



The Columbia Board of Zoning Appeals will meet in *Special Session* on Monday, August 18, 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. Old Business

1. 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. **THIS ITEM WAS DEFERRED FROM A PREVIOUS AGENDA.**

IV. New Business

1. Request from Ashley Runions for Conditional Use approval of a Major Home Occupation located at [210 Richmond Drive, being Tax Map 113I Group B Parcel 11](#), a CD-3L (Neighborhood Large Lot Character District) zoned property.
2. Request from Ben Kroeger for Variance approval of a side yard setback at [1603 Columbia Avenue, being Tax Map 100L Group P Parcel 26](#), a CD-3 (Neighborhood Character District) zoned property.
3. Request from John Davis for Variance approval of the secondary Frontage setback at [517 Hill Street, being Tax Map 89M Group F Parcel 17](#), a CD-3 (Neighborhood Character District) zoned property.

V. Other Business

VI. Adjourn



CITY OF COLUMBIA TENNESSEE
 BOARD OF ZONING APPEALS
 STAFF REPORT

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

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]:

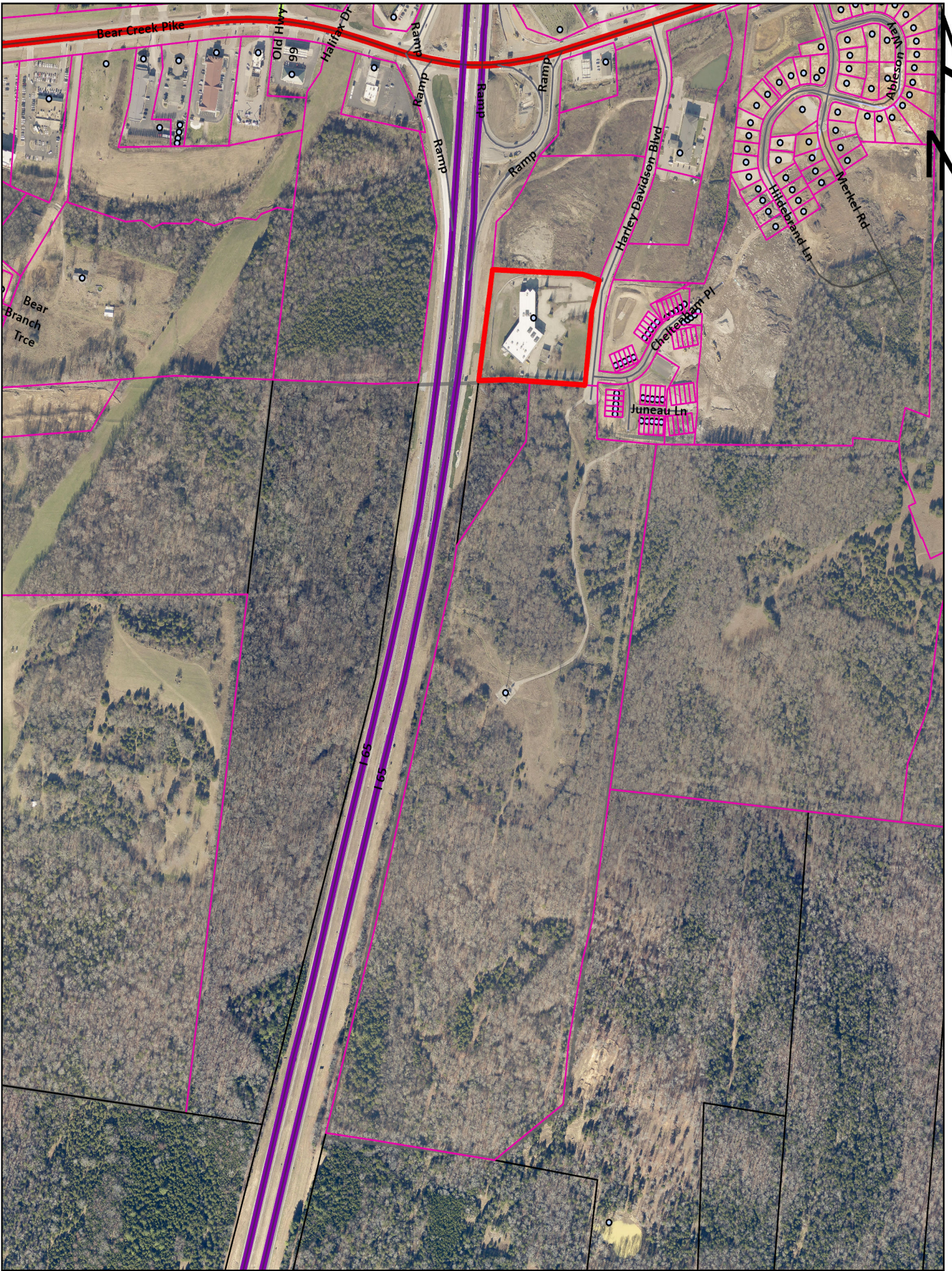
Move to deny the proposed Conditional Use having found [*list reasons for denial*].

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.







25-0208
1616 Harley Davidson Blvd.

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





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



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





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
25-0250

APPLICANT/ PROPERTY OWNER
Nathan and Ashley Runions

PUBLIC HEARING DATE
August 14, 2025

PROPERTY ADDRESS/LOCATION
210 Richmond Dr.

REQUEST: Conditional use of Major Home Occupation (Barber Shop) within an Accessory Structure.

The applicant is seeking a Conditional Use Permit for a Major Home Occupation to operate a barbershop on the subject parcel. The proposed barbershop is intended to be located within an existing 16x24-foot "shed" on the property. The applicant has indicated that this shed would serve dual purposes: as the primary space for the barbershop operation and for the storage of typical outdoor equipment such as garden tools and a lawn mower.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Lot Size:
CD-3L	Single Family	CD-3L Residential	Proposed Barbershop within a detached accessory structure.	+/- >1 acre

STATUS OF REVIEW

The subject parcel is zoned CD-3L, which is intended for residential uses with specific regulations for the third layer. While a barbershop is not a permitted use within the CD-3L district, the Zoning Ordinance allows for Major Home Occupations with the approval of the Board of Zoning Appeals (BZA) as Conditional Use.

REVIEW & ASSESSMENT

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.
 - 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 ANALYSIS

Staff have reviewed the application for a Major Home Occupation (barbershop) and have identified concerns that lead to a recommendation of non-support for the conditional use at this parcel.

1. **Building Code Compliance and Suitability of Structure:** The primary concern is the proposed use of a 16x24 foot "shed" for a commercial barbershop. While Section 6.2.2(6)a states that a Major Home Occupation "may be conducted within an accessory building," this provision assumes the accessory building is suitable for the proposed commercial use and meets all applicable building, plumbing, electrical, and fire safety codes. A typical shed, designed for storage of outdoor equipment, is not constructed to meet the requirements for commercial occupancy, which include:
 - **Health and Safety:** Barbershops involve specific sanitation, plumbing (sinks for hair washing), and electrical requirements for equipment. A shed is unlikely to have the necessary infrastructure or meet health department standards.



