

BOARD OF ADJUSTMENT - APPLICATION FOR A VARIANCE

TO: BOARD OF ADJUSTMENT
Community Development Department
City Hall, 701 E. Broadway, Columbia, Missouri 65203

SUBJECT: Request for approval of a variance from requirements of the Unified Development Code on the following described property located in the City of Columbia, County of Boone, State of Missouri (legal description):

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

which is presently zoned R-1 and known, or to be known, as 210 Edgewood Avenue (Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 16-607-00-02-091.00

Notice is hereby given that Applicant(s) requests a variance with respect to the above described property from the Decision of Patrick R. Zenner, Development Services Manager.

On the 8th day of December, 2025 said official did deny a permit to allow a detached garage to be constructed along with the proposed driveway changes needed.

The reason given for such action was that the construction of the proposed garage structure would require the improvement and extension of the existing shared driveway within 5-ft of the property line and would result in parking within 6-ft of a lot improved with a single- or two-family dwelling.

29.4.1(c), Table 4.1-5 which does not comply with Section and Sec. 29-4.3(g)(1), Code of Ordinances of the City of Columbia, Missouri, which Section provides or requires that 1) a driveway be no closer than 5-feet to a property line, and 2) a parking area be no closer than 6-feet to a property line.

A copy of the letter of said official is hereto attached.

There are practical difficulties or unnecessary hardships, or both, in the way of carrying out the strict letter of the Ordinance because (all claims shall be justified by supporting documentation. Add additional pages or provide separate letter for response)

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

If the Board of Adjustment varies or modifies the application of the Ordinance as requested. nevertheless there will be a substantial compliance with the Unified Development Code, the spirit of the Unified Development Code will be observed, public safety and welfare will be secured, and substantial justice will be done because (applicant shall fully respond to "Criteria for Approval" as shown in Section 29-6.4(m)(i). All claims to be justified by supporting documentation. Add additional pages or provide separate letter for response)

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

Applicant(s) requests that the Board of Adjustment vary or modify the application of the Ordinance to the above described property to the extent indicated, and that the Board approve 2 variances: 1) a variance from the required 5' driveway setback standard shown within Sec. 29-4.1(c), Table 4.1-5 along the south property line, and 2) a variance from the required 6' parking area setback standard shown within Sec. 29-4.3(g)(1), along the south property line. Granting these two variances for the entire length of the southern property line (approximately 165-ft) will allow 210 Edgewood to continue to use the shared driveway with 300 Edgewood as parking and to use it for access to a backyard garage.

12/29/2025 DATE

SIGNATURE(S) PRINTED NAME ADDRESS TELEPHONE

David Borgelt 210 Edgewood Avenue, Columbia, Mo 65203 816 931-5690

CAPACITY OR INTEREST IN PROPERTY Owner

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

COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE Patrick R. Zenner

DATE 12/29/2025



December 8, 2025

Mr. David Borgelt
 210 Edgewood Avenue
 Columbia, MO 65203

Re: Denial Letter – 210 Edgewood Avenue
 Parcel Number – 16-607-00-02-091.00 01

Mr. Borgelt:

This letter has been prepared in response to recent discussions regarding non-compliance with the City’s regulatory provisions relating to your request to obtain a permit to build a new detached garage within the rear yard of the above captioned address. Following discussion and review of proposed construction plans as well as given your desired to use/extend the existing “shared” driveway serving both 210 and 300 Edgewood Avenue your permit cannot be issued. A **variance** approved by the Board of Adjustment seeking relief from the below identified provisions of the Unified Development Code (UDC) must be granted. Application for variance relief **SHALL** be required from **BOTH** yourself and the adjacent owner of 300 Edgewood Avenue prior to issuance of any permit allowing you to construct the desired detached garage.

The proposed extension of the existing “shared” driveway serving both 210 and 300 Edgewood Avenue has been identified as being in violation of Section 29-4.1 (c), Table 4.1-5 [Yard Area Exceptions] of the UDC, shown below, which prohibits a **new driveway** to be located within 5-feet of an adjacent property line.

Table 4.1-5: Yard Area Exceptions				
Structure, Feature, or Use		Yard Encroachment (maximum)		Conditions or Limits
Driveways	Single- and Two-Family Residential	Up to a 2-car garage	Permitted to a maximum width of 20 ft. in any front, rear, side, or corner side yard	Single- and two-family residential driveways shall maintain a setback of 5 ft. from the side property line and shall not occupy more than 50% of the lot width.
		3-car garage	Permitted to a maximum width of 28 ft. in any front, rear, side, or corner side yard	
		Shared duplex driveway	Permitted to a maximum width of 36 ft. in any front, rear, side, or corner side yard	
	Multi-Family, Commercial, and Mixed-Use	Permitted to a maximum width of 42 ft. without a turning analysis, in any front, rear, side, or corner side yard		Multi-family, commercial, and mixed-use driveways shall maintain a setback of 10 ft. from any side property line adjacent to a Residential district, or as determined by the required driveway radius.

