



The Columbia Board of Zoning Appeals will meet on Thursday, May 11, 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. Organizational Business
 - 1. Approval of Minutes

Documents:
None

- 2. Process Updates

III. Old Business

- 1. Case #23-0047 Request from Adam Crunk for a variance regarding outdoor display standards at [Tax Map 75 Parcels 11.04 and 31.01](#) off Nashville Highway.

THIS ITEM WAS DEFERRED FROM A PREVIOUS AGENDA

Documents:

- 1. Staff Report
- 2. Preliminary Floor Plan
- 3. Alternate Dealership Layout

4. Location Map
5. All Documents

IV. New Business

1. Case #23-0124 Request from Ralph Smith for a variance to Article 4.3.4.C in regards to accessory structures at [1409 Perkins Lane](#).

Documents:

1. Site Layout
2. Responses to Variance Criteria
3. Application

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, Planning Associate II, kmccarthy@columbiatn.com 931-560-1531

DOCKET/CASE/APPLICATION
NUMBER

23-0047

APPLICANT/ PROPERTY OWNER

Adam Crunk, P.E. (for McNabb Auto
Dealership) / Andrew & Linda Sisk

PUBLIC HEARING DATE

N/A

PROPERTY ADDRESS/LOCATION

Nashville Highway/ Tax Map 75 Parcels 11.04
and 31.01

**REQUEST: Variances from Zoning Standards for
Location of Outdoor Storage**

The applicant requests a variance from strict application of the City of Columbia Zoning Ordinance. Specifically, the applicant requests to locate Outdoor Storage in the First Layer of the subject property. The Outdoor Storage is accessory to the proposed principal use of Vehicle Sales.

The applicant asks that the Board of Zoning Appeals to determine from the evidence presented in the application that a hardship exists due to unusual lot conditions. The applicant further asks the Board to find that the requested variance is the minimum relief from the hardship and that all other criteria for granting a variance under Section 8.5.16.L of the Ordinance have been met.

It is physically possible to utilize the subject site for Vehicle Sales with accessory Outdoor Storage in conformity with the standards of the Ordinance. The criteria for a variance are not met. Staff recommends that the Board deny the applicant's request.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
SD-LI	Vacant	CD-4C, R-PUD/ Office, Single Family Residential	Vehicle Dealership	N/A

DEVELOPMENT STATUS & HISTORY:

- The applicant intends to construct a car dealership on the site with vehicles offered for sale on display outdoors.
- The subject site is zoned Special District Light Industrial (SD-LI).
- The Zoning Ordinance permits Vehicle Sales as a principal land use on property zoned SD-LI subject to specific limitation (Table 4.3.9.A-1, p. 233).
- The Zoning Ordinance defines the storage of operable vehicles for sale as Outdoor Storage (§ 9.3, p. 511).
- The Zoning Ordinance permits Outdoor Storage as an accessory land use on property zoned SD-LI subject to specific limitations (Table 4.3.9.A-2, p. 261).



CITY OF COLUMBIA TENNESSEE
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STAFF REPORT

- The limited use standards at §4.3.9.E.6.ac (p. 255) require Outdoor Storage to be located in Third Layer. The Third Layer is defined in the ordinance and illustrated below. In effect, the ordinance requires Outdoor Storage to be located beside or behind the primary structure.

