



AGENDA

The Columbia Board of Zoning Appeals will meet on Thursday, April 14th, 2022 at 9:00 a.m. in the Council Chambers on the basement level of City Hall, 700 N. Garden Street to consider the following:

1. Roll Call

2. Approval Of Minutes

Approval of minutes from March 2022 meetings.

Documents:

[BZA_20220314 SPECIAL CALL MEETING MINUTES DRAFT.DOCX](#)
[BZA_20220310 MINUTES DRAFT.DOCX](#)

3. 22-0081- Conditional Use - SommBird Tasting Room

Request from SommBird Tasting Room (a.k.a The Keeping Room) for a Conditional Use to allow a Nightclub, Tavern, or Bar within the CBD zoning district located at [808 WALKER STREET](#).

Documents:

[22-0081_APPLICATION_808 WALKER ST.PDF](#)
[22-0081_FLOORPLAN_808_WALKER ST.PDF](#)
[22-0081_808_ADDITIONAL DOCUMENTS TCA REGS_WALKER ST.PDF](#)
[22-0081_808WALKER_ZONEMAP.JPG](#)
[22-0081_SOMMBIRD TASTING ROOM_CU_STAFF REPORT.PDF](#)
[22-0081_ADDENDUM 1 TO STAFF REPORT_808 WALKER.PDF](#)

3.I. 22-0081- Comments Received By Staff

Documents:

[22-0081_LETTER FROM BOARD OF ST PETERS_808 WALKER.PDF](#)
[22-0081_LETTERS TO BZA_808 WALKER.PDF](#)
[22-0082_G MARTIN COMMENT EMAIL_808 WALKER STREET.PDF](#)

4. Other Business

- Update on Education Session

5. Adjourn

Anyone requesting accommodations due to disabilities should contact the City's ADA Coordinator at 931-560-1570 prior to the meeting.

The [2022 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
Special Called
March 14, 2022

CALL TO ORDER:

Chairman Jimmy Dugger called the March special called meeting of the Board of Zoning Appeals for the City of Columbia to order at 9:00 a.m. The meeting was held in the Council Chambers at City Hall.

ROLL CALL:

Quorum present and included the following:

Present were: Mr. Jimmy Campbell
Mr. Jimmy Dugger
Mr. George Vrailas

Absent were: Ms. Davena Hardison
Ms. Kristi Martin

Other attendees: Mr. Austin Brass, City Planner
Mr. Paul Keltner, Director of Development Services
Mr. Kevin McCarthy, Planning Associate II
Mr. Travis Neas, Chief Building Official
Mrs. Sandra Richardson, Secretary

AGENDA ITEM #1

Case #22-0047

Request from Firm Foundation Custom Homes, LLC for a variance from Section 8.4.9.B of the City of Columbia Zoning Ordinance which prohibits swimming pools in the street yard setback. The applicant seeks a variance after the fact to permit placement of an inground swimming pool at 659 Josef Circle.

Staff Review:

Mr. McCarthy gave the details of the staff report. The Zoning Ordinance defines a street yard as a space between a public right-of-way and the set back line. Going through the criteria for a variance, item number seven calls out 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. In this situation Mr. Whittenburg, the applicant for Firm Foundation Homes, acquired this property, applied for a permit to construct a home on the property, and chose to place the main façade of the principal construction further back than the minimum setback. The result of that is the only side yard available to place the swimming pool and other accessory use structure is of

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insufficient size to create the swimming pool that he would like to put on the property. He has already begun work on putting the swimming pool in place. Chief Building Official Mr. Neas observed it and advised him to apply for a permit. Had the swimming pool been shown on the initial application staff would have advised the applicant to make a different design choice, and place the home further up closer to the required setbacks.

Discussion and Motion:

Mr. Chad Whittenburg, President and General Contractor for Firm Foundation Homes, was present to answer questions. Mr. Whittenburg stated that they had two options concerning the original structure, formerly known as 617 Bear Creek Pike, and they chose to build a new structure. He also stated that it was not his intention to do anything without a permit. They did not know what pool they were putting in when he applied for the permit, because they had to tear down the house. They bought the permit early on, the contracted homeowner then decided what size pool and everything, based off of what they did. The prior existing construction faced Bear Creek Pike, that was not allowed under the plat. They were allowed to either face Josef Circle to the West or face Josef Circle to the South. They chose in the design to face West, and have the garage entrance off Josef Circle. The structure is actually only three inches further back than what is allowed. They are at 30.21 right now, and it is a 30 foot setback. The house they took back to the 30 foot setback which is required. It is 30 foot on the front and 30 foot on the sides, both of them are street sides. He also stated that they placed the house in the best spot to be able to achieve the biggest backyard possible. Further discussion included detention ponds, 10 foot setback, and a main gas line running up and down Bear Creek Pike which would prohibit them from using any backyard. Due to the limitations of that is why they decided to try to seek a variance on putting the pool in the current location. The best management practice for pools, is pool companies do not like to set a pool within eight feet of a structure because of having to have a walk around for safety. Mr. Whittenburg stated that the pool is in, they did not do anything intentional, it is his fault he was under the impression that under a building permit that the pool was already allowed, and the pool contractor moved ahead being under the same assumption. Mr. Brass stated that the pool permit was not shown in the building permit. Mr. Whittenburg stated that the pool will be fenced in, there is no problem with the HOA, the property had three front streets, and it is an inground pool. Further discussion included the seven criteria for a variance, the 20% rule, the shape of the house dictates the entire event, the pool can be on the side yard, a different house design, and location. Mr. Whittenburg inquired what the staff determination was for criteria number two and commented. He is looking at it as there was no pool attached to the original

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building permit, so he is looking at it as it is in front of him now. For them this is the least intrusive use of the property. He addressed each of the remaining criteria items and stated the lot was challenging having three street yards. Mr. Whittenburg also stated Spring Hill Zoning Appeals reviews variances one at a time. Mr. Keltner stated this decision would be citywide in its affect. Mr. Brass asked Mr. Neas about the building code regulations for separation from another structure. Mr. Neas stated the Building Code would regulate the design of the structure, such as the footing, not the separation distance. Mr. Vrailas asked about the side and front locations. Mr. McCarthy explained the Code defines yards as street, side, and rear. Mr. Dugger called for a motion. Mr. Brass asked the Board to include the reason for any approval or denial to the request. Mr. Campbell made the motion to deny with Mr. Vrailas seconding the motion. Mr. Dugger relayed an electronic message from Ms. Martin. Motion to deny was approved by a vote of three to zero. Mr. Whittenburg asked that Development Services staff should have communicated better.

OTHER BUSINESS:

No other business was presented.

ADJOURNMENT:

Ms. Hardison moved to adjourn, with Mr. Vrailas seconding. Motion to adjourn passed four to zero. The meeting adjourned at 9:50 a.m.

Board of Zoning Appeals, Chairman
Jimmy Dugger

Date

City of Columbia
BOARD OF ZONING APPEALS
March 10, 2022

CALL TO ORDER:

Chairman Jimmy Dugger called the March meeting of the Board of Zoning Appeals for the City of Columbia to order at 9:00 a.m. The meeting was held in the Council Chambers at City Hall.

