



The Columbia Board of Zoning Appeals will meet on Thursday, October 9, 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 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. **THIS ITEM WAS DEFERRED FROM A PREVIOUS AGENDA.**

Documents:

1. 25-0250_Staff Report
2. 25-0250_Proposed Accessory Location_07-21-2025
3. 25-0250_Location Map
4. 25-0250_Use Description Summary_07-21-2025

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

Documents:

1. 25-0266_Deferral Request
2. 25-0266_Staff Report
3. 25-0266_Plot Plan_07-21-2025
4. 25-0266_Location Map

5. 25-0266_Heflin Letter_07-21-2025
6. 25-0266_Submittal Letter_07-21-2025
7. 25-0266_Criteria Responses_07-21-2025

IV. New Business

1. Request from Todd and Noah Burchell for Variance approval regarding setback reduction and driveway width at [1001 E. 9th Street](#), being Tax Map 099G Group A Parcel 11, a CD-3 (Neighborhood Character District) zoned property.

Documents:

1. 25-0313_Location Map_09-19-2025
2. Request from Todd and Noah Burchell for Variance approval regarding driveway width at [422 Mooresville Pike](#), being Tax Map 99P Group D Parcel 10, a CD-3 (Neighborhood Character District) zoned property.

Documents:

1. 25-0315_Location Map_09-22-2025

V. Other Business

VI. Adjourn

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

The 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
BOARD OF ZONING APPEALS
September 11, 2025

CALL TO ORDER:

Chairman Jimmy Dugger called the September meeting of the Board of Zoning Appeals for the City of Columbia to order at 9:04 a.m. The meeting was held in the Council Chambers at City Hall.

I. ROLL CALL:

Quorum present and included the following:

Present were: Mr. Jimmy Campbell
 Mr. Jimmy Dugger
 Ms. Debbie Wiles

Absent were: Mr. Eddie Ables
 Ms. Kristen Newton

Other attendees: Mr. Austin Brass, City Planner
 Mr. Jeremy Humphrey, Planner II
 Mrs. Sandra Richardson, Recording Secretary

Mr. Dugger called for a moment of silence in reference to what happened yesterday, and 24 years ago that changed our world.

II. APPROVAL OF MINUTES:

The August minutes were presented for approval.

Mr. Campbell moved to approve of the minutes, with Ms. Wiles seconding. The motion to approve the August minutes passed three to zero.

III. OLD BUSINESS:

1. Case #25-0250

Request from Ashley Runions for Conditional Use approval of a Major Home Occupation located at 210 Richmond Drive, being Tax Map 113I Group B Parce 11, a CD-3L (Neighborhood Large Lot Character District) zoned property. This item was deferred from a previous agenda.

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Staff Review:

Mr. Dugger read the agenda item. Mr. Jeremy Humphrey, Planner II gave the details of the staff report. The proposed barbershop is intended to be located within an existing shed on the property. He explained the neighbor's concern. The Board must determine that the use is consistent with the standards and protective of the neighborhood's residential character.

Discussion and Motion:

Nathan and Ashley Runions were present to answer questions.

Mr. Dugger asked Mr. Humphrey to explain the information that just came to him this morning. Mr. Humphrey explained the CCR. Mr. Brass, City Planner explained as a point that we do not recognize the CCR's. It would have to be adhered to as a private matter. Mr. Humphrey stated that yes, that is a private matter between the neighbors, and he further explained.

The discussion included how large of an area the CCR covers, restrictions apply to that section, the other sections and CCR coverage, and most of the CCRs cover the same language.

Ms. Runions stated that there is accessibility, pictures, plenty of parking and no parking on the road.

Mr. Humphrey stated that he had met with Ms. Runions one on one and she had been desiring to get this request in compliance.

Mr. Campbell expressed his concerns about the other covenants. Mr. Brass explained that it is a moot point. This Board has no purview on the CCR because it is a private matter.

Mr. Campbell stated that his point is, has anybody else done this before out there, and will the Commission set a precedence by approving this. This Commission doesn't want to get the homeowner in any trouble. He discussed the only way to cure is through the court system. Mr. Dugger stated that you are headed that way. It is outside of our purview. Mr. Dugger asked if they had any idea that the restriction was there. Mr. Runions stated no, and he discussed other businesses in the area. Mr. Humphrey stated that he was just bringing this to the attention of the Commission. Mr. Brass stated simply put the CCR should not be any further discussion from the board. Ms. Wiles asked about the other complaint from neighbors. Mr. Humphrey clarified. He stated that traffic was the largest complaint, and the additions of other businesses coming in the neighborhood. Mr. Dugger stated that the Chair will entertain a motion to approve, Mr. Ables stated so moved. Ms. Jeanie Davis asked to be heard. She is the one that found the restriction and sent it to the neighbor that sent it to Mr. Humphrey. There were neighbors that did not receive the certified mail. She stated that she is not for this and everyone that she spoke with is not for this. They do not want commercial use.

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They don't want the traffic. They have kids, and animals that walks the area. Mr. Campbell asked about having a deferral to give more time. Mr. Ables withdrew his motion. Mr. Campbell moved to defer, and Mr. Dugger seconded the motion. The motion to defer passed three to zero. Discussion included petition.

2. Case #25-0266

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. This item was deferred from a previous agenda.

Staff Review:

Mr. Humphrey stated that this item has been requested to be deferred by the applicant's attorney.

Discussion and Motion:

IV. OTHER BUSINESS:

Education: The Power of 10. Will the City pay for this session.
Mr. Brass stated that TAPA will be Oct. 20-22 in the Cool Springs area, and it will have sessions on BZA.
Meeting emails are being sent to the City email.
Mr. Brass stated that staff has been instructed to send all emails to the City email.
Staff encouraged the Board to check their City email.

V. ADJOURNMENT:

Mr. Campbell moved to adjourn, and Ms. Wiles seconded the motion. The motion to adjourn passed three to zero. The meeting adjourned at 9:30 AM.

Board of Zoning Appeals, Chairman
Jimmy Dugger

Date



**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 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 a 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 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 (Revised for September 11, 2025 Meeting)

Staff reviewed the application for a Major Home Occupation (barbershop) at 210 Richmond Dr. The applicant clarified that the proposed operation would occur in a newly built accessory structure of about 300 square feet, and this accessory structure will be used only for commercial purposes (no residential storage). The applicant also indicated that this building would meet IRC/IBC standards and would match the style and materials of the primary residence. The Zoning Ordinance allows Major Home Occupations as Conditional Uses in the CD-3L district. The Board of Zoning Appeals (BZA) must determine that the use is consistent with the standards and protective of the neighborhood's residential character.

Key Considerations: The applicant plans for the new structure to comply with zoning, building, plumbing, mechanical, and fire codes. This improves on the prior plan, which included retrofitting a storage shed not designed for occupancy. Committing to code compliance reduces, but does not remove, concerns about commercial use in a residential area.

Neighborhood Character: While the proposed barbershop is limited in scale and client load (estimated at one to two per hour of operation), any introduction of commercial activity within a neighborhood raises concerns about cumulative impacts. Staff recognizes the risk of a “slippery slope,” wherein allowing one professional service within a residential block could invite similar requests, potentially altering the long-term residential character.

Traffic and Client Frequency: Based on the applicant’s description, the anticipated client volume is modest. Even so, the presence of regular client visits, especially during evening or weekend hours, may create disruptions for neighbors accustomed to quiet residential activity. Parking and turnover frequency are important considerations in assessing compatibility.

Balancing Rights and Protections: Staff acknowledges the applicant’s individual right to pursue a livelihood from their property, provided it is done within the City’s regulatory framework. At the same time, staff must weigh the duty to protect the peace, quiet, and character of residential neighborhoods.

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

Staff takes a neutral position on this request. The applicant’s revised plan to construct a code-compliant accessory structure that matches the existing residence addresses many of the prior concerns regarding building suitability. However, risks remain regarding neighborhood compatibility, client frequency, and the pattern this could establish for further commercial activity in residential districts.

POTENTIAL CONDITIONS, IF APPROVED BY BOARD

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. Require that the one (1) handicap-accessible parking stall (van-accessible) be located behind the residence, out of sight from the public roadway, to minimize visual impacts and preserve neighborhood character.
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.

Sample Motions for Board Members

[Approve]:

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

DRAFT

Melissa Sanders

From: Charles Rush
Sent: Friday, October 3, 2025 1:47 PM
To: Raven Lucas
Cc: Melissa Sanders
Subject: RE: [External - USE CAUTION] Fwd: October 9 Council Meeting - Re: Sunnyside

Melissa,

Please add this as public feedback to the BZA case.

Thanks,



From: Raven Lucas <thesmartestofallbirds@gmail.com>
Sent: Friday, October 3, 2025 1:05 PM
To: Charles Rush <CRush@Columbiatn.gov>
Subject: [External - USE CAUTION] Fwd: October 9 Council Meeting - Re: Sunnyside

Mr. Rush,

I was given your name to contact instead of Mr. Humphrey due to him being out of town. Please see below email regarding an upcoming council meeting. If you don't mind, please advise when you've received this so I'll know my message is getting through to be documented as a vote of no on this matter.

Begin forwarded message:

From: Raven Lucas <thesmartestofallbirds@gmail.com>
Date: October 3, 2025 at 12:26:55 PM CDT
To: jhumphrey@columbiatn.gov
Subject: **October 9 Council Meeting - Re: Sunnyside**

Dear Mr. Humphrey,

I, along with several others in the neighborhood, are unable to attend the upcoming meeting due to being out of town for our children's fall break. Ashely Runions recently sent a letter to several people in our neighborhood regarding her plans to build a structure on her property to use as a commercial business (hair salon). While I appreciate her reaching out, it's a bit after the fact since the upcoming meeting is the third one regarding this issue.

