



AGENDA

The Columbia Board of Zoning Appeals will meet on Thursday, April 9, 2026 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. Public Comments

IV. Old Business

1. Request from Nick Madonia for Variance approval of a front yard setback regarding the building site for a financial institution at [1907 Shady Brook Street, being Tax Map 100N Group L Parcel 5](#), a CD-4C (General Urban Corridor Character District) zoned district. **THIS ITEM WAS DEFERRED FROM A PREVIOUS AGENDA.**
2. Request from Nick Madonia for Variance approval of a front yard setback regarding the building site for a quick serve restaurant at [1907 Shady Brook Street, being Tax Map 100N Group L Parcel 5](#), a CD-4C (General Urban Corridor Character District) zoned district. **THIS ITEM WAS DEFERRED FROM A PREVIOUS AGENDA.**

V. New Business

1. Request from Justin McKennon for Conditional Use Permit approval for a Major Home Occupation at [214 Pleasant Drive](#), being Tax Map 101L Group E Parcel 13, a CD-3 (Residential Character District) zoning district.
2. Request from Habitat for Humanity for Variance approval regarding front and rear setbacks at [413 West 3rd Street](#), being Tax Map 89M Group G Parcel 47, a CD-3 (Residential Character District) zoned property.

VI. Other Business

VII. Adjourn

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

The 2026 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.

CONTACT INFORMATION

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

**DOCKET/CASE/APPLICATION
NUMBER
26-0059 & 26-0061**

**APPLICANT/ PROPERTY OWNER
Bostleman Realty LLC**

**PUBLIC HEARING DATE
March 12th, 2026**

**PROPERTY ADDRESS/LOCATION
1907 Shady Brook St.**

**REQUEST: Variance from Maximum Front
Setback Requirement (85' Maximum when two
parking bays are located in 1st layer)**

**The applicant has submitted two variance
applications seeking relief from the 85-foot
maximum front setback requirement along James
M. Campbell Boulevard (JCB) within the CD-4C
District. The applications correspond to two
proposed commercial building locations shown on
the submitted concept plan.**



EXISTING ZONING	EXISTING LAND USE	SURROUNDIN G ZONING & LAND USE	SITE IMPROVEMENTS	Lot Size:
CD-4C	Vacant	CD-4C	Proposed Commercial	~3 acres

EXECUTIVE SUMMARY

The applicant has submitted two variance applications requesting relief from the 85-foot maximum front setback requirement along James M. Campbell Boulevard for property zoned CD-4C (General Urban Corridor Character District).

The subject property is a single parcel and constitutes one Development Parcel under the Zoning Ordinance. The site contains a tributary located within the required 30-foot minimum setback area, an associated environmental buffer, and a 20-foot sanitary sewer easement that traverses the property in an irregular alignment. These physical features create a non-uniform developable area between the 30-foot minimum and 85-foot maximum setback limits.

The submitted concept plan depicts two proposed building locations; however, no separate Lots or Building Sites have been formally established through subdivision or Development Parcel procedures. The requested variances apply to the parcel as currently configured and do not establish separate development sites or authorize more than one Principal Building, which is limited to one (1) per Lot or Building Site in the CD-4C District.

The Board must determine whether the combination of site-specific physical conditions constitutes an exceptional hardship under Section 8.5.16 and whether the requested relief represents the minimum necessary adjustment to the maximum setback requirement.

EXISTING CONDITIONS

The subject property is a single parcel and constitutes an entire Development Parcel under the Zoning Ordinance. The property has not been subdivided, and no separate Lots or Building Sites have been established under Article 4 or Article 5.

Physical characteristics of the site include a tributary located within the required 30-foot minimum front setback, an additional 30-foot environmental buffer, and a 20-foot sanitary sewer easement traversing the parcel in an irregular alignment.

Based on submitted materials and staff measurements, the depth between the environmental buffer and the sanitary sewer easement varies from approximately 33 feet to 60 feet across the frontage. The distance from the 85-foot maximum setback line to the sanitary easement varies from approximately 13 feet to 35 feet. These features create a non-uniform developable envelope between the 30-foot minimum and 85-foot maximum setback limits.

STATUS OF REVIEW

- Property zoned CD-4C (General Urban Corridor Character District).
- Single parcel; no subdivision or separate Building Sites established.
- Two variance applications submitted for relief from the 85-foot maximum front setback.
- Site contains a tributary, associated environmental buffer, and a 20-foot sanitary sewer easement.
- Physical constraints create irregular depth within the 30–85 foot setback band.
- Applications reviewed for compliance with Section 8.5.16 variance criteria.
- Any action applies to the parcel as currently configured and does not establish separate Building Sites or authorize multiple Principal Buildings.

APPLICABLE DISTRICT STANDARDS

The property is zoned CD-4C (General Urban Corridor Character District). Per Table 4.3.1-E (CD-4C District Standards), each Lot or Building Site is limited to one (1) Principal Building and one (1) Accessory Building. The Zoning Ordinance regulates development by Lot or Building Site. The subject property has not been subdivided nor established as multiple Building Sites under the Development Parcel provisions of Article 5. Accordingly, the parcel currently constitutes one Lot / Building Site for purposes of zoning regulation.

STAFF ANALYSIS

Dimensional Considerations

The applicant asserts that the presence of the tributary, environmental buffer, sanitary sewer easement, and 85-foot maximum setback requirement collectively limit the ability to place buildings in the desired configuration within the required setback band.

Staff acknowledges that these site-specific physical conditions reduce uniform building depth across the frontage and constrain typical pad-style development footprints. Staff further notes that alternative building configurations may be feasible within the required 30- to 85-foot setback band, though such configurations may require variation in building depth or footprint design.

The Board must determine whether the combination of these physical site conditions constitutes an exceptional hardship under Section 8.5.16, or whether they represent development constraints that can be addressed through alternative design consistent with the Ordinance.

Development Parcel & Building Site Clarification

The submitted concept plan depicts two proposed building locations and references separate 'sites.' However, the subject property remains one parcel and one Development Parcel. No separate Lots or Building Sites have been established through subdivision or Development Parcel procedures.

The Zoning Ordinance does not recognize conceptual lease areas or informal pad delineations as separate zoning units absent formal establishment under applicable procedures. Accordingly, the requested variances apply to the parcel as currently configured and do not establish separate Building Sites, authorize multiple Principal Buildings, or waive compliance with subdivision or Development Parcel requirements.

VARIANCE CRITERIA

In evaluating the request, the Board must determine whether the hardship results from unique physical characteristics of the property, is not self-created, will not adversely affect public welfare, and represents the minimum relief necessary.

The Board may consider the location of the tributary within the minimum setback area, the additional environmental buffer, the configuration of the sanitary sewer easement, the irregular depth between the setback lines, and the feasibility of alternative compliant building configurations.

STAFF COMMENTARY

Staff presents the foregoing analysis for the Board's consideration. The Board must determine whether the described site conditions satisfy the variance criteria and whether the requested relief represents the minimum necessary adjustment to the maximum setback requirement.

No action by the Board on this request shall be interpreted as creating separate Building Sites within the parcel, authorizing more than one Principal Building on the parcel, or waiving compliance with subdivision, Development Parcel, or other applicable zoning standards.

ZONING ORDINANCE 4400 EVALUATION REQUIREMENTS

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.

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.

SAMPLE MOTIONS

[Approve]:

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

[Deny]:

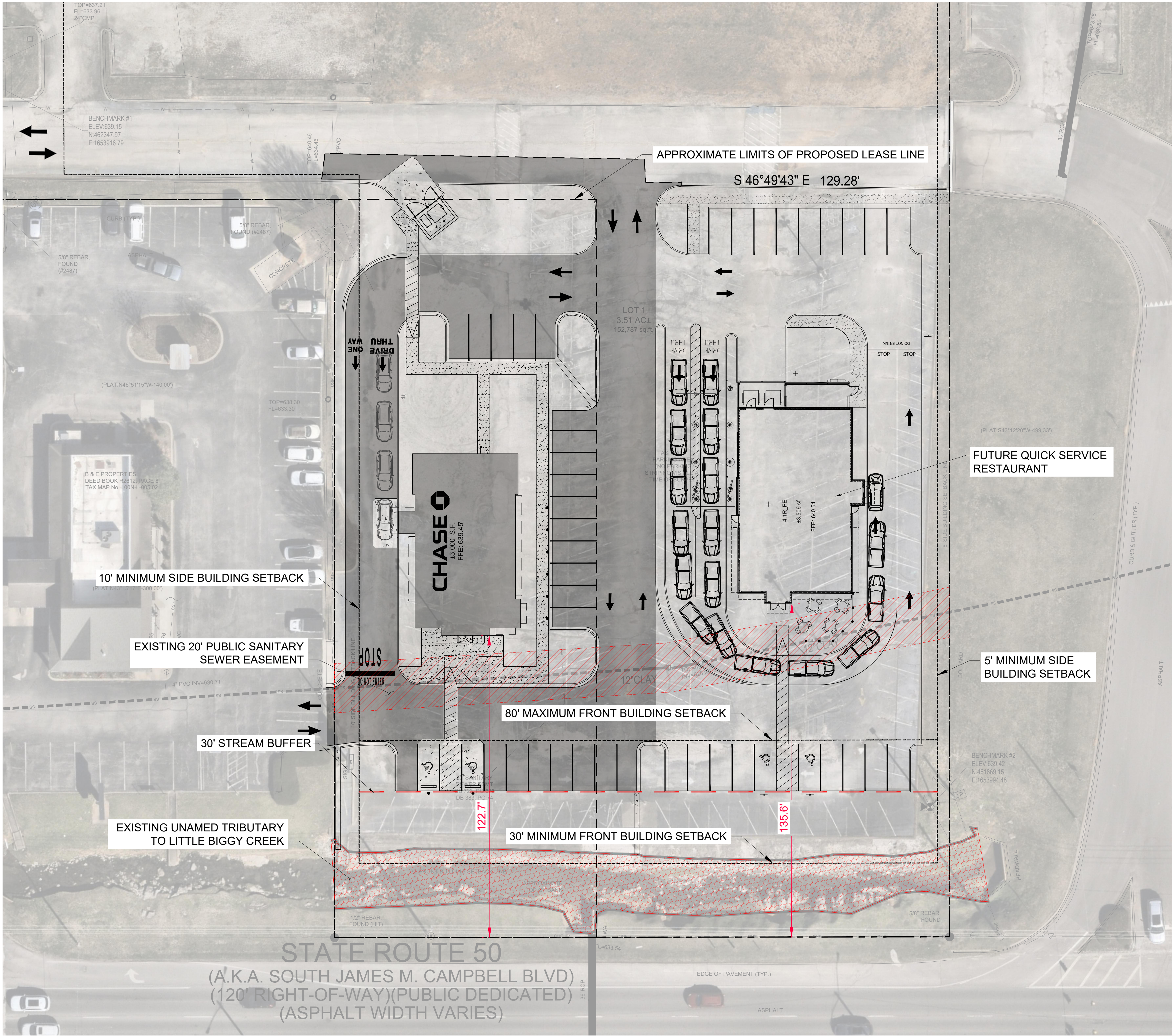
Move to deny the requested variance having found that the variance criteria listed in the City of Columbia Zoning Ordinance have not been sufficiently and fully satisfied.

