

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
June 5, 2025**

**SUMMARY**

A request by Kyle Bogner (agent), on behalf of Kyle and Bailee Bogner (owners), for approval of a Conditional Use Permit (CUP) to allow the dwelling addressed as 411 N Brookline Drive to be used as a short-term rental for a maximum of 8 transient guests up to 210 nights annually pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m)(2) of the Unified Development Code. The subject property contains approximately 0.22-acres, is located directly north and slightly west of the intersection of Danvers Drive and N Brookline Drive, is zoned R-1 (One-Family Dwelling), and is addressed 411 N Brookline Drive.

**DISCUSSION**

The applicant seeks approval of a conditional use permit (CUP) to allow their approximately 1,500 sq. ft. detached single-family home to be used as a short-term rental for a maximum of 8 transient guests up to 210 nights annually. The applicant has stated that the dwelling has three bedrooms containing, 200, 154, and 120 sq. ft. According to the Boone County Assessor's site, the dwelling contains three bedrooms and two full bathrooms.

As part of the STR Licensing process, a full inspection of the dwelling will be performed by Housing and Neighborhood Services Department and Building and Site Development Division. It is worth noting that the subject dwelling was registered as a "long-term" rental with the Office of Neighborhood Services before the transfer of deed in 2019. The home is located within the R-1 (one-family Dwelling) district and is the not the applicant's principal residence.

Given the number of desired guests (8), a minimum of 4 UDC-compliant on-site/off-street parking spaces must be provided. A site-specific evaluation of the property found that the home has an existing driveway serving the property and an attached 2-car garage. These site features provide sufficient parking outside the public right-of-way needed to support the required 4 parking spaces. A "**condition of approval**" is necessary that stipulates both spaces within the 2-car garage must be made available when the dwelling is used for STR purposes.

Review of available code violation records from the Housing and Neighborhood Services Department and the Columbia Police Department **specifically** associated with this property did not identified a single violation. The property began operated as a partial short-term rental in 2021 and became a full time STR in 2024. In 2024, the dwelling was occupied for 109 nights.

Pursuant to Sec. 29-3.3(vv)(2)(i) of the UDC, dwellings used prior to June 1, 2025 were allowed to operate without a CUP, STR Certificate of Compliance or a Business License. Following June 1, 2025, any dwelling operated as an STR must fully comply with the provisions of the STR regulations which include acquisition of an STR Certificate of Compliance, Business License, and submission of accommodation taxes. Approval of this request is a required prerequisite to proceed forward in obtaining the STR certificate and business license.

While final action on this request is pending, enforcement action on the operation of the dwelling as an STR would be suspended. Continued operation of the subject dwelling as an STR following City Council action on this request without acquiring the STR certificate of compliance and business license would constitute an **illegal** land use and would be subject to revocation of the CUP, if authorized, as well as other enforcement actions identified in the City Code.

## **APPLICATION EVALUATION**

The submitted application is subject to both the general and conditional use permit provisions governing short-term rentals identified within Sec. 29-3.3(vv)(1)(ii)(B) and Sec. 29-3.3(vv)(2) as well as Sec. 29-6.4(m)(2)(i) and (iii) of the UDC, respectively. The following analysis provides an overview of the submitted application and these criteria.

The dwelling is not the applicant's principal residence and was disclosed as having been previously offered as a short-term rental partially since 2021 and full time since 2024. The dwelling is listed on Airbnb at [the link here](#).

It should be noted that the Airbnb listing for this dwelling indicates that 2 bedrooms are available for use with 2 beds and a guest occupancy of 4. The current advertised occupancy is inconsistent with the STR application; however, given it is for fewer guests than requested it does not need to be changed prior to consideration of this request. If this request is approved, the listing description will be required to be modified to accurately reflect the approved occupancy and will undergo periodic review to ensure compliance with the issued CUP and corresponding licenses. A review of online rental platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinders.com did not identify additional STRs within a 300-foot radius of the subject site.

Based upon the application stated **bedroom** square footages, it appears the dwelling would be capable of supporting the requested 8 transient guests based on the occupancy criteria in Sec. 404.4.1 of the most current city-adopted edition of the International Property Maintenance Code (IPMC). The owner is seeking approval for 8 transient guests which is within the limitations imposed by Sec. 29-3.3(vv)(2)(v) of the UDC and is supported by the number of available on-site/off-street parking spaces inclusive of the garage parking spaces.

