



The Columbia Board of Zoning Appeals will meet on Thursday, December 14, 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. Request from Lovell Construction for a variance to the CD-4C Standards concerning Accessory Buildings located at 806 Nashville Highway, being Tax Map 90I Group B Parcel 1.
- V. Other Business
 - 1. Election of Officers
- 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
BOARD OF ZONING APPEALS
October 12, 2023

CALL TO ORDER:

Chairman Jimmy Dugger called the October meeting of the Board of Zoning Appeals for the City of Columbia to order at 9:22 a.m. The meeting was held in the Council Chambers at City Hall.

ROLL CALL:

Quorum present and included the following:

Present were: Mr. Eddie Ables
 Mr. Jimmy Campbell
 Mr. Jimmy Dugger

Absent was: Ms. Kristi Martin
 Mr. George Vrailas

Other attendees: Mr. Robert Archibald, Planner II
 Mr. Austin Brass, Planner
 Mr. Kevin McCarthy, City Planner
 Mrs. Sandra J. Richardson, Secretary
 Mrs. Melissa Sanders, Planner I

APPROVAL OF MINUTES:

The September minutes were presented for approval. Mr. Campbell moved to approve the minutes, with Mr. Ables seconding. Motion to approve the minutes passed three to zero.

OLD BUSINESS:

NEW BUSINESS:

AGENDA ITEM #4:1

Case #23-0364

Request from Burco Construction for a variance to the CD-3 District Building Standards concerning foundation cladding at 912 East 9th Street.

Staff Review:

Robert Archibald presented the details of the staff report. Mr. Archibald stated that the applicant asked that the Board of Zoning Appeals to determine from the evidence

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presented 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. 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. Per article four of the zoning ordinance stucco is not an allowed material to be used for foundation cladding. The repair exceeded the fifty percent threshold per Zoning Ordinance 4400, Section 1.22, is nonconformities. Staff does decline to make a recommendation. He went over the requirements for Variance, and staff analysis. The renovation permit is still under review.

Discussion and Motion: Mr. Noah Burchell, Burchell Construction/Properties, and Mr. Todd Burchell, Owner of Burchell Properties, joined by phone, and were available to answer questions. They purchased the property and they own both the adjacent properties. It required full remodel. Discussion included driveways, permits, financial burden, delay, cladding, brick, stucco finish, standard block foundation, it already has stucco finish, conforming, on the original house the foundation was already stucco, waive the requirement, wanting to match what is already there, and similar houses. Mr. Campbell asked if the foundation that is already there now is it rock. Mr. Burchell stated no. Mr. Campbell also asked if it is stucco now? Mr. Dugger stated that the picture is March 2021. Mr. Burchell stated yes, it is stucco. The original foundation is stucco. Mr. Todd stated that the remodel permit did not require the cladding. Additional discussion included this is two different projects. Mr. Archibald stated that it is two different projects, and it was looked at under two different reviews. Additional discussion included looking at the details of the staff report, price point, adding an addition, remodel value, looking at cost collectively, threshold, policies, factoring in the value of the house goes up, conforming to the neighborhood, clarification. Mr. Archibald stated that the entire foundation will be subject to cladding. Mr. McCarthy explained changes between the previous ordinance and the current ordinance related to non-conformity. The scope of work which requires conformity has gone down to fifty percent; it was seventy-five percent. Fifty percent is more typical, we are looking at it more frequently. The language in the ordinance is brick or natural stone. The only option is those two materials. Further discussion included bringing a non-conformity structure into conformity, modifications, asking Planning Commission, and Council what they want to do about provisions in the code, this case is limited to this property. Mr. Ables asked about the assessed value. Mr. Archibald stated fifty percent of the improved value on the tax card is fifty-seven thousand dollars. That was in 2022. Mr. Ables asked why would you not go back and add an additional amount for the improvement that is being made. Mr. Archibald stated that is an appraisal and he doesn't have the authority to do an appraisal. The owner was offered the option of an appraisal and he decided not to go in that direction. Mr. Todd Burchell stated that they didn't want to incur the cost, they didn't think that they were making an unusual request. Further discussion included

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previously not having the requirement for brick and natural stone, and staff decline to make a recommendation. Mr. Campbell moved to approve, and Mr. Ables seconded. Mr. Brass stated clarification of the motion. We had a previous permit to come through on South Main Street. They wanted to do stucco our code didn't allow it, they did brick because that is what the code required. The motion is being made because it is a unique situation based off the fifty percent. Mr. Campbell stated that he didn't think the fifty percent was right. He doesn't think you can penalize the old project with the new project he doesn't see it. Mr. Dugger said his comments are the same. Mr. Archibald stated that he would like to get clarification from the board, he knows that Planning Commission will be the ruling authority on it. Further discussion included the fifty percent tax card information, and the board request. The motion to approve passed three to zero.