ROLL CALL:

All present and included the following:

Present were: Mr. Jimmy Campbell
Mr. Jimmy Dugger
Ms. Davena Hardison
Mr. George Vrailas
Ms. Kristi Martin

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

APPROVAL OF MINUTES:

The February minutes were presented for approval. Mr. Dugger asked for approval of the minutes, he also asked if there were any corrections or deletions from the minutes. Hearing none he asked for a roll call vote for the approval of the February, 2022 meeting. The motion carried the minutes were approved with a vote of four to zero with Ms. Martin abstaining due to absence.

Mr. Dugger asked Mr. Brass to give an introduction of the new staff. Mr. Brass stated that Mr. McCarthy has been on staff since December, 2021. He comes to us from most recently working with the State of Tennessee with affordable housing. He has a Masters in City Planning the City is very fortunate to have him on staff. He will be presenting the staff reports and presentations before the BZA.

AGENDA ITEM #3

Case #22-0031

Request from Richmond American Homes for a Conditional Use to allow a model home sales office within a residential zoning district located at 2903 Windstone Trail.

Staff Review:

Mr. McCarthy gave the details of the staff report. Staff recommends approval with the condition of providing a revised parking plan.

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Discussion and Motion:

Discussion included Mr. Vrailas stated that this is for office parking. He stated it looks like there are five stalls plus a handicap, he asked is that not adequate. Mr. McCarthy stated that the dimensions of the parking stalls is the issue, the Ordinance requires nine feet in width and 19 feet in length. Mr. Vrailas asked if they could have four to be sufficient. Mr. McCarthy said he would have to double check. Mr. Brass stated that staff doesn't specifically have a parking ratio for model sales office. It is up to this Commission to make the recommendation as to what they feel is adequate for the parking stalls. Mr. Vrailas inquired this Commission or Planning Commission. Mr. Brass stated the Board of Zoning Appeals. Mr. Vrailas asked if the Board can make the recommendation here. Mr. Brass stated yes. Ms. Martin asked if this Board have encountered this issue before in the past and how have it been addressed. Mr. Brass stated that he doesn't believe so. Nine by 19 is the base for a parking stall what the Board would do is make that as a condition that it meets the zoning code requirements. Mr. Dugger inquired about the adjustments. Mr. Brass stated that there has to be a valid reason for granting a 20% administrative adjustment. Staff typically doesn't do that for parking stall. It is based off of setback, and there has to be a valid reason for granting a 20%. In this case he doesn't see a valid reason. Mr. Dugger stated to Ms. Hardison since she was new, the Commission allows the staff a 20% variance in regards to decisions if it falls within that then they can make a decision without the Board. If it goes past that then the board have to allow them to bring it to this Board to make a vote. Mr. Brass stated that it would have to be a reason why staff would grant the variance. Mr. Vrailas made the motion that they can go to four parking stalls and one handicap to meet their width requirements. Ms. Hardison seconded the motion. Motion to approve passed five to zero.

#4 Case 22-0034-

Request from Smith Douglas Homes for a Conditional Use to allow a model home sales office within a residential zoning district located at 531 Morgan Meadows Way.

Staff Review:

Mr. McCarthy presented the details of the staff report. The parking plan deviates more from the standards. They show a very wide concrete driveway. The maximum allowed width is 25 feet. Staff asks that the Board condition any approval on staff's recommendation of a revised parking plan. Staff asks that the Board condition the approval of this request on compliance with City of Columbia Zoning Ordinance.

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Discussion and Motion:

Chad representing Smith Douglas Homes, was present to answer questions. The representative stated that they didn't put the handicap on there, but they will have one handicap and two stalls. They will have three to meet the requirements, and they can get them drawn on there and resubmit if needed. Mr. Brass stated that the handicap stall will require an accessible space, it would require a wheel stop in the parking stall. In addition to Mr. McCarthy's review it was stated that the drive aisle, the pad with requirements at the right-of-way, well exceeded our code requirements. The pad will need to be reduced at the right-of-way. The representative stated that they will take it down to 25 feet. Mr. Dugger asked for the difference between the handicap regular stall, and the standard stall. Mr. Brass stated that the standard is nine by nineteen, the van accessible aisle is five feet wide. Mr. McCarthy stated that there are two issues. They are the dimensions of the parking stalls, you are showing the 30 foot wide parking pad and you have the driveway maximum width of 25 feet. It will be preferable if the applicant will make it so that one can pull into a driveway and then park. Mr. Brass showed him an example. He stated they can definitely do that, and it is not an issue. Mr. Dugger asked if the Board has a right to talk about the sign since it is not on the agenda. Mr. Brass stated that it was an advisory comment that any signage violation be cleared out as part of a conditional use. Mr. Dugger asked the applicant are you willing to accept that modification and change. He stated absolutely. Mr. Vrailas asked how many homes are in the subdivision. The representative stated 98. Mr. Vrailas inquired there will be someone in the model home greeting people. The representative stated one to two people, there is two offices in the sales office. Mr. Vrailas asked if they will have their own parking or will they be using these parking spaces. The representative stated that they park on the street, and allow for the three spots to be open. Mr. McCarthy stated that it would be preferable that adequate parking be provided for visitors and staff so that one don't have cars in the right-of-way. Further discussion included temporary process, once the home sells taking the pad out, retro the office back to a garage, pour a driveway to the house, building a house where the parking pad is, garage, the parking pad will go away, gravel area, gravel is not good practice, safety issue, building around the model, simpler solution, landscaping, paving, concrete, five parking spaces, construction place, entrance will be paved, and the number of homes already purchased. Mr. Vrailas moved to approve the motion with conditions regarding site plan with revised parking plans that shows the narrower driveway, parking spaces as per discussed, and continued compliance with the Ordinance concerning the sign. Mr. Dugger stated that the motion was properly made and seconded and he called for the vote. Motion to approve with conditions passed with a vote of five to zero.

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OTHER BUSINESS:

Mr. Brass stated at the last meeting Mr. Vrailas highlighted the Apex Recovery. It was for a conditional use to allow a drug substance abuse center was at a former nursing home on Trotwood Avenue. During the last meeting there was some discussion regarding the success rate and that is something that he stated he can reach out to the applicant and see if he can get you that information personally. It wasn't something that was apart of the approval condition. It was just a general question, and it is a valid question.

Mr. Dugger stated that Austin as a staff member make that happen. The Commission has another meeting on Monday, and Ms. Martin will not be there a quorum is needed. Everyone stated that they plan on being there.

Mr. Dugger asked about Education. Four hours are needed per year. Mr. Brass stated that staff will look at Tennessee Planning Association for educational sessions. Mr. Brass stated that TAPA is the one that does the educational sessions for BZA in the state of Tennessee. Mr. Dugger inquired about real estate sessions counting as education. Mr. Brass stated that he doesn't know if those classes are in the purview of the BZA. TAPA is the single model for BZA education. Ms. Martin discussed on street parking congestion. Mr. Brass stated that the new code addresses parking. Off street parking is allowed in residential areas. Mr. Vrailas thinks the ratio needs to be two instead of one and a half. Further discussion includes trash collection, zoning levels, and an education session with staff.

ADJOURNMENT:

Ms. Hardison moved to adjourn, with Mr. Vrailas seconding. Motion to adjourn passed four to zero. The meeting adjourned at 9:55 a.m.

