



The Columbia Board of Zoning Appeals will meet on Thursday, April 13, 2023 at 9:00 AM in Council Chambers on the basement level of City Hall, 700 N. Garden Street, to consider the following:

I. Roll Call

II. Approval of Minutes

III. Old Business

IV. New Business

1. Case #23-0098 Request from Nathan McVey for an appeal from administrative decision concerning Article 4 of the Columbia Zoning Code for property at 1500-1502 Herbert Lewis Drive.

Documents:

1. 23-0098 Appeal Staff Report Herbert Lewis Drive
 2. Narrowgate Presentation
 3. Application
2. Case #23-0101 Request from Nelson Crowe for an appeal of administrative decision concerning the zoning designation for property at Tax Map 41 Parcel 15 off Cleburne Road and Freehand Lane.
THE APPLICANT HAS WITHDRAWN THIS REQUEST

Documents:

1. 23-0101 Appeal Staff Report Freehand-Cleburne

2. Application
3. Current Zoning Designation CD-3
4. Former Zoning Designation MCD
5. Boundary Survey

V. Other Business

VI. Adjourn

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

The 2023 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 TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

CONTACT INFORMATION

Kevin C. McCarthy, AICP, Zoning Administrator

kmccarthy@columbiatn.com 931-560-1531

DOCKET/CASE/APPLICATION
NUMBER

23-0098

APPLICANT/ PROPERTY OWNER

**T-Square Engineering (for Narrow Gate)/
Stephen Roberson**

PUBLIC HEARING DATE

N/A

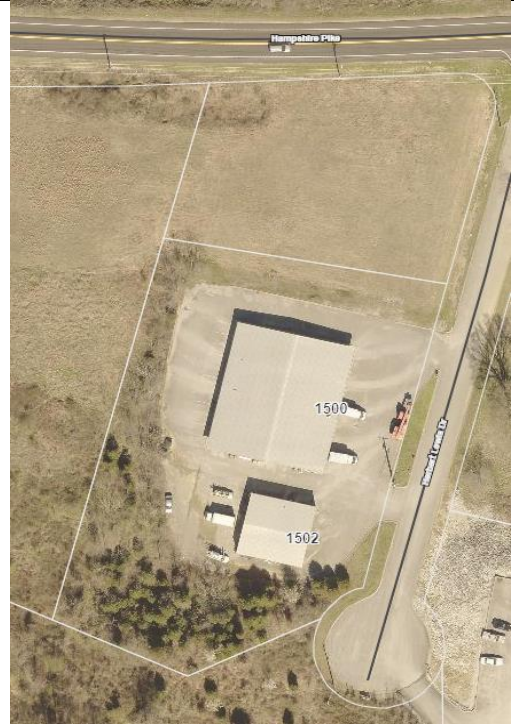
PROPERTY ADDRESS/LOCATION

**1500 Herbert Lewis Drive /
Tax Map 101A Parcel 4.02**

REQUEST: Appeal of Administrative Decision

The appellant requests that the Board of Zoning Appeals reverse the determination of the Zoning Administrator that its proposed use of the subject property is Light Industrial use under the City of Columbia Zoning Ordinance.

Staff explains the interpretation of the Ordinance below and requests that the Board affirm the Zoning Administrator's determination.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
CD-4C	Vacant Commercial Building	CD-4C, Civic / Vacant, Parkland	Renovation of Existing Structure to Accommodate Proposed Use	N/A

DEVELOPMENT STATUS & HISTORY:

- On January 25, 2023, representative of Narrow Gate met with Development Services staff to discuss the organization's proposed use of the subject site.
- At the meeting and through subsequent correspondence, staff explained that under the City of Columbia Zoning Ordinance, the organization's activities are classified as Light Industrial, as they are at Narrow Gate's current location in Franklin, Tennessee.
- Narrow Gate requests that the Board of Zoning Appeals reverse the staff determination.

STAFF RATIONALE:

Interpretation of the Ordinance is the Sole Question before the Board

- Narrow Gate has requested to appeal the determination of the Zoning Administrator that its proposed use of the subject property is a Light Industrial land use rather than an Artisan Establishment as those terms are defined in the Zoning Ordinance.
- The only question before the Board is whether the Zoning Administrator's classification of the use conforms to an accurate interpretation of the Ordinance.
- The appropriate zoning of the subject property is not in question.
- The uses which ought to be permitted in a CD-4C character district are not in question.
- The suitability of the subject site for the proposed use is not in question.
- The importance of Narrow Gate's mission, the quality of its products, and the impact it has in the lives of its employees, are not in question.

This Appeal is Not Necessary for Narrow Gate to Establish Operations in Columbia

- Narrow Gate can achieve its desired outcome through processes other than this appeal.
- The appellant has the ability to request a Comprehensive Plan Amendment and Rezoning of the Subject Property.
- A future land use classification of Employment, implemented by a zoning designation of Special District-Light Industrial (SD-LI) would permit the proposed use. If the appellant chooses this course of action, and the request is approved by Planning Commission and City Council, Narrow Gate could apply for building permits as soon as August 2023.
- Had Narrow Gate applied to amend the future land use map and rezone the property following the initial meeting with Development Services staff, the request would have been on the Planning Commission's April agenda. The Zoning Administrator is happy to advise Narrow Gate about this process in order to facilitate a timely application on the next development review submittal deadline.