5. OTHER BUSINESS:

Mr. McCarthy stated that they have purchased ten tickets for the Power of Ten event on November 9th, and that is another continuing education opportunity.

Mr. McCarthy gave an update on 133 Overlook.

Mr. Dugger gave congratulation on the last educational session.

6. ADJOURNMENT:

Mr. Ables moved to adjourn with Mr. Campbell seconding. Mr. Dugger adjourned the meeting at 9:55 a.m.

Board of Zoning Appeals, Chairman
Jimmy Dugger

Date



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

CONTACT INFORMATION

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

DOCKET/CASE/APPLICATION NUMBER

23-0471

APPLICANT/ PROPERTY OWNER

Lovell Construction/CPWS

PUBLIC HEARING DATE

December 14, 2023

PROPERTY ADDRESS/LOCATION

806 Nashville Hwy.

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 4.3.4, Building Placement and Number.

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 accessory building placement in relation to the primary structure due to the existing permanent equipment location that requires protection from the elements.

Staff recommends approval based on site location of existing equipment, which is permanent and cannot be relocated.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
CD-4C General Urban Corridor Character District	Utility Provider	CD-3/ Single-Family Residential	Addition of temporary structure	N/A

REVIEW & ASSESSMENT:

1. Article 4, Table 4.3.1-E: Number of Buildings per Lot – Maximum allowed is 1 accessory building per lot.
2. Article 4, Table 4.3.1-E: Setback/Yard, Accessory Building – Placement of accessory structure is required to be a minimum of 20 ft. behind Principle Building Frontage.
3. Article 4, Table 4.3.1-E: Roof Type & Pitch – Minimum pitch is 6:12 except for shed roofs, which is only allowed at rear and if ridge is attached to an exterior Building wall.
4. Article 4, Table 4.3.1-E: Building Materials – Foundation cladding is required to be brick or natural stone.
5. Article 4, Table 4.3.1-E: Private Landscaping and Fencing – Continuous shrubs around foundation is required if 1st Layer is >3ft. and if greater >15 ft. one tree is required for every 50 ft. of frontage.



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

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 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:

The proposed addition is an accessory structure to be built on site approximately 40 feet from the public frontage in the first layer of the lot. The proposed placement area is an existing elevated slab that has operational equipment affixed to the surface. The equipment is imperative to the operations of Columbia Power and Water Systems and cannot be relocated on site. Subject property has an existing primary building and at least one accessory structure. Even though the proposed placement will be in front of the primary structure, the necessity of this request is to protect the operational equipment from freezing and affecting the water supply to the City of Columbia. Softening of the structure is necessary considering the location. The zoning ordinance requires both foundation landscaping and foundation cladding to address this. However, staff submits that the foundation landscaping alone would meet the intent of the code. Staff recommends approval subject to an adequate foundation landscape plan being submitted and approved upon building permit review.



RECOMMENDATION:

Staff recommends approval subject to conditions.

- Submittal and approval of adequate foundation landscape plan upon building permit review.

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]:

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.

Zoning Board of Appeals | Colu... Application_BZA_Variance Perm... Realtorcs CRS Data - Property Map for N...

realtracs.crsdata.com/mls/Map/~gtpb3DQ3mmhQC0aWNjO8Njn7tq0AbLV5ucqdi~S65AyZv6yMMTj46xFWVxNuuesMIX9Y2-rbIVbVYGloIDjnhg2