- **Accessibility:** Commercial establishments typically require compliance with accessibility standards (e.g., ADA), which a shed would likely not meet without substantial modification.
 - **Occupancy Classification:** A commercial barbershop would fall under a different occupancy classification than a storage shed, requiring different construction standards for safety.
 - **Dual Use Conflict:** The proposed dual use of the shed for both a barbershop and storage of outdoor equipment (lawn mower, garden tools) raises further concerns regarding sanitation, safety, and the overall professional environment for a commercial operation. Storing fuel, chemicals, and dirty equipment alongside a barbershop is inappropriate and potentially hazardous.
2. **Incidental and Secondary Use (6.2.2(4)a):** While a barbershop can function as a home occupation, operating it out of a separate, dedicated structure, especially one also used for equipment storage, may challenge the "incidental and secondary" nature relative to the primary residential use. The commercial activity in a detached, non-code-compliant structure could detract from the residential character of the property and neighborhood.
 3. **Impact on Residential Character:** The intent of home occupation standards is to ensure compatibility with residential neighborhoods. Allowing a commercial operation in a structure not designed or permitted for such use, and which concurrently serves as a storage shed, presents a risk to the quiet enjoyment and residential character of adjacent properties. Furthermore, the introduction of commercial signage, even if small, can subtly alter the visual landscape of a residential area, signaling a commercial presence that is typically reserved for commercial districts and potentially diminishing the residential aesthetic.

PUBLIC NOTICE

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

RECOMMENDATION

Based on the above analysis, staff recommend **DENIAL** of the Conditional Use Permit for a Major Home Occupation for a barbershop at the subject parcel. The primary reason for this recommendation is the proposed use of a "shed" for commercial purposes, which is highly unlikely to meet the necessary building, health, and safety codes required for a commercial establishment, and the inherent conflict with the residential character of the neighborhood.

Sample Motions

[Approve]:

Move to find, based on the evidence presented by the applicant and the analysis provided by city staff, that the City of Columbia Zoning Ordinance has been sufficiently and fully satisfied and grant a conditional use.

[Deny]:

Move to deny the requested Conditional Use having found that the Use does not conform to the specific requirements in the City of Columbia Zoning Ordinance and thus have not been sufficiently and fully satisfied.

[Approve Subject to Conditions]:

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

[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.

STAFF SUGGESTED CONDITIONS (IF BOARD MOTIONS TO APPROVE)

Should the Board of Zoning Appeals choose to approve this Conditional Use, staff would recommend the following conditions, in addition to adherence to all general and major home occupation limitations outlined in Section 6.2.2 of the Zoning Ordinance:

1. **Building Code Compliance:** Prior to the issuance of any business license or certificate of occupancy for the barbershop, the accessory building (shed) shall be brought into full compliance with all applicable City of Columbia building, plumbing, electrical, mechanical, fire, and accessibility codes for commercial occupancy. This shall include, but not be limited to, proper insulation, ventilation, egress, sanitation facilities, and structural integrity. All necessary permits and inspections must be obtained and passed.
2. **Exclusive Commercial Use of Accessory Building:** The accessory building (subject to Condition #1) shall be used exclusively for the approved Major Home Occupation (barbershop) only. No residential lawn equipment, garden tools, or other personal storage items shall be permitted within the accessory building.
3. **Operating Hours:** The barbershop shall operate strictly within hours that are conducive to the quiet and peaceful enjoyment of the neighborhood. The Board should make clear what these hours are, within the limitations of the Zoning Ordinance. No employees, customers, or clients on the premises outside of these hours shall be permitted.

4. **Customer/Client Limit:** No more than two (2) customers or clients shall be permitted on the premises at any one time.
5. **Employee Limit:** While a maximum of two (2) employees who do not reside on the premises is permitted within a Major Home Occupancy, staff recommends due to size limitations of the proposed accessory structure, that the Board limit the number of onsite employees to just the applicant.
6. **Deliveries:** All shipments and deliveries to and from the premises shall be characteristic of residential neighborhoods and prohibited between 9:00 PM and 7:00 AM. Large-volume, business-to-business commercial deliveries are prohibited.
7. **No Exterior Signs/Alterations:** No exterior building signs shall be permitted beyond what is specifically allowed in Article 7 of the Zoning Ordinance, and no exterior alterations shall change the residential character of the principal dwelling or accessory building.
8. **Licensure:** The applicant shall obtain and maintain all appropriate state and local licensure required for the operation of a barbershop.
9. **Parking:** All parking for customers and/or employees shall be accommodated on-site and shall not impede traffic flow or create safety hazards.
10. **Revocation:** Failure to comply with any of these conditions or any other City of Columbia ordinances may result in the revocation of the Home Occupation permit by the Zoning Administrator.

