



The Columbia Board of Zoning Appeals will meet on Thursday, January 11, 2024 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 Montgomery Turner for variance approval to CD-4C Building Standards at [Tax Map 90 Parcel 10.01 and 10.14 off Bear Creek Pike](#).
 - 2. Request from CJ Murrell for variance approval concerning Lot Occupation at [1201 Mapleash Avenue](#).
 - 3. Request from Phillip Rodriguez for a side yard setback variance approval at [4015 Shenandoah Drive](#).
 - 4. Request from Edward Ellsworth for rear yard setback variance approval at [215 Polk 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 2024 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
December 14, 2023

CALL TO ORDER:

Chairman Jimmy Dugger called the December 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
 Ms. Kristi Martin

Absent was: 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 October minutes were presented for approval. Mr. Campbell moved to approve the minutes, with Mr. Ables seconding. Motion to approve the minutes passed four to zero.

OLD BUSINESS: *There was no old business to discuss.*

NEW BUSINESS:

AGENDA ITEM #4:1

Case #23-0471

Request from Lovell Construction for a variance to the CD-4C Standards concerning Accessory Buildings located at 806 Nashville Highway, being Tax Map 901 Group B Parcel 1.

Staff Review:

Robert Archibald presented the details of the staff report.

City of Columbia
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Discussion and Motion: Mr. Bobby Lovell, Lovell Construction, was present to answer questions. Discussion included covering up the top, power box, garage doors, and adjusting the doors to fit. Mr. Campbell moved to approve with Mr. Ables seconding. Additional discussion included having conditions on approval, requiring landscaping at the foundation upon building permit, explaining temporary, no deadline, and foundation treatment is required per the Zoning Ordinance. Mr. Campbell altered his motion to state that he moved to approve with conditions if possible. Mr. Ables seconded the motion with conditions. Additional discussion included the material. Ms. Martin asked if this will establish a precedence for the Board going forward with the applicants. Mr. Archibald discussed setting precedence. Further discussion included other development, CPWS seeking future approvals, containment, operational fixture, seeing more esthetics fencing, and sensitive sight. The motion with conditions was approved four to zero.

5. OTHER BUSINESS:

Mr. Campbell moved to elect Mr. Dugger as Chairperson, and Ms. Martin seconded the motion. The motion passed three to zero with Mr. Dugger abstaining.

Education was discussed.

Ms. Martin nominated Eddie Ables as Vice Chair, and Mr. Campbell seconded the motion. The motion passed three to zero with Mr. Ables abstaining.

Mr. McCarthy stated that everyone has some education hours this year.

6. ADJOURNMENT:

Mr. Ables moved to adjourn with Mr. Campbell seconding. The motion to adjourn passed four to zero. The meeting adjourned at 9:23 a.m.

Board of Zoning Appeals, Chairman
Jimmy Dugger

Date

CONTACT INFORMATION

Austin Brass, AICP, Planner, abrass@columbiatn.com 931-560-1531

**DOCKET/CASE/APPLICATION
NUMBER
23-0526**

**APPLICANT/ PROPERTY OWNER
Montgomery G Turner Sr.**

**PUBLIC HEARING DATE
N/A**

**PROPERTY ADDRESS/LOCATION
Bear Creek Pike/ Tax Map 090, Parcel
10.01 & 10.14**

**REQUEST: Variance to allow less than 70%
glazing as required for a shopfront elevation in a
CD-4C Character District**

The applicant requests a variance from strict application of the City of Columbia Zoning Ordinance. Specifically, Article 4, Table 4.3.1 of the Zoning Ordinance that requires all shopfront facades in a CD-4C District to comprise of 70 percent glazing; e.g. glass. This request is for a deviation of a shopfront façade for a new 12,480 Dollar General retail store located on the north side of Bear Creek Pike.

The applicant has requested a deviation from the 70 percent façade glazing requirement presenting evidence to the BZA. It is the opinion of the applicant for this variance request to be appropriate due to the site conditions of the structure being situated in a suburban context. The applicant further states that a 70 percent glazing requirement is more suited to CBD (downtown district) and mixed-use environments. The applicant is providing 20 % glazing on the shopfront elevation that equates to roughly 14% of the required 70% glazing, thus seeking a variance of 56% of the overall glazing required. The applicant requests to the Board to find that the requested variance is the minimum relief from the hardship.



Staff declines to make a recommendation related to the requested variance with an analysis of the variance criteria and templates of properly formatted motions are provided.

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Lot Size:
CD-4C	Vacant Land	CD-4C/ Residential and Commercial	12,480 Retail Store	3.22 +/- acres

STATUS OF REVIEW:

- The Zoning Ordinance requires a minimum 70 percent glazing for the prescribed shopfront elevation on a primary façade in a CD-4C zone (Table 4.3.4-E 1, p. 88).
- The applicant intends to provide 20 percent glazing on the shopfront elevation, and 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 may exist which prevents conformity with the Ordinance.

- Though the applicant has stated reasoning for the hardship being the context of the site location having suburban characteristics, it is in the overall intent and spirit of the Ordinance for all new buildings utilizing a shopfront in a CD-4C character district to be constructed in a character where the frontage interacts with the street orientation. The intent of this interaction includes buildings that provide a high percentage of glazing in order to prevent facades with blank elements. The granting of this variance will not be detrimental to the public good, but does pose concerns for future proposals of similar properties intending to develop with shopfront facades within the CD 4C Character district.

PUBLIC NOTICE:

- Public notice was properly given with the item being advertised as part of the Board of Zoning Appeals agenda in the *Daily Herald* newspaper. Certified letters to this Public Hearing were mailed to six adjoining property owners. Staff received a phone call from one adjoining property owner stating no concerns of the variance request.

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

Answers to “Requirements for a Variance” City of Columbia

1. This is not a site setback, density, building frontage ratio, etc. request. This request is more building design oriented whereby City Ordinance requires commercial retail buildings in this particular zone to show 70% glazing. Due to safety and maintenance concerns in addition to poor aesthetics, developer is submitting an elevation with 20% glazing as opposed to 70%. The 70% requirement in our opinion is more suited for CBD/Village/Mixed Use buildings and not for suburban retail applications outside of a Village Mixed use setting or downtown location.
2. We feel going with 20% glazing will make possible the reasonable use of the land and will satisfy the intent of some glazing along the street front.
3. This variance will not invite or authorize activities outside the uses approved within this district.
4. Financial concerns are not considered a part of this variance request.
5. This variance will not be detrimental to the public welfare. To the contrary, we feel a reduction in glass to 20% in this motorized centric location will be safer and will be less inviting for vandals and criminals to break the glass.
6. This variance will not have any adverse affect on the supply of light and air to the surrounding properties or general public; nor will it increase the fire hazard or endanger public safety. Again it's our contention, in this suburban setting (non-downtown/Village) we feel the 20% glazing application is safer.
7. We have not in any way contributed to the difficulty or hardship since the ordinance was put in place.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
LOT ADDRESS: Tax Map 090, Parcels 10.01 + 10.14					
ZONING: CD-4C			LOT ACREAGE: 3.22		
LAND USE: Retail			BUILDING SQUARE FOOTAGE: 12,480		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): FRONT: 40 ft. SIDE: 0 ft. REAR: 3 ft.					
OTHER INFORMATION:					

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 Zoning Ordinance 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):
OTHER VARIANCE REQUEST	ZONING ORDINANCE SECTION: Article 4, Table 4.3.1 (Facade Glazing)	
	REASON FOR REQUEST: see attached document	

APPLICANT

NAME	Montgomery B. Turner, Sr.	PHONE	615-383-7878
ADDRESS	PO Box 150326 Nashville, TN 37215	EMAIL	monte@turnerrealtynash.com

PROPERTY OWNER *→ Same as applicant*

NAME		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.

Montgomery G. Turner, Sr
APPLICANT NAME


APPLICANT SIGNATURE

12/18/23
DATE

↑ Same
PROPERTY OWNER NAME

PROPERTY OWNER SIGNATURE

DATE

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.
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.

CONTACT INFORMATION

Austin Brass, AICP, Planner, abrass@columbiatn.com 931-560-1531

**DOCKET/CASE/APPLICATION
NUMBER
23-1659**

**APPLICANT/ PROPERTY OWNER
CJ. Murrell/ Agathos Classical School**

**PUBLIC HEARING DATE
N/A**

**PROPERTY ADDRESS/LOCATION
1201 Mapleash Ave**

REQUEST: Variance to allow a civic building to not enfront a thoroughfare and for parking to be located in the 1st and 2nd layer of building site.

The applicant requests a variance from strict application of the City of Columbia Zoning Ordinance. Specifically, Article 4, Table 4.3.1 of the Zoning Ordinance that requires all buildings within a CD-2 district to enfront a Vehicular Thoroughfare. In addition, the applicant is requesting a variance to allow for surface parking to not be located in the 3rd layer.

The Agathos Classical School has previously existed within the CD-2 Character District. Upon the adoption of Zoning Ordinance 4400 in July of 2022, all new structures in a CD-2 Character District are required to enfront an approved street section per the Zoning Code including any surface parking to be located within the 3rd layer of any new structure. The applicant has indicated on the application that this variance request is to allow for the structure to enfront a private internal drive. It shall be noted that an internal drive is not permissible in a CD-2 Character district, and the internal drive as shown would not meet the standards of such drive requiring 36' of pavement with sidewalks on both sides of the section. As buildings are required to enfront a thoroughfare section with parking located in the rear of a structure at least 20' back from the buildings principle frontage façade. Agathos Classical school has requested deviation from both standards to allow for a new 12,000 SF education facility to not enfront a thoroughfare section and for parking to be located within the 1st and 2nd layer of the building site.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Lot Size:
CD-2 (Rural Character District)	Civic/ Agathos School Campus	County Zoning/ Residential	12,000 Educational Building	16.49 +/- acres

STATUS OF REVIEW:

- The Zoning Ordinance requires all lots & building sites to enfront a thoroughfare street section in a CD-2-character district. (Table 4.3.1-A, Page 48).
- The Zoning Ordinance requires all off-street parking to be located in the 3rd layer. As a new building & building site would be created, all such parking for this building would be required to begin at 1st parking stall 20' behind the frontage façade of the structure (Table 4.3.1-A, Page 52).
- The applicant has requested a variance from both these zoning standards as described above. Staff had met with the applicant regarding the process to rezone the property from its current CD-2 (Rural Character District) to Civic District. A Civic Character District is the most appropriate district for such use of Agathos Classical School that is characteristic of a campus setting with multiple buildings interconnected by pedestrian paths. In addition, the Civic District allows for buildings to enfront a pedestrian path not requiring a thoroughfare enfrontment such as in a CD-2 District; however, off-street parking in the 3rd layer is a requirement of the Civic District. Upon review of the site plan submitted with this variance request, staff does not support this request for parking not to be in the 3rd layer of proposed building site as the parking orientation can be demonstrated to be in the 3rd layer of the structure by either a minor reduction of parking spaces and/or reconfiguration of the lot.

