



The Columbia Board of Zoning Appeals will meet on Thursday, October 12, 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 #23-0364 Request from Burco Construction for a variance to the CD-3 District Building Standards concerning foundation cladding at [912 E 9th Street](#).
- 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.

CONTACT INFORMATION

Robert Archibald, Planner II, rarchibald@columbiatn.com 931-560-1531

DOCKET/CASE/APPLICATION NUMBER

23-0364

APPLICANT/ PROPERTY OWNER

Noah Burchell/Burco Const., Burchell Properties

PUBLIC HEARING DATE

October 12, 2023

PROPERTY ADDRESS/LOCATION

912 E 9th Street

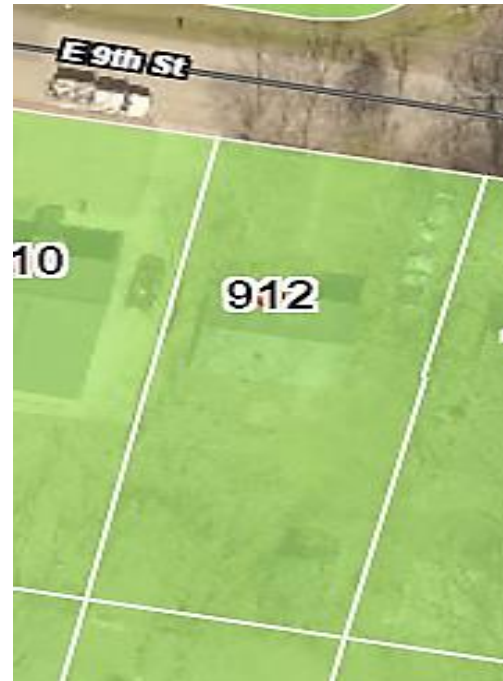
REQUEST: 8.5.16, Variance

The applicant requests a Variance before the Board of Zoning Appeals. Specifically, the applicant is pursuing relief from Zoning Ordinance 4400, Table 4.3.1-C, Foundation cladding requirement of brick or natural stone.

The applicant asks that the Board of Zoning Appeals to determine from the evidence presented in the application that the property cannot conform to the requirement for brick or natural stone foundation cladding due to a property-specific hardship not of the applicant's creation. Specifically, the applicant identifies the lack of a space for aesthetically appropriate brick or natural stone foundation cladding on the existing structure as a hardship which prevents conformity.

Stucco is not an allowed material to be used for foundation cladding per ordinance.

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-3 Neighborhood Character District	Single Family Residence	CD-3/ Single-Family Residential	Renovation of Existing Structure	N/A

DEVELOPMENT STATUS & HISTORY:

- 6/20/2023 applicant applied for a remodel permit to renovate the interior of 912 E 9th Street indicating the value of work to be \$20,000. Permit was reviewed and approved with condition if work is performed on drive, nonconforming, it would need to come into compliance with current standards (i.e. paved or concrete with parking allowed in third layer).
- 7/12/2023 applicant applied for permit for construction of an addition to rear of existing structure adding habitable square footage indicating the value of work to be \$30,649.08.

At time of application, the previous permit was active. Upon review, staff determined that the total scope of work exceeded 50% of the improvement value of the structure.

- Applicant was notified the repair/maintenance proposed exceeded the 50% percent threshold per Zoning Ordinance 4400, Section 1.22, Nonconformities. As a result, the site and structure would have to comply with current standards, including drive improvements and foundation cladding requirements.

REVIEW & ASSESSMENT:

Article 1, 1.22.2 (E), Nonconforming Uses and Nonconforming Structures

1. Repair and Maintenance

- Notwithstanding any other provision of this Ordinance, routine maintenance, repair, stabilization, or restoration to a safe condition of any part of the a legally existing Nonconforming Structure shall be permitted without the loss of the legal status thereof, provided that the cost of such maintenance, repair, stabilization, or restoration shall not exceed 50% of the Full Value of such Structure at the time of such maintenance, repair, stabilization, or restoration. If the cost of such exceeds such percentage of the Full Value of the Structure, it must be brought into conformance with the requirements of this Ordinance.