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 573.874.7239 Administrative Offices

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 Columbia, Missouri 65205

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Based on the submitted site plan showing proposed construction, the future extension of the existing driveway would remain shared for a distance of approximately 25-feet from its current terminus and then be located fully within the property addressed as 210 Edgewood Avenue leading to the proposed new garage. Neither the extension of the existing “shared” driveway or the placement of a new driveway serving desired detached garage are compliant with the above referenced code section; therefore, require a variance to be granted by the Board of Adjustment to allow their placement as shown on your submitted site plan. The variance you would be requesting would be to allow the all driveway improvements on 210 Edgewood (i.e. existing, extended, and new construction) to all be located within the required 5-foot setback.

It has been further identified that your request may also trigger violation of Section 29-4.3(g)(1) of the UDC which specifically prohibit the “**parking**” of a vehicle on a permitted driveway within 6-feet of an adjoining lot containing a single- or two-family use. While your plans clearly indicate a desire to construct a detached garage it is possible that parking may occur on the existing, extended, and newly construction driveways in violation of the provision. As such, you will also need to seek relief from this section such that if parking were to occur it would be legally permissible. The variance you would be requesting would be to allow vehicle “**parking**” on a permitted driveway within 6-feet of a lot improved with a single- or two-family use.

You may submit a single variance application seeking relief from both of these sections of the UDC. Your application will need to cite the above referenced Sections and the amount of relief you are seeking (i.e. a complete waiver of the required setbacks). Additionally, your application will need to contain sufficient documentation (i.e. previously submitted exhibits from which non-compliance has been determined) and a written response to the “Variance Criteria for Approval” questions found in Section 29-6.4(d)(2)(i) of the UDC and attached hereto.

A **VARIANCE** application seeking approval of the aforementioned deficiencies must be submitted for the Board of Adjustment’s consideration. This denial letter shall accompany the application. Given your prior application relating to this matter was **tabled** at the Board of Adjustment meeting of November 18, you will not be required to submit a new legal description or filing fees.

The **variance** application and filing deadlines can be obtained from the following link.

<https://www.como.gov/boards/board-of-adjustment/board-of-adjustment-forms/>

Please note, pursuant to prior discussion, your revised application **must** be received no later than **12 Noon on December 29** as a fully executed **hardcopy** original to our offices. An electronic copy of the application, inclusive of all supporting documentation, **SHALL** be forwarded to patrick.zenner@como.gov concurrent with their hardcopy submission.

Sincerely,



Patrick R. Zenner, Development Services Manager
City of Columbia, Community Development Department – Planning and Zoning Division

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Practical Difficulties -- 210 Edgewood Avenue

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

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

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

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

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

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

There is a storm water inlet near the southeast corner of the lot.

This inlet is the low point of the lot and the surrounding area which includes multiple properties. This is noted as 'STORM WATER BOX' on the survey from 2010.

The 50' lot is narrower than allowed with modern lots, and narrower than many of the lots in the neighborhood which was developed at the time this residence was built.

This constrains the space significantly.

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

The owner of 300 Edgewood Avenue, Tate Cooper, supports these changes and is also requesting these same variances.