Narrow Gate Proposes to Establish an Intense Light Industrial Use

- The presentation submitted in support of the appeal mischaracterizes communication between Development Services staff and the appellant.
- Narrow Gate proposes to conduct intense production activities at the subject site: woodworking, coffee roasting, and leatherworking.
- Staff determined from the plain language of the Zoning Ordinance that two of the three activities proposed by Narrow Gate are Light Industrial uses within the meaning of the Zoning Ordinance.

Coffee Roasting as a Principal Use is Light Industrial

- Coffee roasting is not specifically listed as a principal use in the Ordinance. Substantially similar activities are identified in the principal use table as Light Industrial Uses, including Food Processing Plants, Breweries, and Commercial Bakeries.
- Coffee roasting shares land use characteristics with those similar activities including the production of off-site odors, the coming and going of delivery vehicles, and the business-to-business nature of the enterprise.



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- During the January 25th meeting with Narrow Gate’s representatives, Development Services Staff asked whether the activity would include a retail component. The purpose of the question was to characterize the use as consumer-facing retail sales operation with accessory production activities. Narrow Gate’s response confirmed that the operation was production-oriented and not consumer-facing.

A High-Production Woodworking Shop is a Light Industrial Use

- The Principal Use table in the Zoning Ordinance lists Woodworking Shop, other than Artisan Establishment as a Light Industrial Use.
- The definitions section of the Zoning Ordinance defines a Woodworking Shop as “a premises at which wooden articles are made or repaired.”
- The Ordinance uses the uncapitalized term “woodworking” is the definition of Artisan Establishment. In this case, following the direction on word usage in § 9.2 of the Ordinance, the term has an ordinary meaning distinct from the defined Light Industrial use definition. As part of an Artisan Establishment, woodworking is a small-scale hand craft.
- Narrow Gate’s website describes the organization’s transition from “humble beginnings” as true Artisan Establishment focused “on home-products like cutting boards, wooden keepsake boxes and the sort” to “a multi-million dollar business that provides real wood accents to builders.”¹
- The business is not a small-scale local handcraft. It has grown to a light industrial enterprise that manufactures box beams, mantels, columns, and ceiling packages for commercial customers across the United States.
- The business, as described by Narrow Gate, is a successful and growing Light Industrial Woodworking Shop. The City of Columbia Zoning Ordinance clearly does not permit that use in a CD-4C character district.

PRINCIPAL USE	CD-2	CD-3L	CD-3	CD-4	CD-4C	CD-5	CD-6C	SD-MHP	SD-INF	SD-U	SD-HI	PUD-R	PUD-MU	OTHER PUD	CV
Equipment Rental	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Fabrication, work, or storage on-site by building, heating, plumbing, electrical, or general contractors, and others who perform services off-site	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Food Processing plants	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Horticulture and Landscaping Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Ice plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Institutional bakeries	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Laundry Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Light Manufacturing Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP
Machine Shop / Woodworking Shop, other than Artisan Establishment	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	PUD	NP

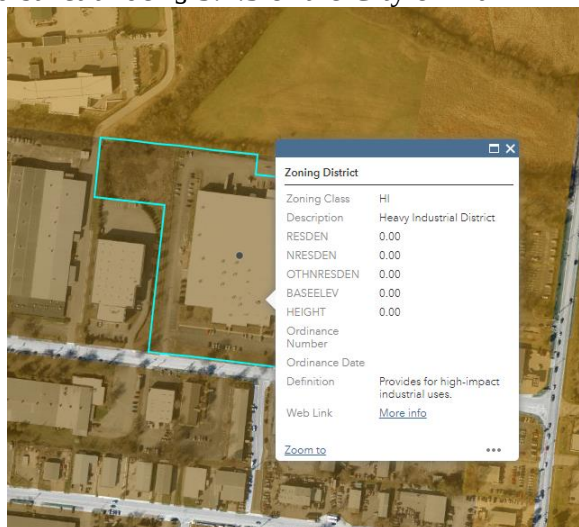
¹ <https://narrowgate.org/woodworks/>

Artisan Establishment: any Structure, premises, or establishment in or on which articles of artistic quality or effect or **handmade workmanship** are produced with or without Retail sales of such articles. Examples of activities that may be conducted in an Artisan Establishment are candle making, furniture making, glass blowing, weaving, pottery making, **woodworking**, sculpting, painting, and tailoring.

Woodworking Shop: premises at which wooden articles are made or repaired.

Narrow Gate's Current Operations is Classified as Industrial by the Regulating Jurisdiction

- During the January 25th meeting with Narrow Gate's representatives, Development Services staff inquired about the zoning of the organization's current location in Franklin, Tennessee. The applicant responded that the property is zoned industrial.
- The City of Franklin Zoning Map confirms that the location, 200 Beasley Drive, is zoned Heavy Industrial District (HI). The land use, as described by Narrow Gate, meets the definition of a Light Industrial at §23.4 of the City of Franklin Zoning Ordinance, which is permitted in an HI district under § 5.1.3 of the City of Franklin Zoning Ordinance.