Board of Zoning Appeals, Chairman
Jimmy Dugger

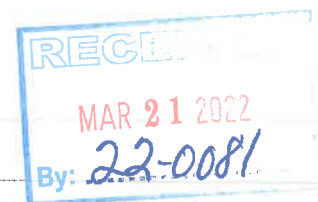
Date

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
SUBDIVISION:			LOT:		
LOT ADDRESS: <i>808 WALKER ST. Columbia TN 38401</i>					
ZONING:		LAND USE:		LOT ACREAGE:	
LOT SQUARE FOOTAGE:			BUILDING SQUARE FOOTAGE: <i>~1800 sq ft leased</i>		
ESTABLISHED/EXISTING SETBACKS:					
FRONT: _____ ft.		SIDE: _____ ft.		REAR: _____ ft.	
OTHER INFORMATION: <i>Specie Adjoins AMY Montgomery Home</i>					

TYPE OF REQUEST

COMPLETE APPLICABLE REQUEST FOR BOARD TO CONSIDER

APPEAL OF ADMINISTRATIVE DECISION
Indicate the decision/interpretation under appeal, including the City Official with Title and Department, and the applicable section(s) of the <i>Zoning Ordinance</i> in question.
APPEAL OF:
ZONING ORDINANCE SECTION:
CITY OFFICIAL WITH TITLE AND DEPARTMENT:



APPEAL OF ADMINISTRATIVE DECISION

1. If requesting a **Setback Variance**, indicate below which yard the setback variance is located within and provide an exact measure of the distance of the new setback in feet.
2. If requesting a **Sign Variance**, indicate below which type of sign the variance is for and provide the permitted signage, in addition to the requested amount of signage.
3. If requesting a **Variance** of any other provision of the *Zoning Ordinance*, provide a detailed explanation below in "Other Variance Request."

SETBACK VARIANCE <i>Check applicable yard</i>	<input type="checkbox"/> FRONT YARD <input type="checkbox"/> SIDE YARD <input type="checkbox"/> REAR YARD	REQUESTED SETBACK (ft): <div style="text-align: center; font-size: 2em;">NA</div>
SIGN VARIANCE <i>Check applicable sign</i>	<input type="checkbox"/> FREESTANDING SIGN <input type="checkbox"/> WALL SIGN <input type="checkbox"/> GASOLINE PUMP SIGN <input type="checkbox"/> OTHER SIGN	PERMITTED SIGNAGE (ft or ft ²): <div style="text-align: center; font-size: 2em;">NA</div> REQUESTED SIGNAGE (ft or ft ²):
OTHER VARIANCE REQUEST	ZONING ORDINANCE SECTION: REASON FOR REQUEST:	<div style="text-align: center; font-size: 2em;">NA</div>

CONDITIONAL USE PERMIT

If requesting a **Conditional Use Permit**, indicate the requested use.

REQUESTED USE (be detailed):

* The SommBird Tasting Room (wine). The establishment will operate as a satellite facility at a state permitted winery. The satellite facility will operate IAW state code 57-3-207 section (r). Primary function is retail sale of locally produced wine and associated products.

DOES THE REQUESTED USE HAVE REQUIRED PARKING?

NO

HOURS OF OPERATION:

Sunday - Thursday 11:00 AM - 6:00 PM ; Friday - SATURDAY 11:00 - 8:00 PM
 Monday by appointment only

*FOLD ALL SUBMITTALS LARGER THAN 8 1/2" x 11"

* Wine Tastings will be conducted as per TN law for a fee. By the Glass on-site sales are permitted by law. A limited tasting menu will be available. No wine production occurs on-site. Retail sale

APPLICANT

NAME	JAMES EVANS	PHONE	865-518-3042
ADDRESS	2869 Pullens Mill Rd, Calhoun	EMAIL	workpresscollectives@gmail.com

PROPERTY OWNER

NAME	John & Amy Gibbons	PHONE	1-615-302-0864
ADDRESS	811 School St, Columbia	EMAIL	amy.aatgibbons@icloud.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.

JAMES EVANS
APPLICANT NAME


APPLICANT SIGNATURE

21 Mar 2022
DATE

John Gibbons
PROPERTY OWNER NAME


PROPERTY OWNER SIGNATURE

21 Mar 2022
DATE

STAFF USE ONLY

DOCKET NO.		FEE PAID	
RECEIPT NO.		REQUESTED AGENDA	
DATE NOTICES SENT TO ADJACENT PROPERTY OWNERS			
DATE OF PUBLIC NOTICES IN DAILY HERALD			
BOARD ACTION			

REQUIREMENTS FOR A VARIANCE
Section 3.15.10 of the City of Columbia Zoning Ordinance

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

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

Please demonstrate how your request satisfied each of the following:
(You may use this sheet or attach separate pages)

<p>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.</p>
<p>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.</p>
<p>3. That the variance will not authorize activities in a zone district other than those permitted by this ordinance.</p>
<p>4. That financial returns alone shall not be considered as a basis for granting a variance.</p>

Lined area for notes or comments.

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.

Lined area for notes or comments.

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.

Lined area for notes or comments.

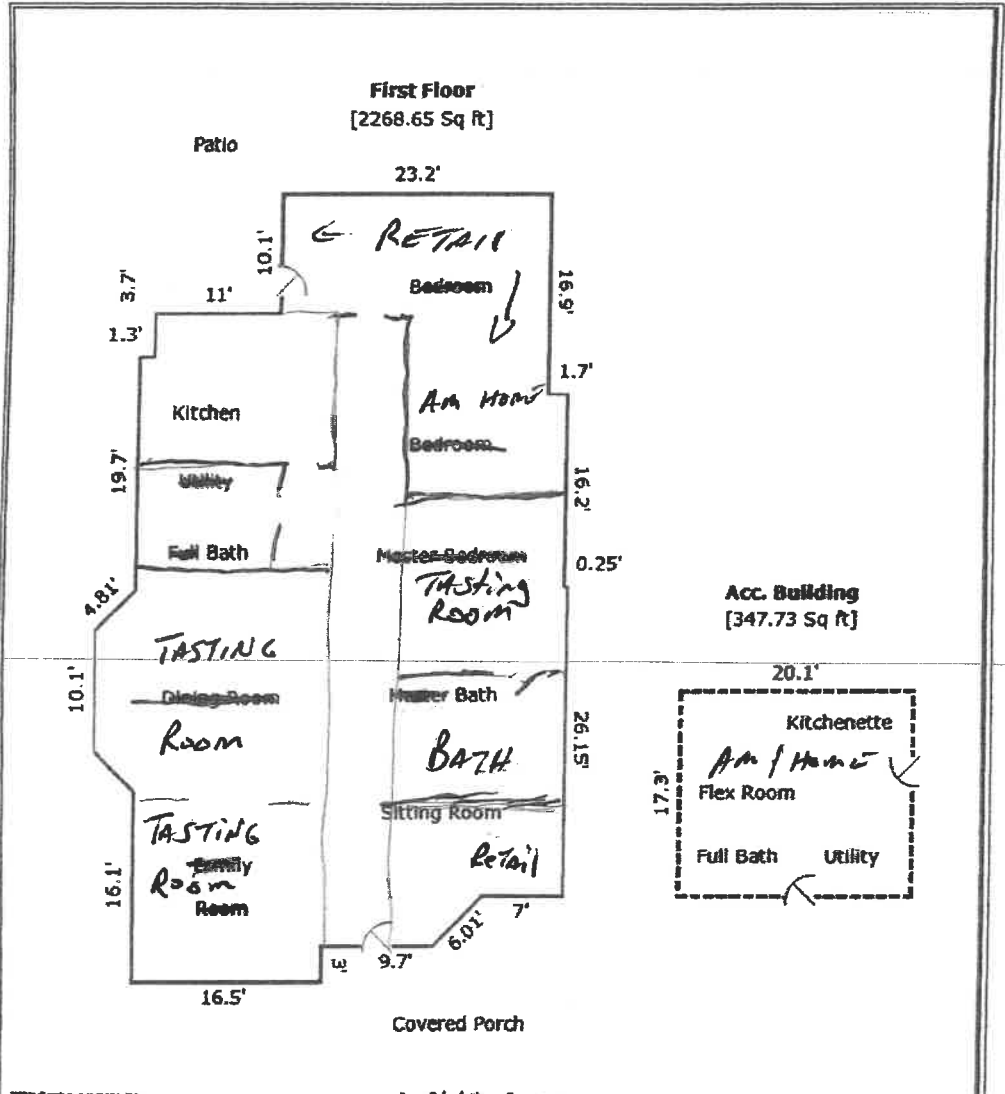
7. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.