While I do respect the effort she put into explaining her intentions on how she hopes to conduct her business, I am vehemently opposed to this proposal. I understand her desire to run her business from home, but our neighborhood covenants clearly state that *"no apartment house, duplex, store, shop, boarding house, or other commercial building shall be built, erected, or maintained on any of said lots."* These restrictions exist for a reason, to protect the long-term character and integrity of our neighborhood. She stated there were individuals already operating businesses informally from their homes within our neighborhood. If that is so, they are not being done through the proper legal or covenant-abiding channels. However, that does not set a precedent for allowing a commercial structure here. This pushback is not personal, it is for future implications and the safety and sanctity of keeping our residential neighborhood exactly that, residential. Once an exception is made, it opens the door for future homeowners who may not be as conscientious or considerate.

Additionally, the Tennessee State Board of Cosmetology has specific rules regarding salons in residential settings, including requirements for commercial-grade spaces, separate entrances, inspections, and sanitation compliance. These regulations exist to protect clients and ensure proper oversight, and they highlight the challenges of maintaining such a business in a residential neighborhood.

Further, the salon she currently owns and operates is done under sole proprietorship. Meaning, the only boss she has is herself, thus not restricting her times of operation, leaving her open to be able to take her child to school, attend activities. etc, at her discretion. Which she reasons is the main factor in her need for this structure.

If operating a salon from her home is truly essential for her family, this type of research should have been done prior to purchasing a property within a neighborhood that restricts commercial buildings.

For these reasons, I can't support the request to build a commercial salon structure on this property. If you don't mind, please advise when you've received this so I'll know my message is getting through to be documented as a vote of no on this matter.

Thank you,

Steve and Brenda Claiborne
Property Owners of 1411 Wilson Court
Via email from Raven Lucas

Melissa Sanders

From: Charles Rush
Sent: Friday, October 3, 2025 1:48 PM
To: Dee White
Cc: Melissa Sanders
Subject: RE: [External - USE CAUTION] Fwd: Meeting Oct 9

Melissa,

Please add this as public feedback to the BZA case.

Thanks,



From: Dee White <deewhite.tsl@gmail.com>
Sent: Friday, October 3, 2025 1:09 PM
To: Charles Rush <CRush@Columbiatn.gov>
Subject: [External - USE CAUTION] Fwd: Meeting Oct 9

----- Forwarded message -----

From: Dee White <deewhite.tsl@gmail.com>
Date: Fri, Oct 3, 2025 at 12:39 PM
Subject: Meeting Oct 9
To: <jhumphrey@columbiatn.gov>

Mr. Humphrey,

My family and I reside at 1421 Spainwood.

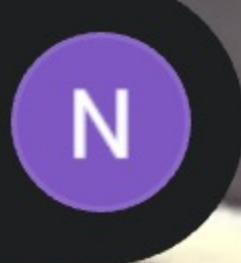
It has been brought to our attention that there is a meeting October 9 regarding a structure, being built at a residence to operate a salon out of in our neighborhood. As someone who recently tried to build a structure as a pool house/mother-in-law suite and was turned down due to the codes of our neighborhood I feel as though this falls under the same umbrella, and as we were told if they allowed us

to do this, our structure would open the door for other structures to be built, so our door was closed. I understand her willingness and wanting to build this to make her home life easier as we would all love to have that ability, but she operates her business solely on her own in a suite rental on Trotwood Avenue now this is not personal however, I feel like if she is going to be able to build that structure it's going to open the door for lots of people who want to even do things such as my family wanted to. I strongly disagree with this being passed in our neighborhood as we were told everyone would like to keep it residential and we would as well.

My husband and I are unable to attend the meeting on the ninth as we are out of town for fall break. Should it be rescheduled or postponed? We would be happy to attend or send over any documentation that we need to to show where we stand on this matter.

Dee White

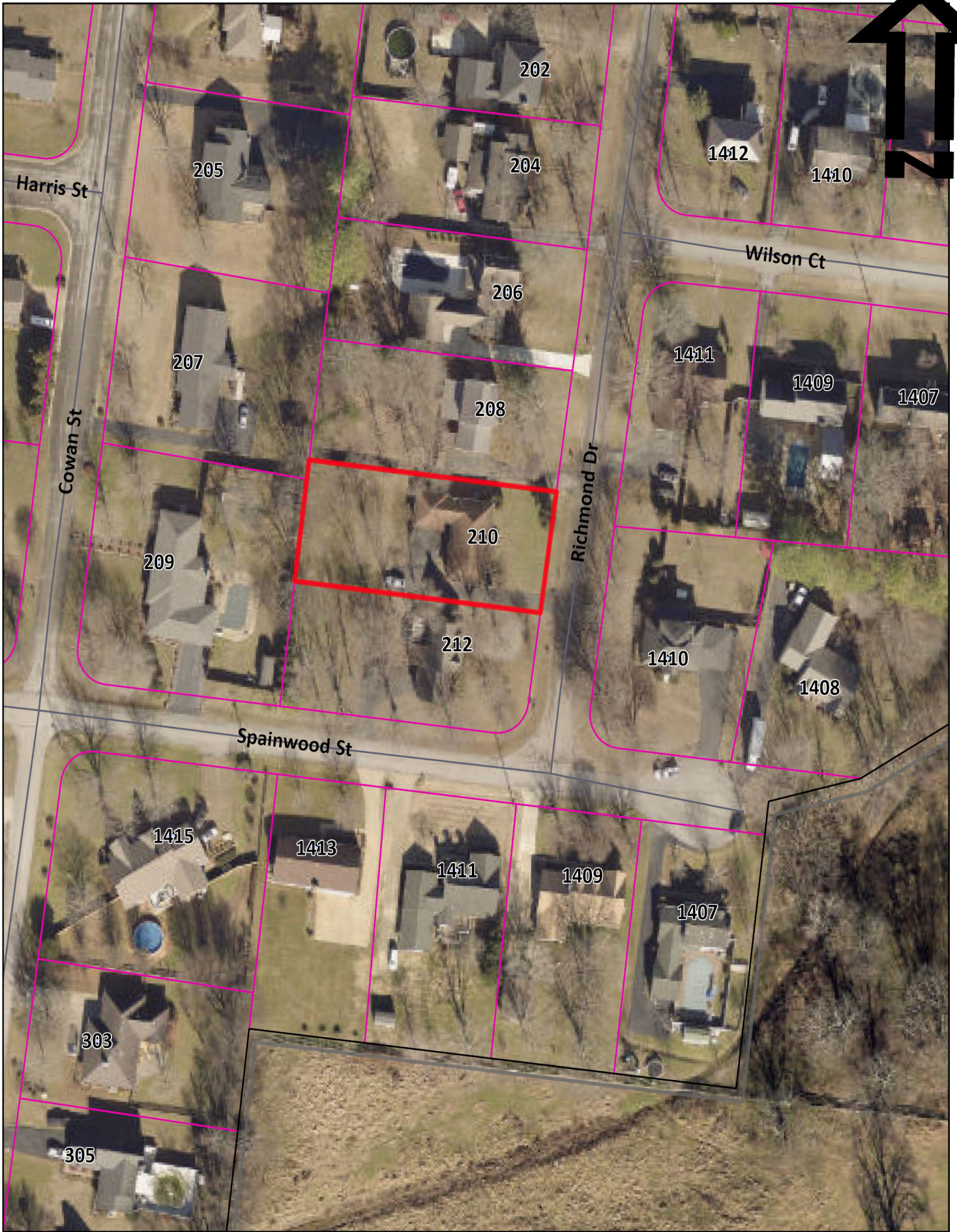
210 Richmond Drive, Columbia, TN



< 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.

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
October 9, 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 approximately 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	±0.5 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 of 3’ (three feet), where a required 8’ (eight feet) setback is required.

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.
6. 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 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 does not adhere to the established setback requirements. The property's inherent characteristics do not necessitate a deviation from the side setback requirements of the CD-3 district.

Finding: Not Met

b. Minimum Variance Necessary

The current structure, built as 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 single-family residential use, which is permitted in the CD-3 district. The authorized use in this case is not a matter of question for this variance request.

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

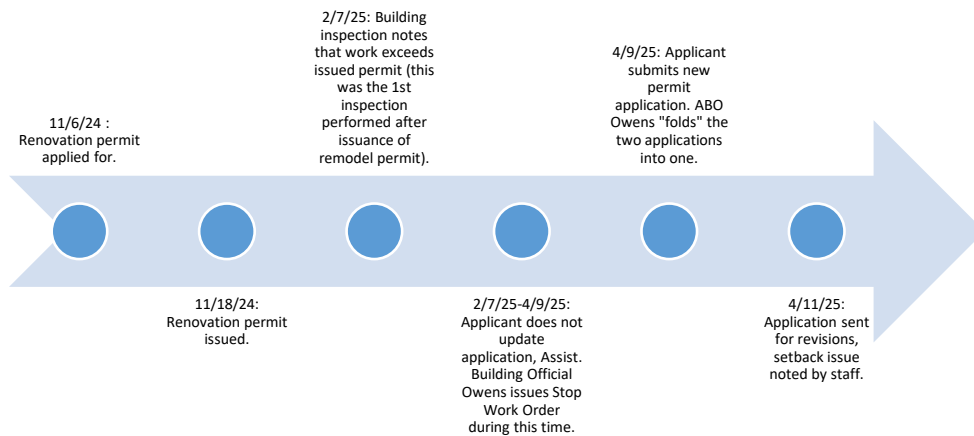
g. That the alleged difficulty or hardship has not been caused or created by the act or omission of the applicant or any person having an interest in the property

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.

Finding: Self-created hardship

OTHER STAFF COMMENTARY

Timeline of events



Accessory Structure Without Permit

An accessory structure (a detached, two car garage) was constructed without the issuance of a building permit, contrary to Section 1.18.2 (Building Permits). This constitutes a direct violation of the zoning ordinance and undermines the integrity of the City’s permitting and review process.