Article 4, 4.3.1-C, District Standards

2. Building Standards

- Foundation cladding is required to be brick or natural stone.

Article 4, 4.3.1-C, District Standards

3. Additional Parking Requirements

- Off-Street Parking Surface is required to be a prepared surface of asphalt, concrete or other hard surface.

8.5.16. L REQUIREMENTS FOR VARIANCE

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



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

- exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.
- b. 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.
 - c. That the variance will not authorize activities in a zone 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 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.
 - f. 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.
 - g. 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.

STAFF ANALYSIS

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

- a. There are no topographical conditions or an exceptional or extraordinary situation pertaining to subject property that would result in an undue hardship to the owner.
- b. Foundation requirements do not create a hardship to the applicant nor prevent use of structure.
- c. If the requested variance is approved, it would set a precedent in any zoning district regarding foundation cladding requirements, therefore softening the expectations of the Zoning Ordinance pertaining to existing nonconformities and new construction.
- d. The applicant alluded to “*unnecessary expense*” in his justification letter. Financial returns cannot be considered as a basis for granting a variance.
- e. Outcome will not be detrimental to the public welfare.
- f. Does not affect supply of light and air.
- g. Although no hardship exists, historical reference to the property indicates that prior to stucco application, the owner possibly could have applied a brick or stone ledge to meet the requirements for foundation cladding.

The cost of construction must exceed the 50% threshold allowed for repair and maintenance before the structure and site nonconformities are considered during review. Foundation cladding as well as site improvements (i.e., driveway surfacing) are required at this level in order for the intent of the code to be met, which is elimination of nonconformities at times when situations arise to apply standards set forth in the Ordinance.



RECOMMENDATION:

Staff declines to make a recommendation.

Recommended Motion:

None

Alternative Motions:

Alternative Motion [Approve]:

Move to approve the requested variance having found that the seven variance criteria listed at Section 8.5.16.L of the City of Columbia Zoning Ordinance have been sufficiently and fully satisfied.

Alternative Motion [Deny]:



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

Move to find that all seven variance criteria listed at Section 8.5.16.L of the City of Columbia Zoning Ordinance have not been sufficiently and fully satisfied and deny the requested variance.

Alternative Motion [Approve Subject to Conditions]:

Move to find that all seven variance criteria listed at Section 8.5.16.L of 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.