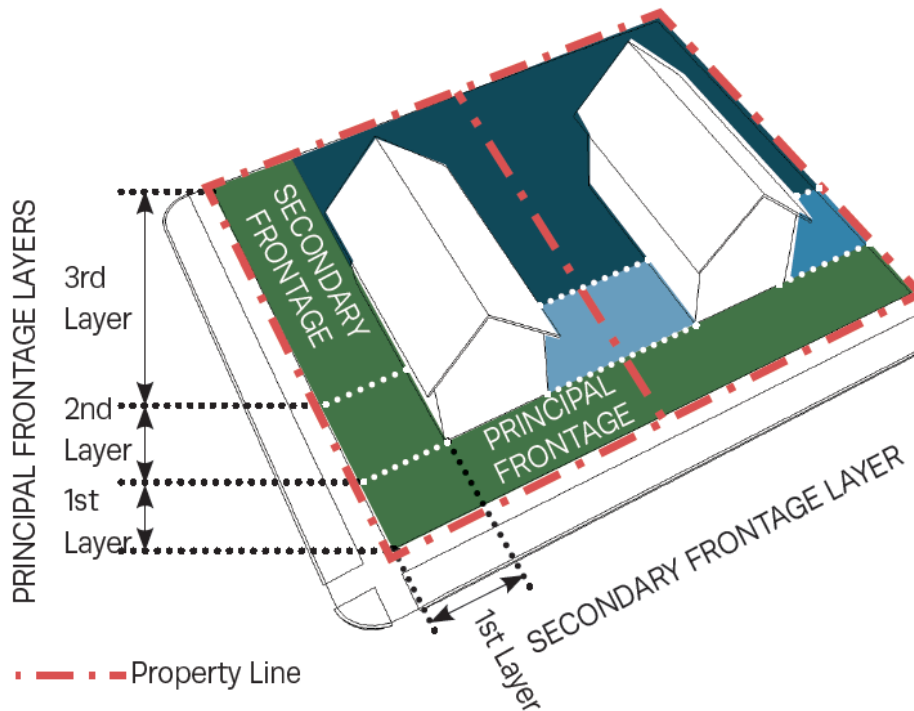


Illustration of Lot Layers from Section 9.3 of the Zoning Ordinance

- The applicant would like to place the Outdoor Storage in the First Layer and Second Layer, between the building and the street.
- The applicant requests relief from the strict application of the standards of the ordinance in order to move the location of the Outdoor Storage.
- Note: The Ordinance provides separate definitions and standards for Outdoor Display and Outdoor Storage. Staff can approve Outdoor Display of merchandise by administrative adjustment. However, the storage of vehicles offered for sale is specifically excluded from the definition of Outdoor Display. The definition of Outdoor Storage includes "...collections...of **vehicles**, equipment, goods, materials, tanks, or other items in any area other than within a Building, including without limitation, **parked operative** or non-operative **vehicles** or equipment." The Zoning Ordinance does not permit staff or the Board of Zoning Appeals to approve the location of parking in the First Layer. Locating Outdoor Storage in the First Layer requires a determination from the Board of Zoning Appeals that a hardship exists which prevents strict conformity with the standards of the Ordinance.

REVIEW & ASSESSMENT:

8.5.16.L VARIANCE REQUIREMENTS

1. Standards:

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- a. That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.
 - b. That the Variance is the minimum Variance necessary so as to relieve such difficulties or hardship and thereby make possible the reasonable use of the land, Building, or Structure.
 - c. That the Variance will not authorize uses or activities in the applicable District other than those permitted by this Ordinance.
 - d. That financial returns alone shall not be considered as a basis for granting a Variance.
 - e. That the granting of the Variance will not be substantially detrimental to the public good or substantially injurious to other property or improvements in the area in which the subject property is located, and will not substantially impair the intent and purpose of the general provisions of the City's zone plan and this Ordinance.
 - f. That the proposed Variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
 - g. That the alleged difficulty or hardship has not been caused or created by the act or omission of the applicant or any person having an interest in the property
2. Notwithstanding anything to the contrary contained or implied in Section 8.5.16.L.1, **none of the following shall be deemed or considered to be, or be considered in making a determination whether strict compliance with this Ordinance presents, a peculiar and exceptional practical difficulty** to or exceptional or undue hardship upon the owner of property:
- a. Pecuniary considerations
 - b. Aesthetic considerations
 - c. Historic Preservation
 - d. Public good
 - e. Over-compliance with other provisions of this Ordinance
 - f. Personal Situations
 - g. Proximity to inconsistent or incompatible Uses or Development



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

- 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 ANALYSIS

Staff has reviewed this variance request in relation to Section 8.5.16.L and finds the following:

No hardship exists which prevents conformity with the Ordinance.

