

CITY OF COLUMBIA



T E N N E S S E E

AGENDA

The Columbia Board of Zoning Appeals will meet in a Special Called session on Monday, June 26, 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

1. May 2023 Minutes

III. Old Business

IV. New Business

1. Case #23-0161 Request from Eddie Campbell for variance to CD-4C building standards regarding ceiling height at Tax Map 100K Group F Parcel 21 off Hatcher Lane.

Documents:

1. 23-0161_Variance_Staff Report_815 Hatcher
2. Location map
3. Criteria Responses
4. Application

V. Other Business

VI. Adjourn

City of Columbia
BOARD OF ZONING APPEALS
May 11, 2023

CALL TO ORDER:

Chairman Jimmy Dugger called the May meeting of the Board of Zoning Appeals for the City of Columbia to order at 9:02 a.m. The meeting was held in the Council Chambers at City Hall.

ROLL CALL:

All present and included the following:

Present were: Mr. Eddie Ables
 Mr. Jimmy Campbell
 Mr. Jimmy Dugger
 Ms. Kristi Martin
 Mr. George Vrailas

Other attendees: Mr. Paul Keltner, Director of Development Services
 Mr. Kevin McCarthy, City Planner
 Mrs. Sandra J. Richardson, Secretary

APPROVAL OF MINUTES:

The April minutes were presented for approval. Mr. Ables moved to approve the minutes, with Ms. Martin seconding. Motion to approve the minutes passed five to zero.

Old Business:

AGENDA ITEM #3:1

Case #23-0098

**Request from Adam Crunk for a variance regarding outdoor display standards at Tax Map 75
Parcels 11.04 and 31.01 off Nashville Highway.**

Staff Review:

Kevin McCarthy presented the details of the staff report. He stated that the request is not conforming to the Ordinance.

Discussion and Motion:

Adam Crunk, with Crunk Engineering was present to answer questions. Discussion included what they prepared and resubmitted, the plan, the original plan, floor plan, usage of the building, site plan, dealership not atypical, vehicle drop off location to get the service, parts truck deliveries, loading of inventory happens behind the building, toward the front of the building is the main entry for individuals looking to buy cars, as

City of Columbia
BOARD OF ZONING APPEALS
May 11, 2023

well as vehicles display. Building overlay, creating a drive on Highway 31, and service bay. Mr. Crunk stated pushing toward Highway 31 forces the handicap parking, and the parking for visitor to buying cars to park next to the service entry. The other plan allowed for parking on front of the building, pushing the access for the service bay closer to Baker Road and doesn't give them a lot of room for the service trucks coming in and out. Further discussion included pedestrians in and out, elevations, Chevy dealership, signage, the cars will be unloaded at the rear of the facility, the cars on Highway 31 are displayed vehicles, employee parking is in the back, customer parking is in the back, they will enter in from the back, handicap will enter through the service bay on the southside, or the front door itself, nobody will enter the rear, ingress, egress, closing the access is still up for discussion, and providing a stub out. Mr. Dugger stated that he gets the impression that the applicant would rather have the first presentation rather than the second one. He asked am I correct. Mr. Crunk stated that is exactly right. Further discussion included parking at one side of the building, and at the rear, peculiar situation, the character without having the sidewalk, walkability limitation, right-of-way, and sidewalk connection. Ms. Martin asked staff to comment on walkability, and streetscape. Mr. McCarthy stated that he doesn't know of any streetscape improvements planned for that area. Mr. Keltner stated that he would disagree with that a little bit, in fact you see how fast things change from a year ago. What we do today, if you continue the trend of not promoting the ability then you will probably not have those. But setting it up now, so what we build today, we are promoting for tomorrow is what this Ordinance is really all about. I think going down the route of saying there are no sidewalks there, it is not going to be walkable is far stretched. Additional discussion included a fast trend moving toward walkable areas, right-of-way, natural development, future land use, CD-4C, pedestrian oriented, budding a lot of residential, abandonment of property, high density, setting up correctly. Mr. Dugger asked Mr. Crunk to give a recap of the meeting that he had with Planning Commission on yesterday. Mr. Crunk stated that the request before the Planning Commission is for a driveway exception. As the rules would allow currently we would not be allowed any access on Highway 3, and would only be limited to two accesses to the property in total. So, the request was for a right in and a right out access on Highway 31 closing the existing median that is there. Having two points of access along Baker Road just identical to the two accesses that they show on the plan, and that was approved. Mr. Dugger stated so in essence Planning Commission is definitely full blast on this project. Mr. Crunk stated that there is another application being made with the development plan, so depending on the outcome of this variance request it will say a lot about where we will need to place the building, or if the property owner is even interested in going forward. There is another step in the process of Planning Commission to show the development plan. He also stated that it was just an access on yesterday. Mr. Vrillas asked if they will have access to Highway 31. Mr. Crunk stated we will. Additional discussion included the plan shown before the Commission, the application showed the closure of the easement, continue working with Maury Regional

