



The Columbia Board of Zoning Appeals will meet on Thursday, June 13, 2024 at 9:00 AM in Council Chambers on the basement level of City Hall, 700 N. Garden Street, to consider the following:

I. Roll Call

II. Approval of Minutes

III. Old Business

IV. New Business

1. Request from Eric Daffron for a variance regarding Table 4.3.1-C fence height regulations at [1701 Aster Drive](#).

24-0211 - Staff Analysis - June 2024

Documents:
None

24-0211 - Initial Application - May 2024

Documents:

1. 24-0211_Fence Image_05-20-2024
2. 24-0211_Aerial_05-20-2024
3. 24-0211_Plot Plan_05-20-2024
4. 24-0211_Response to Criteria_05-20-2024
5. 24-0211_Application_05-20-2024

2. Request from Ethan Seago for a variance regarding Table 4.3.1-C fence height regulations at [608 Westover Drive](#).

THE APPLICANT HAS WITHDRAWN THIS REQUEST

24-0241 - Staff Analysis - June 2024

Documents:

1. 24-0241_Location Map_05-28-2024

24-0241 - Initial Submittal - May 2024

Documents:

1. 24-0241_Plot Plan_05-20-2024
2. 24-0241_Submittal Letter_05-20-2024
3. 24-0241_Application_05-20-2024

V. Other Business

VI. Adjourn

Anyone requesting accommodations due to disabilities should contact the City's ADA Coordinator at 931-560-1570 prior to the meeting.

The 2024 meeting schedule can be found on the City of Columbia Board of Zoning Appeals webpage.

For other questions, please contact the Department of Development Services at 931-560-1560.



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

CONTACT INFORMATION

Robert Archibald, Planner II, rarchibald@columbiatn.com 931-560-1536

DOCKET/CASE/APPLICATION
NUMBER
24-0211

APPLICANT/ PROPERTY OWNER
Eric Daffron

PUBLIC HEARING DATE
June 13, 2024

PROPERTY ADDRESS/LOCATION
1701 Aster Drive

**REQUEST: Variance to allow after-the-fact 6-ft
privacy fence installation at secondary frontage.**

The applicant requests a variance from the strict application of the City of Columbia Zoning Ordinance. Particularly, Article 4, Table 4.3.1-C of the Zoning Ordinance that requires fencing be installed at a maximum 4-ft height at Frontage.

Specifically, the applicant is requesting after-the-fact installation approval of fence construction on the secondary frontage of this corner lot to exceed the maximum allowed height of 4-ft. The applicant contracted the construction of a 6-ft. privacy fence on the entirety of the secondary frontage of said property.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Lot Size:
CD-3	Residential	CD-3 Residential	Fence Installation	0.61 +/- acres

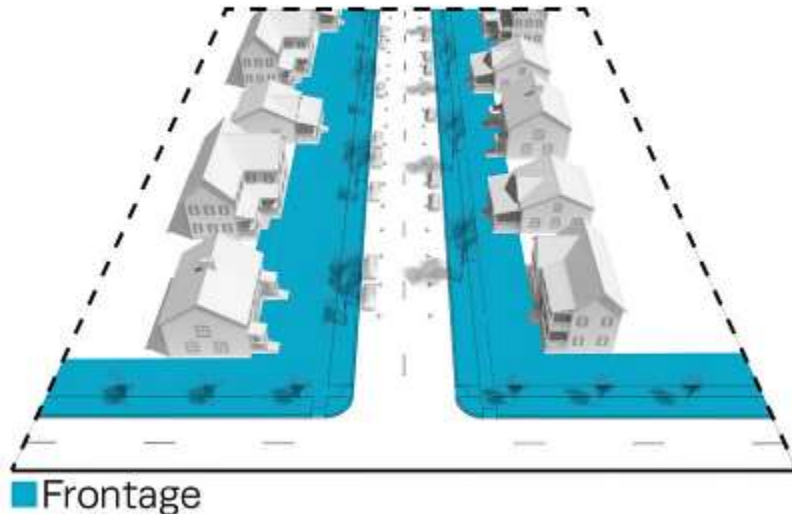
STATUS OF REVIEW:

Staff received a complaint of fence construction height at 1701 Aster Drive on April 25, 2024, at which time was investigated, and subsequently found to be in violation of the height requirement exceeding the maximum 4-ft. at Secondary Frontage of said property.