Burchell Properties

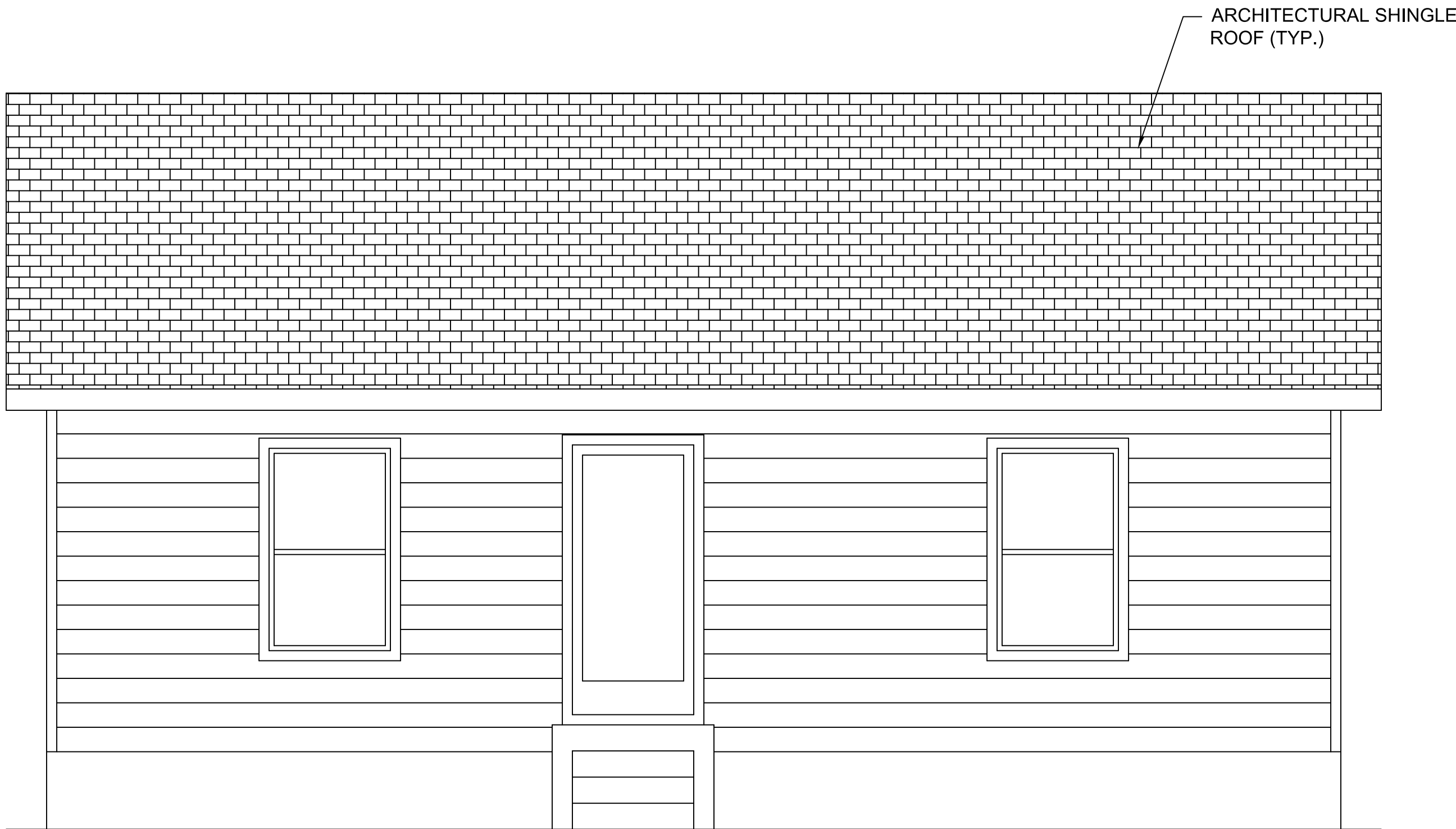
1159 Trotwood Avenue Columbia, TN - Suite E