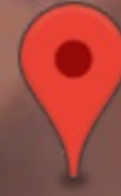


210 Richmond Drive, Columbia, TN

N



210 Richmond Dr



2D

10 m



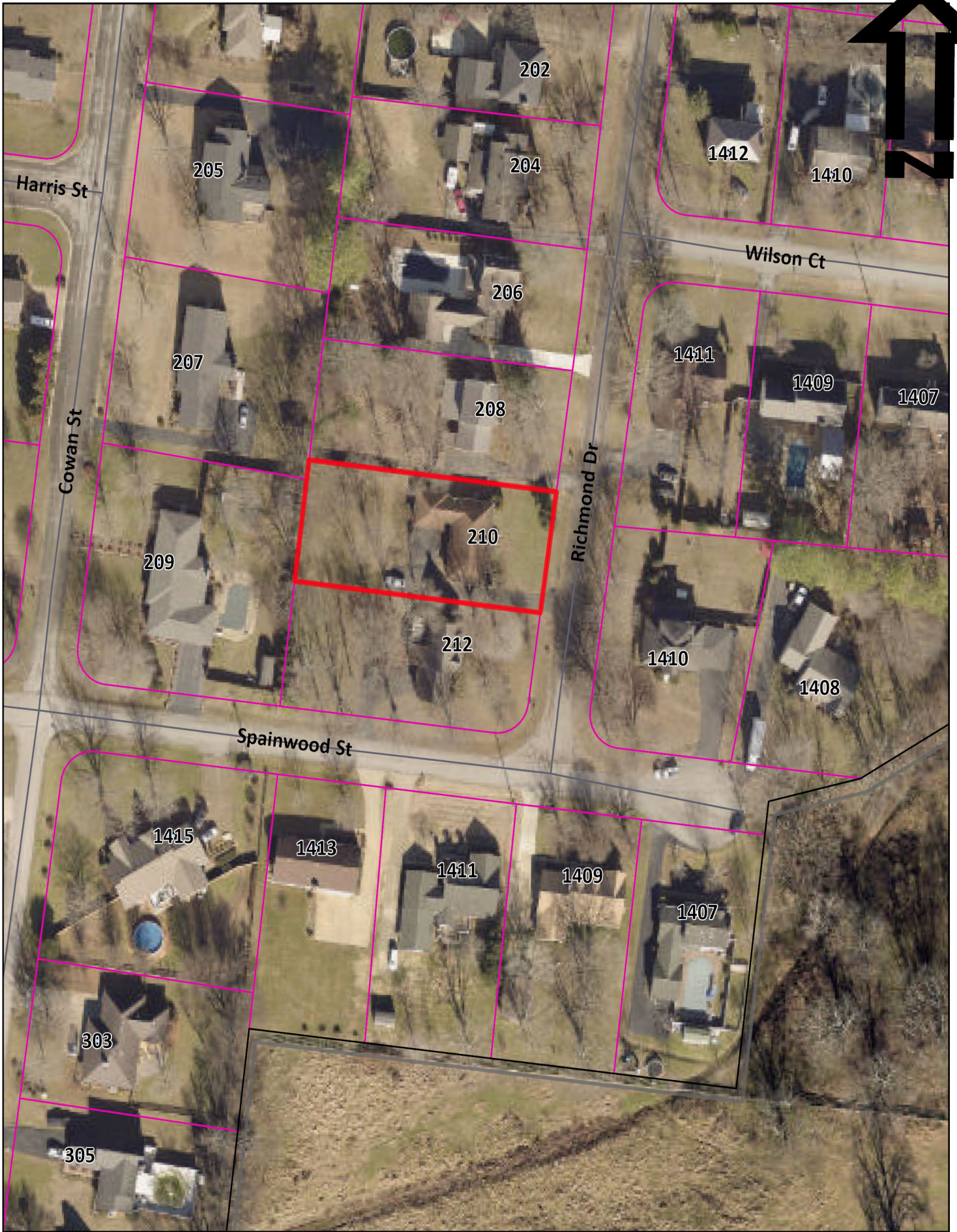
210 Richmond Dr



210 Richmond Dr, Columbia, TN 38401



Save to project



Case #25-0250
210 Richmond Drive

Development Services
700 N. Garden St.
(931) 560-1560
www.columbiatn.gov

Ashley's Barber Suite will operate as a small, private grooming suite offering professional barbering services by appointment. The business will provide the following services:

- Haircuts for men, women, and children
- Beard trims and edge-ups
- Hair shampooing and scalp care treatments

The space will be used exclusively for these barbering services and will not involve the sale of retail goods or services beyond those listed above. The suite will include a barber chair, shampoo bowl, mirror station, and appropriate sanitation equipment, all meeting state and local barbering requirements.

All services will be performed by a licensed barber in compliance with local health and safety regulations. No chemical treatments or color services will be performed at this location. Business operations will occur during standard hours, with client visits by appointment only to minimize traffic and ensure a quiet, professional environment.



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
25-0266

APPLICANT/ PROPERTY OWNER
Benjamin Kroeger

PUBLIC HEARING DATE
August 14, 2025

PROPERTY ADDRESS/LOCATION
1603 Columbia Ave 100L P 026.00

REQUEST: Variance request from limitation on building setback CD-3.

The applicant is requesting a variance from the CD-3 side setback requirements to permit the existence of a newly constructed residential structure with a side setback of under 3 feet, where 8 feet is required. This request arises from construction that exceeded the scope of an initially approved remodel permit, resulting in what is effectively a new home on the existing foundation. Staff recommends **denial** of this variance request.



Existing Zoning	Existing Land Use	Surrounding Zoning/Land Use	Site Improvements	Lot Size:
CD-3	Single-family	CD-3/Civic	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.C
- The variances requested, if approved, would permit a structure to be built with a non-compliant side setback.

REVIEW & ASSESSMENT

8.5.16.L VARIANCE REQUIREMENTS

1. Standards:

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

- a. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this Ordinance, or by reason of



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

- 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:

- Self-Created Hardship (Criterion g & a): The alleged difficulty or hardship is directly and entirely caused by the applicant's actions. The applicant built a new structure outside the scope of an approved remodel permit and in violation of setback requirements. The property itself does not possess exceptional conditions that necessitate a variance.



- Not Minimum Variance Necessary (Criterion b): The current structure is not the minimum variance necessary for reasonable use of the land. A conforming structure could have been designed and built on the lot.
- Detrimental to Public Good/Impairs Ordinance (Criterion e): Granting this variance would set a negative precedent, undermine the integrity of the permitting process, and impair the intent of the zoning ordinance.
- Impact on Light and Air (Criterion f): A side setback of less than 3 feet and increasing the height of the building could likely impair the adequate supply of light and air to the adjacent property and create an undesirable sense of overcrowding.
- Financial Returns Not a Basis (Criterion d): Any financial burden on the applicant is a direct consequence of their non-compliant construction.
- Permitted Use (Criterion c): While the proposed use (single-family residential) is permitted, the non-conforming setback is the issue.

EVALUATION OF REQUIRED FINDINGS

a. Exceptional Physical or Topographic Conditions

The alleged practical difficulty or undue hardship is not a result of the exceptional narrowness, shallowness, shape, or topographic conditions of the property itself. The property could accommodate a structure conforming to the zoning ordinance, as evidenced by the initial approval for a remodel of an existing, presumably conforming, structure. The hardship has arisen directly from the applicant's decision to construct a new principal structure and an accessory structure that exceeds the scope of the approved remodel permit and do not adhere to the established setback requirements. The property's inherent characteristics do not necessitate a deviation from the side setback.

Finding: Not Met

b. Minimum Variance Necessary

The current structure, built as a new construction under the guise of a remodel, is not the minimum variance necessary for the reasonable use of the land. A conforming structure could have been designed and built on the lot that would meet the required setbacks, allowing for reasonable use of the property. The current configuration is a result of construction choices made by the applicant that disregarded zoning requirements, not an unavoidable outcome for reasonable land use.

Finding: Not Met

c. Use Authorization

The variance, if granted, would still permit a single-family residential use, which is permitted in the CD-3 district.

Finding: Met

d. Financial Return Not Basis

Staff acknowledges this criterion. Any financial burden incurred by the applicant due to the need for this variance is a direct consequence of their actions in constructing a new structure outside the scope of the approved permit and in violation of setback requirements. Financial considerations alone cannot justify the granting of a variance under these circumstances.

Finding: Not Applicable

e. No Substantial Detriment to Public Good or Zoning Intent

Granting this variance could be substantially detrimental to the public good and substantially impair the intent and purpose of the City's zoning ordinance. Allowing a new structure, built in clear deviation from an approved permit and in violation of established setbacks, sets a negative precedent. It undermines the integrity of the permitting process and the effectiveness of zoning regulations designed to ensure orderly development, adequate light and air, and consistent neighborhood character. Permitting such a significant encroachment could also be injurious to adjacent properties by impacting their privacy, light, and perceived density.

Finding: Not Met

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.

Regarding light and air, a side setback of less than 3 feet, significantly reduced from the required 8 feet, can impair the adequate supply of light and air to the adjacent property. It can also create an undesirable sense of overcrowding and negative impact on the aesthetic and functional relationship between the subject property and its neighbors. While it may not directly increase street congestion or fire danger, the impact on light and air is a concern.

Finding: Not Met

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

The alleged difficulty or hardship is **directly and entirely caused** by the act and omission of the applicant. The applicant proceeded with construction that fundamentally changed the nature of the project from a remodel to a new build, without obtaining the necessary permits and without adhering to the zoning district's setback requirements. This self-created hardship is a primary reason for denying the variance.

