



# AGENDA

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**The Columbia Board of Zoning Appeals will meet on Thursday, August 11th, 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
3. New Business
  - 3.I. 22-0200 - 200 Overlook Place - Conditional Use  
Request from Chardelle Smith for conditional use approval to operate a licensed childcare facility in a residential zone at [200 OVERLOOK PLACE](#).

Documents:

[22-0200\\_CHILDCARE\\_CU\\_STAFF REPORT.PDF](#)  
[22-0200 APPLICATION.PDF](#)  
[22-0200 DESCRIPTION PICTURE.PDF](#)  
[22-0200\\_ZONEMAP\\_0727.JPG](#)

4. Other Business
  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 TENNESSEE  
BOARD OF ZONING APPEALS  
STAFF REPORT**

**CONTACT INFORMATION**

Kevin C. McCarthy, AICP, Planning Associate II, [kmccarthy@columbiatn.com](mailto:kmccarthy@columbiatn.com) 931-560-1531

**DOCKET/CASE/APPLICATION  
NUMBER**  
**22-0200**

**APPLICANT/ PROPERTY OWNER**  
**Chardelle Smith / Chardelle & Mike  
Smith**

**PUBLIC HEARING DATE**  
**August 11, 2022**

**PROPERTY ADDRESS/LOCATION**  
**200 Overlook Place/Tax Map 1001  
Parcels 3.00**

**REQUEST: Conditional Use (Childcare Facility)**

The applicant requests the Board’s approval of a Conditional Use permit to allow a homebased childcare facility in a residential district.

The subject property is zoned RS-6 (CD-3 under the new Zoning Code). The application was received on July 8, 2022, prior to adoption of the current Zoning Code. The standards in effect at the time of application, Zoning Ordinance 3638. Under Section 8.1.1 of the Ordinance, a childcare facility requires conditional use approval in an RS-6 zone.

Section 8.3.1.C. of the Zoning Ordinance prescribes specific standards for extractive uses. In addition to these standards, the Board may impose restrictions and conditions which ensure compatibility with surrounding properties.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
RS-6 (CD-3)	Single-Family Home	RS-6 & RM-1 (CD-3 & CD-4) /Single-Family Homes	N/A	± 0.29 acres

**DEVELOPMENT STATUS & HISTORY:**

**Previous Requests/Approval:** N/A

**Conditions of Previous Approval:** N/A

## **REVIEW & ASSESSMENT:**

### **Subject Site:**

The subject site is comprised of a single-family home on a ± 12,691 square foot lot. The structure, a 1,586 square foot residence, was constructed in 1996. All adjacent parcels are single family homes. The current owners acquired the property in April 2022 and use it as their residence.

### **Zoning Ordinance:**

Staff reviewed the request for a Conditional Use permit for conformity 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.

### **3.15.9 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.

### **8.3.3.G DAY CARE FACILITIES**

Family day care facilities shall be permitted in accordance with the use table in Sec. 8.1, subject to the following:

1. A maximum of 12 clients may be served at any one time. Overnight accommodation shall not be permitted.
2. No outdoor public address systems shall be allowed.
3. The facility shall contain twice the minimum lot area for the underlying district.
4. When the facility is located within a nonresidential area, the Fire Marshall shall review the proposal prior to approval and make a recommendation.
5. Drop off areas shall be provided consistent with Article 10. All required parking should be in the rear or side yards; however, required parking may be located in the street yard if the Zoning Administrator finds that such parking is safe, not detrimental to the neighborhood, accessible, and compatible with surrounding properties.
6. All other standards of the district shall be met.

#### **Staff Comment:**

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. Staff analysis and recommendation is provided below to assist the Board in its review of the proposed expansion of the existing mining operation.

#### **General Requirements (3.15.8.A)**

The Use Table at Section 8.1.1 of the Zoning Ordinance lists “Day Care Facilities” as a Conditional Use in a RS-6 zone.

Section 8.3.3.G of the Ordinance imposes limited use standards on Extractive Uses. Those standards are discussed below.