[Approve Subject to Conditions]:

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

[Defer]:

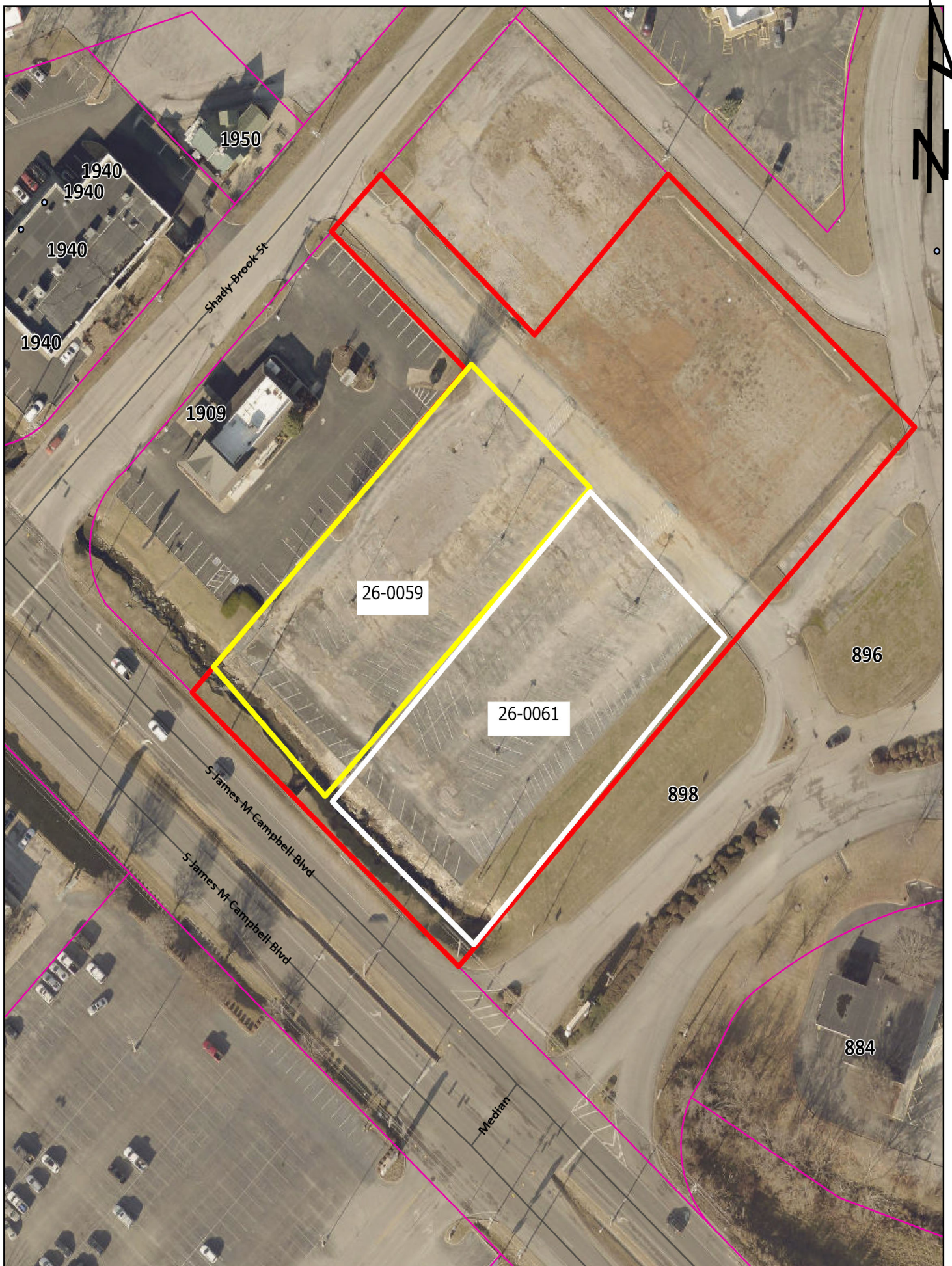
Move to find that there is insufficient information to make a decision, continue the hearing, and request that the [applicant/staff] provide: [list additional information] for review at a future meeting.



HATCH LEGEND	
	PUBLIC SANITARY SEWER EASEMENT
	EXISTING TRIBUTARY

VARIANCE REQUEST
CHASE BANK A VARIANCE IS REQUESTED TO EXCEED THE MAXIMUM FRONT BUILDING SETBACK OF 80 FEET BY APPROXIMATELY 43 FEET.
QUICK-SERVICE RESTAURANT A VARIANCE IS REQUESTED TO EXCEED THE MAXIMUM FRONT BUILDING SETBACK BY APPROXIMATELY 56 FEET.





Case #26-0059 & 26-0061
1907 Shady Brook St.
Tax Map 100N Group L Parcel 5



February 16, 2026

City of Columbia Board of Zoning Appeals
700 N Garden Street, Columbia, TN 38401

RE: *Chase Bank Columbia: 1907 Shady Brook Street*

The Signage Drawings/Illustrations are **not applicable** currently for this project.

Please contact me at (615) 948-7541 or nick.madonia@kimley-horn.com should you have any questions.

Sincerely,

Nick Madonia, P.E.



February 16, 2026

City of Columbia Board of Zoning Appeals
700 N Garden Street, Columbia, TN 38401

RE: *Variance Request – Building Setback*
1907 Shady Brook Street

Dear Members of the Board,

On behalf of Chase Bank, we respectfully submit this request for a zoning variance for the property located at 1907 Shady Brook Street in the City of Columbia, Tennessee. The subject property is proposed for development as a Chase Bank building and is encumbered by both a sanitary sewer easement and a stream restoration buffer, which significantly constrain the building location for the site. These existing conditions necessitate a request for relief from the required setback range of 30 to 80 feet, in order to allow for reasonable and functional development consistent with zoning intent.

The following narratives are provided in support of this variance request and in accordance with the criteria set forth in the City of Columbia Zoning Ordinance:

(i) Exceptional Conditions Resulting in Practical Difficulties or Hardship

- a. The subject property is uniquely burdened by exceptional site conditions that distinguish it from other properties in the same zoning district. Specifically, the presence of a recorded sanitary sewer easement in combination with a stream restoration buffer substantially limits the usable and buildable area of the site. These constraints create an irregularly shaped development envelope and restrict the placement of buildings and associated site improvements.
- b. Due to these exceptional conditions, strict application of the zoning setback regulations would result in peculiar and exceptional practical difficulties and an undue hardship upon the property owner. Compliance with the required setback range would effectively preclude reasonable building placement and functional site circulation, thereby preventing the property from being developed in a manner consistent with its intended commercial use. The hardship is directly attributable to the physical characteristics and environmental constraints of the property rather than the actions of the applicant.

(ii) Minimum Variance Necessary to Enable Reasonable Use

- a. The requested variance represents the minimum relief necessary to alleviate the identified hardship and to allow for reasonable use of the property. The proposed setback encroachment has been carefully evaluated and reduced to the smallest extent feasible while still accommodating a code-compliant building footprint, safe vehicular access, and required utility and stormwater infrastructure.
- b. No additional or unnecessary relief is being sought beyond what is required to address the site's exceptional constraints. Granting this variance will make possible the

reasonable and efficient use of the land while maintaining compliance with all other applicable zoning and development standards.

(iii) Consistency with Permitted Uses in the Zoning District

- a. The requested variance will not authorize any activity or use that is not otherwise permitted within the applicable zoning district under the City of Columbia Zoning Ordinance. The proposed Chase Bank is a permitted commercial use, and the variance pertains solely to dimensional setback requirements, not to use, density, or intensity.
- b. Accordingly, approval of this variance will not introduce any use that is inconsistent with the zoning classification or surrounding land uses.

(iv) No Detriment to Public Welfare or Surrounding Properties

- a. Granting the requested variance will not be detrimental to the public welfare, nor will it be injurious to other properties or improvements in the surrounding area. The proposed development has been designed to remain compatible with adjacent properties in terms of scale, access, and overall site function.
- b. Furthermore, the variance will not substantially impair the intent and purpose of the general provisions of the City of Columbia Zoning Ordinance. The project remains consistent with orderly development, sound planning principles, and the long-term development goals for the area.

(v) No Adverse Impact to Light, Air, Traffic, Fire Safety, or Public Safety

- a. The proposed variance will not impair the adequate supply of light and air to adjacent properties. Building placement and orientation have been designed to avoid adverse impacts to neighboring parcels. Additionally, the variance will not substantially increase congestion on public streets, as site access and traffic circulation will remain consistent with applicable standards and anticipated use.
- b. The project will continue to meet all applicable fire codes, emergency access requirements, and safety regulations. Approval of the variance will not increase the danger of fire or otherwise endanger public safety.

(vi) Hardship Not Self-Created

- a. The hardship necessitating this variance request has not been knowingly or intentionally created by any person or entity having an interest in the property after the effective date of the zoning ordinance. The sanitary sewer easement and stream restoration buffer are pre-existing conditions beyond the control of the property owner and applicant.
- b. The need for variance relief arises solely from these site-specific constraints and not from any action taken to circumvent zoning requirements.

For the reasons outlined above, we respectfully ask the Board of Zoning Appeals to consider and grant our request to place the building outside of the allowable setback range, as depicted.

With this letter, please find the attached items:

1. Variance Exhibit – Building Setbacks

Please contact me at (629) 216-3893 or nick.madonia@kimley-horn.com should you have any questions. Thank you and we look forward to working with you on this project.

Sincerely,



Nick Madonia, P.E.

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)

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.

The configuration of the property, does not allow for the placement of the building to be closer. This is due to the adjacent stream at the front of the property, the required stream bank restoration buffer and the placement of the sanitary sewer main that crosses the site.

2. That the variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

The placement of the building is at the minimum required variance, as the building is placed approximately 5' off of the sanitary sewer easement due to the extend of the footings of the building.