Lined area for notes or comments.

SKETCH ADDENDUM

File # 5361079821

Borrower/Client John Gibbons
 Property Address 808 Walker St
 City Columbia County Maury State TN Zip Code 38401
 Lender First Horizon Bank



1079L Sketch by G. H. P. D. A. S. P. C.

Area Calculations Summary		Calculation Details	
Living Area Per Floor	2268.65 Sq Ft	0.5 x 3.4 x 3.4	= 5.78
		0.5 x 3.4 x 3.4	= 5.78
		20.1 x 3.4	= 68.34
		23.2 x 10.1	= 234.32
		16.5 x 3	= 49.5
		34.2 x 3.2	= 109.44
		49.7 x 26.2	= 1302.14
		9.3 x 3.1	= 28.83
		11 x 18.2	= 199.2
		21.25 x 26.15	= 555.81
		0.5 x 4.25 x 4.25	= 9.03
Total Living Area (Rounded):	2269 Sq Ft		
Non-Living Area			
Acc. Building	347.73 Sq Ft	17.3 x 20.1	= 347.73

hundred (100) miles of the licensed winery where the wine being distributed has been manufactured, produced, or bottled. Any winery holding a self-distribution permit that registers such a distribution contract with a wholesaler or whose total output in a calendar year exceeds fifty thousand gallons (50,000 gals.) shall cease self-distributing its wine under subdivision (q)(3) and shall promptly surrender the winery's self-distribution permit.

(3) A winery seeking a self-distribution permit under this subsection (q) may distribute not more than three thousand (3,000) cases of wine manufactured, produced, or bottled on the winery's premises to any licensee holding a license issued pursuant to chapter 4, part 1 of this title, located within one hundred (100) miles of the winery's premises where such wine has been manufactured, produced, or bottled.

(4) A winery engaged in self-distribution under this section shall be responsible for all taxes and records which are imposed upon a wholesaler under § 57-3-203 which result from any direct sales under this subsection (q).

(5) The commission shall impose no additional fee or charge for the issuance of a self-distribution permit under this section.

(r) — SATELLITE RULES

(1) For purposes of this subsection (r), "satellite facility" means any facility or location other than the primary business location of a winery or farm wine producer.

(2) Any winery or any farm wine producer licensed by this section may conduct business at any two (2) satellite facilities in any jurisdiction where it is lawful to manufacture intoxicating liquors or intoxicating drinks pursuant to § 57-2-103(c) and (d). At its satellite facilities, the winery may conduct any business that is authorized at the licensed winery, except for the manufacturing and bottling of wine. At its satellite facilities, a farm wine producer may conduct any business that is authorized at the premises of the farm wine producer.

(3)

(A) Any winery licensed by this section or any farm wine producer shall obtain a satellite permit for each satellite facility utilized by the winery or farm wine producer from the commission in order to:

(i) Serve samples with or without charge;

(ii) Sell wine for consumption on or off the permitted premises; and

(iii) Sell any other products under subsections (h) and (o).

(B) In addition to the permit authorized in subdivision (r)(3)(A), any winery licensed under this section that pays taxes under § 57-3-302(a) at its licensed facility on fifty thousand gallons (50,000 gals.) or less of wine or finished wine product each calendar year or any farm wine producer licensed under this section may qualify for a satellite permit to authorize no more than three (3) such wineries, farm wine producers, or any combination thereof, to conduct business at one (1) satellite facility.

(C) Any violation of any rule or statute by a satellite facility shall be deemed to be a violation by any winery or farm winery producer that participates in a satellite facility.

(D) Any winery or farm winery producer, seeking to establish or operate a satellite facility shall disclose to the commission each winery or farm winery producer participating in the satellite facility. Any participant in a satellite facility shall provide any information requested by the commission prior to participating in the satellite facility.

(4) A satellite permit issued to a winery or farm wine producer pursuant to this subsection (r) shall only be available upon the payment of a one-time application fee to the commission of three hundred dollars (\$300) per satellite location and upon the payment of an annual license fee of one hundred fifty dollars (\$150).

(5)

(A) Any winery or farm wine producer licensed under this section that has obtained a satellite permit and elects to charge consumers for samples may only sell such samples that are manufactured by the winery or farm wine producer.

(B) [Deleted by 2019 amendment.]

(6)

(A) Wineries and farm wine producers that pay taxes under § 57-3-302(a) at their licensed facility on more than fifty thousand gallons (50,000 gals.) of wine during a calendar year and that operate a satellite facility shall obtain wine provided at their satellite facilities from a wholesaler licensed pursuant to § 57-3-203. The wholesaler

may permit the winery or farm wine producer to transport wine or finished wine product from the winery or the farm to its satellite facilities; provided, that the wholesaler includes the amounts delivered in its inventory, reports depletions for purposes of tax collection, and is responsible for the payment of taxes on such depletions.

(B) Wineries and farm wine producers that pay taxes under § 57-3-302(a) at their licensed facility on fifty thousand gallons (50,000 gals.) or less of wine or finished wine product each calendar year are not required to obtain wine provided at their satellite facilities from a wholesaler. Wineries may transport wine or finished wine product from their wineries to their satellite facilities. Wineries may transport wine made from produce from farm wine producers to the producers' satellite facilities. Farm wine producers may transport wine from their farm to their satellite facilities.

(C) Wine and finished wine product sold for consumption on the premises at the satellite facilities are subject to the same taxation as wine sold for consumption on the premises at the winery or on the premises of the farm wine producer.

(s)

(1) Any winery or farm wine producer licensed pursuant to this section may qualify for and hold a license under chapter 4 of this title as a restaurant or limited service restaurant; provided, that notwithstanding chapter 4 of this title related to restrictions or prohibitions on licensees under chapter 4 of this title, a restaurant or limited service restaurant may sell for off-premises consumption, wine manufactured pursuant to this section at such location or at any other restaurant or limited service restaurant licensed under chapter 4 of this title that is owned by the same person.

