

City of Columbia
BOARD OF ZONING APPEALS
November 13, 2025

CALL TO ORDER:

Chairman Jimmy Dugger called the November meeting of the Board of Zoning Appeals for the City of Columbia to order at 9:00 a.m. The meeting was held in the Council Chambers at City Hall.

I. ROLL CALL:

Quorum present and included the following:

Present were: Mr. Eddie Ables
 Mr. Jimmy Campbell
 Mr. Jimmy Dugger
 Ms. Kristen Newton
 Ms. Debbie Wiles

Other attendees:

 Mr. Austin Brass, City Planner
 Mr. Jeremy Humphrey
 Mrs. Sandra Richardson, Recording Secretary
 Mr. Charles Rush, Principal Planner
 Mrs. Melissa Sanders, Planner I

II. APPROVAL OF MINUTES:

The October minutes were presented for approval.

Mr. Campbell moved to approve of the minutes, with Mr. Ables seconding. The motion to approve the October minutes passed five to zero.

Mr. Campbell welcomed MacKenzie Bybee and Rhonda King as part of the 2025-2026 Leadership Maury class. He stated that this Board is fortunate that they chose this Board as one of their first classes here. They pursue their education in City and County Government.

Mr. Dugger stated congratulations.

Ms. Wiles stated, as a member of the class of 93 one never knows what the future will bring.

III. OLD BUSINESS:

1. Case #25-0313

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

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Parcel 11, a CD-3 (Neighborhood Character District) zoned property. This item was deferred from a previous agenda.

Staff Review:

Mr. Dugger read the agenda item. Mr. Charles Rush, Principal Planner, gave the details of the staff report. He gave the history on the request. No trees have been planted by the applicant. This is a self-created hardship, referring to 8.5.16.L criteria g and a. Staff recommended to deny.

Discussion and Motion:

Mr. Todd Burchell was present to answer questions. He stated that was not the whole story. He explained that they went before the BZA for a variance, and the planners told them they had to do that. They moved a 70-year-old mobile home and want to build back on that lot. They asked if they could move the driveway back, but they were told by the BZA that it had to be in the exact same footprint. Further discussion included the porch, deck, the driveway was tight, not conforming, emails with the planning department, the house is in the exact same place, they wanted to move the house back, and the distance from the road. Mr. Ables discussed the 25 feet. Mr. Campbell discussed old codes versus new code, and he doesn't see a problem with the setback. Mr. Campbell moved to approve. Mr. Dugger seconded the motion. The motion to approve passed four to zero with Ms. Wiles abstaining.

2. Case #25-0315

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. This item was deferred from a previous agenda.

Staff Review:

Mr. Dugger read the agenda item. Mr. Jeremy Humphrey, Planner II, read the applicant's letter, and then gave the details of the staff report. Mr. Humphrey stated that the building notations that was done by the building inspector, is not within the purview of the BZA for consideration. This request is for the driveway parking pad only. The deviation from the plan was done by the applicant, therefore the hardship was self-created. Staff finds that the variance does not satisfy the required findings under section 8.5.16L of the Zoning Ordinance. The hardship is self-created by deviating from the compliant site plan. Staff recommendation is denial.

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Discussion and Motion:

Mr. Todd Burchell was present to answer questions. Mr. Burchell stated that the City is implying that the driveway is 35 feet. It is 12 feet. Discussion included considering an ADU, this is a remodel permit, concreting, previous gravel, they didn't do what they submitted on the plan. Mr. Brass asked to educate the Board on the Zoning Ordinance and where all of this comes from. He explained the adoption in 2022, and the criteria points of parking being in the rear of the house. That is a rule that all permits are subject to, and he further explained. He also stated that once anyone paves a gravel surface, and the pavement is subject to the current standards.

Ms. Wiles asked if his statement was an assumption or the law. Mr. Brass stated that it is a fact.

Mr. Burchell discussed the previous situation, and not paving all the way. He discussed 120 feet of driveway. Additional discussion included rewording the application, holding up the CO, the paved driveway, parking pad, it was gravel, and extending to a parking area off the driveway.

Mr. Brass stated that the Zoning Ordinance does not permit applicants to ask for parking variances. However, they do have the privilege to ask for driveway variances. This is a case where the driveway extending beyond 20 feet in width within the first layer.

Mr. Burchell stated that they passed all inspections except for planning, and are waiting on the CO.

Mr. Humphrey stated that he received three telephone calls from neighbors opposing the request.

Ms. Pam Davis, 420 Mooresville Pike, was present and stated that she doesn't think that he had a survey done. She said that she had a survey done on her property. The driveway pad is up against the line abutting her driveway. Further discussion included driveway encroachment, touching, but not going over, broad entrance, parking pad, the entire driveway within the first layer, roadway to the façade, not on her property, allowing for a 35 foot driveway, the flag portion, and parking pad. Mr. Humphrey discussed the continuous driveway, and looking at the driveway versus a parking pad.