- During the January 25th meeting with Development Services staff, Narrow Gate's representatives indicated that the operation in Columbia will be similar to, if not more intense, than the current operation in Franklin.
- Both Franklin and Columbia utilized the Town Planning & Urban Design Collaborative as a consultant for their most recent Zoning Ordinance updates. Although there are differences between the two ordinances, the jurisdictions utilize overlapping definitions and a similar regulatory framework.

Narrow Gate's Proposed Use of the Property is Not an Artisan Establishment

- As explained above, staff determined from the plain language of the Zoning Ordinance, as well as Narrow Gate's description of its operations, that the proposed use is not an *Artisan Establishment* within the meaning of the term in Zoning Ordinance.

Reversing the Determination would Permit Incompatible Light Industrial Uses Throughout Columbia

- This request is an attempt to circumvent the legislative authority of the City Council by effectively amending the Zoning Ordinance through an appeal to a quasi-judicial body, the Board of Zoning Appeals. If the Board of Zoning Appeals reverses the Zoning Administrator's determination and classifies the proposed use an Artisan Establishment, it will effectively authorize sophisticated production facilities on all property zoned CD-4, CD-4C, and CD-5. This includes all of downtown, most of the Columbia's commercial corridors, and some areas which are primarily residential in character.
- Granting this request will seriously undermine the City's ability to exclude manufacturing facilities from any character district where the Zoning Ordinance permits Artisan Establishments.
- The presentation submitted in support of the appeal cites sources other than the Zoning Ordinance in support of promoting Artisan Establishments. The City of Columbia Zoning Ordinance does allow for, and encourages Artisan Establishments in transitional area. Narrow Gate's proposed use does not conform to the definition of an Artisan Establishment and classifying it as such will undermine the City's efforts to encourage low-intensity compatible artisan uses.

The Appellant Concedes that the Proposed Use is Light Manufacturing

- The concluding slide of the presentation submitted in support of this appeal states that "these uses could be considered a subset of light manufacturing." That is correct. The plain language of the Zoning Ordinance makes this clear.
- The appellant's contention that the "light manufacturing" is not specifically excluded from the CD-4C district is mistaken. The principal use table in the Zoning Ordinance lists forty Light Industrial uses; each one is listed as NP (Not Permitted) in the CD-4C character district (Table 4.3.9.A-1, p. 237-239). The table includes a catch all category of Other Light Industrial Not Listed in any Use Category. That use classification is also specifically excluded from the CD-4c Character District.



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PRINCIPAL USE	CD-2	CD-3 L	CD-3	CD-4	CD-4C	CD-5	CD-6C	BD-MHP	BD-HF	BD-LU	BD-HI	PUD-R	PUD-MU	OTHER PUD	CV
Sale of Farm Equipment and Machinery and Earth Moving and Heavy Construction Equipment	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	NP	NP
Production of Chemical, Rubber, Leather, Clay, Bone, Plastic, Stone, or Glass Materials or Products	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	NP	NP
Other Heavy Industrial Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	CU	NP	NP	NP	NP
Light Industrial															
Brewery, excluding Brewpubs	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Bottling Plants	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Building Systems / Construction Business	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Carpet cleaning plants or manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Catering Service or Catering Events Establishment	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Textile Manufacturing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Commercial bakery	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Contractor Materials Sales	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Crematorium	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Dairy Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Distillery	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Distribution / Distribution Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Dry Cleaning Plants	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Equipment Rental	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Fabrication, work, or storage on-site by building, heating, plumbing, electrical, or general contractors, and others who perform services off-site	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Food Processing plants	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Horticulture and Landscaping Services	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Ice plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Institutional bakeries	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Laundry Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Light Manufacturing Plant	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Machine Shop / Woodworking Shop, other than Artisan Establishment	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Maintenance yard or facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items or electrical items, or toys	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Non-Hazardous Waste Treatment or Disposal	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Outdoor Storage	NP	NP	NP	NP	NP	NP	NP	NP	NP	PL	PL	NP	NP	NP	NP
Printing, Publishing, and lithography	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Production of artwork	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Rail Equipment Storage / Repair	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Recycling Processing Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Repair of scientific or professional instruments, electric motors;	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Regional recycling center;	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Research Laboratory / Research & Development	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Sheet metal shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Soft drink bottling	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Solid Waste Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Warehouse / Warehousing	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Welding, machine, tool repair shop	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Winery	CU	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Woodworking, including cabinet makers and furniture manufacturing, but excluding Artisan Establishments	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Other Light Industrial Not Listed in any Use Category	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	NP	NP

REVIEW & ASSESSMENT:

§ 8.5.17.D Appeal of Administrative Decision | Action by Board of Zoning Appeals

1. At the public hearing of the case before the Board of Zoning Appeals, the appellant shall appear on appellant's own behalf or be represented by counsel or agent. The appellant's case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.
2. Every person before the rostrum shall abide by the order and direction of the chair. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Board of Zoning Appeals and shall be dealt with as the chair deems proper.
3. The Board of Zoning Appeals may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Zoning Appeals shall have all the powers of the officer from whom the appeal is taken.
4. A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
5. The concurring vote of a majority of the entire membership of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any Administrative Adjustment in the application of this Ordinance.
6. Any motion to overturn an administrative decision shall state the reasons or findings of fact that support the motion.