- The subject site is flat and has street access on multiple frontages.
- The applicant has provided a site plan which demonstrates that the site can accommodate the proposed principal structure and outdoor storage. No evidence has been presented that the area and site conditions cannot accommodate the same improvements in a different configuration.

The requested variance **is not the minimum variances** that will relieve the hardship and make possible the reasonable use of the land.

- The applicant proposes to disregard the lot layering which drives all bulk standards of the zoning ordinance.
- Even if the Board of Zoning Appeals finds that a hardship exists, lesser deviations from the standard could provide beneficial use of the site while respecting the intent of the ordinance.

Granting the requested variance **may be** substantially detrimental to the public good and will impair the intent and purpose of the general provisions of the Zoning Ordinance.



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

- Without better evidence of a hardship which prevents use of the site in conformity with the ordinance, and without a good faith attempt by the applicant to design an alternative solution which satisfies the intent of the standard, granting the requested variance may undermine the non-arbitrary administration of the ordinance.

RECOMMENDATION:

Deny

Recommended Motion:

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

Alternative Motions:

Alternative Motion [Approve]:

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

Alternative Motion [Approve Subject to Conditions]:

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

Alternative Motion [Defer]:

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

12/19/2022 8:56:13 AM



First Floor - 39,492 S.F.

1 Overall First Floor Plan
3/32" = 1'-0"



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Studio Oakley
Architects, LLC

233 Legends Drive Suite 102
Lebanon, Tennessee 37087
v) 615.466.8240
www.studio-oakley.com



Preliminary

Stan McNabb Chevrolet Cadillac
Stan McNabb Automotive Group
Nashville Highway
Columbia, Tennessee

Revisions		
Rev	Date	Remarks

This drawing and the design shown is the property of the architect. The reproduction, copying or use of this drawing without their written consent is prohibited and any infringement will be subject to legal action.