- The applicant was notified via staff of the violation.
- Private Landscaping and Fencing requirements can be found in Zoning Ordinance 4400 Table 4.3.1-C as depicted below:
 - *Private Landscaping and Fencing: Walls & Fencing (not including Screens)*
 - *Height -4 ft max. at Frontage; otherwise 6 ft max; height measured from avg. undisturbed grade of Adjacent property at property line.*
 - *Construction-Finished side must face Adjacent property, Thoroughfare or Internal Drive, Path, Passage, or Waterbody.*
 - *Must be well-maintained, in upright condition and free of missing or broken parts and graffiti.*



ILLUSTRATION 9.3.F-4 PRINCIPAL FRONTAGE AND SECONDARY FRONTAGE



Frontage: the area between a Building Facade and a Path, Passage, waterbody, Civic Space, or the curb (or if there is no curb, the edge) of the Vehicular Lanes of a Thoroughfare or Internal Drive having Vehicular Lanes, inclusive of the built and planted components of such area.

Frontage is divided into Private Frontage and Public Frontage. See Illustration 9.3.F-5 (Frontages and Lot or Building Site Lines), Table 5.2.2.G-1 (Thoroughfare & Internal Drive Assemblies and Standards), and Table 4.3.7.A (Private Frontage Types). Corner Lots and Building Sites have two Frontages, a Principal Frontage and a Secondary Frontage. See Illustration 9.3.F-4 (Principal Frontage and Secondary Frontage)

REVIEW & ASSESSMENT:

8.5.16. L VARIANCE REQUIREMENTS

1. Standards:

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- a. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.
- b. That the Variance is the minimum Variance necessary so as to relieve such difficulties or hardship and thereby make possible the reasonable use of the land, Building, or Structure.
- c. That the Variance will not authorize uses or activities in the applicable District other than those permitted by this Ordinance.



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BOARD OF ZONING APPEALS
STAFF REPORT

- d. That financial returns alone shall not be considered as a basis for granting a Variance.
 - e. That the granting of the Variance will not be substantially detrimental to the public good or substantially injurious to other property or improvements in the area in which the subject property is located, and will not substantially impair the intent and purpose of the general provisions of the City's zone plan and this Ordinance.
 - f. That the proposed Variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
 - g. That the alleged difficulty or hardship has not been caused or created by the act or omission of the applicant or any person having an interest in the property
2. Notwithstanding anything to the contrary contained or implied in Section 8.5.16.L.1, **none of the following shall be deemed or considered to be, or be considered in making a determination whether strict compliance with this Ordinance presents, a peculiar and exceptional practical difficulty** to or exceptional or undue hardship upon the owner of property:
 - a. Pecuniary considerations
 - b. Aesthetic considerations
 - c. Historic Preservation
 - d. Public good
 - e. Over-compliance with other provisions of this Ordinance
 - f. Personal Situations
 - g. Proximity to inconsistent or incompatible Uses or Development
 - h. Other Variances that have been granted
 - i. Nonconformities
 - j. District boundaries
 - k. Conditional Uses or Uses Permitted Subject to Limited Use Standards; or
 - l. Deterioration of surrounding area
3. Neither any Nonconforming Use of neighboring lands, Structures, or Buildings in the same District, nor any non-permitted or Nonconforming Use of lands, Structures, or Building in other Districts shall be considered grounds for the issuance of a Variance.
4. Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a Use that is not permissible under this Ordinance in the applicable District, or any Use which is expressly or by implication prohibited by the terms of this Ordinance in said District.
5. The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by a Variance as may be necessary to comply with the provisions set out in Sections 8.5.16.L.1 above to reduce or minimize the injurious effect to such Variance upon surrounding property and better carry out the general intent of this Ordinance. The Board of Zoning Appeals may establish expiration dates as a condition or as a part of any Variances.
6. The additional requirements of Sections 8.5.16.L.6.a -.c following shall apply to all applications for approval of any Variance from the provisions of Section 6.12:
 - a. Each application for a Variance shall reflect the type of Structure(s) for which the Variance is sought, the size of such Structures, the approximate location upon the parcel and the intended use thereof.



