of an existing easement that if that easement didn't need to be extended and he was getting onto his own property, you would not probably have had the item. We would have figured out how to get his driveway on his property to be otherwise compliant. The problem is in order for him to be able to get far enough beyond where the driveway ends today, that is a new driveway extension which is prohibited to be within five feet of a property line, and then he has to build a driveway on his property to access the detached garage that would be within five feet of the property line, which is again not permitted by the Code. And that's why recording an ingress-egress easement would not resolve the matter. You have to go through the Board in order to grant permanent authorization to allow the driveway to be in that location. Furthermore, the driveway is an interesting -- interesting situation. Five feet of an eleven and a half foot driveway is on the applicant's property, the other six and a half feet is on the adjoining property owner's property. And so really what would be being accomplished by taking both property owners through the process for both variances, the driveway placement within five feet, and then parking within six feet, it will assure that moving forward, should either property owner do any adjustments to their driveway or to their properties

specifically, they will be covered. The variance would be granted to them for those expansions, and we would never see them back unless they were doing something else. Completely convoluted way to get to building an attached structure, and this is part of what my staff looks at and we look at these things from the perspective of when we start seeing amendments or requests of this nature more frequently, it's an indication that the Code needs to be recalibrated. And so we are currently looking at certain things that may need to be adjusted. This could be one of them moving forward as it relates to our small lot integration project that we are currently working on. The provision did not exist before 2017, and I don't think it presented a massive problem in the community prior to 2017, so why we created it, I really don't recall, but it has created this type of angst amongst individual property owners that share a driveway or want to do an expansion. And it just -- it's a convoluted way to get to really we want -- we don't want to pave over lots, but we're forcing lots to be paved over because you've got to separate the driveway. And so guidance by the Board when this does come back forward or a preference as a part of the discussion of how we may want to look at this would be welcomed at that point, because we can take that back to our Planning and Zoning Commission and say, hey, look, the Board has identified this as something that just doesn't seem to work. Maybe we need to look at this as time permits, so we don't continue to clog the Board of Adjustment's queue, or we -- (inaudible) -- property owner's desire to make improvements to their own land. So moving forward, we'll take this as it comes out. Mr. Borgelt, who is the actual original applicant, is still trying to weigh his options, and if the adjoining property owner does not participate, Mr. Borgelt would basically retract his request for the variance. Hence the reason I asked the question if -- if we do get a withdrawal letter and it is prior to the publication of our agenda, and we do not have any other applications for February, we may not have a February meeting either, but I will keep you abreast of that as it occurs. One last item, as many of you are aware, as we discussed before this evening's meeting, Ms. Nguyen has tendered her resignation. We congratulate her on her acceptance to medical school. It was a pleasure working with her. We will forward that resignation to our City Clerk so we can have it advertised -- an advertisement for the vacancy. And then as many of you are aware, and I may not have mentioned this during our last meeting, our alternate Board member, Terry Old, had also resigned his position. He has relocated out of state. And we are in the process, I believe, of second round advertising to fill that alternate's position. So Ms. Olsen is filling in this evening for Ms. Nguyen, and I believe we will have -- Mr. Sharp has been reappointed as an alternate, and we will have Mr. Sharp and Ms. Olsen alternating until we have the permanent Board member position filled. So, again, I appreciate your attendance this evening, Ms. Olsen. And that is now all I have to offer.

MR. MINCHEW: Do you think this Board is single-handedly decreasing the citizenship in Columbia, because we've lost two people that have moved out of town that were on this Board?

MR. ZENNER: I don't know. That's a tough decision --

MR. MINCHEW: And I'm not pointing fingers.

MR. NORGARD: All right. So we're getting cheeky. Let's go ahead and see if there's a motion to close this meeting.

MS. HAMMEN: So moved.

MR. NORGARD: I have a motion from Hammen.

MR. MINCHEW: Second from Minchew.

MR. NORGARD: A second from Minchew. All in favor say aye.

(Unanimous voice vote for approval.)

(The meeting adjourned at 8:30 p.m.)