Job Number 128422 Author Drawn By

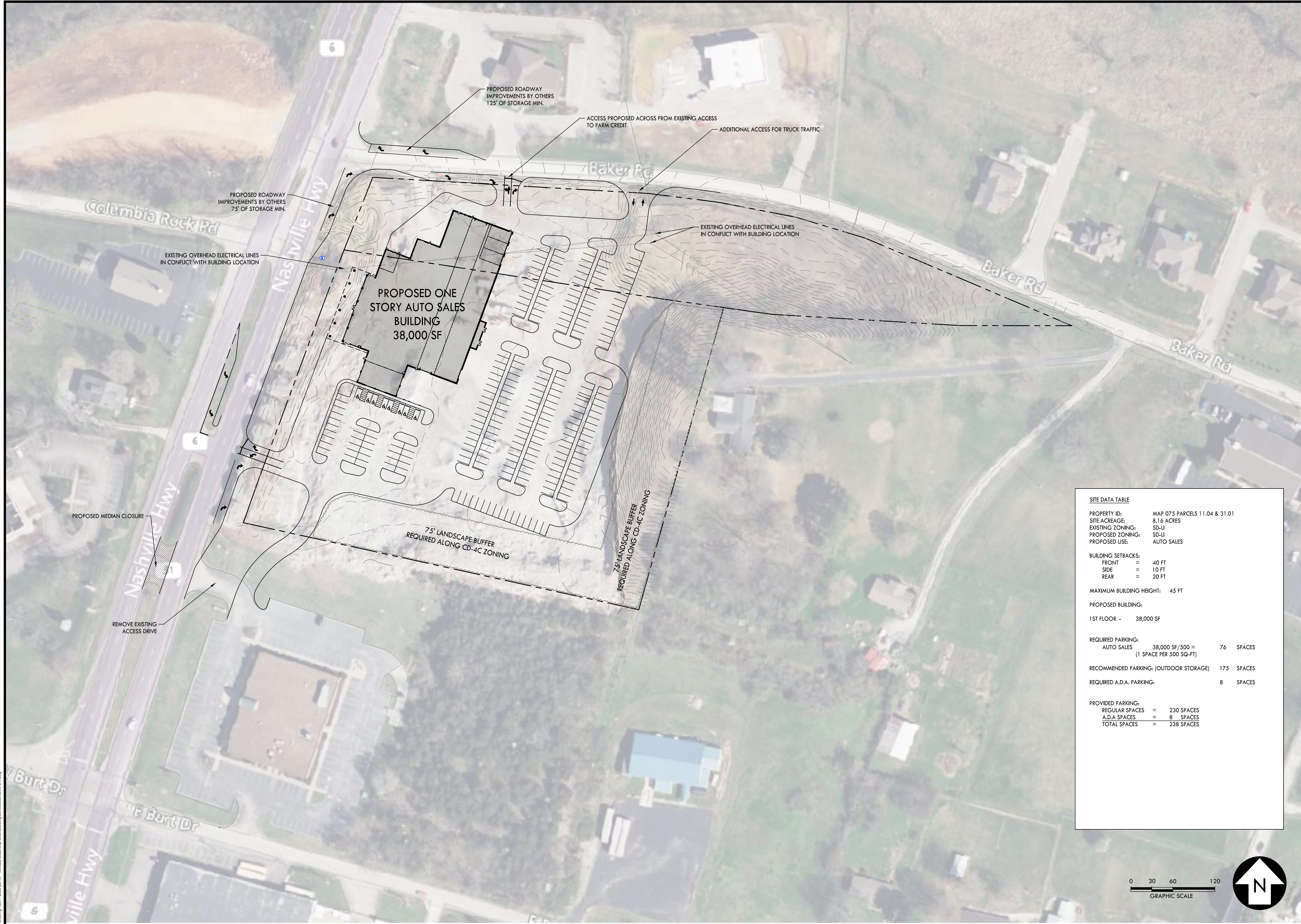
Date December 19, 2022 Checker Checked By

Scale 3/32" = 1'-0"

Overall Floor Plan

Sheet Number:

A1.0



SITE DATA TABLE			
PROPERTY ID:	MAP 075 PARCELS 11.04 & 31.01		
SITE ACREAGE:	8.16 ACRES		
EXISTING ZONING:	SD-II		
PROPOSED ZONING:	SD-II		
PROPOSED USE:	AUTO SALES		
BUILDING SETBACKS:			
FRONT	=	40 FT	
SIDE	=	10 FT	
REAR	=	20 FT	
MAXIMUM BUILDING HEIGHT: 45 FT			
PROPOSED BUILDING:			
1ST FLOOR -	38,000 SF		
REQUIRED PARKING:			
AUTO SALES	38,000 SF/500 =	76	SPACES
	(1 SPACE PER 500 SQ-FT)		
RECOMMENDED PARKING: (OUTDOOR STORAGE)			
		175	SPACES
REQUIRED A.D.A. PARKING:			
		8	SPACES
PROVIDED PARKING:			
REGULAR SPACES	=	230 SPACES	
A.D.A. SPACES	=	8 SPACES	
TOTAL SPACES	=	238 SPACES	

CRUNK ENGINEERING LLC
7112 CROSSROADS BOULEVARD
SUITE 201
BRENTWOOD, TN 37027
(615) 873-1795
WWW.CRUNKENG.COM

McNabb Auto Dealership

COLUMBIA, TN

REVISIONS		DATE	
No.			