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 to allow for parking within the 1st and 2nd layer of proposed building site which prevents conformity with the Ordinance.
- The unique characteristics of the site among other building orientations may pose a unique circumstance on the basis of a hardship for proposed building to not enfront a thoroughfare street section as one does not currently exist on the campus. Likewise, rezoning the property to Civic District would allow proposed building to enfront a pedestrian path, a similar allowance and characteristic other future buildings zoned within a civic district can adhere to. Staff does not support this request for parking in the 1st and 2nd layer of proposed building site

as the **parking orientation can be demonstrated to be in the 3rd layer of the structure by either a minor reduction of parking spaces and/or reconfiguration of the lot.**

PUBLIC NOTICE:

- Public notice was properly given with the item being advertised as part of the Board of Zoning Appeals agenda in the *Daily Herald* newspaper. Certified letters to this Public Hearing were mailed to adjoining property owners.

RECOMMENDATION:

Staff can support that there is a unique circumstance of hardship for proposed building to not enfront a thoroughfare street section as described in analysis above, but does not support additional variance request to allow for parking to be located in the 1st and 2nd layer of proposed building. Any approval or denial shall be subject to the site plan conforming to all other standards of Zoning Ordinance 4400 as described for a CD-2 Character District or any standard of any subsequent Zoning of the subject property.

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]:

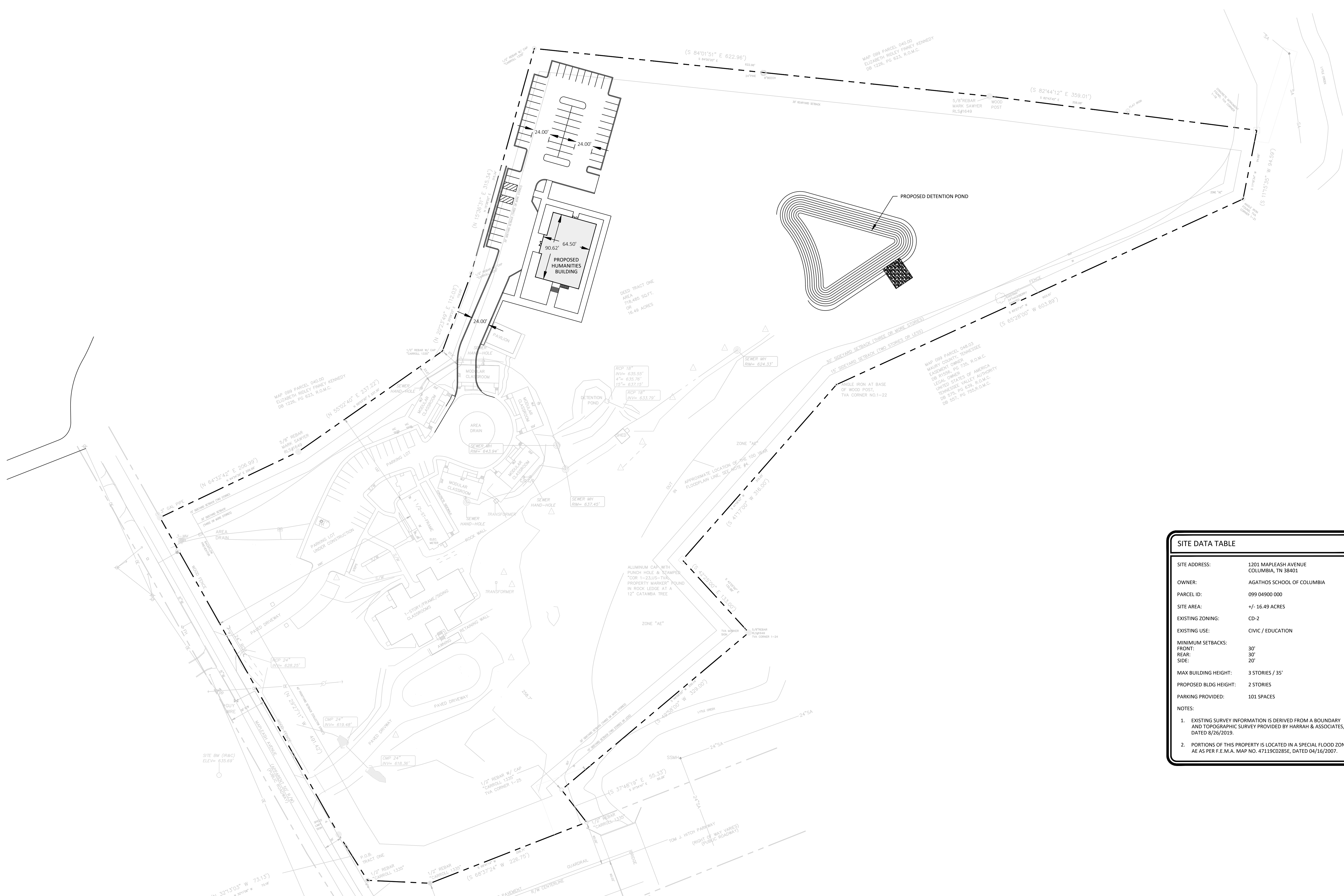
Move to deny the requested variance having found that the variance criteria listed in the City of Columbia Zoning Ordinance have not been sufficiently and fully satisfied.

Alternative Motion [Approve Subject to Conditions]:

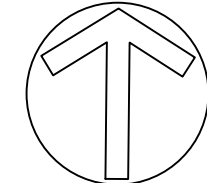
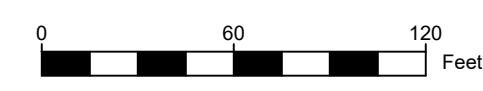
Move to find that all seven variance criteria listed in the City of Columbia Zoning Ordinance have been sufficiently and fully satisfied and grant the requested variance subject to the following conditions: *[list conditions of approval]*.

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.



SITE DATA TABLE	
SITE ADDRESS:	1201 MAPLEASH AVENUE COLUMBIA, TN 38401
OWNER:	AGATHOS SCHOOL OF COLUMBIA
PARCEL ID:	099 04900 000
SITE AREA:	+/- 16.49 ACRES
EXISTING ZONING:	CD-2
EXISTING USE:	CIVIC / EDUCATION
MINIMUM SETBACKS:	
FRONT:	30'
REAR:	30'
SIDE:	20'
MAX BUILDING HEIGHT:	3 STORIES / 35'
PROPOSED BLDG HEIGHT:	2 STORIES
PARKING PROVIDED:	101 SPACES
NOTES:	
1. EXISTING SURVEY INFORMATION IS DERIVED FROM A BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY HARRAH & ASSOCIATES, DATED 8/26/2019.	
2. PORTIONS OF THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD ZONE AE AS PER F.E.M.A. MAP NO. 47119C0285E, DATED 04/16/2007.	



