



AGENDA

The Columbia Board of Zoning Appeals will meet on Thursday, May 14, 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 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. **THIS ITEM WAS DEFERRED FROM A PREVIOUS AGENDA**

V. New Business

1. Request from Kelsey Garcia for Conditional Use Permit approval of a Major Home Occupation at [1707 Owen Avenue](#), being Tax Map 100L Group L Parcel 16, a CD-3 (Neighborhood 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.

City of Columbia
BOARD OF ZONING APPEALS
April 9, 2026

CALL TO ORDER:

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

I. ROLL CALL:

Quorum present and included the following:

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

Absent was: Ms. Kristen Newton

Other attendees: Mr. Jeremy Humphrey, Planner II
Mrs. Sandra Richardson, Recording Secretary
Mrs. Melissa Sanders, Planner I

II. APPROVAL OF MINUTES:

The March minutes were presented for approval.

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

III Public Comments

IV. Old Business

1. Case #26-0061

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.

Staff Review:

Mr. Jimmy Dugger, Chairman read the agenda item. Mr. Jeremy Humphrey stated that the applicant has requested a deferral on this item until next month.

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Discussion and Motion:

Mr. Ables moved to defer, and Mr. Campbell seconded. The motion to defer passed four to zero.

2. Case #26-0059

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.

Staff Review:

Mr. Jimmy Dugger, Chairman read the agenda item. Mr. Jeremy Humphrey stated that the applicant has requested to withdraw this application.

V. New Business

1. Case #26-0091

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.

Staff Review:

Mr. Jimmy Dugger, Chairman read the agenda item. Mr. Jeremy Humphrey read the details of the staff report. He read the limitations to Major 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. He read the recommendations from staff.

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Discussion and Motion:

Justin McKennon 214 Pleasant Drive was present to answer questions. Mr. McKennon stated that he wants to have a web site where he can sell firearms. In order to do so he needs a Home Occupation permit. The discussion included that he likes to repair firearms, offsite gun shows, online, he is not planning to run a machine shop, and making money off the hobby. Mr. Ables asked if he had any problems with the conditions that staff have set forth. Mr. McKennon stated no. Mr. Dugger asked if someone found out the Mr. McKennon is not complying with the conditions what will happen at that point. Mr. Humphrey stated that it would be a zoning enforcement issue, and he further explained. Mr. Austin Brass discussed the issue.

Ms. Wiles asked who monitors these, and what happens if a condition has been violated. Mr. Humphrey stated that it would be a complaint based due to staff limitations to monitor all of the conditions out there.

Ms. Wiles asked if there would be inventory. Mr. McKennon stated no, they were not planning to keep inventory, unless there was a special order, and he further explained. Ms. Wiles asked if he was purchasing it somewhere and sending it directly to someone. Mr. McKennon stated once he has all the licenses, he can do that, and he further discussed the process.

Mr. Humphrey stated that he did receive a call from a neighbor that was in opposition to this request, due to traffic and safety concerns. They discussed property value of having a gun dealer next door. Mr. Dugger asked if it was one call. Mr. Humphrey confirmed yes.

Mr. Dugger read the eight recommendations from staff, and he asked Mr. McKennon if he had any problems with what was read. Mr. McKennon asked him to repeat the last one he read. Mr. Dugger read number eight. 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. Mr. McKennon stated that the gun smithing process requires him to replace broken parts, he stated that he was not sure how that would interact with the last part of that with the assembly. He also stated that he does not plan to mass produce firearms, and he further explained.

Mr. Humphrey gave a background on himself since they were going to be talking about firearms. He discussed the idea of going into components, manufacturing, making guns, gun smithing operation, assembling firearms, selling, Type 1, and Type 7 manufacturing license, and storing.

Mr. Dugger stated that having additional knowledge, can the applicant work with what was just said. Mr. McKennon stated yes. Ms. Wiles asked how this differs from what he is requesting. Are they both enterprises.

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Mr. Humphrey stated that essentially, they are one in the same in the aspects of any firearms business is going to require that they have a license. They must determine whether it is going to be a Type 1 or Type 7. The difference is Type 1 is basically a dealer. A Type 7 allows the manufacturing of things, and he further discussed. The discussion included taxes, Tech 931, online sales, zoning, and location.

Mr. Dugger asked Mr. McKennon if he understood that if he made a mistake and something happened, he will have to come back to this board. Mr. McKennon stated yes. Mr. Brass stated that the board would have the opportunity to deny, and he further explained.

Mr. Humphrey stated that in the application that was published the applicant calls out directly that he has a small office in the bedroom at home where he would like to provide minor firearm repair, cleaning, and transfers from other online sales. The way it is called out, he specifically comes before this board with the conditions that are there. He is not saying that he is going to be manufacturing. Mr. Humphrey asked Mr. McKennon if he agreed with that, and he stated yes. Mr. Humphrey stated that he wrote item eight to make it very clear that there will be no manufacturing at this location if this board is to approve the request. Mr. Ables moved to approve, finding that all seven criteria's have been satisfied, subject to the following conditions that have been discussed listing one through eight that staff recommended. Mr. Campbell seconded the motion. The motion to approve with conditions passed four to zero. Mr. McKennon requested copies of the expectations. Mr. Humphrey stated that he will send him an email with information on it for him.

2. Case #26-0039

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.

Staff Review:

Mr. Jimmy Dugger, Chairman read the agenda item. Mr. Jeremy Humphrey, Planner II, gave the details of the staff report. Staff recommended denial of this request.

Discussion and Motion:

Ms. Lexi Bolinski, 109 Noah Drive, Franklin was present to answer questions. She discussed Habitat being for affordable housing. The discussion included designs of the existing neighborhood, the width of the house, the depth of the house, affordable housing opportunities, survey of the property, the proposed drive, parking pad, no pre-

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application meeting, being brought to BZA without a discussion with staff, a discussion was held with Mr. Keltner.

Leonard Thicklin, 311 North Frierson, stated that he was trying to understand what he was looking at. He asked if the variance changes how it affects his property. Mr. Jeremy Humphrey explained the request, the code requirements, and the parcel. Mr. Brass stated that his property is within the 200 feet radius.

Mr. James Cathey, Sherwood, Arkansas, has property located at 417 W 3rd Street. Mr. Brass explained why he received a notification letter.

David and Sheila Witherspoon, 419 W 3rd Street. Mr. Witherspoon stated that they are for this project.

Ms. Judy Patton, 412 W 3rd Street, stated that she doesn't have a problem with Habitat being there, but her concern is that everything washed down from that hill.

Fabian Jimenez 405 N Frierson Street expressed concerns with the road. Mr. Brass stated that it is called unimproved right of way, and he further explained.

Mr. Dugger asked if the right-of-way could be used. Mr. Brass explained the process. Additional discussion included the footprint size of the setbacks, minimal variance, requirements for the zoning ordinance, lack of preparation, and better plan. Mr. Brass stated that Mr. Humphrey is correct there is no defined hardship, and he discussed the house and surrounding character. Further discussion included challenges, promoting character, engineering perspective, the narrow front setback, conformity, fitting the character of the neighbor, building a single story, the tall and skinny, preferring the single level, infill, foot print, no immediate urgency, deferring, street front parking, parking in the back of the house, and discounted services. Mr. Campbell moved to defer, and Ms. Wiles seconded the motion. The motion to defer passed four to zero. Ms. Richardson stated that May 14th is the next meeting scheduled for BZA.

V. OTHER BUSINESS:

Mr. Dugger inquired about education. Mr. Brass will coordinate a meeting on Robert's Rules with Mr. Hubbell the City Attorney.

