

City of Columbia
BOARD OF ZONING APPEALS
September 12, 2024

CALL TO ORDER:

Chairman Jimmy Dugger called the September meeting of the Board of Zoning Appeals for the City of Columbia to order at 9:01 a.m. The meeting was held in the Council Chambers at City Hall.

I.ROLL CALL:

Quorum present and included the following:

Present were: Mr. Eddie Ables
 Mr. Jimmy Campbell
 Mr. Jimmy Dugger
 Mr. George Vrailas

Absent was: Ms. Kristi Martin

Other attendees: Mr. Robert Archibald, Planner II
 Mr. Paul Keltner, Director of Development Services
 Mr. Kevin McCarthy, City Planner
 Mrs. Sandra Richardson, Recording Secretary
 Mrs. Melissa Sanders, Planner I

II. APPROVAL OF MINUTES:

The August minutes were presented for approval. Mr. Campbell moved to approve the minutes, with Mr. Ables seconding. The motion to approve the minutes passed three to zero, with Mr. Vrailas abstaining.

III. OLD BUSINESS:

There was no old business to discuss.

IV. NEW BUSINESS:

Case #24-0356

**Request from UrbanOrder/Tampa for a variance request concerning Table 4.3.1-I,
Private Landscaping and Fencing, at 811 Mayberry Springs Road.**

Staff Review:

Mr. Robert Archibald, Planner II, gave the details of the staff report. This came for a building compliance review. While reviewing the documentation submitted by the

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applicant during the building permit process he observed that the proposal was asking for the description of the variance. An 8-foot high chain link fence with bob wire creating an overall height being proposed at the front of the site. He discussed Zoning Ordinance 4400 requirements. The maximum allowance is 6 foot, and they are asking for the variance to allow a 2-foot increase to the fence. Barb wire is not allowed to the frontage. Staff declines to make a recommendation.

Discussion and Motion:

Mr. Vincent Hoover, the developer, was present to answer questions. Mr. Vrailas stated that it is a unique request. How does it fit into how the Commission is to look at the request. There is nothing in the codes for that, and you make exceptions. Mr. Archibald stated correct. The standards that the Commission is to apply as a board comes straight from the ordinance which is section 8.5.16.L. The variance requirements that you are all very familiar with. The Board is to see if the applicant meets any of the standards. Staff cannot support it, as it is of the applicant's doing it has nothing to do with the topography of the lot. It is a condition created by the applicant. There is a building situated close to the dead end, the area in question is surrounded by industrial uses. It is zoned Industrial; however, it does not meet the standards. Mr. Vrailas stated that they are asking for three variances the front, the height, and the barb wire. Mr. Archibald stated that is correct. The things that is outside our ordinance for this particular request is the barb wire, the height and the frontage. Mr. Hoover stated that the tenant is a Department of the Treasury, and the purpose for this is security purposes for their vehicles. They would like to see them not being looked at, and that is the reason for the request. Mr. Dugger inquired about a Federal request versus a local request. Mr. Archibald stated that he couldn't speak to Federal Regulations. His review is based on the applicant's submittal. The applicant alluded to standards, but never supplied any documentation. The discussion included leasing, ownership, and usage. Mr. Ables asked if the six foot would come into compliance. Mr. Archibald stated at the sides and the rear, yes. Mr. Ables asked with the bob wire. Mr. Archibald stated it is only allowed at the sides and the rear, as the chain link. Mr. Hoover stated that it is not important to cover the front side of the building because it is just lawn. It is critical to keep the area in the back secure where the vehicles drive in and out. The adjacent property has chain link and bob wire, but it is six foot. Mr. Dugger inquired about it being a deadend road. Mr. Hoover stated that it is. Mr. Dugger asked the difference between the 6-10 feet. Mr. Keltner stated two-foot bob wire, and two-foot chain link fence. Mr. Vrailas asked if this property on the corner of Oakwood Parkway requested this, which would be road frontage to Oakwood Parkway with a fence like that, and if it was met with a six-foot variance allowed variance or allowed code would staff have a problem with that. Mr. Archibald asked that the question be restated. Mr. Vrailas stated the lot that is on the corner of Oakland Parkway, and Mayberry if they wanted a bob