RECOMMENDATION:

Affirm

Recommended Motion:

Move to find, based on the evidence presented by the appellant and the Zoning Administrator, that the staff interpretation of the Zoning Ordinance is correct, that the proposed land use is not an Artisan Establishment within the meaning of the term in the Zoning Ordinance, and **affirm** the determination of the Zoning Administrator.

Alternative Motions:

Alternative Motion [Reverse]:

Move to find, based on [list findings of fact that support the motion], that the staff interpretation of the Zoning Ordinance is incorrect, that the proposed land use is an Artisan



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Establishment in the Zoning Ordinance, and **reverse** the determination of the Zoning Administrator.

Alternative Motion [Defer]:

Move to find that there is insufficient information to make a decision, **continue the hearing**, and request that the [appellant/staff] provide: [list additional information] for review at the next regularly scheduled meeting of the Board.

BZA REQUEST TO APPEAL ADMINISTRATIVE DECISION
APRIL 13, 2023



1500 HERBERT LEWIS DRIVE, COLUMBIA, TN
PREPARED FOR: **- NARROW GATE -**



SUMMARY

Narrow Gate has a vision for three artisan uses (woodworking, coffee roasting, leatherworking) in the City of Columbia. Narrow Gate's master vision is for these three uses to be a foundation to ultimately create a live/work community for its development program and for the City of Columbia.

The subject parcel is currently zoned CD-4C. Inquiries with staff resulted in a staff decision that the artisan uses described are better suited for an industrial zoned parcel. The developer requests to appeal that decision to allow the artisan uses in CD-4C, which the current City of Columbia Zoning Ordinance allows.



ABOUT NARROW GATE

Narrow Gate Artisans is an initiative of the Narrow Gate Foundation - a nonprofit organization dedicated to educating, inspiring, and equipping Christian discipleship in the next generation of young adults. Narrow Gate Artisans' aim is to equip young leaders with the vocational skills and business acumen they need to be a catalyst for change in their local communities. Narrow Gate Coffee Co, Leather Goods and Woodworks are more than three craft-businesses - they are communities of young professionals dedicated to using their gifts and businesses to impact their community for good."



SUBJECT PROPERTY AND ZONING

The property of interest is located at 1500 Herbert Lewis Drive, approximately half a mile east of Columbia State Community College. The parcel is currently zoned CD-4C. There are two existing structures which are intended to be updated for the three artisan uses. All three uses will utilize this space, creating a community of artisan expressions.

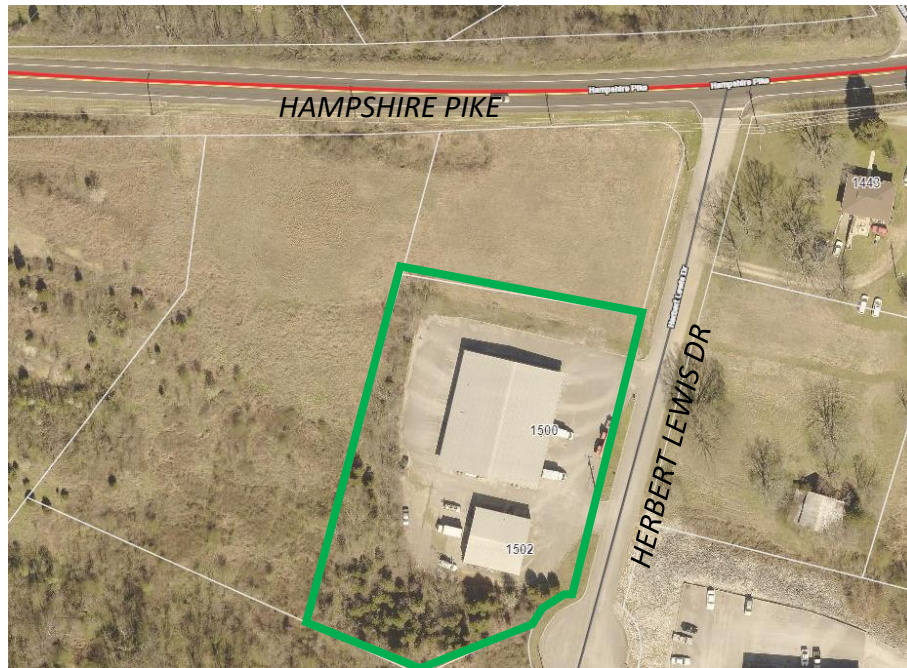


TABLE 4.3.9.A-1 BUILDING, LOT & BUILDING SITE PRINCIPAL USE

PRINCIPAL USE	CD-2	CD-3 L	CD-3	CD-4	CD-4C	CD-5	CD - 5C	SD-MHP	SD-INT	SD-LI	SD-HI
Retail / Personal Service /Repair / Arts / Artisan											
Alcoholic Beverage Retail Sales	NP	NP	NP	P	P	P	P	NP	P	P	NP
Artisan Establishment, with or without Retail Sales, & without Drive-Through	NP	NP	NP	P	P	P	P	NP	NP	P	NP



DEFINING ARTISAN

The first two columns below are excerpts from the City's Zoning ordinance defining 'Artisan Establishment' and listing uses that would be excluded from the artisan sub-category.