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MLS Tax Suite™
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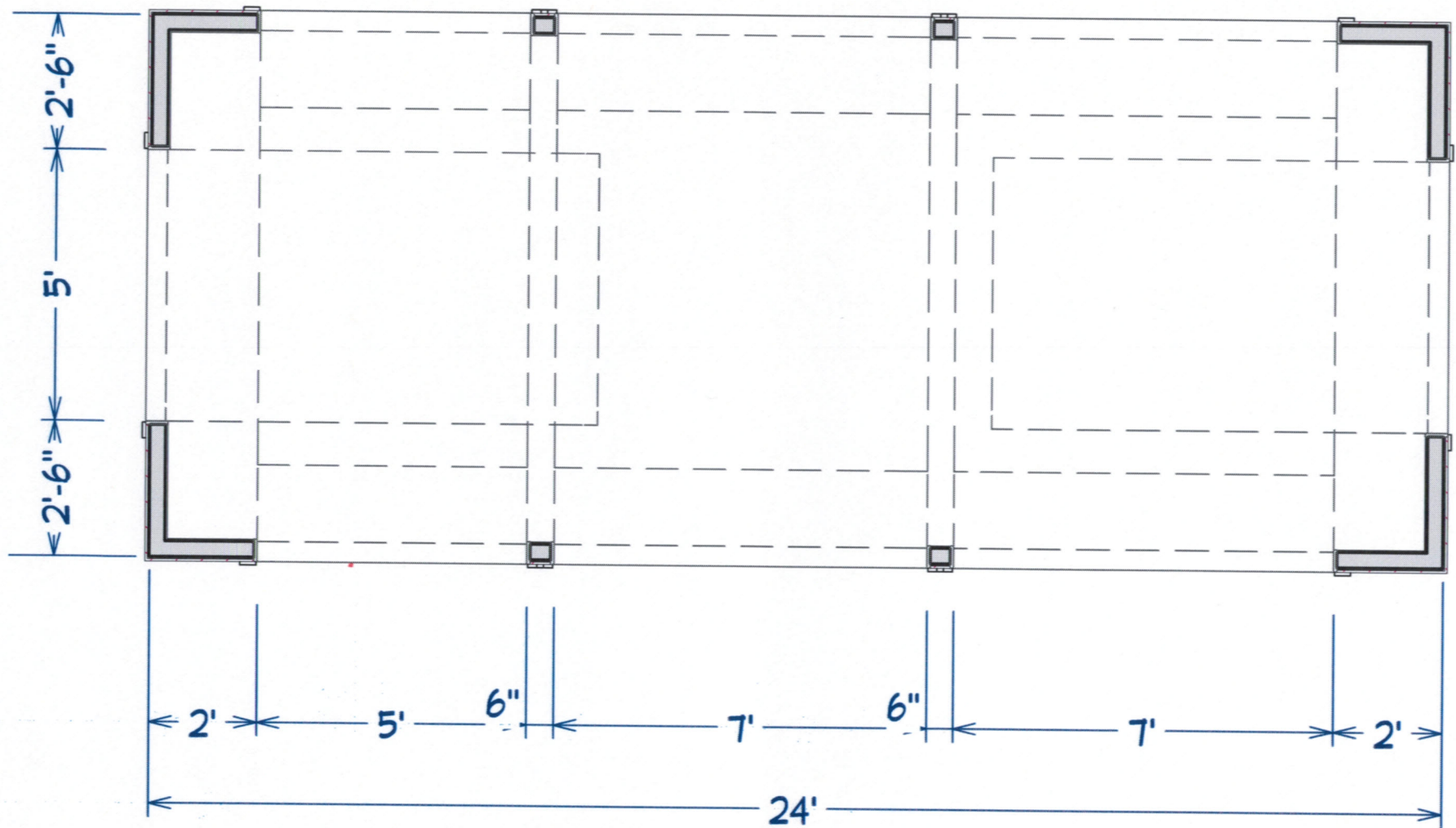
Property Report Comparables Prospecting Facts & Figures

Measure Distance Lon,Lat: -87.025563,35.628210 Distance: 557.2ft

Click to draw. Double-Click or Click Here to end.