(2) Notwithstanding any law, rule, or regulation to the contrary, any winery or farm wine producer licensed under this section may serve wine manufactured by the winery or the farm wine producer for consumption on the premises of the winery or farm wine producer.

(t)

(1) Except as provided in subdivision (t)(2), any sale of wine authorized by this section for consumption on the premises at the winery or on the premises of the farm wine producer shall be subject to taxation pursuant to § 57-4-301(c) in addition to any sales tax which is due. The taxes shall be paid and collected in the manner prescribed by § 57-4-301 and the

Case #20-0081
808 Walker St





CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

CONTACT INFORMATION

Kevin C. McCarthy, AICP, Planning Associate II, kmccarthy@columbiatn.com 931-560-1531

DOCKET/CASE/APPLICATION NUMBER

22-0081

APPLICANT/ PROPERTY OWNER

James Evans/ John & Amy Gibbons

PUBLIC HEARING DATE

April 14, 2022

PROPERTY ADDRESS/LOCATION

808 Walker Street

REQUEST: Conditional Use (Nightclub or Bar in a CBD Zone)

The applicant requests the Board’s approval of a Conditional Use permit to allow a wine tasting room at 808 Walker Street. The establishment will operate as a satellite facility of a winery regulated by the Tennessee Alcoholic Beverage Commission. The business will engage in retail sale of wine, as well as sales by the glass for onsite consumption. The proposed operating hours are Sunday through Thursday 11:00 am to 6:00 pm; Friday and Saturday from 11:00 am to 8:00 pm; and by appointment on Mondays.

The City of Columbia Zoning Ordinance classifies this land use as a “night club or bar” which is only permitted by Conditional Use. Section 8.3.4.K of the Zoning Ordinance subjects this use to specific site standards. Section 3.15.9 of the Zoning Ordinance tasks the Board with confirming that the limited use standards are met; ensuring that the proposed use is designed, located and operated in a manner that protects the public health, safety and welfare; and, to impose any other conditions necessary to ensure compatibility with surrounding properties and minimize any injurious effect to neighbors.

The property is located in the Athenaeum Historic District. Any future exterior renovations and signage will require a Certificate of Appropriateness approved by the Historic Zoning Commission. Although no CoA is required to establish a Conditional Use, Section 3.15.7.B of the Zoning Ordinance requires that this report include comments and recommendations from the Historic Zoning Commission.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
CBD (Central Business District)	Commercial	CBD	Residential to Commercial Conversion in a structure built in 1900.	Athenaeum

DEVELOPEMNT STATUS & HISTORY:

Previous Requests/Approval: N/A

Conditions of Previous Approval: N/A

REVIEW & ASSESSMENT:

Subject Site:

The subject property is located at 808 Walker Street. The structure built in 1900. It was originally a residence but has been converted to a multi-tenant commercial space with office and retail uses. It is not clear when the property was converted to commercial use. Google street view shows the property was used as an office in 2013. City of Columbia building permit records show plumbing upgrades and the addition of an accessory structure in 2019. The Historic Zoning Commission approved a Certificate of Appropriateness for replacement of windows and doors in the same year but there is no record of a subsequent building permit. It is not clear whether the structure currently meets the requirements of Building and Fire Codes for the proposed

occupancy. The proposed location is across the street from St. Peter's Episcopal Church and across a service alley from residential properties.

Zoning Ordinance:

Staff reviewed the request for a Conditional Use permit for consistency with the City of Columbia Zoning Ordinance. The relevant provisions of the Ordinance are listed below; the most applicable standards are **bolded** and underlined. Staff comments follow in the next section.

3.15.8 ACTION BY BOARD OF ZONING APPEALS

- A. The Board of Zoning Appeals shall conduct a public hearing.
- B. After conducting the public hearing, and considering the recommendations of the Zoning Administrator and the requirements listed below (Conditional Use Permit- Sec. 3.15.9, Variance-3.15.10), the Board of Zoning Appeals shall:
 1. Approve the request;
 2. Approve the request with conditions.
 3. Deny the request; or
 4. Continue the hearing

3.15.8 REQUIREMENTS CONDITIONAL USE PERMIT

- A. General Requirements
 1. The proposed use is listed as a permitted Conditional Use within the district applied to the property in question.
 2. **Conforms to any additional standards listed in Sec. 8.3**, Conditional Use Standards, for the proposed use;
 3. **Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;**
 4. **Will not adversely affect other property in the area in which it is located;**
 5. Is within the provision of "Conditional Uses" as set forth in this ordinance;
 6. Conforms to all applicable provisions of this ordinance for the district in which it is to be located.
- B. Additional Requirements

The Board may impose such **other conditions and restrictions upon the premises benefited by a conditional use permit** as may be **necessary to reduce or minimize the injurious effect** of such conditional use **upon [surrounding properties] and ensure compatibility with surrounding properties**. The Board



may establish dates for the expiration of any conditional use permit as a condition of approval.

8.3.4.K NIGHTCLUBS, TAVERNS, OR BARS

Nightclubs, taverns, or bars shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. With the exception of nightclubs, taverns, or bars located within the CBD District, the applicant shall demonstrate that no pre-existing place of worship is located within 500 feet of the proposed nightclub or similar establishment. Measurements shall be made from the property line of the proposed night club or similar establishment and from the property line of any separate parking lots to be used by the nightclub or similar establishment.
2. Except in the CBD district, no nightclub, tavern, or bar shall be located within 500 feet of a Residential district or use.
3. No outside storage or activities shall be located on the site. Outdoor activities occupying no more than 400 square feet may be permitted by the [Board of Zoning Appeals] with a Conditional Use Permit.¹

3.15.7 ACTION BY THE HISTORIC ZONING COMMISSION

B. No Certificate Required

If no Certificate of Appropriateness is required but the proposed use is within a Historic or Landmark District or Structure, the [Commission] shall include

¹ This section of the Ordinance reads “may be permitted by the Planning Commission with a Conditional Use Permit.” The Ordinance grants the authority to approve Conditional Uses to the BZA in accordance with state law. Staff believes the reference to Planning Commission in this sentence is a drafting error. Section 8.3.4.K.3 should read “no outside storage or activities shall be located on the site. Outdoor activities occupying no more than 400 square feet may be permitted by the Board of Zoning Appeals with a Conditional Use Permit.”

comments and recommendations in the report to the Board of Zoning Appeals
being prepared by the Zoning Administrator.

Staff Comment:

General Requirements (3.15.8.A)

The Use Table at Section 8.1.1 of the Zoning Ordinance lists “Nightclub or Bar” as a conditional use in the Central Business District (CBD).

Section 8.3.4.K of the Ordinance imposes limited use standards on Nightclubs, Taverns, or Bars. Those standards are discussed below.

Attributes of the use which may harm the public health, safety, and welfare are discussed below. Activities which may adversely affect other properties in the area are also discussed below.

Additional Requirements (3.15.8.B)

A mix of residential and commercial properties are located nearby. The Board may impose conditions which ensure compatibility with these surrounding land uses. The most obvious potentially injurious impacts on neighbors relate to outdoor activities, parking, and hours of operation. These issues are discussed below.