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- b. Due to the extreme hazardous conditions within the floodway and the effect of obstructions to upstream Structures, no Variance shall be issued within the designated Floodway District which would result in any increase in flood levels during the regulatory flood discharge.
 - c. Any applicant to whom a Variance is granted shall be given notice that the proposed Structure will be located in the flood prone area, but the Structure will be permitted to be built with a lowest flood elevation of the number of feet approved by the Variance below the regulatory flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation, and all subsequent purchasers shall be notified in writing, and same shall be set out in any deed or other writing issued to subsequent purchasers, lessees, mortgagors or vendees.
7. Any person, including without limitation any agency of the City, who is aggrieved by a decision of the Board of Zoning Appeals on a Variance, may appeal by *certiorari* to a court of competent jurisdiction. The judgment and findings of the Board of Zoning Appeals on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this Ordinance shall be final and subject to review only for illegality or want of jurisdiction.

STAFF ANALYSIS:

Staff has reviewed this variance request in relation to section 8.5.16.L and finds the following:

The applicant suggests in the submittal that the 6-ft. fence allows for more privacy for a recent pool installation in the rear yard. In the justification response it is noted that this is mainly due to the topography of the lot. I have researched this possibility and found that there is an approximate 10' contour change from the lot to Mayflower Drive.

Staff photo 1 was taken from an elevated spot at the intersection of Aster Drive and Mayflower Drive, which would support the applicant's suggestion. However, in Staff photo 2, you can observe that the 6-ft. fence provides no more screening than a 4-ft. fence would from the view of the lot on Mayflower Drive.



Staff photo 1



Staff photo 2



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In addition, the applicant has made application for a 400-sf. Accessory Structure to be constructed between the pool and fence location on Mayflower Drive. Staff suggests that with the addition of the proposed building and the visual from Mayflower Drive, the topography of the lot does not meet the Variance standard as introduced by the applicant. Due to such findings, Staff does not support this Request.

PUBLIC NOTICE

- Public notice was properly given with the item being advertised as part of the Board of Zoning Appeals agenda in *The Daily Herald* newspaper. Certified letters to this Public Hearing were mailed to adjoining property owners.

RECOMMENDATION:

Upon review, a particular hardship cannot be verified and staff does not support the Variance Request.

Recommended Motion:

Deny

Move to deny the requested variance having found that the variance criteria listed in the City of Columbia Zoning Ordinance have not been sufficiently and fully satisfied.

Alternative Motions:

Alternative Motion [Approve]:

Move to find, based on the evidence presented by the applicant and the analysis provided by city staff, that all seven variance criteria listed in the City of Columbia Zoning Ordinance have been sufficiently and fully satisfied and grant the requested variance.

Alternative Motion [Approve Subject to Conditions]:

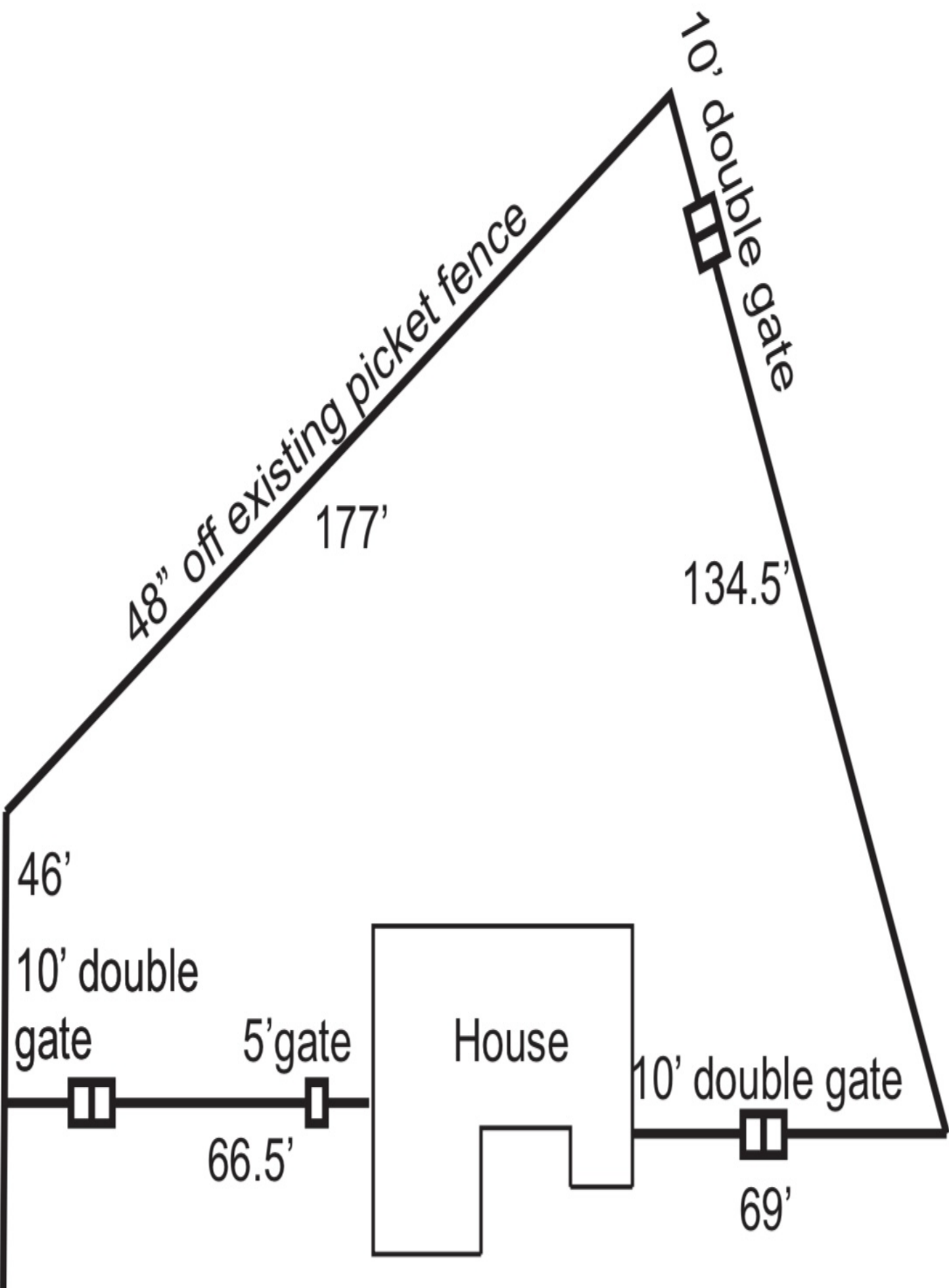
Move to find that all seven variance criteria listed in the City of Columbia Zoning Ordinance have been sufficiently and fully satisfied and grant the requested variance subject to the following conditions: *[list conditions of approval]*.

Alternative Motion [Defer]:

Move to find that there is insufficient information to make a decision, continue the hearing, and request that the [applicant/staff] provide: *[list additional information]* for review at a future meeting.

K&C
FENCE COMPANY
5-562-7651





REQUIREMENTS FOR A VARIANCE

Section 8.5.16.L of the City of Columbia Zoning Ordinance

1. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

The shape of the property that 1701 Aster Drive sits on is closer to a triangle vs. the typical square lot. Additionally the bulk of the property sits on the side closest to the secondary road frontage and slopes down towards it. This creates a situation where adherence to the secondary frontage ordinance for fence height would not provide my family and I the same level of privacy that other residents are afforded and enjoy. To quantify this, the fenceable side property I have on the secondary frontage line is over 4 times the length I have on the opposite side of the property. This shifts the bulk of usable space on the property towards the secondary road frontage and makes use of it in full public view if only a 4 ft fence is allowed.

2. That the variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

To allow my family and I to comfortably enjoy the property of 1701 Aster Drive and the pool we are currently installing via approved permit from the city of Columbia, we are asking for the minimum variance of 6ft fence height on the secondary frontage on Mayflower Drive vs. 4ft to allow us a small amount of additional privacy which other residents in the city are afforded.

3. That the variance will not authorize activities in a zone district other than those permitted by this ordinance.

This variance to the ordinance for secondary frontage fence height will not change or allow any activities in the zone district other than those currently permitted.