615 DESIGN GROUP
360 QUEEN CIRCLE, SUITE 500, NASHVILLE, TN 37217
www.615designgroup.com

AGATHOS CLASSICAL SCHOOL

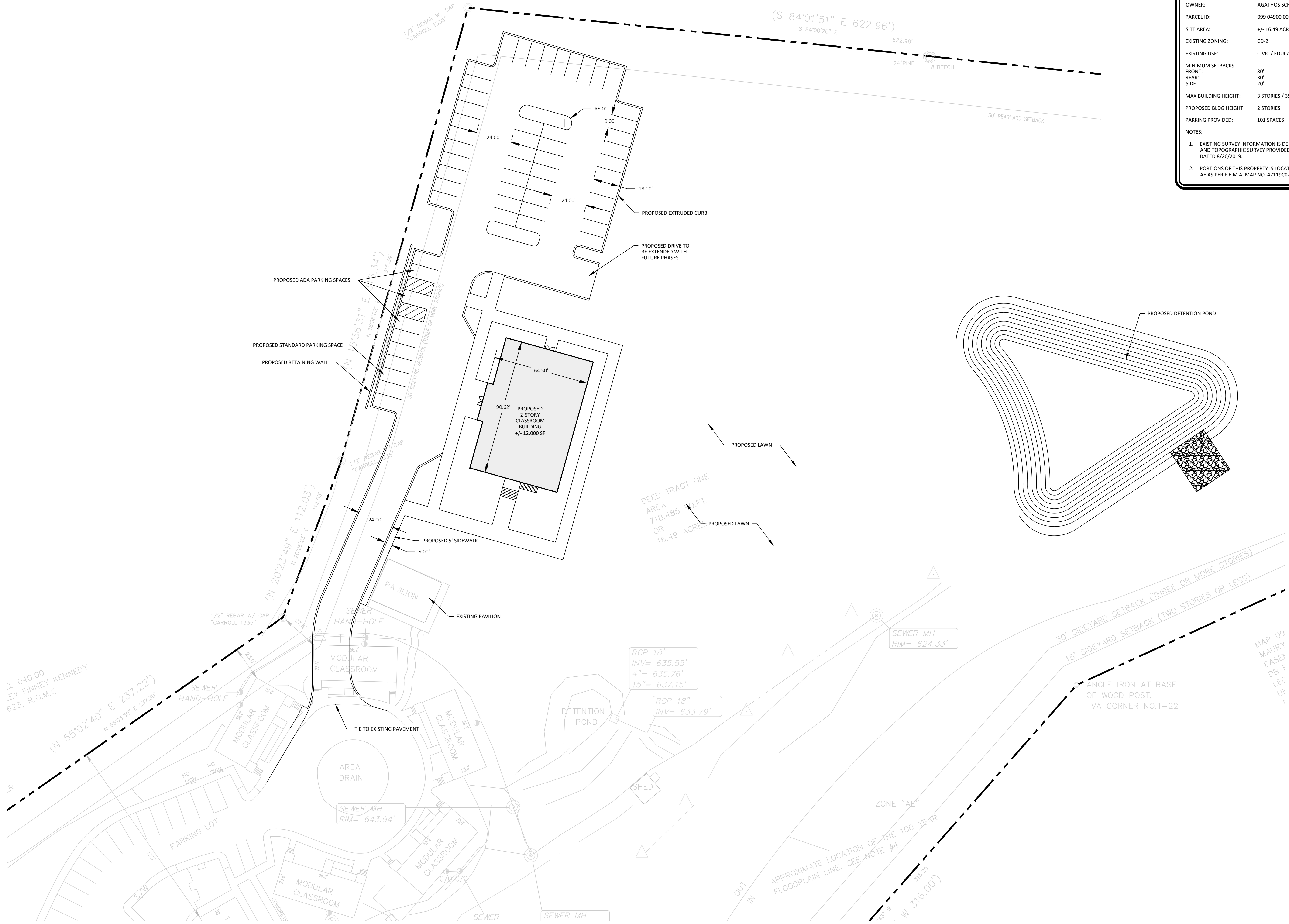
1201 MAPLEASH AVENUE
COLUMBIA, TN 38401

REVISIONS	DATE
NUMBER	DESCRIPTION

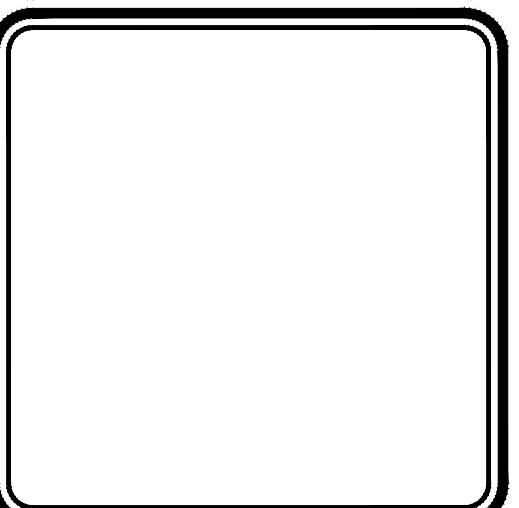
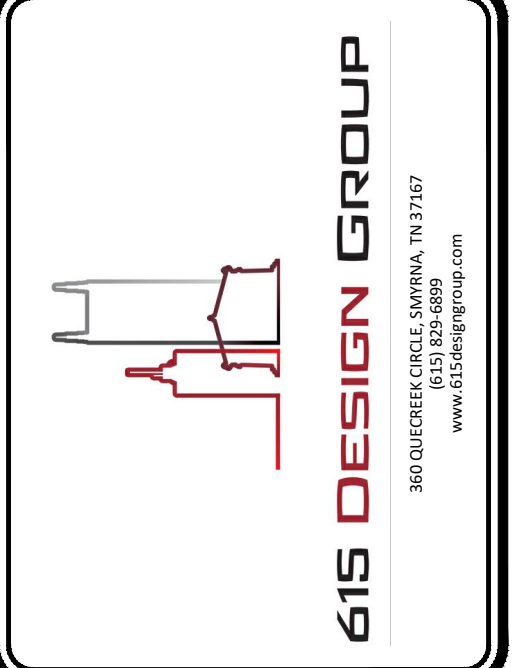
PROJECT #:	1027003
DESIGNED BY:	CJM
DRAWN BY:	CJM
DATE:	12/15/2023

SITE PLAN - OVERALL

C2.0



SITE DATA TABLE	
SITE ADDRESS:	1201 MAPLEASH AVENUE COLUMBIA, TN 38401
OWNER:	AGATHOS SCHOOL OF COLUMBIA
PARCEL ID:	099 04900 000
SITE AREA:	+/- 16.49 ACRES
EXISTING ZONING:	CD-2
EXISTING USE:	CIVIC / EDUCATION
MINIMUM SETBACKS:	
FRONT:	30'
REAR:	30'
SIDE:	20'
MAX BUILDING HEIGHT:	3 STORIES / 35'
PROPOSED BLDG HEIGHT:	2 STORIES
PARKING PROVIDED:	101 SPACES
NOTES:	
1. EXISTING SURVEY INFORMATION IS DERIVED FROM A BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY HARRAH & ASSOCIATES, DATED 8/26/2019.	
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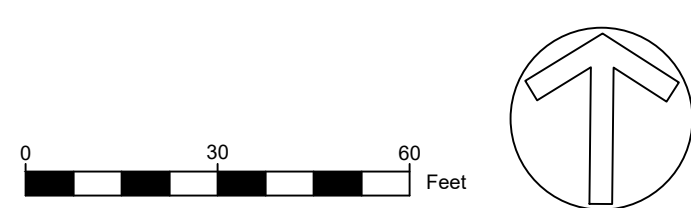
AGATHOS CLASSICAL SCHOOL
 1201 MAPLEASH AVENUE
 COLUMBIA, TN 38401