City of Columbia
BOARD OF ZONING APPEALS
May 11, 2023

on the property to the south, working out a combined access agreement, closing their access to Highway 31, the median that is across from Maury's access, coming back with a full access that involves turn lanes. Mr. Crunk stated that in discussion with Maury Regional, the CEO of Maury Regional wanted input from the actual group that occupies the building, and they are waiting to find out what they said about that. Mr. Vrillas asked who is doing the turn lane. Mr. Crunk stated that they are doing it. Mr. Campbell stated let him make sure that he was clear on the plats. The one on the screen is the revised plat, but that is not what you want. Mr. Crunk stated that is right. Mr. Crunk verified the one that he wanted. Mr. Campbell stated that both of the requests are showing access to Highway 31 on the south end, and two accesses to Baker Road on the north end. Now you are saying that you have to make another driveway right in or right out that has been approved by the Planning Commission. Mr. Crunk stated what got approved by the Planning Commission mimics the original plan that they submitted. Mr. Campbell stated that in all you are still asking for a variance for parking on the front. Mr. Crunk stated yes. Mr. Dugger stated that is the bottom line you want it exactly like you asked for it on the front. Mr. Ables stated from a standpoint of safety all customers will either park on the left the south side, or all the way to the rear of the building to gain access to the front entrance. There is liability restriction that restrict them from going through the service space. Mr. Crunk stated yes. He also stated that then you also show that on the front you have four display vehicles. Mr. Crunk stated yes. Mr. Ables stated that will still be in the first layer. Mr. Crunk stated which is allowed. Mr. Ables asked why those are allowed. Mr. Crunk stated they can have outdoor display within the first layer. He also stated that it is not vehicle storage, it is outdoor display. Mr. McCarthy stated that there is a difference between outdoor display and outdoor storage. He is not sure that he agrees with the outdoor display. Mr. Keltner asked what would be the difference between the car that you would have on the side, and the car that you would have on the front. He asked are the ones on the front not for sale, unless they are enclosed inside of the building. Mr. Crunk stated that part of those are. Ms. Martin asked staff what's driving the Ordinance, was it esthetics, was it potential for pedestrian development, or can you help us understand where this Ordinance came from. Mr. McCarthy stated that our Ordinance was adopted by Council last year on the recommendation of Planning Commission. It is modeled on smart code, and it reflects principles created on pedestrian oriented mixed use environment, where buildings are scaled. Basically scaled to the human person and the environment is constructed to be comfortable for people to inhabit and walk and be in a space. We have a lot of standards through all of the districts like this layering in particular. Car dealership and SDLI special District Light Industrial has these same principals embedded in it as you will find in the standards that we use to construct something like the square with the pedestrian street level environment. That is where this is coming from, if you have those standards that are applying across the board to outdoor storage. Ms. Martin stated that she is challenged when she think about some of the Industrial, perhaps north of there you have a massive building that sit right on the driveway. She stated that she rather