The proposed use poses no known harm to the public health, safety, and welfare.

The use is not expected to adversely affect other properties in the area, provided the applicant arranges for orderly pick-up and drop-off of children.

#### **Additional Requirements (8.3.3.G)**

Criteria 2 and 4 are not applicable to the subject property.

The subject property contains more than twice the minimum lot area for the underlying district (6,000 square feet).

The existing driveway is 21.25 feet wide at its widest point and conforms to the standards of Article 10. The home has a garage for resident vehicles and the applicant indicates that the driveway is adequate for pick-up and drop-off of children. The Board may condition its approval on modifications to ensure that pick-up and drop-off is orderly and not detrimental to the neighborhood or surrounding properties.

All other standards of the district are met. If the Board grants the Conditional Use approval the Zoning Administrator may approve a home occupation permit which will allow the applicant to establish the use, subject to licensure by the Tennessee Department of Human Services.

**RECOMMENDATION:**

**Approval of Conditional Use Request.**

**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 Conditional Use 22-0200.

**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 Conditional Use 22-0200 subject to the following conditions: *[list conditions of approval]*.

**Alternative Motion [Deny]:**

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

**Alternative Motion [Defer]:**

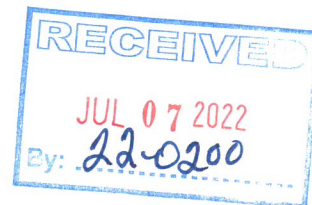
Move to find that there is insufficient information to make a decision, continue the hearing, and request that the [applicant/staff] provide: *[list additional information]* for review at a future meeting.

BOARD OF ZONING APPEALS APPLICATION COLUMBIA, TENNESSEE					
SUBDIVISION:			LOT:		
LOT ADDRESS: 200 Overlook Pl., Columbia, TN 38401					
ZONING:		LAND USE:		LOT ACREAGE: 0.29	
LOT SQUARE FOOTAGE: 12,632.4 sqft			BUILDING SQUARE FOOTAGE: 1,449 sqft		
ESTABLISHED/EXISTING SETBACKS: FRONT: _____ ft.      SIDE: _____ ft.      REAR: _____ ft.					
OTHER INFORMATION:					

**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."

<b>SETBACK VARIANCE</b> <i>Check applicable yard</i>	<input type="checkbox"/> FRONT YARD <input type="checkbox"/> SIDE YARD <input type="checkbox"/> REAR YARD	REQUESTED SETBACK ( <i>ft</i> ):
<b>SIGN VARIANCE</b> <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 ( <i>ft or ft²</i> ):
		REQUESTED SIGNAGE ( <i>ft or ft²</i> ):
<b>OTHER VARIANCE REQUEST</b>	ZONING ORDINANCE SECTION:	
	REASON FOR REQUEST:	

## CONDITIONAL USE PERMIT

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

REQUESTED USE (*be detailed*):

In-home licensed Child care with unloading and loading in the designated driveway. My property is fully fenced in.

DOES THE REQUESTED USE HAVE REQUIRED PARKING?

Designated driveway and Street Parking.

HOURS OF OPERATION:

7a.m. - 5p.m.

\*FOLD ALL SUBMITTALS LARGER THAN 8½"x11"

APPLICANT

NAME	Chardelle Smith	PHONE	909 744-7280
ADDRESS	200 Overlook Pl.	EMAIL	Csmith91314@gmail.com

PROPERTY OWNER

NAME	Chardelle + Mike Smith	PHONE	909 744-7280
ADDRESS	200 Overlook Pl.	EMAIL	Csmith91314@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.

Chardelle Smith  
APPLICANT NAME

  
APPLICANT SIGNATURE

7/6/22  
DATE

Chardelle Smith  
PROPERTY OWNER NAME

  
PROPERTY OWNER SIGNATURE

7/10/22  
DATE

STAFF USE ONLY

DOCKET NO.	22-0200	FEE PAID	\$200.00
RECEIPT NO.	10077730	REQUESTED AGENDA	

DATE NOTICES SENT TO ADJACENT PROPERTY OWNERS	
DATE OF PUBLIC NOTICES IN DAILY HERALD	

BOARD ACTION	
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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.

