

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 122 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 300 Edgewood Avenue (Street Number and Name)

County Assessor's 14 Digit Real Estate Tax Number: 16-607-00-02-092.00 01

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, 20 25 said official did deny a permit to allow a detached garage to be constructed at 210 Edgewood Avenue 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.

which does not comply with Section 29-4.1(c), Table 4.1-5 and Sec. 29-4.3(g)(1), Code of Ordinances of the City of Columbia, Missouri, which Section provides or requires that 1) a new 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 – 300 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 – 300 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 north property line; and (2) a variance from the required 6' parking area setback standard shown within Sec. 29-4.3(g)(1), along the north property line. Granting these two variances for the entire length of the northern property line (approximately 165-ft) will allow 300 Edgewood to continue to use the shared driveway as parking and to use it for access to the backyard in the future, if needed.

December 29, 2025 DATE SIGNATURE(S) PRINTED NAME Tate Cooper ADDRESS 300 Edgewood Avenue, Columbia, Mo 65203 TELEPHONE (573) 673-2784

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. Tate Cooper  
300 Edgewood Avenue  
Columbia, MO 65203

Re: Denial Letter – 300 Edgewood Avenue  
Parcel Number – 16-607-00-02-092.00 01

Mr. Cooper:

This letter has been prepared in response to recent discussions with the property owner at 210 Edgewood Avenue with whom you share an existing driveway that provides access to and accommodates parking for your dwellings. The adjacent property owner, David Borgelt, desires to construct a detached garage in his rear yard at 210 Edgewood Avenue. As a result of this future construction, it is necessary that the “shared” driveway between your dwellings be extended further eastward. The existing driveway is considered to be a “legal non-conformity” given it is located within 5-feet of the shared property line and its use to support on-site parking within 6-feet of an adjacent lot that is improved with a single- or two-family dwelling. Mr. Borgelt cannot obtain a building permit for the detached garage without first being granted relief from these provisions of the City Code by the Board of Adjustment.

Given the driveway is shared and would require extension on both sides of the common property line, your participation in the variance action is necessary to ensure that Mr. Borgelt’s end objectives can be met. The City’s Law Department has determined that a single application by Mr. Borgelt with respect to this matter cannot effectuate relief on your lot. As such, if you desire to assist Mr. Borgelt in achieving his end objectives, an application specifically applied to 300 Edgewood Avenue that seeks the same relief as that sought for 210 Edgewood Avenue will need to be submitted.

If the relief outlined below is granted by the Board of Adjustment the existing shared driveway, an extension thereof, and parking upon such driveway within 6-feet of the common property line of 210 and 300 Edgewood Avenue would be considered “legally conforming”. This determination would “run with the land” in perpetuity and allow both yourself and Mr. Borgelt to pursue improvements to the “shared” driveway or parking on your lots without further regulatory relief being required.

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.

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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.

Based on the submitted site plan showing construction of the detached garage at 210 Edgewood Avenue, it appears that the existing shared driveway will require an eastward extension of approximately 25-feet from its current terminus. This extension is not permitted per above referenced code section; therefore, a variance seeking relief must be granted by the Board of Adjustment. Given the existing driveway straddles the common lot line the relief necessary to ensure regulatory compliance within the boundaries of 300 Edgewood Avenue would be to seek authorization to allow 6.5-feet of “shared” driveway extending a distance of 105-feet from Edgewood Avenue. This grant of relief would accommodate Mr. Borgelt’s needs to gain access to his rear yard and address the existing and extended location of the driveway serving both lots.

It has been further identified that the existing site conditions are also non-compliant with 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. Given the width of the existing driveway that straddles the common lot line is not proposed for modification, this current non-conformity will persist and should be addressed concurrently with the request to extend the driveway. Addressing this matter specifically for 300 Edgewood Avenue will ensure that parking within the common driveway will be code compliant. 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 should contain sufficient graphical documentation 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 to support the desired relief. Mr. Borgelt has indicated a willingness to provide you any graphics that he has prepared in association with this request that would you to assist in completing your application.

Should you desire to assist Mr. Borgelt in achieving his objectives as well as resolve any future non-compliance matters arising from future improvement to your own property, 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 as well as a legal description (WORD and PDF) of 300 Edgewood Avenue, and check made payable to the City of Columbia in the amount of \$450 to cover processing and advertising 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, Mr. Borgelt had applied for Board of Adjustment consideration of the above referenced relief that was tabled to the February 10, 2026 pending your participation in this matter. Given the tabling, the deadline for receiving your application for similar relief, should you desire to participate, is no later than **12 Noon on December 29**. The application will need to be submitted 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](mailto: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** -- 300 Edgewood Avenue

This property is approximately 100 years old and was constructed with a single shared driveway with the adjacent property to the north, 210 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 sketch.