Section 1.22.2 NONCONFORMING USES & NONCONFORMING STRUCTURES

Section 1.22.2.B.1 states *“Except as otherwise provided in this Section 1.22.2.B, if any Nonconforming Use or Nonconforming Structure is changed, Altered, enlarged, increased, or extended to occupy more land than that occupied thereby immediately prior to a Zoning Change, or is moved in whole or in part to any other portion of the Lot or parcel of land occupied thereby at such time or to any other Lot or parcel of land, the legal status of such Nonconforming Use or Nonconforming Structure shall cease and any future Use of such land or Structure must conform with the provisions of this Ordinance.”*

According to the tax assessor's website, the original home was 29' wide and 38' deep. Applicant stated in his original scope that the "footprint and floorplan would not change." However, in the updated "as built" blueprint supplied by applicant on 8/1/2025, shows the footprint of the new structure to be 29' 2" wide by 45' 3" in depth. This approximately 7' discrepancy suggests that the structure was altered and/or enlarged. Similarly, the original structure was 1102 square feet with an 800 square foot attic space (1,902 square feet total). The current on site structure is 1,320 square feet (first story) and 1,265 square feet second story (2,585 square feet total). Again, this suggests that enlargement and alteration occurred. Therefore, by Applicant's own admission, the project qualifies under Section 1.22.2 and must meet all requirements of the zoning ordinance, including setbacks for the CD-3 district.

Section 1.22.2.E

Pursuant to Section 1.22.2.E, nonconforming status is lost when a structure when the cost of such maintenance, repair, stabilization, or restoration "exceeds fifty percent of its value or goes beyond the limits of lawful maintenance or repair." In this case, building officials determined that the work performed under the remodel permit exceeded the approved scope and resulted in a new structure review. While applicant was unclear under their original scope of work as to if Section 1.22.2.E directly applies, it is worth noting:

- The Maury County Assessor lists the fair market value of the property at **\$130,200**.
- The applicant purchased the property on November 5, 2024, for **\$85,000**.
- The remodel permit application indicated a budget of **\$30,000**.

The applicant took the house down to the subfloor, replaced a section of the foundation, and replaced multiple floor joists, among other reconstructions that potentially includes expansion. These alterations strongly indicated that actual expenditure exceeded the stated \$30,000 budget and potentially exceeded the 50% threshold (if applicable). By using the market value of \$130,200, the 50% threshold for substantial improvement would be **\$65,100**. Based on the scope and nature of the work, staff finds it more likely than not that the applicant exceeded this threshold. In a letter from Applicant's attorney, received 9/16/2025 to staff, Applicant admits that they have "spent approximately \$100,000 on construction costs."

Response to Applicant's Attorney's Assertions (Dated 9/12/25, Provided to staff 9/16/2025)

The Applicant's attorney (Miller and Martin, LLC) contends that the City is "estopped" from enforcing the side setback because staff issued a remodel permit and allegedly failed to raise the setback issue until months later. Staff does not agree with this assertion for the following reasons:

1. Permit Scope Clearly Limited

The remodel permit (24-2822-REN, issued November 18, 2024) explicitly described the work as a "*complete remodel of the structure without changing the original building footprint.*" Applicants submitted "list of intentions" clearly states the floor plan "*will not change*" (See: Figure 1 in Appendix) and not exceed \$30,000 in construction cost. The applicant's subsequent demolition and reconstruction far exceeded the originally

approved scope, converting the project into a “new construction” classification and review, which triggers the requirement for full compliance with zoning ordinance 4400. The renovation permit was conditional and never authorized the work undertaken outside of that limited scope. Also, under Section 1.22.2(B) and (E), the Applicant lost the existing structure’s non-conforming status once work exceeded the 50% threshold of substantial improvement.

2. **Stop Work Order and Corrective Action**

During the February 7, 2025 inspection, the first inspection conducted under the renovation permit, building staff identified that the framing and layout did not match the approved application documents and that foundation work required engineering review due to the addition of a full second floor (to ensure the foundation could withstand the expansion). Inspectors determined that the scope of work had exceeded the remodel permit and explicitly required that the project undergo “new construction” review and permitting. This demonstrates timely enforcement once staff became aware that the project had deviated from the approved scope. At that same inspection, personnel also observed that a two-car detached garage was being constructed without a permit.

The applicant’s attorney asserts that a new construction permit was issued on April 10, 2025 and retracted on April 11, 2025. This claim does not match staff records. Assistant Building Official (ABO) Owens has communicated that she issued a stop-work order sometime between February 8 and March 2025 because no updated application had been submitted by the applicant post-Feb. 2025. A new construction permit application was filed on April 8, 2025. That application was “folded” into the existing renovation permit on April 9, 2025, per ABO Owens. At no point was a new construction permit issued and then retracted by staff.

It was during the April application review that the setback issue was identified, as the revised application was evaluated for compliance with ZO4400 standards. The applicant’s attorney further claims that staff “raised no issue concerning the side yard setback” on February 7, 2025. This misstates the scope of the February inspection. The staff present on-site — Building Inspector Jeremy Humphrey (now Planner II) and Assistant Building Official Amy Owens — were acting as building officials, not zoning officials. As such, their role was limited to building code matters, not full zoning review.

3. **Equitable Estoppel**

The applicant’s attorney cites *Far Tower Sites, LLC v. City of Knoxville*, 126 S.W.3d 52 (Tenn. Ct. App. 2003), and *City of Lebanon v. Baird*, 756 S.W.2d 236 (Tenn. 1988), to argue that this case involves “exceptional circumstances” justifying equitable estoppel. This argument is misplaced. Both *Far Tower* and *Baird* reaffirm the general rule that estoppel against a municipality in zoning enforcement is disfavored and applies only in the rarest of cases. The Tennessee Supreme Court in *Baird* cautioned that estoppel should be applied only in “very exceptional circumstances.” Similarly, *Far Tower* limited estoppel to cases of “gross injustice,” and even then, only when the municipality induced reliance that the landowner could not have avoided.

However, those circumstances are not present here. The November 18, 2024 remodel permit was issued in good faith based on the applicant's own representations: that the project would not change the footprint or floor plan and would be completed for approximately \$30,000. On that basis, the structure retained its legal nonconforming status. Staff did not authorize demolition to the foundation, significant structural replacement, or the addition of a complete second story. Those actions were undertaken solely by the applicant, outside the scope of the permit. The City did not induce Applicants decision to engage in construction beyond the initial remodel permit's scope.

Finally, the applicant's own letter concedes that expenditures exceeded \$100,000, far surpassing the fifty percent (50%) threshold under Section 1.22.2.E, if applicant is claiming that work performed was merely "repair and maintenance." Once that threshold is crossed, Section 1.22.2 requires that the structure lose its nonconforming status and come into full compliance with the current zoning ordinance. This statutory trigger is mandatory and renders the estoppel argument moot: compliance is required by ordinance, regardless of the initial permit.

Simply put: staff did not "change its position," a requirement to claim estoppel. The applicant changed the project. Once the scope of work exceeded the issued permit or the substantial improvement threshold, compliance with current standards became mandatory. These facts do not present the "very exceptional circumstances" contemplated in *Baird* or *Far Tower*.

4. Alleged Lot Narrowness Not Extraordinary

While the applicant claims the lot's dimensions create hardship, a conforming structure could be built within the 8-foot side setback. Thus, the lot does not present the type of extraordinary or unique condition required under Section 8.5.16.L.1.a. This lot is approximately 58' in width. As an existing lot of record, it does not meet the 65' required under ZO4400 for a new parcel. However, a product could be built within the existing 8' setback requirements without issue.

5. Neighbor Support Not Determinative

Though the southern neighbor expressed support, variance standards are not contingent upon neighbor approval. The zoning ordinance requires objective findings. The encroachment potentially could reduce light and air and undermine setback integrity regardless of neighbor consent. Staff has received one phone call from a neighbor in opposition to "such a large house" being built. However, support/opposition is not a consideration of the BZA.

6. Financial Investment is Self-Created

The applicant's investment of approximately \$100,000 beyond the purchase price was made while deviating from the remodel permit (which had a budget of \$30,000). Section 8.5.16.L.1.d explicitly prohibits financial considerations alone as a basis for granting a variance.

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
- Financial returns alone
- 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 fails to meet the required findings of the Zoning Ordinance. The hardship is self-created by the applicant's decision to proceed beyond the scope of the remodel permit, construct an accessory structure without a permit, and undertake alterations that triggered compliance under Section 1.22.2. By exceeding the scope of the remodel permit, the applicant caused the structure to lose its legal nonconforming status under Section 1.22.2. The result is that the building must now fully comply with applicable CD-3 district standards, including setbacks.

No extraordinary or unique physical condition of the property necessitates variance. Instead, the deviations result from unauthorized construction decisions. Granting the variance request would undermine the integrity of the zoning ordinance, diminish public trust in the permitting process, and would set a negative pattern for future compliance.

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 Motions

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.

APPENDIX

Figure 1: submitted list of intentions by Ben Kroeger (11/6/2024)

Benjamin Kroeger
Little Harpeth Properties LLC I
1603 columbia ave

I plan to remodel this house in the same footprint as it currently stands. The floor plan will not change. I will pull a mechanical permit. I will pull a electrical permit. I will pull a plumbing permit. The plumbing connection to the city sewer has already been replaced and is PVC. I will not replace it, but I will replace everything from there on.