REVISIONS	NUMBER	DESCRIPTION	DATE

PROJECT #:	1027003
DESIGNED BY:	CJM
DRAWN BY:	CJM
DATE:	12/15/2023

SITE PLAN - ENLARGED

C2.1



AGATHOS CLASSICAL SCHOOL
Columbia, Tennessee

Campus Vision
01.05.2022



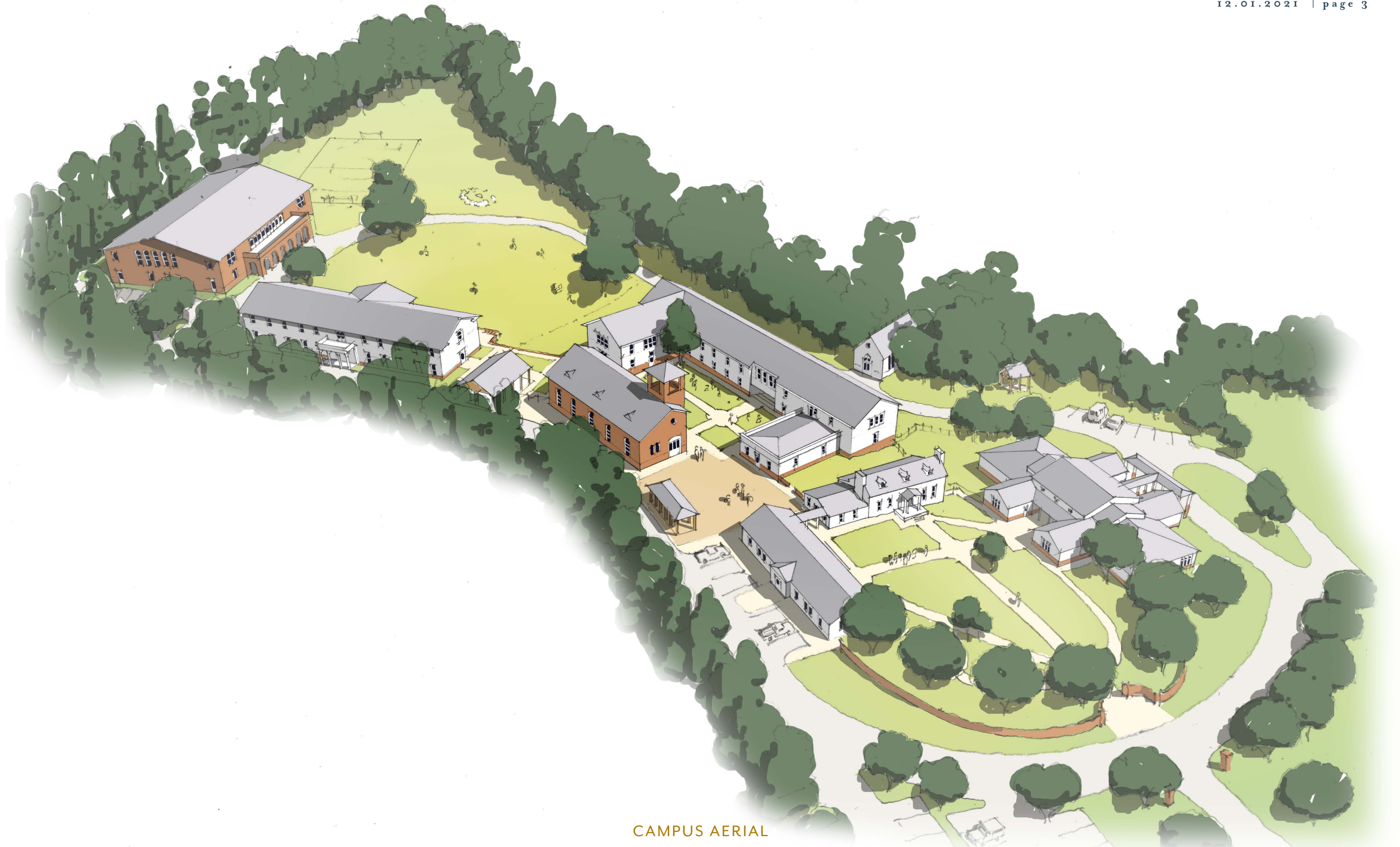
HISTORICAL CONCEPTS
ARCHITECTURE & PLANNING



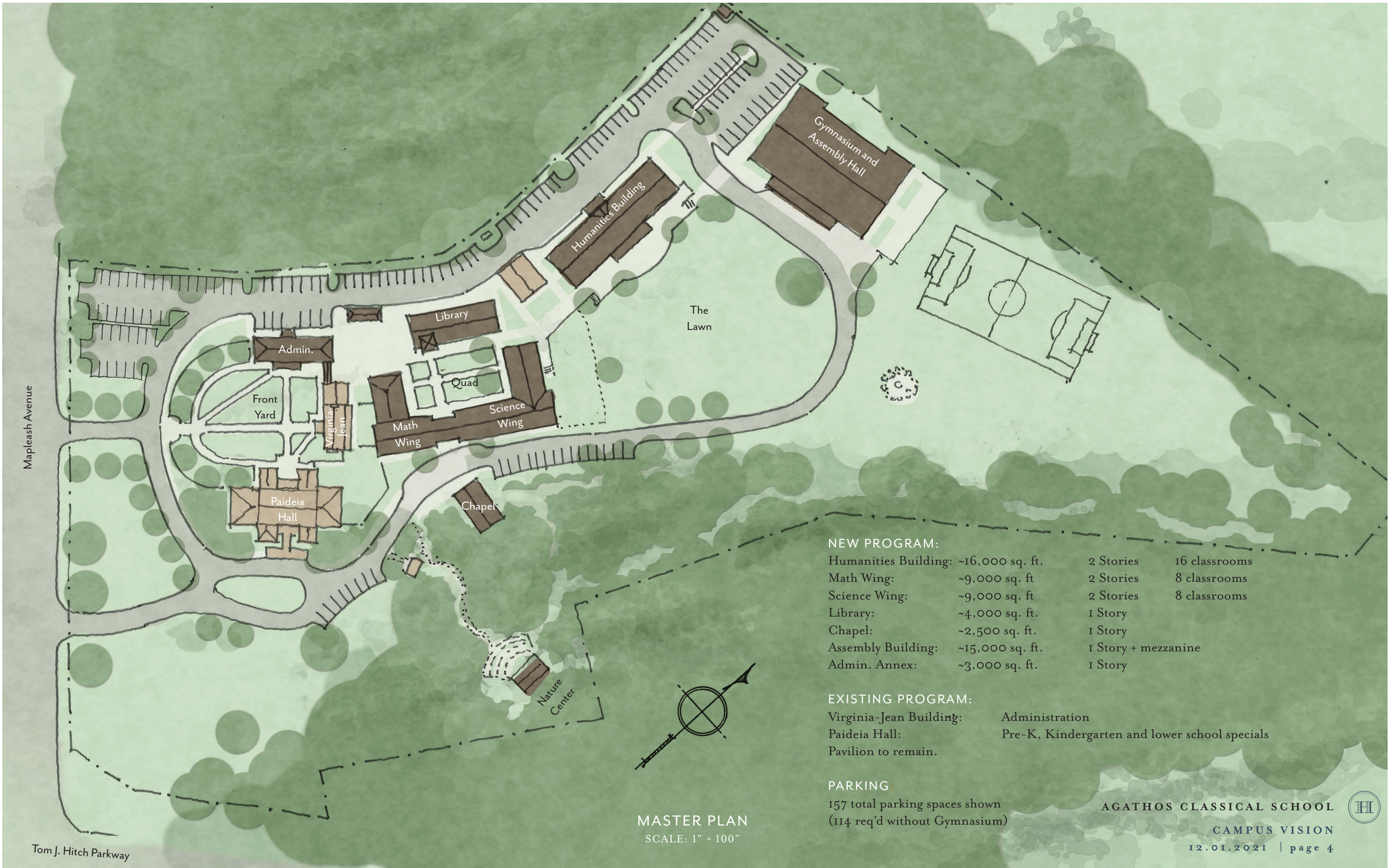
HUMANITIES BUILDING

AGATHOS CLASSICAL SCHOOL
CAMPUS VISION
12.01.2021 | page 2





CAMPUS AERIAL



Maplesh Avenue

Tom J. Hitch Parkway

MASTER PLAN
SCALE: 1" = 100"

NEW PROGRAM:

Humanities Building:	~16,000 sq. ft.	2 Stories	16 classrooms
Math Wing:	~9,000 sq. ft.	2 Stories	8 classrooms
Science Wing:	~9,000 sq. ft.	2 Stories	8 classrooms
Library:	~4,000 sq. ft.	1 Story	
Chapel:	~2,500 sq. ft.	1 Story	
Assembly Building:	~15,000 sq. ft.	1 Story + mezzanine	
Admin. Annex:	~3,000 sq. ft.	1 Story	

EXISTING PROGRAM:

Virginia-Jean Building:	Administration
Paideia Hall:	Pre-K, Kindergarten and lower school specials
Pavilion to remain.	

PARKING

157 total parking spaces shown
(114 req'd without Gymnasium)

AGATHOS CLASSICAL SCHOOL
CAMPUS VISION
12.01.2021 | page 4







SATELLITE OVERLAY
SCALE: 1" = 100'





PHASE I PLAN
SCALE: 1" = 100'





N

23-0519
1201 Maplesh Avenue



CITY OF
COLUMBIA
TENNESSEE

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



BOARD OF ZONING
VARIANCE APPLICATION AND CHECKLIST
SUBMITTAL REQUIREMENTS

*Please submit the Application online at [City of Columbia | Permitting \(onlana.com\)](http://CityofColumbia.com/Permitting)
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 (\$200.00 for owner-occupied residential, \$400 for all others) 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. **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 all variances requests:** Completion of the Requirements of Variance Sheet on this Application or a Justification Letter addressing the seven (7) criteria.
 - d. Applicable drawings, illustrations, and so forth, to accompany the request.
 - e. 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.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
LOT ADDRESS: 1201 Mapleash Ave, Columbia, TN 38401					
ZONING: CD-2			LOT ACREAGE: 16.49		
LAND USE: Civic / Educational			BUILDING SQUARE FOOTAGE: +/- 12,000		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): FRONT: 30 ft. SIDE: 20 ft. REAR: 30 ft.					
OTHER INFORMATION:					

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):
OTHER VARIANCE REQUEST	ZONING ORDINANCE SECTION: 4.3.1-A	
	REASON FOR REQUEST: 1.) Variance request to allow for buildings to front a private internal drive. 2.) Variance request to allow for parking to be in layer 1, 2.	

APPLICANT

NAME	CJ Murrell	PHONE	423-208-1985
ADDRESS	360 Quecreek Circle, Smyrna, TN 37167	EMAIL	cj@615designngroup.com

PROPERTY OWNER

NAME	Agathos Classical School	PHONE	
ADDRESS	1201 Mapleash Ave, Columbia, TN 38401	EMAIL	mseago@yahoo.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.

CJ Murrell

APPLICANT NAME


APPLICANT SIGNATURE

12/14/2023

DATE

MARK SEAGO (PR of Trustees)
PROPERTY OWNER NAME


PROPERTY OWNER SIGNATURE

12/17/23
DATE

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.

The existing approvals on site allowed the school to move in the direction of a campus setting. The current zoning ordinance forces the property to request such variances to allow for the school to function as a campus. The approval of the variance to allow for buildings to front an internal drive and to allow parking within level 1 and level 2 is needed for not just proposed buildings on site but for the existing buildings on site to be in compliance as well.

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 approval of the two variances requested would allow the school to function fully as a campus and allow for the school and those attending to reasonably use the land, buildings, and structures.

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

Civic use is already an authorized use within the current zone district; however, the variance to front a major thoroughfare and allow an internal drive would allow for the campus to function as it should. The variance to allow for parking within level 1 and level 2 would allow for the campus to function as it should.

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

Financial returns are not a basis of the consideration. The approval of the variances would allow for the campus to function and would allow the school to move closer to having its entire attendance on the same property.

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.

The property is already being utilized as a school and there is a large amount of the community that relies on the school to function well. The approval of the variance would allow for the school to operate efficiently and be constructed in such a way as to provide a campus feel on the grounds of the school, which is typical of other campuses throughout the state.

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.

The proposed campus would meet the site lighting requirements of the City of Columbia. The campus is being designed in such a way as to accommodate as much of the school traffic on site as possible during drop off and pick up times. All buildings will meet the requirement of the fire department as it relates to fire sprinklers and emergency access to and from the site.

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.

The school and ownership purchased the property with the intent to create a campus setting and the existing buildings on site show that the school is trying to move in that direction. The existing approvals on the site also lend towards a campus setting.

CONTACT INFORMATION

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

DOCKET/CASE/APPLICATION NUMBER

23-0508

APPLICANT/ PROPERTY OWNER

Phillip Rodriguez

PUBLIC HEARING DATE

January 11, 2024

PROPERTY ADDRESS/LOCATION

4015 Shenandoah Drive

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-B, Accessory Building setback requirements.

The applicant asks that the Board of Zoning Appeals to determine from the evidence presented in the application that new construction of proposed garage cannot conform to the requirement for Accessory Structure Side Yard Setback due to a property-specific hardship not of the applicant's creation.

Specifically, the applicant identifies the primary structure as not situated parallel to the west property boundary line of the lot. Furthermore, to maintain the required 10' side yard setback with the addition of an accessory structure would require the garage to be angled towards the primary structure at the rear and encroaching upon the pre-existing pool foot print. In order to meet the required 10' side yard setback, the proposed addition would not be in alignment with the façade frontage of the primary structure. Applicant is seeking a 5' reduction in the minimum 10' side yard setback requirement on the west most boundary line of the lot.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
CD-3L Neighborhood Large Lot Character District	Single Family Residence	CD-3L/ Single-Family Residential	Detached Garage Addition	N/A

DEVELOPMENT STATUS & HISTORY:

- The applicant recently purchased the home at 4015 Shenandoah Drive with an attached garage and a small detached accessory structure realizing later that the attached garage is not large enough to accommodate personal vehicle parking.

- Applicant performed due diligence and considered all feasible options prior to contacting staff for assistance. Staff met with applicant on 12/5/2023 to discuss the project with applicant at which time Mr. Rodriguez was advised of the Variance procedures.