Mr. Jeremy Humphrey asked Mr. Rush about Sam Edwards, and conferences were discussed.

VI. ADJOURNMENT:

Mr. Ables moved to adjourn, and Ms. Wiles seconded the motion. The motion to adjourn passed four to zero. The meeting adjourned at 9:59 A.M.

Board of Zoning Appeals, Chairman
Jimmy Dugger

Date



CITY OF COLUMBIA TENNESSEE
 BOARD OF ZONING APPEALS
 STAFF REPORT

CONTACT INFORMATION

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

DOCKET/CASE/APPLICATION
 NUMBER
26-0059

APPLICANT/ PROPERTY OWNER
Bostleman Realty LLC

PUBLIC HEARING DATE
May 14th, 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 a variance application seeking relief from the 85-foot maximum front setback requirement along James M. Campbell Boulevard (JCB) within the CD-4C District.

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

EXECUTIVE SUMMARY

The applicant has submitted a variance request seeking relief from the 85-foot maximum front setback requirement along James M. Campbell Boulevard for property zoned CD-4C. The request now applies to a single proposed building location, as the previously submitted eastern site variance request has been withdrawn.

The subject property is impacted by a tributary, associated environmental buffer, and a 20-foot sanitary sewer easement, which collectively create a constrained and irregular developable area within the required 30-foot minimum and 85-foot maximum setback band. These site-specific physical conditions limit typical building placement and form the basis of the hardship claim under Section 8.5.16 of the Zoning Ordinance.

Since the initial review, the applicant has initiated the subdivision (platting) process to establish separate Lots or Building Sites consistent with the proposed development layout. Staff finds that the identified constraints are inherent to the property and not self-created.

The Board must determine whether these conditions constitute exceptional hardship and whether the requested relief represents the minimum necessary adjustment. Any approval should be considered in conjunction with the pending subdivision to ensure the variance is applied to a legally established Lot or Building Site.

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 currently a single parcel and constitutes one Lot/Building Site under the Zoning Ordinance.

The site includes several physical constraints:

- A tributary located within the required 30-foot minimum front setback along James Campbell Blvd
- An associated environmental buffer (30–60 feet)
- A 20-foot sanitary sewer easement traversing the property from East to West

As illustrated in the submitted exhibit (April 22, 2026), these features significantly limit the available building area and create a non-uniform developable envelope. The depth between constraints varies across the frontage, resulting in irregular and constrained building placement opportunities within the required setback band.

STATUS OF REVIEW

- Property zoned CD-4C
- Variance request for relief from 85-foot maximum front setback
- Site contains:
 - Tributary within minimum setback area
 - Environmental buffer
 - 20-foot sanitary sewer easement
- Irregular buildable depth between 30' minimum and 85' maximum setback
- Applicant is actively pursuing subdivision to establish separate Lots/Building Sites
- Variance applications reviewed under Section 8.5.16 criteria

STAFF ANALYSIS AND COMMENTARY

Staff finds that the subject property contains unique physical constraints, including a tributary, environmental buffer, and sanitary sewer easement, which collectively limit the developable area within the required setback band. Based on these conditions, staff is generally supportive of the request, provided that the variance remains tied to a legally established development configuration.

Staff notes that the property is currently a single Lot/Building Site and that the applicant is actively pursuing subdivision. To ensure that the variance is applied appropriately and in accordance with the Zoning Ordinance, any approval by the Board should be contingent upon the approval and recording of a final plat establishing the proposed Lots or Building Sites.

By taking this approach, it ensures that the variance is applied to recognized development units, ensures limitation of one (1) Principal Building per Lot/Building Site is maintained, and future enforcement and interpretation of the variance remain clear. Furthermore, no action by the Board should be interpreted as creating separate Lots or Building Sites, as authorizing more than one Principal Building on a single Lot or waiving subdivision or Development Parcel requirements.

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]:

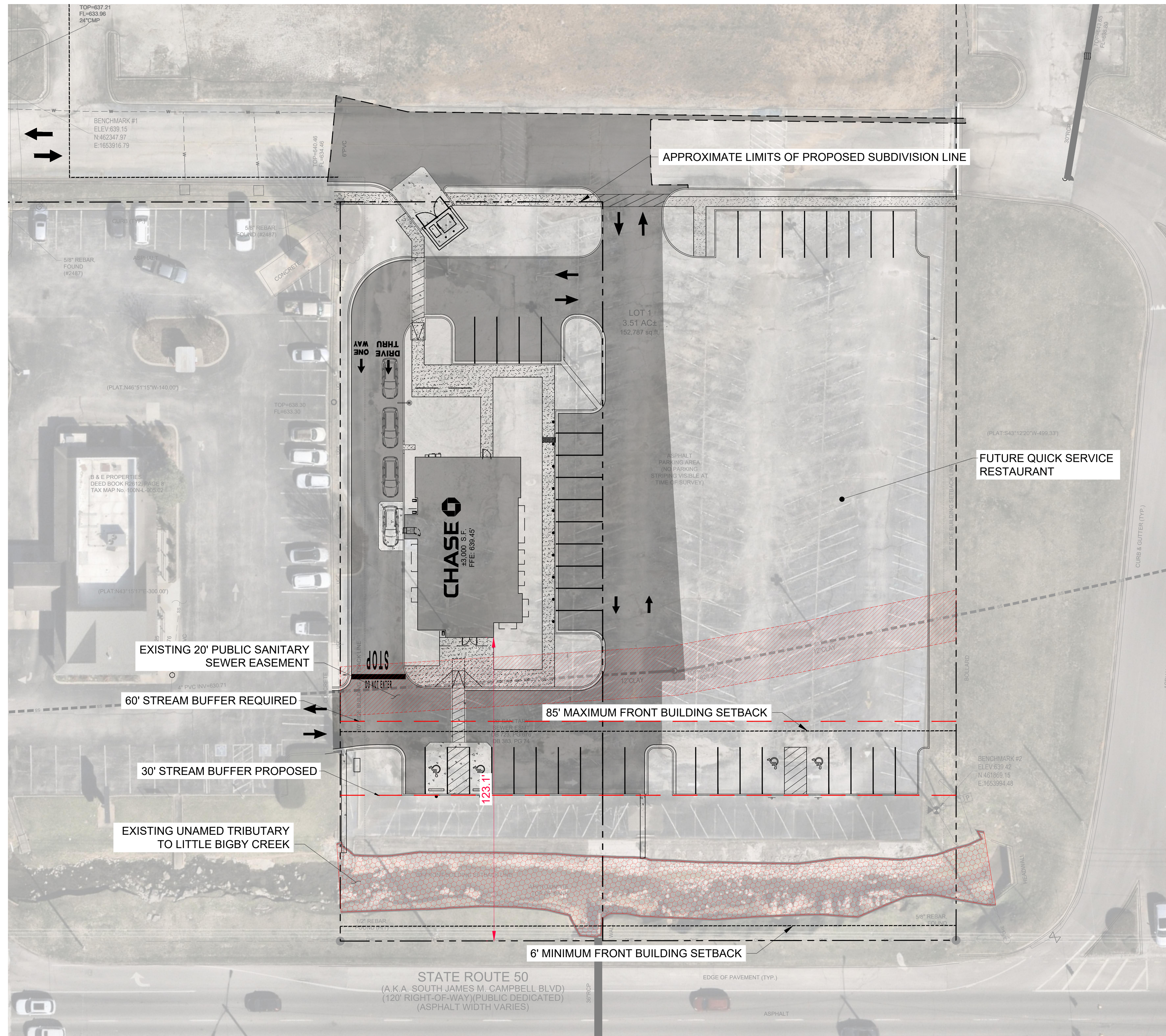
Move to deny the requested variance having found that the variance criteria listed in the City of Columbia Zoning Ordinance have not been sufficiently and fully satisfied.