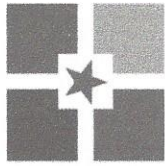
04/17/23 #22145

C1.0

PRELIMINARY SITE LAYOUT PLAN



DEVELOPMENT SERVICES
700 NORTH GARDEN STREET
COLUMBIA, TN 38401
PHONE: (931) 560-1560
FAX: (931) 560-1541



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: N/A			LOT: N/A		
LOT ADDRESS: Nashville Hwy Map 75 Parcels 11.04 & 31.01					
ZONING: SD-LI		LAND USE: Sub. Corridor		LOT ACREAGE: 8.16	
LOT SQUARE FOOTAGE: 355449 sf			BUILDING SQUARE FOOTAGE: Proposed 38,000 sf		
ESTABLISHED/EXISTING SETBACKS: FRONT: <u>40</u> ft. SIDE: <u>40</u> ft. REAR: <u>20</u> 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 ORDINANCE SECTION:
CITY OFFICIAL WITH TITLE AND DEPARTMENT:

EXCEPTIONAL HARDSHIP VARIANCE REQUEST		
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: Table 4.3.1-I	
	REASON FOR REQUEST: To permit the sales and display of automobiles for sale	

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:

APPLICANT

NAME	Adam Crunk, PE	PHONE	615-873-1795
ADDRESS	7112 Crossroads Blvd. Suite 201 Brentwood, TN 37027	EMAIL	adam@crunkeng.com

PROPERTY OWNER

NAME	Andrew & Linda Sisk	PHONE	931-224-0232
ADDRESS	PO Box 317 Columbia, TN 38402	EMAIL	awsisk1@hotmail.com

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>Adam Crunk, PE</u> APPLICANT NAME	 APPLICANT SIGNATURE	<u>12/16/2022</u> DATE
<u>Andrew & Linda Sisk</u> PROPERTY OWNER NAME	 PROPERTY OWNER SIGNATURE	<u>12-16-2022</u> 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			

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.

The property is located adjacent to two streets with a steep rock bluff at the rear of the property. The two adjacent streets require parking to be located adjacent to, or behind the proposed building. The developer of the project wishes to be able to park or store cars as inventory adjacent to the streets for visibility. This code requirement is peculiar to this business and the strict enforcement of the code creates a hardship.

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

The requested variance to allow for one bay of parking (access drive and parking on both sides) would be the minimum amount of parking allowed between the building and street.

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

This request is specific to this lot, and the proposed automobile sales activities on the lot are in conformance and permitted by the existing zoning district.

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

Financial returns are not the sole basis for this request. This request is to prevent a hardship due to the nature of the business and the fact that the inventory they sell is not permitted between the building and the street.

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.

Locating parking between the proposed building and the streets would not harm the public, and is a common existing pattern along Highway 31.