Artisan Establishment: any Structure, premises, or establishment in or on which articles of artistic quality or effect or handmade workmanship are produced with or without Retail sales of such articles. Examples of activities that may be conducted in an Artisan Establishment are candle making, furniture making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and tailoring.

Examples of Artisan-Related Uses included in the Retail / Personal Service / Repair / Arts / Artisan sub-category are Artisan Establishments, candle making, furniture making, glass blowing, weaving, pottery making, woodworking, sculpting, painting, and tailoring.

The following are **excluded** from the Retail / Personal Service / Repair / Arts / Artisan sub-category :

Adult Video Stores (see Indoor Recreation), any Use that is potentially dangerous, noxious or offensive to neighboring Uses or those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause (see Heavy Industrial), Motor Vehicle- and Boat- Related Uses, Crematorium (see Light Industrial), Large-scale catering (see Light Industrial), laundry or dry-cleaning plant (see Light Industrial), Restaurant (see Restaurants), Sale, lease, or rental of machinery, Farm and Construction Equipment, or other equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade).

"[Artisan] producers are the bakers, small-batch brewers, woodworkers, hardware startups and artists that enrich the city landscape, support the creation of new family-sustaining jobs, and lift up the city's tax revenue" –Urban Manufacturing Alliance

"Artisan Manufacturing means on site production of goods by hand manufacturing, involving the use of hand tools and small scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of crafts and small-scale manufacturing uses that have no negative external impacts on surrounding properties." - American Legal Publishing Code



CASE STUDY

NASHVILLE, TN. Nashville started reevaluating its standing zoning ordinance in 2011, with an interest in creating opportunities for manufacturing in the city. It created the “Artisan Zoning” designation for light manufacturers looking to start up in mixed use districts and some live-work districts. One standout success of this push has been the Wedgewood Houston plan, which turned approximately 5 acres of what was previously a tow-truck lot into a mixed use space for housing, artists, and light manufacturers.⁵ That district is now considered the artisan campus of Nashville, led by maker spaces like Fort Houston, which opened with 10,000 square feet in 2011 but is expanding to a 45,000 square foot space this year.

*Source: Urban Manufacturing Alliance, “Artisan Zoning”, *2017 Policy Book*

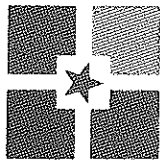


CONCLUSION

The developer wishes to appeal the decision of the Development Services staff and request that the three uses mentioned meet the criteria for “Artisan” use in CD-4C. These uses could be considered a subset of ‘light manufacturing’ and are not specifically excluded in CD-4C in the Zoning Ordinance. Rather, they fit the definition and intent of artisan craftsmanship.

Narrow Gate’s master vision is for these three uses to be a foundation to ultimately create a live/work community for its development program and for the City of Columbia.





BOARD OF ZONING APPEALS: APPLICATION AND CHECKLIST
SUBMITTAL REQUIREMENTS

*10 copies of plan + PDF
Fold all submittals larger than 8½"x11"*

1. Applicants must complete this application, include required supporting materials, & pay the required fee (\$200.00-each request is considered separate & requires a separate fee) by the monthly submittal deadline. It shall be the responsibility of the applicant to become familiar with the regulations, policies, and procedures of the City of Columbia. Please contact the Columbia Development Services Department with any questions or to discuss any concerns during the BZA submittal & review process: Austin Brass, City Planner, abrass@columbiatn.com or (931) 560-1560.
2. Please provide the following information, depending on the request:

Ten (10) copies of each document and/or plan shall be submitted.

- a. Completed application.
 - b. **For a setback variance only:** The length of the boundaries of the lot measured to the nearest foot. Locations, square footages, and exterior dimensions, measured from outside wall to outside wall, of all existing and proposed buildings and structures. *A plot plan may satisfy this requirement.*
 - c. **For a sign variance only:** The measurements and total square footage of the permitted and requested signage. If a wall or gasoline pump sign, provide the linear footage of the front façade of the building for which the signage is proposed.
 - d. **For all variances requests:** Completion of the Requirements of Variance Sheet on this application or a Justification Letter addressing those seven (7) criteria.
 - e. **For a Conditional Use Permit only:** Complete of 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).
 - f. Submit applicable drawings, illustrations, and so forth, to accompany the request.
 - g. The appellant shall provide any additional information as determined 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. 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.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
SUBDIVISION: Westpointe			LOT:		
LOT ADDRESS: 1500 Herbert Lewis Drive					
ZONING: CD-4C		LAND USE: Vacant		LOT ACREAGE: 1.48 AC	
LOT SQUARE FOOTAGE:			BUILDING SQUARE FOOTAGE: 10284 SF total		
ESTABLISHED/EXISTING SETBACKS: FRONT: _____ ft. SIDE: _____ ft. REAR: _____ ft.					
OTHER INFORMATION:					

