



AGENDA

The Columbia Board of Zoning Appeals will meet on Thursday, February 10th, 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. Approval Of Minutes

Documents:

[MINUTES_OCTOBER_14_2021.PDF](#)

2. 22-0005 - Conditional Use Apex Recovery

Request from Apex Recovery, LLC for a conditional use permit to operate a group care facility located at 2710 Trotwood Avenue.

Documents:

[22-0005_APEX RECOVERY CONDITIONAL USE_STAFF REPORT.PDF](#)

3. 22-0006 - Appeal Of Administrative Decision

Request from Bruce Peden on behalf of Pugmill Systems, Inc., for appeal of administrative decision with interpretation of salvage operation at 212 Cemetery Avenue.

Documents:

[22-0006_TRUCK DISASSEMBLY APPEAL_REQUEST FOR INTERPRETATION.PDF](#)
[22-0006_TRUCK DISSASSEMBLY APPEAL_ZONING ADMINISTRATORS INTERPRETATION.PDF](#)
[22-0006_TRUCK DISASSEMBLY APPEAL_REQUEST FOR APPEAL.PDF](#)
[22-0006_TRUCK DISASSEMBLY APPEAL_STAFF REPORT.PDF](#)
[22-0006_TRUCK DISSASSEMBLY APPEAL_LOCATION MAP.PDF](#)

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
October 14, 2021

CALL TO ORDER:

Chairman Jimmy Dugger called the October meeting of the Board of Zoning Appeals for the City of Columbia to order at 9:00 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
Ms. Davena Hardison
Ms. Kristi Martin

Absent Was: Mr. George Vrailas
Mr. Jimmy Dugger

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

Mr. Dugger introduced Ms. Davena Hardison the new board member.

APPROVAL OF MINUTES:

The July 2021 minutes were presented for approval. Mr. Campbell made the motion to approve with Ms. Martin seconding. Motion to approve passed three to zero.

AGENDA ITEM #2

Case #21-0195

Request from Jeremy Price for a Conditional Use Permit at 711 Cottages of Bear Creek lot 67 for a home sales office.

Staff Review:

Mr. Brass presented the details of the staff report.

Discussion and Motion:

Mr. Matt Moyle, was present to answer questions. Discussion included adequate parking, variances and conditional use cannot include financial hardship, clarification of lot 67 and lot 66, and with lot 66 being paved. Ms. Martin moved to approve with Mr. Campbell seconding. Motion to approve passed three to zero.

City of Columbia
BOARD OF ZONING APPEALS
October 14, 2021

OTHER BUSINESS:

Ms. Martin asked about the variance criteria guidelines.

ADJOURNMENT:

Mr. Dugger dismissed the meeting, adjourning at 9:09 a.m.

Board of Zoning Appeals, Chairman
Jimmy Dugger

Date

CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

CONTACT INFORMATION

Austin Brass, City Planner, abrass@columbiatn.com , 931-560-1560

DOCKET/CASE/APPLICATION NUMBER

22-0005

APPLICANT/OWNER

Apex Recovery, LL/ NHC Health Care/ Hillview, LLC

PUBLIC HEARING DATE

N/A

PROPERTY ADDRESS/LOCATION

2710 Trotwood Ave/ Tax Map 100, Parcel 24.01.

REQUEST: Conditional Use in a GCS Zoning District (Group Care Facility).

This request is for a conditional use permit to allow for a 40,205 SF Group Care facility specializing in substance abuse treatment to be located within a GCS (*General Commercial Services*) zoning district. The facility will be located within an existing building that has formerly served as a long-term care nursing home facility.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
GCS (General Commercial Services)	Vacant Nursing Home Facility	GCS/R-10 & RS-6 Church/ Car Wash/Convenience Store & Single-Family Residential	Interior Improvements of an existing facility	N/A

DEVELOPEMNT STATUS & HISTORY:

Previous Requests/Approval: 12-29-2004. 03-0115. Permit approval for the installation of a fire sprinkler system valued at \$210,597.