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wire fence along Oakland Parkway would that be allowed. Mr. Archibald stated no, not by the code. Mr. Campbell asked are we saying that a six foot with a bob wire will suffice your usage. Mr. Hoover stated that on the height of the vehicles that they want them to be hidden. That's the reasoning for security purposes. Mr. Campbell asked are you asking for eight foot. Mr. Hoover stated as opposed to six foot. Mr. Campbell stated the bob wire on top of eight foot. Mr. Hoover stated that is correct. Mr. Archibald stated which creates the overall ten-foot elevation. Mr. Vralias stated that bob wire doesn't hide anything. Mr. Archibald stated that is correct. Mr. Vralias stated so they are trying to hide their vehicles, what does the bob wire have to do with it. Mr. Campbell stated it is for safety. Mr. Vralias stated, but their intent is for hiding the vehicles. Mr. Campbell stated yes, but his thinking is when you are talking about commercial property the safety when you are trying to keep kids from getting into your equipment and get hurt. You are talking about keeping your product safe. Mr. Vralias stated that he understands all that, but that is just not what the request is for. Mr. Keltner asked Mr. Archibald for clarification the fence is shown beside the building as far as the location. Mr. Archibald stated yes. Mr. Keltner asked if it moved back twenty feet would it be in compliance. Mr. Archibald stated that it still exceeds the six foot. Mr. Archibald discussed the requirements. Mr. Archibald stated if they were to move back twenty foot and reduce it down to six foot including the addition of the bob wire then that would comply. Mr. Dugger asked if that would accomplish the goal. Mr. Hoover stated that the fencing is set back over twenty-five feet from the front of the building. Mr. Archibald stated from the submittal that was submitted to him, it actually comes out to the corner of the driveway side. Additional discussion included the overall height ten foot, the six foot is allowed, they are asking for ten foot, it is a term of the lease, the design was discussed a couple of times with the designer, and how they can make it work. Mr. Vralias stated that there are many ways that they can make it work. They can do an electric fence, they can have security, there is a lot of things that they can do. They want the fence because they are trying to conceal what's behind the fence. His concern is you are almost Doubling the allowed variance plus the front will the Commission be able to say no to anyone else who does this. Mr. Dugger asked Mr. Keltner if he wanted to respond. Mr. Keltner stated that the Commission would need to craft the motion to be specific to the site for that. Variances are done by specifics, but to your point it does invite the same request again. He stated that it does look like it will look like a wall there eight foot tall. Further discussion they are asking for full security black out, and the height. Mr. Hoover discussed security personnel at the gate, going to eight feet, eliminating the bob wire on the front, down the back and side that would be allowed, being able to put the bob wire in, and would that be an alternative. Mr. Dugger asked for staff comments. Mr. Archibald stated for clarification bob wire on the entry level only at the gate only. He asked are you also proposing to start the non-driveway side at the rear corner of the building. Mr. Hoover stated they would need to come to the rear corner instead of the front corner. They don't have to fence all the way to the front corner so it will be less

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intrusive. Mr. Archibald stated that it still exceeds the six-foot requirements for the height of the fence. It is a lesser variance, but it still exceeds the height allowed. Additional discussion included it is a tradeoff, maximum height, above the regulated height, taking away the bob wire in the front, the changes behind the building and the site, not seeing it on the submittal, crafting the motion with the adjustment, make the motion very detailed, and front modification. Mr. Ables asked if the variance that we are asking for on reducing it to eight foot without the bob wire it come all the way out to the front of the building. Mr. Hoover stated No it is setback. Mr. Ables stated so the variance on the front is setback twenty foot from the front of the building. Mr. Ables move that the variance on the front with the setback of twenty to twenty-five feet from the front of the building be limited to a total of eight foot in height, and coming down the sides, and to the rear the requested variance of the eight foot to include the bob wire. Eight foot plus the two foot except in the front. The front is only eight foot with no bob wire. The taller portion of fence at the rear corner of the building which will be toward the east rear corner around the back. Mr. Campbell second the motion. The motion to approve passed four to zero.

