



The Columbia Board of Zoning Appeals will meet on Thursday, July 10, 2025 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. New Business

1. Request from Jerry Fly for Variance approval of fence regulations in relation to Table 4.3.1-C for a CD-3 zoned property located at [224 North Bigby Drive](#).
2. Request from David A. Pike for extension of a Conditional Use approval for a wireless telecommunications facility at [1616 Harley Davidson Boulevard](#), being a CD-4C (General Urban Corridor Character District) property.
3. Request from Kyler Thomas for Conditional Use approval of a Major Home Occupation at [366 Old Bear Creek Pike, at Tax Map 90 Parcel 18](#), being a CD-3L (Neighborhood Large Lot Character District) property.

IV. Other Business

V. Adjourn

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

The 2025 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

Jeremy Humphrey, Planner II, jhumphrey@columbiatn.gov 931-560-1538

DOCKET/CASE/APPLICATION
 NUMBER
25-0187

APPLICANT/ PROPERTY OWNER
Jerry and Wanda Fly

PUBLIC HEARING DATE
June 12, 2025

PROPERTY ADDRESS/LOCATION
224 N. Bigby Dr., 100J C 022.00

REQUEST: Variance request from limitation on fence height in CD-3

The applicant requests a variance from the strict application of the City of Columbia Zoning Ordinance. Particularly, **Article 4, Table §4.3.1** of the Zoning Ordinance requiring fence heights to be a maximum of 4’ at frontage and 6’ in other areas.



Specifically, the applicant is requesting to leave in place an 8’ fence that has been constructed on the parcel. The applicant states this request is to screen the view of a neighboring property.

Existing Zoning	Existing Land Use	Surrounding Zoning/Land Use	Site Improvements	Lot Size:
CD-3	Single-family	CD-3	Single-family construction	Less than 1 acre

DEVELOPMENT STATUS

- The Zoning Ordinance permits Single-family structures in Zone CD-3, subject to the meeting the applicable standards outlined in Article 4, Table 4.3.1.
- The applicant seeks to leave in place a newly constructed 8’ fence along the property line.
- Strict application of the zoning standards would require the applicant construct the fence to be 4’ within frontage and 6’ otherwise. The fence would need to be finished in such a manner as the finished side faces adjacent properties.
- The variances requested, if approved, would permit a non-compliant fence (approximately 8’ in height) to remain for screening purposes. This includes that the fence has been constructed in a way that the non-finished side is facing adjacent property, contrary to the Zoning Ordinance.

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:



CITY OF COLUMBIA TENNESSEE
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- 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.
 - 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.
 - 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 reviewed this variance request in relation to section 8.5.16.L and found the following:

- The subject property is a residential lot with slightly elevated topography relative to the neighboring parcel.
- Historical aerial imagery indicates that, as of 2022, a natural hedgerow and small tree existed between the two properties, providing a visual buffer (See: Exhibit A).
- The hedgerow has since been removed, and the current non-compliant fence was installed in 2025 (See: Exhibit B).
- It is unclear whether the hedgerow was fully on one property or straddled the property line. A neighbor did state during a telephone conversation that the applicant removed the hedgerow to erect the fence. For this reason, it is presumed the hedgerow was on applicant's property. A survey needs to be provided for a definitive conclusion.
- The applicant's motivation for increasing the fence height is primarily to block visibility of the neighboring property.

EVALUATION OF REQUIRED FINDINGS

a. Exceptional Physical or Topographic Conditions

There is no evidence that the applicant’s property possesses an exceptional shape, narrowness, shallowness, or topographic feature that would impose a peculiar or exceptional practical difficulty. The applicant's concern appears rooted in the behavior of the adjacent property owner rather than the inherent physical condition of their own lot.

Finding: Not Met

b. Minimum Variance Necessary

An increase in fence height is sought. However, no physical hardship justifying any increase has been demonstrated. The request appears driven by personal privacy concerns rather than on a condition that would prevent reasonable use of the land.

Finding: Not Met

c. Use Authorization

The variance does not offer non-permitted use but does propose a dimensional standard deviation. Fencing is allowed as an accessory structure within the zoning district.

Finding: Met

d. Financial Return Not Basis

No financial returns or economic hardships are cited in this request.

Finding: Not Applicable

e. No Substantial Detriment to Public Good or Zoning Intent

The proposed fence likely would not impair light, air, or public safety. However, since “public good” and “aesthetic” considerations are specifically prohibited by ordinance as justification, this cannot be weighed in the applicant's favor.

Finding: Not Met

f. Not Self-Created Hardship

A neighbor stated that the previous natural screening (hedgerow) was removed by applicant to erect the fence. Therefore, its removal appears to have created or worsened the condition prompting this variance request (privacy). By removing this hedgerow, the applicant **self-created the hardship**.

Finding: Self-Created Hardship

Excluded Considerations (Section 8.5.16.L.2):

The following factors are explicitly **excluded** from consideration in granting a variance:

- Personal privacy concerns
 - Proximity to an incompatible or noncompliant neighboring use
 - Public good or desire to shield views of violations
 - Aesthetic preferences
 - Other variances granted or past enforcement history
 - Personal or situational circumstances
 - Removal of landscaping or screening not required by ordinance
-

STAFF CONCLUSION

Staff concludes that the variance request **does not meet** the required findings for approval under the zoning ordinance. The primary justification — increased privacy from a noncompliant neighboring use — is expressly excluded from consideration. Additionally, the hardship appears to be self-created by removing the natural vegetative buffer that previously served the intended purpose to erect the non-compliant fence.

No extraordinary or exceptional physical condition exists on the property that would justify deviation from the fence height standard. The property remains reasonably usable under the existing Zoning Ordinance 4400 allowance.

For these reasons, staff recommend denial of the requested variance.

STAFF RECOMMENDATION: DENIAL

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.

Sample recommendations

Recommended 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 Motions:

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 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.

EXHIBITS

Exhibit A

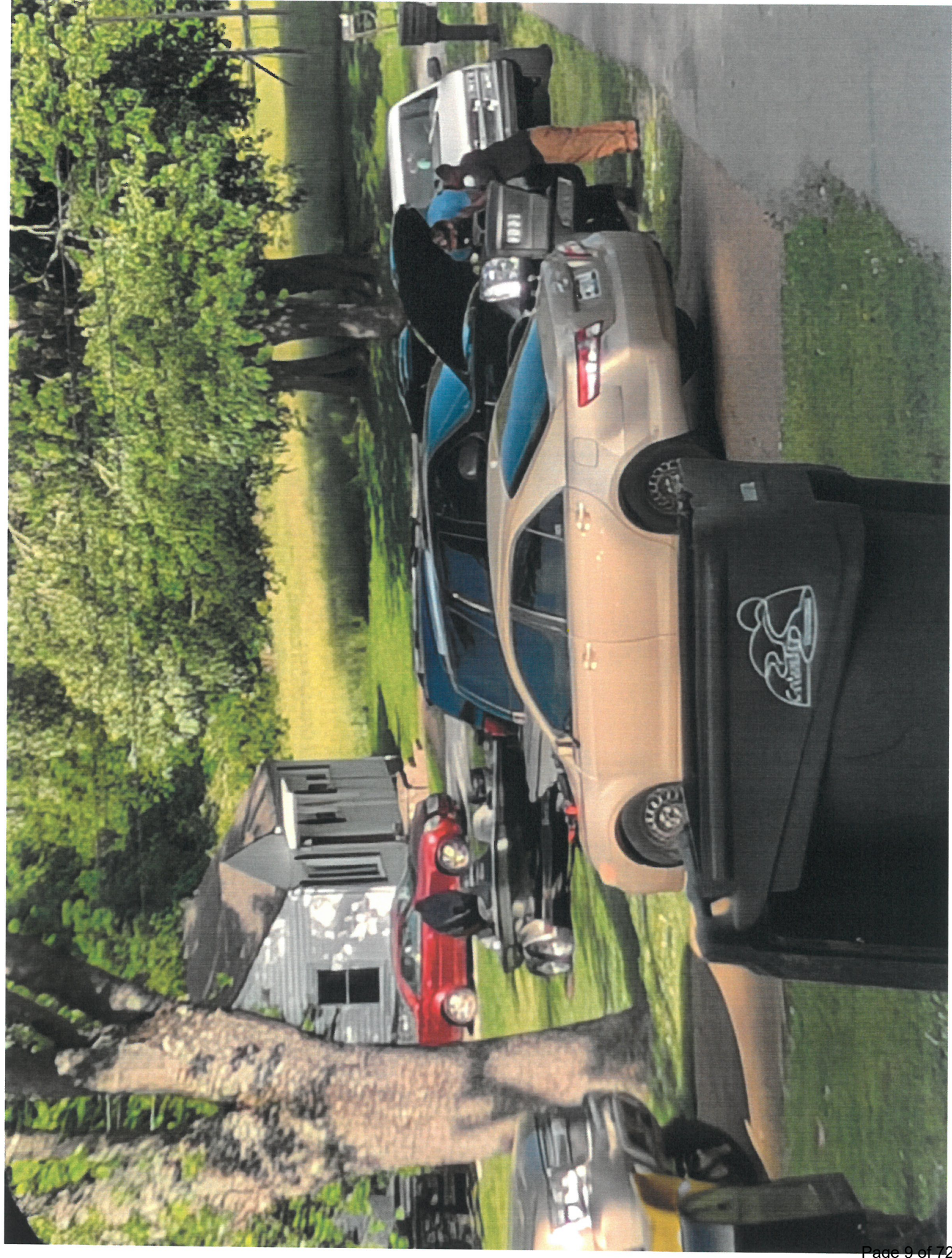


Image of hedgerow as it existed in 2022 (source: Google Maps)

Exhibit B

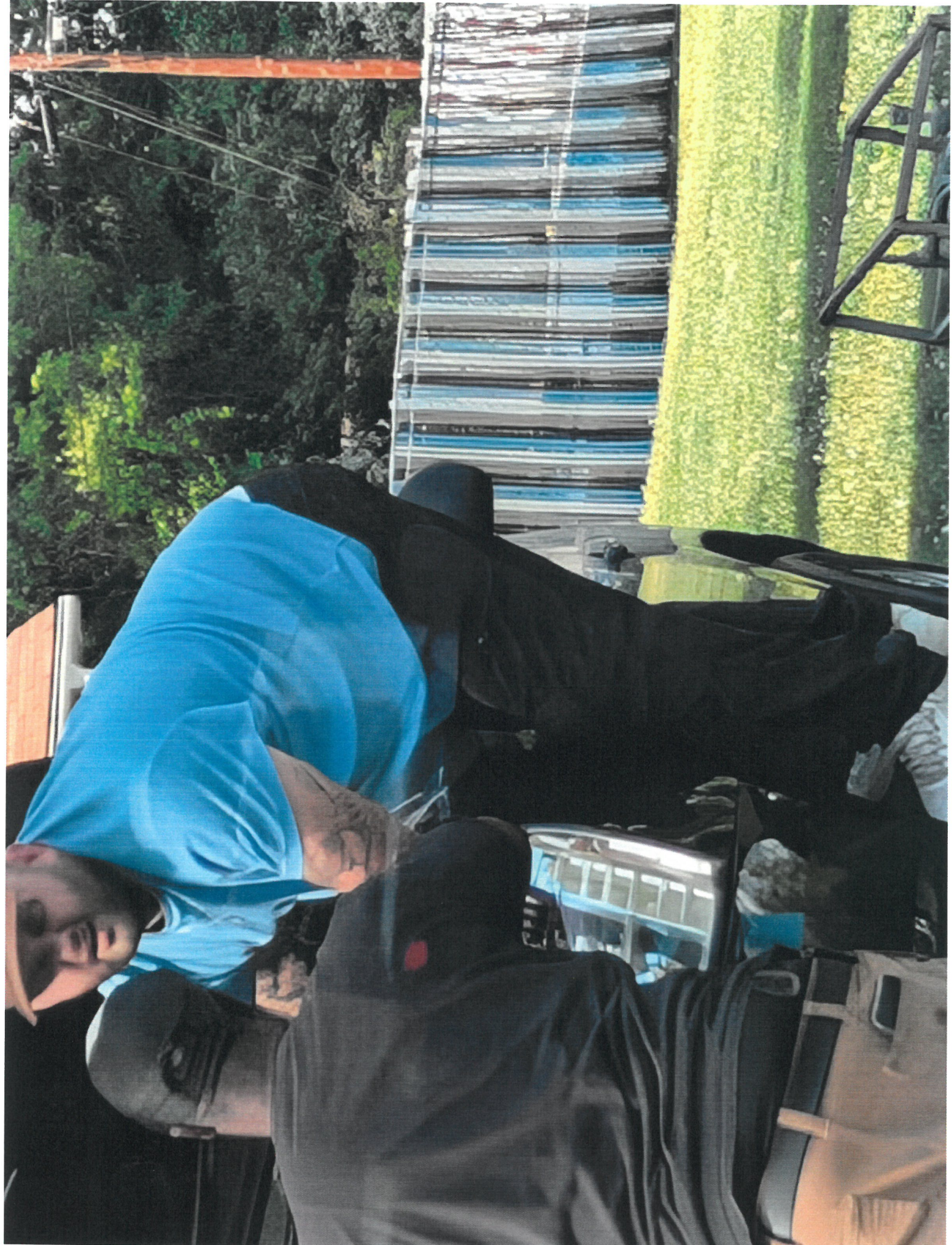


Image of current site conditions as of 2025 (Source: Planning staff)