Expiration Date

The Board may deem it prudent to establish an expiration date for the conditional use permit. Once a land use is established, it may operate continuously in the future, even if it is prohibited by a subsequent Zoning Ordinance. The Board may find that the applicant’s proposed operation is appropriate for the location now, but that it would be appropriate to revisit the question in the future. Over time, as the activity is in operation, the community may identify specific opportunities to improve performance and compatibility with the surrounding area. **Staff recommends a five year expiration date.**

Hours of Operation and Parking

Like many businesses in the CBD, the proposed use will depend on on-street parking in public rights-of-way. Other land uses in the area also depend on the on-street parking spaces. This situation presents obvious risks to the public welfare

including: 1) competition for parking at peak times; 2) unauthorized use of nearby private off-street parking; and 3) obstruction of the right-of-way.

The Board may find that restricting the proposed tasting room's hours of operation will harmonize the operation with adjacent land uses and reduce potential conflicts. The proposed operating hours are Sunday through Thursday 11:00 am to 6:00 pm; Friday and Saturday from 11:00 am to 8:00 pm; and by appointment on Mondays. These hours generally correspond to those of similar operations in the CBD. However, it would be appropriate for the Board to discuss how these hours of operation may impact adjacent property owners.

Distance Requirements (8.3.4.K.1 and 2)

The subject property is located in the CBD district and is therefore exempt from the distance requirements intended to separate bars from places of worship and residential uses elsewhere in the City. However, given the proximity of the proposed use to residential uses and an established place of worship, the Board may consider limitations on the proposed use, such as hours of operation, which mitigate any detrimental impacts on those neighbors. As mentioned above, limitations which harmonize the use of on-street parking by nearby land users may be appropriate.

Outdoor Storage (8.3.4.K.3)

The applicant has not included information about outdoor storage. This is an appropriate topic for the Board to discuss with the applicant. However, the Zoning Ordinance and the Historic District Design Guidelines contain provisions which mitigate conspicuous and unsightly outdoor storage.

Outdoor Activities (8.3.4.K.3)

The application does not include information about outdoor activities. The applicant has indicated that there may be *al fresco* dining in the rear of the property. The applicant's existing business provides outdoor seating and occasional live music. Comments from the Historic Zoning Commission raised the issue of outdoor seating and live music having a harmful impact on the character of the Athenaeum Historic District (see Addendum 1). Section 11-402 of the City of Columbia Municipal Code prohibits loud music, as well as "yelling, shouting, hooting, whistling, or singing" which disturbs persons in the vicinity, especially between the hours of 11:00 pm and 7:00 am. However, the Board may impose additional restrictions in order to mitigate noise.

Outdoor activities associated with a nightclub, tavern or bar require Board approval under 8.3.4.K.3 of the Ordinance. If the applicant intends to provide outdoor seating or outdoor entertainment, the Board may impose additional conditions upon the proposed use in order

to reduce adverse impacts on neighbors. For example, as a condition of approval, the Board may limit the hours and days of the week that the business can offer live or amplified music. In order to mitigate adverse impacts on adjunct residences and places of worship, as well as to protect the character of the Athenaeum Historic District, **staff recommend that special activities and live entertainment be limited to Fridays and Saturdays.**

Historic Zoning Commission Comments and Recommendations (3.15.6.C; 3.15.7.B)

The subject site is located in the Atheneaum Historic District. As required by the Zoning Ordinance, staff forwarded a copy of the application for Conditional Use along with supporting documents to the members of the Historic Zoning Commission. Although future exterior renovations and signage will require Historic Zoning Commission approval, no Certificate of Appropriateness is required to establish the proposed Conditional Use. The Zoning Ordinance requires that when a proposed use is located within a Historic District, and no Certificate of Appropriateness is required, the staff report to the Board of Zoning Appeals must include comments and recommendations from the Historic Zoning Commission. Comments from the members of the Historic Zoning Commission which are included as Addendum 1. Most of these comments are phrased as questions for the BZA to consider. The issues raised may inform conditions of approval related to protecting the historic character of the area.

RECOMMENDATION:

Approval of Conditional Use Request subject to conditions.

Recommended Motion:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 3.15.9 of the City of Columbia Zoning Ordinance and approve the Conditional Use 21-0081 subject to the following conditions:

1. that the Conditional Use Permit shall expire on April 13, 2027;
2. that the hours of operation shall be limited to the those proposed in the application for Conditional Use;
3. that outdoor activities including live entertainment and amplified music be limited to Friday and Saturday;
4. that outdoor activities be limited to an area not to exceed 400 square feet; and
5. that the structure be brought into compliance with the 2018 International Building Code as adopted by the City of Columbia prior to commencement of the Conditional Use.

Alternative Motions:

Alternative Motion [Approve Subject to Conditions]:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 3.15.9 of the City of Columbia Zoning Ordinance and approve the Conditional Use 21-0081 subject to the following conditions: *[list conditions of approval]*.

Alternative Motion [Approve]:

Move to find that the proposed Conditional Use conforms to the requirements listed at Section 3.15.9 of the City of Columbia Zoning Ordinance and approve Conditional Use 21-0081.

Alternative Motion [Deny]:

Move to deny the Conditional Use 21-0081 having found *[list reasons for denial]*.

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.

Addendum 1 Staff Report – HZC Comments per 3.15.7.B

Comments from the Historic Zoning Commission

- Will there be outdoor seating in the front yard? If so, will furniture have to meet HZC standards?
- Will the yard have to be fenced if alcohol is served like downtown businesses are required to do? If so, will this come before HZC for design approval?
- Exterior modifications to the building will need to go before HZC, including lighting and signage.
- From some HZC members there is the sense that this Conditional Use is not appropriate for this home that is in a mixed residential neighborhood.
- Will there be limitations on live or loud music in the residential neighborhood?
- Parking on Walker Street is often congested. Will this business be required to get permission from its neighbors for usage of their parking lots (e.g. Mulehouse and St. Peter's)?
- Where will the waste container be placed and picked up from?
- Will food be served? Will this location and business be required to meet the city codes regarding food prep?
- If this conditional use is approved for this business, does it carry on when this business leaves the site?



Saint Peter's Episcopal Church

311 WEST SEVENTH STREET, COLUMBIA, TENNESSEE 38401

931-388-3331

April 7, 2022

To the members of the Columbia Board of Zoning Appeals:

The governing board of St. Peter's Episcopal Church would like to express its concerns and ask you not to approve the Conditional Use Permit for the SommBird Tasting Room at 808 Walker Street for the following reasons.

First. St. Peter's hosts several Recovery Ministries in our church. We have Narcotics Anonymous that meets at the church three times a week and Alcoholic Anonymous one time a week. N.A. meets on Wednesday at noon, Thursday at 7:00 PM, and Saturday at 7:30 PM. A.A. meets Tuesday at 6:30 PM. We feel that it would be counter-productive to our Recovery Ministries to have a bar almost across the street from the entrance of their meeting room. If they follow their operating hours, this will only affect one meeting. But if they expand their operating hours, how can we combat this?


Second. The operating hours of the tasting room. They want to open on Sundays at 11:00 AM when we have a 11:00 AM service. We feel that this is not suitable for our church. If you allow them to be open on Sundays, then please limit their operating hours to open on Sundays at 1:00 PM.