3. That the variance will not authorize activities in a zone district other than those permitted by this ordinance.

The placement of the building is at the minimum required variance, as the building is placed approximately 5' off of the sanitary sewer easement due to the extend of the footings of the building.

4. That financial returns alone shall not be considered as a basis for granting a variance.
The consideration for the building's placement was not based on financial returns, but the existing site constraint of the stream buffer and sanitary sewer easement.

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 variance will allow for the stream buffer improvement to the adjacent stream and allow for improved site circulation between Cabin Coffee and future development east of the property.

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 proposed variance will not impair the 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.

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 hardship of the site was caused by the existing conditions of the site: the adjacent stream, the required stream buffer and the sanitary sewer main easement.



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
26-0059 & 26-0061

APPLICANT/ PROPERTY OWNER
Bostleman Realty LLC

PUBLIC HEARING DATE
March 12th, 2026

PROPERTY ADDRESS/LOCATION
1907 Shady Brook St.

**REQUEST: Variance from Maximum Front
Setback Requirement (85' Maximum when two
parking bays are located in 1st layer)**

**The applicant has submitted two variance
applications seeking relief from the 85-foot
maximum front setback requirement along James
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EXISTING ZONING	EXISTING LAND USE	SURROUNDIN G ZONING & LAND USE	SITE IMPROVEMENTS	Lot Size:
CD-4C	Vacant	CD-4C	Proposed Commercial	~3 acres

EXECUTIVE SUMMARY

The applicant has submitted two variance applications requesting relief from the 85-foot maximum front setback requirement along James M. Campbell Boulevard for property zoned CD-4C (General Urban Corridor Character District).

The subject property is a single parcel and constitutes one Development Parcel under the Zoning Ordinance. The site contains a tributary located within the required 30-foot minimum setback area, an associated environmental buffer, and a 20-foot sanitary sewer easement that traverses the property in an irregular alignment. These physical features create a non-uniform developable area between the 30-foot minimum and 85-foot maximum setback limits.

The submitted concept plan depicts two proposed building locations; however, no separate Lots or Building Sites have been formally established through subdivision or Development Parcel procedures. The requested variances apply to the parcel as currently configured and do not establish separate development sites or authorize more than one Principal Building, which is limited to one (1) per Lot or Building Site in the CD-4C District.

The Board must determine whether the combination of site-specific physical conditions constitutes an exceptional hardship under Section 8.5.16 and whether the requested relief represents the minimum necessary adjustment to the maximum setback requirement.

EXISTING CONDITIONS

The subject property is a single parcel and constitutes an entire Development Parcel under the Zoning Ordinance. The property has not been subdivided, and no separate Lots or Building Sites have been established under Article 4 or Article 5.

Physical characteristics of the site include a tributary located within the required 30-foot minimum front setback, an additional 30-foot environmental buffer, and a 20-foot sanitary sewer easement traversing the parcel in an irregular alignment.

Based on submitted materials and staff measurements, the depth between the environmental buffer and the sanitary sewer easement varies from approximately 33 feet to 60 feet across the frontage. The distance from the 85-foot maximum setback line to the sanitary easement varies from approximately 13 feet to 35 feet. These features create a non-uniform developable envelope between the 30-foot minimum and 85-foot maximum setback limits.

STATUS OF REVIEW

- Property zoned CD-4C (General Urban Corridor Character District).
- Single parcel; no subdivision or separate Building Sites established.
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- Applications reviewed for compliance with Section 8.5.16 variance criteria.
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APPLICABLE DISTRICT STANDARDS

The property is zoned CD-4C (General Urban Corridor Character District). Per Table 4.3.1-E (CD-4C District Standards), each Lot or Building Site is limited to one (1) Principal Building and one (1) Accessory Building. The Zoning Ordinance regulates development by Lot or Building Site. The subject property has not been subdivided nor established as multiple Building Sites under the Development Parcel provisions of Article 5. Accordingly, the parcel currently constitutes one Lot / Building Site for purposes of zoning regulation.

STAFF ANALYSIS

Dimensional Considerations

The applicant asserts that the presence of the tributary, environmental buffer, sanitary sewer easement, and 85-foot maximum setback requirement collectively limit the ability to place buildings in the desired configuration within the required setback band.

Staff acknowledges that these site-specific physical conditions reduce uniform building depth across the frontage and constrain typical pad-style development footprints. Staff further notes that alternative building configurations may be feasible within the required 30- to 85-foot setback band, though such configurations may require variation in building depth or footprint design.

The Board must determine whether the combination of these physical site conditions constitutes an exceptional hardship under Section 8.5.16, or whether they represent development constraints that can be addressed through alternative design consistent with the Ordinance.

Development Parcel & Building Site Clarification

The submitted concept plan depicts two proposed building locations and references separate 'sites.' However, the subject property remains one parcel and one Development Parcel. No separate Lots or Building Sites have been established through subdivision or Development Parcel procedures.

The Zoning Ordinance does not recognize conceptual lease areas or informal pad delineations as separate zoning units absent formal establishment under applicable procedures. Accordingly, the requested variances apply to the parcel as currently configured and do not establish separate Building Sites, authorize multiple Principal Buildings, or waive compliance with subdivision or Development Parcel requirements.

VARIANCE CRITERIA

In evaluating the request, the Board must determine whether the hardship results from unique physical characteristics of the property, is not self-created, will not adversely affect public welfare, and represents the minimum relief necessary.

The Board may consider the location of the tributary within the minimum setback area, the additional environmental buffer, the configuration of the sanitary sewer easement, the irregular depth between the setback lines, and the feasibility of alternative compliant building configurations.

STAFF COMMENTARY

Staff presents the foregoing analysis for the Board's consideration. The Board must determine whether the described site conditions satisfy the variance criteria and whether the requested relief represents the minimum necessary adjustment to the maximum setback requirement.

No action by the Board on this request shall be interpreted as creating separate Building Sites within the parcel, authorizing more than one Principal Building on the parcel, or waiving compliance with subdivision, Development Parcel, or other applicable zoning standards.

ZONING ORDINANCE 4400 EVALUATION REQUIREMENTS

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:

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 - 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
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 - g. Proximity to inconsistent or incompatible Uses or Development
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 - 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.



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.

SAMPLE MOTIONS

[Approve]:

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

[Deny]:

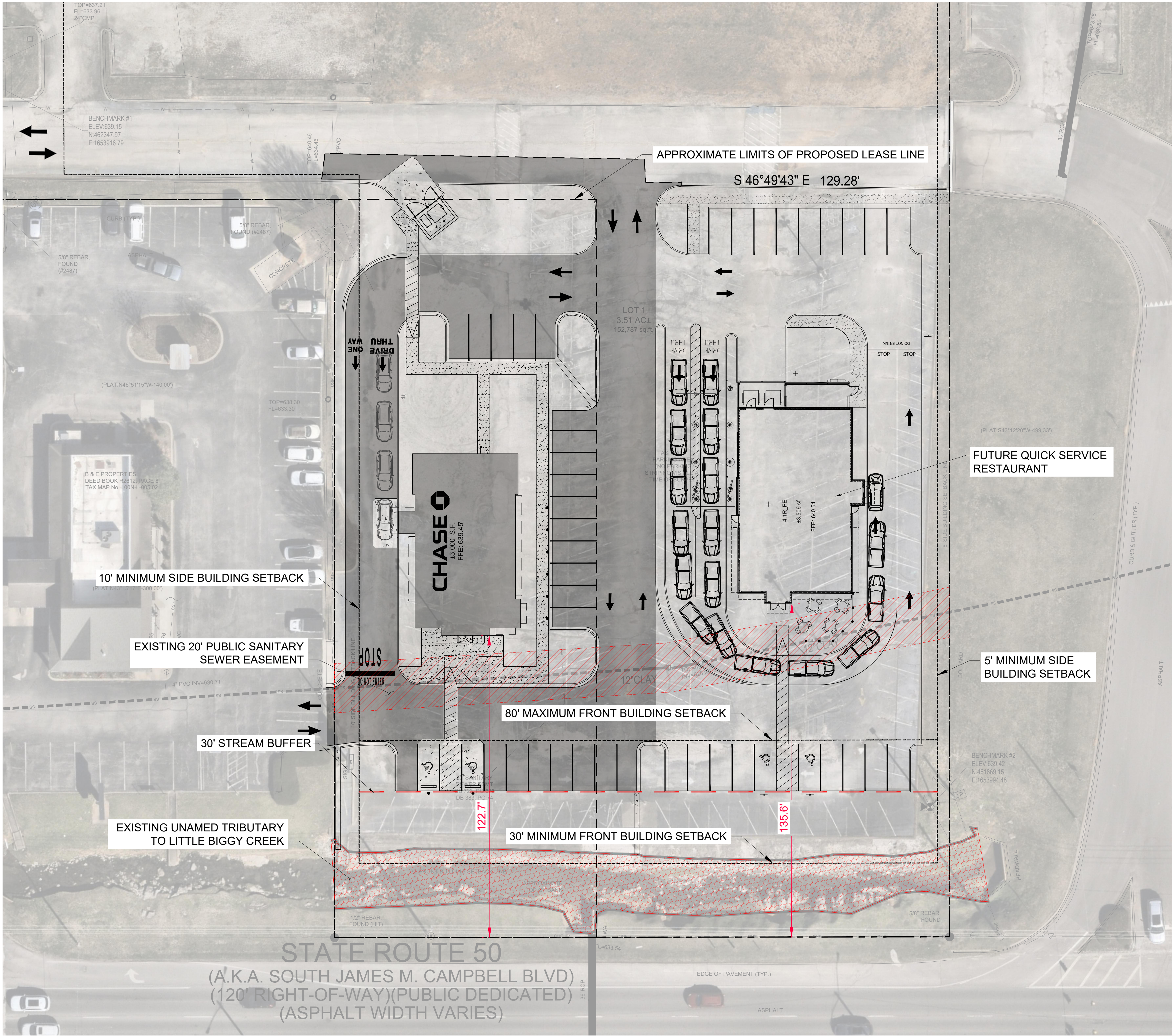
Move to deny the requested variance having found that the variance criteria listed in the City of Columbia Zoning Ordinance have not been sufficiently and fully satisfied.