TYPE OF REQUEST

COMPLETE APPLICABLE REQUEST FOR BOARD TO CONSIDER

APPEAL OF ADMINISTRATIVE DECISION
Indicate the decision/interpretation under appeal, including the City Official with Title and Department, and the applicable section(s) of the <i>Zoning Ordinance</i> in question.
APPEAL OF: Administrative decision that the uses of woodworking, coffee roasting, and leatherworking are not "artisan" and would not fit CD-4C, but rather a light industrial zone.
ZONING ORDINANCE SECTION: Table 4.3.9.A-1 Principal Use Table for CD-4C
CITY OFFICIAL WITH TITLE AND DEPARTMENT: Paul Keltner, Director of Development Services

APPLICANT

NAME	T-Square Engineering, Inc	PHONE	615-678-8212
ADDRESS	1329 W Main Street, Franklin	EMAIL	Nathan.mcvey@t2-eng.com

PROPERTY OWNER

NAME	WILLIAM SPENCE	PHONE	615-294-0599
ADDRESS	242 D27 PRONG ROAD WILLIAMSBURG TN, 38487	EMAIL	billspencer@arrangate.org

In filling out this application, I attest that (1) I am familiar with the rules, regulations, and procedures of the City of Columbia & (2) all information contained herein is accurate & true to the best of my knowledge.

Nathan McVey
APPLICANT NAME

[Signature]
APPLICANT SIGNATURE

3-20-23
DATE

WILLIAM SPENCE
PROPERTY OWNER NAME

[Signature]
PROPERTY OWNER SIGNATURE

3-20-2023
DATE

STAFF USE ONLY

DOCKET NO.		FEE PAID	
RECEIPT NO.		REQUESTED AGENDA	
DATE NOTICES SENT TO ADJACENT PROPERTY OWNERS			
DATE OF PUBLIC NOTICES IN DAILY HERALD			
BOARD ACTION			

CONTACT INFORMATION

Kevin C. McCarthy, AICP, Zoning Administrator

kmccarthy@columbiatn.com 931-560-1531

DOCKET/CASE/APPLICATION
NUMBER

23-0101

APPLICANT/ PROPERTY OWNER

Nelson Crowe/ FP TCI CCS LLC

PUBLIC HEARING DATE

N/A

PROPERTY ADDRESS/LOCATION

**0 Cleburne Road /
Tax Map 41 Parcel 15.00**

REQUEST: Appeal of Administrative Decision

The appellant requests that the Board of Zoning Appeals reverse the determination of the Zoning Administrator that, based on the official zoning map, the subject property is zoned CD-3.

Staff agrees with appellant's contention that the official zoning map classification of the subject property is an error. The interpretation is explained below. Staff requests that the Board reverse the Zoning Administrator's determination and direct staff to correct the map.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
Under Review	Vacant	CD-3 / Residential	Vacant	N/A

DEVELOPMENT STATUS & HISTORY:

- Prior to July 14, 2022 the subject property was zoned Mixed Commercial District (MCD) under Ordinance 3638.
- Upon adoption of the current Zoning Ordinance (4400) by City Council, all properties zoned MCD converted to CD-4.
- Parcels adjacent to the subject property were zoned R-6 and R-10 under Ordinance 3638. Both of these designations converted to CD-3 under Ordinance 4400.
- The subject parcel was formerly part of a larger split-zoned property. Development Services staff utilized Geographic Information Systems (GIS) tools to facilitate the conversion of the official zoning map. Split-zoned tracts in the database sometimes converted to the designation of the large portion of parcel.
- Split-zonings are unusual in Columbia. Development Services staff took great effort to identify and correct the outliers during the conversion process. However, this parcel slipped through the checks.
- Since July 2022, the official zoning map has misidentified the parcel as a CD-3; it is actually zoned CD-4.

- Under § 2.5.1.E of the Zoning Ordinance, the Zoning Administrator is authorized to interpret the official zoning map and make corrections when errors are identified.
- Under § 2.5.1.F of the Zoning Ordinance, the Zoning Administrator's interpretation may be appealed the Board of Zoning Appeals through the process identified at § 8.5.17.
- When the appellant notified staff of the error, the Zoning Administrator determined that it would be inappropriate to revise the map without explaining the reasons to an appropriate deliberative body at a public hearing. Consequently, the Zoning Administrator's official determination is that the publically available map is controlling until the Board of Zoning Appeals determines otherwise.

STAFF RATIONALE:

- Identification of the property as CD-3 on the official zoning map is due to a conversion error.
- The accurate zoning designation of the property is CD-4.
- Although the Zoning Administrator has authority to interpret the map, it is better for the BZA to direct staff to do so in order to maintain public confidence in the map.