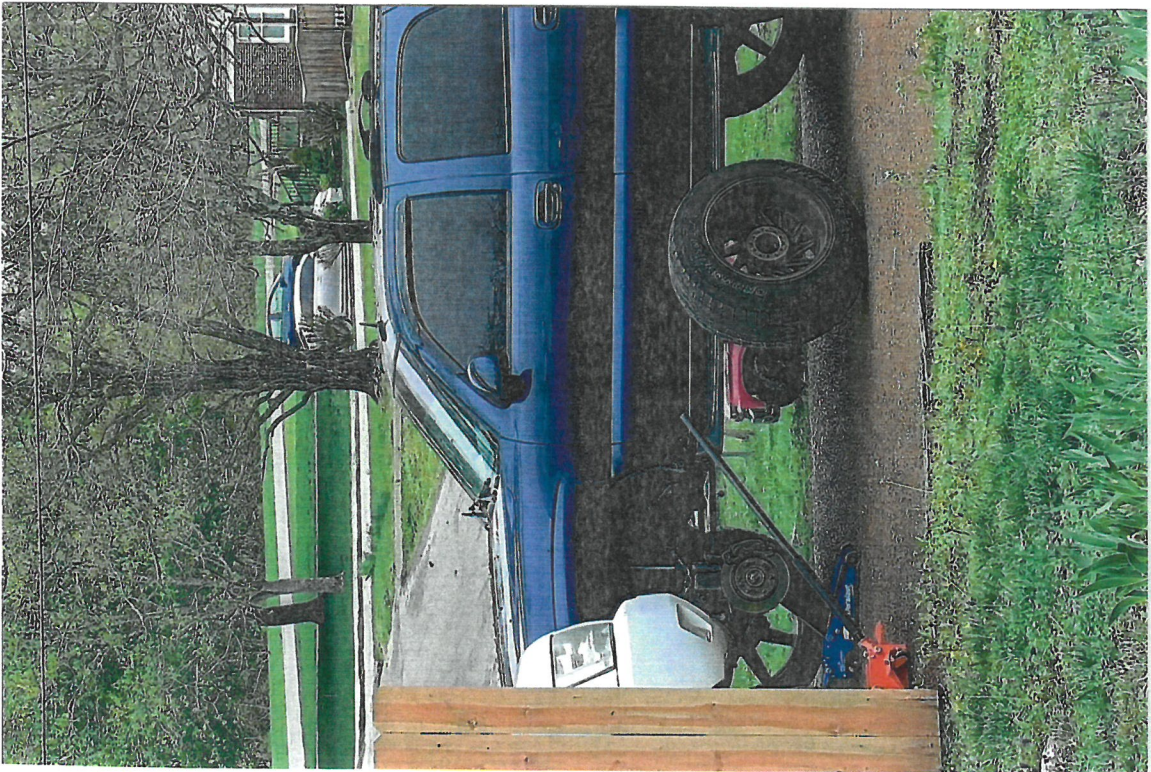
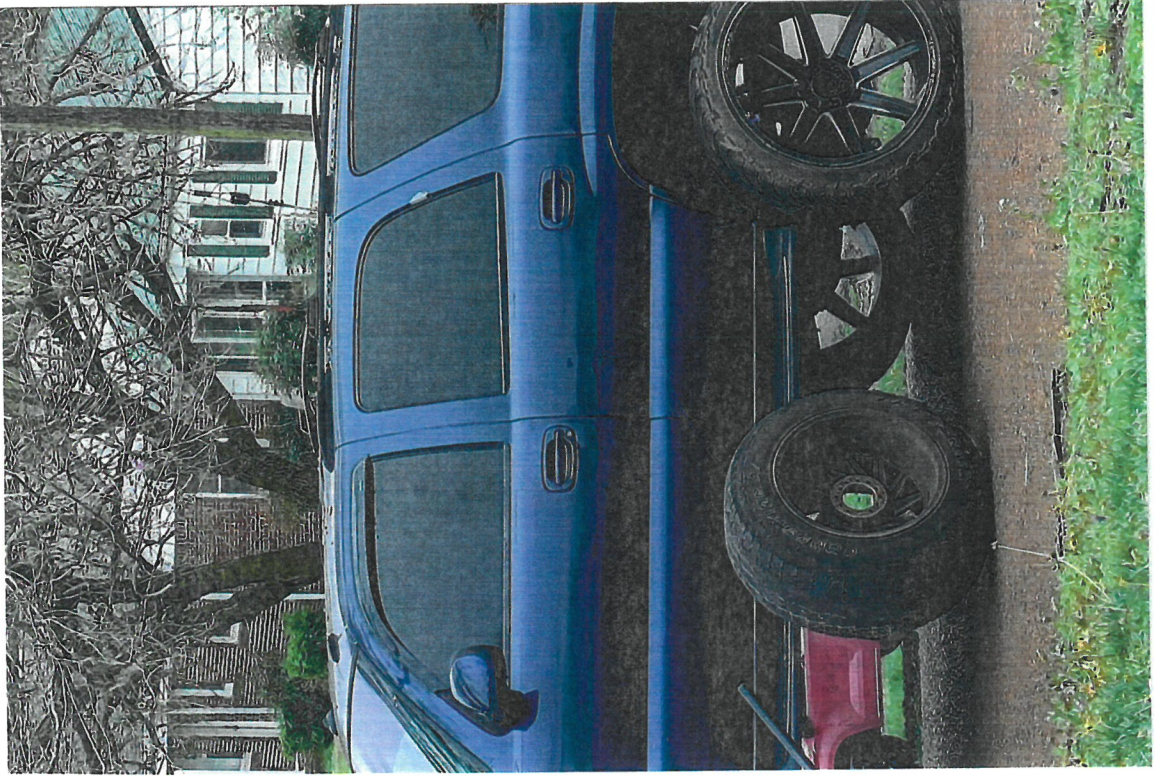