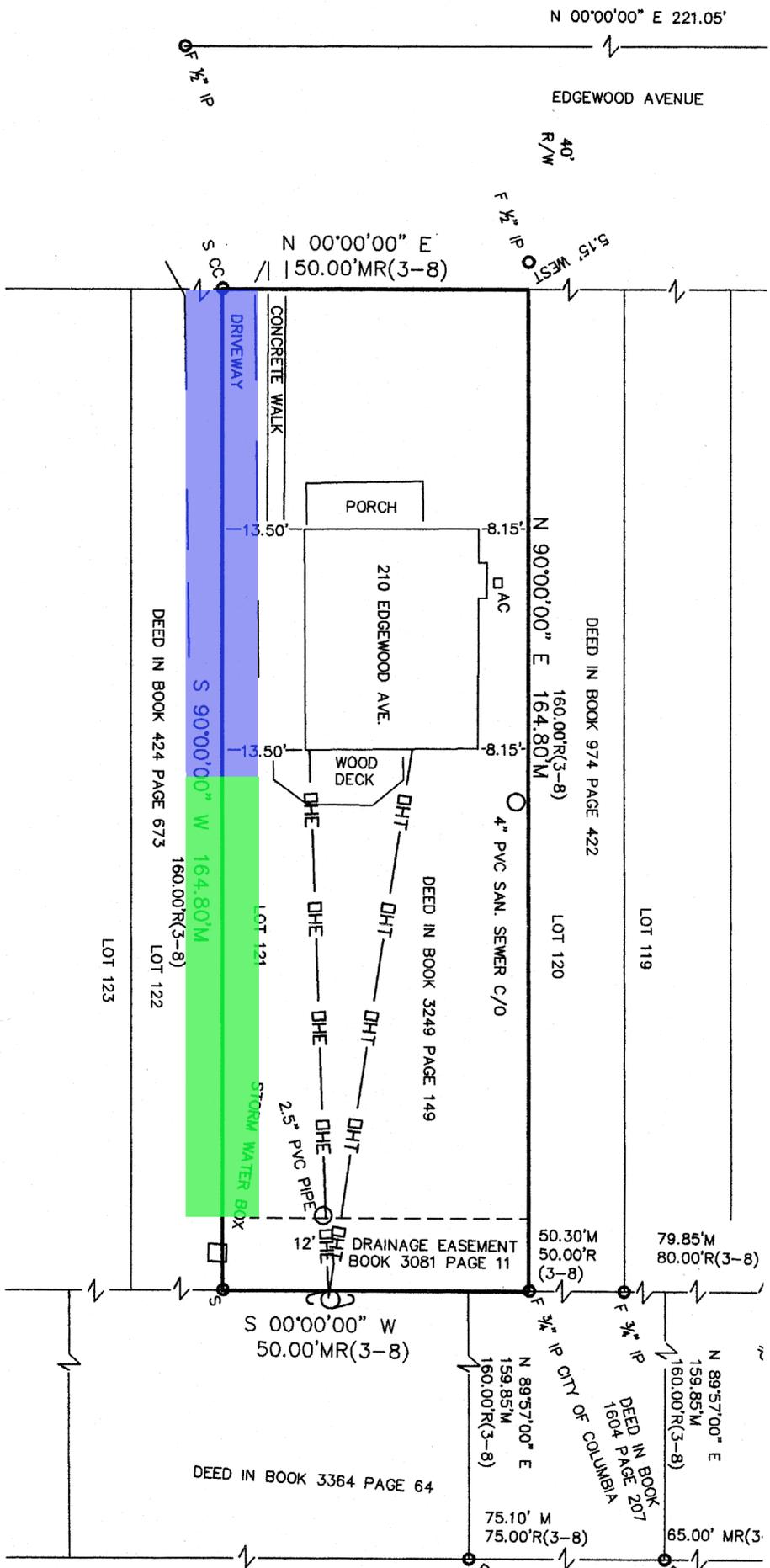
>>> The requested variance of the 5' setback requirement for a driveway is shown on both sides of the south property line, encompassing the north 5' of 300 Edgewood, is marked as a **BLUE** rectangle for the existing driveway (as defined in the current recorded easement) and a **GREEN** rectangle in the attached sketches.

The two colored areas show, in total, the setback variance being requested on both sides of the property line between 210 Edgewood Avenue and 300 Edgewood Avenue.

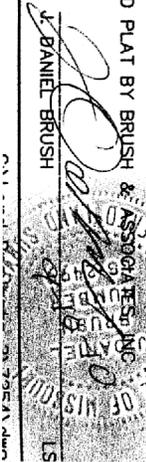
The following three pages are a survey of 210 Edgewood Avenue and a plan view and isometric view of the garage and driveway design model with these areas designated.