REVIEW & ASSESSMENT:

Article 4, 4.3.1-B, District Standards

1. Setback/Yards – Accessory Building
 - Side yard setback is 10’ minimum.

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 the 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 the 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 nay person having an interest in the property.

STAFF ANALYSIS

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

The site alignment of existing home is non-parallel to the west boundary line of the lot as described by the applicant. Relating to the addition of a proposed detached garage, this poses an extraordinary situation for placement due to façade alignment of proposed construction compared to façade alignment of the primary structure at the frontage. In order to maintain the required 10' side setback, the new construction would be offset of parallel alignment due to the rear southeast corner of the building having to be situated closer to the home than the front northeast corner of the structure. The Variance requested is the minimum that would relieve this difficulty.

RECOMMENDATION:

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]*.

- **Proposed construction meets all other zoning, building, and fire code standards subject to requirements through permit review.**

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.

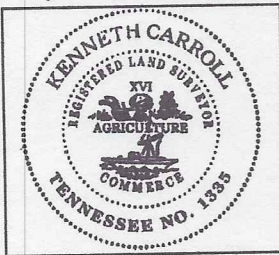
Alternative Motion [Deny]:

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 [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.

CARROLL LAND SURVEYING
 495 EAST MAIN STREET, SUITE 1
 HOHENWALD, TN 38462
 PHONE: (931)796-1654
 FAX: (931)796-1651
 EMAIL: csurvey@bellsouth.net



VICINITY MAP
(NOT TO SCALE)

SHENANDOAH DRIVE
 50' R.O.W.

0.48 ACRES

DARRELL AILSHIE ETUX
 DEED BOOK 1207, PAGE 24
 TAX MAP 112D, GROUP I, PARCEL 14.00

LARRY MURPHY ETUX
 RECORD BOOK 1862, PAGE 649
 TAX MAP 112D, GROUP I, PARCEL 12.00

DAVID RICHARD PETERSON II ETUX
 RECORD BOOK 2844, PAGE 1228
 TAX MAP 112E, GROUP C, PARCEL 68.00

P.O.B.

DRIVE

HOUSE

SHED

CONCRETE

POOL

PRIVACY FENCE

LINE	BEARING	DISTANCE
L1	N 60°12'54" E	120.05'
L2	S 29°49'49" E	175.00'
L3	S 60°13'59" W	120.00'
L4	N 29°50'42" W	174.96'

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS EVIDENCED IN BOOK NUMBER 2906, PAGE 341, COUNTY REGISTERS OFFICE, AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT; ESTABLISH THE MINIMUM RESTRICTION LINES, AND THAT OFFERS OF IRREVOCABLE DEDICATION FOR ALL PUBLIC WAYS, UTILITIES, AND OTHER FACILITIES HAVE BEEN FILED.

LEGEND

- + = WATER METER
- ⊙ = IRON PIPE FOUND
- ⊗ = CONCRETE MONUMENT

DATE _____ PHILLIP RODRIGUEZ
 DATE _____ PALOMA RODRIGUEZ



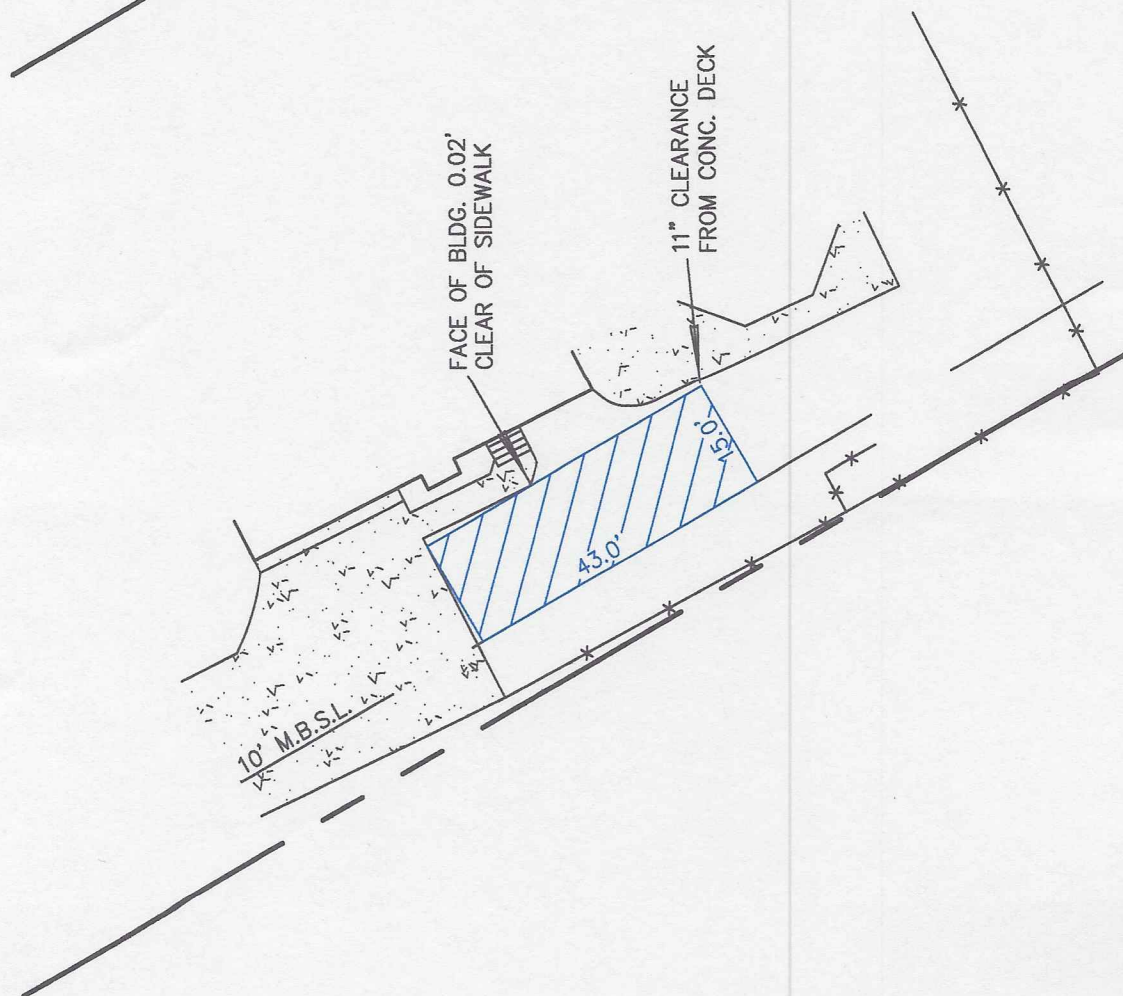
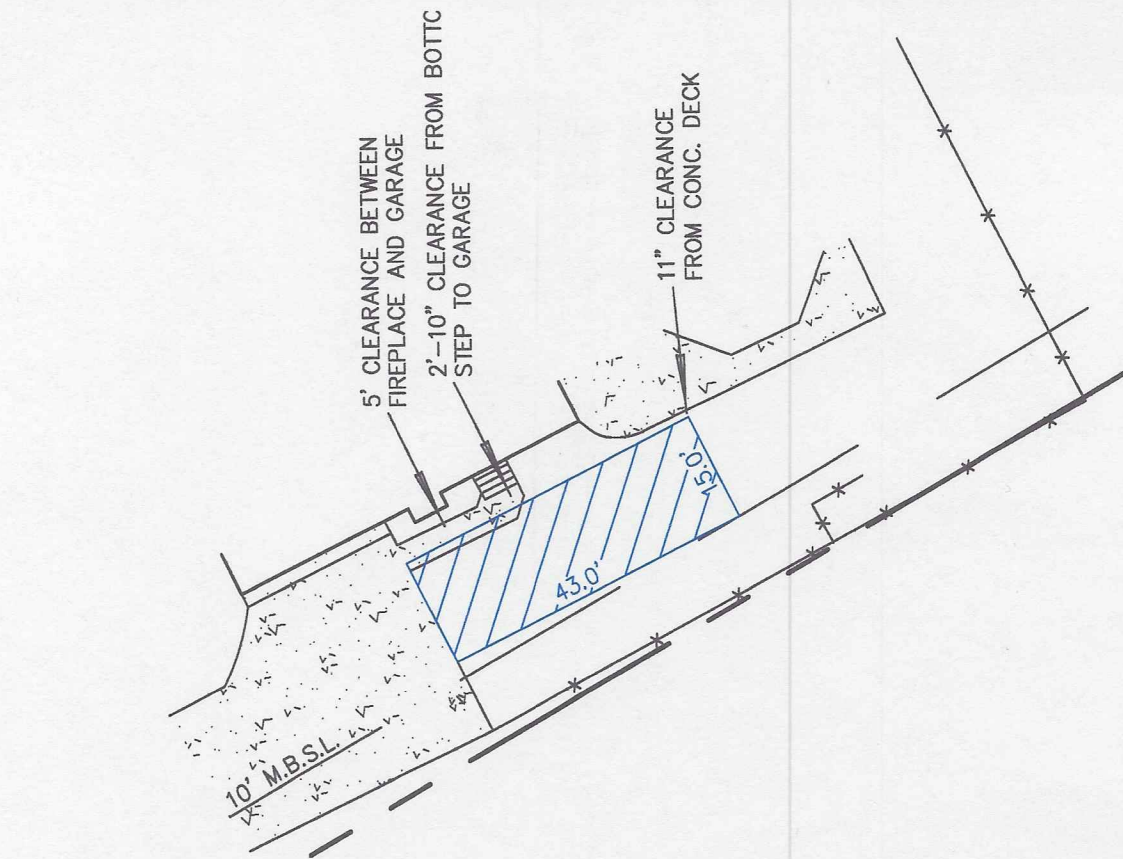
CERTIFICATION

I, KENNETH CARROLL, LICENSED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECTION, THAT IT IS MY OPINION THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICES FOR A CATEGORY 1 SURVEY, AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY WAS 1:10,000 + AS SHOWN HEREON.