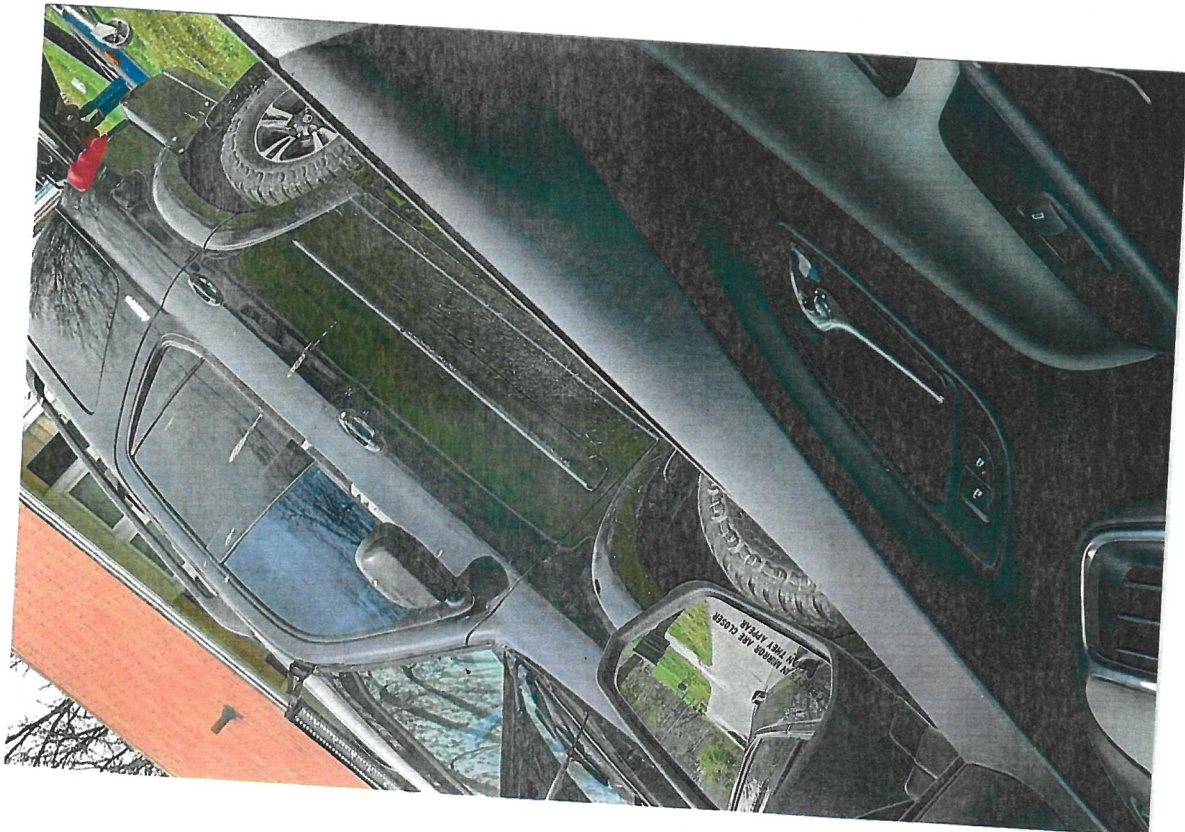






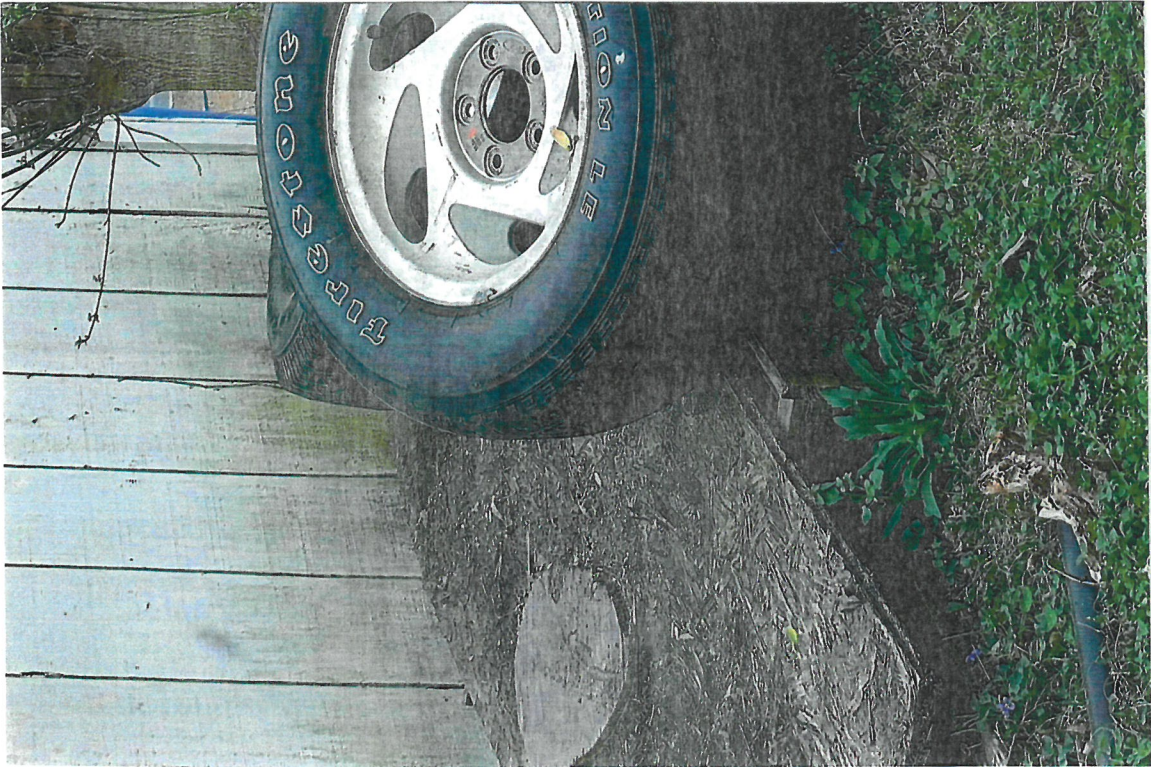




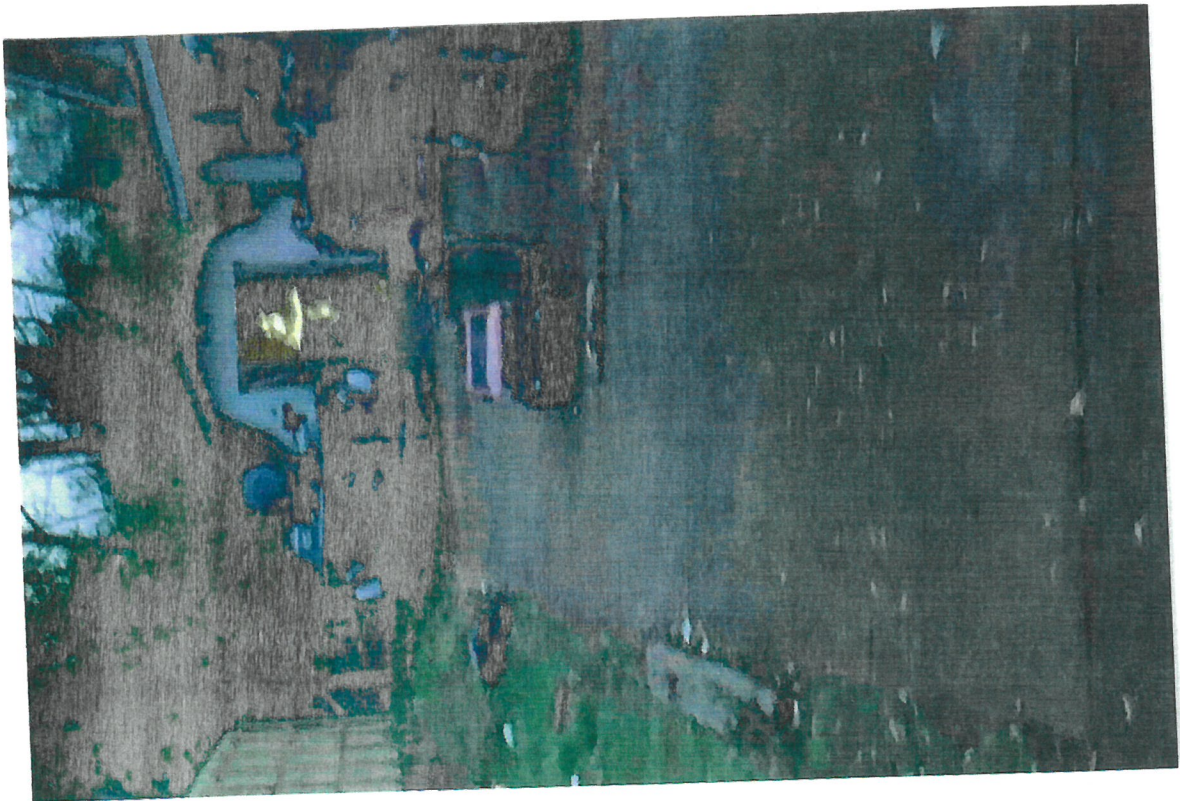


















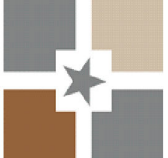




25-0187
224 N. Bigby Drive

Development Services
700 N. Garden Street
Columbia, TN 38401
www.columbiatn.gov

CITY OF COLUMBIA





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

BOARD OF ZONING
 VARIANCE APPLICATION AND CHECKLIST
 SUBMITTAL REQUIREMENTS

*Please submit the Application online at [City of Columbia | Permitting \(onlama.com\)](http://City of Columbia | Permitting (onlama.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. Additional fee may apply*

1. Applicants must complete this application, include required supporting materials, & pay the required fee (\$200.00 for owner-occupied residential, \$400 for all others) 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: Charles Rush, Principal Planner, Crush@columbiatn.gov or (931) 560-1531
2. Please provide the following information:
 - a. Completed application.
 - b. **For a setback variance only:** The length of the boundaries of the lot measured to the nearest foot. Locations, square footages, and exterior dimensions, measured from outside wall to outside wall, of all existing and proposed buildings and structures. *A plot plan may satisfy this requirement.*
 - c. **For all variances requests:** Completion of the Requirements of Variance Sheet on this Application or a Justification Letter addressing the seven (7) criteria.
 - d. Applicable drawings, illustrations, and so forth, to accompany the request.
 - e. 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.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
LOT ADDRESS: 224 N BIGBY DRIVE					
ZONING: RESIDENTIAL			LOT ACREAGE: 1 ACRE		
LAND USE: RESIDENTIAL			BUILDING SQUARE FOOTAGE: 912 FT ²		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): N/A FRONT: _____ ft. SIDE: _____ ft. REAR: _____ ft.					
OTHER INFORMATION:					

VARIANCE PERMIT REQUEST

EXCEPTIONAL HARDSHIP VARIANCE REQUEST		
<p>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.</p> <p>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.</p>		
SETBACK VARIANCE <i>Check applicable yard</i>	<input type="checkbox"/> FRONT YARD <input type="checkbox"/> SIDE YARD <input type="checkbox"/> REAR YARD	REQUESTED SETBACK (ft): N/A
OTHER VARIANCE REQUEST	ZONING ORDINANCE SECTION: ZO 4400 4.3.1-C	
REASON FOR REQUEST: VARIANCE ON FENCE TO HIDE AUTO REPAIR BUSINESS OPERATED AT HOUSE NEXT DOOR (CITED NUMEROUS TIMES WITH NO RESULTS) FOR OVER 3 YEARS		

OPERATED AT HOUSE NEXT DOOR (CITED NUMEROUS TIMES WITH NO RESULTS) FOR OVER 3 YEARS

ALSO, FINISHED OF FENCE NOT FACING NEIGHBOR FENCE FROM STREET TO HOUSE 6' TALL FENCE FROM HOUSE TO REAR 8' TALL

REQUIRED TO REDUCE NOISE + NOT SEE AUTO REPAIR CARS, TRUCKS, TRASH, BOATS, ETC

APPLICANT

NAME	JERRY FLY	PHONE	931-446-2394
ADDRESS	224 NORTH BIGBY DRIVE	EMAIL	NONE

PROPERTY OWNER

NAME	JERRY FLY	PHONE	931-446-2394
ADDRESS	224 NORTH BIGBY DRIVE	EMAIL	NONE

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.

JERRY FLY
APPLICANT NAME

Jerry Fly
APPLICANT SIGNATURE

5/16/25
DATE

JERRY FLY
PROPERTY OWNER NAME

Jerry Fly
PROPERTY OWNER SIGNATURE

5/16/25
DATE


REQUIREMENTS FOR A VARIANCE
Section 8.5.16.L of the City of Columbia Zoning Ordinance

The Board of Zoning Appeals shall not grant a variance unless it makes a finding, based on the evidence presented, that all of the following seven criteria are sufficiency and fully satisfied.

The BZA cannot, by law, consider financial or personal matters in the justification of any of the seven criteria.

Please demonstrate how your request satisfied each of the following:

(You may use this sheet or attach separate pages)

<p>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.</p>  <p>VERY NOESY AND TERRIBLE TO LOOK AT</p>
<p>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.</p> <p><u>EXACTLY!</u></p>
<p>c. That the Variance will not authorize uses or activities in the applicable District other than those permitted by this Ordinance.</p> <p><u>TRUE</u></p>

d. That financial returns alone shall not be considered as a basis for granting a Variance.

AGREED

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.

TRUE

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.

FACT

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.

DEFINITELY !!



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CONTACT INFORMATION

Charles Rush, Principal Planner, crush@columbiatn.com 931-560-1531

DOCKET/CASE/APPLICATION NUMBER

25-0208

APPLICANT/ PROPERTY OWNER

David Morgan

PUBLIC HEARING DATE

June 12, 2025

PROPERTY ADDRESS/LOCATION

1616 Harley Davidson Blvd/
 1616 Halifax Dr/
 Tax Map 93 Parcel 1.01

REQUEST: Conditional Use (Wireless Communications Facility)

The applicant requests that the Board approve a one-year extension of the deadline to terminate use of the subject site for a temporary Wireless Communication Facility. In September of 2023, the Board approved a Conditional Use permit to allow the use. That approval included a condition that the use cease by June 15, 2024. The Board authorized the Zoning Administrator to grant two 60-day extensions. The permanent site that the applicant had sought did not work out, leaving AT&T to find an alternative location. The applicant requested the two 60-day extensions while it worked on securing a site and regulatory approvals. The Zoning Administrator approved those requests. The applicant has recently secured a site in unincorporated Maury County. In late August of 2024, the applicant also obtained necessary approvals from the Maury County Board of Zoning Appeals and Maury County Regional Planning Commission, thereby providing reasonable assurance that the temporary use will not be extended indefinitely. The applicant requests that the Board extend its use of a Cell on Wheels (COW) at property located on Harley Davidson Boulevard near I-65 until June 2025 while it prepares the permanent tower in unincorporated Maury County.



The Applicant is now requesting a Conditional Use permit again for the tower.

The subject property is zoned CD-4C (General Urban Corridor). Table 4.3.9.1-A of the Zoning Ordinance authorizes the Board to approve the use in a CD-4C. Section 4.3.9.E.6 of the Zoning Ordinance prescribes specific standards for wireless communications facilities. In addition to these standards, the Board may impose restrictions and conditions which ensure compatibility with surrounding properties. Staff recommends **approval** of the proposed conditional use, **subject to conditions** listed in the sample motion at the end of the report.

Existing Zoning	Existing Land Use	Surrounding Zoning/Land Use	Site Improvements	Lot Size:
CD-4C	Motor Vehicle Sales	CD-4/CD-4C Vacant/Townhomes	N/A	5.28+/- acres

DEVELOPMENT STATUS & HISTORY:

Previous Requests/Approval:

23-0332

Conditions of Previous Approval:

- 1) That the approval shall expire on June 15, 2025;
- 2) Any extension of the temporary use must be approved by the Board;
- 3) That the area around the temporary use shall remain fenced and secured for public safety;
- 4) That the COW shall not be raised to a height greater than 64’;
- 5) That the temporary use shall not cause the site and its principal use to become noncompliant with the requirements of the City of Columbia ordinances (e.g. parking, stormwater, etc.).
- 6) The applicant will provide detailed site plans and fencing specifications for review and approval by the Zoning Administrator, the City Engineer, the Chief Building Official, and the City of Columbia Fire Marshal prior to establishing the use; and
- 7) The applicant shall inform the Zoning Administrator of any cessation or change to the status of the temporary use.

REVIEW & ASSESSMENT:

Subject Site:

The subject site is comprised of a commercial building on a ± 5.28-acre lot. The structure, a 30,800 square foot building, was constructed in 2008. Adjacent parcels are mostly vacant with a mix of zoning. There is a residential development underway on the property to the east.