4. That financial returns alone shall not be considered as a basis for granting a variance.

I understand that no financial consideration positively or negatively impacting myself and my family as the property owners resulting from this decision should or will be a consideration of the approval of this variance. Our accidental violation of this ordinance in the original installation of the fence and the funds required to bring it into compliance should and will not factor into the decision to allow or deny this variance.

5. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the general provisions of this Zoning Ordinance.

Approval of this variance will not result in any of the negative outcomes listed above.

6. That the purposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.

This property has a larger Right of Way (60 ft vs 50 ft) on the secondary road frontage than all other areas in the neighborhood and this fence is in no way impeding visibility of the intersection of Aster Drive and Mayflower Drive. This variance in fence height will have none of the negative impacts listed above.

7. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

My family and I purchased this property after its development and the home after its construction and in no way had any part in creating the hardships we explained in question 1 of this submittal.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
LOT ADDRESS: 1701 Aster Drive, Columbia, TN 38401					
ZONING: R10 Low Density Residential/CD-3			LOT ACREAGE: .6139 Acres - 26,742 SF		
LAND USE: Residential			BUILDING SQUARE FOOTAGE: 2,884		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): FRONT: 30 ft. SIDE: 15 ft. REAR: 30 ft.					
OTHER INFORMATION:					

VARIANCE PERMIT REQUEST

EXCEPTIONAL HARDSHIP VARIANCE REQUEST		
1. If requesting a Setback Variance, indicate below which yard the setback variance is located within and provide an exact measure of the distance of the new setback in feet. 2. If requesting a Variance of any other provision of the <i>Zoning Ordinance</i>, provide a detailed explanation below in "Other Variance Request." Please note that the <i>Zoning Ordinance</i> does not allow variances from certain standards listed at § 8.5.16.D.3.		
SETBACK VARIANCE <i>Check applicable yard</i>	☐ FRONT YARD ☐ SIDE YARD ☐ REAR YARD	REQUESTED SETBACK (ft):
OTHER VARIANCE REQUEST	ZONING ORDINANCE SECTION: Section 4.3 Building, Lot, and Building Stds	
	REASON FOR REQUEST: Fence on Secondary Road Frontage	