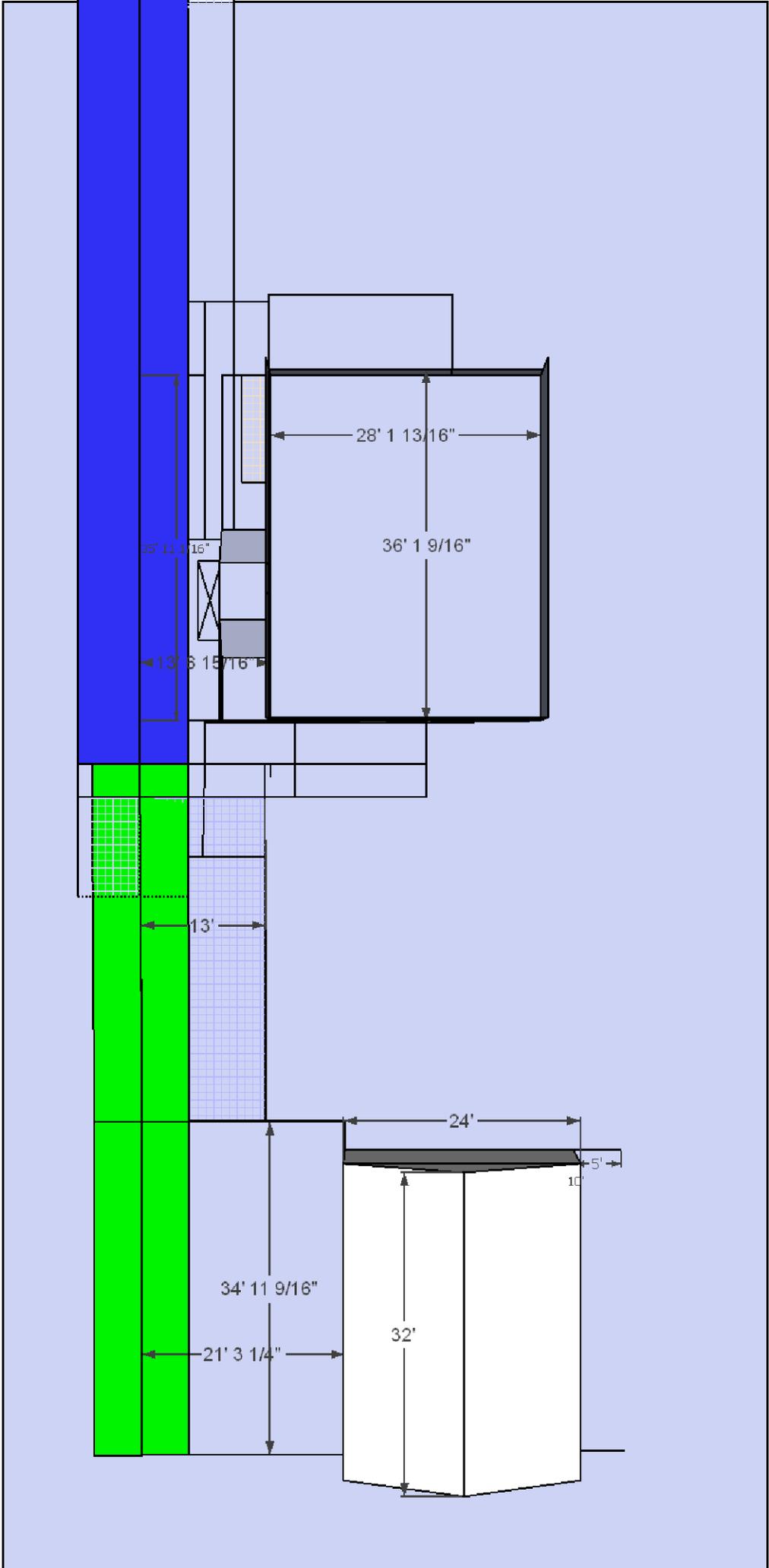
DATE: 08-31-10
 THIS SURVEY CONFORMS TO TYPE URBAN ACCURACY STANDARD 20 CSR 2030--16.040
 SURVEY FOR: DAVID BORGELT
 REFERENCE BEARING: THE EAST LINE OF EDGEWOOD AVENUE, ASSUMED BEARING
 N 00° 00' 00" E