Conditions of Previous Approval: N/A

ZONING ORDINANCE REFERENCED:

		Residential							Commercial						
KEY: "P" = Permitted "L" = Limited "C" = Conditional Use Permit "‡" = Master Development Plan Required		R/RS-40	R/RS-20	R/RS-10	R/RS-6	RM-1	RM-2	R-MHP	MRC	MCD	CSO	OCL	CBD	ISD	GCS
USE CATEGORY	SPECIFIC USE														
	Cemeteries, mausoleums, columbaria, memorial gardens	P	P	L					L				L	L	L
Personal and Group Care Facilities	All personal and group care facilities, except as listed below												C		
	Group home (non-profit, 8 or fewer residents)	L	L	L	L	L	L	L	L						
	Family care and group care facility	C	C						C	C	C	C	C		C
Religious Facilities	All religious facilities	L	L	C	C	C	C	C	C	C	C	C			C
	Major utilities		C										C	C	C
	Minor utilities	L	L	L			L	L	L	L	L	L	L	L	L

REVIEW & ASSESSMENT:

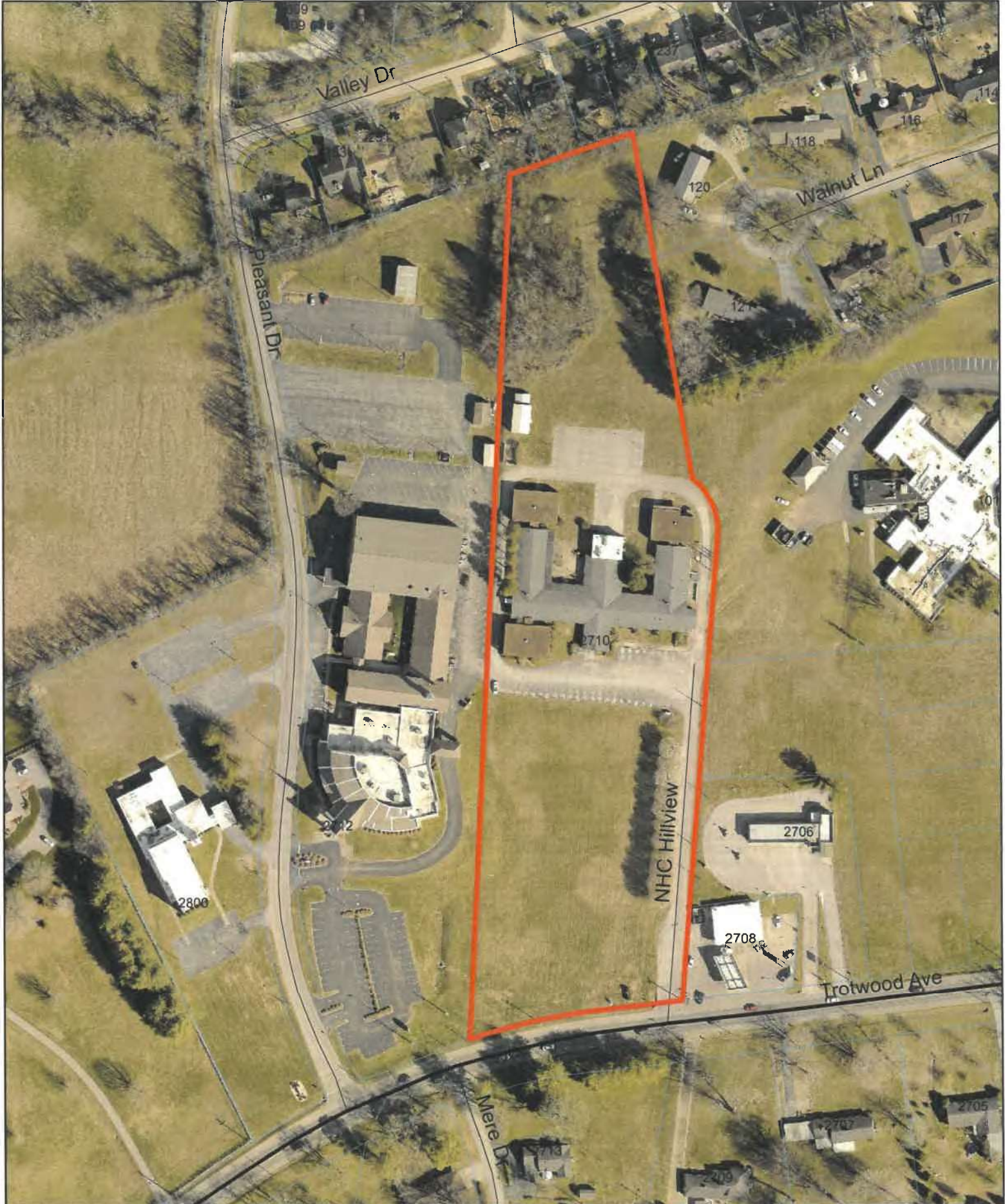
This request is for a Conditional Use Permit to allow for a substance abuse treatment facility located within a former 40,205 SF nursing home facility in a GCS (*General Commercial Services*) zoning district. The proposed 24-hour staffed facility will consist of 74 beds with an open courtyard, and full-service kitchen including dining facilities. The applicant has included additional site improvements to landscaping and buffering. Access to the site will be from an existing private lane (*NHC/Hillview*). The applicant has indicated that the site will need 25-35 parking spaces. The current site has 66 paved parking stalls.