[Approve Subject to Conditions]:

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

[Defer]:

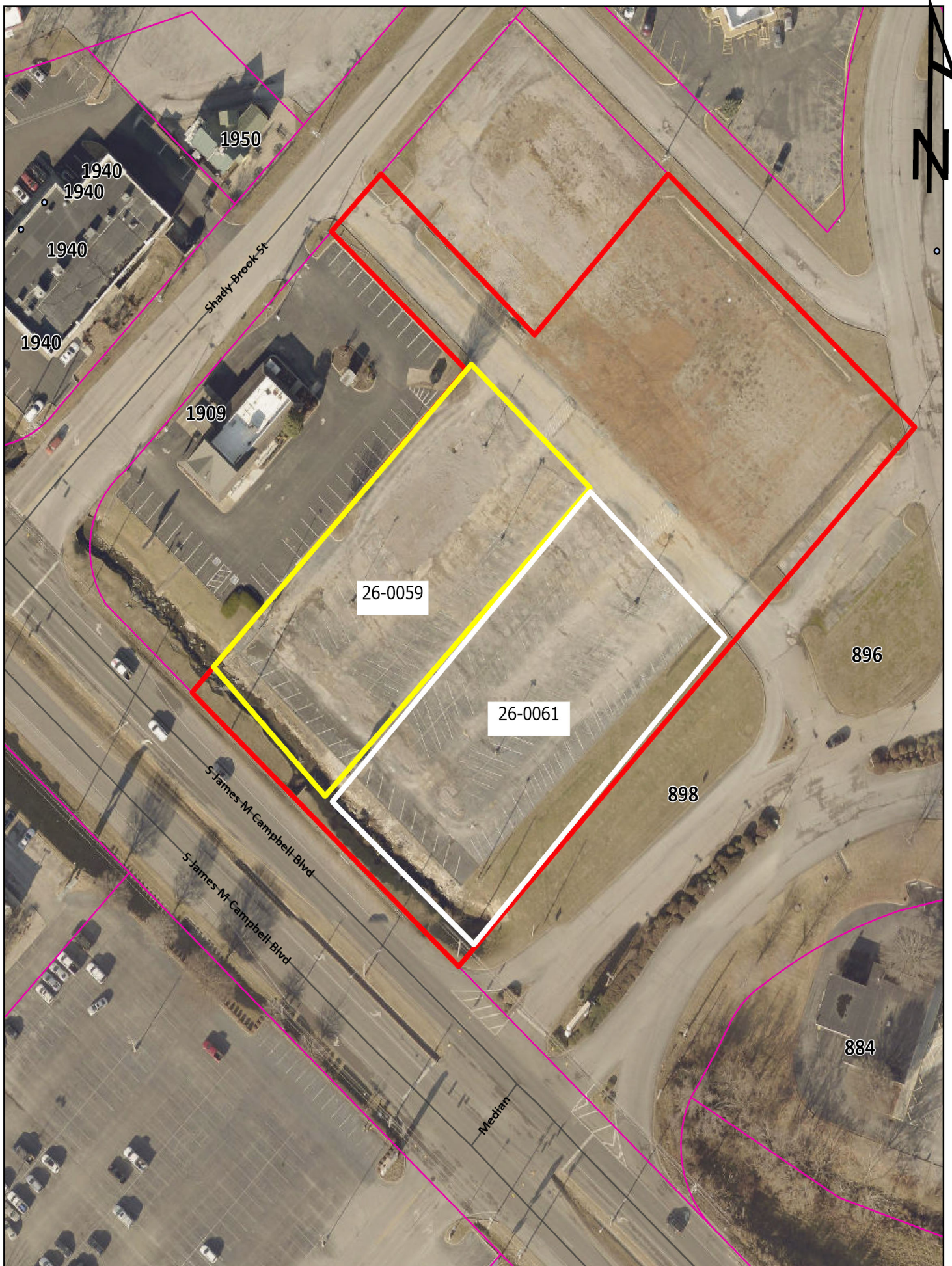
Move to find that there is insufficient information to make a decision, continue the hearing, and request that the [applicant/staff] provide: [list additional information] for review at a future meeting.



HATCH LEGEND	
	PUBLIC SANITARY SEWER EASEMENT
	EXISTING TRIBUTARY

VARIANCE REQUEST
CHASE BANK A VARIANCE IS REQUESTED TO EXCEED THE MAXIMUM FRONT BUILDING SETBACK OF 80 FEET BY APPROXIMATELY 43 FEET.
QUICK-SERVICE RESTAURANT A VARIANCE IS REQUESTED TO EXCEED THE MAXIMUM FRONT BUILDING SETBACK BY APPROXIMATELY 56 FEET.





Case #26-0059 & 26-0061
1907 Shady Brook St.
Tax Map 100N Group L Parcel 5

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

CITY OF COLUMBIA





February 16, 2026

City of Columbia Board of Zoning Appeals
700 N Garden Street, Columbia, TN 38401

RE: *QSR Columbia: 1907 Shady Brook Street*

The Signage Drawings/Illustrations are **not applicable** currently for this project.

Please contact me at (615) 948-7541 or nick.madonia@kimley-horn.com should you have any questions.

Sincerely,

Nick Madonia, P.E.

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)

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.

The configuration of the property, does not allow for the placement of the building to be closer. This is due to the adjacent stream at the front of the property, the required stream bank restoration buffer and the placement of the sanitary sewer main that crosses the site.

2. That the variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

The placement of the building is at the minimum required variance, as the building is placed approximately 5' off of the sanitary sewer easement due to the extent of the footings of the building.

3. That the variance will not authorize activities in a zone district other than those permitted by this ordinance.

The placement of the building is at the minimum required variance, as the building is placed approximately 5' off of the sanitary sewer easement due to the extent of the footings of the building.

4. That financial returns alone shall not be considered as a basis for granting a variance.
The consideration for the building's placement was not based on financial returns, but the existing site constraint of the stream buffer and sanitary sewer easement.

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 variance will allow for the stream buffer improvement to the adjacent stream and allow for improved site circulation between Cabin Coffee and future development east of the property.

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 proposed variance will not impair the 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.

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 hardship of the site was caused by the existing conditions of the site: the adjacent stream, the required stream buffer and the sanitary sewer main easement.



February 16, 2026

City of Columbia Board of Zoning Appeals
700 N Garden Street, Columbia, TN 38401

RE: *Variance Request – Building Setback*
1907 Shady Brook Street

Dear Members of the Board,

On behalf of our client, we respectfully submit this request for a zoning variance for the property located at 1907 Shady Brook Street in the City of Columbia, Tennessee. The subject property is proposed for development as a QSR building and is encumbered by both a sanitary sewer easement and a stream restoration buffer, which significantly constrain the building location for the site. These existing conditions necessitate a request for relief from the required setback range of 30 to 80 feet, in order to allow for reasonable and functional development consistent with zoning intent.

The following narratives are provided in support of this variance request and in accordance with the criteria set forth in the City of Columbia Zoning Ordinance:

(i) Exceptional Conditions Resulting in Practical Difficulties or Hardship

- a. The subject property is uniquely burdened by exceptional site conditions that distinguish it from other properties in the same zoning district. Specifically, the presence of a recorded sanitary sewer easement in combination with a stream restoration buffer substantially limits the usable and buildable area of the site. These constraints create an irregularly shaped development envelope and restrict the placement of buildings and associated site improvements.
- b. Due to these exceptional conditions, strict application of the zoning setback regulations would result in peculiar and exceptional practical difficulties and an undue hardship upon the property owner. Compliance with the required setback range would effectively preclude reasonable building placement and functional site circulation, thereby preventing the property from being developed in a manner consistent with its intended commercial use. The hardship is directly attributable to the physical characteristics and environmental constraints of the property rather than the actions of the applicant.

(ii) Minimum Variance Necessary to Enable Reasonable Use

- a. The requested variance represents the minimum relief necessary to alleviate the identified hardship and to allow for reasonable use of the property. The proposed setback encroachment has been carefully evaluated and reduced to the smallest extent feasible while still accommodating a code-compliant building footprint, safe vehicular access, and required utility and stormwater infrastructure.
- b. No additional or unnecessary relief is being sought beyond what is required to address the site's exceptional constraints. Granting this variance will make possible the

reasonable and efficient use of the land while maintaining compliance with all other applicable zoning and development standards.

(iii) Consistency with Permitted Uses in the Zoning District

- a. The requested variance will not authorize any activity or use that is not otherwise permitted within the applicable zoning district under the City of Columbia Zoning Ordinance. The proposed QSR is a permitted commercial use, and the variance pertains solely to dimensional setback requirements, not to use, density, or intensity.
- b. Accordingly, approval of this variance will not introduce any use that is inconsistent with the zoning classification or surrounding land uses.

(iv) No Detriment to Public Welfare or Surrounding Properties

- a. Granting the requested variance will not be detrimental to the public welfare, nor will it be injurious to other properties or improvements in the surrounding area. The proposed development has been designed to remain compatible with adjacent properties in terms of scale, access, and overall site function.
- b. Furthermore, the variance will not substantially impair the intent and purpose of the general provisions of the City of Columbia Zoning Ordinance. The project remains consistent with orderly development, sound planning principles, and the long-term development goals for the area.

(v) No Adverse Impact to Light, Air, Traffic, Fire Safety, or Public Safety

- a. The proposed variance will not impair the adequate supply of light and air to adjacent properties. Building placement and orientation have been designed to avoid adverse impacts to neighboring parcels. Additionally, the variance will not substantially increase congestion on public streets, as site access and traffic circulation will remain consistent with applicable standards and anticipated use.
- b. The project will continue to meet all applicable fire codes, emergency access requirements, and safety regulations. Approval of the variance will not increase the danger of fire or otherwise endanger public safety.

(vi) Hardship Not Self-Created

- a. The hardship necessitating this variance request has not been knowingly or intentionally created by any person or entity having an interest in the property after the effective date of the zoning ordinance. The sanitary sewer easement and stream restoration buffer are pre-existing conditions beyond the control of the property owner and applicant.
- b. The need for variance relief arises solely from these site-specific constraints and not from any action taken to circumvent zoning requirements.

For the reasons outlined above, we respectfully ask the Board of Zoning Appeals to consider and grant our request to place the building outside of the allowable setback range, as depicted.

With this letter, please find the attached items:

1. Variance Exhibit – Building Setbacks

Please contact me at (629) 216-3893 or nick.madonia@kimley-horn.com should you have any questions. Thank you and we look forward to working with you on this project.

Sincerely,



Nick Madonia, P.E.

CONTACT INFORMATION

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

**DOCKET/CASE/APPLICATION
NUMBER
26-0091**

**APPLICANT/ PROPERTY OWNER
Tech 931 LLC**

**PUBLIC HEARING DATE
April 9, 2026**

**PROPERTY
ADDRESS/LOCATION
214 Pleasant Dr.**

REQUEST: Conditional use of Major Home Occupation.