Mr. Burchell stated that he has a survey of the two driveways, and it is not encroaching. The driveway is 12 feet. The driveway is not 35 feet.

Mr. Humphrey stated that the applicant is stating that this is parking and it is not in the purview of the BZA.

Mr. Brass discussed getting legal advice. Mr. Dugger stated if that happens then is the Commission to pull back and not to make a decision. Mr. Brass explained the Zoning Ordinance. He stated that one of the things that this Board is not able to review is parking, and signs. It is explicitly stated in the Zoning Ordinance and he further explained. Ms. Wiles inquired about where the measurements are coming from. Mr. Burchell stated that it is 10 feet off the road. Mr. Dugger stated that if the Commission doesn't vote today what is it going to take for him to get his CO immediately. Mr. Rush stated that he will need to conform to the standards of the 20-foot max driveway width.

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He will need to cut that from 35' to 20'. Mr. Campbell stated that the Commission is butting heads with the old zoning. The house is built, the driveway, and the parking place was built under the old permit. He remodeled a house that was built under the old zoning, and he further discussed the situation. Mr. Dugger stated that he wants an answer to his question. What is it going to take to get a CO for Todd Burchell if the Commission doesn't vote today. Mr. Brass confirmed that Mr. Rush addressed it. It would need to conform to the current Ordinance. The same Ordinance that all property owners are subject to, which would be a 20-foot driveway. Anything beyond that would need to be cut out. Mr. Burchell stated that you are saying cut it out and then he could put gravel back in. Mr. Brass stated certainly. Mr. Burchell stated listen to what the city is asking me to do. Mr. Brass explained the challenge in this situation. Once the driveway is paved it is subject to the current zoning standards. Mr. Humphrey made reference to his staff report addressing the non-conforming parking, and zoning violations. The moment Mr. Burchell decided to deviate from the site plan that was approved, this would not be approved. The original plan that was approved by Mr. Rush has parking in the rear. The moment that they poured concrete they lost the nonconformity status of any type of parking they may have had or that may have been in the front. The nonconformity status was lost when they deviated. Mr. Rush stated that he was the original planner and he sent it back for revisions, and he further discussed. The applicant was aware of that.

Mr. Burchell stated that it is a remodel permit. It is totally different from new construction, and he further discussed the issue.

Mr. Rush stated regardless of whether it is a remodel or not, once you start adding additional driveways it must conform to those standards.

Mr. Burchell stated that they didn't add any additional driveway.

Further discussion included improving the site, concrete over gravel, conforming to Zoning Ordinance 4400, the nonconformity driveway, and the remodel permit.

Mr. Humphrey stated that when the area was altered, when the concrete went down, any nonconforming status was lost.

Additional discussion included, the value is not a discussion point, financial gain or loss, tax accessor, the BZA purview, improvement, and follow what was approve on the original request.

Mr. Dugger stated if he was to cut off the driveway, his whole intention is to make sure that the applicant gets his CO. It has been 90 days, and it is holding up his business. Ms. Wiles asked at what point under the code did this change from a remodel. She is hearing that once that driveway changed to a pad it changed from a remodel status of the driveway. Mr. Brass stated the question simply put was at what point did it change. Ms. Newton stated that it was when he poured the concrete. Mr. Brass stated that is right. Ms. Newton further discussed. Ms. Newton discussed the options. Further discussion included that he used less than what was submitted, parking, not being what

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was within what the Commission could discuss, construction knowledge, awareness, and revisions during the review process.

Mr. Burchell asked how long a driveway has to be. Mr. Humphrey stated that the length of the driveway can be the length that it needs to be. However, the issue the Commission is addressing is the First Layer issue. Mr. Burchell stated that his question is how long a driveway has to be. Mr. Rush stated that we do not have a distance requirement, but there is a width requirement. Mr. Dugger stated the first level is the road to the house. Mr. Rush stated that it is correct. Mr. Campbell stated that there was no first level in the old zoning. Mr. Newton stated that she didn't feel that the Commission could look at the old zoning because this was new driveway.

Mr. Burchell stated remodel. The remodel is the key to the whole thing, and he further discussed.

Mr. Humphrey stated that the structure itself is not what is being debated. The discussion is on the improvement to the drive area, and he further discussed.

Mr. Dugger read the sample motions.