Zoning Ordinance:

Staff reviewed the request for a Conditional Use permit for conformity with the City of Columbia Zoning Ordinance. The relevant provisions of the Ordinance are listed below; the most applicable standards are **bolded** and underlined. Staff comments follow in the next section. Some of the listed standards are not applicable to this request for temporary approval.

8.5.16.J BOARD OF ZONING APPEALS ACTION.

1. The Board of Zoning Board of Appeals shall conduct a public hearing pursuant to Section 8.5.16.G.
2. After conducting the public hearing, and considering the recommendations of the Zoning Administrator and the requirements listed in, Sections 8.5.16K, the Board of Zoning Appeals shall:
 - a) Approve the request;
 - b) Approve the request with conditions.
 - c) Deny the request; or
 - d) Continue the hearing.

8.5.16.K CONDITIONAL USE PERMIT SPECIFIC REQUIREMENTS.

1. A Conditional Use Permit may be granted provided the Board of Zoning Appeals finds that the request conforms to the following requirements:
 - a) The proposed Use is listed as a Conditional Use for the applicable District.
 - b) The proposed Use conforms to all applicable standards listed in Section [4.3.9.E], for the proposed Use;
 - c) The proposed Use is so designed, located, and proposed to be operated **that the public health, safety, and welfare will be protected;**
 - d) The proposed Use will not adversely affect other property in the area in which it is located;
 - e) The proposed Use conforms to all applicable provisions of this Ordinance for the District in which it is to be located.
2. The Board of Zoning Appeals may impose such **other conditions and restrictions upon the premises benefited by a Conditional Use Permit as may be necessary to reduce or minimize the injurious effect** of such Conditional Use upon and ensure compatibility with surrounding properties. **The Board of Zoning Appeals may establish dates for the expiration of any Conditional Use Permit as a condition of approval.**

4.3.9.E.6.AM WIRELESS COMMUNICATIONS FACILITIES

Wireless Communication Facilities shall be permitted in accordance with the applicable Use Table, subject to the following:

- (1) The requirements set forth in this Section 4.3.9.D.6.n. shall govern the location of Towers that exceed, and antennas that are installed at a height in excess of 70 feet. The height limitations applicable to Buildings and Structures shall not apply to Towers and Antennas.
- (2) Antennas or Towers located on property owned, leased, or otherwise controlled by the CITY shall be exempt from the requirements of this subsection, provided a license or lease authorizing such Antenna or Tower has been approved by City Council.
- (3) This Section shall not govern any Tower, or the installation of any Antenna, that is under 70 feet in height and is owned and operated by a federally – licensed amateur radio station operator or is used exclusively for receive – only Antennas.
- (4) The following requirements must be met:
 - a. Site and landscape plans drawn to scale and landscape plans drawn to scale;
 - b. A report including a description of the Tower with technical reasons for its design;
 - c. Documentation establishing the structural integrity for the Tower’s proposed uses, certified by a professional engineer licensed in the State of Tennessee competent in such



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- design, the general capacity of the Tower and information necessary to assure that ANSI (American National Standard Institute) standards are met;
- d. A statement of intent whether excess space on the Tower will be leased;
 - e. Proof of ownership of the site or a copy of the owner's authorization to use the site;
 - f. Copies of any Easements necessary to gain access or limited Development areas;
 - g. An analysis of the site containing existing topographical contours;
 - h. A written opinion from an appropriate authority that the soils and underlying materials will support the intended Structure;
 - i. Evidence that the Tower facility meets technical emissions standards set by the FCC (Federal Communication Commission);
 - j. Evidence of "Determination of No Hazard" from the FAA (Federal Aviation Administration), as well as all required FCC permit information;
 - k. Alternatives to the Tower location and why this site was selected; and**
 - l. Evidence that the site complies with requirements of the NEPA (National Environmental Policy Act) in regard to impact on wildlife, endangered species, historical sites, Native American religious sites, floodplains, wetlands, high intensity white lights in Residential neighborhoods, and frequency emissions in excess of FCC guidelines.
- (5) **Towers may be built on the same Lot or Building Site with another Principal Use.** A separation a minimum of the Tower height between the Tower and any other Principal Use is required in order to provide for the health, safety and welfare of individuals and Structures occupying the same site. Joint use is prohibited on a Lot or Building Site where a proposed or existing Principal Use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous wastes such as LP gas, propane, gasoline, natural gas and corrosive or dangerous chemicals.
- (6) Towers 80 feet or more in height shall be located on the Lot so that the distance from the base of the Tower to any adjoining property line or supporting Structure of another Tower is a minimum of 100% of the proposed Tower height. No Variance shall be granted from this minimum setback requirement.
- (7) Except as specifically required by the FAA (Federal Aviation Administration) or the FCC (Federal Communication Commission), transmission Structures shall:
- a. use colors such as gray, blue or green which reduce their visual impacts; provided, wooden poles do not have to be painted; and
 - b. not be illuminated, except equipment shelters may use lighting for security reasons which is compatible with the surrounding neighborhood;
 - c. not use strobe lights unless specifically required by FAA.
- (8) Any proposed Tower shall be structurally designed so as to accommodate the minimum number of foreseeable shared users.
- (9) No advertising or display is permitted on any Communication Tower.
- (10) Any Accessory Buildings or Structures shall be located a minimum of 50 feet from any adjoining property line. Except for emergency purposes, the accessory facilities may not include offices, long-term vehicular storage, other outdoor storage, or broadcast studios, unless the Use is permitted in the district.
- (11) The **Tower base and equipment area shall be enclosed with a fence no less than six feet in height. Access shall be locked at all times when the site is not occupied.**
- (12) Where the Tower site abuts or is contiguous to any Residential District, there shall be provided a continuous, solid Screening and it shall be of such plant material as will provide an



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evergreen Screen. Screening as required herein shall be not less than four feet in height at the time of planting and shall be permanently maintained.

- (13) Location on any other Structure other than a Tower (i.e. water tank, utility poles, roof tops, etc.) is permitted subject to the provisions listed above relating to a Tower location.
- (14) Co – location on Towers is encouraged.

RECOMMENDATION:

Approval Subject to Conditions.

Recommended Motion:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 8.5.16 of the City of Columbia Zoning Ordinance and approve Conditional Use 23-0332 subject to the following conditions:

- 1) That the approval shall expire on June 15, 2026;
- 2) Any extension of the temporary use must be approved by the Board;
- 3) That the area around the temporary use shall remain fenced and secured for public safety;
- 4) That the COW shall not be raised to a height greater than 64’;
- 5) That the temporary use shall not cause the site and its principal use to become noncompliant with the requirements of City of Columbia ordinances (e.g. parking, stormwater, etc.).
- 6) The applicant will provide detailed site plans and fencing specifications for review and approval by the Zoning Administrator, the City Engineer, the Chief Building Official, and the City of Columbia Fire Marshal prior to establishing the use; and
- 7) The applicant shall inform the Zoning Administrator of any cessation or change to the status of the temporary use.

Alternative Motions:

Alternative Motion [Approve]:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 8.5.16 of the City of Columbia Zoning Ordinance and approve Conditional Use 23-0332.

Alternative Motion [Deny]:

Move to deny the proposed Conditional Use having found *[list reasons for denial]*.

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.

BOARD OF ZONING
CONDITIONAL USE PERMIT: APPLICATION AND CHECKLIST
SUBMITTAL REQUIREMENTS

*Please submit the Application online at [City of Columbia | Permitting \(onlana.com\)](http://CityofColumbia.com/Permitting)
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) 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. **For a Conditional Use Permit only:** Complete Description of Requested Use or submit a separate Request Letter to the Board of Zoning Appeals. In either case, address each of the following:
 - i. Explain in detail the proposed use for the property, including long-term plans; and
 - ii. Explain how your proposal will be designed, located, and operated so that the public health, safety, and welfare will be protected; and
 - iii. Explain how your proposal will not adversely impact other properties in the area in which it is located (this includes addressing access and parking for the site, if applicable).
 - c. Submit applicable drawings, illustrations, and so forth, to accompany the request.
 - d. 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.

BOARD OF ZONING APPEALS APPLICATION <i>COLUMBIA, TENNESSEE</i>					
ADDRESS: 1616 Harley Davidson Blvd., Columbia, TN 38401					
ZONING: CD-4C			LOT ACREAGE: 5.28-acre		
EXISTING LAND USE: Harley Davidson dealership			BUILDING SQUARE FOOTAGE:		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): FRONT: _____ ft. SIDE: _____ ft. REAR: _____ ft.					
OTHER INFORMATION: 64' Temporary Tower Facility located behind the dealership					

CONDITIONAL USE PERMIT REQUEST:

CONDITIONAL USE PERMIT 8.5.16C
REQUESTED USE (<i>be detailed</i>): 64' temporary communication tower facility
<hr style="border-top: 1px dotted black;"/> <hr style="border-top: 1px dotted black;"/>
DOES THE REQUESTED USE HAVE REQUIRED PARKING (SEE TABLE 4.3.12.B-1 IN THE ZONING ORDINANCE)? Yes. Unmanned facility.
HOURS OF OPERATION: 24/7

APPLICANT

NAME	AT&T by David A. Pike, Attorney	PHONE	502-9554400
ADDRESS	PO Box 369, Shepherdsville, KY40165	EMAIL	dpike@pikelegal.com

PROPERTY OWNER

NAME	Marketing Group 1, LLC	PHONE	AT&T as per attached license agreement
ADDRESS	1616 Harley Davidson Blvd, Columbia TN	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.

David A. Pike, Attorney for AT&T

APPLICANT NAME



APPLICANT SIGNATURE

8-1-23

DATE

AT&T as per attached license agreement

PROPERTY OWNER NAME

PROPERTY OWNER SIGNATURE

DATE



PIKE LEGAL GROUP PLLC
1578 Highway 44 East, Unit 6
PO Box 369
Shepherdsville, KY 40165-0369
Phone: 502-955-4400
Fax: 502-543-4410

May 7, 2025

Austin Brass, AICP
City Planner
City of Columbia
Development Services
700 North Garden Street
Columbia, TN 38401

RE: Request for Extension of Temporary Use
New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility
Site Location: 1616 Harley Davidson Blvd., Columbia, TN 38401
Site Name: I-65

Dear Mr. Brass:

This is a formal request by Applicant to appear on the June 12, 2025, agenda of the Board of Zoning Appeals to request a further extension of the temporary use at the above location.

AT&T is pleased to report that Maury County approved the location of a replacement tower at 1860 Luther Sharp Road in unincorporated Maury County. A building permit has been issued by Maury County, and, as you can see from the attached photograph, AT&T has constructed the tower. The next phase of the project is to secure utilities to the site.

These utility runs must be completed before AT&T can make its final installation of antennas and related equipment on the tower and begin providing service to both the City of Columbia and unincorporated Maury County from the new tower. However, AT&T is experiencing delays in obtaining its equipment from overseas manufacturers.

Since the delivery of antennas and related equipment from overseas sources is beyond the control of AT&T, the date the new site will be fully functional cannot be precisely determined at this time. To avoid disruption of service to residents, businesses and travelers in this area, AT&T is requesting additional time to complete construction of the new facility and remove the COW located at 1616 Harley Davidson Blvd., Columbia, TN 38401.