6. That the purposed 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.

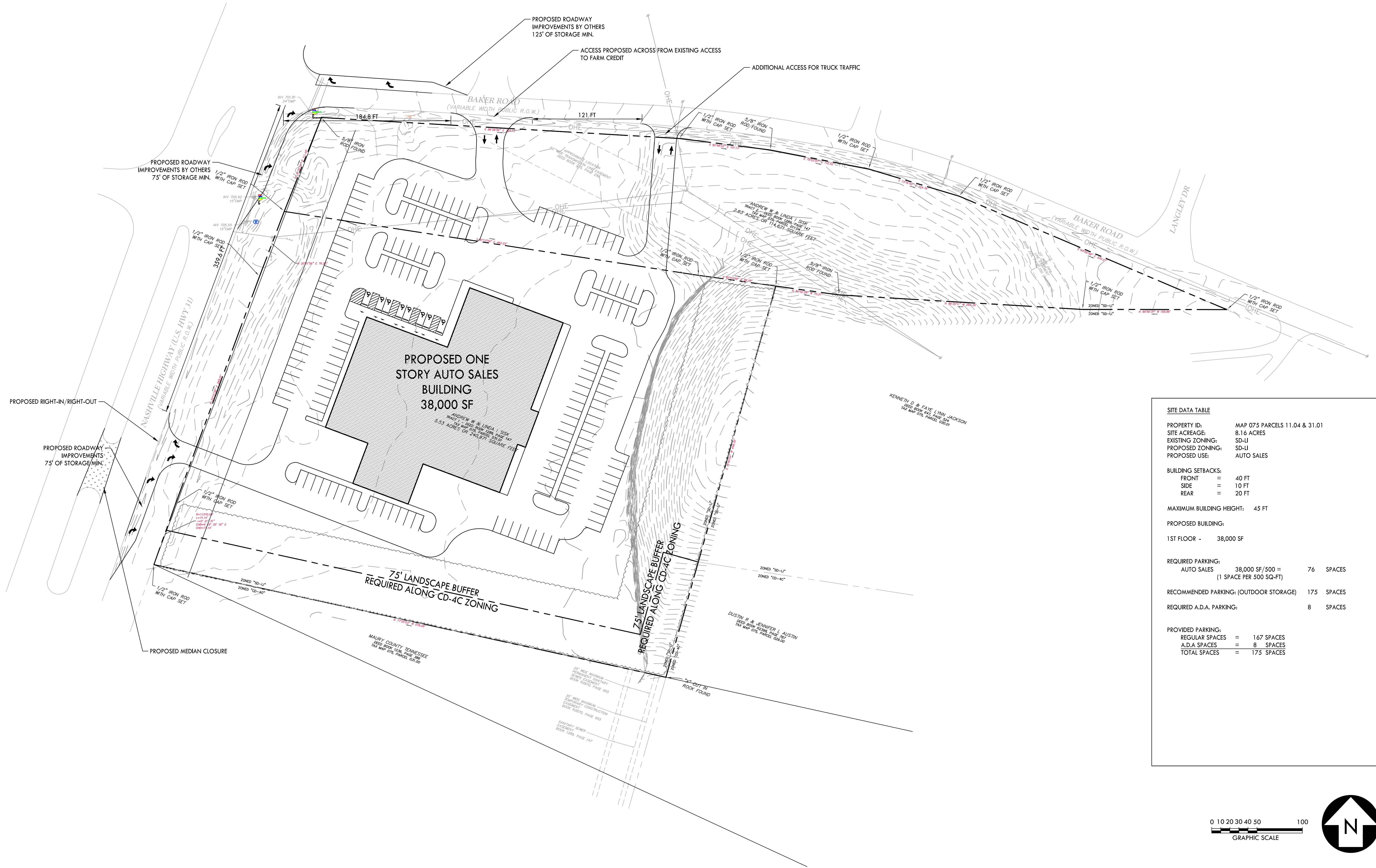
Locating parking between the proposed building and the streets would not impair the adequate supply of light and air to the adjacent property, which in this case is the street. This request would not increase the danger to fire or public safety as we understand the code intention to have parking located adjacent to or behind the building is less a concern of safety and more of one for aesthetics.

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.

This hardship request is being made with full knowledge of the code, in advance of a development plan submittal. This hardship has not been intentionally created by any person having interest in the property.

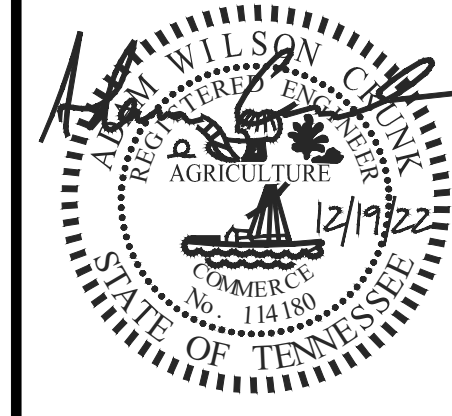
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Crunk Engineering, Inc. 12/19/2022 12:15 PM - McNabb Auto Dealership - Columbia, TN - Construction - 25.5 x 41.1 Acre