City of Columbia
BOARD OF ZONING APPEALS
May 11, 2023

see some breathing room. Mr. McCarthy stated that there is this question that came up earlier future land use. Right now it is inconsistent with the future land use. The future land use would encourage property owners to rezone this into a CD-4C which would allow uses that make a lot more sense with this principle. What you have here is a piece of property with a zone that doesn't match the future land use. We have zoning standards that are creating an environment that contemplate the future use of this property. Mr. Dugger stated that the huge bunt of that is you have an economic impact here that is we have a person that want to come here economically to benefit the area. Ms. Martin stated a person who is already established here. Where does this planning allocate if it is not the Nashville Highway. Ideally where does this smart zoning place. Mr. McCarthy stated that you could construct a car dealership that reflect these principals, and conforms to these standards. Ms. Martin asked could they go up with their display. We talked about layers one, two, and three what about vertical. Mr. McCarthy stated yes. Ms. Martin asked if they could go up four. Mr. McCarthy stated that he would have to confirm the height standard on the SD-L1. Mr. Dugger asked if it had ever been discussed at all in regards to going vertical. Mr. Crunk stated no. Mr. Keltner stated in reference to the Ordinance the decision was to bring the Architecture forward. When you go into a City you don't go in saying that is an impressive parking lot. You are looking at Architectural buildings, and that is why in areas such as what you are seeing around you now is where you bring your guest. You don't take them to a commercial corridor that is in a seventy style pushed way back off the road to where that doesn't count. It is Architecture that is going to last for generations as we move forward. It is not something that is built today and is no longer after so many years. That is the goal, one of the things inside of the code book was to look forward. We are setting ourselves up in Columbia to be unique and beautiful, a place where people would want to be. If it is capable of being built in that way, which is what it is shown that it can be that is why it is hard to say a variance is needed because they can build it this way. Mr. Dugger stated that less than a half mile down the road three or four units are doing the same thing that they are asking to do. That is going to be a very strong it is not progress to him. Mr. Keltner stated that it is progress because you are changing from Ordinance to another. Every time you change an Ordinance you are adjusting how you want to move forward. When it develops out you know that you are going to have some strange areas where it will look a little funny at first, until things start to develop out. Ms. Martin asked if the Board elected to hold this applicant to the current Zoning Ordinance are we prepared in good conscious if they decide to go elsewhere. They could stay in Maury County and go somewhere else, is the City ready? Mr. McCarthy stated everything that has been discussed in the last couple of minutes is all relevant to the question of what should be in the Ordinance. When Planning Commission and City Council evaluate what ought to be in the Ordinance, those are all important and meaningful topics. The question at BZA is what does the standard require in the current Ordinance, and how does it apply to this site. What the Ordinance ought to say isn't the questions. It is what the Ordinance does say, and can this property be developed in