[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*].

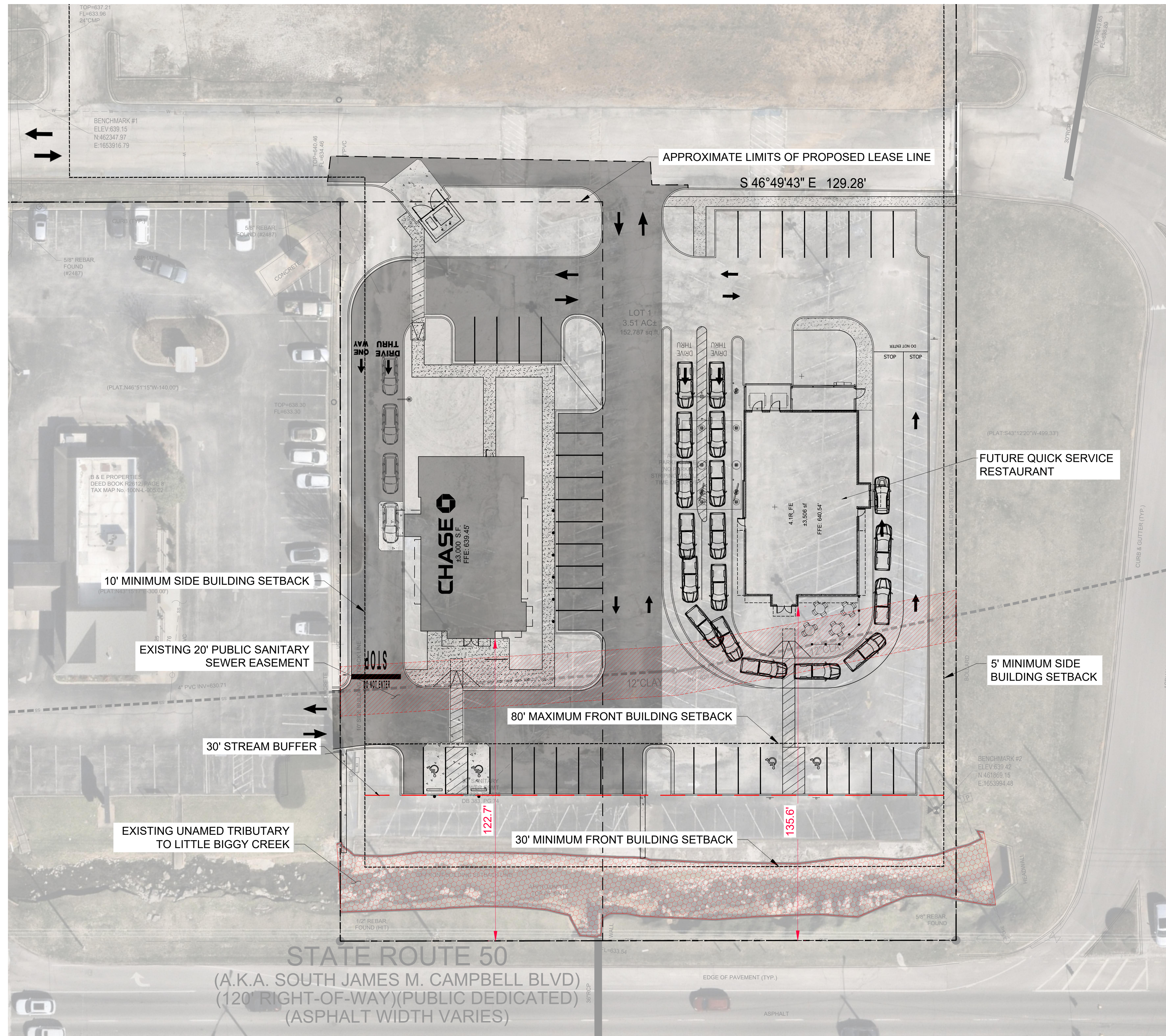
[Defer]:

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 85 FEET BY APPROXIMATELY 38 FEET.
CHASE BANK	A VARIANCE IS REQUESTED TO REDUCE THE 60' STREAM BUFFER TO A 30' STREAM BUFFER.



HATCH LEGEND	
	PUBLIC SANITARY SEWER EASEMENT
	EXISTING TRIBUTARY

VARIANCE REQUEST

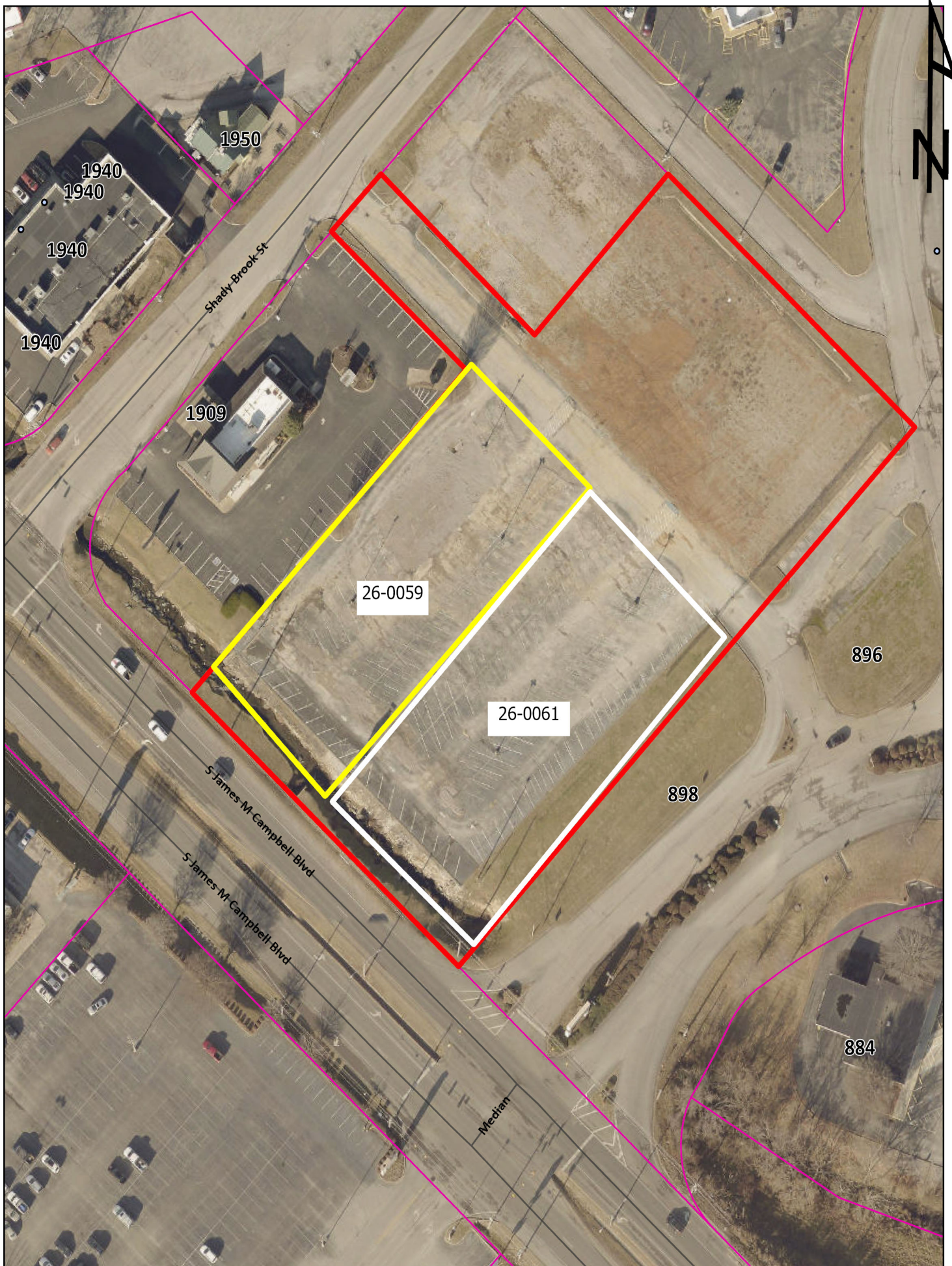
CHASE BANK

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)