The applicant is requesting approval of a **Conditional Use Permit for a Major Home Occupation** in order to operate a firearms dealing/repair/manufacturing business within a designated CD-3 (residential) district.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Lot Size:
CD-3	Single Family	CD-3 Residential	Proposed Firearms Dealer / Manufacturing	+/- >1 acre

STATUS OF REVIEW

The subject parcel is zoned CD-3, which is intended for residential use. While a firearms dealer/gunsmith/manufacturing are not permitted uses within the CD-3 district, the Zoning Ordinance allows for Major Home Occupations with the approval of the Board of Zoning Appeals (BZA) as Conditional Use.

REVIEW & ASSESSMENT

Zoning Ordinance:

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

§ 4.3.9.E.6.

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

- (1) There are two classes of Home Occupation:



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- 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



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- 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.



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1. A Conditional Use Permit may be granted provided the Board of Zoning Appeals finds that the request conforms to the following requirements:
 - a. The proposed Use is listed as a Conditional Use for the applicable District.
 - b. The proposed Use conforms to all applicable standards listed in Section 4.3.9.D, for the proposed Use;
 - c. The proposed Use Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
 - d. The proposed Use will not adversely affect other property in the area in which it is located;
 - e. The proposed Use conforms to all applicable provisions of this Ordinance for the District in which it is to be located.
2. The Board of Zoning Appeals may impose such other conditions and restrictions upon the premises benefited by a Conditional Use Permit as may be necessary to reduce or minimize the injurious effect of such Conditional Use upon and ensure compatibility with surrounding properties. The Board of Zoning Appeals may establish dates for the expiration of any Conditional Use Permit as a condition of approval.
3. The provisions of Sections 8.5.16.K.3.a-c following shall apply to all applications for approval of any Conditional Use located within any Floodplain District as indicated on the Floodplain Map available from the Development Services Department during normal business hours:
 - a. Prior to the approval of a Conditional Use Permit application, an approved Floodplain Development Permit shall be required.
 - b. The Board of Zoning Appeals shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard. Upon consideration of the factors listed herein and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of the Conditional Use Permit as it deems necessary to further the purposes of this Ordinance.
 - c. In passing upon such applications, the Board of Zoning Appeals shall consider the technical evaluation of the City Engineer, all relevant factors, and standards specified in other sections of this Ordinance, and:
 - (1) The danger that materials may be swept onto the other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;

- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (5) The importance of the services provided by the proposed facility to the community;
- (6) The necessity to the facility of a waterfront location, where applicable;
- (7) The availability of alternative locations, not subject to flooding or erosion damage;
- (8) The compatibility of the proposed use with existing Development anticipated in the foreseeable future;
- (9) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
- (10) The safety of access to and from the property in times of flood for ordinary and emergency vehicles;
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- (12) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

STAFF ANALYSIS

Based on the information provided by the applicant, the applicant indicates that most business activity will occur online or off-site, with only occasional customer visits occurring at the residence. The proposal includes limited customer traffic, minimal deliveries, and no exterior changes to the property. These characteristics are generally consistent with the ordinance standards intended to preserve the residential character of neighborhoods where home occupations are permitted.

During discussions with staff, the applicant indicated that the business would involve obtaining a Federal Firearms License (FFL). While the application materials describe online sales, transfers, and minor repair services (Type 1), certain federal license types may also permit firearm manufacturing activities (Type 7). The applicant has discussed that he would “most likely” seek a Type 7 license. Manufacturing activities could introduce operational characteristics that exceed the scope of a typical residential home occupation.

The Zoning Ordinance definition of Home Occupation specifies that certain firearm-related activities are not permitted as home occupations, such as the loading of ammunition. While the ordinance does not explicitly prohibit firearm repair or gunsmithing, the prohibition on ammunition production indicates an intent to prevent firearm production or fabrication activities from occurring within residential home occupations. Activities such as manufacturing firearms, assembling firearms from component parts for sale, or similar production-oriented activities

could introduce operational characteristics inconsistent with the residential nature of a home occupation. These activities could introduce operational characteristics more consistent with industrial districts (manufacturing) than with a typical residential home occupation.

For this reason, staff recommends that it is imperative that the Board clearly define the scope of permitted activities to ensure the home occupation remains consistent with the intent of the zoning ordinance, the preservation of residential character, and does not expand beyond the scale described in the application, if the Board moves to approve the conditional use.

RECOMMENDATION

Staff finds that the proposed use as described in the application appears capable, in theory, of operating in a manner generally consistent with the standards for Major Home Occupations within the zoning ordinance.

If the Board elects to approve the request, staff recommends the following conditions to ensure the use remains compatible with the surrounding residential area:

1. The Major Home Occupation shall be conducted entirely within the principal dwelling.
2. The home occupation shall remain incidental and secondary to the residential use of the property.
3. No exterior storage, display of merchandise, signage, or exterior alterations associated with the business shall occur.
4. No commercial vehicles, trailers, or business equipment shall be stored on the property.
5. Deliveries and shipments shall occur only during hours typical of residential delivery services.
6. Customer visits shall remain limited in scale consistent with the information provided in the application.
7. Any inventory associated with the home occupation must remain incidental to the residential use of the property and shall not result in the dwelling functioning primarily as a commercial storage location (i.e., a “gun shop”).
8. The home occupation shall be limited to online sales, firearm transfers, and minor firearm cleaning or repair services conducted within the dwelling. **The fabrication, manufacture, or assembly of firearms or firearm receivers from component parts for the purpose of transfer or sale shall not occur on the premises.**

Sample Motions

[Approve]:

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

[Deny]:

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

[Approve Subject to Conditions]:

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

[Defer]:

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

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.

NOTICE OF RIGHT TO APPEAL BZA DECISION

Any party aggrieved by a final order or judgment of the Board of Zoning Appeals has the right to seek judicial review pursuant to Tennessee Code Annotated § 27-9-102.

Such appeal must be initiated **within sixty (60) days from the entry of the order or judgment** by filing a **Petition for Writ of Certiorari** in the Chancery Court of any county in which one (1) or more of the petitioners, or one (1) or more of the material defendants, reside or have their principal office. Failure to file a petition within the sixty (60)-day period may result in the loss of the right to appeal.

Note: City staff cannot provide legal advice. Applicants are encouraged to consult with legal counsel regarding appeal rights and procedures.

CONDITIONAL USE PERMIT REQUEST:

CONDITIONAL USE PERMIT 8.5.16C

REQUESTED USE *(be detailed)*:

The object of this request is to use the home as an office where business may sometimes be conducted involving an average of 1 customer per week picking up small handheld product. No heavy machinery or large vehicles will be required.

I am applying for my Federal Firearms License which requires me to apply for a home occupation license. The majority of this business model and primary focus/source of income will be online sales via my website that is in progress of www.tech931.com and setting up at gun shows or flea markets outside of the home. I am the owner of the home and have home owner's insurance through Shelter Insurance, agent Tommy Height Jr.

I do also have a small office in a bedroom of my home where I would like to provide minor firearm repairs, cleanings and transfers from other online sales entities. No special machinery or tools outside of normal hand tools commonly found around the home will be required to perform these tasks. The repairing or assembling of firearms not owned by myself is what requires the manufacturing license portion of the application. At this location, these secondary services will not be open to general public, but only to family and friends. I estimate no more than 1 to 2 weekly visits for these services of friends and family that are familiar with and commonly welcomed in my home making the presence of the "customers" no more frequent than common household comings and goings.

The home has adequate parking so no one will ever have to park in the street or inconvenience traffic patterns. No heavy machinery, trailers, commercial equipment or commercial vehicles needed or involved. There will be no more than 1 to 2 deliveries per week and will not require any delivery vehicle larger than a standard United States Postal Service delivery jeep. Most of the business conducted will be off site, but if/when any business is conducted on site, it will be inside the home, not

inside any accessory building or structure. Business hours where customers may be present within the home will be no more than 1 to 2 hours per week and will not occur before 10am or after 5pm. I am the only employee of the business. This is not a long term plan, as the goal is to relocate to outside the city limits within 2 years.

The ATF requires these firearms to have a locking safe separate from my own personal firearm collection for proper storage of customer product, which I do have in place in anticipation. No industrial sized shipments in or out will be necessary. Any incoming shipments of firearms will require a signature confirmation of someone 21 or older so there will never be any firearms left unattended outside of lock and key. There are no residents under the age of 18 in the home.

I have always valued peace, privacy and security in one's home. As someone who has lived in this neighborhood since 1985, I feel safe, secure and at home not only inside my residence, but also in my neighborhood as a whole and wish for everyone else within the neighborhood to feel the same. I even chose the name Tech 931 to provide a level of discretion where my business name does not contain any indicators of firearms.

I have been a "Work From Home" employee since March of 2020 when my call center style office was forced to send it's employees home due to COVID restrictions. I have watched the flow of traffic down my street, learned its heavy times and lulls as a busy street connected directly to Trotwood Avenue and commonly used as a path between Trotwood Avenue and Lyon Parkway. I am confident my business will not make any noticeable increase of traffic or have any negative impacts to the peace and tranquility of the neighborhood. As a provider with a wife and son living in the home, a father with his daughter and granddaughter living directly next door and a son with his mother living across the street, I want nothing more than preserve a safe, peaceful environment and do not wish to disrupt that in any way for myself, my family, and the neighbors I have befriended over the years.

DOES THE REQUESTED USE HAVE REQUIRED PARKING (SEE TABLE 4.3.12.B-1 IN THE ZONING ORDINANCE)? Yes

HOURS OF OPERATION: No more than 2 hours per week, not to be before 10am or after 5pm.