City of Columbia
BOARD OF ZONING APPEALS
May 11, 2023

strict conformance with the Ordinance. Mr. Vrailas stated that he knows that the Board is talking about setting a precedence, and we talked about how this will be odd for a little while. The truth is these new car lots are all down there now, they are not going away for fifty years, and they are not going to make these changes. In his opinion when we start putting storefronts and parking in the back, and you are moving landscaping. It is not prettier. This is not a beautification project, to him people shop with their eyes and park with their eyes. If they see that parking is difficult and they have to get out and walk a lot they don't want to do that. That is why malls are not doing well anymore. Everything is going to outlet malls. Customers want to park, they want to walk a short distance, and they want to get inside the buildings. The precedence has been set last year, and the year before that with all these car lots coming in here. Then we want to make a change, he wants to be competitive and he wants to be like everybody else. We have these Ordinance that says that he can't, it puts the Board in a very difficult position, because we have allowed this year, after year, after year. He asked what is going to happen is, downtown, when these guys are pulling up they have an advantage to go to those locations, because they are not going to have to come up to these situations. Maybe it is good that those areas are grandfathered in and other things can go in there. The things that are going to go in there are not going to be new car lots like this, it will be mostly the pay here, buy here type scenarios. You are going to get a lot of that just like when a restaurant pulls out of one area and moves to another area, not that it is anything wrong with the Mexican restaurants; but that is what they want because it is affordable and it is cheap. He also stated do beautification in that area too. He also stated that he thinks that this creates a hardship for new businesses coming in here. We have another new business looking at going over to the other corner, they are going to have to meet these same standards. If they are wanting to put an office there or anything else like that to him it is going to take a long, long time to conform to the image that he understands what the new Ordinance is trying to project. He stated that he just don't see it happening. It puts the Board in a very difficult position. Mr. Dugger asked for staff comments. Mr. McCarthy stated that you have already found that there is a hardship so your zeroing in on what deviation will be the least variance that the Ordinance will allow you to use for this site. The motion will be to approve as presented upon there is a hardship and the plan presented by the applicant is the least variance necessary for use on the site, in lieu of the hardship or to move subject to some lesser condition. Mr. Dugger stated that his interpretation is that the Board has a hardship and they can go with last month's opportunity or this month's opportunity. He asked if that was close. Mr. McCarthy stated that Mr. Crunk has really only presented only one alternative, one proposal. Mr. Dugger stated that the original was presented last month, and he has stated from the podium that he would rather have what was presented last month, than he had this month. Mr. Dugger asked Mr. Crunk if he agreed with that. Mr. Crunk stated that the alternative will be no variance at all. Mr. McCarthy stated that the applicant is telling you that they have proposed the only possibility to get the findings that either is or isn't the reason for hardship. Mr. Vrailas stated that he

City of Columbia
BOARD OF ZONING APPEALS
May 11, 2023

was not clear on that, and Mr. Dugger stated that he wasn't either. Mr. McCarthy stated if you are satisfied with Mr. Crunk's presentation today and last month you would find that based on the evidence presented that all seven criterias have been satisfied, and that you would grant the request for a variance. If you do not find that there is a hardship but what is on the screen now is not the least variance necessary to relieve the hardship. You would either deny the request or again defer and ask the application to propose something an alternative that deviate from the Ordinance in a lesser degree. Mr. Dugger stated if a motion is made to not allow deviation, then he gets what he wants from day one, and we have no variance. Mr. Vrilaas stated that it is still a variance. Mr. McCarthy stated that the first alternative motion will approve what is on the screen now. Mr. Dugger stated alternative motion is if the Board approve this motion, move to find based on the evidence presented by the applicant and analysis provided by the 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. Further discussion included going with what he provided for this meeting, it shows that it is mostly conforming to the Ordinance. He is trying to demonstrate that he couldn't make use of the site. The only thing that would work in Mr. Crunk's view is the first proposal. Mr. McCarthy stated that you all don't have to agree with this you can defer. Mr. Dugger stated if the Board votes no to what has been presented today that clears away today's issue, and throws it back to last month's issue. Discussion included he has made the request, and the appropriate way to vote. Mr. Campbell stated that he totally agrees with what George said. Mr. Campbell moved to approve the original variance. Mr. Vrilaas seconded the motion. The motion to approve passed five to zero.

New Business:

AGENDA ITEM #4:1

Case #23-0084

Request from Ralph Smith for a variance to Article 4.3.4. C in regards to accessory structures at 1409 Perkins Lane.

Staff Review:

Kevin McCarthy presented the details of the staff report. The applicant owns property on Perkins Lane. It has an existing accessory structure without a principle structure which is a nonconforming situation. By itself it conforms; however, the Ordinance has a limitation on the accessory structure to be no more than sixty percent of the footprint of the principal structure. The existing accessory structure exceeds sixty percent of the footprint of the proposed building. Staff recommends approval.