Kenneth Carroll
 KENNETH CARROLL
 TENN. REG NO. 1335

SURVEY FOR
 PHILLIP RODRIGUEZ ETUX

SCALE: 1" = 50'	APPROVED BY: KENNETH CARROLL	DRAWN BY: NEYLAN FRANKS
DATE: 9-22-23	REVISD: / /	
9TH CIVIL DISTRICT - MAURY COUNTY, TN		
REF: RECORD BOOK R2906, PAGE 341 TAX MAP 112D, GROUP I, PARCEL 13.00		JOB NAME: RODP923 (JC)

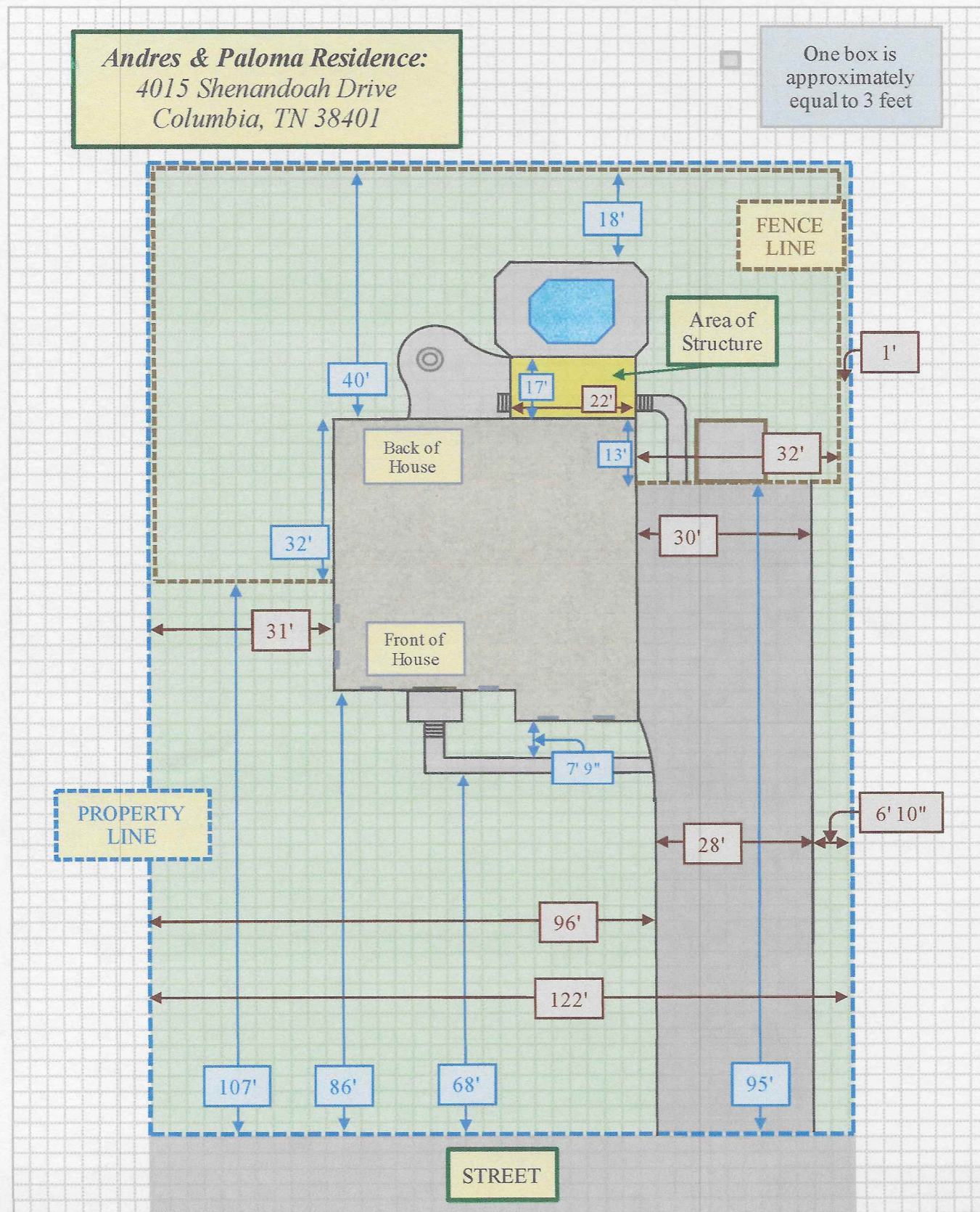


Bear Creek Landscapes & Design, LLC

September 1, 2023

Job Order #13302 HI

Andres Paloma Rodriguez



Designed by: Jason E. Daugherty
Prepared by: Farrar Cusomato

864-1 – 36’ x 24’

2 Car Garage Plan with Shop Space at Right Side



Garage Plan in Paper And PDF
We offer both Paper and PDF plans



100% Money Back Guaranteed
No questions asked within 60 days



Fast and Free Shipping
or Electronic Delivery



Free Material Lists
BEFORE you buy plans

Behm Design > Products > Sizes > 1 Story Garages > 864-1 – 36’ x 24’



\$339.95

Purchase Options

Choose an option

ADD TO CART



The side shop space can be used for storage and other purposes . Door alternates are included in plans so you can identify preference for versatility.

You Might Also Like



400-0 20’ x 20’

Basic 2 Car Garage Plan



480-2A 20’ x 24’

Compact 2 Car Garage Plan with Big attic



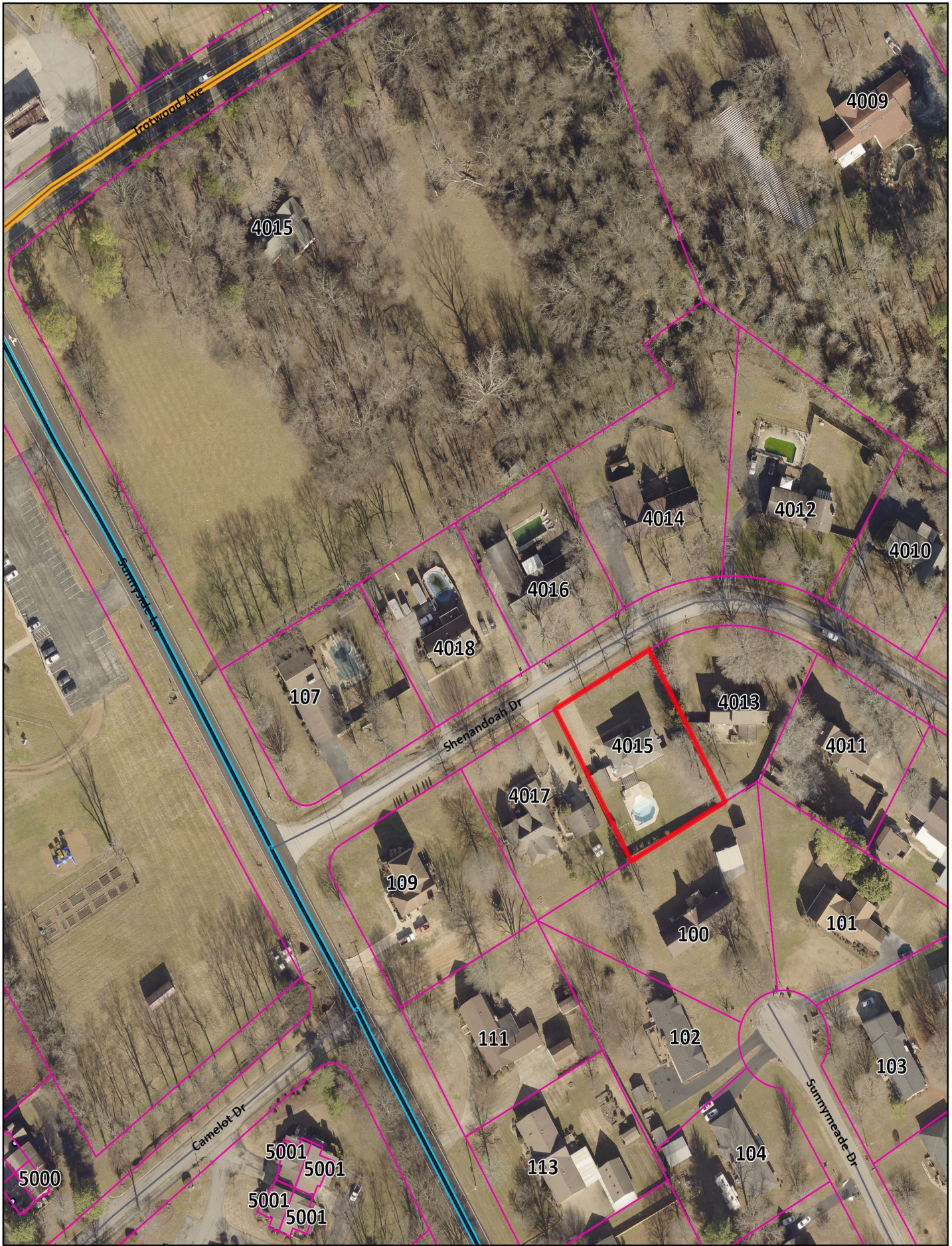
440-2C – 20’ x 22’

Compact 2 Car Garage Plan



572-2 – 22’ x 26’

Basic 2 Car Garage with Attic Plan



23-0508
4015 Shenandoah Drive



CITY OF
COLUMBIA
TENNESSEE

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

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.

There is an older, existing shed structure at the end of the drive way to the Southwest of the primary residence. The goal is to update this structure to match the house (currently it is wooden with asphalt roof) and provide an appropriate size garage to be functional and aesthetically pleasing. The primary residence was not built parallel to the West property line. In keeping with the current 10 foot variance, this would require the structure to be angled in towards the house, which would not properly match the primary residence and would also encroach upon the pre-existing pool foot print, or, if built in parallel to the primary residence, would place the accessory structure within 3 feet of the primary residence. In replacing the existing accessory structure, the aim is to maintain the aesthetics of the primary residence and neighborhood but also maintain and maximize function. The current garage at the primary residence is not deep enough to accommodate the owner's vehicle and thus the new garage would accomplish this goal.

