



AGENDA

The Columbia Board of Zoning Appeals will meet on Thursday, July 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

Documents:

[BZA_20220609 MINUTES DRAFT.DOCX](#)

3. New Business
 - 3.I. 22-0183 Vulcan Quarry Conditional Use
Request from Jimmy Fleming, Jr. on behalf of Vulcan Land Inc. for Conditional Use approval in order to permit the expansion of an existing extractive use (a mining operation) at [TAX MAP 66 PARCELS 20.25 AND 20.26](#).
 - 3.II. 22-0184 - 1128 Pretender Way Variance
Request from Randall Shaw for a variance from the driveway setback required under Section 10.2.12.1.C for a property located at [1128 PRETENDER WAY](#).
 - 3.III. 22-0185 - 1144 Pretender Way Variance
Request from Randall Shaw for a variance from the driveway setback required under Section 10.2.12.1.C for a property located at [1144 PRETENDER WAY](#).
 4. Other Business
 5. Adjourn
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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.

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CALL TO ORDER:

Chairman Jimmy Dugger called the June 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
Mr. George Vrailas
Ms. Kristi Martin

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

APPROVAL OF MINUTES:

Mr. Dugger stated that the Board has approval of the minutes with a modification. Mr. McCarthy stated that Mr. Vrailas brought it to staff's attention that he would like to add specific wording to use in the motion he made at the last meeting on the conditional use of 808 Walker Street. He stated that he would read the suggested correction. Mr. Vrailas stated, "that we have a responsibility to our community and since the church and NA have been designated areas for many years it would be very hard for NA to find another location and it was not in the best interest of NA to have alcohol served across the street." For this reason, Mr. Vrailas made a motion to deny. Mr. Vrailas moved to accept the amended minutes. Ms. Martin stated that she recused herself from the business of that meeting, and she asked for guidance for the appropriateness of her approval on this motion. Mr. Dugger stated that she was here but she did not vote, or make comments. Mr. Dugger stated that the motion was made and properly seconded. Motion to approve the amended minutes passed four to zero.

The applicant for the first case is on the way the Board will have the second request first.

Ms. Martin stated that she was informed by some of the ones that attended the last meeting that it was difficult for those in the audience to hear the Board, she asked

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that everyone be mindful of that. Mr. Dugger asked everyone to make sure all microphones were on.

AGENDA ITEM #3

Case #22-0095

Request from Keith Anderson on behalf of Smith Douglas Homes for Conditional Use approval to establish a sales office at 2004 Sierra Court in a Medium-High Density Residential (R-6) Zone.

Staff Review:

Mr. McCarthy presented the details of the staff report. This request is to allow a model home sales office within a residential zoning district. Staff recommend approval.

Discussion and Motion:

Mr. Keith Anderson, Smith Douglas Homes, was present to answer questions. Mr. Campbell moved for approval, and Mr. Vrailas seconded. Motion to approve passed four to zero.

AGENDA ITEM #4

Case #22-0132

Request from Montrae Osborne on behalf of Hannaway Street Church of God for Conditional Use approval to expand a Religious Facility located at 507 Hannaway Street by more than 20% in a medium-High Density Residential (R-6) Zone.

Staff Review:

Mr. McCarthy presented the details of the staff report. He stated that this is a different situation, because this is an existing religious institution that has been in existence. In the Ordinance when someone expand a religious facility by more than twenty percent it requires a Conditional Use approval. The church proposes to demolish the existing building, and build a new facility on the same site. It is substantially larger than the existing facility. That is why this is before the Board today. All the adjacent properties are residential. South of this is another church. Parking is separated there are two pieces of properties. Staff is recommending approval subject to some conditions mostly related to parking, and safely moving people between parking and the building, and recommends that the applicant record the land use restriction agreement and some other document that encombers the property on the south side of the road to make sure it is always available parking for the principal use, and meeting all required codes.