Mr. Campbell moved to approve. Mr. Brass asked the Commission to state the reason for the motion, on whatever decision that is made. Mr. Campbell stated that he moved to approve base on remodeled houses and the old zoning didn't require a front phase parking. The difference is it is concrete instead of gravel and dirt. He doesn't see the improvement being a way to keep this from being approved. Mr. Dugger seconded the motion. Mr. Ables amended the motion stating the request improperly brings a parking flag and does not qualify for BZA review. Mr. Brass stated that there is a motion on the floor, maybe the Board can go through that motion. Mr. Dugger stated that the Commission has a right to amend the motion. Mr. Rush stated that the Commission will have to vote on the amendment as well. Mr. Ables stated that he amended the motion that the request properly framed as a parking pad as a driveway and that does not qualify for BZA review. Mr. Dugger asked if there was a second. Mr. Campbell seconded the amendment. Ms. Wiles asked what they were voting on. Mr. Dugger stated the amendment to the motion. Ms. Wiles asked what the motion was. Mr. Dugger stated that the motion was to approve the variance. Mr. Ables stated no. After discussion Mr. Dugger stated that the Commission was voting on the amendment. Mr. Humphrey stated that he believed the amendment that passed was that parking was not in the BZA purview. Further discussion was held on the motion and amendment, and following Roberts rules. The vote was taken with all members voting aye. The motion passed. Mr. Dugger asked where Mr. Burchell was now. Mr. Rush stated that Mr. Burchell has the option to conform to the current standards. Mr. Dugger stated that he has to come back to staff to make a decision to move forward. Mr. Burchell stated that staff has their position and he has his. No disrespect but nothing was resolved here regarding this. Mr. Rush stated that it is the City Council's view that is what they adopted to clarify. Mr. Burchell stated what. Mr. Rush stated that driveway width. Mr. Burchell stated that It is not a driveway when the drive way is 60 feet long and 12 foot wide. Further discussion

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the motion approval, granting a variance, no motion to approve the variance, parking, the remodel, the remodel permit is under the Building Official. Mr. Brass stated that the Commission can agree there was a motion, and the Commission can agree that the parking is out of purview. He stated that any further request will go to driveway width. Further discussion was on the motion, cutting the pad out, making it 20 feet wide at its maximum and the CO will be issued. Mr. Burchell asked who's the city attorney. Mr. Humphrey stated Jake Hubbell. Mr. Brass stated that he recommends that the applicant had some misunderstanding with the request. The Commission could defer the item to get legal opinion. Mr. Humphrey stated that he doesn't think a deferral is available now that they voted. Mr. Rush asked Mr. Brass if he was saying that in the purview that was what they voted on but that is not what was the actual subject. Mr. Brass stated that he thinks the challenge is the applicant posed it as a parking pad. The Commission agree that parking is not a subject criteria point in the joining ordinance. This means the applicant cannot ask for parking. That was further clarified by Mr. Ables' motion. The vote solidified that further. Mr. Burchell believes this is a parking pad variance not a driveway variance. Mr. Burchell stated that he thinks it is a patio. It was a gravel parking area and he concreted it, and the city is saying they don't like you calling it a parking area so cut it out. Mr. Rush asked Mr. Brass since the Commission voted to say that parking is not in the purview, that was not what was in front of them currently today they are still subject to the driveway width. They still will need to make a determination to either approve the width or deny just to clarify. Mr. Dugger asked if the pad was fenced and it became a patio would that work. Mr. Brass stated that the point of the BZA is to make suggestions to the applicant. Mr. Rush stated what is in front of the Board is the 35-foot driveway whether they want to approve it or not. Mr. Brass stated that is correct. Mr. Ables stated for clarification the 35 foot is the width of the driveway from the yard that goes across in front of the house. Even though it is 12 feet at the street it eventually gets to 35 feet. Mr. Brass stated correct. The discussion included the motion, the request that is before the Board, pad, driveway, cutting the driveway for 35 feet to 20 feet, the first layer 20 feet all the way to the house, the first layer, 35 above the max, terminology, zoning violations, the current zoning code, if the motion was made to accept 35 he will be good, and the Board accept, at what point should you have known it changed, and the material use. The neighbor discussed the driveway. Mr. Ables asked the applicant when he applied for this, the parking was going to be at the rear of the house. Mr. Burchell stated that he thinks there was some confusion. Mr. Rush clarified his statement about parking in the back. Ms. Newton moved to approve and stated that considering the confusion, in the future, for the applicant to avoid that by knowing that parking is in the back. Mr. Dugger stated the 15-foot variance. Ms. Wiles seconded the motion. The motion to approve passed five to zero.

IV. NEW BUSINESS:

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There was no new business to discuss.

IV. OTHER BUSINESS:

Education: Mr. Dugger stated that four of the Board went to the Power of Ten yesterday. Mr. Ables, Mr. Campbell, Ms. Wiles, and Mr. Dugger. Each member expressed their thoughts, on enjoying the education session.

Mr. Brass stated that on November 18th there will be an education session conducted by Mr. Sam Edwards. It will be BZA centric, and it will be from 4 P.M -6:00 P.M.

V. ADJOURNMENT:

Mr. Ables moved to adjourn, and Ms. Dugger seconded the motion. The motion to adjourn passed five to zero. The meeting adjourned at 10:15 AM.



Board of Zoning Appeals, Chairman - *vice*
Jimmy Dugger *Eddie Ables*

12-11-2025

Date