<p>1. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.</p> <p>The 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.</p>
<p>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.</p> <p>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.</p>
<p>3. That the variance will not authorize activities in a zone district other than those permitted by this ordinance.</p> <p>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.</p>

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



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
May 14, 2026

PROPERTY ADDRESS/LOCATION
413 W 3rd St.

REQUEST: Variance from front setback requirement within a CD-3 Character District. The front setback requirements is 25', and the applicant is requesting a variance to have an 11' setback thus seeking relief from the front setback standard.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING 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.

- 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 subject property and the required setback standards create practical difficulties by limiting the available buildable area on the lot. Staff acknowledges that the parcel is relatively shallow and constrained by the required front and rear setbacks, which significantly limits the available building envelope for construction of a single-family residence.

The applicant has submitted a revised site design which reduces the extent of the requested relief and demonstrates a reasonable effort to work within the dimensional limitations of the property. Based on the revised materials submitted, staff finds that the shallow nature of the lot creates a practical difficulty associated with development of the property for a permitted residential use.

2. Minimum variance necessary

The revised proposal reduces the requested relief from the original submittal and reflects an effort to minimize the extent of the variances necessary to accommodate construction of a single-family residence on the property. Staff finds that the revised layout represents the minimum variance necessary to allow reasonable residential use of the parcel while maintaining setbacks generally consistent with the surrounding development pattern.

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 the project is associated with Habitat for Humanity and intended to provide affordable housing opportunities within the community. While financial considerations alone cannot serve as the basis for granting a variance, staff finds that the request is primarily related to the physical dimensional constraints of the property rather than financial return.

5. No substantial detriment to the public good

Staff finds that construction of a single-family residence on the property would be consistent with the surrounding residential character of the area and would not substantially impair the intent of the zoning ordinance or zone plan. The revised site layout also addresses prior staff concerns regarding site configuration and improves the overall relationship of the proposed structure to the lot.

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 hardship associated with the request is related to the existing dimensions and physical characteristics of the parcel rather than actions taken by the applicant. Staff finds that a practical difficulty is inherent to the property itself and not self-created.

Additional Staff Analysis and Recommendation

The applicant has revised the original proposal and submitted an updated site design reducing the extent of the requested relief. Based on the revised materials, staff finds that the shallow depth of the parcel creates a constrained building envelope under the standard setback requirements and that the revised request represents a reasonable accommodation necessary to allow construction of a permitted single-family residence. Staff further finds that the revised request is generally compatible with the surrounding residential development pattern and does not appear likely to create substantial negative impacts on adjoining properties or the public welfare.

Based on the analysis above, staff finds that the applicant has sufficiently demonstrated the required variance criteria contained within Section 8.5.16.L of Ordinance 4400.

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 demonstrated that the request satisfies the required criteria and staff recommends **approval** of the requested front setback variance request 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]:

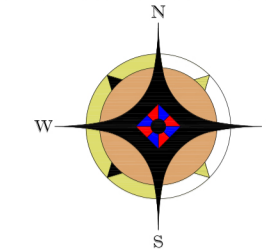
Move to find that there is insufficient information to make a decision, continue the hearing, and request that the [applicant/staff] provide: [list additional information] for review at a future meeting.

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

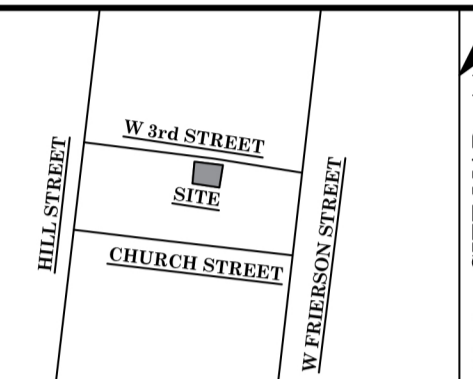
- a. REAL TIME KINEMATIC & BASE CARLSON BRx7
- b. POSITIONAL ACCURACY: 0.05 FEET
- c. DATE OF SURVEY: 12/30/2025
- d. DATUM / EPOCH: NAD83 (2011) EPOCH (2010.00)
- e. PUBLISHED / FIXED CONTROL: TDOT CORS NETWORK
- f. GEOID MODEL: GEOID 18
- g. COMBINED GRID FACTOR: 0.99992004