931 540 8881 - bpbills454@gmail.com

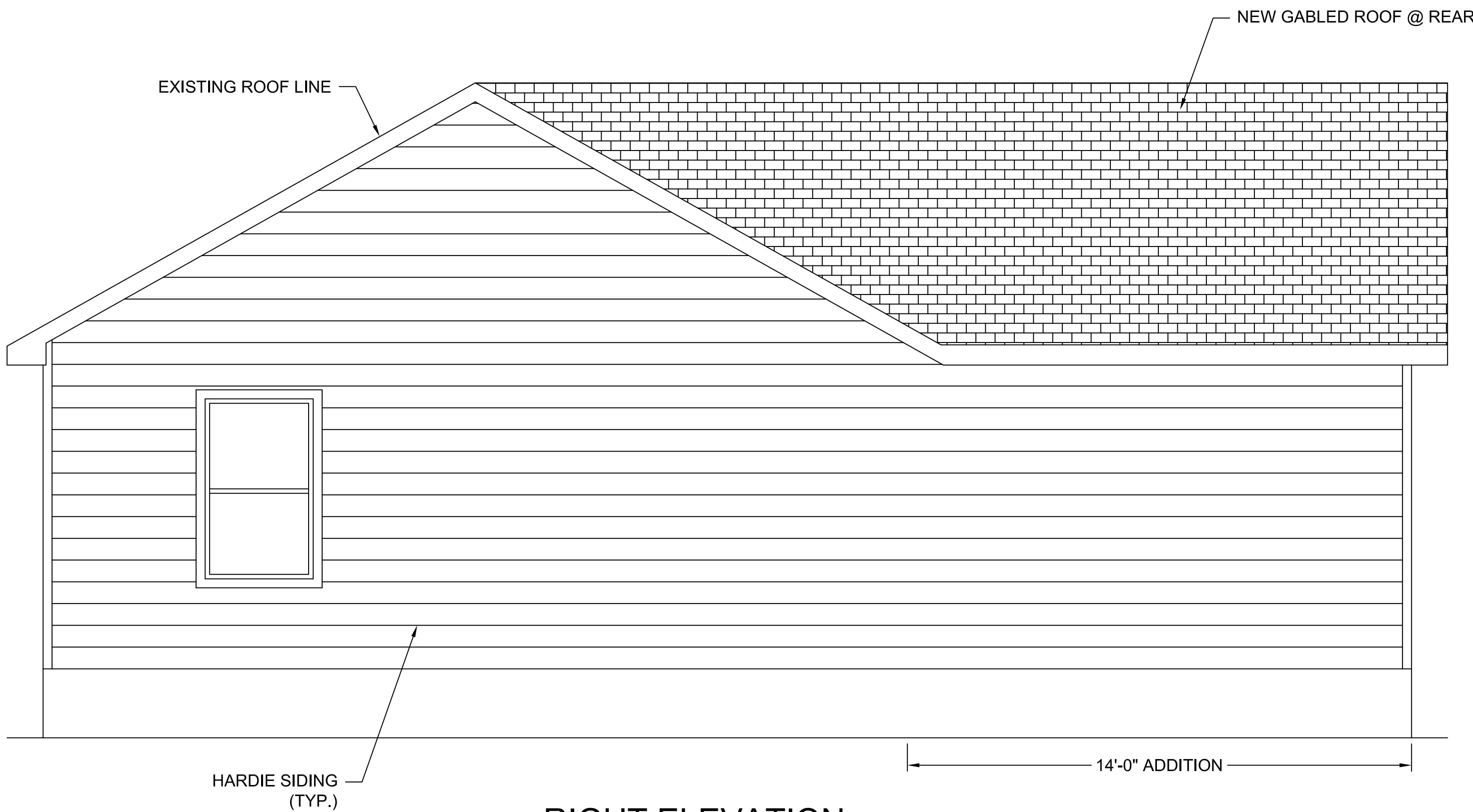
Below is our reasoning for the justification of our request to have a stucco foundation vs. Brick/Natural stone.

- Not a single other house on this block of E 9th street has a cladded foundation
- Brick/Natural stone cladding is a completely unnecessary expense being levied upon us as property owners who are already spending ten's of thousands of dollars to completely overhaul a dilapidated structure. In doing so, we would be adding thousands to the city's tax roll, as we have done for years and never faulted in paying those taxes even when the valuations could have been argued.
- Stucco foundations are not, in any way, any less desirable aesthetically nor structurally. The city is mandating a preferential cladding and restricting property owners desire to improve said property, at the owner's discretion.