Discussion and Motion:

Mr. Ralph Smith, owner of 1409 Perkins Lane was present to answer questions. He stated that he wants to construct a residence for himself so his son can live in the house that he

City of Columbia
BOARD OF ZONING APPEALS
May 11, 2023

presently lives in. It is just him, and he wants to downsize. It is a drastic drop from the front the back. He has it pulled as close to the road as he can. He is three feet off the TVA powerline. Mr. Dugger stated that he definitely qualifies for the nonfunctional lot. Mr. Campbell moved to approve, and Ms. Martin seconded. Motion to approve passed five to zero.

OTHER BUSINESS:

Mr. McCarthy discussed scheduling an educational session with the focus on the new Ordinance.

Ms. Martin inquired about the new code, once they were adopted what was the time frame of the implementation. Mr. McCarthy stated Council adopted them on July 14, 2022. Anything applied for July 15, 2022 on is under the new Ordinance. He stated that there are many things that have vested rights and there are open applications prior to that. Ms. Martin stated that it seems that if there had been a buffer time the Ordinance had been adopted, and then we had said in two years, this is what is going to happen. It might have eased some of these hardships that we are encountering, that is her opinion. Mr. Vrailas stated in real estate when you are working a commercial deal it can take two years, and they can have all of the investment in there and it changes. There should be a buffer. Mr. McCarthy stated that anything that was in process under review is reviewed under the Ordinance that it was applied under. Anything that was approved under the previous Ordinance has a vested right under State law. Any existing property nonconforming use, nonconforming structure continue on until somebody makes a change.

Mr. Dugger asked what does grandfather mean to us. Mr. McCarthy stated grandfather is the legal protection for nonconforming uses and structures. He also discussed examples of scenarios.

Mr. McCarthy stated that he will make building codes a part of the educational session. Mr. McCarthy gave the process updates. The next round of applications will be submitted electronically. The new fee schedule is in place. All board members need to have City email addresses.

Mr. Vrailas had to leave at 9:57a.m.

Ms. Martin asked about paper packets. Mr. McCarthy stated right now there will still be paper copies. Ms. Martin thanked staff for the work. Mr. Dugger expressed his frustration with the code changes. Mr. Ables discussed commercial on the south side of town.

ADJOURNMENT:

City of Columbia
BOARD OF ZONING APPEALS
May 11, 2023

Mr. Ables moved to adjourn with Ms. Martin seconding. The meeting adjourned at 10:01 a.m.

Board of Zoning Appeals, Chairman
Jimmy Dugger

Date

CONTACT INFORMATION

Kevin C. McCarthy, AICP, City Planner, kmccarthy@columbiatn.com 931-560-1531

DOCKET/CASE/APPLICATION
NUMBER

23-0161

APPLICANT/ PROPERTY OWNER

Eddie Campbell / Campbell & Love Rentals

PUBLIC HEARING DATE

N/A

PROPERTY ADDRESS/LOCATION

815 Hatcher Lane/ Tax Map 100KF Parcel 21

REQUEST: Variances from Accessory Structure Standards

The applicant requests a variance from strict application of the City of Columbia Zoning Ordinance. Specifically, the applicant requests to construct an office in a CD-4C zone with a ground floor finished ceiling height less than eleven feet.

The applicant asks that the Board of Zoning Appeals determine from the evidence presented in the application that a hardship exists. 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 (4400) have been met.

Staff declines to make a recommendation related to the requested variance. However, analysis of the variance criteria and templates of properly formatted motions are provided below for the benefit of the Board.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
CD-4C	Vacant	CD-3/ Residential and Commercial	Office	N/A

DEVELOPMENT STATUS:

- The Zoning Ordinance requires a minimum finished ceiling height of 11 feet on the first story of offices and other non-residential uses in a CD-4C zone (Table 4.3.4-E 1, p. 88).
- The applicant intends to construct an office building with a ground floor finished ceiling height of 9 feet.
- The applicant requested that the Zoning Administrator grant an administrative adjustment under §8.5.8 of the Zoning Ordinance to reduce the finished floor height. No unique site-specific limitation was identified. Consequently, the Zoning Administrator declined to approve the administrative adjustment. Without a criterion for distinguishing the subject site from all other commercial properties zoned CD-4C, an administrative adjustment would effectively substitute bureaucratic discretion for the standards established by the City Council.
- The applicant requests relief from the standard in the form of a variance.