Standard buffering requirements for the site would be a 15' landscape buffer along the property lines to the west and east abutting adjacent commercially zoned uses with a 10' frontage boundary buffer along Trotwood Ave. A 30' landscape buffer would be the code standard adjacent to the residentially zoned district located to the rear of the facility.

RECOMMENDATION:

Approval of Conditional Use Request as previous use was a Group Care Facility. This condition of approval may be subject to requiring landscape standards to minimize impact on adjacent residential properties.

Case #22-0005
2710 Trotwood Ave.



**APPLICATION FOR REQUEST FOR ZONING ORDINANCE INTERPRETATION BY
CITY OF COUMBIA ZONING ADMINISTRATOR**

APPLICANT(S): Pugmill Systems Inc. (owner)
Attn: H. Duane Allen
212 Cemetery Avenue
P.O. Box 60
Columbia, TN 38402-0060
(931) 626-6148
duane.allen@pugmillsystems.com

APPLICANT REPRESENTATIVE: L. Bruce Peden
Moore & Peden P.C.
219B West 7th Street
P.O. Box 981
Columbia, TN 38402-0981
(931) 381-0600
lbpeden@bellsouth.net

PROPERTY: 212 Cemetery Avenue, Columbia, Tennessee 38401
Map 099I Grp D Parcel 026.00
Current Zoning: IG (Industrial General)

PROPOSED USE: Class 8 (Semi-Truck) Vehicle Parts Recycling Center

The proposed primary use of this IG zoned property is to disassemble Class 8 trucks and ship reusable vehicle parts to companies that either refurbish or remanufacture the parts or sell them as is. No retail purchase / sales operations will occur on site.

Trucks to be disassembled will be staged outside the building. All disassembly will occur inside the existing industrial structure (approx.. 11,600 sq. ft.) Parts intended for recycling (engines, transmissions, differentials, pumps, radiators, etc.) will be warehoused inside building until sold and shipped. Disassembly will involve manual removal of parts utilizing ordinary mechanic shop or body shop tools and equipment. No shredding, compacting, shearing, or baling of materials (processes associated with salvage or junk yards) will be conducted on site.

All storage of parts and materials not intended for recycling will be confined to storage containers inside the building – one for steel and a second for fiberglass, plastic, and interior. Such containers will be removed and replaced as needed by contracts with disposal companies. Any waste fluids generated by disassembly will be stored inside the building and removed as needed by contracted third party disposal companies.

No scrap or waste will be piled or stored outside the building except perhaps in enclosed containers. No scrap or salvage yard operations whatsoever will be conducted.

Historic Uses of the Property:

In the 1960's the 212 Cemetery property was occupied by Columbia Concrete which operated a cement plant with silos for cement storage as well as an outside storage yard for sand and aggregate together with feeding and conveying structures and equipment. The business owned and operated several heavy duty mixer trucks for concrete delivery.

In 1983 Mid Tenn Steel purchased the property. This company engaged in steel fabrication inside the building. The business additionally utilized construction equipment such as truck cranes, diesel welders, air compressors and other construction related equipment used to perform work at local chemical plants.

In 1986 Mid Tenn Steel purchased Davis Welding and Manufacturing (Nashville) which built pugmill mixers. In 1988 pugmill manufacturing operations were relocated to the site .

From 1988 to present Pugmill Systems Inc. has engaged in the manufacture and assembly of large industrial / construction equipment including pugmills, hoppers and conveyors. Assembly and manufacturing activities occurred inside the building. The large yard was used to store raw materials (primarily steel) and finished goods (typically stored on trailer chassis) awaiting transport. The business generated scrap steel, scrap plastics, and wood scrap all of which were placed in bins and picked up and removed as needed by disposal companies.

A new entity, Class 8 Premium Parts LLC (owned by same individuals that own Pugmill Systems Inc.) will operate the business after lease with Pugmill Systems Inc.).



View of Buildings From Front



View of Plant Interior (Proposed Disassembly Area)

The interior of the plant building will require virtually no alterations in order to perform the proposed disassembly. Hoists are already installed and in place, and the facility is fully wired and functional. It is an ideal facility for its intended use.

The building and site are located in an area that will not be negatively affected whatsoever by the proposed use.



View Toward Railroad



View Toward Cemetery



View Across Street



View Across Street



View Across Street



View Across Street

The property is 3.8 acres enclosed by existing chain link fence. Enclosed plant area is approximately 11,600 square feet. Modular office is approximately 1100 square feet.