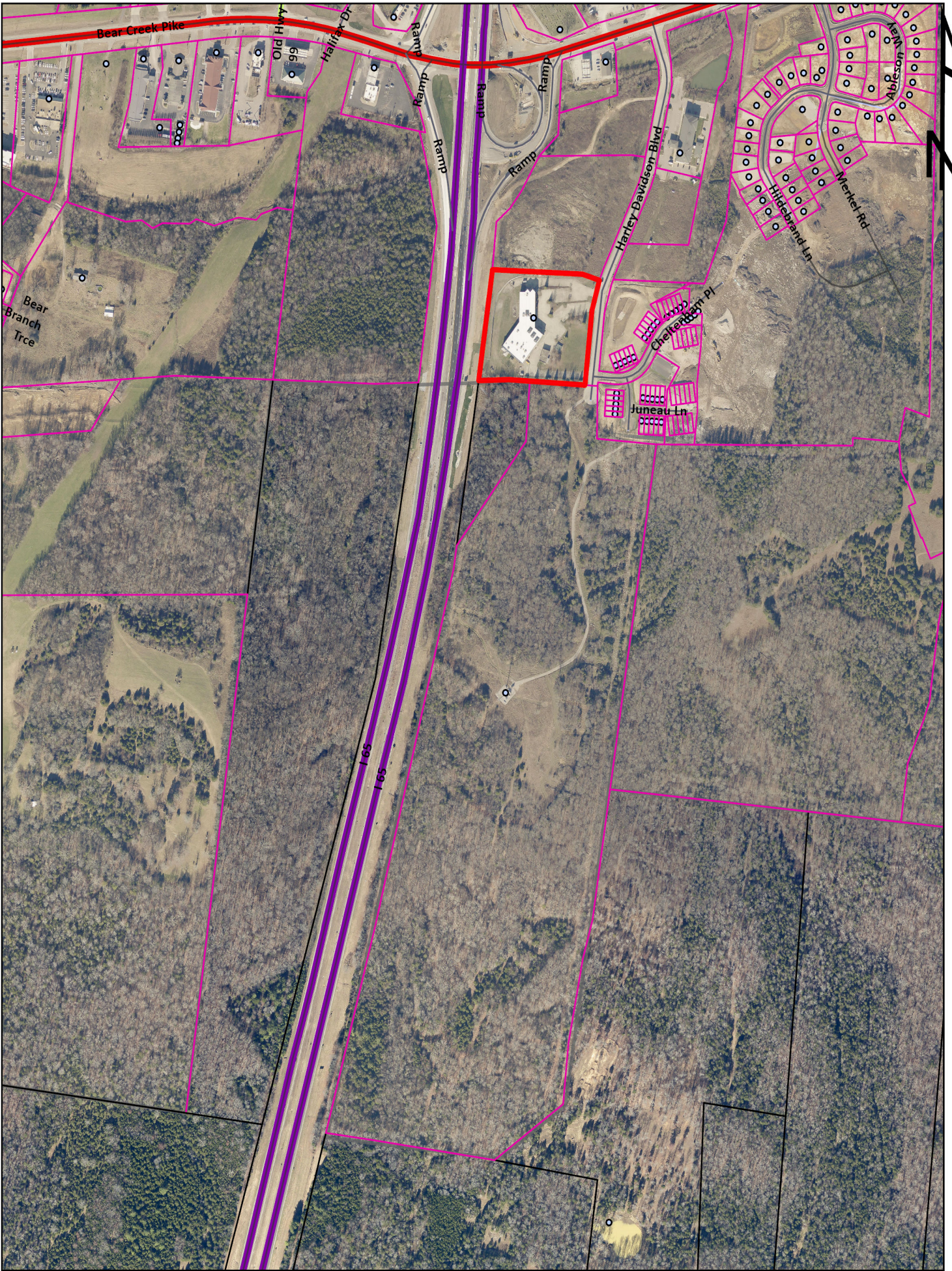
Sincerely,

A handwritten signature in blue ink that reads 'Robert W. Grant'.

Robert W. Grant
Attorney for Applicant

enclosure





25-0208
1616 Harley Davidson Blvd.

Development Services
700 N. Garden Street
Columbia, TN 38401
www.columbiatn.gov

CITY OF COLUMBIA





1578 Highway 44 East, Suite 6
P.O. Box 369
Shepherdsville, KY 40165-0369
Phone (502) 955-4400 or (800) 516-4293
Fax (502) 543-4410 or (800) 541-4410

August 31, 2023

Kevin McCarthy, City Planner
City of Columbia
Development Services
700 North Garden Street
Columbia, TN 38401

RE: Supplemental Information
Conditional Use Application for a Temporary Wireless Communication Facility
Applicant: New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility
Site Location: 1616 Harley Davidson Blvd., Columbia, TN 38401
Type: Cell on Wheels ("COW") with a 64' Tower
Site Name: I-65

Dear Mr. McCarthy:

Thank you for your request for additional information regarding the application of New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility ("AT&T" or "Applicant"), to locate and operate a temporary wireless communication facility at 1616 Harley Davidson Blvd., Columbia, TN 38401 to serve the customers of AT&T with wireless communications services within the City of Columbia, Tennessee. We have provided responses to each of your requests below:

1. **Will the tower be guyed? If yes, please revise plans to show the location of all guy wires.** The tower will not be guyed. While the plans do show outriggers for the trailer, there are no guy wires proposed for the tower. The manufacturer of the COW includes an option for a non-guyed self-support system, which is what is proposed by AT&T. Outriggers and guy wires are two different components of a COW. The trailer outriggers are for the stabilization of the trailer while the tower is deployed. In those instances where guy wires are utilized for a COW, then steel cables are attached to the tower and extend down to concrete block anchors. These wires would physically brace the tower and pull force from the tower legs into the wires and down into the anchors. However, AT&T's configuration is for a 64-foot self-supporting structure that only utilizes the outriggers on the trailer for stabilization. This can be seen in the design documents presented with the application.

2. **What is the term of the lease agreement with the property owner?** The license agreement provides for a two-year term beginning on 9-28-23 and ending 9-28-25.
3. **What are the provider's plans for securing a location for a permanent tower?** AT&T is working with American Towers LLC ("ATC") to secure a permanent tower location. Following the removal of ATC's tower at 1624 Bear Creek Pike, Columbia, TN and the loss of AT&T's facility, ATC has been negotiating a new tower lease with a property owner in unincorporated Maury County. If all goes as planned with ATC's new site, then as early as May 2024, AT&T may be able to move from the temporary location to a permanent location on ATC's new tower.
4. **Will there be fencing or any other permanent fixtures associated with the tower site?** Only temporary fencing will be located at the site. The only permanent change will be 200A 1 Phase 120/240 lateral feeder with 3 strands of #3/0 AWG THWN-2 and #2 ECG in 2.5" PVC conduit that is approximately 192 feet long to be installed from the main building electrical room to the COW. If necessary, then AT&T can remove the conductor and conduit when the COW is taken offline and AT&T moves to a permanent location.
5. **Will the tower function at a height of 64-feet? The plans provided with the application indicate a variable height which could be much greater.** While the manufacturer designed the COW for variable heights, the proposal is for an overall height of 64-feet where AT&T's equipment will be located. AT&T will not extend the tower beyond the requested 64-feet without prior approval from the City of Columbia.
6. **Has the project team communicated with the Office of the Fire Marshal about the tower?** Yes, AT&T's project engineer has spoken with the Fire Marshal, Brad Massey who stated that since the temporary tower is not an occupied space, he would not require AT&T to do a water availability study, water flow test, or provide a water availability letter. He further advised the project engineer that it is sufficient for AT&T to show the existing hydrant locations on the face of the survey which AT&T has done. Finally, he also wanted to ensure that the COW does not block existing fire department access to the main building. AT&T's project engineer has confirmed that the design meets all of the requirements for an unoccupied space per Columbia Municipal Code Title 7, Chapters 1-6, ICF 2018, IBC 2018, IRC, NFPA 1 2021, NFPA 13 2022, NPFA 24 2022, NFPA 70 2023, NFPA 72 2019 where applicable.

Currently, the City of Columbia is an exempt jurisdiction with the State Fire Marshal's Office. Only Educational (Kindergarten through 12, public or private), day-care centers (including adult day-care), all state-owned and state-leased facilities, and all facilities requiring a State Fire Marshal inspection for initial licensure by another state department are required to be submitted to the State

Fire Marshal's Office for review. The SFMO formally delegates codes enforcement to local jurisdictions that are adequately performing their building codes enforcement programs.

Pursuant to Tennessee Code Annotated § 68-120-101(b)(2), these jurisdictions employ staff to perform plan reviews and inspections for buildings and structures to ensure fire and building code compliance that they have adopted by ordinance. In accordance with Tenn. Comp. R. & Regs. 0780-02-19-.04, a SFMO audit team performs quality audits of each Exempt Jurisdiction once every three (3) years.

7. **Please provide examples of other locations where a temporary tower was used as an interim measure and replaced with a permanent tower. See attached.**

Please do not hesitate to contact us if you have any questions or require any additional information concerning this matter.

Sincerely,



David A. Pike
F. Keith Brown
Robert W. Grant
Attorney for Applicant

enclosures





CONTACT INFORMATION

Jeremy Humphrey, Planner II, jhumphrey@columbiatn.gov 931-560-1538
 Melissa Sanders, Planner I, msanders@columbiatn.gov 931-560-1557

DOCKET/CASE/APPLICATION NUMBER
25-0236

APPLICANT/ PROPERTY OWNER
Kyler Thomas

PUBLIC HEARING DATE
July 10, 2025

PROPERTY ADDRESS/LOCATION
366 Old Bear Creek Pike/Tax Map 90
Parcel 18.00

REQUEST: Conditional Use (Major Home Occupation)

The applicant requests the Board’s approval of a Conditional Use permit to allow a homebased business using the existing accessory building for office and warehouse use.

The subject property is zoned CD-3L (Neighborhood Large Lot Character District). Table 4.3.9.A-2 of the Zoning Code allows for a Major Home Occupation conditional use permit upon approval by the Board of Zoning Appeals.

§4.3.9.E.6.u and §8.5.16 of the Zoning Ordinance prescribes specific standards for the proposed HOC use. In addition to these standards, the Board may impose restrictions and conditions which ensure compatibility with surrounding properties.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
CD-3L	Single-Family Home	North: SD-LI (vehicle repair, self-storage) South: County (single family / vacant) East: CD-3L (single family / vacant) West: CD-3L (vacant)	N/A	± 2.87 acres

DEVELOPMENT STATUS & HISTORY:

Previous Requests/Approval: N/A

Conditions of Previous Approval: N/A

REVIEW & ASSESSMENT:

Subject Site:

The subject site is comprised of a single-family home on a ± 2.87-acre lot. The principal structure appears to be constructed around 1968 with an accessory building constructed in circa 2002. Previously, a business license was established in 2002 but ceased operation in 2021 (previous owner).

Zoning Ordinance:

Staff reviewed the request for a Conditional Use permit for conformity with the City of Columbia Zoning Ordinance. The relevant provisions of the Ordinance are listed below:

§ 4.3.9.E.6.

u. Home Occupation, the following standards are intended to ensure that home occupations are compatible with the residential character of neighborhoods where they are located.