SITE DATA TABLE			
PROPERTY ID:	MAP 075 PARCELS 11.04 & 31.01		
SITE ACREAGE:	8.16 ACRES		
EXISTING ZONING:	SD-LI		
PROPOSED ZONING:	SD-LI		
PROPOSED USE:	AUTO SALES		
BUILDING SETBACKS:			
FRONT	=	40 FT	
SIDE	=	10 FT	
REAR	=	20 FT	
MAXIMUM BUILDING HEIGHT:		45 FT	
PROPOSED BUILDING:			
1ST FLOOR -	38,000 SF		
REQUIRED PARKING:			
AUTO SALES	38,000 SF/500 = (1 SPACE PER 500 SQ-FT)	76	SPACES
RECOMMENDED PARKING: (OUTDOOR STORAGE)		175	SPACES
REQUIRED A.D.A. PARKING:		8	SPACES
PROVIDED PARKING:			
REGULAR SPACES	=	167 SPACES	
A.D.A. SPACES	=	8 SPACES	
TOTAL SPACES	=	175 SPACES	

CRUNK ENGINEERING LLC
7112 CROSSROADS BOULEVARD
SUITE 201
BRENTWOOD, TN 37027
(615) 873-1795
WWW.CRUNKENG.COM



McNabb Auto Dealership

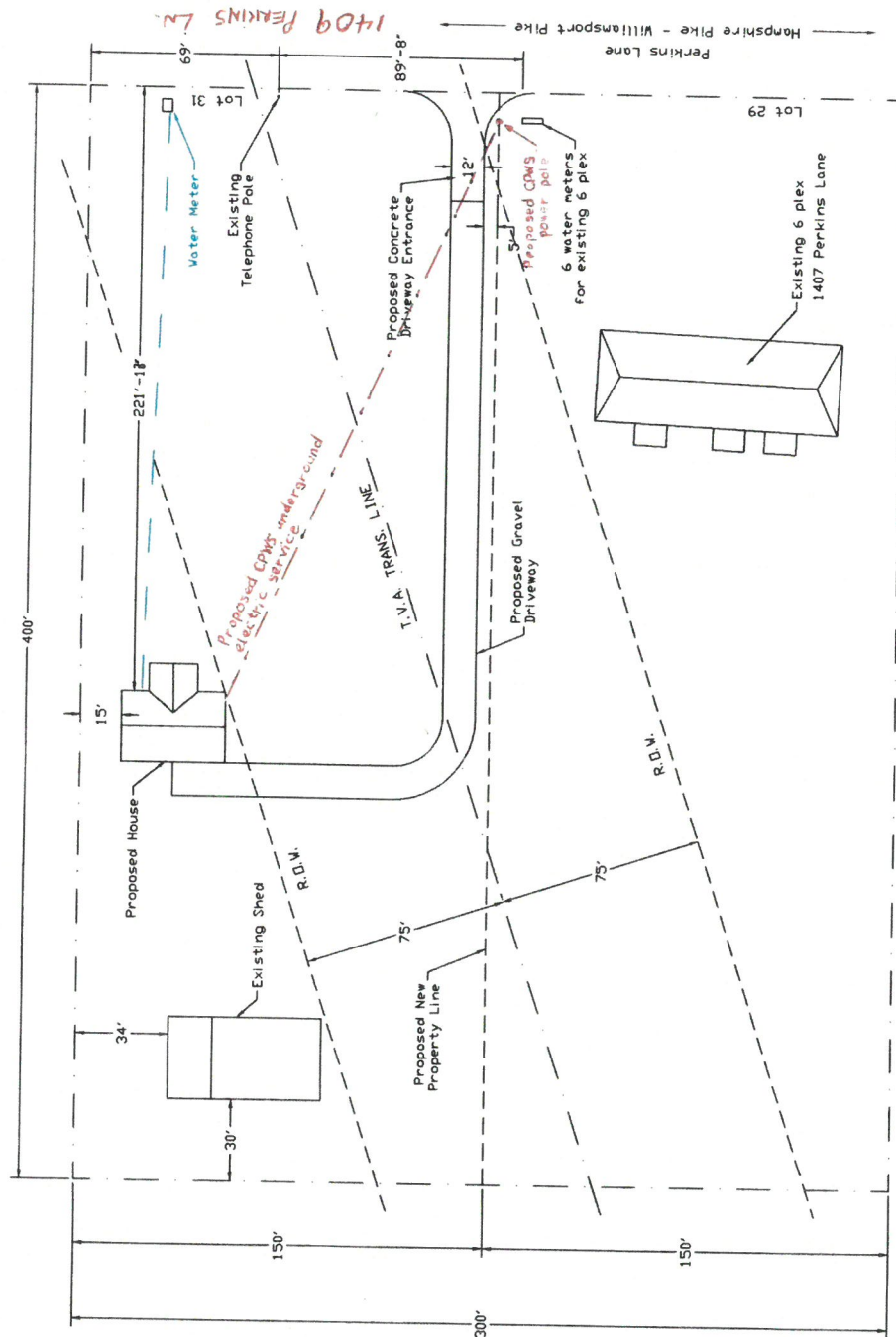
COLUMBIA, TN

REVISIONS		DATE	
No.			

12/19/22 #22145

C1.0

PRELIMINARY SITE LAYOUT PLAN



PROPOSED SITE PLAN for 1409 Perkins Lane

1409 Perkins Lane

Responses to Variance Criteria

1. The variance requested is due to the lay of & shape of the land. The proposed house is set as far forward as possible without encroaching on TVA easement.
2. The variance is the least necessary.
3. The variance requested is for my personal residence. Trying to make it handicap accessible.
4. There are no financial gains to be incurred.
5. There will be no detriment to the neighborhood. It will be an improvement.
6. The proposed structure is 221' from the street& will not change nor hinder the activities of neighboring homes.
7. The shop was built 18 years ago with the intent of working in & storing my construction tools.



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.
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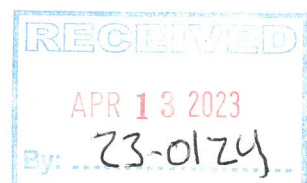
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 - d. **For all variances requests:** Completion of the Requirements of Variance Sheet on this application or a Justification Letter addressing those seven (7) criteria.