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.

A 5 foot setback on the west side of the property would allow space to replace the existing, older shed.

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

In replacing the existing accessory structure, this property would remain in compliance with the current zoning ordinance.

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

There is no financial benefit or gain from this variance as this is a residential property and a personal use accessory structure to be built and paid for by the property owners.

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.

Given there is already an accessory structure on the property, the renovation of such a structure would serve as a neutral action to the surrounding public. The project includes replacing the existing privacy fence which re-instates the status quo of neighborly privacy and many neighboring homes have larger accessory structures. The variance would simply allow for thoughtful and intentional symmetry of construction to the primary structure as well as update an older, less suitable garage/storage shed.

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.

The neighbor to the West of the property (the planned construction site) already has a larger secondary structure along the property line and has no significant loss of sunlight as this is an unused portion of the property. They have already been contacted regarding construction and the proposed building and have no objections.

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 is a pre-existing issue unknown/unrealized to the property owner. Due diligence has been performed and after considering other feasible options, this variance request is being submitted to allow the property to maintain accordance with the current zoning ordinance.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
LOT ADDRESS: 4015 Shenandoah Drive , Columbia, TN, 38401					
ZONING: CD-3L			LOT ACREAGE: 0.48 acres		
LAND USE: Single Family Home			BUILDING SQUARE FOOTAGE: 2100 Square Feet		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): FRONT: ²⁰ ft. SIDE: ¹⁰ ft. REAR: ⁵ ft.					
OTHER INFORMATION:					

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 Zoning Ordinance 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): 5 ft
OTHER VARIANCE REQUEST	ZONING ORDINANCE SECTION:	
	REASON FOR REQUEST:	

APPLICANT

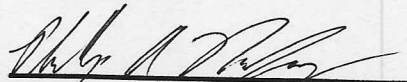
NAME	Phillip Andres Rodriguez	PHONE	931-408-8740
ADDRESS	4015 Shenandoah Dr, Columbia	EMAIL	phillip.andres.rodriguez@gmail.com

PROPERTY OWNER

NAME	Phillip Andres Rodriguez	PHONE	931-408-8740
ADDRESS	4015 Shenandoah Dr, Columbia	EMAIL	phillip.andres.rodriguez@gmail.com

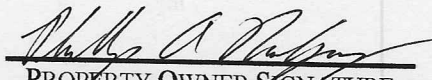
In filling out this application, I attest that (1) I am familiar with the rules, regulations, and procedures of the City of Columbia & (2) all information contained herein is accurate & true to the best of my knowledge.

Phillip Andres Rodriguez
APPLICANT NAME


APPLICANT SIGNATURE

12/10/2023
DATE

Phillip Andres Rodriguez
PROPERTY OWNER NAME


PROPERTY OWNER SIGNATURE

12/10/2023
DATE

CONTACT INFORMATION

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

DOCKET/CASE/APPLICATION NUMBER

23-0506

APPLICANT/ PROPERTY OWNER

Edward Ellsworth

PUBLIC HEARING DATE

January 11, 2024

PROPERTY ADDRESS/LOCATION

215 Polk St

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, Principle Building Rear Yard Setback.

The applicant asks that the Board of Zoning Appeals determine from the evidence presented in the application that the property cannot conform to the requirement for the rear yard setback of 25' due to the existing narrowness and shape of said lot. The applicant specifically requests for a rear setback variance relief of 18.8' at the northwest corner of the lot in addition to a rear setback variance relief of 12.4' at the northeast corner of the lot in order to place a manufactured home on site while still maintaining the side yard setbacks with the allowance of a 5' administrative adjustment for the front yard setback.



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	New Construction	N/A

DEVELOPMENT STATUS & HISTORY:

- On 8/15/2019 Permit 19-0804 was issued for demolition of an existing damaged structure and site location for a manufactured home. The previous home was situated facing Crestview Drive. A new address was issued for the location, 215 Polk Street at issuance of permit. The applicant did not follow through with completion of this project and the site has remained vacant.
- The applicant purchased the property and made application for Permit 23-2308 to site locate a manufactured home on the lot. Upon staff review, the proposed placement of the home did not meet current zoning rear yard setbacks to gain approval. Several discussions took place between applicant and staff in an attempt to achieve compliance with the zoning standards to no avail. Staff advised applicant of the Variance procedures.

REVIEW & ASSESSMENT:

Article 4, 4.3.1-C, District Standards

1. Setbacks/Yards – Principle Building
 - Rear Setback/Yard is required to be 25’ minimum or 15’ minimum from center line of Rear Alley.

Article 8, Section 8.5.8-D, Administrative Adjustment

1. All additional procedures and standards are met.
2. That granting the Administrative Adjustment will not have an adverse impact on land use compatibility.
3. That granting the Administrative Adjustment will not materially and adversely affect Adjacent land uses or the physical character of uses in the immediate vicinity of the proposed Development; and
4. That granting the Administrative Adjustment will be consistent with the Comprehensive Plan and the purposes and intent of this Ordinance.

8.5.16. L REQUIREMENTS FOR VARIANCE

1. Standards:
 - The Board shall not grant a variance unless it makes the following findings based upon evidence presented:
 - 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.



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

- 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 caused by the act of omission of the applicant or any person having an interest in the property.

STAFF ANALYSIS

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

The property, identified as 215 Polk Street, is situated on the corner of Polk Street and Crestview Drive. The western most side of lot is approximately 32.76 feet widening to approximately 60.62 feet at the eastern most side of the property creating a wedge-shaped lot. The proposed addition of a 56' x 28' manufactured single-family residence on the property would add a structure to an otherwise vacant lot. Site location of the home adheres to setback requirements of the side yard, and with the allowance of a 5' Administrative Adjustment, meets the front yard setback of 25 feet. Due to the narrowness of the lot at the western most boundary, site location of the structure dictates a rear setback of 6.2 feet at the northwest corner reducing the required rear yard setback by 18.8 feet. In addition, the northeast corner of the home is proposed to be placed at 12.62 feet from the rear property boundary, reducing the rear yard setback by 12.4 feet. Staff concurs with the applicant regarding the exceptional narrowness of the lot and finds that the request submitted by the applicant is the minimum variance that would relieve such difficulties thereby making it possible for use of an otherwise vacant lot. Granting of rear setback variance will not adversely affect neighboring properties, but will further protect the adjoining lots by adding value to the area with the addition of a single-family home.

RECOMMENDATION:

Staff recommends approval

Recommended 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 Motions:**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.

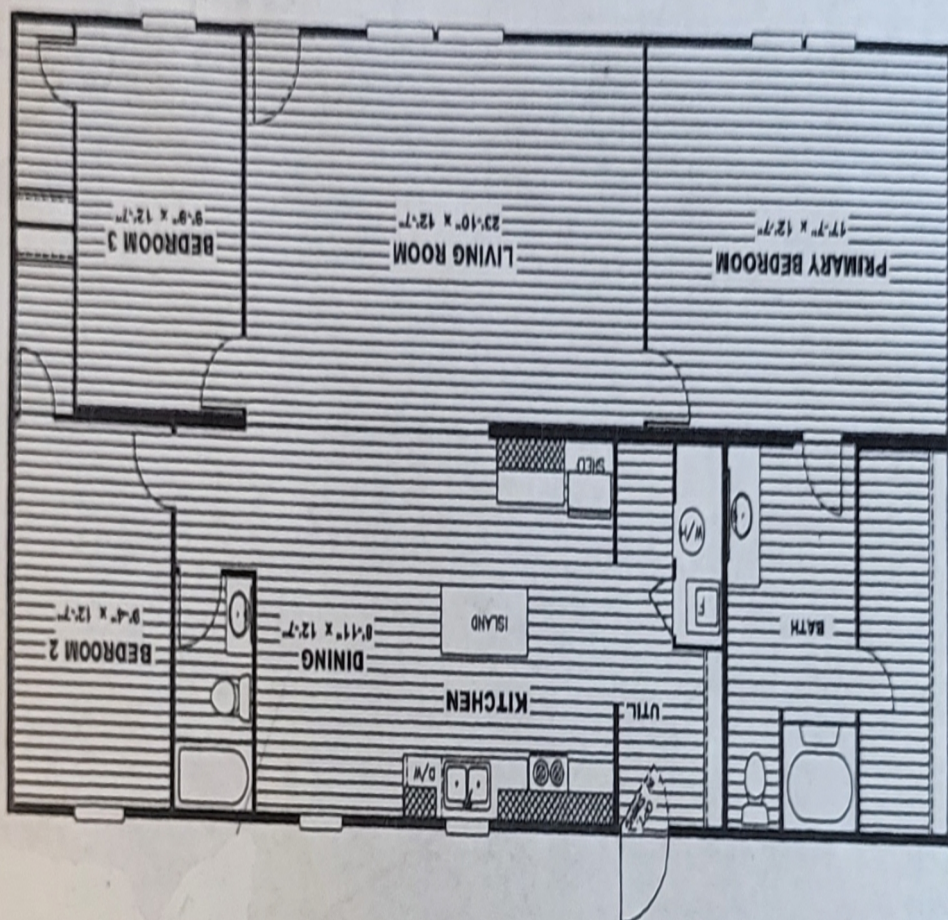
Alternative Motion [Approve Subject to Conditions]:

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.