Maximum occupancy within the dwelling will be determined by the City's Housing and Neighborhood Services Department as part of the required compliance checks for conformance with the provisions of Chapter 22, Art. 5 (Rental Unit Conservation Law) prior to issuance of a STR Certificate of Compliance. The authorized occupancy will appear on the STR Certificate of Compliance and is required to be included on any website or other media advertising the dwelling for STR usage.

Based on a site-specific evaluation, access to the dwelling does not appear to require ascending a step to enter the structure. Compliance with the accessibility provisions of Sec. 29-3.3(vv)((2)(xiv) of the UDC will be determined prior to issuance of the STR Certificate of Compliance.

The dwelling is supported by adequate public infrastructure (i.e. electric, sewer, & water) and there are no known issues with the available capacity to serve the dwelling as an STR. There are sidewalks along both sides of North Brookline Drive. Parking is permitted along both sides of North Brookline Drive.

The subject dwelling has 17 other properties within the 185-foot notification radius. Of these properties, 9 are owner-occupied. The property is also within 1000-feet of 2 neighborhood associations and homeowners associations. The immediately adjoining properties are zoned R-1. R-1 parcels are permitted a maximum of 3-unrelated individuals when the dwellings are used as long-term rental dwellings.

The subject dwelling is owned by Kyle Bogner and Bailee Bogner, husband and wife. Based on this ownership, approval of the requested CUP would be the "one and only" STR license issued to either the individual pursuant to the provisions of Sec. 29-3.3(vv)(2)(ii) of the UDC. The application indicates that the owner will be the designated agent to address compliance matters should they arise while the dwelling is offered for STR purposes. Based upon the location information provided within the

application, the owner is a resident of Boone County located approximately 17 miles (20 minutes) from the dwelling if the need arises to address compliance matters.

**Sec. 29-6.4(2)(i) General CUP Review Criteria:**

As noted, given this application triggers approval of a conditional use permit (CUP) the following analysis of the provisions found in Sec. 29-6.4(m)(2)(i) and (iii) of the UDC have been performed. The owner has provided their analysis of these criteria (see attached) and the staff's analysis is provided below. The standard criteria are shown in **bold text** followed by staff's response.

**(A) The proposed conditional use complies with all standards and provisions in this chapter applicable to the base and overlay zone district where the property is located;**

A short-term rental that is not a long-term resident's principal residence is permitted within the R-1 zoning district subject to approval of the requested conditional use permit (CUP). The submitted application (see attached) has illustrated compliance with the minimum regulatory standards established within Sec. 29-3.3(vv).

A site-specific inspection finds that the dwelling is capable of accommodating 4 UDC compliant parking spaces within the driveway and attached garage located upon the property which is sufficient to meet code requirements for the requested 8 maximum transient guests.

Additional regulatory review to ensure full compliance with the provision of Sec. 29-3.3(vv) and Chapter 22, Art. 5 (Rental Unit Conservation Law) of the City Code will occur if the CUP is granted prior to issuance of a STR Certificate of Compliance. The subject dwelling is not located within an overlay district that would otherwise prohibit the proposed use of the dwelling as an STR.

**(B) The proposed conditional use is consistent with the city's adopted comprehensive plan;**

The comprehensive plan does not speak directly to the use of residential dwellings for alternative purposes such as an STR; however, does contain policies, strategies, and actions relating to the topics of livable and sustainable neighborhoods, land use and growth management, and economic development. The adoption of the regulatory provisions governing the use of a residential dwelling for STR purposes is seen as addressing several of these policies, strategies, and actions.

With respect to the goal of creating **livable and sustainable neighborhoods**, approval of the requested CUP would support the mixed-use concepts of Policy # 2, Strategy # 1 (page 144) of the Plan. While this strategy focuses on the concept of creating "nodes" of neighborhood scale commercial and service uses as a high priority, the first "action" within the strategy recommends using planning tools and decision-making to locate small-scale commercial and service businesses adjacent to residential development. STRs have been determined to be a commercial use and offer a "community-wide" service by providing supplemental housing for visitors to Columbia. Staff believes adoption of the STR regulations and their requirement of a CUP are relevant planning and decision-making tools consistent with the intent of this Policy and assist to fulfill the idea of supporting mixed-uses within residential neighborhoods.

With respect to **land use and growth management**, Policy # 3, Strategy # 3 (page 146 of the Plan) would be fulfilled given the regulatory limitations on occupancy and rental nights that are contained within Sec. 29-3.3(vv).