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 hardship appears to be self-created by deviating from the approved building permit. No extraordinary or exceptional physical condition exists on the property that would justify deviation from the CD-3 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 *Main Street Maury* 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]:

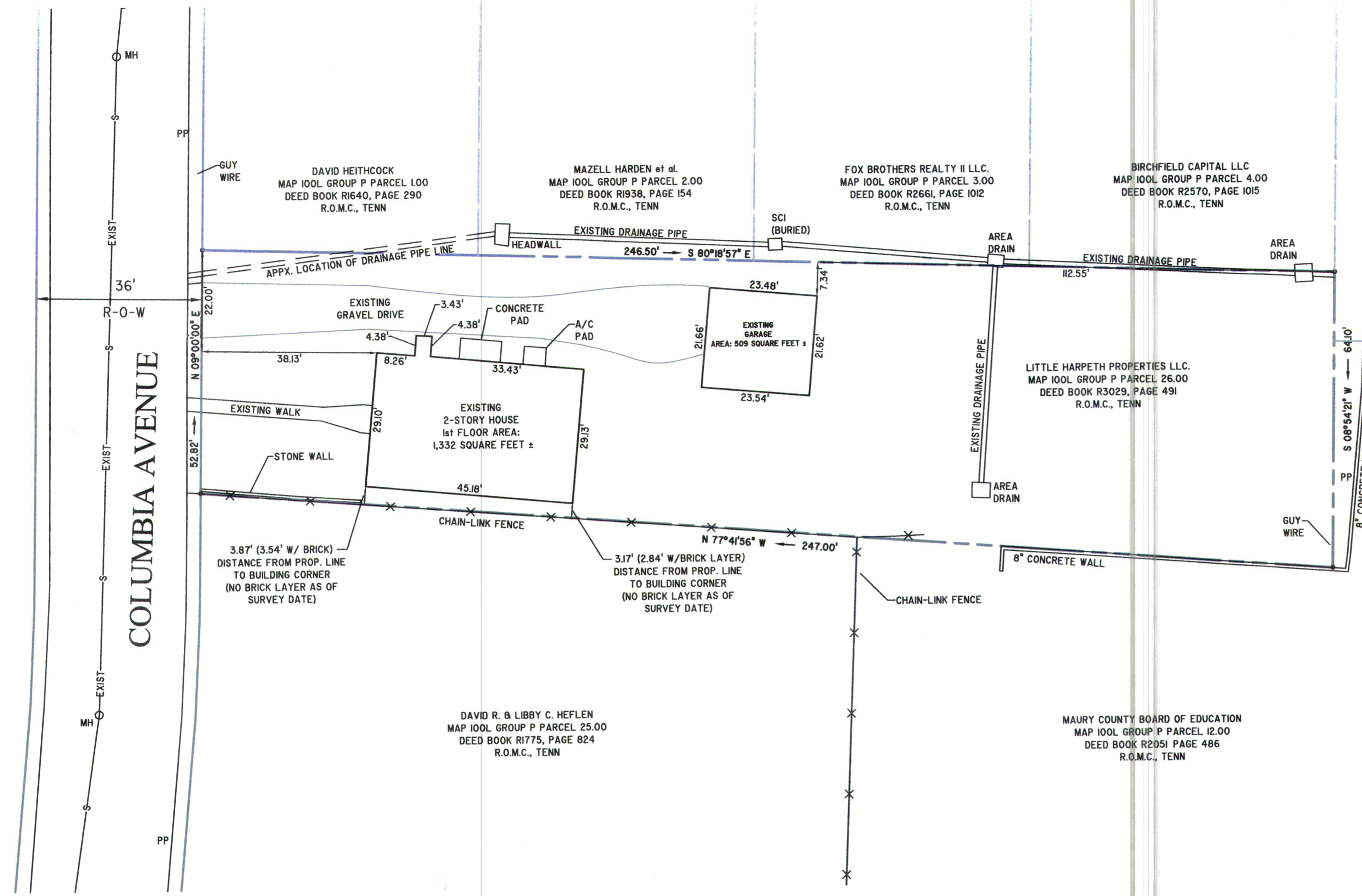
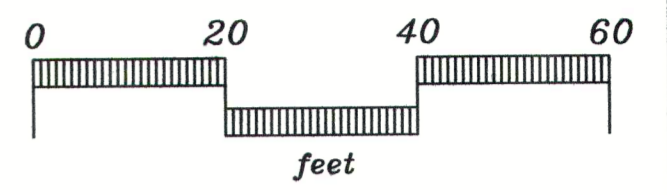
Move to find that all seven variance criteria listed in the City of Columbia Zoning Ordinance have been sufficiently and fully satisfied and grant the requested variance subject to the following conditions: [*list conditions of approval*].

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.



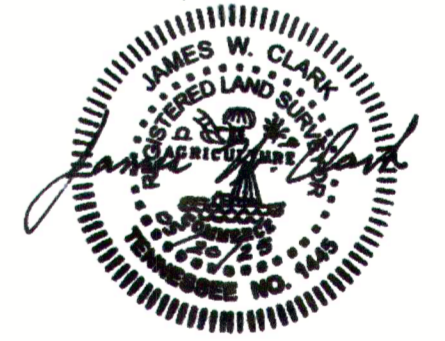
Bearings referenced to Plat of Morgan's Addition to Columbia, Tennessee, of record in Plat Book 98, Page 255, R.O.M.C., Tenn.



Certification

I hereby Certify that this a Category "I" Survey and the ratio of precision of the unadjusted survey is greater than 1 : 10,000 as shown hereon.

James W. Clark
Registered Land Surveyor
Tennessee No. 1445



Boundary & As - Built Survey
Property Map 100L, Group P, Parcel 26.00
1603 Columbia Avenue