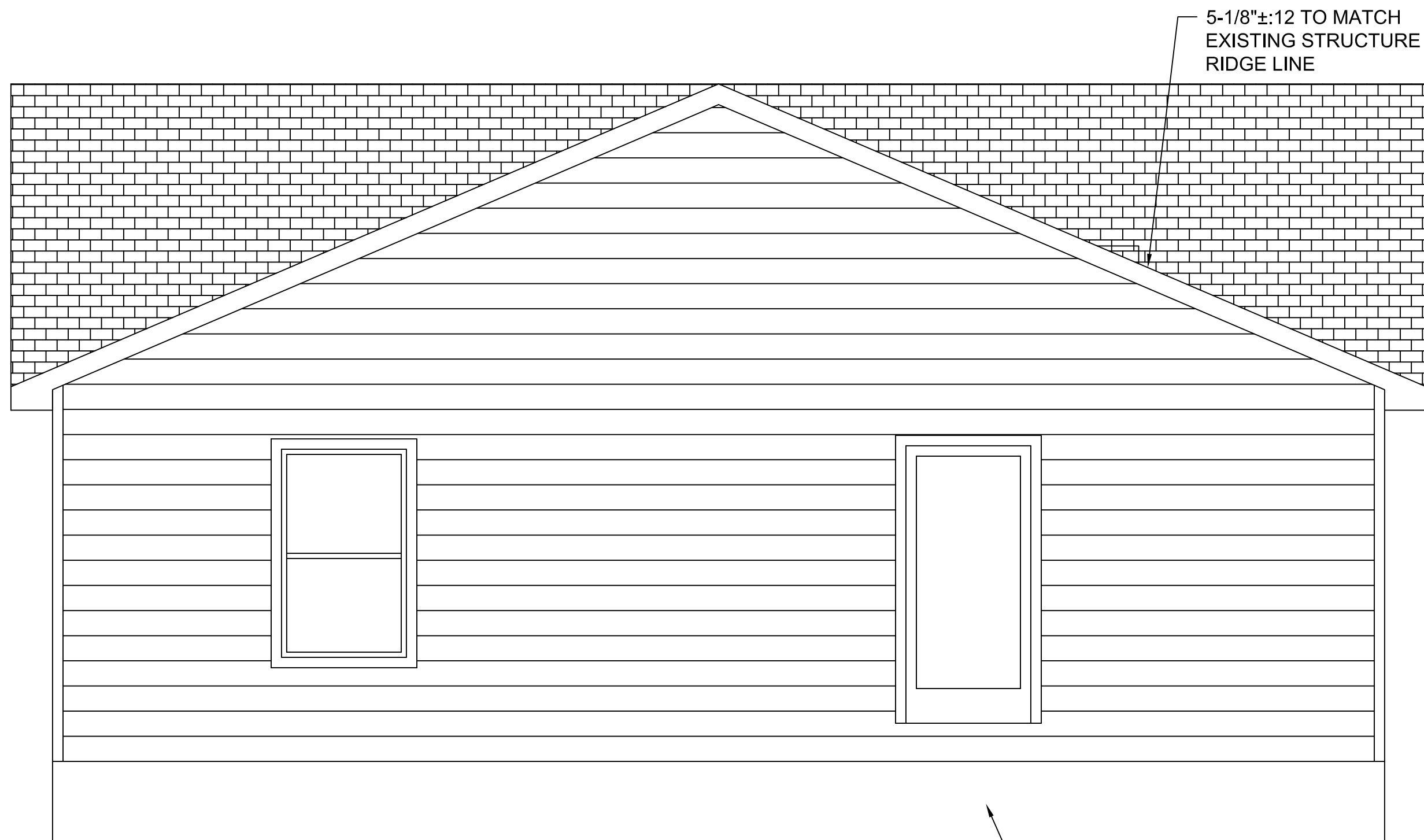
Respectfully,
Burchell Properties, LLC
Noah Burchell