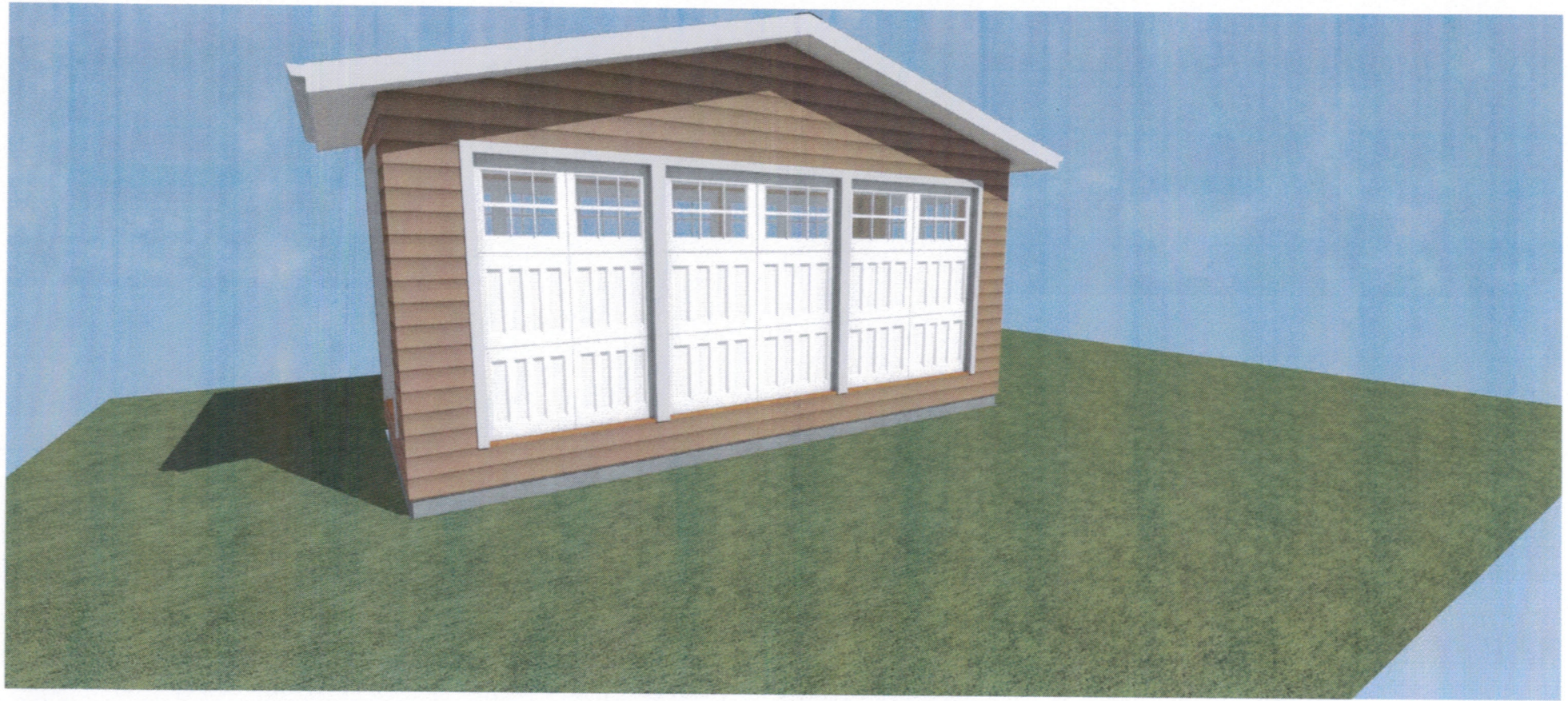
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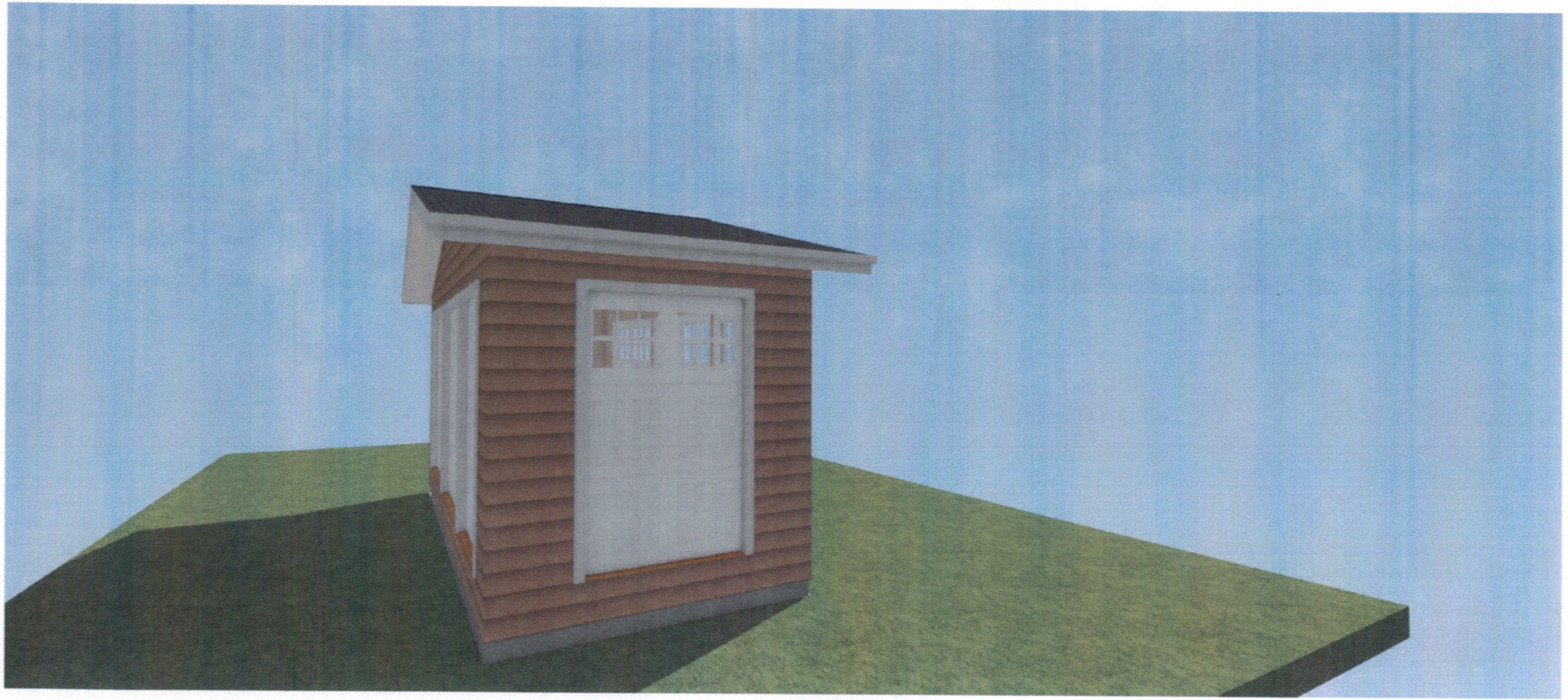
Existing Pad to be covered