 - e. **For a Conditional Use Permit only:** Complete of Description of requested 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: <i>Cleaview Estates Sub.</i>			LOT: <i>Lot 1</i>		
LOT ADDRESS: <i>1409 Perkins Ln.</i>					
ZONING: <i>CD-3L</i>		LAND USE: <i>To Build my residence</i>		LOT ACREAGE: <i>1.37 acres</i>	
LOT SQUARE FOOTAGE: <i>59699 sq. ft.</i>			BUILDING SQUARE FOOTAGE: <i>1024 sq. ft.</i>		
ESTABLISHED/EXISTING SETBACKS:					
FRONT: <i>30</i> ft.		SIDE: <i>12</i> ft.		REAR: <i>30</i> ft.	
OTHER INFORMATION: <i>Project Name: 23-0685-NEWC</i>					

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 Zoning Ordinance in question.
APPEAL OF: <i>Zoning Ordinance per section 4.3.4.C Not feasible w/property. From front to back of construction area is 6 1/2" down grade.</i>
ZONING ORDINANCE SECTION:
CITY OFFICIAL WITH TITLE AND DEPARTMENT: <i>Kevin McCarthy Planning Development Services</i>



APPLICANT

NAME	RALPH C. Smith	PHONE	931-446-4769
ADDRESS	301 Heely Dr.	EMAIL	rcchr@msn.com

PROPERTY OWNER

NAME	SAME AS ABOVE	PHONE	
ADDRESS		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.

Ralph C. Smith
APPLICANT NAME

Ralph C. Smith
APPLICANT SIGNATURE

4-5-13
DATE

RALPH C. SMITH
PROPERTY OWNER NAME

Ralph C. Smith
PROPERTY OWNER SIGNATURE

4-5-13
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			

EXCEPTIONAL HARDSHIP VARIANCE REQUEST		
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: 4.3.4.C	
	REASON FOR REQUEST: Not feasible due to TVA easement	

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:

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.

TVA easement creates the problem but we have to have them.

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.

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.

6. That the purposed 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.

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.