OWN IT



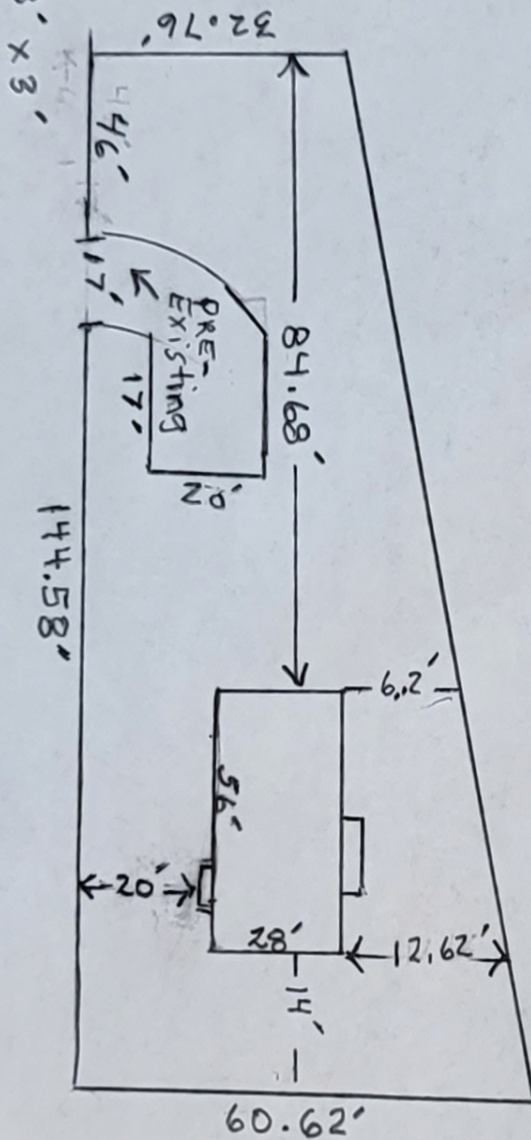
TRU28563R // 28x56 // 1,475 sq ft // 3 beds // 2 baths

THRILL

TRU



Site
Plan



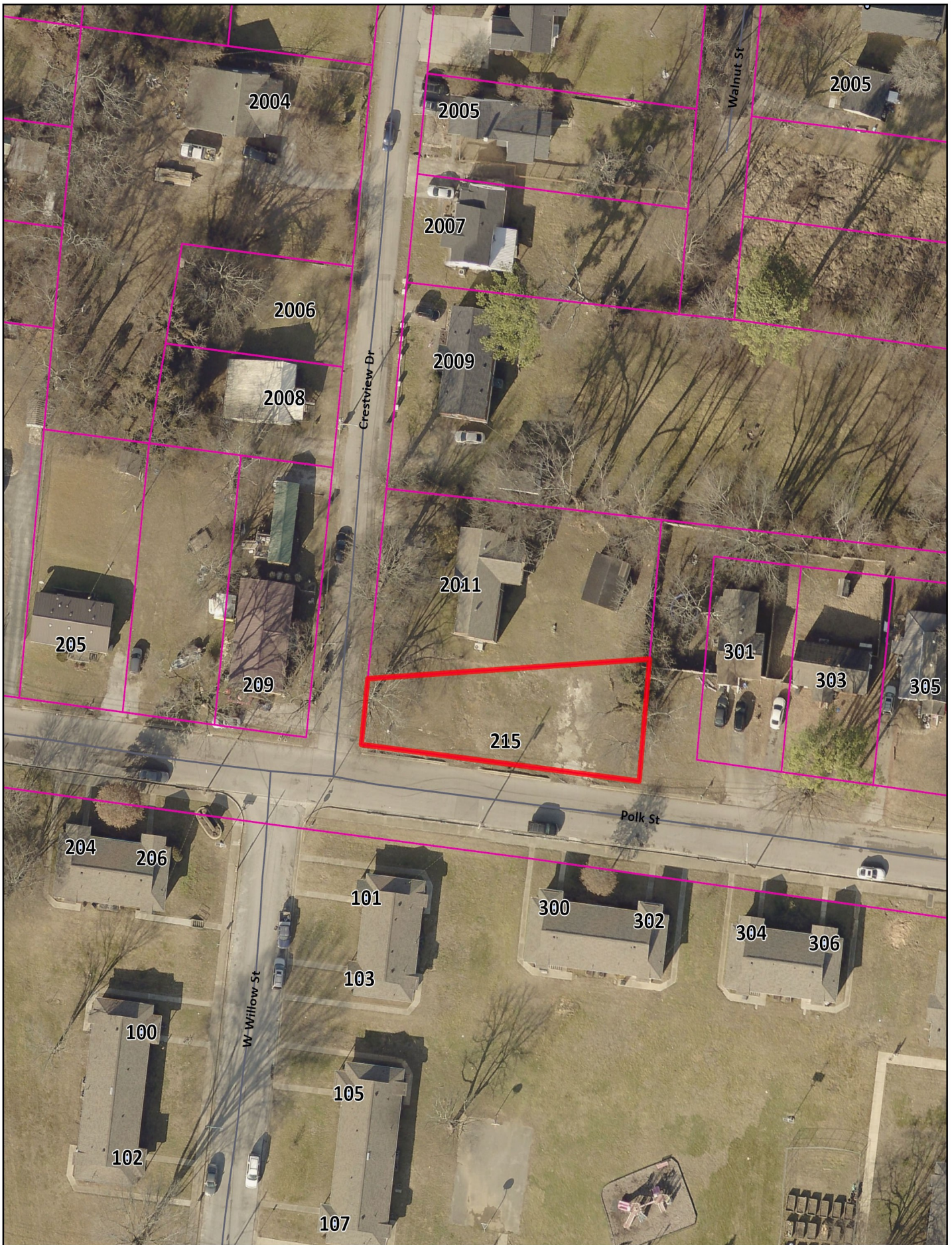
Front Porch Steps: 3' x 3' x 3'

Rear Porch: 4' x 6' x 3'
Concrete

Foundation: Foster Cinder Block
Plaster Cladding

215 POLK STREET
COLUMBIA, TN 38401





23-0506
215 Polk Street



CITY OF
COLUMBIA
TENNESSEE

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

DOMINIONELE TRUST
129 SOUTHWIND RUN
SPRING HILL, TENNESSEE 38401
PH:615-485-3451 931-0486-1588 :FAX
DOMINIONELETRUST@GMAIL.COM

DECEMBER 11, 2023

Development Services/Planning Division
700 N. Garden Street
Columbia, TN 38401
Phone: (931) 560-1536

Dear Services and Planning:

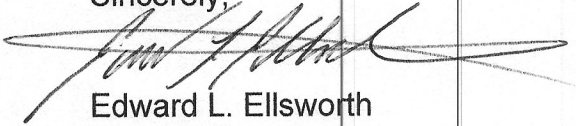
Greetings and I pray that this finds you well. I am writing this letter in reference to a proposed development at 215 Polk Street, Columbia, Tennessee 38401, in hopes of securing a variance for the relocation of the manufactured home that accompanies this letter and uploaded to the portal.

When we purchased this property, we were not aware that there would be any issues with placing another property on the site. There had been a property there previously which we are still paying property taxes for even though that structure is no longer there. The house that was previously there for over nearly fifty (50) years, encroached over the northern property line and did not meet the setback requirements in place at that time, as shown in the survey which is also attached and uploaded to the system. The home that we propose to place on this site does not. While the home we propose to place on this property does not meet the setback requirements for the back yard only, it does meet all of the other setback requirements and leaves room for a substantial side yard that is four times the setback requirements from the western street side on Crestview.

On a marginal note, the size of this lot was made substantially smaller after the City used part of it to develop Polk Street and the undeveloped Walnut Street on the eastern site of this property. This property has two (2) pre-existing existing curb cuts for parking and if a variance is granted based upon the site plan provided it this home will not provide any health or safety issues, will add additional revenue for the City of Columbia, and will add to the overall aesthetic to the community. In fact, this lot has been a problem with illegal dumping, vagrancy, and people using the lot for purposes that have caused problem with the neighbors and law enforcement. With a home present, it will eliminate this property being used for purposes other than its intent.

Wherefore, all premises considered we pray that this body finds that allowing a variance in this circumstance is warranted. A house was there previously, it will bring additional revenue to the City of Columbia and will eliminate illegal dumping and other public safety concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward L. Ellsworth", with a long horizontal flourish extending to the right.

Edward L. Ellsworth

CC: Robert Archibald
Tracy Bain, Contractor
Ed Nelson, Contractor



BOARD OF ZONING
VARIANCE APPLICATION AND CHECKLIST
SUBMITTAL REQUIREMENTS

*Please submit the Application online at [City of Columbia | Permitting \(onlana.com\)](http://CityofColumbia.com/Permitting)
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 (\$200.00 for owner-occupied residential, \$400 for all others) 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. **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 all variances requests:** Completion of the Requirements of Variance Sheet on this Application or a Justification Letter addressing the seven (7) criteria.
 - d. Applicable drawings, illustrations, and so forth, to accompany the request.
 - e. 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.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
LOT ADDRESS: 215 Polk Street, Columbia, Tennessee, 38401					
ZONING: Single Family Residential			LOT ACREAGE: 0.16 Acres / 6762.43 Square Feet		
LAND USE: Single Family Residence			BUILDING SQUARE FOOTAGE: 1475 Square Feet		
ESTABLISHED/EXISTING SETBACKS (DISTANCE BETWEEN BUILDINGS AND PROPERTY LINES): FRONT: <u>20'</u> ft. SIDE: <u>84' / 14'</u> ft. REAR: <u>12.6'/6.2'</u> ft.					
OTHER INFORMATION:					

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): 14' to 19' based on applicable ordinance used
OTHER VARIANCE REQUEST	ZONING ORDINANCE SECTION:	
	REASON FOR REQUEST: Placing Single-Family Home on Lot	

APPLICANT

NAME	Edward Ellsworth	PHONE	615-485-3451
ADDRESS	129 Southwind Run, Spring Hill Tennessee, 37174	EMAIL	dominioneletrust@gmail.com

PROPERTY OWNER

NAME	Dominion ELE Trust	PHONE	615-485-3451
ADDRESS	129 Southwind Run, Spring Hill Tennessee 37174	EMAIL	dominioneletrust@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.

Edward Ellsworth

APPLICANT NAME



APPLICANT SIGNATURE

12/14/2023

DATE

Dominion ELE Trust

PROPERTY OWNER NAME



PROPERTY OWNER SIGNATURE

12/12/2023

DATE

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

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

See Attached

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.

See Attached

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.

See Attached

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.

See Attached