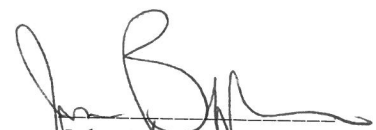
Third. In the application, there is no parking plan for this business. The church has been fighting a parking problem for years with the apartments across Walker Street and with the other businesses on Walker Street. We have signs on both ends of our parking lot saying "This parking is for St. Peter's Church only. Violators will be towed at owner's expense." We will enforce this. They have two parking spaces in front of their building. What is their parking plan?

Fourth. If this Conditional Use Permit is permitted, then what would prevent a true "beer joint" to open on Walker Street: the old "camel's nose under the tent" syndrome. Why not have this venue in the Arts District or even in the Columbia Arts Building, where there is already a brewery?

Respectfully,


Mike Sharpton, Senior Warden


Gail Lewis, Junior Warden


John Breyfogle, Clerk

MEETING SCHEDULE 2022

MONDAY

9:00 AM

Quilters (Lounge)

TUESDAY

5:15 PM

Estes Committee

2nd Tuesday Only

6:00 PM

Vestry (Lounge)

4th Tuesday Only

6:30 PM

Kennel Club (Lounge)

1st Tuesday Only

6:30 PM

AA Group (Youth Room)

7:00 PM

NAMI (Parish Hall)

1st Tuesday Only

WEDNESDAY

11:15AM

DOK (Lounge)

2nd Wednesday Only

12:00PM

Narcotics Anonymous(N.A. Room)

Every Week

5:30 PM

DOK (Lounge)

2nd Wednesday Only

4:30 PM

Outreach (Lounge)

2nd Wednesday Only

7:00 PM

Adult Choir (Choir Room)

Every Week

THURSDAY

7:00 PM

Narcotics Anonymous (N.A. Room)

5:00 PM

Men's Fellowship (Parish Hall) 1st Thursday Only

5:00 PM

Building & Grounds (Lounge) 2nd Thursday Only

FRIDAY

SATURDAY

7:30 PM

Narcotics Anonymous (N.A. Room)

SUNDAY

12:15 PM Finance & Governance (Lounge) 2nd Sunday Only

12:15 PM Vestry Exec. Committee (Lounge) 3rd Sunday Only



Saint Peter's Episcopal Church

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Third. In the application, there is no parking plan for this business. The church has been fighting a parking problem for years with the apartments across Walker Street and with the other businesses on Walker Street. We have signs on both ends of our parking lot saying "This parking is for St. Peter's Church only. Violators will be towed at owner's expense." We will enforce this. They have two parking spaces in front of their building. What is their parking plan?

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Respectfully,

Neil & Sue Clark



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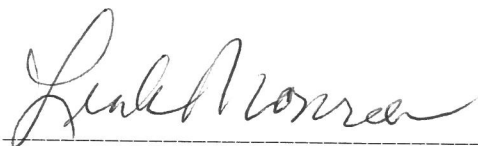
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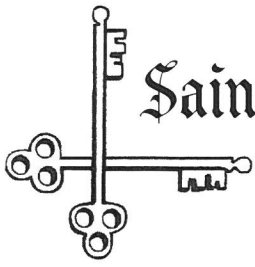
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Nancy and Lawrence Culbertson



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311 WEST SEVENTH STREET, COLUMBIA, TENNESSEE 38401

931-388-3331

April 7, 2022

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Michael Battimore



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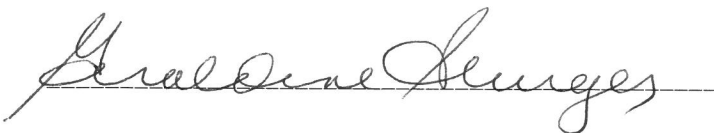
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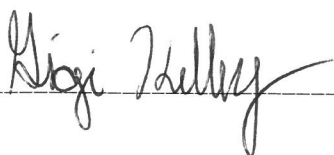
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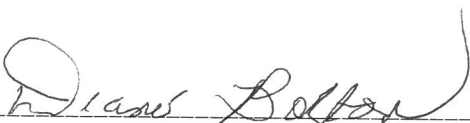
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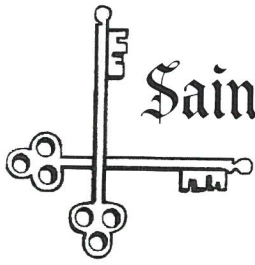
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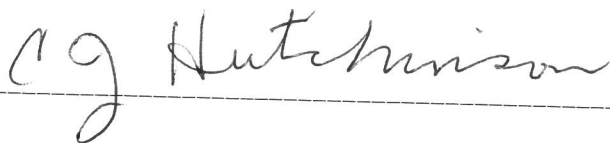
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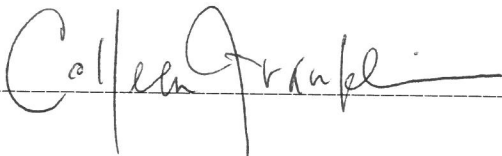
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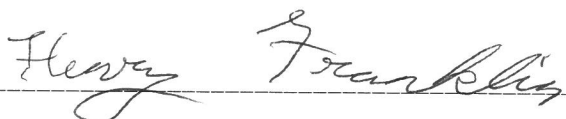
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Respectfully,





Saint Peter's Episcopal Church

311 WEST SEVENTH STREET, COLUMBIA, TENNESSEE 38401

931-388-3331

April 7, 2022

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Faye Head



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Dee S. Coate



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Bill Riley



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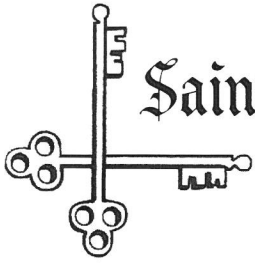
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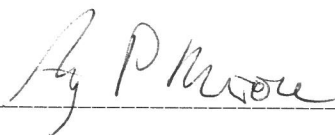
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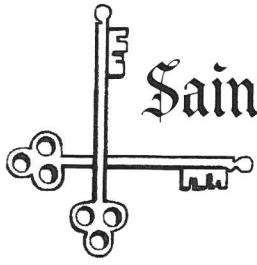
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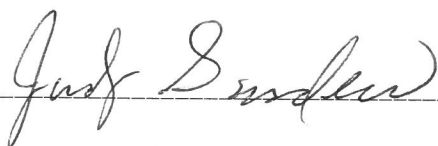
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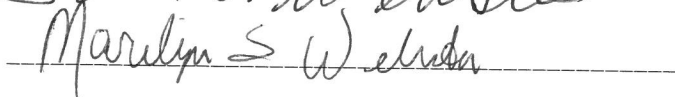
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311 WEST SEVENTH STREET, COLUMBIA, TENNESSEE 38401