STANDARD OF REVIEW:

§ 8.5.17.D Appeal of Administrative Decision | Action by Board of Zoning Appeals

1. At the public hearing of the case before the Board of Zoning Appeals, the appellant shall appear on appellant's own behalf or be represented by counsel or agent. The appellant's case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.
2. Every person before the rostrum shall abide by the order and direction of the chair. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Board of Zoning Appeals and shall be dealt with as the chair deems proper.
3. The Board of Zoning Appeals may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Zoning Appeals shall have all the powers of the officer from whom the appeal is taken.
4. A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
5. The concurring vote of a majority of the entire membership of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any Administrative Adjustment in the application of this Ordinance.
6. Any motion to overturn an administrative decision shall state the reasons or findings of fact that support the motion.

RECOMMENDATION:**Reverse****Recommended Motion:**

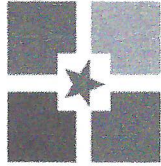
Move to find, based on the information presented by staff and by the appellant, that the staff interpretation of the official zoning map is incorrect, that the subject property is zoned CD-4, and to **reverse** the determination of the Zoning Administrator

Alternative Motions:**Alternative Motion [Affirm]:**

Move to find, based on [list findings of fact that support the motion], that the staff interpretation of the official zoning map is correct, that the subject property is zoned CD-3, and **affirm** the determination of the Zoning Administrator.

Alternative Motion [Defer]:

Move to find that there is insufficient information to make a decision, **continue the hearing**, and request that the [appellant/staff] provide: [list additional information] for review at the next regularly scheduled meeting of the Board.



BOARD OF ZONING APPEALS: APPLICATION AND CHECKLIST

DEADLINE: 3RD MONDAY OF THE MONTH AT 4:00 PM

1. Applicants must complete this application, include required supporting materials, & pay the required fee (\$200.00-*each request is considered separate & requires a separate fee*) by the monthly submittal deadline. It shall be the responsibility of the applicant to become familiar with the regulations, policies, and procedures of the City of Columbia. Please contact the Columbia Development Services Department with any questions or to discuss any concerns during the BZA submittal & review process: Austin Brass, City Planner, abrass@columbiatn.com or (931) 560-1560.
2. Please provide the following information, depending on the request:

Ten (10) copies of each document and/or plan shall be submitted.

- a. Completed application.
 - b. **For a setback variance only:** The length of the boundaries of the lot measured to the nearest foot. Locations, square footages, and exterior dimensions, measured from outside wall to outside wall, of all existing and proposed buildings and structures. *A plot plan may satisfy this requirement.*
 - c. **For a sign variance only:** The measurements and total square footage of the permitted and requested signage. If a wall or gasoline pump sign, provide the linear footage of the front façade of the building for which the signage is proposed.
 - d. **For all variances requests:** Completion of the Requirements of Variance Sheet on this application or a Justification Letter addressing those seven (7) criteria.
 - e. **For a Conditional Use Permit only:** Complete of 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).
 - f. Submit applicable drawings, illustrations, and so forth, to accompany the request.
 - g. The appellant shall provide any additional information as determined 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. 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.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
SUBDIVISION:			LOT: Map 041, Parcel 015.00		
LOT ADDRESS: 0 Cleburne Road, Columbia TN					
ZONING: CD-3		LAND USE:		LOT ACREAGE: 9.84 acres	
LOT SQUARE FOOTAGE:			BUILDING SQUARE FOOTAGE: N/A		
ESTABLISHED/EXISTING SETBACKS: FRONT: _____ ft. SIDE: _____ ft. REAR: _____ ft.					
OTHER INFORMATION:					

TYPE OF REQUEST

COMPLETE APPLICABLE REQUEST FOR BOARD TO CONSIDER

APPEAL OF ADMINISTRATIVE DECISION	
Indicate the decision/interpretation under appeal, including the City Official with Title and Department, and the applicable section(s) of the <i>Zoning Ordinance</i> in question.	
APPEAL OF:	zoning designation CD-3 under adoption of new Zoning Ordinance 4400. Previous classification as MCD should have translated to CD-4, not CD-3.
ZONING ORDINANCE SECTION: 4400	
CITY OFFICIAL WITH TITLE AND DEPARTMENT:	

APPEAL OF ADMINISTRATIVE DECISION		
1. If requesting a Setback Variance, indicate below which yard the setback variance is located within and provide an exact measure of the distance of the new setback in feet. 2. If requesting a Sign Variance, indicate below which type of sign the variance is for and provide the permitted signage, in addition to the requested amount of signage. 3. If requesting a Variance of any other provision of the <i>Zoning Ordinance</i>, provide a detailed explanation below in "Other Variance Request."		
SETBACK VARIANCE <i>Check applicable yard</i>	☐ FRONT YARD ☐ SIDE YARD ☐ REAR YARD	REQUESTED SETBACK (ft):
SIGN VARIANCE <i>Check applicable sign</i>	☐ FREESTANDING SIGN ☐ WALL SIGN ☐ GASOLINE PUMP SIGN ☐ OTHER SIGN	PERMITTED SIGNAGE (ft or ft ²):
		REQUESTED SIGNAGE (ft or ft ²):
OTHER VARIANCE REQUEST	ZONING ORDINANCE SECTION: 	
	REASON FOR REQUEST: 	

CONDITIONAL USE PERMIT
If requesting a Conditional Use Permit , indicate the requested use.
REQUESTED USE (be detailed):
DOES THE REQUESTED USE HAVE REQUIRED PARKING?
HOURS OF OPERATION:

*FOLD ALL SUBMITTALS LARGER THAN 8½"x11"

APPLICANT

NAME	Nelson Crowe	PHONE	
ADDRESS	1269 Lewisburg Pike; Franklin 37064	EMAIL	

PROPERTY OWNER

NAME	FP TCI CCS LLC	PHONE	
ADDRESS	1269 Lewisburg Pike; Franklin 37064	EMAIL	

In filling out this application, I attest that (1) I am familiar with the rules, regulations, and procedures of the City of Columbia & (2) all information contained herein is accurate & true to the best of my knowledge.