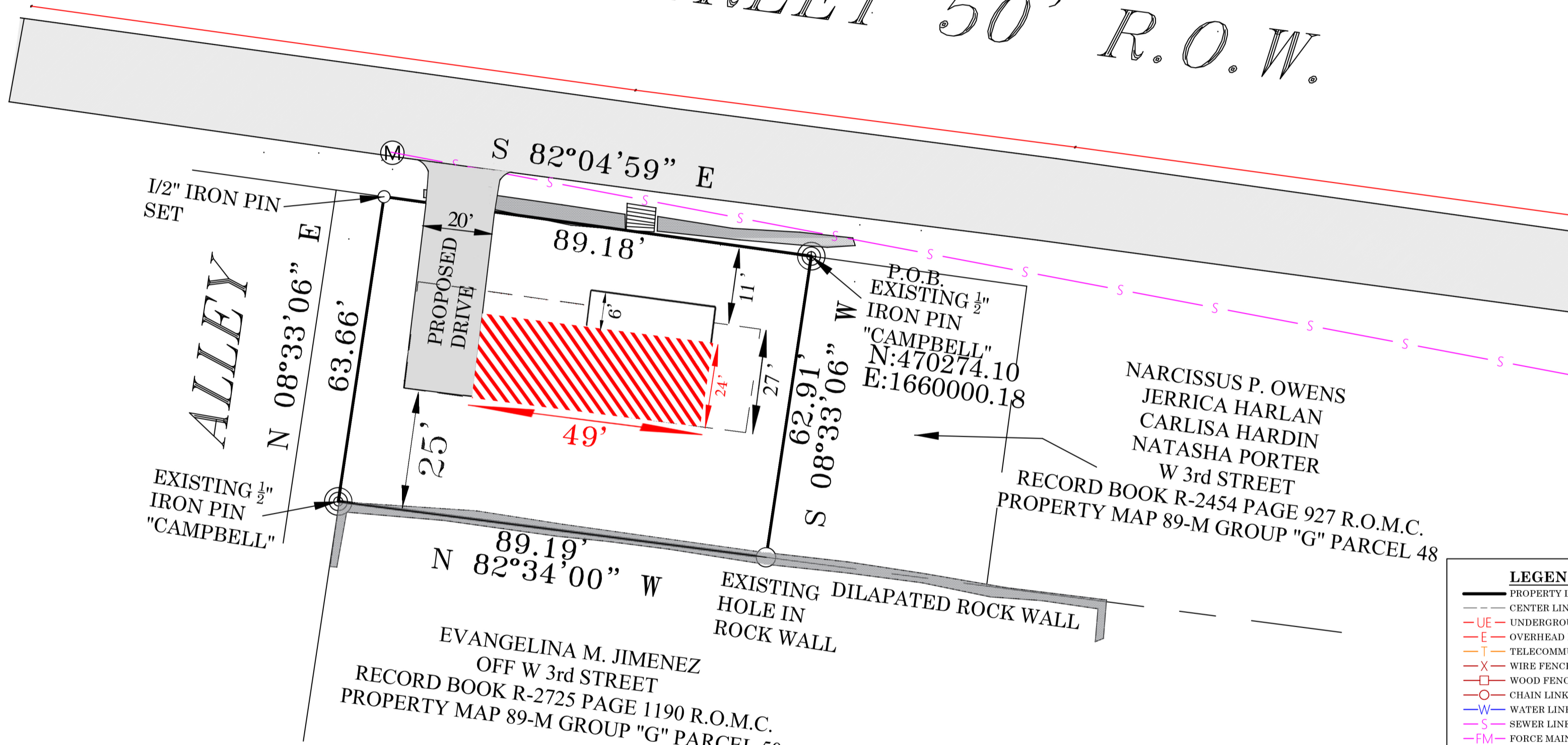
**CHAPDELAINÉ & ASSOCIATES
LAND SURVEYING**



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



WEST 3RD STREET 50' R.O.W.



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.

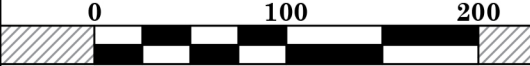
RANDOLPH L. CHAPDELAINÉ R.L.S. #1444 DATE

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

**PRELIMINARY NOT FOR CONSTRUCTION,
RECORD PURPOSES OR IMPLEMENTATION**

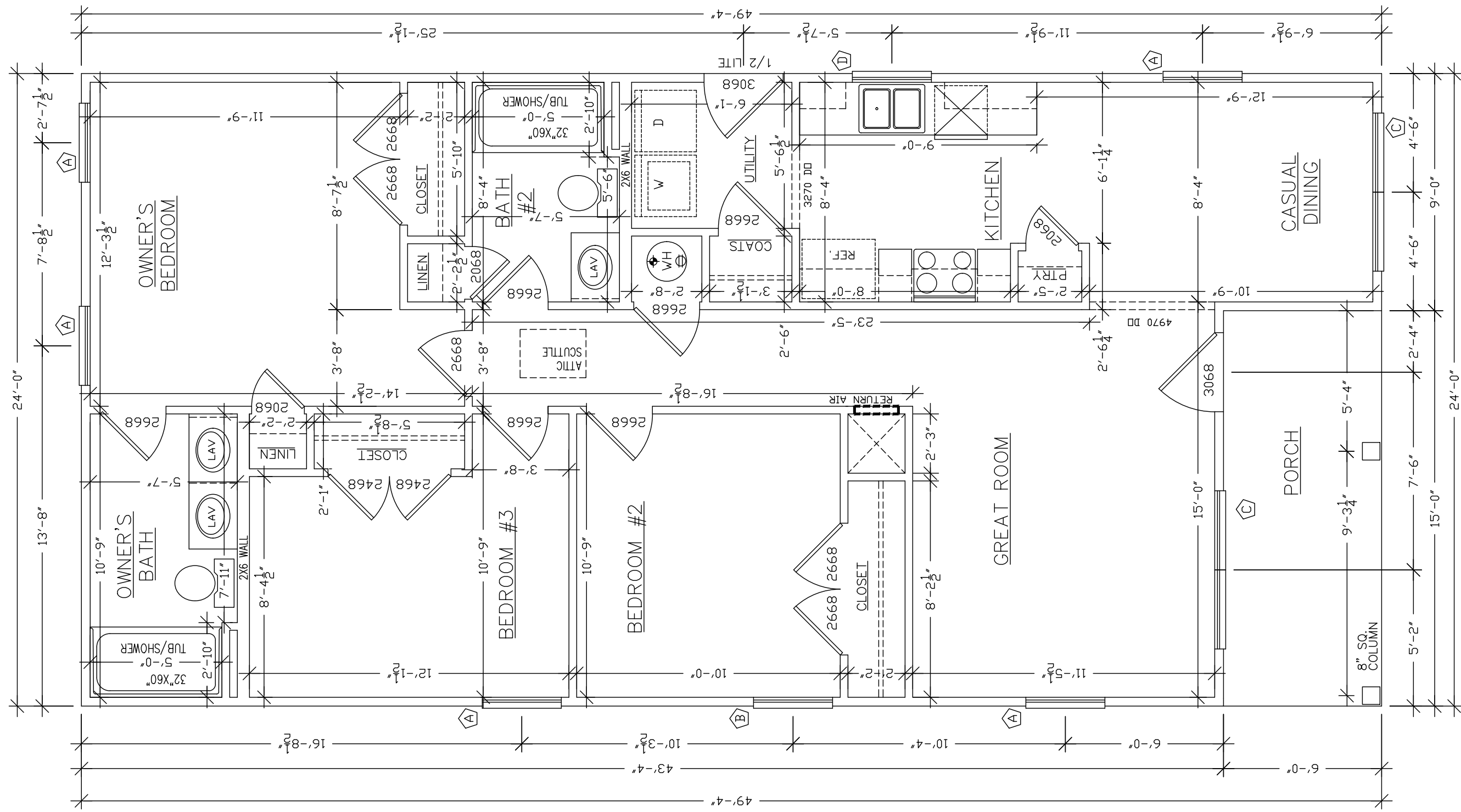
GENERAL NOTES

1. THE PURPOSE OF THIS MAP IS TO TO CREATE A SITE PLAN FOR A 0.13 ACRE TRACT.
2. THE SUBJECT PROPERTY LIES IN A ZONE "X" (AREAS OF MINIMAL FLOODING) AS SHOWN ON FIRM MAP 47118C0170E DATED 4/19/2007.
3. ALL DISTANCES SHOWN HEREON ARE BASED UPON A FIELD-RUN SURVEY USING GPS EQUIPMENT TIED TO TDOT CORS.
4. 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.
5. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A TITLE REPORT, IT IS THEREFORE SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE REPORT.
6. THIS PROPERTY IS SUBJECT TO BOTH RECORDED EASEMENTS, AND TO THOSE UNKNOWN TO THIS SURVEYOR.
7. 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.
8. TOPOGRAPHY DATUM BASED ON NAVD 1988 TAKEN FROM TENNESSEE LIDAR MAPPING AND FIELD CHECKED.
9. THE SUBJECT PROPERTY IS ZONED CD-3; FRONT SETBACK 25', SIDE SETBACK 8', REAR SETBACK 25'.

LEGEND

- PROPERTY LINE
- - - CENTER LINE
- UE- UNDERGROUND ELECTRIC LINE
- E- OVERHEAD ELECTRIC LINE
- T- TELECOMMUNICATION LINE
- X- WIRE FENCE
- WOOD FENCE
- CHAIN LINK FENCE
- W- WATER LINE
- S- SEWER LINE
- FM- FORCE MAIN SEWER
- G- GAS LINE
- SF- 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

**SITE PLAN FOR
HABITAT FOR HUMANITY WILLIAMSON-MAURY,
A TENNESSEE NOT-FOR-PROFIT CORPORATION**



WINDOW SCHEDULE:

- A. 3050 SH
- B. 3050 SH TEMPERED
- C. 3050 SH TWIN
- D. 3030 SLIDER

ALL WINDOWS FEATURE SINGLE HUNG, DOUBLE PANE W/ LOW E GLASS & VINYL CONSTRUCTION.