This is the sole access to the backyard of the property which is an approximately 50'x165' lot.

The property drops off to the back of the lot (east). It also slopes from the the middle to the back (east) of the lot towards the drainage easement. The high point of the lot is near the east end of the driveway easement; the low point is near the northeast corner.

There is a storm water inlet near the northeast 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.

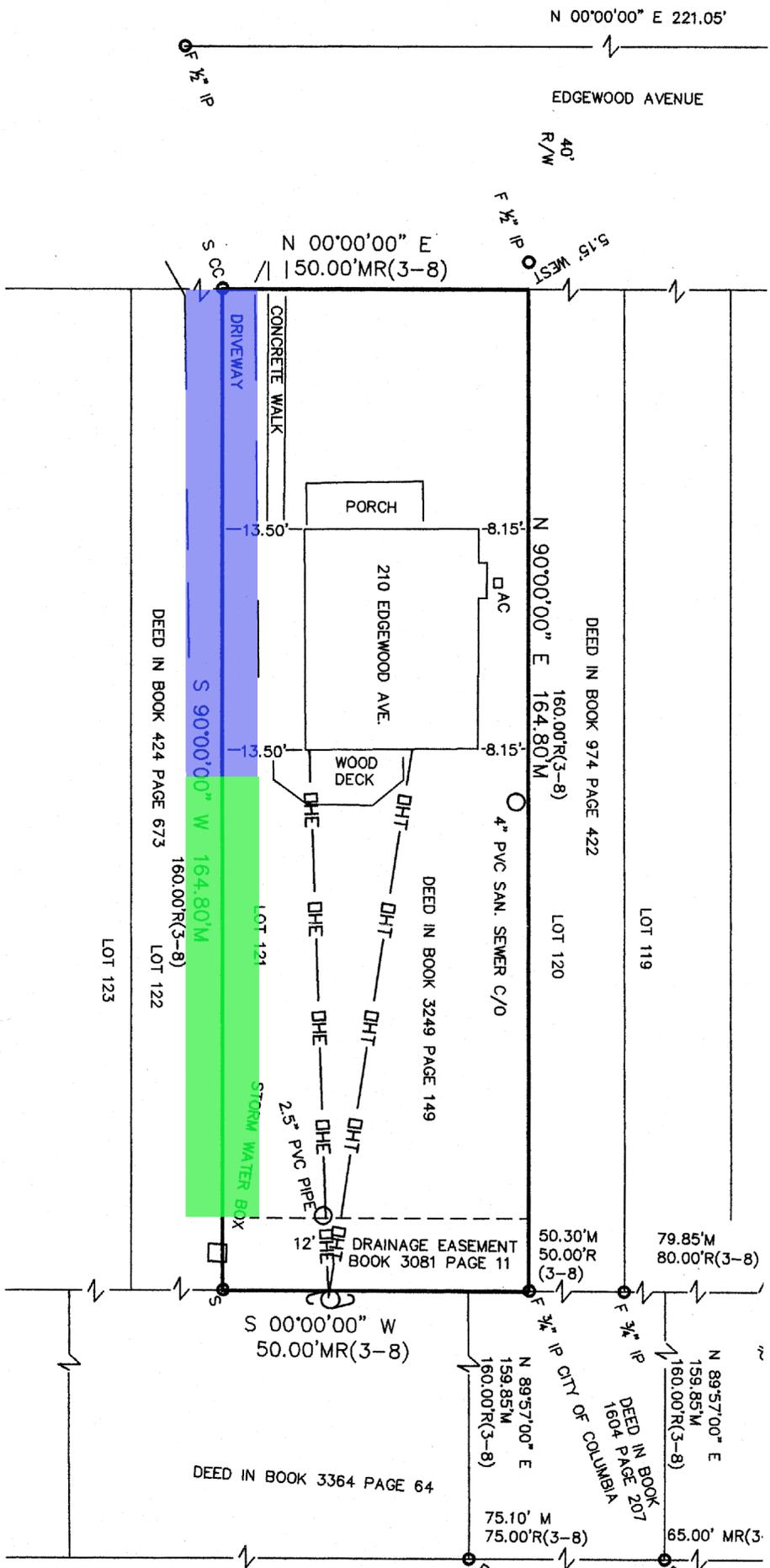
The owner of 210 Edgewood Avenue, David Borgelt, is also requesting these same variances along the length of the shared property line.