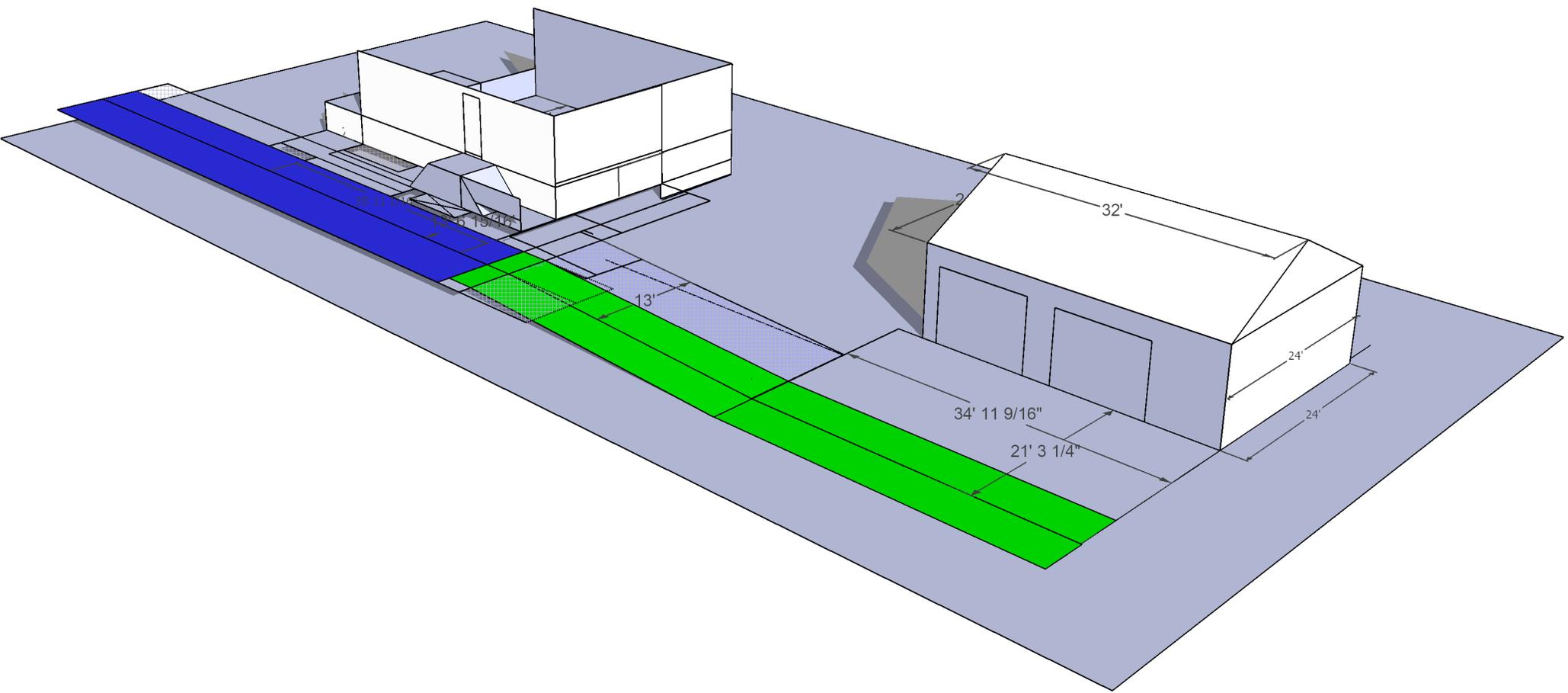
NOTES:
 1. ABSTRACT AND OR TITLE INSURANCE POLICY WERE NOT AVAILABLE FOR REVIEW OTHER EASEMENTS MAY EXIST.
 2. THIS TRACT IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AS PER THE CITY OF COLUMBIA FIRM MAP NUMBER
 260036 0011 C, DATED 12-28-1982.



THE RESULTS OF THIS SURVEY ARE AS SHOWN ON THE PLAT.
 I HEREBY CERTIFY THAT THE ABOVE SURVEY WAS MADE UNDER
 DIRECTION AND CONFORMS TO THE CURRENT MISSOURI MINIMAL
 STANDARDS FOR PROPERTY BOUNDARY SURVEYS.
 SURVEY AND PLAT BY BRUSH & ASSOCIATES, INC.
 DANIEL BRUSH







Criteria for Approval -- 210 Edgewood Avenue

UDC Section 29-6.4(d)(2)

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

(i) General Criteria

(A) The variance is required to address practical difficulties or unnecessary hardships related to the shape, size, terrain, location or other factors of the applicant's site, those difficulties or hardships are not generally applicable to property in the area, and the difficulties or hardships were not created by the actions of the applicant;

(B) The variance will not have the effect of permitting a use of land that is not indicated as a permitted or conditional use in section 29-3.1 (permitted use table) in the zone district where the property is located, nor shall a variance be granted to modify a standard that operates as part of the definition of any use;

(C) The variance will not permit a development that is inconsistent with the adopted comprehensive plan;

(D) The variance is the least change from the requirements of this chapter necessary to relieve the difficulty or hardship; and

(E) The variance will not harm the public health, safety, or welfare or be injurious to other property or improvements in the area where the property is located.

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

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

(D) The requested variances would allow the existing shared driveway continue to be used as it has been since the original construction and within the boundaries of the existing driveway easement extended approximately 25' to the east. The **requested variance** of the 5' setback **applies only to the driveway.**

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

(E) **The requested driveway variance would allow a residential garage to be built. Garages are common throughout the neighborhood.** The requested parking variance would allow the driveway to continue to be used as it has been since the residence was constructed.

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

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