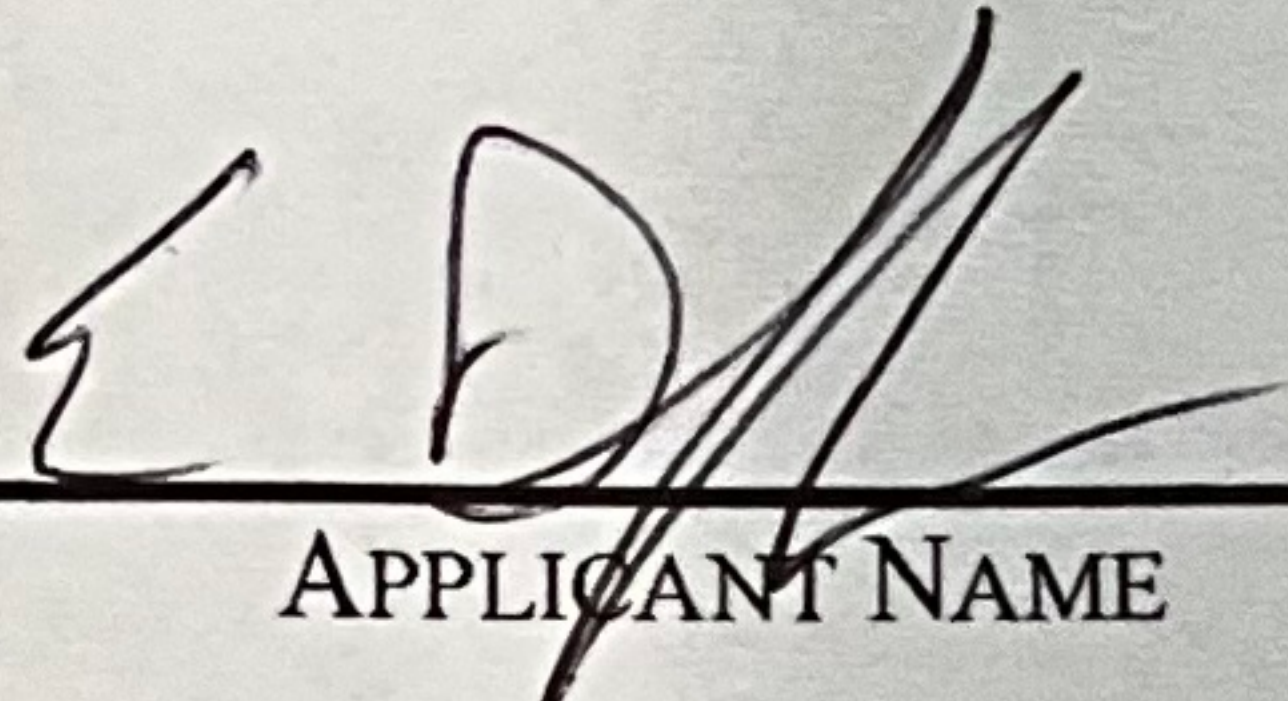
APPLICANT

NAME	Eric Daffron	PHONE	615-340-1770
ADDRESS	1701 Aster Dr.	EMAIL	eadaffron@gmail.com

PROPERTY OWNER

NAME	Eric Daffron	PHONE	615-340-1770
ADDRESS	1701 Aster Drive	EMAIL	eadaffron@gmail.com

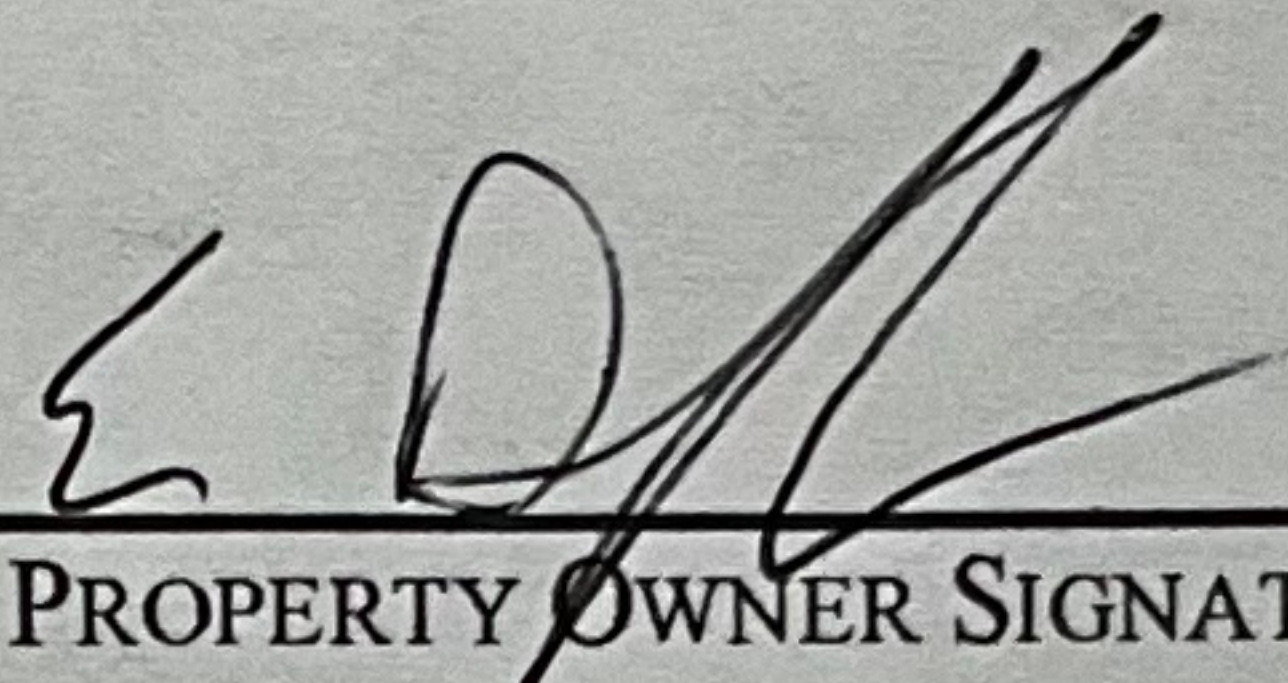
In filling out this application, I attest that (1) I am familiar with the rules, regulations, and procedures of the City of Columbia & (2) all information contained herein is accurate & true to the best of my knowledge.