401 COMMERCE STREET
SUITE 1010
NASHVILLE, TN 37219-2449
(615) 244-9270
FAX 615-744-8635



Douglas Berry
Direct Dial 615-744-8620
Direct Fax 615-744-8635
doug.berry@millermartin.com

September 12, 2025

Members of the Board of Zoning Appeals
City of Columbia
700 North Garden Street
Columbia, TN 38401

RE: Case Number 25-0266—Variance Request of Benjamin Kroeger for Property at
1603 Columbia Avenue, 100L P 026.00

Dear Members of the Board of Zoning Appeals:

This firm represents Benjamin Kroeger d/b/a Little Harpeth Properties, LLC (“the Applicant”). It is the Applicant’s position that a variance is justified under the facts of this case and further that he reasonably relied to his detriment upon the decisions of the City Development Services Staff (“Staff”) in granting him a remodeling permit. The Staff failed to raise any issue of a side yard encroachment until almost five (5) months after the permit had been issued, after the Applicant had spent substantial sums towards completion of the project. This set of facts creates an “estoppel,” which bars the City from strictly enforcing the side setback requirement.

FACTS

Time Line of Significant Events.

October 20, 2024 Applicant applied for a remodel permit for the structure at 1603 Columbia Avenue (“the Property”).

November 6, 2024 Applicant closed on the purchase of the Property for a consideration of \$85,000.

November 8, 2024 Amy Owens, a member of the Staff requested a walk-through of the property before issuing the remodel permit, due to the extensive changes to the second floor.

November 18, 2024 Applicant received written comments from Staff regarding the proposed renovation and a building permit was issued. (*See Exhibits 1, 2, and 3, attached*). Ms. Owens’ comments included the statement that the “upstairs bedrooms will need a minimum of 7 ft high ceiling height for at least the required 70sqft for each bedroom. Any hallways would

need 7ft ceiling height. Please acknowledge you will have the required dimensions.” The permit itself describes the project as “complete remodel of the structure without changing the original building footprint.”

February 7, 2025 Applicant failed the framing, plumbing, and mechanical inspection. (See Exhibit 4, attached). The inspector, Jeremy Humphrey, noted that the “layout upstairs doesn’t match submitted drawings,” that the “work performed was outside the existing permit,” and that the existing foundation would have to be evaluated by an engineer before a new permit could be issued. Mr. Humphrey stated that a “new construction” permit would be required. He raised no issue concerning the side yard setback.

April 6, 2025 Applicant submitted an application for a new construction permit.

April 10, 2025 City issued a new construction permit.

April 11, 2025 City withdrew the new construction permit and issued a stop work order. The City required for the first time that a new survey be submitted, due to the discrepancy concerning the side yard setback. (Exhibit 5).

May 20, 2025 Applicant received a formal, as-built survey from Anderson-Delk-Epps & Associates, engineers, showing the existing side-yard building set-back for the structure as 3.87 varying to 3.17 feet, and shortly thereafter presents this survey to the city. (Exhibit 6).

July 16, 2025 Applicant submitted application for a variance.

Other important facts.

The Property is exceptionally long and narrow when compared to the other lots on the east side of Columbia Avenue. Moreover, the Property narrows as it approaches Columbia Avenue, creating an unusual potential building envelope, as can be seen from the aerial map attached to the Staff report.

The house that is currently located on the Property has been there for many years. The owners of the property to the immediate south of the Applicant at 1605 Columbia Avenue, the Heflins, the persons who are most affected by an encroachment into the setback, have no objection to the construction, and in fact, have written a strong letter in support. The Applicant will also testify that the Heflins actually called him before he bought the Property, asking that he buy the Property and fix up the house, because it had become a shelter for homeless people and drug addicts.

In addition to the \$85,000 spent to acquire the Property, the Applicant has now spent approximately \$100,000 on construction costs.

LEGAL CONCLUSIONS

The facts justify the granting of a variance.

By reason of the exceptional narrowness of the lot, the strict application of the Zoning Ordinance will result in “peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of the property.” The grant of the variance will not be “substantially detrimental to the public good or injurious to other property.” The only neighbors who would have cause to complain have whole-heartedly endorsed the Applicant’s project. Because the grant of a variance is justified, it will not interfere with or impair the City’s zoning plan or the Zoning Ordinance. There is no evidence that the grant of a variance will “impair an adequate supply of light and air to the adjacent property.” In fact, those owners have stated expressly that it will not.

The City is estopped to strictly enforce the side setback requirement in this case and with or without a variance, the Applicant should be allowed to complete his project.

When a city “does an act that does not comply with the law controlling the manner in which it is to be done, the city will be estopped from denying validity of its act for equitable considerations arising on the facts of the particular case, usually because the city has accepted benefits of an act it induced another to perform, or because the city induced a detrimental act of another. . .” *Far Tower Sites LLC v. City of Knoxville*, 126 S.W.3d 52, 67 (Tenn. Ct. App. 2003) (quoting *City of Lebanon v. Baird*, 756 S.W.2d 236 (Tenn. 1988)).

This case involves the exceptional circumstances that warrant the application of the doctrine of equitable estoppel. The City Staff issued the remodeling permit to be issued, knowing full well that the construction would be on the existing foundation, which encroached into the side setback. The Staff then changed its position to say that the construction was not legal without the Applicant’s obtaining a variance. The original permit stated clearly that the scope of the project was for a “complete remodel of the structure without changing the original building footprint.”

When Jeremy Humphreys issued the stop work order in February 2025, he claimed that the “work (had been) performed outside of scope of current permit.” It was April of 2025, almost five months after the permit was issued, before Staff raised the issue of requiring a new survey to ascertain the correct setback. In the meantime, the Applicant had spent \$185,000, believing that he was lawfully proceeding with the work under a validly issued permit.

The equities in this case are entirely in the Applicant’s favor. The Applicant relied upon the actions of the officials and the issuance of the written permit to commence work.

Board of Zoning Appeals
September 12, 2025
Page 4

Courts have considered the following factors in determining whether to apply the doctrine of estoppel: (1) the good faith of the parties; (2) the degree of the landowners' investment; (3) the delay in the municipality's taking action to enforce its ordinance; (4) the lack of alternate use of the improvements constructed; (5) the harm to the public health, safety, and welfare. All of these factors are present in this case and all are in favor of the Applicant.

The Applicant thanks you for the opportunity to present these arguments.

Sincerely,

MILLER & MARTIN, PLLC

By:



Douglas Berry

Direct Dial Number: (615) 744-8620

Cc: Client
City Attorney Jake Hubbell



November 18, 2024

Benjamin Kroeger DBA Little Harpeth Properties LLC
6016 Belle Rive Dr
Brentwood, TN 37027

Project Name: 24-2822-REN

Dear Benjamin Kroeger DBA Little Harpeth Properties LLC,

We received a plan for review at the above referenced project. Our review of your project requires additional information, corrections, or revisions before we can proceed. The comments are listed by division to help direct any questions you may have to the appropriate staff.

After reviewing the specific comments from each department, please submit your revised plans in the following manner:

- Include a response to each comment that corresponds to our items on the original letter
- Cloud or Highlight all changes in the revised drawings showing revision date

Submit all additional documents and revisions through the [Online Permitting Portal](#).

Division Contacts:

Building, Planning, and Engineering: 931-560-1560 or development@columbiatn.com

Fire: 931-560-1740

Wastewater: 931-560-1001

Please address the comments on the following page.

ALL COMMENTS MUST BE ADDRESSED IN ONE COMPLETE RESUBMITTAL

Further corrections may be necessary as a result of submitting additional information.

Building

1. You have listed bedroom 4 and 5 along with a bathroom will be added in the finished attic space. I did not view access from the interior of the home to the area. Only a door outside with no stairs. Do you intend to add stairs on the interior? If you do not intend to add stairs on the interior you would need to comply with the Planning ADU standards.
2. Upstairs bedrooms will need a minimum of 7ft high ceiling height for at least the required minimum 70 sq. ft for each bedroom. Any hallways would need 7ft ceiling height. Please acknowledge you will have the required dimensions.
3. The upstairs bathroom requires a finished ceiling height of 6 ft 8. That is also required in the shower/tub area and in front of the sinks and toilets. Please acknowledge that you will have the required dimensions.
4. The outside buildings have damage and property maintenance issues. What is your current intent for maintenance of those structures?
5. You are allowed to remove any trash personal property without a permit. You would need to wait about demolition of the structure until the permit is issued.

Planning

6. What is the intent of the additions for the upstairs portion (bath, bedrooms)? An accessory dwelling can be a part of the primary dwelling subject to limited restrictions. If the intent is to use this as an ADU, you will need to provide a scaled floor plan to show the habitable space is no larger than 600-sf (limits of the ADU).
7. If adding exterior stairs to access the upper level, you will need to submit a scaled site plan showing measurements from new stair to affected property lines as well as elevations for review.

Sincerely,

Development Services Staff



November 18, 2024

benjamin kroeger DBA Little Harpeth Properties LLC
6016 belle rive dr
brentwood, TN 37027

Case Number: 24-2822-REN

Dear benjamin kroeger DBA Little Harpeth Properties LLC,

Our review of your application has comments and conditions of approval for the above referenced case number.

Planning

1. Upstairs renovation not to be used as an ADU, but additional living space for single-family home.

Building

2. All smoke and carbon detectors are to be hardwired and interconnected
3. You must obtain a separate plumbing and mechanical permit
4. You must maintain minimum headroom height in all rooms and fixture clearance in the bathrooms
5. Must maintain minimum R Values throughout
6. You will need to comply with addressing at the final inspection. A minimum of 4 inch tall by 1/2 inch wide address numbers or letters are to be permanently displayed on the front of the home. They must be visible from the street without obstruction.
7. Sheds to be demolished or maintained

Sincerely,

Amy Owens
Assistant Building Official



City Of
Columbia
 Tennessee

Development Services
 700 North Garden Street
 Columbia, TN 38401
 Phone: (931) 560-1500

Building Permit

24-2822-REN

Issued: 11/18/2024

Travis Neas

Travis Neas
Building Official

Exhibit 3

Site Address: 1603 Columbia Ave **Case Type:** Remodel / Repair **Land Use:** Single Family Attached
Description: Complete remodel of the structure without changing the original building footprint.