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

- 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 applicant has indicated that other properties on Hatcher Lane do not have 11 foot ceilings. This is not a hardship that prevents conformity with the Ordinance. The subject site is the first property to be constructed on Hatcher Lane under the current Ordinance. Over time, all non-residential structures zoned CD-4C will come into conformity with the standard. The meaning of *peculiar* as it pertains to a variance, is a feature of the property that prevents conformity to the standard, rather than the standard itself.

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

- The applicant has not established a hardship giving rise to a variance under the criteria of section 8.5.16.L.
- It is not clear whether the hardship claimed by the applicant could be relieved by a ceiling height of 10.5 feet, 10 feet, or 9.5 feet. No evidence has been presented which demonstrates that a two-foot reduction in minimum ceiling height is the least variance necessary to relieve the applicant's claimed hardship.

Granting the requested variance is not substantially detrimental to the public good but **will impair the intent** and purpose of the general provisions of the Zoning Ordinance.

- There is no clear evidence of a unique site-specific hardship which prevents the applicant from conforming to the 11-foot ceiling height standard.
- The non-arbitrary administration of the Ordinance is undermined by granting a variance without a clear criterion for distinguishing the subject property from similarly situated properties under the same standards.

RECOMMENDATION:

Staff declines to make a recommendation.

Recommended Motion:

None

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 [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.

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.



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

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.

11" CEILING IS NOT COMPATABLE WITH ANY
PROPERTIES ON HATCHER LANE

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.

CEILING HIGH OF 9" WILL ALLOW USE OF
STANDARD BUILDING MATERIALS

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

IT WILL NOT - ZONED FOR OFFICE

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

THERE IS NO FINANCIAL GAIN TO THE OWNER.

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.

IT WILL NOT BE DETRIMENTAL

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.

IT WILL NOT IMPAIR

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.

IT HAS NOT BEEN CREATED BY THE OWNER

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
SUBDIVISION: SW PARK			LOT: 10, 11, 12		
LOT ADDRESS: 815 HATCHER LANE					
ZONING: CD 4C		LAND USE: OFFICE		LOT ACREAGE: .24	
LOT SQUARE FOOTAGE: 10,650			BUILDING SQUARE FOOTAGE: 2100		
ESTABLISHED/EXISTING SETBACKS:					
FRONT: 6 ft.		SIDE: 6 ft.		REAR: 0 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: MINIMUM CEILING HEIGHT - 11 FEET IS REQUIRED - ASKING FOR 9 FEET.
ZONING ORDINANCE SECTION: 4.3.1-E P. 89
CITY OFFICIAL WITH TITLE AND DEPARTMENT: TRAVIS NEAS / KEVIN MCCARTHY - PLANNING

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 *Zoning Ordinance*, 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: 4.3.1-E p89 REASON FOR REQUEST: CHANGE MINIMUM CEILING HEIGHT FROM 11' TO 9'	

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	EDDIE CAMPBELL	PHONE	931 446 1083
ADDRESS		EMAIL	EJC1219@HOTMAIL.COM

PROPERTY OWNER

NAME	CAMPBELL & LOVELL RENTALS	PHONE	931 446 1083
ADDRESS	PO BOX 795 COLUMBIA 38402	EMAIL	EJC1219@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.

EDDIE CAMPBELL
APPLICANT NAME


APPLICANT SIGNATURE

4-25-23
DATE

CAMPBELL & LOVELL RENTALS
PROPERTY OWNER NAME


PROPERTY OWNER SIGNATURE

4-25-23
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			