FIRST FLOORPLAN

1/4"=1'-0"

Project

HABITAT

Spec. Revision Date:

Lot #	Market Home or Home Owner
#	Name:

Plan Name:

LEIGH

Sheet Name:

FLOOR PLAN

Habitat
for Humanity
of Williamson/Maury



Drawn By: BSR

Scale: 1/4"=1'-0"

Date:

Revision Dates:
00/00/00

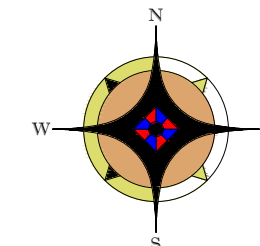
A1.0

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

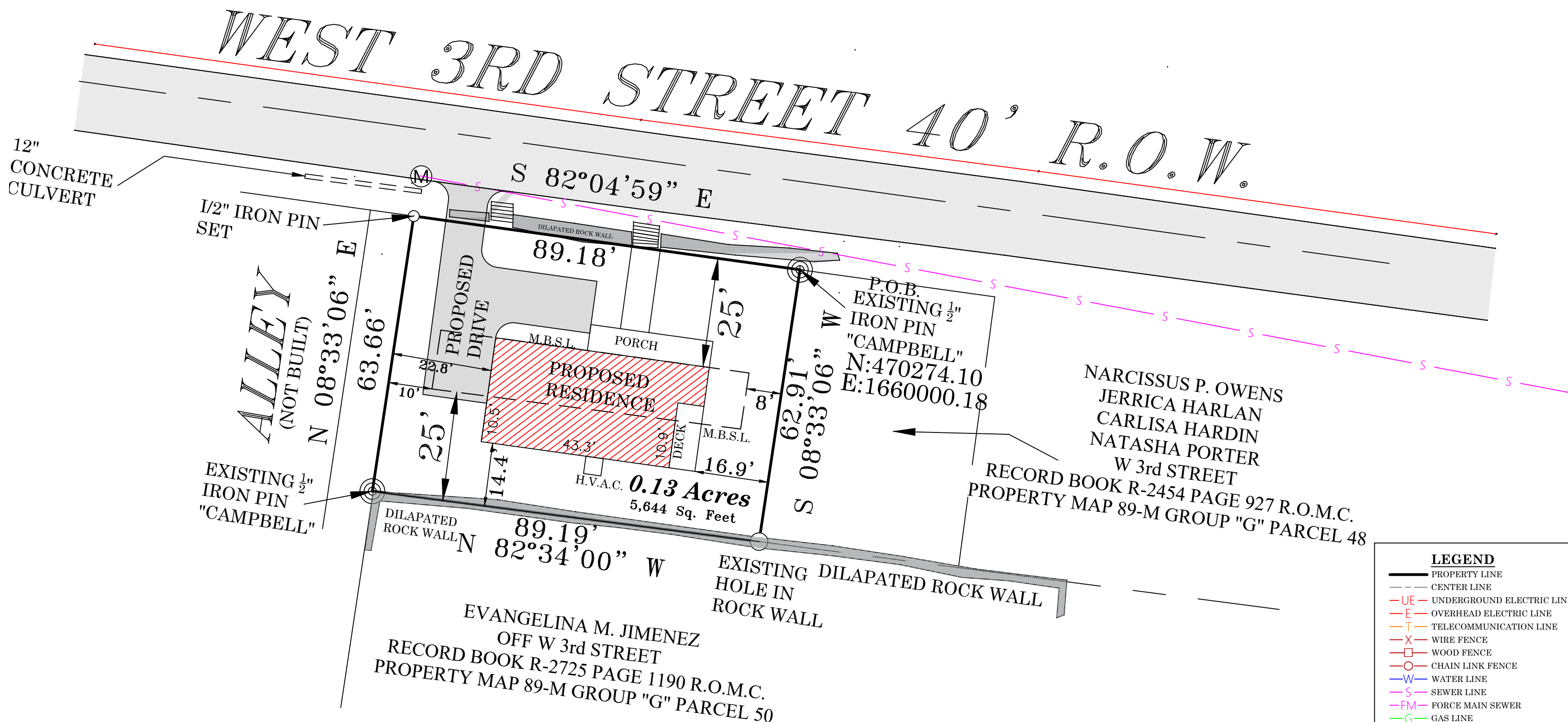
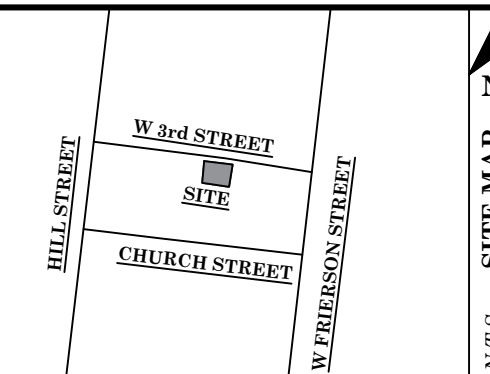
- a. REAL TIME KINEMATIC & BASE CARLSON BRx7
- b. POSITIONAL ACCURACY: 0.05 FEET
- c. DATE OF SURVEY: 12/30/2025
- d. DATUM / EPOCH: NAD83 (2011) EPOCH (2010.00)
- e. PUBLISHED / FIXED CONTROL: TDOT CORS NETWORK
- f. GEOID MODEL: GEOID 18
- g. COMBINED GRID FACTOR: 0.99992004



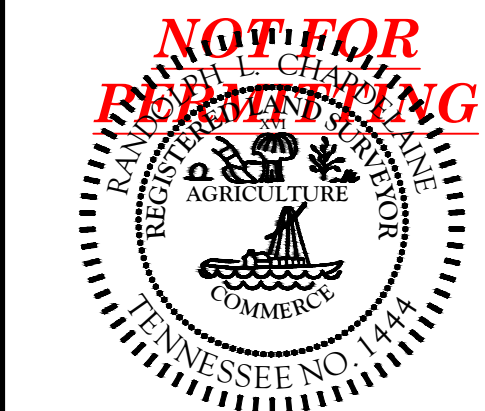
**CHAPDELAINÉ & ASSOCIATES
LAND SURVEYING**



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(615) 799-8104
surveying@chapsurveyor.com



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RECORD PURPOSES OR IMPLEMENTATION**



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.

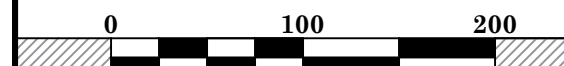
RANDOLPH L. CHAPDELAINÉ R.L.S. #1444 DATE

PROPERTY OWNERS:
HABITAT FOR HUMANITY OF
WILLAMSON-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'