931-388-3331

April 7, 2022

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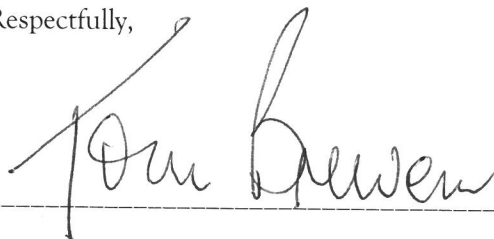
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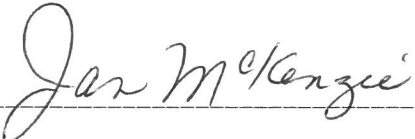
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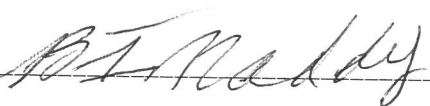
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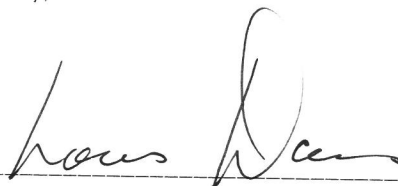
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Respectfully,





Saint Peter's Episcopal Church

311 WEST SEVENTH STREET, COLUMBIA, TENNESSEE 38401

931-388-3331

April 7, 2022

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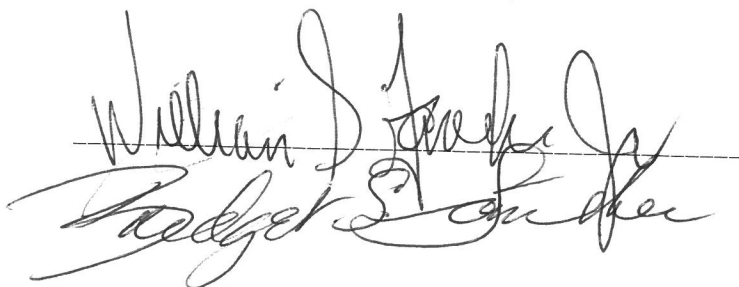
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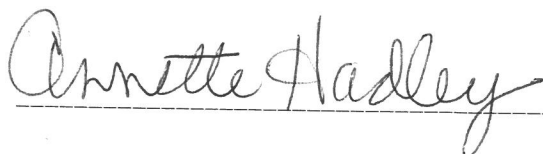
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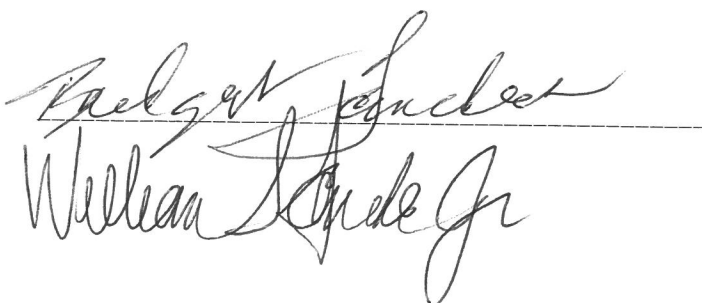
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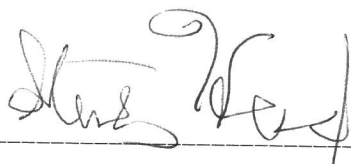
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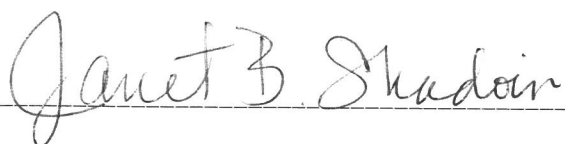
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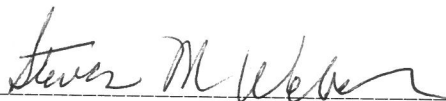
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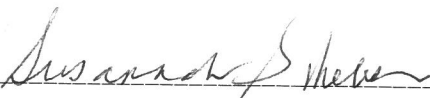
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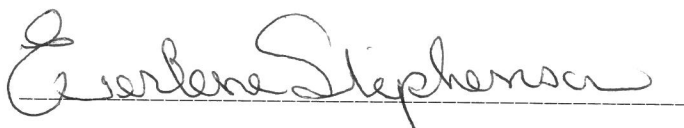
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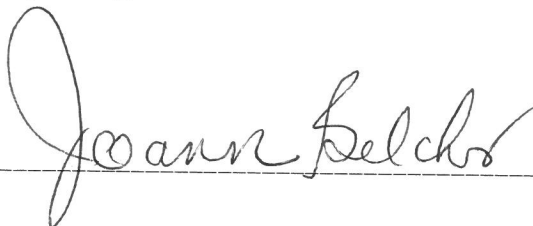
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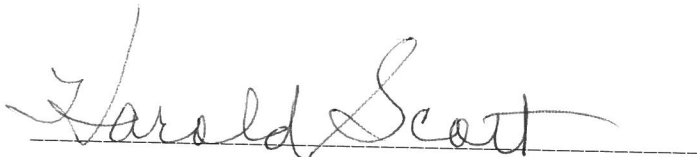
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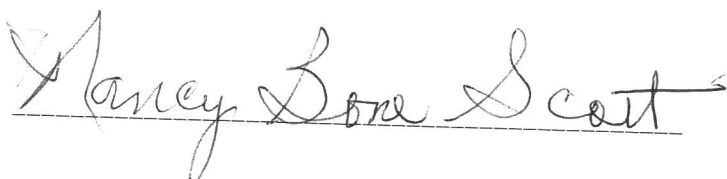
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Respectfully,



Saint Peter's Episcopal Church

311 WEST SEVENTH STREET, COLUMBIA, TENNESSEE 38401

931-388-3331

April 7, 2022

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William S. Pancher

WILLIAM S PANCHER

1905 Sheffield Rd



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David Dorozynski



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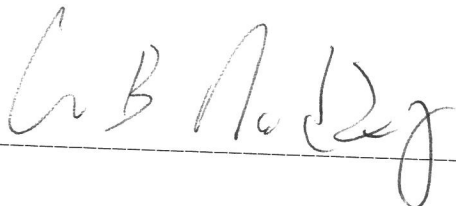
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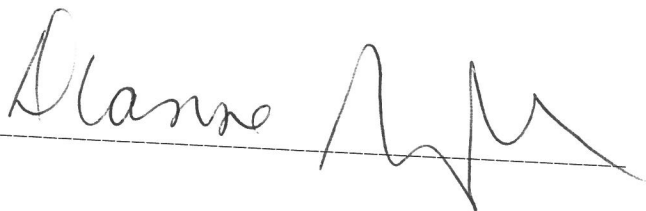
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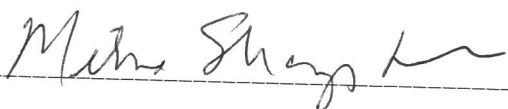
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Bettye Coffey Sharp

Kevin McCarthy

From: Austin Brass
Sent: Thursday, April 14, 2022 11:35 AM
To: Kevin McCarthy
Subject: FW: 808 Walker St

From: GM of Columbia, TN <gmartin1@edge.net>
Sent: Wednesday, April 13, 2022 8:54 AM
To: Austin Brass <abrass@columbiatn.com>
Subject: 808 Walker St

Dear Sir or Madam,

Please let this email make you aware of my concerns RE: Conditional Use Permit: 808 Walker St.

- Live Entertainment disturbing current residents
- Dangerous Parking (Makes Fire & Medical Services un navigable)
- Impact on City Services: The City is currently understaffed in most departments. Specifically Planning & Police. There is no reason to add to their burden by adding a Conditional Use Permit that probably would require routine attention. What is the point in having ordinances if they are not going to be enforced?

Thank you for your time & consideration,

Greg Martin

931-215-3600