FRONT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

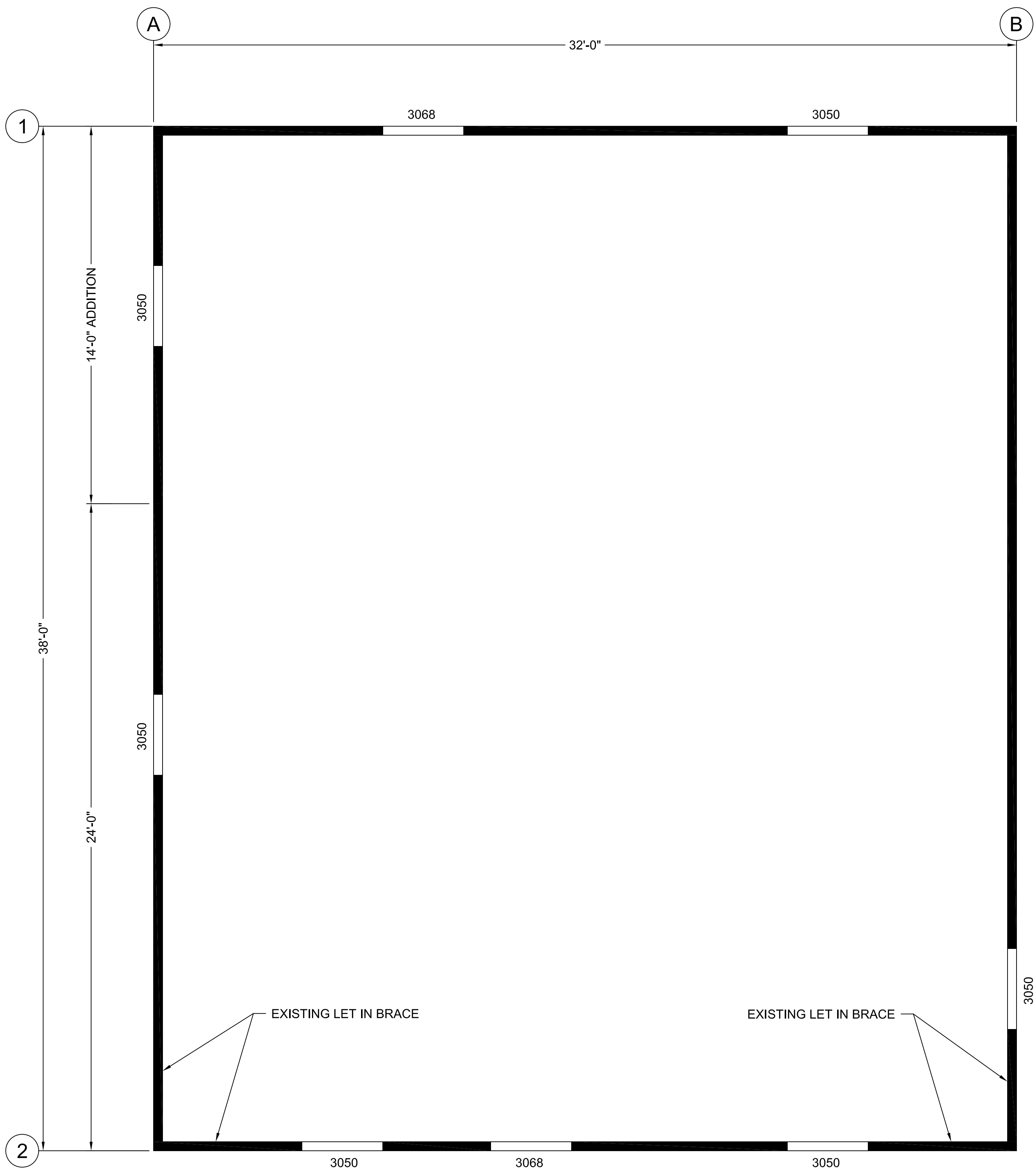


LEFT ELEVATION

NO.	REVISIONS:	DESCRIPTION

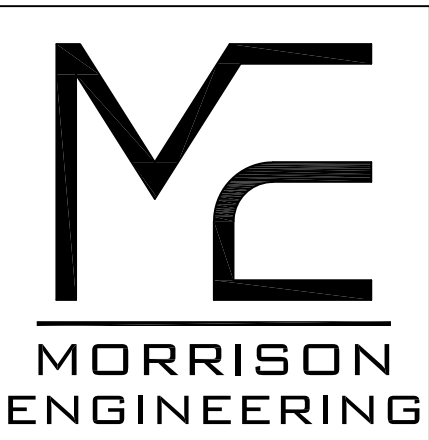
PROJECT IDENTIFICATION:
BURCO CONSTRUCTION
912 E. 9TH STREET
COLUMBIA, TN 38401

DRAWN BY:
J.A.M.
SCALE:
3/8" = 1'-0"
DATE:
08-26-2023
SHEET NO.



PLAN VIEW OF WALL BRACING REQUIREMENTS

- BRACED WALL NOTES:**
- ALL NEW WALL BRACED WALL METHODS ARE CONTINUOUS SHEATHED WOOD STRUCTURAL PANEL. STRUCTURAL PANELS ARE TO BE MINIMUM 7/16" THICK OR EQUIVALENT.
 - EXISTING STRUCTURE CONTAINS LET IN BRACING.
 - ALL WOOD STRUCTURAL PANELS ARE ATTACHED WITH 6D COMMON NAILS @ 6" ON CENTER ON EDGES AND 12" ON CENTER IN FIELD UNLESS NOTED OTHERWISE.
 - ALL BRACED WALLS ARE TO BE ATTACHED ON THE BOTTOM WITH (3) 16D COMMON NAILS @ 16" ON CENTER TO JOIST OR FULL DEPTH BLOCKING.
 - ALL BRACED WALLS ARE TO BE ATTACHED ON THE TOP WITH (1) 8D COMMON NAIL @ 6" ON CENTER TO JOIST/RAFTER OR (3) 8D NAILS AT FULL DEPTH BLOCKING 16" ON CENTER.
 - SHADED AREA ON PRINT ARE THE LOCATIONS OF BRACED WALL LINES, AND MUST BE TREATED AS BRACED WALLS AND PANELS.