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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.

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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.

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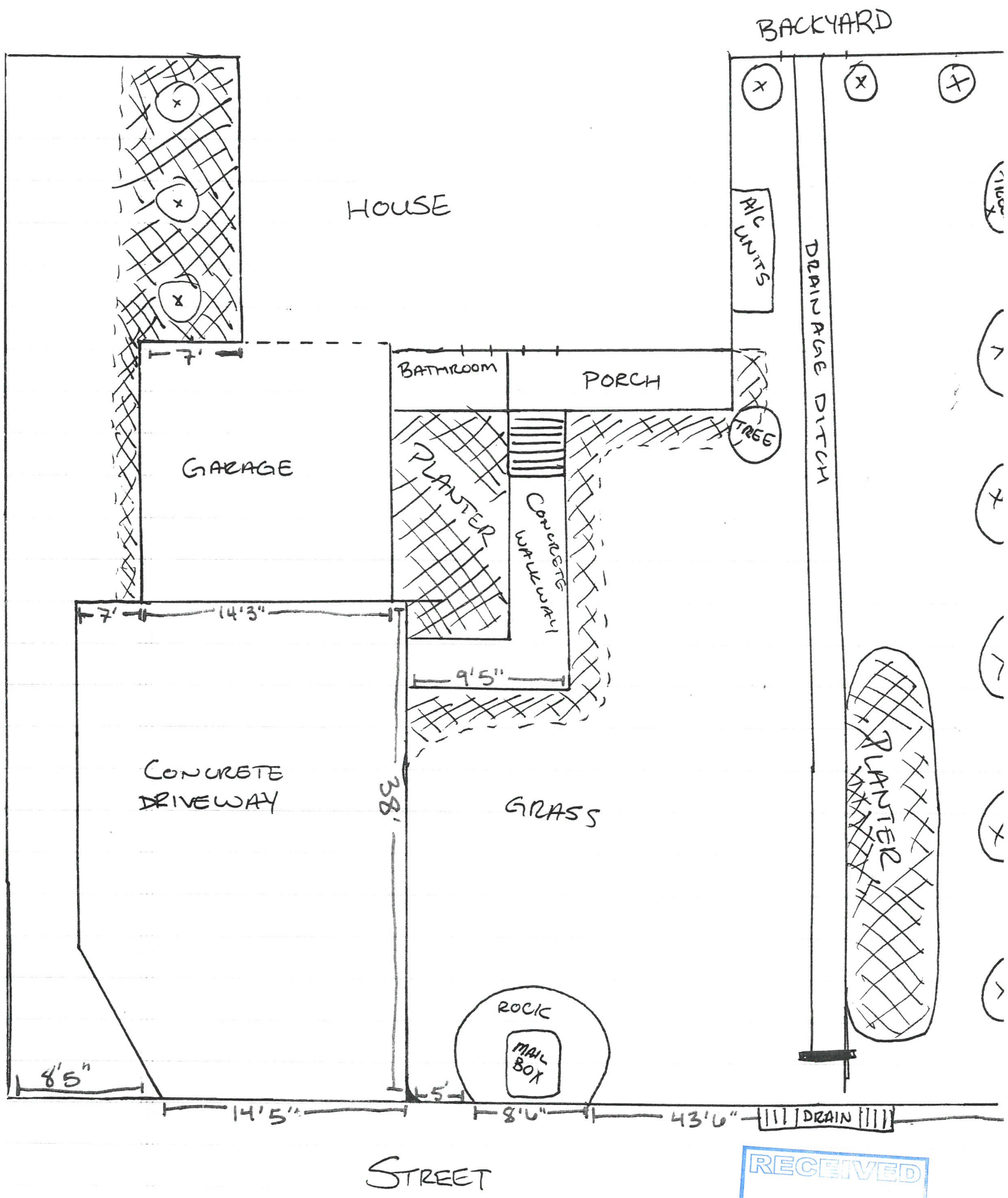