9th Civil District, Maury County
Columbia, TN 38401

Prepared for
Little Harpeath Properties LLC.
c/o Ben Kroeger

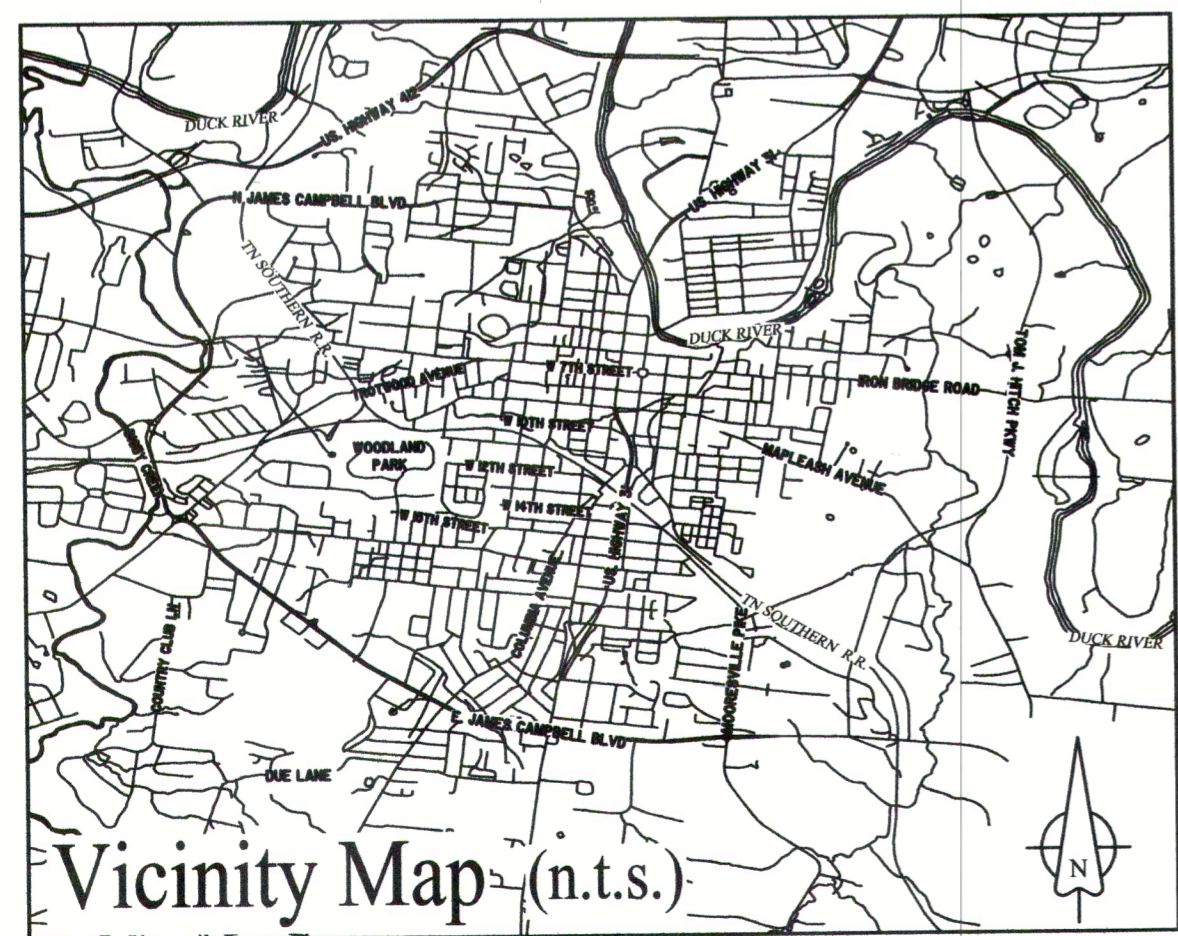
Date: 05 - 20 - 2025
Scale: 1" = 10'

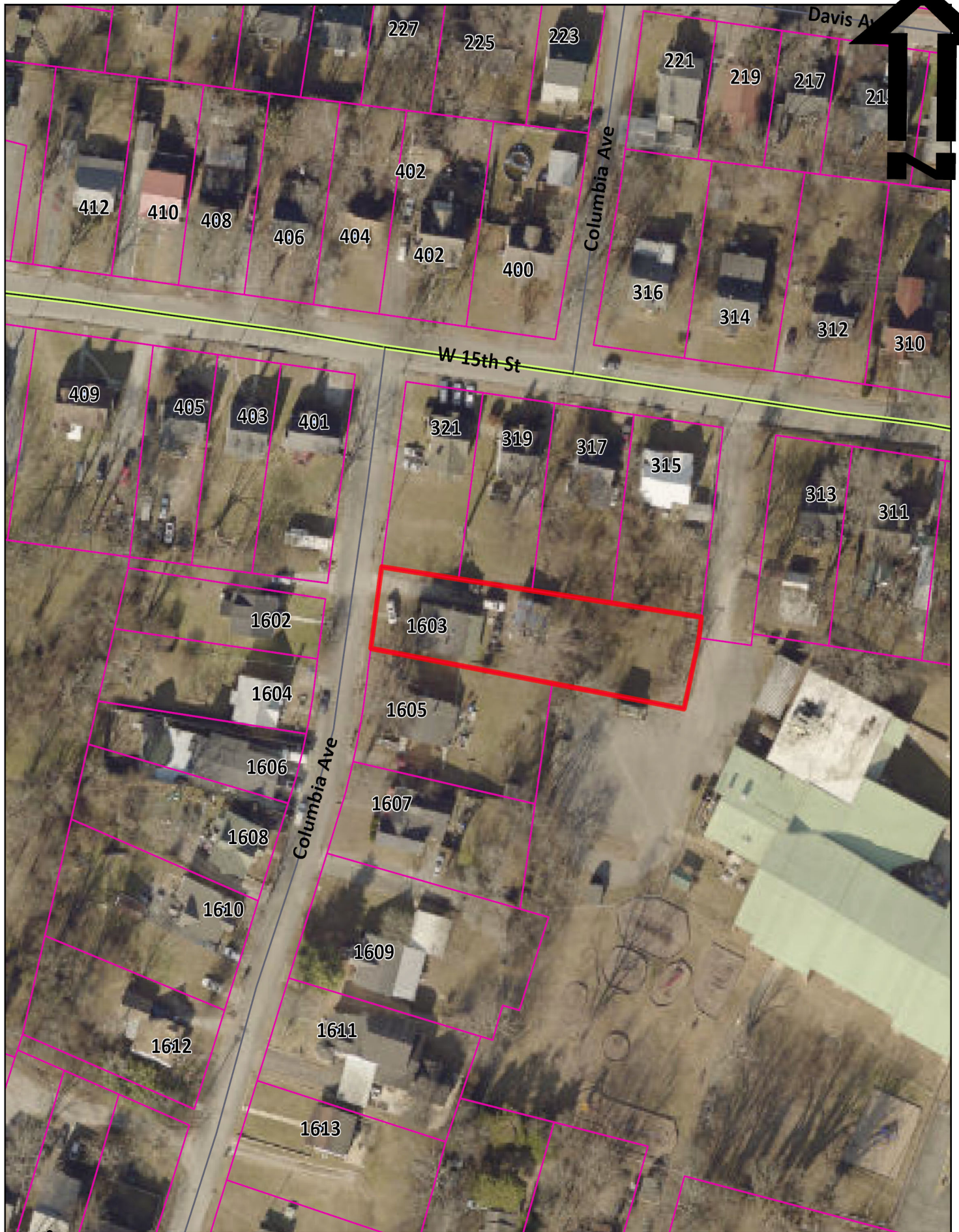
Anderson-Delk-Epps & Associates, Inc.
618 Grassmere Park Drive, Suite 4
Nashville, Tennessee 37211
(615) 331-0809

Job No. 25-115

Notes

- Property Map 100L, Group P, Parcel 26.00
- Site Acreage: 14,412 Square Feet, or 0.331 Acres ±
- Property is subject to any findings of an accurate title search. No title work furnished to surveyor prior to survey.
- Deed Reference: Little Harpeath Properties LLC. Deed Book R3029, Page 491 Register's Office Williamson County, Tenn.
- By graphic plotting only, property lies within Zone "X" per F.E.M.A. Map No. 47119C0285E, effective date April 16th, 2007.
- Locations of underground utilities are based on field locations of above-ground structures and information provided to the surveyor. Actual locations of underground structures may vary from the locations shown hereon. Additional buried utilities and/or structures may exist.





Case #25-0266
1603 Columbia Avenue

Development Services
700 N. Garden St.
(931) 560-1560
www.columbiatn.gov

David R. Heflin
1605 Columbia Avenue
Columbia, Tn 38401

June 12, 2025

Board Of Zoning Appeals
City of Columbia, Tennessee

RE: 1603 Columbia Avenue property

Dear Board Members:

We live next door to the property located at 1603 Columbia Avenue.