Hardie Siding
Black Metal roof 3:12
Color to match existing

LIVING AREA
240 SQ FT





REQUIREMENTS FOR A VARIANCE
Section 8.5.16.L of the City of Columbia Zoning Ordinance

The Board of Zoning Appeals shall not grant a variance unless it makes a finding, based on the evidence presented, that all of the following seven criteria are sufficiency and fully satisfied.

*The BZA cannot, by law, consider financial or personal matters
in the justification of any of the seven criteria.*

Please demonstrate how your request satisfied each of the following:

(You may use this sheet or attach separate pages)

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.

Existing Pad with electrical equipment needing to be covered.

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.

Yes, The smallest structure possible to completely cover this equipment.

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

Covering existing equipment, no new equipment will be installed for any other use

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

no financial returns,

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.

will only protect existing equipment

6. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.

will not be taller than buildings on any side of property

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.

no, for the interest of the water company and its function for the community

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
LOT ADDRESS: <u>Nashville Hwy Columbia Water Systems</u>					
ZONING: <u>CD4-C</u>			LOT ACREAGE: <u>7.61</u>		
LAND USE: <u>Commercial</u>			BUILDING SQUARE FOOTAGE:		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): FRONT: <u>6-40</u> ft. SIDE: <u>0</u> ft. REAR: <u>3-15</u> ft.					
OTHER INFORMATION: <u>existing concrete pad with electrical equipment needs covering.</u>					

VARIANCE PERMIT REQUEST

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 Variance of any other provision of the <i>Zoning Ordinance</i>, provide a detailed explanation below in "Other Variance Request." Please note that the <i>Zoning Ordinance</i> does not allow variances from certain standards listed at § 8.5.16.D.3.		
SETBACK VARIANCE <i>Check applicable yard</i>	☒ FRONT YARD ☐ SIDE YARD ☐ REAR YARD	REQUESTED SETBACK (ft): <u>40' from road</u>
OTHER VARIANCE REQUEST	ZONING ORDINANCE SECTION:	
	REASON FOR REQUEST: <u>Cover existing pad where weather won't freeze water</u>	

APPLICANT

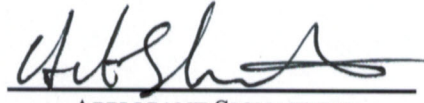
NAME	<u>Lovell Construction</u>	PHONE	<u>615-594-8211</u>
ADDRESS	<u>PO Box 1193</u>	EMAIL	<u>hsternenberg@gmail.com</u>
<u>Columbia, TN 38402</u>			

PROPERTY OWNER

NAME	Columbra Water Systems	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.

Lowell Construction
APPLICANT NAME


APPLICANT SIGNATURE

11-17-23
DATE

CWS
PROPERTY OWNER NAME

CWS
PROPERTY OWNER SIGNATURE

11-17-23
DATE