 APPLICANT NAME

Eric Daffron
 APPLICANT SIGNATURE

4/26/24
 DATE

Eric Daffron
 PROPERTY OWNER NAME


 PROPERTY OWNER SIGNATURE

4/26/24
 DATE



Case #24-0241
608 Westover Drive

City of Columbia
Development Services
700 N. Garden Street
Columbia, Tennessee 38401
www.columbiatn.com
(931) 560-1560

FENCE

75'

175'

19

187'

24

Fence height was reported to city by neighbor. Neighboring trailer park is non-conforming use, in violation of countless federal and municipal housing and landlord laws. Non-conforming trailer park creates unwelcoming environment for neighbors. Fence was built 8' high to block view of non-conforming trailers and create a necessary boundary for 608 Westover Dr.. Fence height in CD-3 is 6' maximum. 6' fence would not accomplish necessary boundary for 608 Westover Dr.. Requesting exception for 8' fence.

Ethan Seago



DEVELOPMENT SERVICES
700 NORTH GARDEN STREET
COLUMBIA, TN 38401
PHONE: (931) 560-1560
FAX: (931) 560-1541

BOARD OF ZONING
APPEAL OF ADMINISTRATIVE DECISION
APPLICATION AND CHECKLIST
SUBMITTAL REQUIREMENTS

*Please submit the Application online at [City of Columbia | Permitting \(onlana.com\)](http://City of Columbia | Permitting (onlana.com))
If there is no access to a computer, please submit all pertinent information on a flash drive as
well as provide one hard copy*

1. Applicants must complete this application, include required supporting materials, & pay the required fee (\$300.00-plus processing and advertising fees)¹ by the published submittal deadline. Please contact the Columbia Development Services Department with any questions or to discuss any concerns during the BZA submittal & review process: Kevin McCarthy, City Planner, kmccarthy@columbiatn.com or (931) 560-1560.
2. Please provide the following information:
 - a. Completed application.
 - b. Applicable drawings, illustrations, and so forth, to accompany the request.
 - c. Any additional information requested by the Department of Development Services that will be necessary to fully complete a review by City Staff and/or by the Board of Zoning Appeals.
3. Please submit the final request to the Department of Development Services according to the established Board Deadline and Meeting Schedule. A representative must attend the BZA Meeting.

¹ Applications fees for appeals are refunded if the BZA finds in favor of the applicant.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE	
ADDRESS: 608 Westover Dr	
ZONING: 608 Westover Dr	LOT ACREAGE: .27
LAND USE: residential	BUILDING SQUARE FOOTAGE: 1108
OTHER INFORMATION:	

APPEAL OF ADMINISTRATIVE DECISION REQUEST:

APPEAL OF ADMINISTRATIVE DECISION	8.5.17
Indicate the decision/interpretation under appeal, including the City Official with Title and Department, and the applicable section(s) of the <i>Zoning Ordinance</i> in question.	
APPEAL OF:	
Residential fence height. Neighboring trailer park is non-conforming use. Fence was built 8' high to block view of non-conforming trailers that are in disrepair. Fence height in CD-3 is 6' maximum. Requesting exception for 8' fence.	
ZONING ORDINANCE SECTION:	
Title 14 Section 2 Page 74	
CITY OFFICIAL WITH TITLE AND DEPARTMENT:	
Robert Archibald Planner II - Development Services	

APPLICANT

NAME	Ethan Seago	PHONE	9319228351
ADDRESS	236 Bear Creek Pike, Columbia TN 38401	EMAIL	edkseago@gmail.com

PROPERTY OWNER

NAME	Payton McCarthy	PHONE	
ADDRESS	608 Westover Dr. Columbia TN 38401	EMAIL	

In filling out this application, I attest that (1) I am familiar with the rules, regulations, and procedures of the City of Columbia & (2) all information contained herein is accurate & true to the best of my knowledge.

Ethan Seago APPLICANT NAME	 APPLICANT SIGNATURE	5/20/2024 DATE
Payton McCarthy PROPERTY OWNER NAME	 Authentisign Payton McCarthy PROPERTY OWNER SIGNATURE	05/20/24 DATE