Over the years, this house and yard had become a real negative for our neighborhood. It was overgrown and had trash and other items all over the yard.

Ben Kroeger with Little Harpeth Properties bought the property last year and immediately cleaned everything and made it much more positive for all of the neighbors.

The house creates no problems for us regarding sunlight or shade. We would encourage you to provide Ben whatever approvals are needed to complete the renovation of this house and property.

Sincerely,

David R. Heflin

Justification Letter

Ben Kroeger (owner and contractor)

I remodeled this very old home on the existing foundation with a remodel permit. I did not realize I could have a setback problem because it was an existing foundation. This home had homeless people/drug addicts living in the basement so the next door neighbors, the Helflen's, called me and asked me to buy the property and clean it up. When Amy Owens did a walk through before I received my remodel permit, she was concerned with how trashed the property had become.

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>1. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.</p>
<p>THE EXISTING HOME IS VERY OLD AND WAS BUILT 3'± FROM THE EXISTING SIDE LOT LINE. TRYING TO REMODEL THE EXISTING HOME ON IT'S EXISTING FOOTING.</p>
<p>2. That the variance is the <u>minimum variance</u> that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.</p>
<p>THE REQUESTED VARIANCE KEEPS THE REMODELED HOME ON THE EXISTING FOOTING AND ALLOWS THE HOME TO BE BRICK,</p>
<p>3. That the variance will not authorize activities in a zone district other than those permitted by this ordinance.</p>
<p>EXISTING SINGLE FAMILY RESIDENTIAL, REMAINS SINGLE FAMILY RESIDENTIAL</p>

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

TRYING TO REMODEL AN EXISTING HOME ON
IT'S EXISTING FOUNDATION. IT HELPS KEEP THE
EXISTING LAYOUT OF THE EXISTING HOMES.

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

THE REMODELED HOME SHOULD BE A BIG PLUS
TO THE EXISTING AREA. IT SHOULD HELP INCREASE
THE SURROUNDING PROPERTY VALUES. PLEASE
SEE ATTACHED MR. HEFLIN LETTER.

6. 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.

THE REMODELED HOME SHOULD NOT HAVE ANY
ADVERSE IMPACT ON ADJACENT PROPERTY. PLEASE
SEE ATTACHED MR. HEFLIN LETTER.

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

THE BUILDER DID NOT KNOW THERE WOULD BE
A PROBLEM WITH REMODELING AN EXISTING HOME
IN IT'S EXISTING LOCATION.



CONTACT INFORMATION

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

DOCKET/CASE/APPLICATION
 NUMBER
25-0252

APPLICANT/ PROPERTY OWNER
John Davis (Applicant)
Jeanette Armstrong (Owner)

PUBLIC HEARING DATE
August 14, 2025

PROPERTY ADDRESS/LOCATION
517 Hill St.

REQUEST: Variance to allow for construction of a new single-family home on an existing, non-conforming foundation.

The applicant, John Davis, applicant for owner of the property located at 517 Hill St., is seeking a variance from the Zoning Ordinance to allow the reconstruction of a single-family dwelling within the existing footprint of a home that was recently destroyed by fire. The subject property is a corner lot with both primary and secondary frontages. The previous home, only a few years old, was destroyed by a fire that originated on an adjacent parcel and spread to the subject property. An engineer has deemed the existing foundation sound and suitable for reuse. Staff supports the rebuild within the existing footprint, provided the variance criteria are met.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Lot Size:
CD-3	Single Family	CD-3 Residential	Proposed construction of a single-family residence on an existing, non-conforming foundation	0.5 +/- acres

STATUS OF REVIEW

- **Zoning Ordinance Applicability:** The Zoning Ordinance specifies setback requirements for both primary and secondary frontages on corner lots within the CD-3 district. The previous structure, built a few years prior to the fire, was legally conforming to the setbacks in place at its time of construction. However, due to changes in setback regulations of this corner lot, rebuilding strictly within the original footprint would result in a non-conformity with current setback requirements, particularly for the secondary frontage.
- **Nature of Request:** The applicant has requested a variance from the strict application of current setback regulations to permit the reconstruction of the



dwelling precisely within the existing, engineer-approved foundation and original footprint of the home destroyed by fire. No addition or alteration of the original footprint has been requested.

REVIEW & ASSESSMENT

8.5.16.L VARIANCE REQUIREMENTS

1. Standards:

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

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

STAFF ANALYSIS

Staff has reviewed the variance request against the seven criteria for granting a variance as outlined in the Zoning Ordinance.

a. That because 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.

- o The exceptional and extraordinary situation in this case is the destruction of a relatively new dwelling due to an external event (a fire originating from an adjacent parcel), which occurred through no fault of the property owner. The strict application of current setback regulations, particularly concerning the secondary frontage on a corner lot, would impose undue hardship. Requiring the applicant to deviate from the existing, engineer-approved foundation and established footprint would necessitate significant additional costs, potentially result in the demolition



of a sound foundation, and require a redesign that may not optimally utilize the corner lot's configuration, especially given the established pattern of development on this specific lot. The desire to rebuild within the existing footprint, which was previously conforming, directly addresses this hardship by allowing for the most efficient and practical reconstruction.

Staff Finding: Met.

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.

- The request to rebuild within the exact footprint and similar square footage of the previous structure, utilizing the existing sound foundation, represents the minimum variance necessary. This approach directly addresses the hardship caused by the fire by allowing for the most expedient and cost-effective reconstruction while maintaining the established character and use of the property. Any requirement to significantly alter the footprint or abandon the existing foundation would impose unnecessary and substantial additional burdens on the owner, exceeding the minimum relief required to facilitate reasonable use of the property after a catastrophic event.

Staff Finding: Met.

c. That the Variance will not authorize uses or activities in the applicable District other than those permitted by this Ordinance.

- The proposed reconstruction is for a single-family dwelling, which is a permitted use within the CD-3 zoning district. The variance pertains solely to the dimensional requirements (setbacks) and the ability to utilize the existing footprint and foundation, not to the type of use on the property.

Staff Finding: Met.

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

- While there are clear financial implications and cost savings associated with reusing the existing foundation and footprint, the basis for this variance request is not solely financial return. The primary justification stems from the exceptional hardship caused by the fire. Given the presence of a sound, existing foundation



and a recently established footprint, the financial benefit is a consequence of mitigating the hardship, not the sole reason for the request.

Staff Finding: Not Applicable.

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.

- Granting this variance will not be detrimental to the public good or injurious to other properties. The proposed rebuild will replicate a structure that was recently in place and conformed to the neighborhood's established character. Rebuilding within the existing footprint ensures that the new structure's relationship to adjacent properties and public rights-of-way remains consistent with the pre-fire condition. It will not create new adverse impacts on light, air, or privacy for neighbors. Allowing the rebuilding will contribute to the stabilization and revitalization of the neighborhood by replacing a vacant, fire-damaged lot with a new, conforming residence.

Staff Finding: Met.

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.