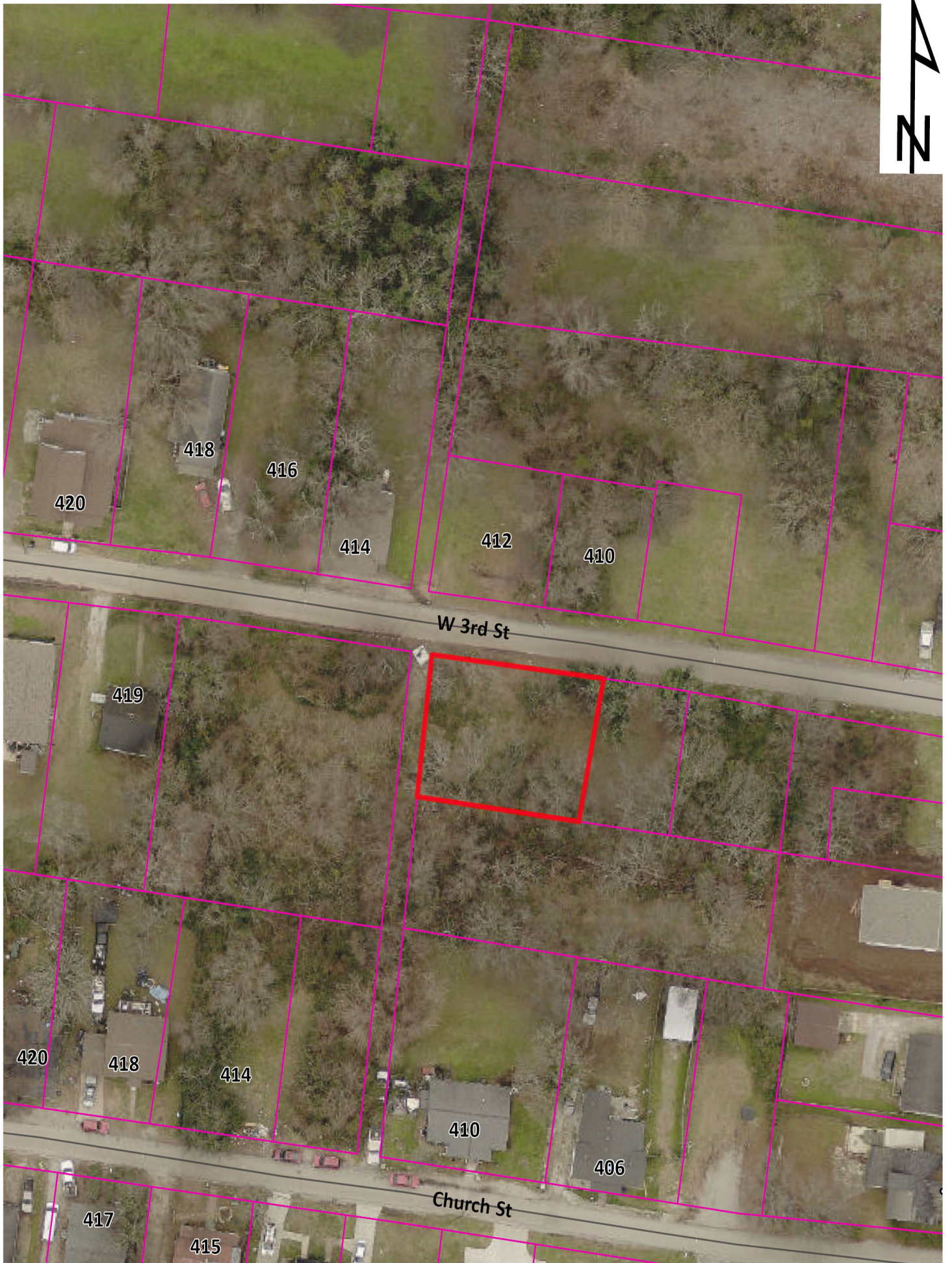


V-1.1

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.
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- 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 WILLAMSON-MAURY,
A TENNESSEE 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
------------	------	-------------	------------

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.



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
26-0125

APPLICANT/ PROPERTY OWNER
Kelsy Garcia

PUBLIC HEARING DATE
May 14, 2026

PROPERTY
 ADDRESS/LOCATION
1707 Owen Ave.

REQUEST: Conditional use of Major Home Occupation – Bridal Fitting

The applicant is requesting approval of a Major Home Occupation to conduct bridal dress fitting services within the residence. The activity is proposed to occur by appointment only, with one client at a time, limited to weekend hours. No employees, deliveries, or exterior modifications are proposed.



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

STATUS OF REVIEW

- Application for Conditional Use Permit has been submitted and reviewed by staff.
- Proposed use has been identified as a Major Home Occupation requiring BZA approval.
- No external agency review comments were required for this request.
- No site plan or exterior modifications have been proposed.
- Request is ready for consideration by the Board of Zoning Appeals.

REVIEW & ASSESSMENT

Zoning Ordinance:

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

§ 4.3.9.E.6.

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



CITY OF COLUMBIA TENNESSEE
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STAFF REPORT

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



- a. The Zoning Administrator may revoke the Home Occupation permit for failure to comply with these limited use standards, conditions imposed by the Board of Zoning Appeals, or other violations of City of Columbia ordinances.

8.5.16 Conditional Use Permits & Variances

C. Conditional Use Permits.

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

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

K. Conditional Use Permit Specific Requirements.

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

STAFF ANALYSIS

The applicant, Kelsey Garcia, is requesting approval of a Conditional Use Permit to allow for a Major Home Occupation at the property located at 1707 Owen Avenue. The subject property is zoned CD-3. The existing use of the property is a single-family residence.

The applicant proposes to conduct bridal dress fitting services within the home. According to the application, the activity will take place in the living room of the residence and will operate on an appointment-only basis. Only one client will be present at a time, with appointments lasting approximately 45 minutes. Hours of operation are limited to Saturdays and Sundays between 9:00 AM and 4:00 PM. The applicant has indicated that all clients will park in the driveway, and no on-street parking is anticipated. Additionally, the applicant has stated that there will be no non-resident employees, no deliveries associated with the business, and no equipment or commercial vehicles involved in the operation. All activities are proposed to occur entirely within the primary structure.

The proposed use is classified as a Major Home Occupation, as it involves customer visits to a residential dwelling. Pursuant to the zoning ordinance, Major Home Occupations require approval by the Board of Zoning Appeals through a Conditional Use Permit.

Based on the information provided, the proposed use appears to be limited in scale and intensity. The activity is confined to the interior of the residence and is structured in a manner that minimizes potential impacts on surrounding properties. The appointment-only format, combined with the limitation of one client at a time, reduces the likelihood of increased traffic or congestion. Parking is proposed to be accommodated on-site within the existing driveway, which further limits potential impacts to the public right-of-way.

No exterior modifications, signage, or other visible indicators of commercial use have been proposed. The absence of employees, deliveries, and commercial equipment suggests that the use will remain subordinate to the residential character of the property. Additionally, the nature of the activity does not present any apparent concerns related to public health, safety, or welfare.

Overall, the request represents a low-intensity home occupation that is designed to operate in a manner consistent with the surrounding residential area. The Board of Zoning Appeals may consider conditions to ensure the continued compatibility of the use, including limitations on hours of operation, number of clients, parking arrangements, and prohibition of non-resident employees or exterior business activity.

RECOMMENDATION

Based on the foregoing analysis, staff finds that the request is generally consistent with the intent of the zoning ordinance for home occupations. Staff recommends approval of the requested Conditional Use Permit, with the understanding that the approval is strictly limited to the scope and operational characteristics described in the application. Any expansion, intensification, or material change to the use, including but not limited to the addition of employees, increased customer volume, expanded hours of operation, exterior alterations, or other commercial activities not expressly described—may require further review and approval by the Board of Zoning Appeals.

SUGGESTED MOTION FOR BOARD MEMBER

“I move to approve the Conditional Use Permit for a Major Home Occupation at 1707 Owen Avenue, as presented in the application, based on the findings of fact contained in the staff report. This approval is expressly limited to the scope and operational characteristics described by the applicant, including one client at a time by appointment only, weekend hours of operation, on-site driveway parking, and no non-resident employees, deliveries, or exterior evidence of the business. Any expansion or modification of the use beyond what has been presented shall require further review and approval by the Board of Zoning Appeals.”