CITY OF
Columbia
 Tennessee

Development Services
 700 North Garden Street
 Columbia, TN 38401
 Phone: (931) 560-1500

This permit must be posted securely, be visible from the street, and be protected from weather.
It is required on all construction, alterations, and repair work. Removal, alteration, or mutilation of this sign, until completion of such work, is in violation of the law.
Inspections will not be performed if this permit is not posted on the job site.



24-2822-REN

IMPORTANT - SCHEDULE 24 HOURS IN ADVANCE FOR INSPECTIONS AS FOLLOWS:

- FOOTING – After excavation is completed, reinforcing steel laid, if required, and before pouring concrete.
- FOUNDATION – After setting anchor bolts and before starting framing.
- PLUMBING – Inspected with framing, if applicable, unless under slab, then before pouring concrete.
- MECHANICAL AND/OR GAS – Before covered.
- FRAMING – After roof covered and before any part of framework is covered inside building. Electrical inspected and approved prior to framing inspection.
- INSULATION
- SHEETROCK – (Commercial Projects Only) – Rated walls only, after hanging, before taping and filling.
- FINAL – After the building and site is completed being ready for occupancy. Upon satisfactory completion of all work, a Certificate of Occupancy will be issued. Multiple divisions may be reviewing the final, tracking of inspections are hosted on your LAMA account. AT LEAST 2 FULL BUSINESS DAYS NOTICE REQUIRED FOR FINAL INSPECTION.

**BUILDING SHALL NOT BE OCCUPIED UNTIL A
CERTIFICATE OF OCCUPANCY IS ISSUED**

- Call (931) 560-1560 for Building, Mechanical, Plumbing or Gas Inspections by the Development Services – Code Administration Division.
- Call (931) 560-1560 for Site Inspections by the City of Columbia Engineering Department.
- Call (931) 560-1001 for Sewer Inspections by the City of Columbia Wastewater Department
- Call (931) 560-1740 for Fire Code Inspections, if applicable, by the City of Columbia Fire Marshall.

If required, the following must be submitted to the Development Services – Code Administration Division before final inspection is requested:

- TERMITE PRETREATMENT- Submit letter from vendor.
- INSULATION – Submit letter from insulation vendor.
- TRUSS DESIGN LETTER – If trusses used.
- BLOWER DOOR and/or DUCT BLASTER
- Call Columbia Power & Water Systems (931) 388-4833 for requirements for Electrical & Water Inspections.
- Call Atmos Energy 1-888-286-6700 for natural gas service.
- Contact other utilities which are not members of One Call.

**CALL BEFORE YOU DIG – IT’S THE LAW!
ONE CALL 1-800-351-1111**

*Residential Lot Grading and Drainage shall conform to the standards within the Engineering Standards and Specifications detail DD-04.

*Alterations from the approved documents during construction must receive staff approval prior to being constructed.

This permit must be posted securely, be visible from the street, and be protected from weather.

It is required on all construction, alterations, and repair work. Removal, alteration, or mutilation of this sign, until completion of such work, is in violation of the law. Inspections will not be performed if this permit is not posted on the job site.

24-2822-NEWC

Permit Type	New Building
Location	1603 Columbia Ave
Land Use	Single Family Detached
Applicant	benjamin kroeger DBA Little Harpeth Properties LLC
Status	Returned for Revisions

Inspection Information

Type	Framing/Plumbing/Mechanical
Result	Failed
Date	2/7/2025 11:15:00 AM
Inspector	Humphrey, Jeremy
Comment	Person Onsite: Ben Kroeger 6156266917

Deficient Correction Items

Detached garage in rear needs seperate permitting

Seal top plate and other penetrations throughout

Upload rough in electrical inspection

Standpipe was attached with strap & could not verify water

Block gap in sheathing above ceiling on North wall, above single window

Upload updated construction plans - layout upstairs on site doesn't match submitted drawing. Work performed is outside

scope of current permit. Wall bracing (2018irc compliant), etc will be needed. Full re-inspect will be needed after new docs upload

No anchor bolts present - either expose bolts or provide engineer evaluation

Light with protection needed in basement area for mechanical unit

Tie rafters to ceiling joist every 4'

Ceiling joist overlap fastening needs more nails

Radon vent to be marked at each level

Radon vent to have outlet within 6' in attic

Foundation to be evaluated by engineer, due to scope of work performed.

Manual aj, s, & d needed due to new mechanical units

City of Columbia

[Icons by icons8](#)

About This Site

This site allows you to search



April 11, 2025

benjamin kroeger DBA Little Harpeth Properties LLC
6016 belle rive dr
brentwood, TN 37027

Project Name: 24-2822-NEWC

Dear benjamin kroeger DBA Little Harpeth Properties LLC,

We received a plan for review at the above referenced project. Our review of your project requires additional information, corrections, or revisions before we can proceed. The comments are listed by division to help direct any questions you may have to the appropriate staff.

After reviewing the specific comments from each department, please submit your revised plans in the following manner:

- Include a response to each comment that corresponds to our items on the original letter
- Cloud or Highlight all changes in the revised drawings showing revision date

Submit all additional documents and revisions through the [Online Permitting Portal](#).

Division Contacts:

Building, Planning, and Engineering: 931-560-1560 or development@columbiatn.com

Fire: 931-560-1740

Wastewater: 931-560-1001

Please address the comments on the following page.

ALL COMMENTS MUST BE ADDRESSED IN ONE COMPLETE RESUBMITTAL

Further corrections may be necessary as a result of submitting additional information.

Planning-Jeremy Humphrey 931-560-1538

1. An updated site plan provided by survey professional is needed. Site is zoned CD-3: min. setbacks to be Front/Back 25' & 8' on sides.

Building

2. Your engineer report mentions the lack of a mud sill and anchorage in areas. You will need to have this engineer provide a wall bracing report and a plan to address those stated concerns
3. Your engineer will need to perform a follow up inspection to verify the items in his initial letter were addressed. He will also need to verify and provide a letter that you have met wall bracing requirements
4. Please have the Engineer add to his letter that the existing foundation will support the framing of the 2 story home
5. Provide an updated floor plan for the first floor
6. You have uploaded a Manual J for the HVAC, please provide a Manual S for sizing of the unit and a Manual D for sizing of the ductwork

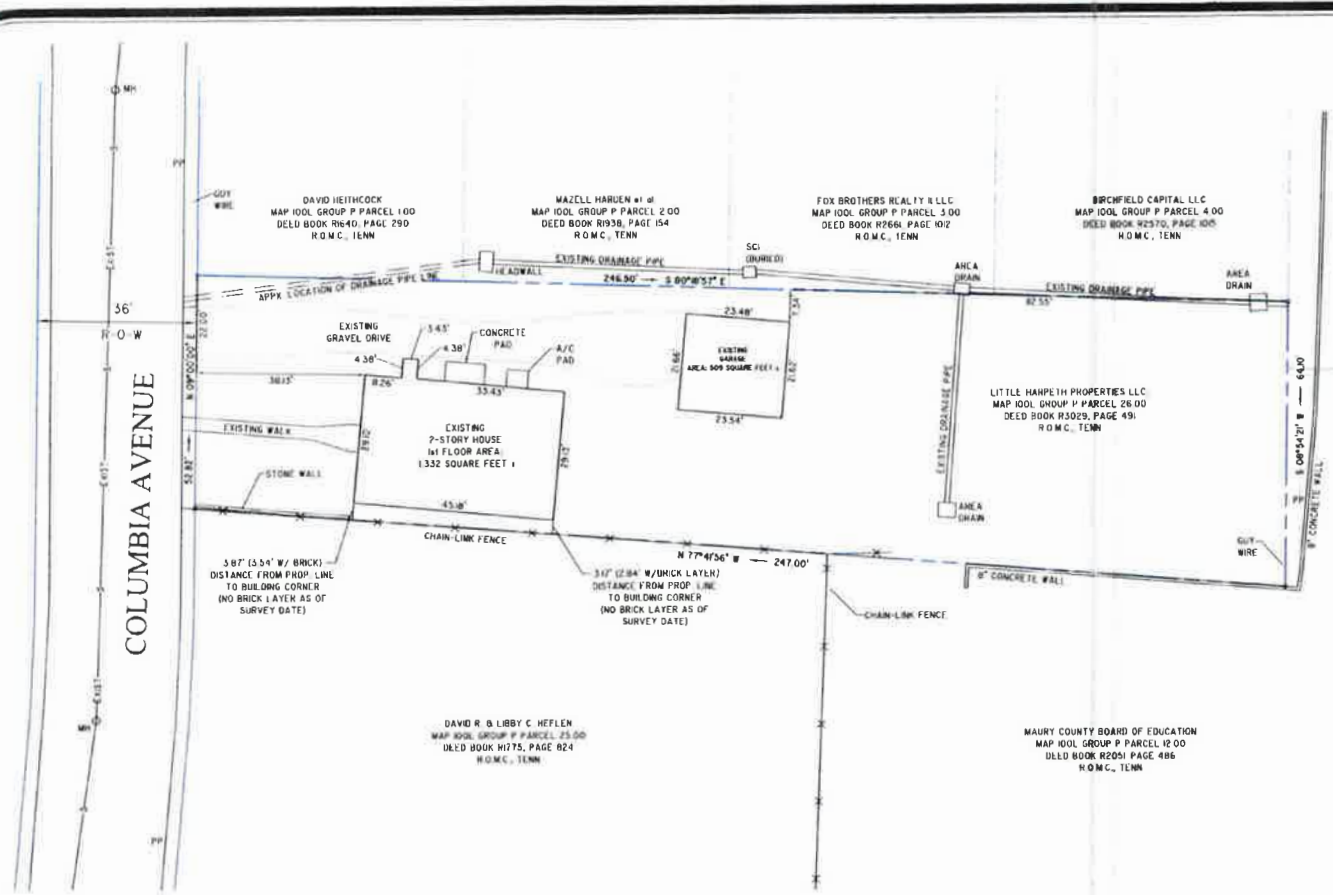
Sincerely,

Development Services Staff



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

0 20 40 60
feet



EXISTING CLOSED ROAD

MAURY COUNTY BOARD OF EDUCATION
MAP 100L GROUP P PARCEL 12 00
DEED BOOK R205 PAGE 486
R.O.M.C., TENN.