- **Light and Air:** Rebuilding within the existing footprint will not impair light and air to adjacent properties to any greater extent than the previous, conforming structure did.
- **Congestion:** The reconstruction of single-family dwelling is not expected to increase congestion in public streets substantially.
- **Danger of Fire:** The previous fire was located outside the structure. The new home will be constructed to current building codes, which include fire safety standards, thereby reducing the risk of fire.
- **Public Safety:** No indication that granting this variance will endanger public safety.

Staff Finding: Met.



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.

- The hardship (the destruction of the home by fire) was an unforeseen and catastrophic event caused by a fire originating on an adjacent parcel. It was not caused or created by any act or omission of the applicant or any person who has an interest in the property.

Staff Finding: Met.

PUBLIC NOTICE

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

RECOMMENDATION

Based on the analysis of the variance criteria, Staff recommends **APPROVAL: SUBJECT TO CONDITIONS** of the variance request to allow the reconstruction of a single-family dwelling within the existing footprint of the previously destroyed home, utilizing the existing foundation, subject to the following conditions:

1. The reconstructed dwelling shall be built entirely within the exact footprint and similar square footage of the previously existing structure.
2. All construction shall adhere to the currently adopted Building Codes and all other applicable ordinances.
3. A licensed engineer's certification of the existing foundation's structural integrity and suitability for the proposed new structure must be submitted to and approved by the Building Department before any building permits can be issued (Staff note: an engineer letter from Morrison Engineering has already been submitted).
4. All other applicable zoning regulations not explicitly addressed by this variance shall be met – to include building materials, foundation cladding, etc.

Sample Motions

[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.

[Deny]:

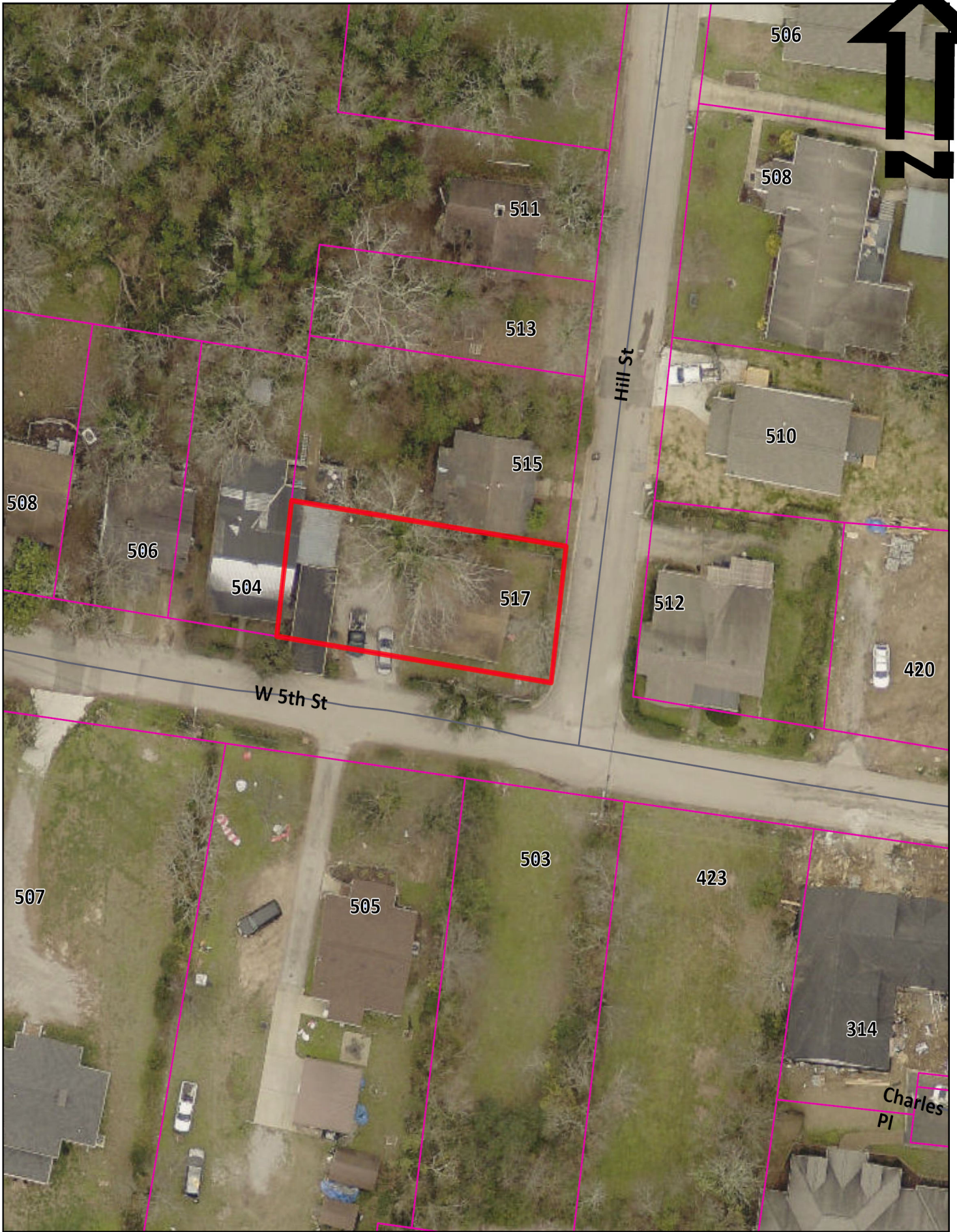
Move to deny the requested variance having found that the variance criteria listed in the City of Columbia Zoning Ordinance have not been sufficiently and fully satisfied.

[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]*.