Sample Motions for Board Members

[Approve]:

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

[Deny]:

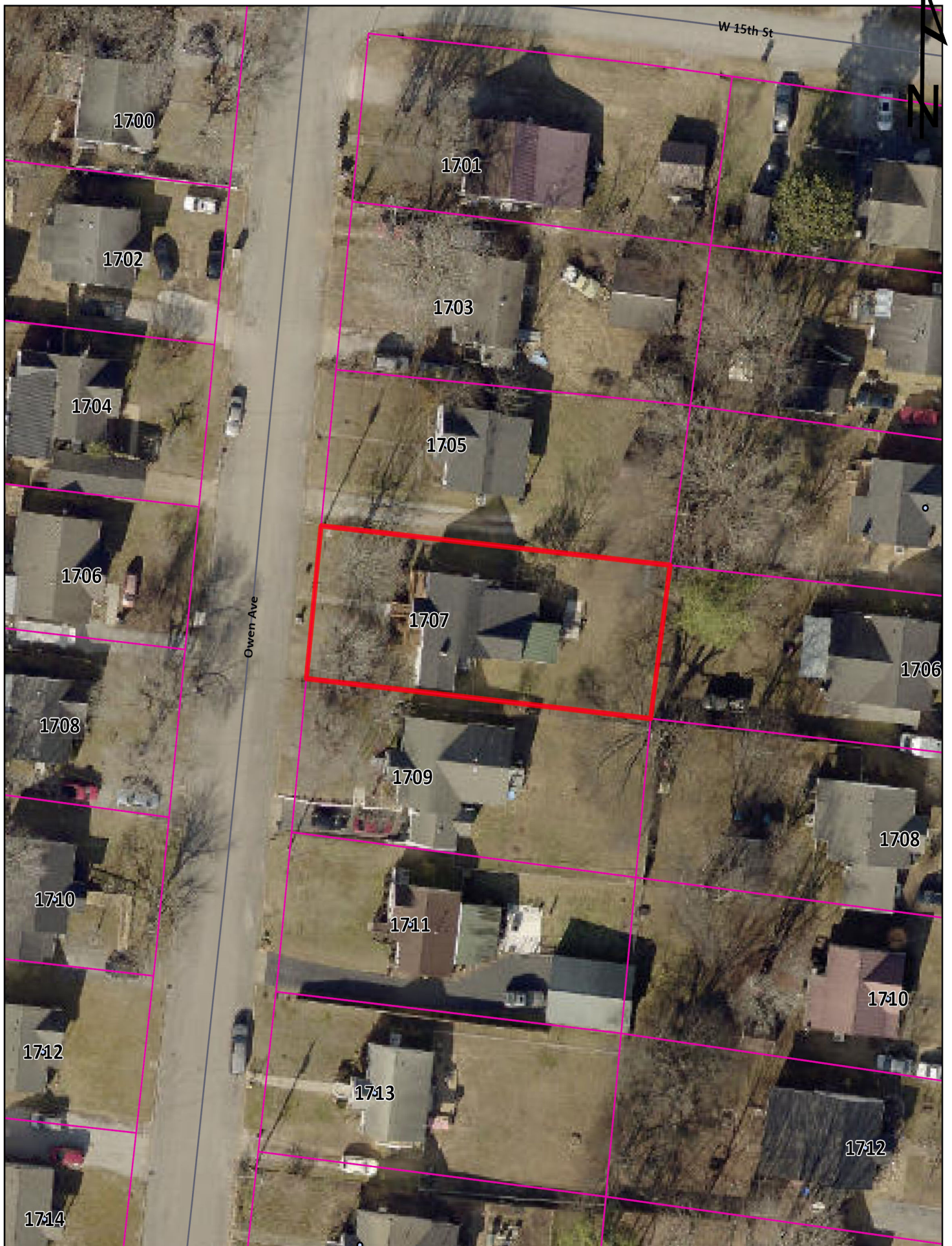
Move to deny the requested Conditional Use having found that the Use does not conform to the specific requirements in the City of Columbia Zoning Ordinance and thus have not been sufficiently and fully satisfied.

[Approve Subject to Conditions]:

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

[Defer]:

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



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Case 26-0125
1707 Owen Ave.



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

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

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

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

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

- Major Home Occupation will be conducted within an accessory building. *no*
- Major Home Occupation will employ up to two non-resident employees. *no*
- Except for in-home childcare licensed by the State of Tennessee, Major Home Occupation may accommodate more than two customers or clients on the premises at the same time.
- Shipments and deliveries to and from the premises are prohibited between the hours of 9 PM and 7 AM. *no deliveries*
- No employees, customers, or clients may be present on the premises between the hours of 9 PM and 7 AM. *9am - 4pm hrs.*
- Trailers, equipment, and commercial vehicles, when permitted by the Board of Zoning Appeals, must be stored in the Third Layer and screened from view. *N/A*
- The Board of Zoning Appeals has the authority to further restrict the number of employees, hours of operation, deliveries, and parking of commercial vehicles and equipment on site.

Kelsey Garcia

Print Name

Kelsey Garcia

Signature

3/28/26

Date

2. Please provide the following information:

a. Completed application.

b. **For a Conditional Use Permit only:** Complete Description of Requested Use or submit a separate Request Letter to the Board of Zoning Appeals. In either case, address each of the following:

- i. Explain in detail the proposed use for the property, including long-term plans; and
- ii. Explain how your proposal will be designed, located, and operated so that the public health, safety, and welfare will be protected; and
- iii. Explain how your proposal will not adversely impact other properties in the area in which it is located (this includes addressing access and parking for the site, if applicable).

I plan to use my living room of the home I live in to have brides over to measure their wedding dresses for alterations. I only have one bride over at a time, by appointment only. I only have appointments on the weekends and I ask them to park in my driveway so as to not disrupt street parking.

iv. For Home Occupation

1. Will it be conducted within an accessory building.
 - **No, fittings are conducted in my living room**
2. Will there be non-resident employees.
 - **No, I am the only employee**
3. Will there be customers.
 - **Yes**

- 4. Will there be trailers, equipment, and commercial vehicles.
 - **No equipment**
- 5. Will there be deliveries to and from the premises.
 - **No deliveries**

c. Submit applicable drawings, illustrations, and so forth, to accompany the request. d. Any additional information requested by the Department of Development Services that will be necessary to fully complete a review by City Staff and/or by the Board of Zoning Appeals.

3. Please submit the final request to the Department of Development Services according to the established Board Deadline and Meeting schedule. A representative must attend the BZA Meeting.

Rev. 3/4/2025

BOARD OF ZONING APPEALS APPLICATION <i>COLUMBIA, TENNESSEE</i>					
ADDRESS: 1707 Owen Ave Columbia TN 38401					
ZONING: Single Family Residence, Residential			LOT ACREAGE: 8,276.4 Square Feet Lot		
EXISTING LAND USE:			BUILDING SQUARE FOOTAGE: 1,882		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): FRONT: _____ ft. SIDE: _____ ft. REAR: _____ ft.					
OTHER INFORMATION:					

CONDITIONAL USE PERMIT REQUEST:

CONDITIONAL USE PERMIT 8.5.16C	
REQUESTED USE <i>(be detailed)</i> :	
I have brides over to my living room one by one by appointment on the weekends for dress fittings. They bring one car and park in my driveway for their 45 min session.	
DOES THE REQUESTED USE HAVE REQUIRED PARKING (SEE TABLE 4.3.12.B-1 IN THE ZONING ORDINANCE)? We use my driveway for parking needs.	

HOURS OF OPERATION: **Saturday and Sunday 9am - 4pm**