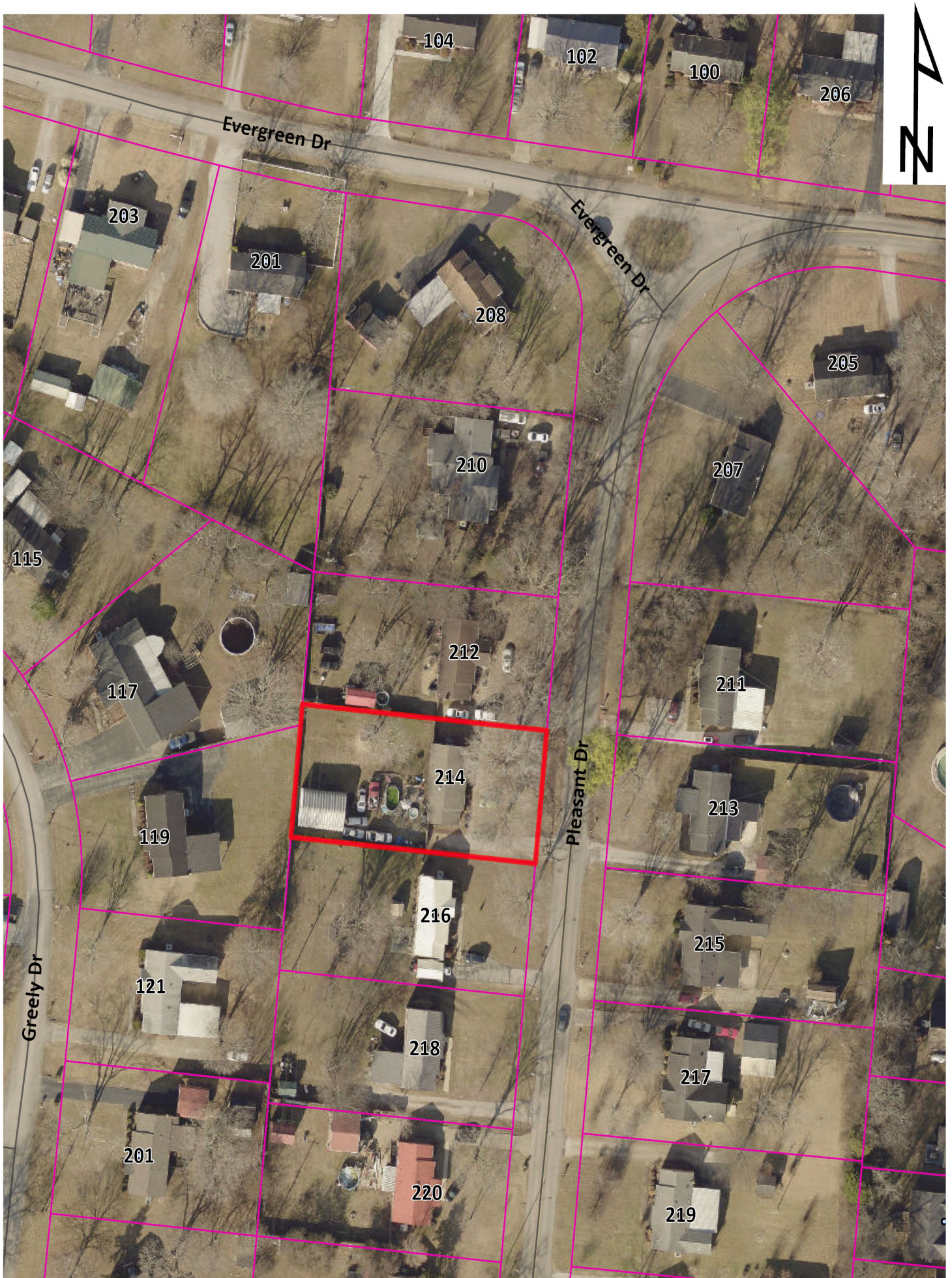
I am applying for my Federal Firearms License which requires me to apply for a home occupation license. The majority of this business model and primary focus/source of income will be online sales via my website that is in progress of www.tech931.com and setting up at gun shows or flea markets outside of the home. I am the owner of the home and have home owner's insurance through Shelter Insurance, agent Tommy Height Jr.

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Case #26-0059
214 Pleasant Drive
Tax Map 100L Group E Parcel 13

CONTACT INFORMATION

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

**DOCKET/CASE/APPLICATION
NUMBER
26-0039**

**APPLICANT/ PROPERTY OWNER
Habitat For Humanity of Maury
County**

**PUBLIC HEARING DATE
April 9, 2026**

**PROPERTY ADDRESS/LOCATION
413 W 3rd St.**

**REQUEST: Variance from Front & Rear Setback
Requirement.**



EXISTING ZONING	EXISTING LAND USE	SURROUNDIN G ZONING & LAND USE	SITE IMPROVEMENTS	Lot Size:
CD-3	Vacant	CD-3	Proposed residential	<0.25 acres

ZONING ORDINANCE 4400 EVALUATION REQUIREMENTS

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.



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- c. That the Variance will not authorize uses or activities in the applicable District other than those permitted by this Ordinance.
 - d. That financial returns alone shall not be considered as a basis for granting a Variance.
 - e. That the granting of the Variance will not be substantially detrimental to the public good or substantially injurious to other property or improvements in the area in which the subject property is located, and will not substantially impair the intent and purpose of the general provisions of the City's zone plan and this Ordinance.
 - f. That the proposed Variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
 - g. That the alleged difficulty or hardship has not been caused or created by the act or omission of the applicant or any person having an interest in the property
- 2. Notwithstanding anything to the contrary contained or implied in Section 8.5.16.L.1, **none** of the following shall be deemed or considered to be, or be considered in making a determination whether strict compliance with this Ordinance presents, a peculiar and exceptional practical difficulty to or exceptional or undue hardship upon the owner of property:
 - a. Pecuniary considerations
 - b. Aesthetic considerations
 - c. Historic Preservation
 - d. Public good
 - e. Over-compliance with other provisions of this Ordinance
 - f. Personal Situations
 - g. Proximity to inconsistent or incompatible Uses or Development
 - h. Other Variances that have been granted
 - i. Nonconformities
 - j. District boundaries
 - k. Conditional Uses or Uses Permitted Subject to Limited Use Standards; or
 - l. Deterioration of surrounding area
- 3. Neither any Nonconforming Use of neighboring lands, Structures, or Buildings in the same District, nor any non-permitted or Nonconforming Use of lands, Structures, or Building in other Districts shall be considered grounds for the issuance of a Variance.
- 4. Under no circumstances shall the Board of Zoning Appeals grant a Variance to allow a Use that is not permissible under this Ordinance in the applicable District, or any Use which is expressly or by implication prohibited by the terms of this Ordinance in said District.
- 5. The Board of Zoning Appeals may impose such conditions and restrictions upon the premises benefited by a Variance as may be necessary to comply with the provisions set out in Sections 8.5.16.L.1 above to reduce or minimize the injurious effect to such Variance upon surrounding property and better carry out the general intent of this Ordinance. The

Board of Zoning Appeals may establish expiration dates as a condition or as a part of any Variances.

Staff Review of Variance Requirements

1. Exceptional physical condition of the property

The applicant states that the dimensional constraints of the lot and the required setback standards create practical difficulties by limiting the buildable envelope available for construction. Staff acknowledges that the subject parcel is relatively shallow and that strict application of the front and rear setbacks limits the depth of the potential building envelope. However, the applicant's justification primarily focuses on accommodating a specific housing plan rather than demonstrating that the property is incapable of supporting any reasonable residential structure.

A variance must be based upon hardship related to the property itself and the inability to make a reasonable use of the land under the zoning ordinance. Based on the materials submitted, staff finds that the applicant has not sufficiently demonstrated that a single-family residence cannot be constructed on the property without the requested variances.

2. Minimum variance necessary

The applicant proposes a redistribution of setback requirements between the front and rear yards to accommodate a proposed structure. Staff finds that the request for both a front and rear setback variance may exceed the minimum variance necessary to allow reasonable use of the property, as it is tied to a desired building plan. It may be possible to build a product within the limitations of the setbacks with a different design.

3. Variance will not authorize a prohibited use

The applicant proposes construction of a single-family residence, which is permitted use within the CD-3 zoning district. Staff finds that this criterion is satisfied.

4. Financial return

The applicant notes that Habitat for Humanity operates as a nonprofit housing organization that provides affordable housing opportunities. Staff certainly recognizes the value of Habitat's work in the community, however, the Board is required to apply the variance criteria contained in the zoning ordinance. Those criteria focus on the physical characteristics of the property and whether a hardship exists, rather than the identity of the applicant.

5. No substantial detriment to the public good

Construction of a single-family residence on the property would generally be consistent with the character of the surrounding neighborhood. However, the concept site plan submitted with the application depicts a parking pad located within the first layer, which is not permitted under the provisions of Ordinance 4400. This element of the proposal has not been included as part of the variance request and would require revision to comply with the zoning ordinance.

Furthermore, the Board does not have jurisdiction over parking within the Ordinance and should not be evaluated by the Board for this reason.

6. Light, air, and public safety

Staff finds that construction of a single-family residence on the property would not substantially impair the supply of light and air to adjacent properties, increase congestion in the public streets, or create conditions that would endanger public safety if constructed in accordance with applicable codes.

7. Hardship not created by the applicant

The applicant states that the dimensional constraints of the lot became apparent after acquiring the property. However, the physical dimensions of the parcel existed prior to acquisition and are not the result of any action by the City. Variances are intended to address hardships inherent to the property itself rather than circumstances related to a specific development plan. Staff finds that the hardship described by the applicant relates primarily to accommodating a specific housing design rather than demonstrating that the property cannot reasonably be used under the existing zoning regulations.

Additional Staff Analysis and Recommendation

The applicant states that strict application of the required 25-foot front and 25-foot rear setbacks would leave approximately 13 feet of buildable depth on the parcel. Staff acknowledges that this dimensional limitation restricts the available building envelope. However, the applicant's justification is based primarily on accommodating a specific housing design rather than demonstrating that the property cannot reasonably be used under the requirements of the zoning ordinance.

The standard for granting a variance is not whether the property can accommodate a particular building plan, but whether the strict application of the ordinance prevents any reasonable use of the property. Based on the materials submitted, staff finds that the application has not sufficiently demonstrated that a single-family residence could not be constructed on the property through alternative design configurations, a smaller footprint, or other site adjustments that comply with the setback requirements. As such, staff finds that the request has not clearly established that the property is rendered unbuildable by the zoning ordinance.

The Board of Zoning Appeals must find that **all** variance criteria are satisfied before granting a variance. Therefore, based on the analysis above, staff finds that the applicant has not demonstrated that the request satisfies several of the required criteria, particularly those relating to:

- Exceptional hardship related to the property
- The minimum variance necessary to provide relief

Staff recommends **denial** of the requested front and rear setback variances for 413 W. 3rd Street.



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.

SAMPLE MOTIONS

[Approve]:

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

[Deny]:

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

[Approve Subject to Conditions]:

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

[Defer]:

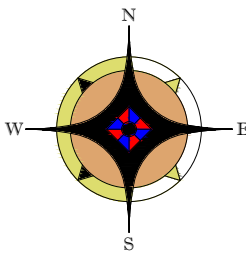
Move to find that there is insufficient information to make a decision, continue the hearing, and request that the [applicant/staff] provide: [list additional information] for review at a future meeting.