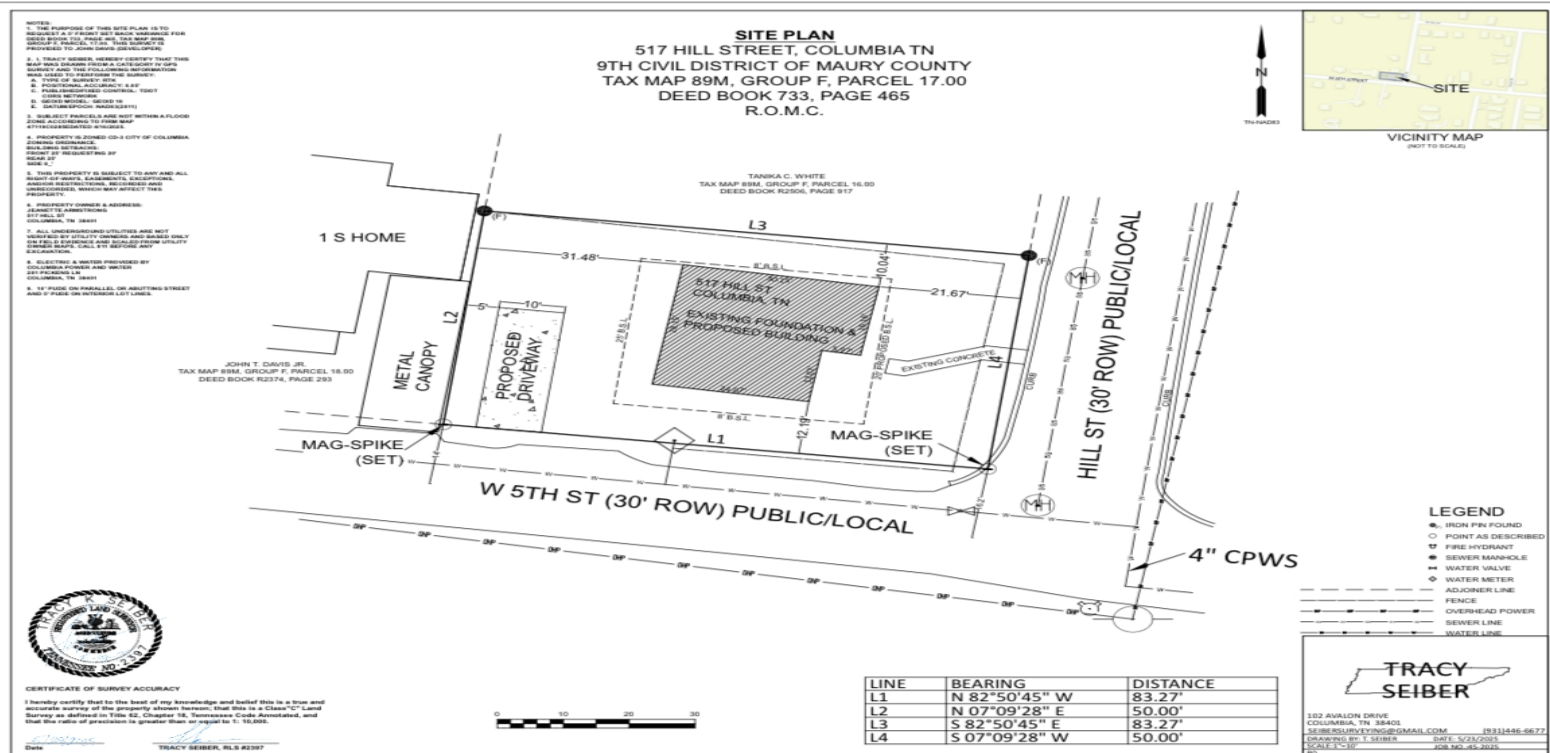
[Defer]:

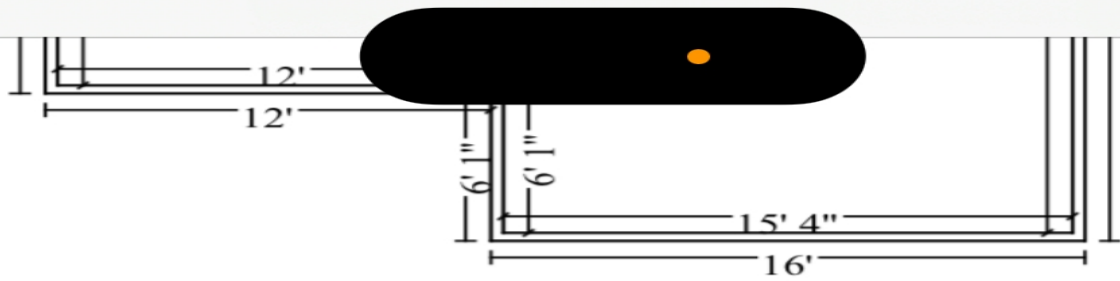
Move to find that there is insufficient information to make a decision, continue the hearing, and request that the [applicant/staff] provide: [list additional information] for review at a future meeting.



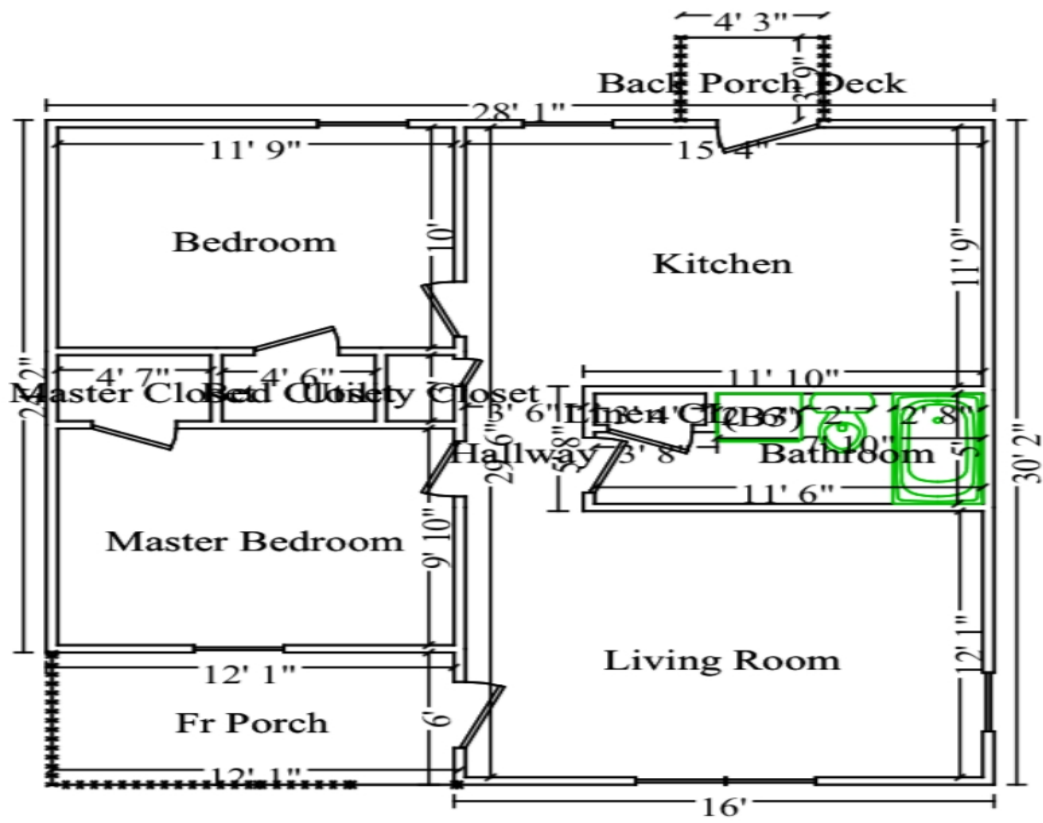
Case #25-0252
517 Hill Street

Development Services
700 N. Garden St.
(931) 560-1560
www.columbiatn.gov

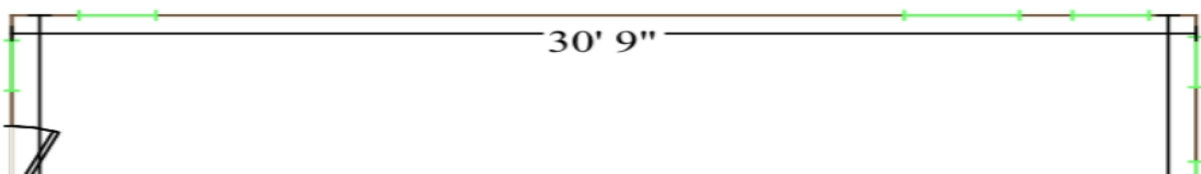




- Main Level



- Exterior



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

No financial Returns

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

No

6. 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.

No

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

No