- (1) There are two classes of Home Occupation:
 - a. A Minor Home Occupation shall be permitted upon approval of a Minor Home Occupation permit by the Zoning Administrator. The Zoning Administrator shall establish a process for review and issuance of permits for minor home occupations.
 - b. A Major Home Occupation shall be allowed only with the approval of the Board of Zoning Appeals. Such approval shall follow the process of a conditional use permit. The Zoning Administrator shall review such Major Home Occupation requests and recommend appropriate conditions of approval to the Board of Zoning Appeals.
- (2) The Zoning Administrator may refer Minor Home Occupations to the Board of Zoning Appeals upon a determination that the proposed home occupation presents a risk to the residential character of the neighborhood or quiet enjoyment of other property owners.
- (3) If the Zoning Administrator denies a request for a Minor Home Occupation, or revokes a previously issued permit, the applicant may appeal the decision to the Board of Zoning Appeals. Such a request shall be evaluated as a Conditional Use for a Major Home Occupation permit.
- (4) **The following limitations apply to all Home Occupations:**
 - a. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes;
 - b. A home occupation shall not be established prior to the residents conducting the home occupation taking possession of, and residing in, the dwelling;
 - c. Outside storage or display of materials, merchandise, or inventory is prohibited;



- d. Exterior alteration that changes the residential character of the principal building is prohibited;
 - e. No exterior building signs shall be permitted except as specifically provided in Article 7 of this ordinance;
 - f. Receipt, sale or shipment to and from the premises is permitted by regular U.S. Mail and express shipping service characteristic of residential neighborhoods; large-volume, business-to-business commercial deliveries are prohibited; and
 - g. The applicant shall obtain all appropriate licensure required by the State of Tennessee.
- (5) The following limitations apply to Minor Home Occupations:
- a. The Home Occupation must be conducted entirely within the principal structure;
 - b. The Home Occupation shall not exceed fifty percent of the total floor area of the principal building;
 - c. No person other than a family member residing on the premises shall be employed as part of a minor home occupation unless such employee(s) works off-premises;
 - d. There shall be no customers or clients on the premises of a minor home occupation; and
 - e. No commercial vehicles or trailers, other than ordinary passenger vehicles; shall be permitted on premises.
- (6) The following limitations apply to Major Home Occupations:
- a. A Major Home Occupation may be conducted within an accessory building;
 - b. A major home occupation may include two employees who do not reside in the home;
 - c. Except in-home childcare licensed by the State of Tennessee, a major home occupation may have no more than two customers or clients on the premises at one time;
 - d. Shipment and delivery to and from the premises are prohibited between the hours of 9 pm and 7 am;
 - e. No employees, customers, or clients may be on the premises between the hours of 9 pm and 7 am;
 - f. Trailers, equipment, and commercial vehicles, when permitted by the Board of Zoning Appeals, must be stored in the Third Layer and screened from view; and
 - g. The Board of Zoning Appeals may further restrict the number of employees, hours of operation, deliveries, and parking of commercial vehicles and equipment on site.
- (7) Revocation
- a. The Zoning Administrator may revoke the Home Occupation permit for failure to comply with these limited use standards, conditions imposed by the Board of Zoning Appeals, or other violations of City of Columbia ordinances.

8.5.16 Conditional Use Permits & Variances

C. Conditional Use Permits.



1. Conditional Uses within Districts are considered to be Uses which are appropriate in a particular District, but because of their potential for incompatibility with Adjacent Uses, require individual review.
2. The Board of Zoning Appeals shall hear and decide, in accordance with the provisions of this Ordinance, requests for Conditional Use Permits.

The procedures and requirements for Conditional Uses are applicable when a Use is indicated within the applicable District as a Conditional Use in **Tables 4.3.9.A-1 (Building, Lot, & Building Site Principal Uses), 4.3.9.A-2 (Building, Lot, & Building Site Accessory Uses), and 4.3.9.A-3 (Building, Lot, & Building Site Temporary Uses)** and are not applicable to Use when a Use is indicated within the applicable District as a Use Permitted Subject to Limited Use Standards in such Tables.

K. Conditional Use Permit Specific Requirements.

1. A Conditional Use Permit may be granted provided the Board of Zoning Appeals finds that the request conforms to the following requirements:
 - a. The proposed Use is listed as a Conditional Use for the applicable District.
 - b. The proposed Use conforms to all applicable standards listed in Section 4.3.9.D, for the proposed Use;
 - c. The proposed Use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
 - d. The proposed Use will not adversely affect other property in the area in which it is located;
 - e. The proposed Use conforms to all applicable provisions of this Ordinance for the District in which it is to be located.
2. The Board of Zoning Appeals may impose such other conditions and restrictions upon the premises benefited by a Conditional Use Permit as may be necessary to reduce or minimize the injurious effect of such Conditional Use upon and ensure compatibility with surrounding properties. The Board of Zoning Appeals may establish dates for the expiration of any Conditional Use Permit as a condition of approval.
3. The provisions of Sections 8.5.16.K.3.a-c following shall apply to all applications for approval of any Conditional Use located within any Floodplain District as indicated on the Floodplain Map available from the Development Services Department during normal business hours:
 - a. Prior to the approval of a Conditional Use Permit application, an approved Floodplain Development Permit shall be required.



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- b. The Board of Zoning Appeals shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard. Upon consideration of the factors listed herein and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of the Conditional Use Permit as it deems necessary to further the purposes of this Ordinance.
- c. In passing upon such applications, the Board of Zoning Appeals shall consider the technical evaluation of the City Engineer, all relevant factors, and standards specified in other sections of this Ordinance, and:
 - (1) The danger that materials may be swept onto the other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
 - (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (5) The importance of the services provided by the proposed facility to the community;
 - (6) The necessity to the facility of a waterfront location, where applicable;
 - (7) The availability of alternative locations, not subject to flooding or erosion damage;
 - (8) The compatibility of the proposed use with existing Development anticipated in the foreseeable future;
 - (9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - (10) The safety of access to and from the property in times of flood for ordinary and emergency vehicles;
 - (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - (12) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Staff Comment:

Section 8.5.16.K.1.a-e of the Zoning Ordinance tasks the Board with confirming that the limited use standards are met; ensuring that the proposed use is designed, located and operated in a manner that



protects the public health, safety and welfare; and, to impose any other conditions necessary to ensure compatibility with surrounding properties and minimize any injurious effect to neighbors. Staff analysis and recommendation is provided below to assist the Board in its review of the proposed major home occupation.

General Requirements (4.3.9.E.6.u.4)

- a. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes;

The property has a residential structure on the parcel. The accessory structure with access appears to be presented on approximately half of an acre of the approximately 2.8-acre lot. The accessory building is larger (4,624 sq ft) in square footage than the residence (2,782 sq ft.). No permit for the accessory structure was located and its date of construction appears to be circa 2002 according to GIS information.

Given the disproportionate size, it is debatable as to if the accessory structure is "clearly incidental and secondary" to the residence. On-site conditions could be construed in such a way as that the accessory structure is on a separate parcel (See Appendix: Exhibit A). The intent of the "incidental and subordinate" clause is to preserve the residential character of the neighborhood by ensuring that home-based businesses do not overwhelm or detract from the primary use of the property as a dwelling. In this instance, the scale of the accessory structure, relative to the home, suggests that the proposed major home occupation could become the dominant feature of the property, which is contrary to this intent.

Furthermore, approving a major home occupation at this site, where the accessory structure is significantly larger than the principal dwelling, could set an undesirable precedent - potentially leading to the proliferation of large commercial-like operations in residential zones, undermining the integrity of the CD-3L zoning district. In summary, approval of conditional use could give the impression that a commercial and/or light industrial operation is permitted within the CD-3L district.

- b. A home occupation shall not be established prior to the residents conducting the home occupation taking possession of, and residing in, the dwelling;

The applicant appears to reside on-site, in the residential structure. It appears the applicant took possession of the property in April of 2023.

- c. Outside storage or display of materials, merchandise, or inventory is prohibited;



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No request for outdoor storage or display was presented. However, given the nature of the proposed use (a tile warehouse and install company), it would not be unreasonable to believe that outdoor storage of some type would occur, if the conditional use is approved.

- d. Exterior alteration that changes the residential character of the principal building is prohibited;

The applicant is requesting to use the accessory structure with no proposal to modify the residence.

- e. No exterior building signs shall be permitted except as specifically provided in Article 7 of this ordinance;

The applicant has not made a request for signage. The proposed Major Home Occupation, if approved, would be subject to the signage regulations outlined in the Zoning Ordinance Article 7. Any such request would require a building permit and be limited to a wall sign not to exceed four (4) square feet. However, while Article 7 allows for a sign up to 4 square feet, staff believes that the introduction of any exterior business signage, even if technically compliant with Article 7, would further erode the intended character of the CD-3L Neighborhood Large Lot Character District. This district is defined by its low-density single-family residential nature, with an emphasis on houses as the predominant building type and a suburban neighborhood feel. The presence of an exterior business sign, alongside an oversized accessory structure, would introduce a commercial element that is inconsistent with the district's core identity and its designation as a "Suburban Neighborhood" future land use area. The cumulative effect of these elements would significantly diminish the residential aesthetic and character that the CD-3L zoning is designed to preserve.

- f. Receipt, sale or shipment to and from the premises is permitted by regular U.S. Mail and express shipping service characteristic of residential neighborhoods; large-volume, business-to-business commercial deliveries are prohibited; and

The applicant has not identified what products, volume, frequency, or method of deliveries/sales will be to/from site. The ordinance strictly permits only "regular U.S. Mail and express shipping service characteristic of residential neighborhoods." The applicant's stated business, "tile warehouse and install," by its very nature, would almost certainly necessitate the receipt and shipment of tile and other materials in quantities and by means (e.g., freight trucks, contractor vehicles with trailers) that would constitute "large-volume, business-



to-business commercial deliveries." The applicant's failure to provide specific details on proposed shipping and receiving methods, combined with the business description, leaves no reasonable assurance that these essential limitations can be met, raising significant concerns about increased commercial traffic, noise, and visual impact incompatible with the CD-3L district.

- g. The applicant shall obtain all appropriate licensure required by the State of Tennessee.

There are no known special licensing requirements outside of mandated business licenses regulated under State law within this application.

Additional Requirements (4.3.9.E.u.6)

- a. A Major Home Occupation may be conducted within an accessory building;

The applicant is requesting his business, Liberty Home Repair, be established in the existing, non-conforming accessory structure that is approximately 4,600 sq. ft. in size. Thus, staff is forwarding this request to the Board for consideration.

- b. A major home occupation may include two employees who do not reside in the home;

The applicant has identified there would be non-resident employees onsite.

- c. Except in-home childcare licensed by the State of Tennessee, a major home occupation may have no more than two customers or clients on the premises at one time;

The application from the applicant does not indicate that customers will be coming to the site. However, the applicant may expand upon this option at a future point in time if granted conditional use for major home occupation. The applicant has expressed interest in this opportunity to staff during verbal communications. Therefore, it is a reasonable assertion that the applicant will exercise the option of having customers onsite if granted conditional use. The coming and going of customers to the residence would further erode the intended characteristic nature of the CD-3L.

- d. Shipment and delivery to and from the premises are prohibited between the hours of 9 pm and 7 am;



The applicant acknowledges this limitation within their completed application.

- e. No employees, customers, or clients may be on the premises between the hours of 9 pm and 7 am;

The applicant acknowledges this limitation within their completed application.

- f. Trailers, equipment, and commercial vehicles, when permitted by the Board of Zoning Appeals, must be stored in the Third Layer and screened from view; and

While the applicant has stated that no commercial equipment will be present, the nature of the proposed business – a "tile warehouse and install" – renders this assertion highly improbable. The efficient handling and storage of large quantities of heavy tile products typically necessitate equipment such as tow motors, pallet jacks, or other heavy lifting/moving apparatus. Furthermore, the "install" aspect of the business strongly suggests the presence of commercial vehicles, contractor vans, or trailers for transporting materials and tools to job sites. The applicant has provided no plan or indication for the compliant storage of such equipment or vehicles within the designated Third Layer and adequate screening from view.

This lack of a credible plan, combined with the unlikelihood of operating a tile warehouse without such equipment, indicates a significant gap in the applicant's ability to demonstrate compliance with this requirement and further reinforces the commercial, non-residential character of the proposed Major Home Occupation. The inability to reasonably store and screen such elements would overtly impact the visual character of this CD-3L low-density residential district.

- g. The Board of Zoning Appeals may further restrict the number of employees, hours of operation, deliveries, and parking of commercial vehicles and equipment on site.

Any further restrictions determined at the public meeting will be identified in the record and incorporated with the Home Occupation Permit.

Conditional Use Permit Specific Requirements (8.5.16.K.1)

- a. The proposed Use is listed as a Conditional Use for the applicable District.



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TABLE 4.3.9.A-2 BUILDING, LOT & BUILDING SITE ACCESSORY USES

ACCESSORY USE	CD-2	CD-3 L	CD-3	CD-4	CD-4C	CD-5	CD - 5C	SD-MHP	SD-INT	SD-LI	SD-HI	PUD - R	PUD-MU	CV
Accessory Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Dwelling Unit	PL	PL	PL	PL	PL	PL	PL	NP	PL	PL	NP	NP	PL	PL
Accessory Garden Center	NP	NP	NP	NP	P	NP	P	NP	P	P	NP	NP	NP	NP
Parish House, Rectory, Parsonage, Monastery, or Convent on Site with Place of Worship	P	P	P	P	P	P	P	P	P	P	NP	P	NP	P
Dormitory on Site with Educational Institution	NP	NP	NP	P	P	P	P	P	P	P	NP	NP	NP	P
Hazardous Materials Storage	NP	NP	NP	NP	NP	NP	NP	NP	CU	CU	CU	NP	NP	NP
Minor Home Occupation	PL	PL	PL	PL	PL	PL	PL	PL	PL	PL	NP	PL	PL	NP
Major Home Occupation	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	NP	CU	CU	NP

- b. The proposed Use conforms to all applicable standards listed in Section 4.3.9.E, for the proposed Use;

Staff addressed Section standards previously in this report.