PORTIONS OF THIS SURVEY WERE PERFORMED USING GNSS EQUIPMENT, AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

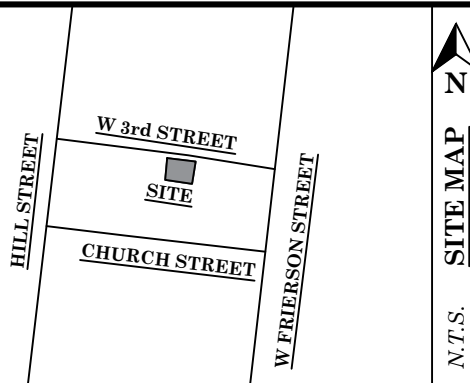
- a. REAL TIME KINEMATIC & BASE CARLSON BR7
- b. POSITIONAL ACCURACY: 0.05 FEET
- c. DATE OF SURVEY: 12/30/2025
- d. DATUM / EPOCH: NAD83 (2011) EPOCH (2010.00)
- e. PUBLISHED / FIXED CONTROL: TDOT CORS NETWORK
- f. GEOID MODEL: GEOID 18
- g. COMBINED GRID FACTOR: 0.99992004



CHAPDELAINES & ASSOCIATES
LAND SURVEYING



7376 WALKER ROAD,
FAIRVIEW, TENNESSEE 37062
(615) 799-8104
surveying@chapsurveyor.com



CERTIFICATE OF ACCURACY

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1:10,000 OR GREATER AS SHOWN HEREON. THIS SURVEY WAS DONE IN COMPLIANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

RANDOLPH L. CHAPDELAINES R.L.S. #1444 DATE

PROPERTY OWNERS:
HABITAT FOR HUMANITY OF
WILLIAMSON-MAURY COUNTY, A TENNESSEE
A NON-FOR-PROFIT CORPORATION
413 W 3rd STREET

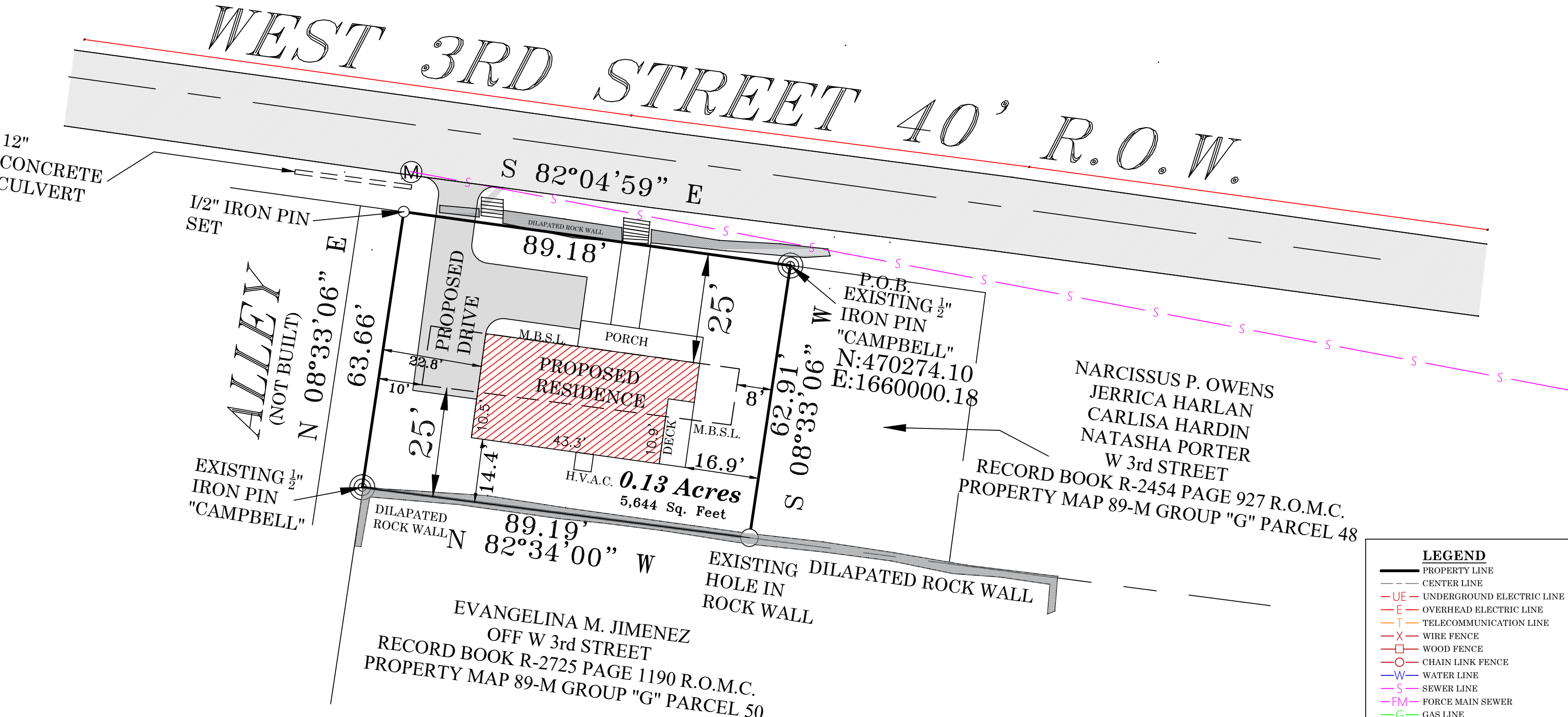
RECORD BOOK R-3108 PAGE 529 R.O.M.C.
9th CIVIL DISTRICT OF MAURY COUNTY,
CITY OF COLUMBIA, TENNESSEE
PROPERTY MAP 89-M GROUP "G" PARCEL 47

REVISION #	DATE

DATE: JANUARY 02, 2026
DRAWN BY: RLC
JOB #: 8997
SCALE: 1" = 100'



V-1.1



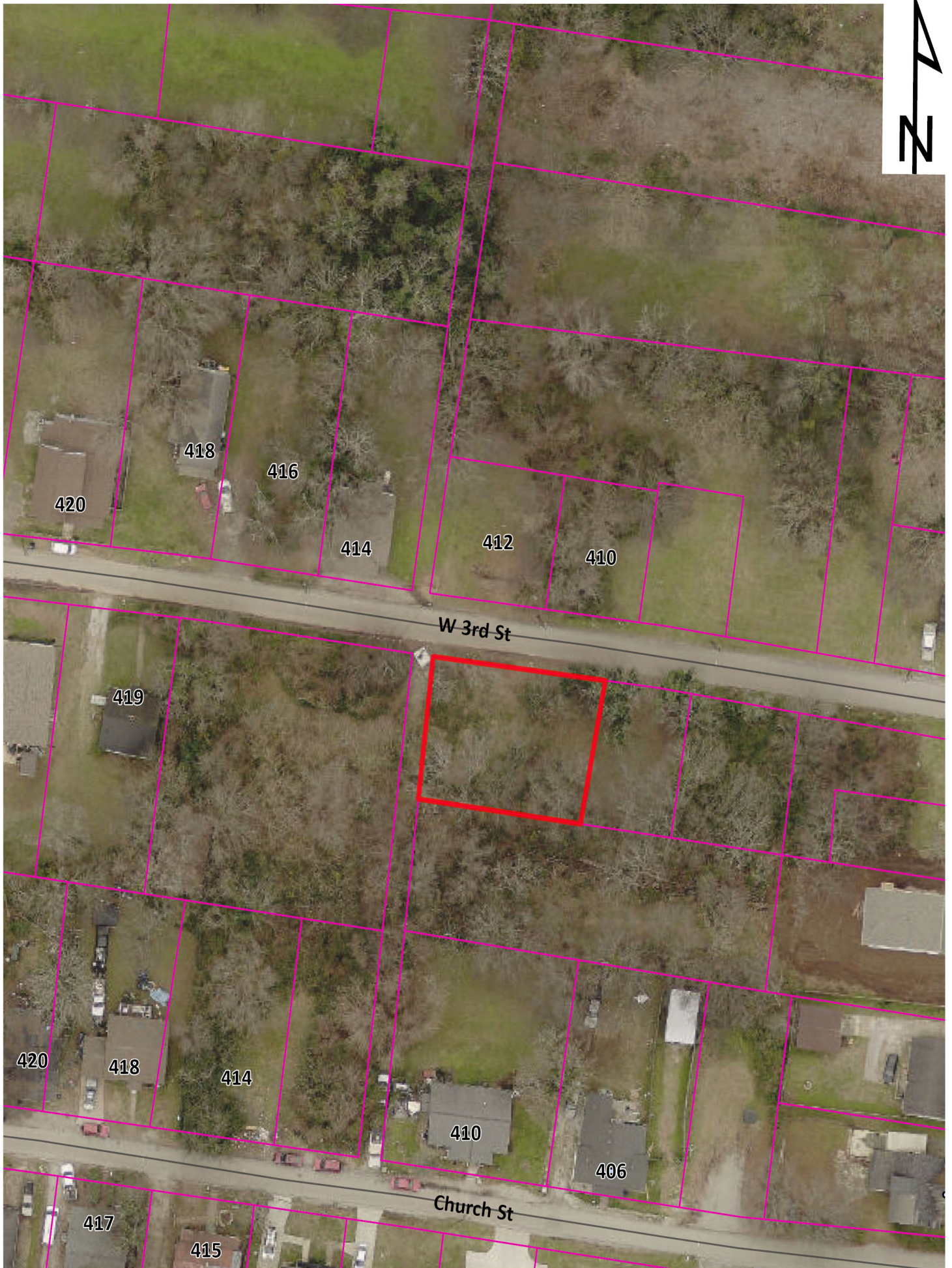
LEGEND

- PROPERTY LINE
- CENTER LINE
- UNDERGROUND ELECTRIC LINE
- OVERHEAD ELECTRIC LINE
- TELECOMMUNICATION LINE
- WIRE FENCE
- WOOD FENCE
- CHAIN LINK FENCE
- WATER LINE
- SEWER LINE
- FORCE MAIN SEWER
- GAS LINE
- SILT FENCE
- DRAWN BY DEED (NOT SURVEYED)
- WELL
- UTILITY POLE
- GRID STAKE (XX) TYPICAL
- FOUND/EXISTING IRON PIN (UNLESS NOTED)
- FOUND/EXISTING CONCRETE MONUMENT
- SET 1/2" CAPPED IRON PIN (UNLESS NOTED)
- POINT
- BENCHMARK
- FIRE HYDRANT
- ELECTRIC METER
- WATER METER
- GAS METER
- SEWER MANHOLE
- STORM MANHOLE
- WATER SPIGOT
- WATER VALVE
- ELECTRIC TRANSFORMER BOX
- ELECTRIC PULL BOX
- SOIL PIPE
- CLEAN OUT
- ASPHALT SURFACE
- CONCRETE SURFACE
- GRAVEL SURFACE
- WATER SOURCE
- EXISTING BUILDING
- EXISTING EASEMENT