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Discussion and Motion:

Mr. Osborne was present to answer questions. Discussion included the board can approve the utilization of the space, but cannot approve the zoning, approving the specifics, regulations of religious institutions can be different, land use and intensity, changes come back, crosswalk, crossing guards, apply with conditions, new zoning Ordinance affect, parking, driveway, deed restriction, and off street parking. Ms. Martin expressed a concern with the requirement, the Board shall craft conditions of approval to protect pedestrians and motorists and ensure safe use of Hannaway Street. Specifically, the Board may require that the applicant use crossing guards before and after worship service and other large gatherings. She asked how this would be enforced. Mr. McCarthy stated that would be there if there is ever an issue staff would have that as a condition of approval. Staff would not monitor. Ms. Martin stated that she would rather not have something stating that the Commission is going to require this if it is not going to be something that is going to be monitored. As a Board member she would forgo that. She also stated that if the board provide for condition of approval and say that it is going to be one of the matters then she would prefer to leave that out. Mr. Osborne stated that everything was ok. Mr. Dugger asked how the commission was going to modify the request. The Board confirmed that the statement would be left out of the motion. Mr. Chet Rhodes, Rhodes Engineering stated that crossing guards shouldn't be there. The base zoning stays the same, it is residential use, and the church has been there forever. Mr. McCarthy stated coincidental the new Zoning Ordinance is about to change in the City, but all RS-6 zones, that are zoned properly will convert to CD3. Mr. Rhodes stated that he doesn't want to have any issues afterward with the building setbacks. Mr. Campbell asked if the Zoning Code passes tonight which codes will the applicant go by. Mr. McCarthy stated that they will be under the new one. Further discussion including site plan conforming and setbacks. Mr. McCarthy stated that the request today is a conditional use. It is about the land use. Mr. Campbell stated if the City approves the code tonight Mr. Rhodes better check his setbacks. He also stated that he felt that he needed to understand what is going on because he is caught right in the middle of a rezoning process. Ms. Martin asked what will be the recourse if the setbacks of today are not appropriate in the new code. Mr. McCarthy stated that he brought up the new code, because he just wanted the Board to be aware that the site plan that is here may not be what is actually constructed because the bulk standards applied at the time are likely to change. This request before the Board today is about the use of the land of a religious institution, if there was a hardship later on they could request a variance. Further discussion included the applicant would go first to Mr. Brass, and that could be done with the right to change up to twenty percent, zoning change, grandfathering in, and notifications. Mr. Brass stated

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that the proposed site plan does not affect this Board. Once the new zoning passes it will be a CD-3, the CD-3 does have set back from the current zoning. Further discussion included two lots required for parking, changing the motion by dropping number five off. Ms. Patricia Gill, 805 South Water Street, expressed concerns with them taking the alley, the design of the church blocking her. Additional discussion included access to her property, a letter sent to Mr. Brass with her concerns, right-of-way, old alley, looking at the property deed, discuss with Mr. Rhodes, this is not the board that makes the decision, site plan review, details, notification of the meeting, easement, reviews, alleys cannot be blocked, two changes to make, recommended motion with the exception of number 5, and the lot across the street to be tied to this going in line with the deed, tying the property by deed, The recommended staff motion minus number five, the deed has been recorded. Mr. Dugger stated that the recommended motion is on the staff report minus number five. He read number five it states, "That the applicant utilizes crossing guards before and after worship service and other large gatherings, or otherwise provide for safe and orderly movement between the buildings and the off-site parking area." This is to be removed to amend the motion. Mr. Campbell moved to accept the motion with Ms. Martin seconding. Mr. McCarthy stated Ms. Martin's concern about the enforcement, there are a lot of things in the Zoning Ordinance, a lot of things in Public Administration that sit out there and exist and they aren't actively monitored, but they provide a tool for enforcement. Having something like this allows staff to work with the property owner to correct the situation. If there is no binding approval there is not a lot staff can do about it. It becomes a police matter. Mr. McCarthy stated this is for informational purposes. Ms. Martin stated that she is comfortable leaving it out. Discussion included accepting the motion. Mr. Campbell moved to accept the motion with Ms. Martin seconding. Motion to approve without number five passed four to zero.

OTHER BUSINESS:

Mr. McCarthy discussed education. Staff has been communicating with the Tennessee Department of Transportation. The plan is to do three, two hour sessions. Day and times were discussed. Additional discussion included the addition of a new member.

ADJOURNMENT:

Mr. Dugger adjourned the meeting. The meeting adjourned at 9:47 a.m.

Board of Zoning Appeals, Chairman
Jimmy Dugger

Date