- c. The proposed Use is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;

The use, Liberty Home Repair, is described as a tile warehouse and installation company that will have office space and storage inside a 4,600 sq. ft. accessory building. The Zoning Ordinance requires that a proposed Conditional Use be "so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected." Based on the collective analysis above, staff finds that the proposed Major Home Occupation for "tile warehouse and install" fails to meet this fundamental standard by as follows:

1. Erosion of Residential Character and Quality of Life (Welfare):



- *Disproportionate Scale and Commercial Appearance: The accessory building, being nearly twice the size of the principal dwelling and intended for "tile warehouse and install," is inherently commercial/light industrial in scale and appearance. This directly contradicts the CD-3L district's defining characteristic as a "low density single-family detached Residential area in which House is the predominant Building type." When a business structure dominates the residential property, it fundamentally alters the visual harmony and intent of the neighborhood. This change degrades the established aesthetic and peaceful enjoyment of property for surrounding residents, thereby diminishing their welfare and the overall residential quality of the district.*
- *Introduction of Commercial Signage: Even a 4 sq ft exterior sign, while technically permitted under Article 7, contributes to the commercialization of a strictly residential streetscape. In a district designed for a "Suburban Neighborhoods" character, such a sign overtly signals a commercial/industrial enterprise, eroding the desired aesthetic and residential ambiance that contributes to residents' welfare.*
- *Cumulative Impact: The combination of an oversized commercial-appearing structure, potential business signage, and regular commercial/light industrial activity creates a perception that the property is no longer primarily a home, but rather a business. This cumulative effect detracts from the quiet enjoyment and residential character that residents expect and that the zoning district is designed to protect, directly impacting their welfare.*

2. Increased Traffic, Noise, and Safety Concerns (Safety & Health):

- *Prohibited Large-Volume Commercial Deliveries: A "tile warehouse and install" business, by its nature, involves the receipt and shipment of heavy, bulky materials (tiles, grout, setting materials) and likely specialized tools and equipment. This necessitates "large-volume, business-to-business commercial deliveries" (e.g., freight trucks, flatbed trucks, large vans, commercial pickups with trailers) which are explicitly prohibited by the ordinance.*
- *Incompatible Traffic in Residential Streets: The regular presence of such commercial vehicles, which are larger, heavier, and slower than typical residential traffic, poses significant safety risks. They can:*
 - *Obstruct sightlines at intersections and driveways.*
 - *Increase wear and tear on residential streets not designed for heavy commercial loads.*



- *Create hazards for pedestrians, cyclists, and children playing in a low-density residential neighborhood where such traffic is not anticipated.*
 - *Contribute to congestion and maneuverability issues on narrower residential thoroughfares (even those with curbs and sidewalks).*
 - *Noise and Disturbances: The loading, unloading, and movement of heavy materials and commercial vehicles, especially during potential early morning or late evening hours, generates noise, fumes, and vibrations. This directly impacts the peaceful enjoyment of property by neighboring residents, affecting their health and welfare through disturbances to quiet enjoyment, sleep, and potentially air quality.*
 - *Unaddressed Equipment Storage: The likely presence of commercial equipment (e.g., tow motors/forklifts, large saws, etc.) that the applicant has not accounted for further exacerbates potential noise, safety hazards (e.g., equipment operation, unsecured machinery), and visual blight, all of which negatively affect public safety and welfare.*
- 3. Lack of Adequate Operational Controls (Safety & Welfare):**
- *Uncertainty of Operations: The applicant's failure to provide details on shipping/receiving methods and equipment storage means the Board cannot ascertain how the business will operate. This lack of clear operational control creates an unacceptable level of uncertainty regarding noise, traffic, and overall site impact, making it impossible to guarantee the protection of public safety and welfare. Staff recommends that the Board not approve a conditional use where basic operational impacts remain unknown or are likely to blatantly violate ordinance provisions.*
- d. The proposed Use will not adversely affect other property in the area in which it is located;

The Zoning Ordinance requires that the proposed Use "will not adversely affect other property in the area in which it is located." Based on the detailed analysis provided under the preceding criterion regarding the protection of public health, safety, and welfare, staff finds that the proposed "tile warehouse and install" Major Home Occupation could affect other properties in the CD-3L Neighborhood Large Lot Character District by resulting in:

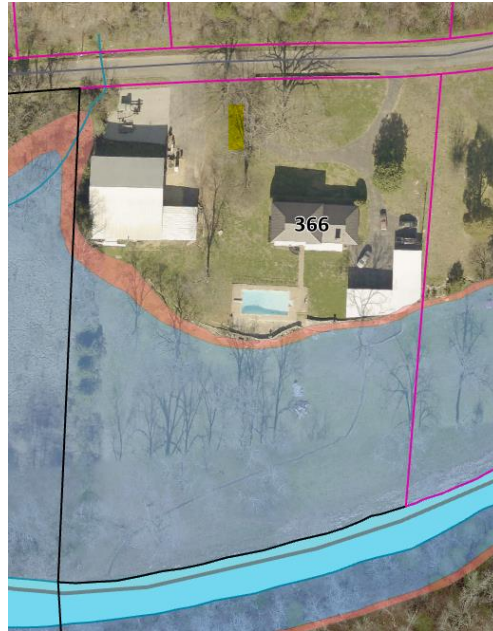
- **Diminished Property Value and Enjoyment (Welfare/Aesthetics):** The significant alteration of the residential character of the subject property (due to the oversized commercial-appearing structure, potential signage, and uncharacteristic operational activities) directly impacts the aesthetic and residential ambiance of neighboring parcels. This can lead to a diminution of

neighboring property values and detract from the peaceful enjoyment of their homes, which are fundamental aspects of property welfare in a low-density residential zone.

- **Nuisance Impacts (Noise, Traffic, Visual):** As detailed previously, the increased volume of commercial vehicle traffic (including potentially heavy delivery trucks and contractor vehicles/trailers), associated noise from loading/unloading and vehicle/equipment operation, and the commercial visual presence (including any outdoor storage of materials or equipment, even if temporary) would directly create nuisances for adjacent and nearby residential properties. These impacts interfere with the quiet enjoyment and safe use of neighboring properties.
- **Inconsistency with District Intent:** The CD-3L district is explicitly defined by its "low density single-family detached Residential area in which House is the predominant Building type." Allowing a commercial "tile warehouse and install" operation, which visually and functionally dominates its parcel, would be fundamentally inconsistent with this established character. This inconsistency directly and adversely affects neighboring properties that have been developed and maintained in reliance on the district's residential integrity. The proposed Use conforms to all applicable provisions of this Ordinance for the District in which it is to be located.

Conditional Use Permit Specific Requirements (8.5.16.K.3.a-c)

No new development is requested. No Elevation Certificate is on file as the residence was constructed Pre-Firm (prior to December 31, 1974). However, the parcel appears to be in a designated flood area.



RECOMMENDATION:

DENY Conditional Use Request.

Recommended Motion:

Move to find that the proposed Conditional Use does not conform to the requirements listed at Section 8.5.16 of the City of Columbia Zoning Ordinance and deny Conditional Use 25-0236 located at 366 Old Bear Creek Pike.

Alternative Motions:

Alternative Motion [Approve Subject to Conditions]:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 8.5.16 of the City of Columbia Zoning Ordinance and approve Conditional Use 25-0236 subject to the following conditions: *[list conditions of approval]*.

Alternative Motion [Deny]:

Move to deny the proposed Conditional Use having found *[list reasons for denial]*.

Alternative Motion [Defer]:

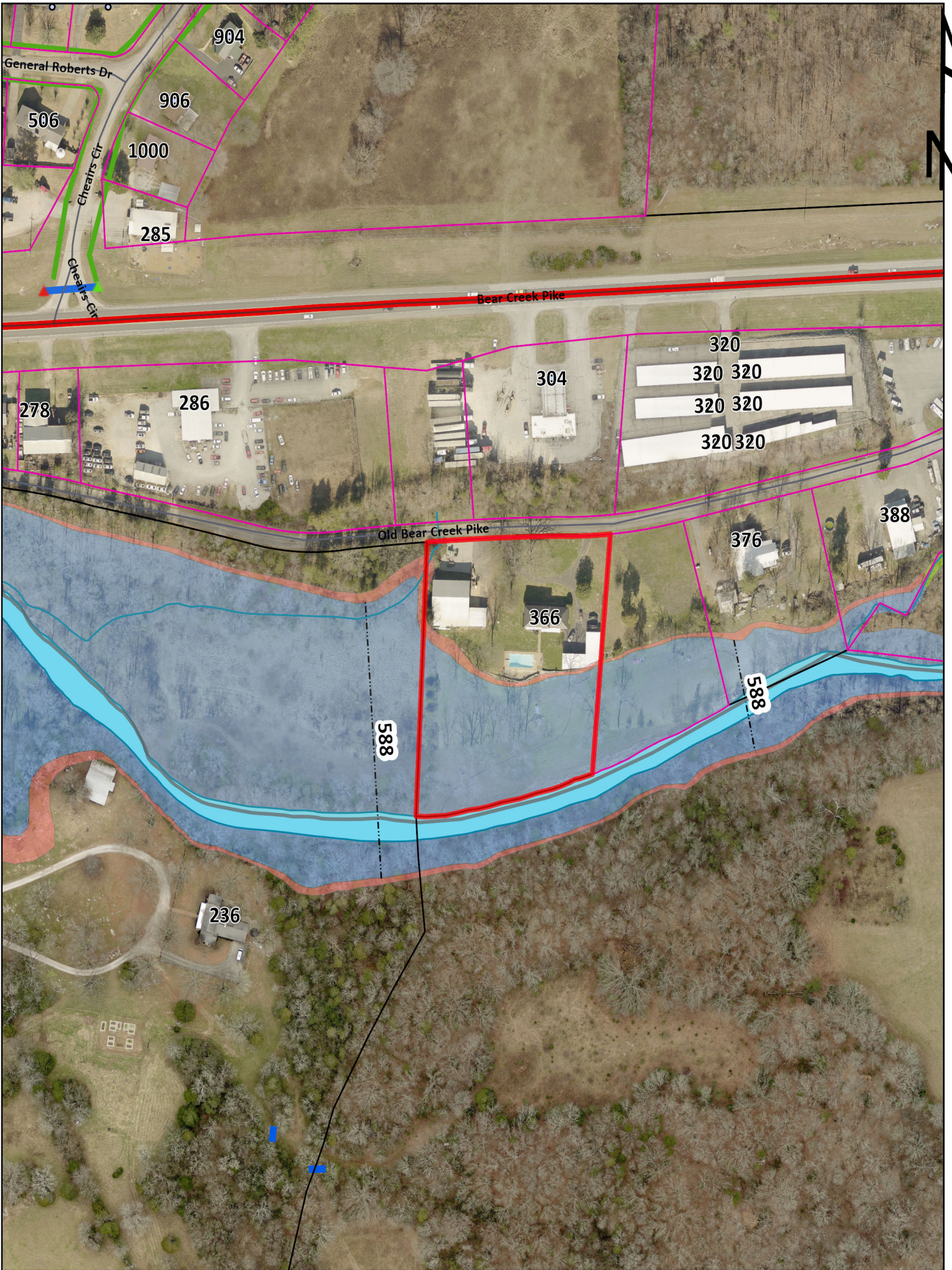
Move to find that there is insufficient information to make a decision, continue the hearing, and request that the [applicant/staff] provide: [list additional information] for review at a future meeting.