And finally, with respect to **economic development**, Policy # 3, Strategy # 2 (page 149 of the Plan) would be fulfilled by supporting local entrepreneurial ventures. The adopted regulatory provisions governing the use of a residential dwelling for STR purposes were created with options to allow owners and/or renters the ability to participate in the STR market subject to reasonable regulation. This ability for participation not only supports individual entrepreneurial ventures, but also broader city-wide economic objectives relating to tourism and tourism-related activities.

**(C) The proposed conditional use will be in conformance with the character of the adjacent area, within the same zoning district, in which it is located. In making such a determination, consideration may be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site;**

The properties surrounding the subject site are mostly improved with detached single family structures on similar lots with homes of similar sizes. The exception are the properties to the north, which are agriculturally zoned and improved with the synagogue for Congregation Beth Shalom and a detached single family home. Of the 17 surrounding properties within 185-feet, 9 appear to be owner-occupied and 8 are rental-occupied. The use of the subject dwelling as a short-term rental has not resulted in it being modified structurally to accommodate its current use. The dwelling still appears from the street frontage to be a single-family dwelling. If the requested CUP is approved, the only potentially notable changes in this dwellings character to those surrounding it would be the frequency of occupant turnover and number of unrelated individuals permitted within the dwelling.

Based on a search of typical listing platforms such as Airbnb, VRBO, Booking.com, and Furnishedfinders.com the dwelling was identified as a listed short-term rental on Airbnb. The dwelling has been used as a STR partially since 2021, per reviews on Airbnb. In 2024, the dwelling was occupied for 109 nights.

The adopted STR regulations include provisions intended to mitigate the negative impacts of STR operations as a commercial use and afford a method of regulatory reporting/enforcement previously nonexistent within the City's municipal code. Should violations of the regulatory provisions rise to the level requiring action, such action may include, in addition to fines, revocation of the STR Certificate of Compliance following 2 **verified** complaints within a 12-month period.

**(D) Adequate access is provided and is designed to prevent traffic hazards and minimize traffic congestion;**

The site is accessed from North Brookline Drive via a private driveway. Brookline Drive is classified as a local residential street in the CATSO Major Roadway Plan. It has sidewalks along both frontages. On street-parking is permitted on both sides of the street.

The site-specific evaluation has found that the existing driveway and attached garage could support the required minimum 4 on-site/off-street parking spaces necessary accommodate the desired 8 transient guests. The driveway can only support two vehicles out of right-of-way, so the attached garage is required to be dedicated for guest parking use. The design of the parking and the site's access from Brookline is consistent with adjacent single-family dwellings in the neighborhood. The available access is believed sufficient to support future traffic generation of 8 guests without compromising public safety.

- (E) Sufficient infrastructure and services exist to support the proposed use, including, but not limited to, adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided; and**

The dwelling is served by sufficient public infrastructure to support its use as an STR. There are no known infrastructure capacity issues associated with the site that would be negatively impacted by approval of the CUP.

- (F) The proposed conditional use will not cause significant adverse impacts to surrounding properties.**

A CUP allowing the subject dwelling to be used as a 210-night STR with a maximum of 8 transient guests may be considered generally inconsistent in its intensity of use when compared to adjacent dwellings which are all located within the R-1 district and permit up to 3-unrelated individuals each. Given the dwelling has operated as an STR on and off since 2021 and full time in 2024, being occupied in 2024 for a total of 109 nights without incident, there is no evidence to suggest that such continued usage would create adverse impacts.

If the CUP is approved, potential negative impacts can be mitigated through the adopted regulatory provisions which provides a means by which to report and address those impacts including fines and revocation of the STR Certificate of Compliance.

**Sec. 29-6.4(2)(iii) Supplemental STR CUP Review Criteria:**

- (A) Whether the proposed STR is used for any part of the year by the registrant as a residence. If so, for how long?**

The applicant has responded that the dwelling will not be occupied by them as a residence.

- (B) Whether or not there are established STRs within three hundred (300) feet of the proposed STR measured in all directions from property lines “as the crow flies.”**

The owner indicates that they are unaware of other established STRs within 300-feet of the subject dwelling. Staff reviewed the websites of AirBnB, VRBO, Booking.com, and Furnishedfinders.com and did not identify any additional STR properties within 300-feet.

- (C) Whether the proposed registrant has previously operated an STR and if such operation has resulted in a history of complaints, a denied STR certificate of compliance, or revocation of an issued STR certificate of compliance.**

The dwelling has been operated partially as an STR since 2021, and fully since 2024 on Airbnb, it is the applicant's only STR, and there have been no complaints or city code violations. Staff's review of city complaint records has not revealed complaints associated with the property.