Certification

I Herby Certly that this a Category "T" 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

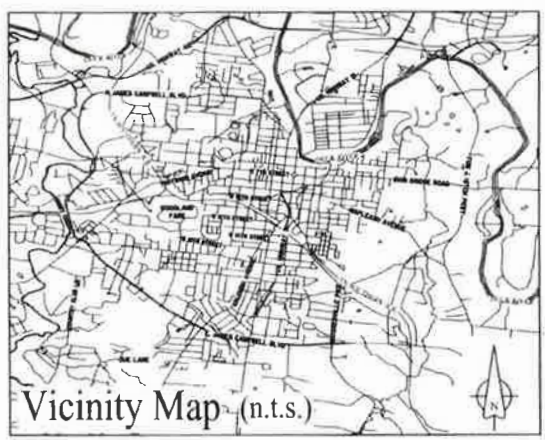
9th Civil District, Maury County
Columbia, TN 38401
Prepared for

Little Harpeth 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

1. Property Map 100L, Group P, Parcel 26.00
2. Site Acreage: 14,412 Square Feet, or 0.331 Acres ±
3. Property is subject to any findings of an accurate title search. No title work furnished to surveyor prior to survey.
4. Deed Reference: Little Harpeth Properties LLC, Deed Book R3029, Page 491, Register's Office Williamson County, Tenn.
5. By graphic plotting only, property lies within Zone "X" per F.E.M.A. Map No. 47119C0285E, effective date April 16th, 2007.
6. 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.

Exhibit 6

FW: Columbia BZA



Thu 8/28/2025 3:36 PM

PK Paul Keltner
To: Jeremy Humphrey
Cc: Austin Brass

From: Jake Hubbell <jake@thehubbellfirm.com>
Sent: Thursday, August 28, 2025 3:28 PM
To: Paul Keltner <PKeltner@Columbia.tn.gov>
Subject: FW: Columbia BZA

Paul:

See below from Doug Berry, attorney for Ben Kroeger.

Thanks,

Jake

Jake Hubbell
Attorney at Law

410 West 7th Street
Columbia, TN 38401
931-381-4700- Phone
931-246-4742 - Fax
jake@thehubbellfirm.com



From: Doug Berry <Doug.Berry@millermartin.com>
Sent: Thursday, August 28, 2025 3:06 PM
To: Jake Hubbell <jake@thehubbellfirm.com>
Subject: RE: Columbia BZA

Jake. Per our telephone conversation just now, my client has agreed to a deferral of this matter until the October meeting of the board of zoning appeals. Between now and then, we would like to send you a statement of his position in the matter and set up a time to meet with you and the zoning administrator, or other appropriate official(s) and discuss a resolution of this matter. Many thanks and have a nice holiday weekend. Doug

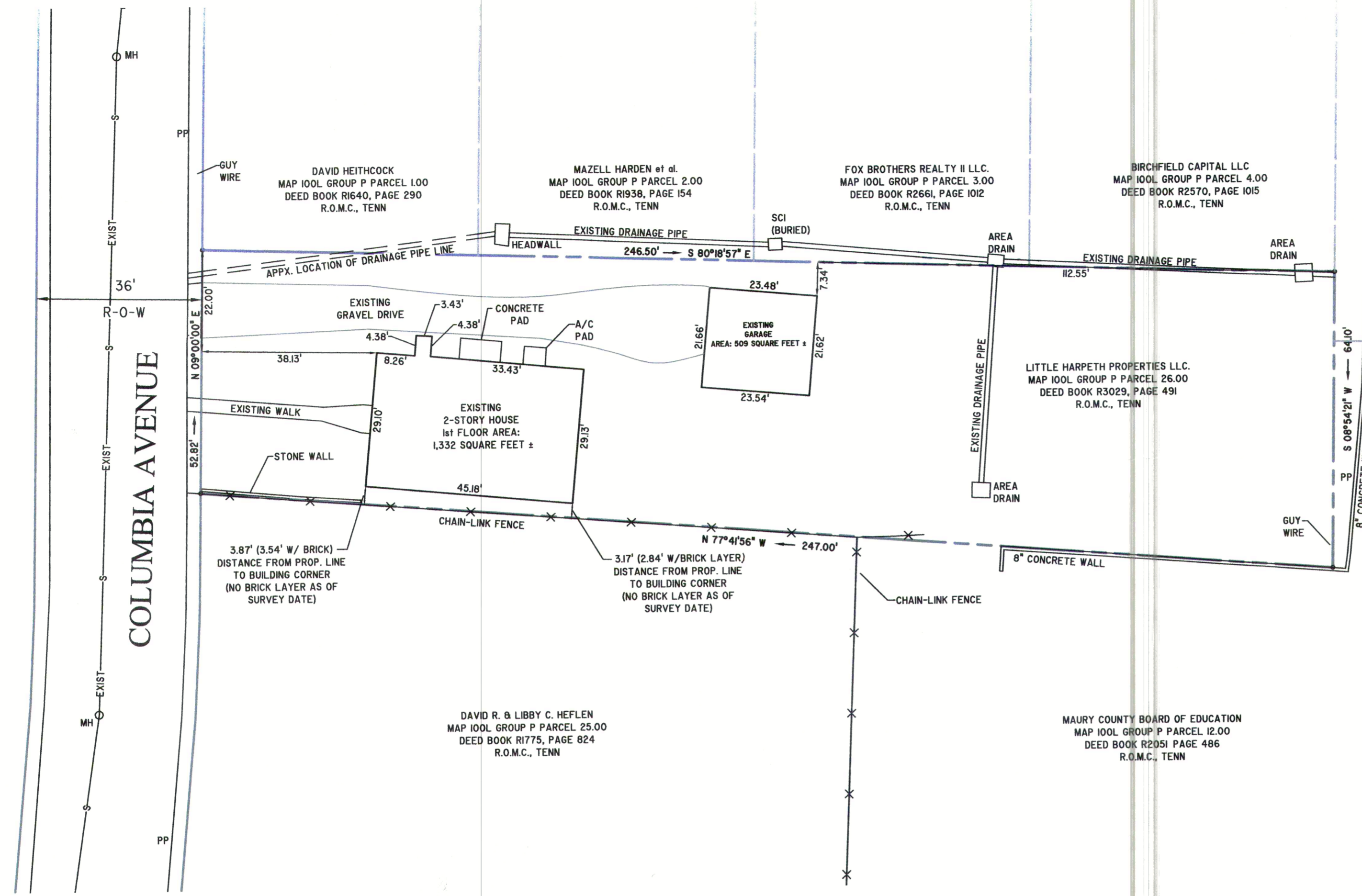
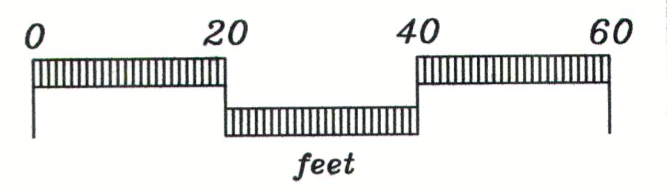
Douglas Berry

d (615) 744-8620
f (615) 744-8635
Suite 1010 | 401 Commerce Street | Nashville, TN 37219

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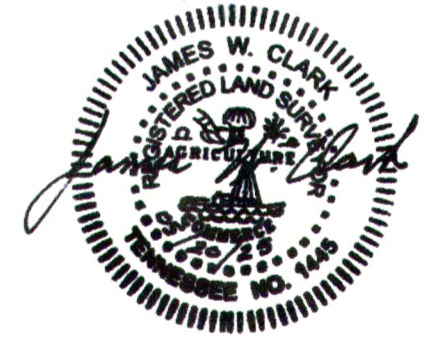
Bearings referenced to Plat of Morgan's Addition to Columbia, Tennessee, of record in Plat Book 98, Page 255, R.O.M.C., Tenn.



Certification

I hereby certify that this is 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 Harpeth Properties LLC.
c/o Ben Kroeger