Appendix

Exhibit A



Source: Google Street View, image accessed July 2025, image taken in August 2019



25-0236
366 Old Bear Creek Pike

Development Services
700 N. Garden Street
Columbia, TN 38401
www.columbiatn.gov

CITY OF COLUMBIA





Minor/Major Home Occupation Application

Applicant

Name	KYLER THOMAS	Phone	210 323 6596
Address	366 Old Bear Creek Pk	Email	KYLERTHOMAS@ATT.NET

Owner of Record

Name	KYLER THOMAS	Phone	210 323 6596
Address	366 Old Bear Creek Pk	Email	KYLERTHOMAS@ATT.NET

Site information

Address/location	366 Old Bear Creek Pk Columbia TN		
	Tax map:	Group:	Parcel:
Subdivision Name			
Summary of Occupation	Office for Liberty Home Repair		

Home Occupations, the following standards are intended to ensure that home occupations are compatible with the residential character of neighborhood where they are located. The following limitations apply to all Home Occupations:

- a. The home occupation shall be clearly incidental and secondary to the use of the property for residential purposes;
- b. A home occupation shall not be established prior to the residents conducting the home occupation taking possession of, and residing in, the dwelling;
- c. Outside storage or display of materials, merchandise, or inventory is prohibited;
- d. Exterior alteration that changes the residential character of the principal building is prohibited;
- e. No exterior building signs shall be permitted except as specifically provided in Article 7 of this Ordinance;
- f. Receipt, sale or shipment to and from the premises is permitted by regular U.S. Mail and express shipping service characteristic of residential neighborhoods; large-volume, business-to-business commercial deliveries are prohibited; and
- g. The applicant shall obtain all appropriate licensure required by the State of Tennessee.

The Zoning Administrator may revoke the Home Occupation permit for failure to comply with these limited use standards, conditions imposed by the Board of Zoning Appeals, or other violations of City of Columbia Ordinance. If the Zoning Administrator denies a request for a Minor Home Occupation or revokes an existing permit, the applicant has the right to appeal the decision to the Board of Zoning Appeals. In such cases, the request will be treated as a Conditional Use application for a Major Home Occupation permit.

A Minor Home Occupation is allowed with the approval of a Minor Home Occupation permit from the Zoning Administrator. If the Zoning Administrator finds that the proposed home occupation could negatively impact the residential character of the neighborhood or the peaceful enjoyment of other property owners, they may refer the matter to the Board of Zoning Appeals.

Limitations for Minor Home Occupations: (complete all that are applicable)

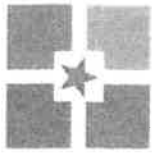
- The Home Occupation will not exceed fifty percent of the total floor area of the principal building.
- No person other than a family member residing on the premises will be employed as part of a minor home occupation unless such employee works off-premises.
- There will be no customers or clients on the premises of a minor home occupation.
- No commercial vehicles or trailers, other than ordinary passenger vehicles, will be permitted on the premises.

A Major Home Occupation shall be allowed only with the approval of the Board of Zoning Appeals. Such approval shall follow the process of a Conditional Use permit. The Zoning Administrator shall review such Major Home Occupation requests and recommend appropriate conditions of approval to the Board of Zoning Appeals.

Limitations for Major Home Occupations: (complete all that are applicable)

- Major Home Occupation will be conducted within an accessory building.
- Major Home Occupation will employ up to two non-resident employees.
- Except for in-home childcare licensed by the State of Tennessee, Major Home Occupation may accommodate more than two customers or clients on the premises at the same time.
- Shipments and deliveries to and from the premises are prohibited between the hours of 9 PM and 7 AM.
- No employees, customers, or clients may be present on the premises between the hours of 9 PM and 7 AM.
- Trailers, equipment, and commercial vehicles, when permitted by the Board of Zoning Appeals, must be stored in the Third Layer and screened from view.
- The Board of Zoning Appeals has the authority to further restrict the number of employees, hours of operation, deliveries, and parking of commercial vehicles and equipment on site.

Kyle Thomas [Signature] 6/13/2025
Print Name Signature Date



APPLICATION FOR CITY OF COLUMBIA REGULAR BUSINESS LICENSE

The fee is \$15 to apply for a City of Columbia regular business license. (A business license is also required from Maury County Government and the State of Tennessee.) Please complete this form and return to the City Recorder's Department with fee payment. The information in this application will be used to determine if a 'change of use' is involved which may require additional code requirements.

APPLICANT INFORMATION

NAME	KYLE R THOMAS				
PHONE	210 323 6596	EMAIL	KYLE R THOMAS @ ATT.NET		
ADDRESS	316 Old Bear Creek Pike				
	CITY	Columbia	STATE	TN	ZIP 38401

BUSINESS INFORMATION

NAME	Liberty Home Repair				
PHONE	210 323 6596	EMAIL	KYLE R THOMAS @ ATT.NET		
ADDRESS	316 Old Bear Creek Pike				
	CITY	Columbia	STATE	TN	ZIP 38401

BUILDING OWNER INFORMATION

NAME	KYLE R THOMAS	PHONE	210 323 6596
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BUSINESS ACTIVITY:

Describe exact business activity at this location, stating major products and/or services sold: (retail, restaurant, business, office, etc.)

tile warehouse & install

I hereby certify that I have read and examined this application and know the same to be true and correct

Kyle R Thomas PRINT NAME [Signature] SIGNATURE 6/13/2015 DATE

Department Use only

FIRE MARSHAL	
BUILDING CODE	
ZONING	



BOARD OF ZONING
CONDITIONAL USE PERMIT: APPLICATION AND CHECKLIST
SUBMITTAL REQUIREMENTS

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

1. Applicants must complete this application, include required supporting materials, & pay the required fee (\$300.00-*plus processing and advertising fees*) 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: Charles Rush, Principal Planner, Crush@columbiatn.gov or (931) 560-1531.
2. Please provide the following information:
 - a. Completed application.
 - b. **For a Conditional Use Permit only:** Complete Description of Requested Use or submit a separate Request Letter to the Board of Zoning Appeals. In either case, address each of the following:
 - i. Explain in detail the proposed use for the property, including long-term plans; and
 - ii. Explain how your proposal will be designed, located, and operated so that the public health, safety, and welfare will be protected; and
 - iii. Explain how your proposal will not adversely impact other properties in the area in which it is located (this includes addressing access and parking for the site, if applicable).
 - iv. **For Home Occupation**
 1. Will it be conducted within an accessory building.
 2. Will there be non-resident employees.
 3. Will there be customers.
 4. Will there be trailers, equipment, and commercial vehicles.
 5. Will there be deliveries to and from the premises.
 - c. Submit applicable drawings, illustrations, and so forth, to accompany the request.
 - d. 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.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
ADDRESS: 366 Old Bear Creek Pike					
ZONING:			LOT ACREAGE: 4.77 acres		
EXISTING LAND USE:			BUILDING SQUARE FOOTAGE: 4400 SF		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): FRONT: 120 ft. SIDE: 25 ft. REAR: 500 ft.					
OTHER INFORMATION: See addendum back page					

CONDITIONAL USE PERMIT REQUEST:

CONDITIONAL USE PERMIT 8.5.16C
REQUESTED Use (be detailed):
DOES THE REQUESTED USE HAVE REQUIRED PARKING (SEE TABLE 4.3.12.B-1 IN THE ZONING ORDINANCE)?
HOURS OF OPERATION:

APPLICANT

NAME	KYLE THOMAS	PHONE	210 327 6596
ADDRESS	366 Old Bear Creek Ave Columbia TN 38401	EMAIL	KyleThomas@ATT.NET

PROPERTY OWNER

NAME	JAME	PHONE	
ADDRESS		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.

KYLE THOMAS
APPLICANT NAME

[Signature]
APPLICANT SIGNATURE

6/10/2025
DATE

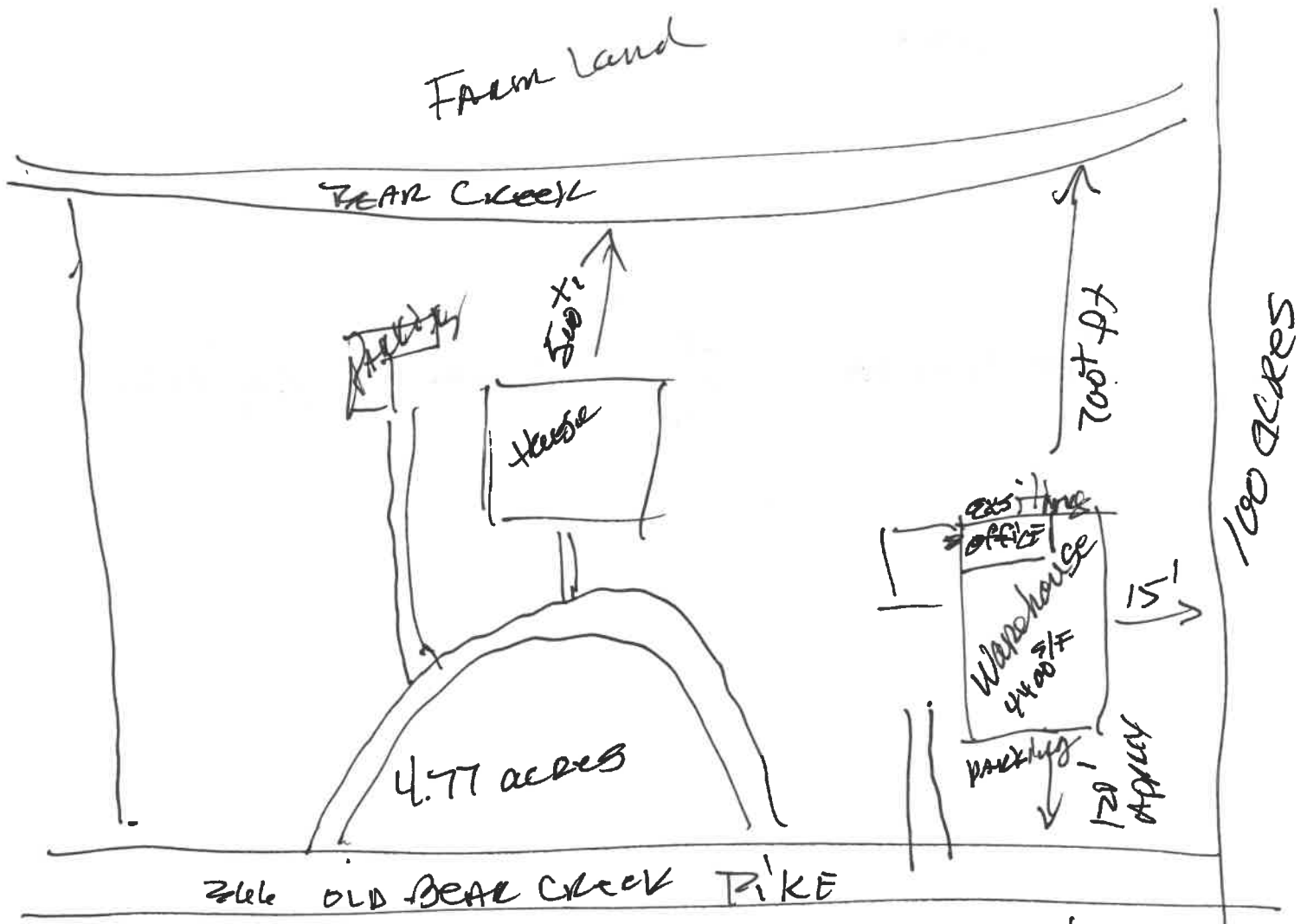
PROPERTY OWNER NAME

PROPERTY OWNER SIGNATURE

DATE

USE: office/storage for Home Repair business

- no overnight operations -
- no more than 100 employees on premises (seldomly)
- only 1 other residence so low impact on health, safety etc
- existing parking lot
- private access & parking
- no home use - warehouse only
- only ~~personal~~ personal trailers etc no commercial
- no customers
- rare business deliveries



- 306 Old Bear Creek Pike is on 1/2 mile road with 2 houses.

- office area already on site
- ~~all~~ all structures already existing