- (D) Whether the proposed STR will increase the intensity of the use of the property and cause increased traffic or noise coming from the property.**

The owner has responded that they have strict rules in place for guests.

As a general staff observation, using the subject dwelling for transient accommodations for 210-nights annually with 8 guests could result in increases in activity due to higher occupant turnover; how significant is unknown. The impact is subject to many factors such as dwelling unit desirability, pricing, rental occupancy, etc. The current regulatory structure provides standards allowing for monitoring and mitigation of possible negative outcomes. Since the STR has been the principal use of the dwelling for previous 4 years with lesser stated

occupancy than that presently sought, there are not means to compare the past intensity to the proposed intensity. If it were rented to a family or up to 3 unrelated individuals, as is permissible in the R-1 district, guests could be invited over resulting in similar or equal levels of occupancy at times.

**(E) Whether there is support for the establishment of the proposed STR from neighboring property owners.**

The applicant indicates that they have support from neighboring property owners and all neighbors have been notified of this proposal. As of preparing this report, there have been three written comments (attached) submitted with respect to this case. One letter is in support of the application, one letter expresses concentration of STR in the neighborhood, and one letter expresses non-support of the application given it reduces housing availability for long-term renters/residents.

**CONCLUSION**

Given the submitted application and the analysis of the criteria stated above, staff supports granting a conditional use permit to allow 411 North Brookline Drive to be operated as a short-term rental for a maximum of 210-nights annually with 8 transient guests. The property is a single-family, detached dwelling that has been used as an STR in part since 2021 and was occupied in 2024 for 109 nights. The use of the dwelling as an STR is not believed to be significantly more intense than what is otherwise be permissible for adjacent dwellings used as long-term rentals within the R-1 district.

Approval of the CUP would grant “legal status” to this use and afford neighbors as well as the City additional regulatory tools to ensure compliance with the adopted standards governing STRs. Authorization of the CUP is not seen as being detrimental to adjacent properties and would fulfill several policies, strategies, and actions of the Columbia Imagined Comprehensive Plan.

**RECOMMENDATION**

Approve of the CUP to allow 411 North Brookline to be operated as a STR subject to:

1. Maximum occupancy permitted within the dwelling shall not exceed 8 transient guests regardless of potential occupancy allowed by the most recently adopted edition of the International Property Maintenance Code (IMPC); and
2. A maximum of 210-nights of annual usage; and
3. The parking spaces within the attached 2-car garage be made available when the dwelling is in STR use.

**ATTACHMENTS**

- Locator maps
- STR Application
- Supplemental “Conditional Accessory/Conditional Use Questions”
- Public Correspondence

## HISTORY

<b>Annexation date</b>	1969
<b>Zoning District</b>	R-1 (Detached, Single-family Dwelling)
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Winchester SD Plat 1 Lot 5 (legal)

## SITE CHARACTERISTICS

<b>Area (acres)</b>	0.22 acres
<b>Topography</b>	Flat
<b>Vegetation/Landscaping</b>	Limited, trees in rear of property
<b>Watershed/Drainage</b>	Mill Creek
<b>Existing structures</b>	Detached SF Home, attached garage

## UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

## ACCESS

<b>Brookline Drive</b>	
<b>Location</b>	Along southern edge of property
<b>Major Roadway Plan</b>	Local Residential
<b>CIP projects</b>	N/A
<b>Sidewalk</b>	Along both sides

## PARKS & RECREATION

<b>Neighborhood Parks</b>	Rock Bridge, Molly Bowden Memorial
<b>Trails Plan</b>	None
<b>Bicycle/Pedestrian Plan</b>	None

## PUBLIC NOTIFICATION

22 unique “public hearing” letters were distributed with respect this matter. 18 letters were mailed to property owners, occupants and tenants within 185-feet of the subject property, 2 letters were provided to a City-recognized neighborhood association within 1000-feet of the subject property, and 1 letter was provided to the Council Ward representative. All “public hearing” letters were distributed on May 19, 2025. The public hearing ad for this matter was placed in the Tribune on May 20, 2025.

<b>Public Notification Responses</b>	No responses or inquiries
<b>Notified neighborhood association(s)</b>	Green Meadows, Rockbridge
<b>Correspondence received</b>	1 letter of support, 1 letter of concern, 1 letter of opposition

Report prepared by: David Kunz

Report approved by: Patrick Zenner