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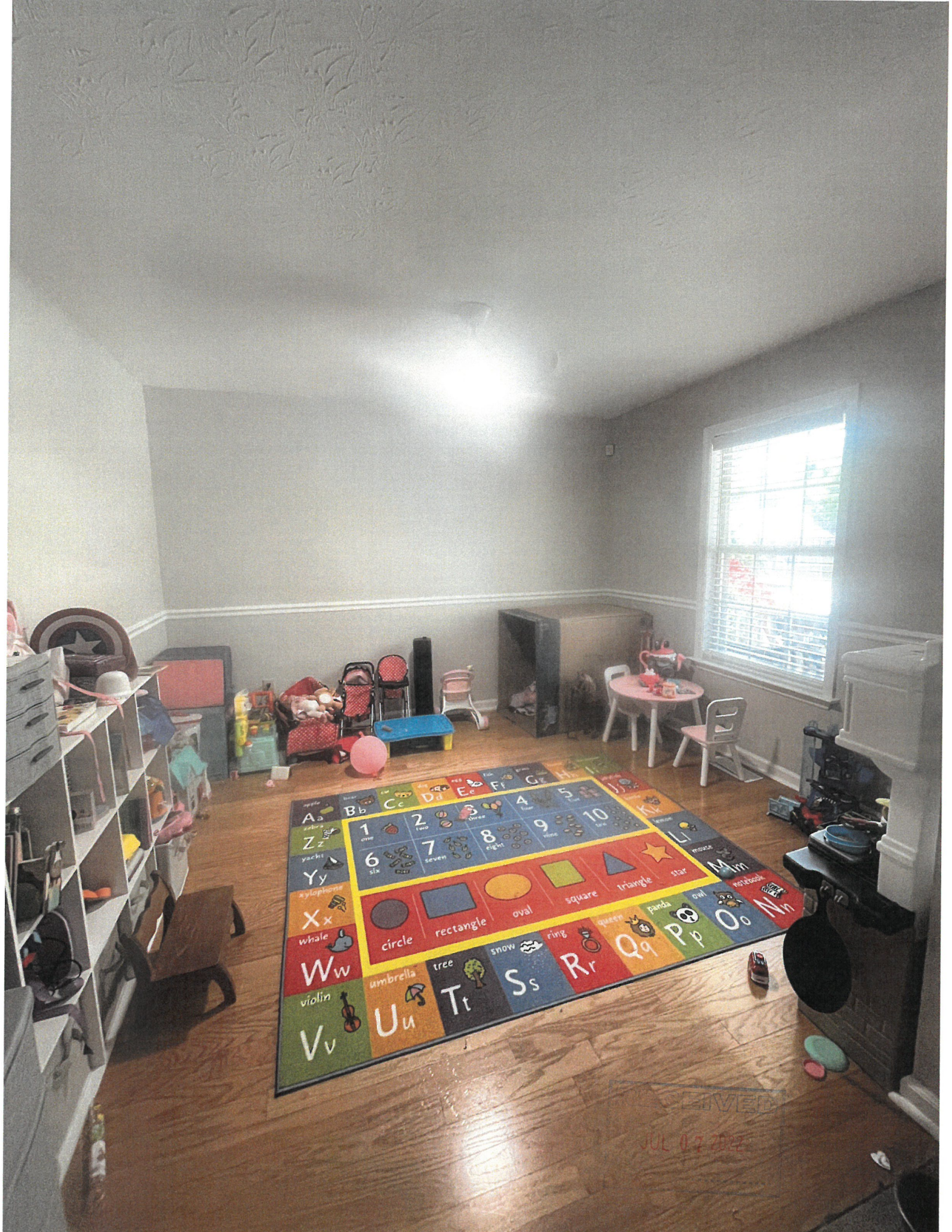
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JUL 07 2022



# Zoning Distr

## New\_Zone



CD-2



CD-3L



CD-3



CD-4



CD-4C



CD-5