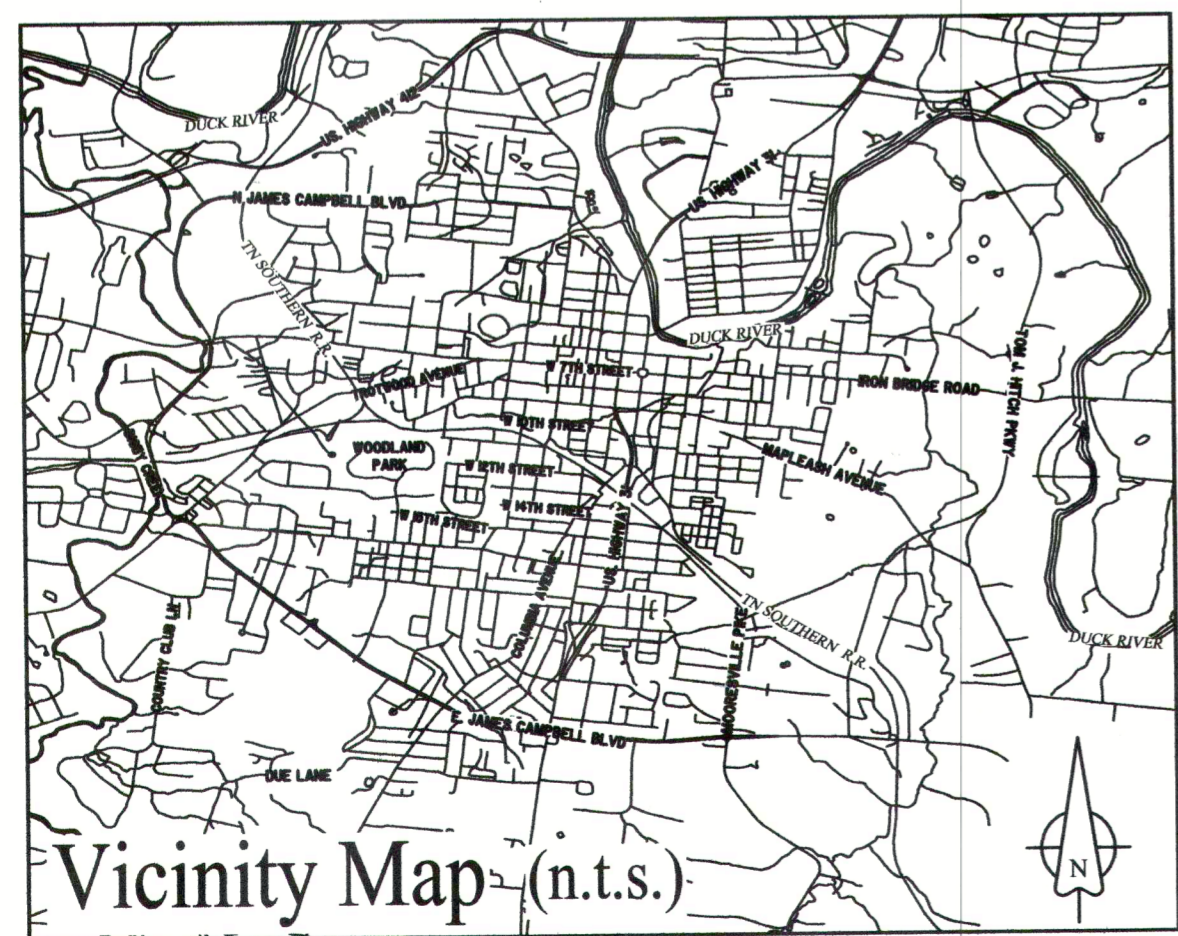
Date: 05 - 20 - 2025
Scale: 1" = 10'

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
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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.

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.

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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>Yes. Exceptional narrowness (Regarding both the setback request and the driveway extension). The width of the lot makes it impossible to A.) build without setback variances and B.) the driveway discussion was had with robert archibald and it was verbalized that as long as we “matched what was there” then we were fine. We have matched the tile that was originally in place. This can be verified by anyone who would like to go see it. We did <u>not</u> replace the tile.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<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>Yes. We met our measurements on the setbacks.</p> <p>On the parking, yes 5’ is the minimum that was needed to make adequate parking and keep cars from parking on the street or in the yard.</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

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

Not authorizing any use or activity.

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

Correct.

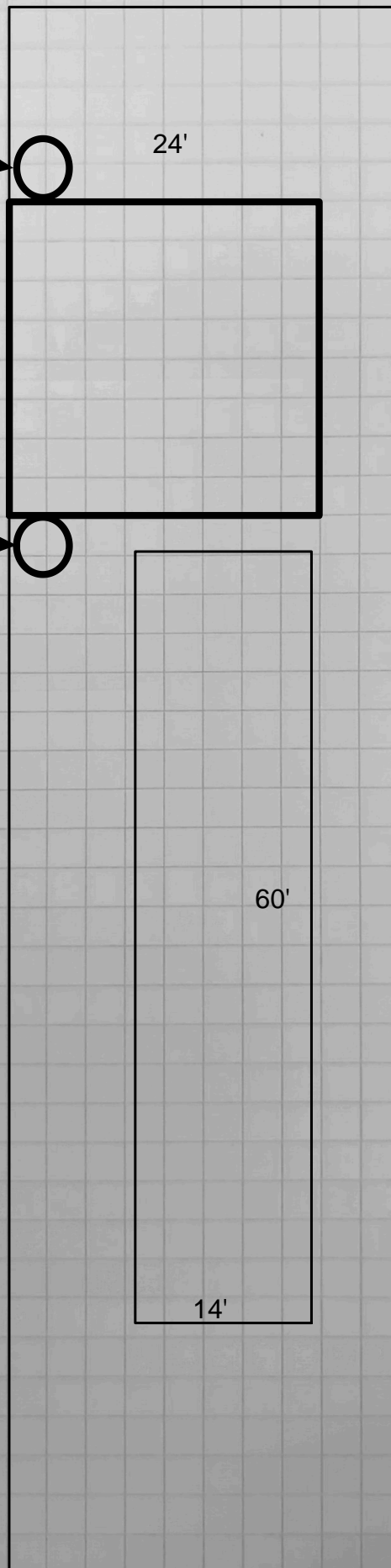
The home was built to the same envelope as the trailer was.

The granting of the variance will allow our driveway to accommodate a modern amount of cars.

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.

It will have a substantially positive impact for not only the public good but also the neighbors, neighborhood and the city tax roll.

Existing tile



24'

25'

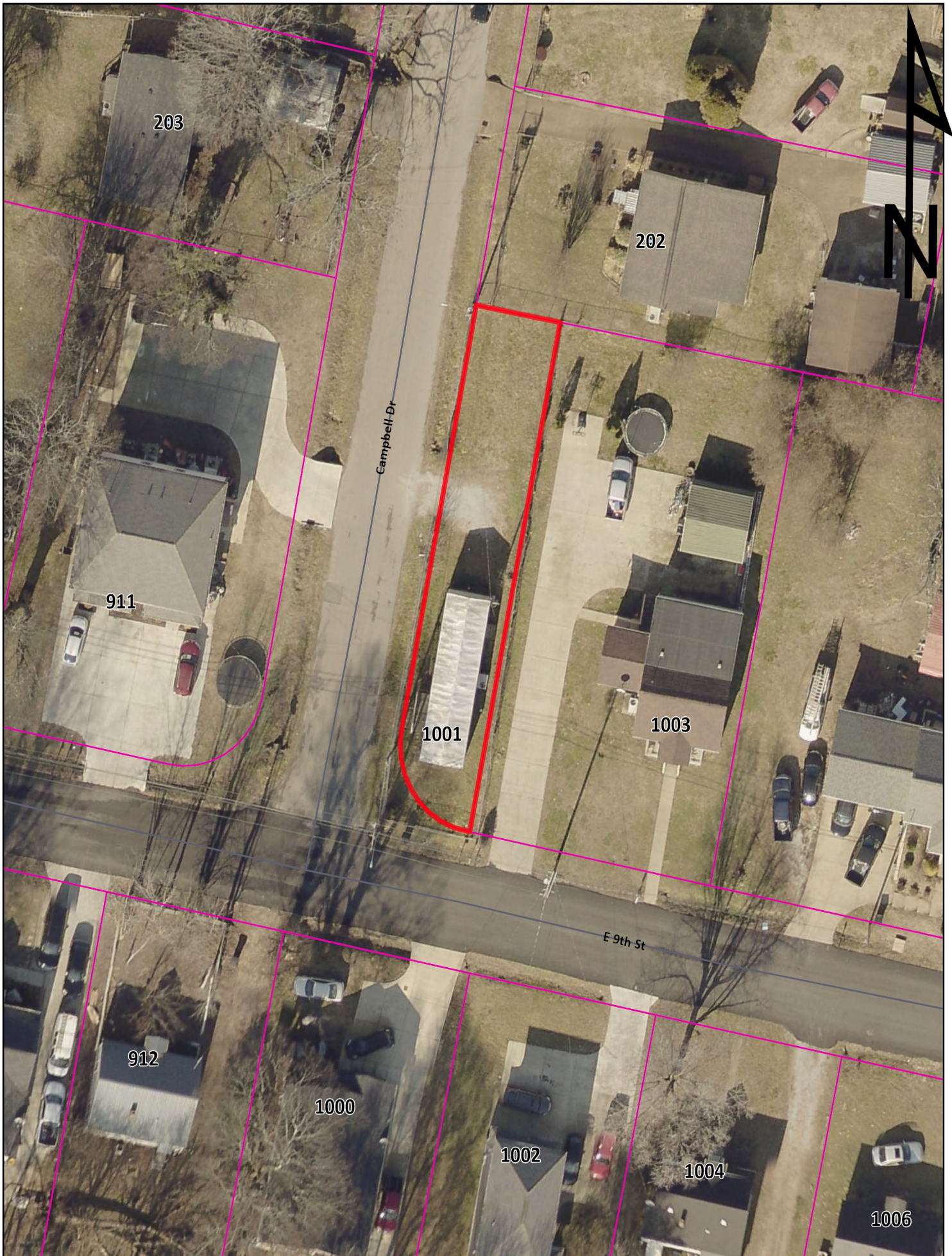
120'

60'

14'

30'

We were told by Robert archibald that we could not move this tile and that we had to match what was there, so we did,



Case #25-0313
1001 E. 9th Street

City of Columbia
Development Services
www.columbiatn.gov
(931) 560-1560

CITY OF COLUMBIA



Burchell Properties

1159 Trotwood Avenue Columbia, TN - Suite E
931 698 7088 - atburchell@bellsouth.net / noahburchell10@gmail.com

Regarding the property located at 1001 E 9th Street Columbia, TN. Burchell Enterprises removed a 70+ year old trailer and built a new home in it's footprint. Robert Archibald stated we could not move the existing tile located on the left side of the property which was used for parking. He stated that we had to "Match what was there". We did this and installed a 25' parking pad to accommodate 2 vehicles and reduce the parking on grass that so commonly happens due to inadequate parking pad sizes.

The city planning department has chosen now to hold up our CO, which in turn has caused me to lose a tenant, and try to force us to remove 5' from the driveway to "be in compliance".