>>> The requested variance of the 5' setback requirement for a driveway is shown on both sides of the north property line, encompassing the southern 5' of 210 Edgewood and the northern 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 for the additional setback variance.

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.

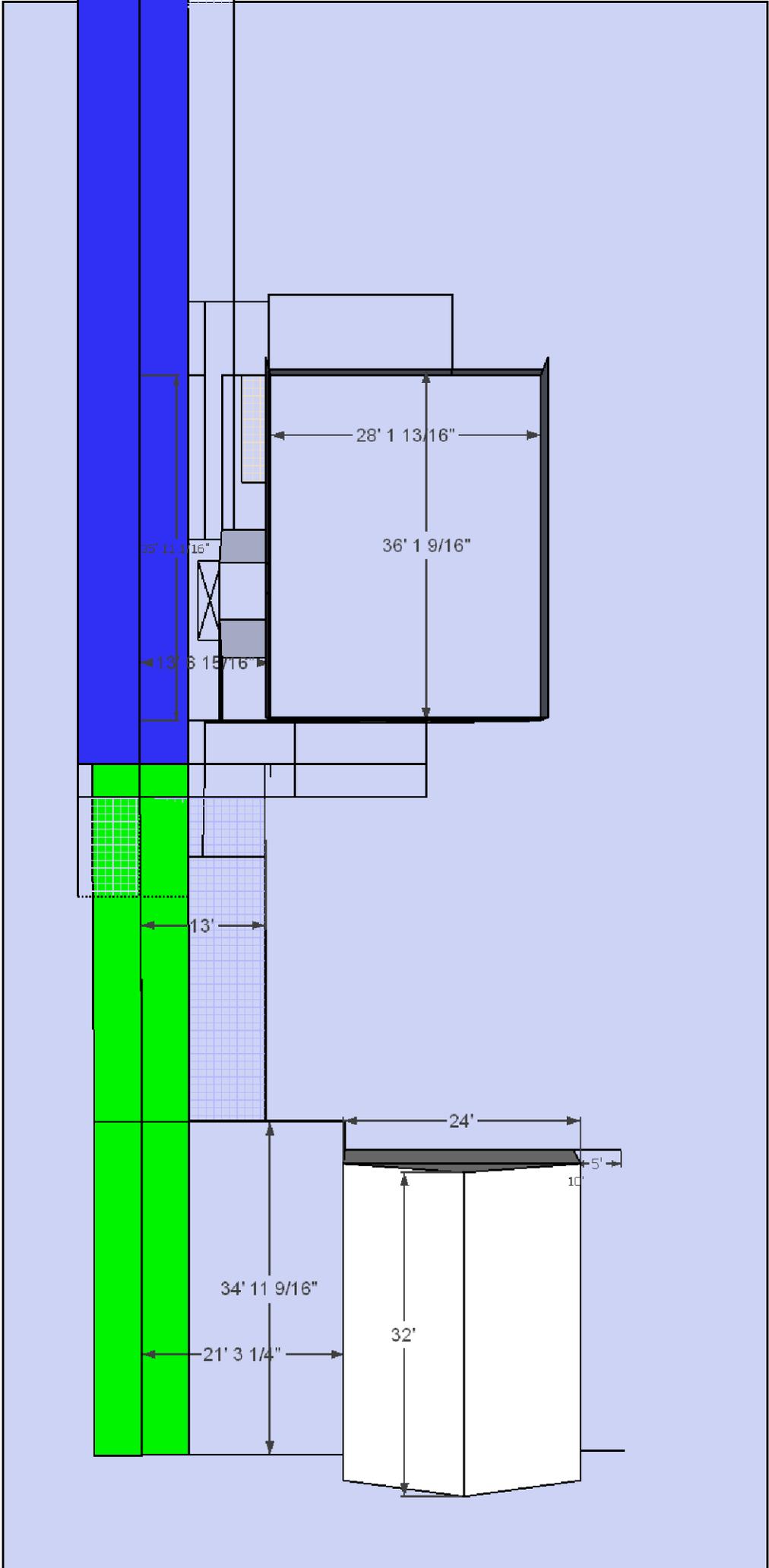
DATE: 08-31-10  
 THIS SURVEY CONFORMS TO TYPE URBAN ACCURACY STANDARD 20 CSR 2030--16.040  
 SURVEY FOR: DAVID BORGELT  
 REFERENCE BEARING: THE EAST LINE OF EDGEWOOD AVENUE, ASSUMED BEARING  
 N 00° 00' 00" E