<u>Nelson Crowe</u> APPLICANT NAME	<u></u> APPLICANT SIGNATURE	<u>3/20/23</u> DATE
<u>Nelson Crowe</u> PROPERTY OWNER NAME	<u></u> PROPERTY OWNER SIGNATURE	<u>3/20/23</u> DATE

STAFF USE ONLY

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REQUIREMENTS FOR A VARIANCE
Section 3.15.10 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)

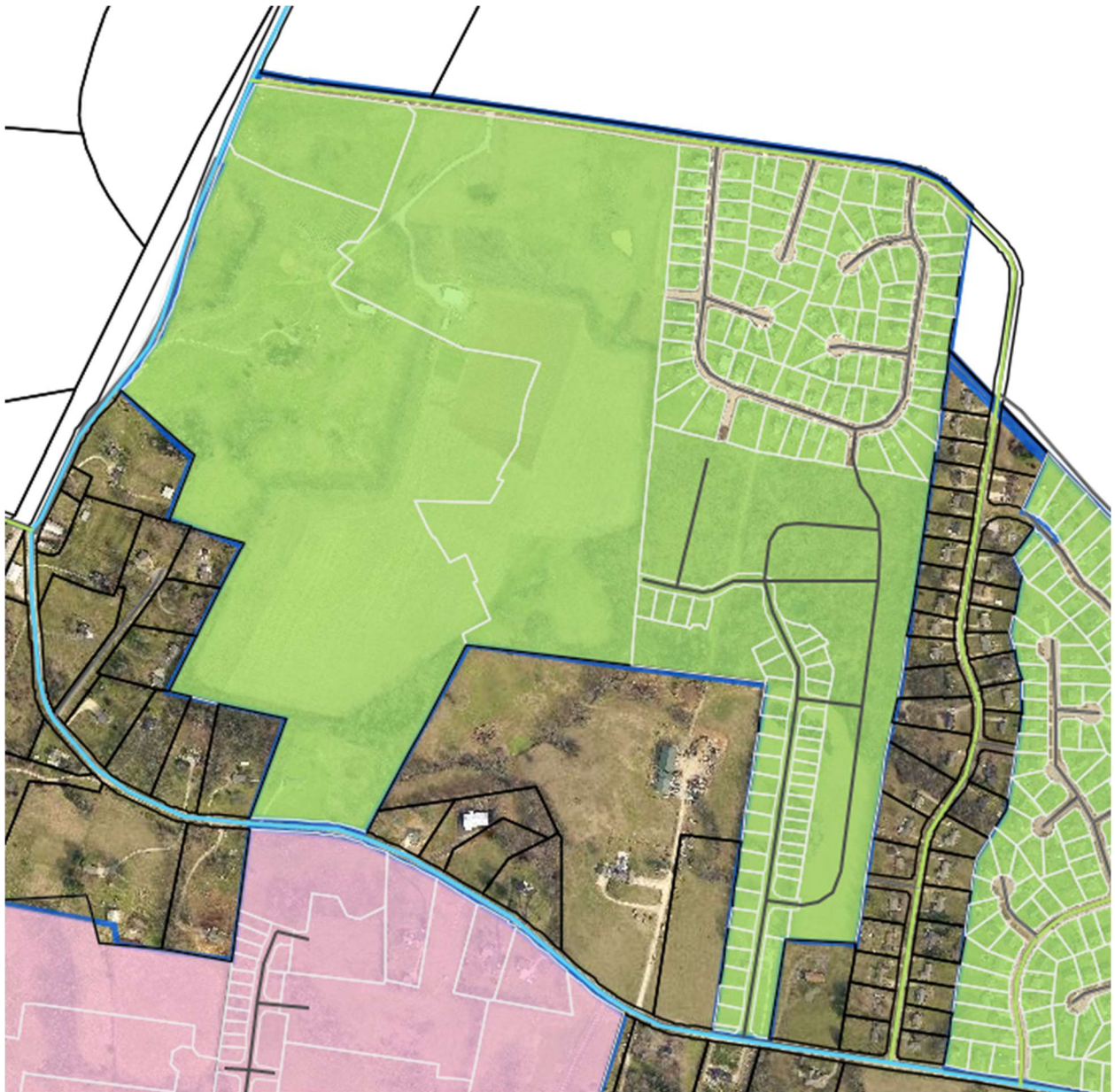
1. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application 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.

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.

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

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

Current Zoning Designation: CD-3



Former Zoning Designation
(Pre-July 14, 2022 Zoning)