GENERAL NOTES

- THE PURPOSE OF THIS MAP IS TO TO CREATE A SITE PLAN FOR A 11'x43.3' VARIANCE FROM SETBACK.
- THE SUBJECT PROPERTY LIES IN A ZONE "X" (AREAS OF MINIMAL FLOODING) AS SHOWN ON FIRM MAP 47119C0170E DATED 4/16/2007.
- ALL DISTANCES SHOWN HEREON ARE BASED UPON A FIELD-RUN SURVEY USING GPS EQUIPMENT TIED TO TDOT CORS.
- UTILITIES, IF SHOWN, WERE TAKEN FROM VISIBLE STRUCTURES AT THE SITE. VERIFICATION OF THEIR EXISTENCE, LOCATION, SIZE, AND DEPTH, SHOULD BE MADE BEFORE MAKING DECISIONS REGARDING THEM. AVAILABILITY OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE LOCAL UTILITY COMPANY. TENNESSEE ONE CALL (811) SHOULD BE CALLED BEFORE ANY CONSTRUCTION OR DIGGING.
- THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A TITLE REPORT, IT IS THEREFORE SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE REPORT.
- THIS PROPERTY IS SUBJECT TO BOTH RECORDED EASEMENTS, AND TO THOSE UNKNOWN TO THIS SURVEYOR.
- PROBABLE WETLAND AREAS, AS IDENTIFIED EITHER BY THE NATIONAL WETLANDS INVENTORY OR FOUND AT THE TIME OF THE SURVEY, ARE SHOWN ON THIS PLAT. VERIFICATION AND DELINEATION OF THE PERIMETER LOCATION OF THESE OR ANY OTHER SUCH AREAS WHICH MAY EXIST ON THE PROPERTY SHOULD BE MADE BY THE OWNER OR DEVELOPER THROUGH THE RELEVANT GOVERNMENT AGENCY AND A WETLAND DELINEATION CONSULTANT PRIOR TO IMPROVEMENT, DESIGN, OR DEVELOPMENT OF THE PROPERTY. AT LEAST SIX GOVERNMENT AGENCIES HAVE REGULATION AUTHORITY OVER THE USE OR ALTERATION OF WETLAND AREAS, AND INCLUDE THE FOLLOWING: U.S. ARMY CORPS OF ENGINEERS; U.S. ENVIRONMENTAL PROTECTION AGENCY; U.S. FISH AND WILDLIFE SERVICE; TENNESSEE WILDLIFE RESOURCES AGENCY; TENNESSEE DIVISION OF WATER POLLUTION CONTROL; TENNESSEE NATURAL RESOURCES CONSERVATION SERVICE.
- TOPOGRAPHY DATUM BASED ON NAVD 1988 TAKEN FROM TENNESSEE LIDAR MAPPING AND FIELD CHECKED.
- THE SUBJECT PROPERTY IS ZONED CD-3; FRONT SETBACK 25', SIDE SETBACK 8', REAR SETBACK 25'.

REQUEST FOR VARIANCE ON SETBACKS FOR
HABITAT FOR HUMANITY WILLIAMSON-MAURY,
A TENNESSE NOT-FOR-PROFIT CORPORATION



Case #26-0039
413 W. 3rd Street
Tax Map 89M Group G Parcel 47

Maury (060)	Jan 1 Owner	Current Owner	W 3RD ST 413				
Tax Year 2025 Reappraisal 2022	JR LEGACY HOMES LLC	HABITAT FOR HUMANITY WILLIAMSON-MAURY	Ctrl Map:	Group:	Parcel:	PI:	SI:
	4935 MAIN ST STE 7-337	109 NOAH DR	089M	G	047.00		000
	SPRING HILL TN 37174	FRANKLIN TN 37064-4027					

Value Information

Land Market Value:	\$54,000
Improvement Value:	\$0
Total Market Appraisal:	\$54,000
Assessment Percentage:	25%
Assessment:	\$13,500

Additional Information**General Information**

Class: 00 - Residential	City: COLUMBIA
City #: 156	Special Service District 2: 000
Special Service District 1: 000	Neighborhood: C70
District: 09	Number of Mobile Homes: 0
Number of Buildings: 0	Utilities - Electricity: 01 - PUBLIC
Utilities - Water/Sewer: 01 - PUBLIC / PUBLIC	Zoning:
Utilities - Gas/Gas Type: 01 - PUBLIC - NATURAL GAS	

Outbuildings & Yard Items

Building #	Type	Description	Area/Units
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Sale Information

Long Sale Information list on subsequent pages

Land Information

Deed Acres: 0	Calculated Acres: 0	Total Land Units: 1
Land Code	Soil Class	Units
01 - RES		1.00

Sale Information

Sale Date	Price	Book	Page	Vacant/Improved	Type Instrument	Qualification
11/6/2025	\$55,000	R3108	529	V - VACANT	WD - WARRANTY DEED	A - ACCEPTED
11/5/2021	\$58,000	R2787	1120	V - VACANT	WD - WARRANTY DEED	N - NON-ARM'S LENGTH
9/30/2021	\$25,000	R2776	113	V - VACANT	WD - WARRANTY DEED	A - ACCEPTED
1/18/2018	\$3,604	R2478	1439		QC - QUITCLAIM DEED	-
3/15/2010	\$477	R2111	1088	V - VACANT	WD - WARRANTY DEED	G - FORCED SALE
11/7/2008	\$0	R2058	69		-	-
7/2/2002	\$0	R1631	243		-	-
12/14/1981	\$0	681	686		-	-

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)

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.

The strict application of the current setback regulations creates practical difficulty due to the unique dimensional constraints of this lot. Under the existing setback requirements, the remaining buildable envelope would allow for a structure with a maximum depth of approximately 12 feet. A building of this depth would not reasonably accommodate a standard single-family detached residence, particularly when accounting for typical residential features such as porches, roof overhangs, or gables. As a result, the Ordinance, as presently applied, renders the lot effectively unbuildable for its intended and permitted residential use. HFHWM notes that the subject property is similar in size and character to other residential lots along West 3rd Street and adjacent roadways, many of which are already developed with single-family homes. However, due to the cumulative impact of the required setbacks on this parcel, strict enforcement would create an exceptional practical difficulty not commonly experienced by neighboring properties.

b. That the Variance is the minimum Variance necessary so as to relieve such difficulties or hardship and thereby make possible the reasonable use of the land, Building, or Structure.

The requested Variance represents the minimum relief necessary to address the hardship created by the dimensional constraints of the lot and to make reasonable residential use of the property. HFHWM proposes to construct its smallest standard home layout: a 1,046 square-foot, three-bedroom, two-bath single-family residence. For this layout to function properly and meet building code requirements, a minimum of 24 feet of depth is required to accommodate the home.

To fit this modest footprint on the subject property, a minimum of 12 feet must be reallocated from the existing front and rear yard setback requirements. Specifically, HFHWM is requesting that 12 feet be

redistributed between the front and rear yards, resulting in an 18-foot front yard setback and a 20-foot rear yard setback, but the organization is willing to adjust those allocations as needed. This adjustment allows the home to fit on the lot while maintaining functional outdoor space and compliance with all other applicable zoning and building standards. The request does not exceed what is necessary to accommodate the smallest viable home design and does not seek additional variances beyond what is required to enable reasonable residential use of the land.

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

The requested Variance will not authorize any use or activity other than those expressly permitted within the applicable zoning district. HFHWM intends to construct a three-bedroom, two-bathroom, 1,046 square-foot single-family detached residence on the subject property, a permitted structure within the CD-3 zoning district. The proposed home will be owner-occupied and used solely for residential purposes, consistent with the intent and permitted uses of the district. The requested Variance pertains only to setbacks and does not seek to alter the permitted use, increase residential density beyond what is allowed, introduce commercial activity, or authorize any non-residential or otherwise prohibited use. Approval of this Variance would not expand or modify the range of allowable uses within the CD-3 district but would simply allow a permitted residential use to be constructed in compliance with all other applicable provisions of the City's zoning Ordinance.

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

HFHWM is a 501(c)(3) nonprofit and Christian housing ministry dedicated to bringing people together to build and repair homes in partnership with local families. Homes are constructed and sold with affordable mortgages to qualifying partner families. HFHWM generates minimal profit from the construction of its homes, and any revenue received is reinvested directly into the development of future homes within the community. The requested Variance is not intended to increase financial return, but rather to enable the responsible development of the property so that HFHWM may continue serving residents of Columbia. The proposed adjustment is limited in scope and will not alter standard building practices, diminish neighborhood character, or conflict with the overall intent of the City's zoning framework.

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.

HFHWM adheres to all local building codes & standard building practices and constructs affordable single-family homes without compromising quality. The requested adjustment to setback requirements is limited in scope and will not alter any other standard building practices, structural integrity, or safety measures associated with the home's construction. The proposed home will remain consistent with the character of the surrounding residential area and will comply with all other applicable zoning standards.

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.

As the lot currently stands, there are no existing structures that will be directly impacted by the construction of a home. The proposed residence will be constructed in compliance with all applicable building codes, setback requirements (as modified by the requested Variance), and safety regulations, ensuring that neighboring properties continue to receive adequate light and air. While typical site preparation activities, including limited foliage removal and the presence of construction debris, will occur during the construction phase, these activities are temporary in nature. The completed home will not create conditions that increase traffic congestion, obstruct public streets, or heighten the risk of fire beyond what is customary for a single-family residential property. HFHWM respects both the City and surrounding neighbors and is committed to completing all work in a safe, orderly, and respectful manner. Construction practices will prioritize site cleanliness, code compliance, and adherence to all public safety standards to ensure no adverse impact on the surrounding community.

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.

HFHWM conducts thorough due diligence prior to acquiring property, including reviewing zoning classifications, general setback requirements, and any anticipated needs for additional land acquisition or utility improvements to ensure that a lot is reasonably buildable. At the time of purchase, neither HFHWM nor its partnering realtor identified any apparent concerns that would render the lot unsuitable for a standard single-family detached home. It was only after purchase, when a partnering surveying company was engaged to prepare detailed site plans, that the full impact of the setback restrictions on the buildable envelope became clear. The hardship arises from the strict dimensional application of the Ordinance to this specific lot, not from any action, inaction, or oversight by HFHWM. Accordingly, the difficulty is inherent to the property's layout and regulatory constraints, rather than the result of any act or omission by the applicant, and the requested Variance seeks only to address those pre-existing conditions in a reasonable and responsible manner.