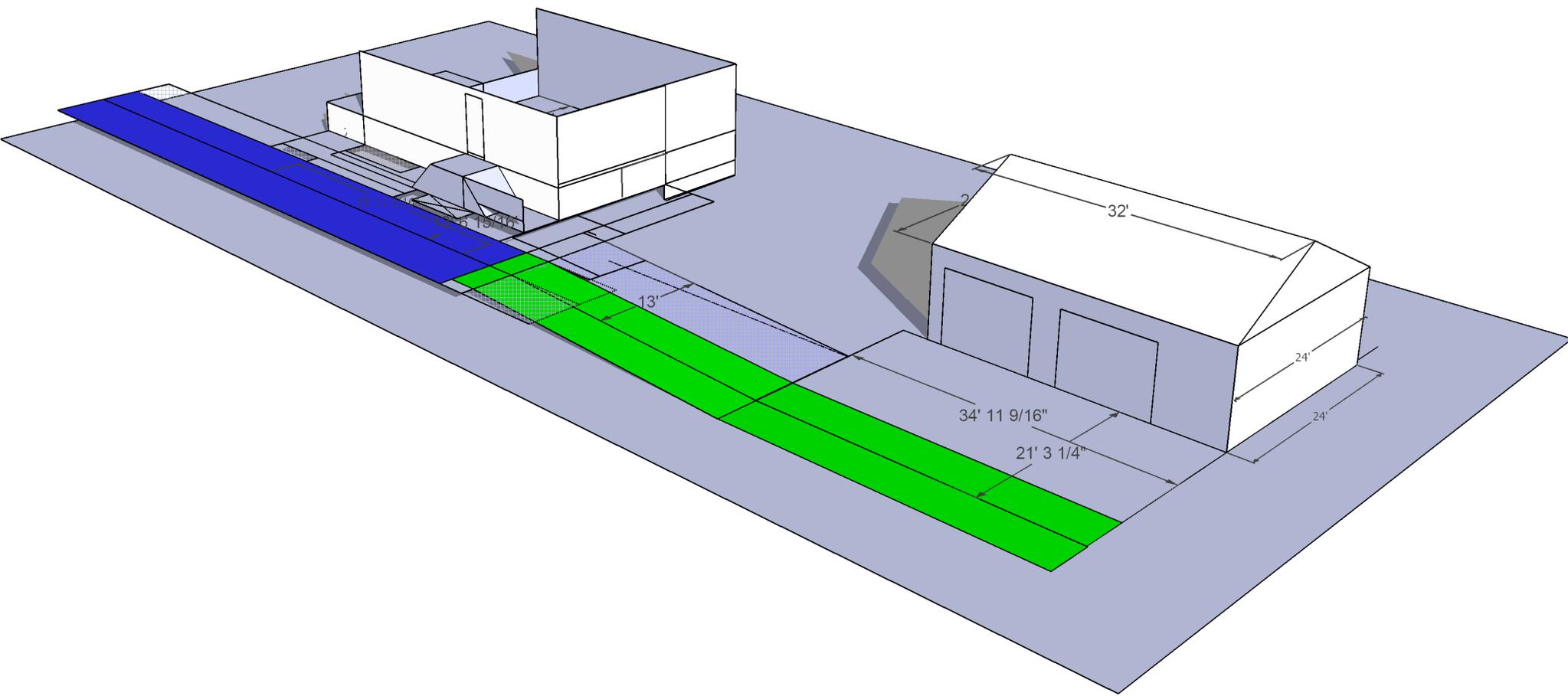
NOTES:  
 1. ABSTRACT AND OR TITLE INSURANCE POLICY WERE NOT AVAILABLE FOR REVIEW OTHER EASEMENTS MAY EXIST.  
 2. THIS TRACT IS NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AS PER THE CITY OF COLUMBIA FIRM MAP NUMBER  
 260036 0011 C, DATED 12-28-1982.



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

*[Signature]*  
 DANIEL BRUSH  
 MISSOURI SURVEYORS ASSOCIATION  
 LICENSE NO. 15  
 12/28/10





## Criteria for Approval – 300 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.

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

(B,C) The requested variances would allow access farther into the lot for parking or access to a garage, and is 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 to 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.

(E) The requested parking variance would not harm the public health, safety, or welfare, or injure other property or improvements in the area. It would allow the driveway to continue to be used as it has been since the residence was constructed.

**The extension of the driveway would decrease the use of on-street parking.** This would benefit the neighborhood generally, the adjacent property, and 300 Edgewood itself.

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