Additionally, the planning department stated we "don't have 6" of fall over 10' near the AC pad". They have shown their inability to use any common sense considering I'm 7.5' from the neighbor and they don't want their grade changed on their property. I stated I was willing to stack brick around the AC pad, but got no reply. Regardless, this is not a planning item. It's an engineering item. The city engineering inspection WAS PASSED WITH NO COMMENT. The building inspector dictated "Consult with the engineering department", so I am confused as to why the engineering department passed it but planning brought it up? It's simply government overreach.

In conclusion, we are requesting to appeal the planning departments decision to limit our parking pad when we are going back with what has always been there. Additionally, their comment regarding the AC pad drainage needs to be removed altogether as it is physically impossible to accomplish & also not their area of inspection.

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

Correct.

The granting of the variance will allow our driveway to accommodate a modern amount of cars.

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.

It will have a substantially positive impact for not only the public good but also the neighbors, neighborhood and the city tax roll.

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.

No it will not.

--

CARROLL LAND SURVEYING
 495 EAST MAIN STREET, SUITE 1
 HOHENWALD, TN 38462
 PHONE: (931)796-1654
 FAX: (931)796-1651
 EMAIL: CSURVEY@BELLSOUTH.NET

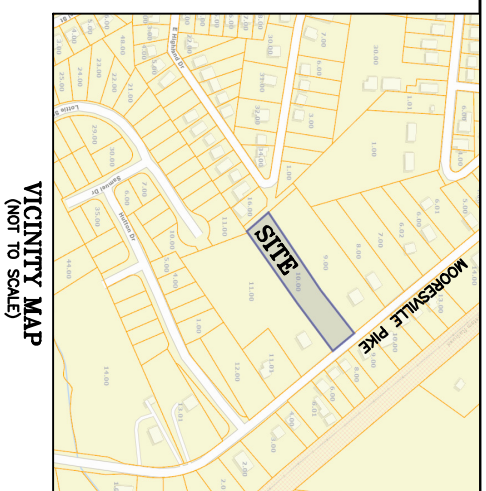
25' STRIP OF LAND
 WITH SEWER EASEMENT
 (ACCORDING TO DEED OF BONNIE
 REAVES, RECORD BOOK 1606, PAGE 471)

PAMELA DAVIS
 RECORD BOOK 1828, PAGE 371
 TAX MAP 99P, GROUP D, PARCEL 9.00

MARCUS HUGHES
 RECORD BOOK 2658, PAGE 1025
 TAX MAP 99P, GROUP D, PARCEL 11.00

CYNTHIA JOHNSON
 RECORD BOOK 2959, PAGE 1320
 TAX MAP 99P, GROUP M, PARCEL 11.00

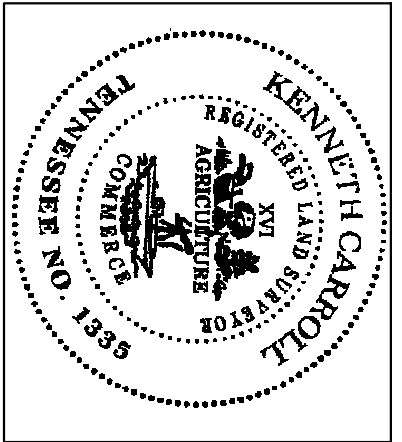
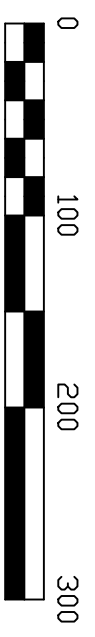
P.O.B.
 MOORESVILLE PIKE



LINE	BEARING	DISTANCE
L1	S 39°40'40" E	97.95'
L2	S 56°17'03" W	494.00'
L3	N 41°32'15" W	65.00'
L4	N 52°26'58" E	493.78'

LEGEND

- ▲ = AXLE FOUND
- ⊕ = WATER METER
- ⊕ = IRON PIPE FOUND
- = IRON PIN FOUND
- ⊕ = IRON PIN SET



CERTIFICATION

I, KENNETH CARROLL, LICENSED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECTION, THAT IT IS MY OPINION THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICES FOR A CATEGORY 1 SURVEY, AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY WAS 1:10,000 + AS SHOWN HEREON.

Kenneth Carroll
 KENNETH CARROLL
 TENN. REG. NO. 1335

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS EVIDENCED IN RECORD BOOK NUMBER 1606, PAGE 471, COUNTY REGISTERS OFFICE, AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT; ESTABLISH THE MINIMUM RESTRICTION LINES, AND THAT OFFERS OF IRREVOCABLE DEDICATION FOR ALL PUBLIC WAYS, UTILITIES, AND OTHER FACILITIES HAVE BEEN FILED.

DATE _____
 BONNIE REAVES

**SURVEY FOR
 BONNIE REAVES**

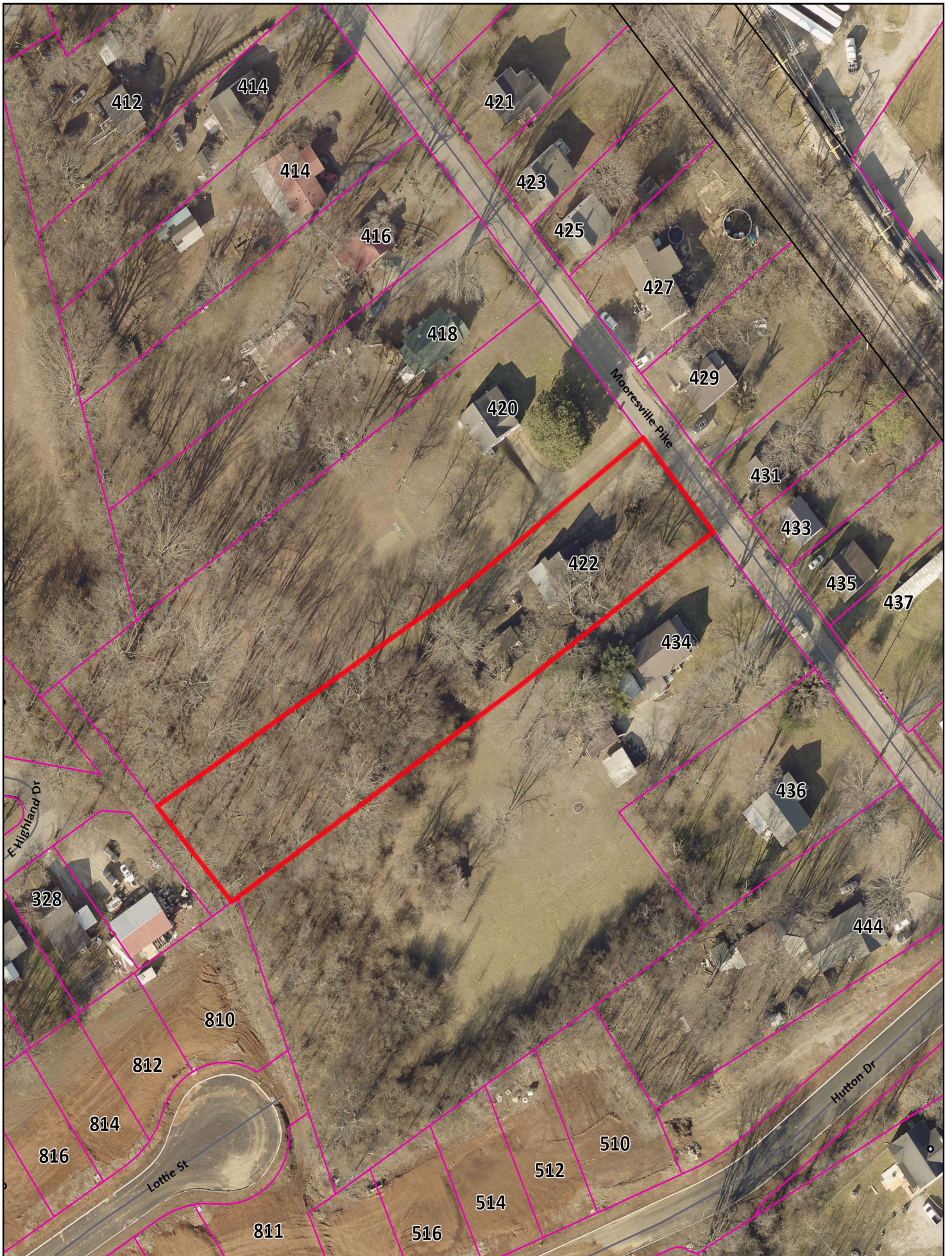
APPROVED BY: _____
 KENNETH CARROLL
 DRAWN BY: NF
 REVISIONS: / /

9TH CIVIL DISTRICT - MAURY COUNTY, TN

REF: RECORD BOOK 1606, PAGE 471
 TAX MAP 99P, GROUP D, PARCEL 10.00

JOB NAME:
 REA125
 (GB)





Case #25-0315
422 Mooresville Pike

CITY OF COLUMBIA
City of Columbia
Development Services
www.columbiatn.gov
(931) 560-1560

CITY OF COLUMBIA



Burchell Properties

1159 Trotwood Avenue Columbia, TN - Suite E
931 698 7088 - atburchell@bellsouth.net / noahburchell10@gmail.com

Regarding the property located at 422 Mooresville Pike Columbia, TN. This is a remodel permit. Yet, the planning department is trying to make us comply with current standards. We initially showed parking in the rear, but upon further inspection, the property has historically been parked on @ the front of the home. There was gravel and an entryway in place that showed this. We went back with what was already there. Driveway does not exceed 20' on entrance from the road. Parking pad installed where existing parking already was.

Additionally, once again the building inspector dictated that "From the front of house it looks like the right side does not have the correct grading from 6" to 10' out." And yet, the engineering department again passed their inspection.

We are requesting an appeal of the location of the driving pad to be allowed to be where it has always been & that the building inspector remove their inspection note regarding fall over 10'.