Case #23-0332

Request from Pike Legal for extension of a deadline to terminate activity related to Conditional Use approval for a temporary wireless communications facility located at 1616 Harley Davidson Road.

Staff Review:

Mr. Kevin McCarthy, City Planner, gave the details of the staff report. They are requesting more time through June 2025. They have the approvals from Maury County. Staff recommends approval.

Discussion and Motion:

Mr. Robert Grant, Attorney, was present to answer questions. Discussion included the property location, temporary site, and permanent site in the county. Mr. Grant gave a quick summary. This request meets the requirement of the Ordinance, but it doesn't meet the deadline. They are here today to ask for a little more time. Mr. Vrailas asked if he had gone thru the County to get his site approved. Mr. Grant responded, not yet, it has not been reviewed and approved yet. Mr. Vrailas asked if the neighbors have been contacted to see if there is any push back. Mr. Grant stated no all that will go out when the application is filed in November. He discussed the new site. Mr. Campbell moved to approve with Mr. Vrailas seconding. The motion to approve passed four to zero. Mr. McCarthy asked Mr. Campbell if the motion was to approve subject to the conditions. Mr. Campbell stated yes.

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Case #24-0352

Request from L. Bruce Peden for Appeal of an Administrative Decision for 200 Stewart Street concerning Zoning Ordinance 4400 Section 1.22.2F, Table 4.3.9.A-1 and Section 4.3.9.E.6.(ah).

Staff Review:

Mr. Kevin McCarthy, gave the details of the staff report. Mr. McCarthy stated that the question in front of you is about the subject property. It does have implications for our enforcements for other situated properties, but the question in front of you is limited to the property of the subject.

Discussion and Motion:

Attorney Bruce Peden, applicant, was present to answer questions. He stated that he represents the items on both three and four. He stated that he has discussed with Mr. McCarthy the possibility of deferring these two items. Mr. Peden gave the background discussing the letter that was sent out. He stated that he is asking to defer until next month, and he will be back in November to asked for another deferral until the scheduled meeting on the issue. Mr. McCarthy discussed the request for deferral. Staff will be happy for the deferral until there is direction from Planning Commission and City Council. Mr. Keltner received legal advice and we are able to defer month to month. Mr. Campbell moved to defer until next month, and Mr. Ables seconded. The motion to defer passed four to zero. Mr. Keltner discussed the process, and he stated that Mr. Tisher stated that month to month deferral is legal as long as the applicant is requesting it.

Case #24-0351

Request from L. Bruce Peden for Appeal of an Administrative Decision for 623 Crestland Drive concerning Zoning Ordinance 4400 Section 1.22.2F, Table 4.3.9.A-1 and Section 4.3.9.E.6.(ah).

Staff Review:

Mr. Keltner asked Mr. Peden if he was requesting to defer this item. He stated that these two requests ought to be joined. Mr. Keltner explained that Mr. Tisher asked that these two items be looked at separately.

Discussion and Motion:

Mr. Campbell moved to defer this item, and Mr. Ables seconded the motion. The motion to defer passed four to zero.

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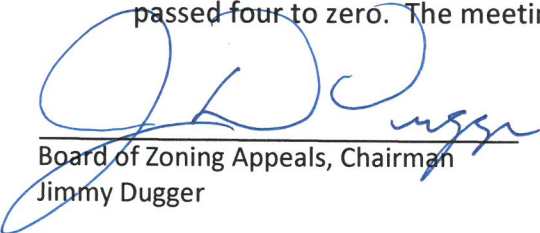
V. OTHER BUSINESS:

Mr. McCarthy stated that the meeting scheduled for September 24th will be a joint education session with the County. It will be in two 2-hour sessions.

Mr. Dugger inquired about the Power of Ten. Mr. Ables stated that he is registered.

V1. ADJOURNMENT:

Mr. Ables moved to adjourn with Mr. Campbell seconding. The motion to adjourn passed four to zero. The meeting adjourned at 9:54 a.m.



Board of Zoning Appeals, Chairman
Jimmy Dugger

10-10-2024
Date