MORRISON
ENGINEERING

(931) 436-8369

REVISIONS:	
NO.	DESCRIPTION

PROJECT IDENTIFICATION:

BURCO CONSTRUCTION

912 E. 9TH STREET
COLUMBIA, TN 38401

DRAWN BY:

J.A.M.

SCALE:

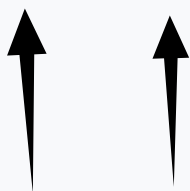
3/8" = 1'-0"

DATE:

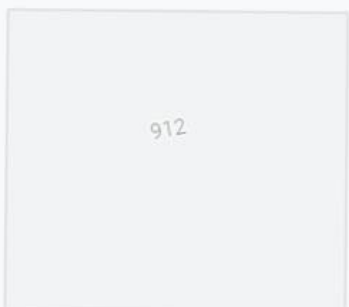
08-26-2023

SHEET NO.

2



25' +



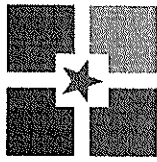
10' +



Addition

50' +





CITY OF
COLUMBIA
TENNESSEE

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

BOARD OF ZONING
APPEAL OF ADMINISTRATIVE DECISION
APPLICATION AND CHECKLIST
SUBMITTAL REQUIREMENTS

*Please submit the Application online at [City of Columbia | Permitting \(onlana.com\)](http://City of Columbia | Permitting (onlana.com))
If there is no access to a computer, please submit all pertinent information on a flash drive as
well as provide one hard copy*

1. Applicants must complete this application, include required supporting materials, & pay the required fee (\$300.00-plus processing and advertising fees)¹ by the published submittal deadline. Please contact the Columbia Development Services Department with any questions or to discuss any concerns during the BZA submittal & review process: Kevin McCarthy, City Planner, kmccarthy@columbiatn.com or (931) 560-1560.
2. Please provide the following information:
 - a. Completed application. ✓
 - b. Applicable drawings, illustrations, and so forth, to accompany the request.
 - c. Any additional information requested by the Department of Development Services that will be necessary to fully complete a review by City Staff and/or by the Board of Zoning Appeals.
3. Please submit the final request to the Department of Development Services according to the established Board Deadline and Meeting Schedule. A representative must attend the BZA Meeting.

¹ Applications fees for appeals are refunded if the BZA finds in favor of the applicant.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE	
ADDRESS: 912 E 9 th Street	
ZONING: CD-3	LOT ACREAGE: .19
LAND USE: Residential	BUILDING SQUARE FOOTAGE: 2400 1000
OTHER INFORMATION:	

APPEAL OF ADMINISTRATIVE DECISION REQUEST:

APPEAL OF ADMINISTRATIVE DECISION	8.5.17
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: Foundation @ Cladding. Stucco vs. Brick / Nat. Stone	
ZONING ORDINANCE SECTION: 4400 4400, Table 4.3.1-C	
CITY OFFICIAL WITH TITLE AND DEPARTMENT: Robert Archibald: Planner II / Kevin McCarthy City Planning Zoning Admin.	

APPLICANT

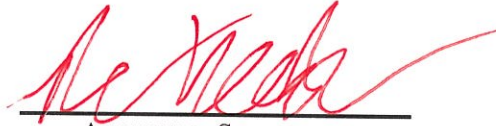
NAME	Burco Construction	PHONE	931 698 1634
ADDRESS	1158 Trotwood Ave	EMAIL	noah.burchell10@gmail.com

PROPERTY OWNER

NAME	Burchell Properties	PHONE	431 540 8881
ADDRESS	1158 Trotwood Ave	EMAIL	bp.bills454@gmail.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.

Noah Burdell
APPLICANT NAME


APPLICANT SIGNATURE

4/6/23
DATE

Todd Burdell
PROPERTY OWNER NAME


PROPERTY OWNER SIGNATURE

4/6/23
DATE