Discussion:

IG zoning permits the following activities:

All wholesale trade:

I. Wholesale Trade

Characteristics: Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

Principal Uses	Accessory Uses	Uses Not included
Mail-order house Sale of building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Wholesaling of food, clothing, auto parts, and building hardware	Accessory medical clinic Ancillary indoor storage Associated offices Cafeteria Day care Minor fabrication services Product repair Repackaging of goods Warehouse	Store selling, leasing, or renting consumer, house or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service)

All light industrial:

B. Light Industrial Service

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal light industrial uses include:

Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items or electrical items, and toys

Regional recycling center
 Sheet metal shop

The proposed use of the property involves activities that most closely align with the characteristics of Light Industrial (i.e. servicing and recycling of Class 8 truck parts) and Wholesale Trade (i.e. sale of products intended for industrial or commercial businesses with only limited sales, if any, to general public). If assembly of commercial machinery and equipment is properly characterized as light industrial, then the reverse process of disassembly (utilizing the same tools and equipment as in assembly) surely should and would be reasonably and properly be so characterized. The proposed use also involves the storage and sale of parts on a wholesale basis.

The proposed use is not properly characterized as as a wrecking, junk, or salvage yard. Those uses involve the purchase and receipt of scrap materials by broad category (i.e. typically all metals) and the processing of the materials in bulk by shredding, compacting, and shearing by huge specialized machinery set in an open yard.

Pursuant to Article 3, Section 3.1, of the City of Columbia Zoning Ordinance Pugmill Systems Inc. requests the City Zoning Administrator to interpret the provisions of the zoning ordinance as applied to the use of the identified property proposed by owner and render an opinion as to the proper characterization of the proposed use. Specifically, Pugmill Systems Inc. requests that the Zoning Administrator determine: (1) pursuant to Section 8.1.1E that the proposed use is similar to activities and uses characterized as Light Industrial / Wholesale Trade (and their principal and accessory uses); and (2) that the proposed use is permitted under the property's current IG zoning classification.

Pugmill Systems Inc.

By: H. Duane Allen
H. Duane Allen

MOORE & PEDEN P.C.
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BY: L. Bruce Peden
L. BRUCE PEDEN
BPR NO. 000245
Attorney for Pugmill Systems Inc.



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

L. Bruce Peden
Representative of Pugmill Systems
Moore & Peden P.C.

via email: lbpeden@bellsouth.net

RE: 212 Cemetery Avenue
Parcel ID#: 099I D 02600 000

Dear Mr. Peden:

This letter is written in response to your request, on behalf of Pugmill Systems Inc, for an interpretation of the City of Columbia Zoning Code. Specifically, you request that the Zoning Administrator clarify the characterization of the proposed use, Class 8 Vehicle Recycling Center. Your client seeks to determine whether the intended use can be established at the above referenced property. The proposed use, as described in your letter is a *wrecking, junk or salvage yard*. Establishing the use at the property would be inconsistent with the City of Columbia Comprehensive Plan and is not permitted under the Zoning Code.

The characterization of the proposed use is unambiguous. Your letter states that Pugmill Systems will "disassemble Class 8 trucks and ship reusable vehicle parts" to wholesale customers. This description matches widely accepted definitions of the use listed in the City of Columbia Zoning Code as *wrecking, junk or salvage yard*. These definitions are well established in planning practice. The Planner's Dictionary, promulgated by the American Planning Association, provides several definitions of these terms compiled from current planning practice.¹ Among the definitions for *salvage yard* it includes "[a]ny parcel...where a salvage vehicle, or parts thereof, are located for the purposes of resale as parts[.]" One of the Dictionary's definitions for *junk yard* specifically includes businesses which acquire vehicles "for the purpose of dismantling the vehicles for parts[.]" Here in Middle Tennessee, local zoning ordinances list definitions for *junkyard* such as "temporary storage of automobile bodies or parts awaiting disposal"² and "the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof."³ These definitions describe the business contemplated by Pugmill Systems and exactly match the terms used in the City of Columbia Zoning Code.

Salvage of salable vehicle parts and the receipt of scrap metals for processing onsite are not distinct land uses. Your letter asserts that the proposed use is not properly classified. Specifically, you argue that the proposed use is not a *wrecking, junk or salvage yard* operation because it involves the disassembly of vehicles for their salvageable parts rather than the receipt of scrap metal by broad category. These are, in your view, distinct uses. However, it is a well-established planning practice to characterize these activities as the same land use. As early as 1965 the American Planning Association and its predecessors issued guidance to municipalities

¹ A Planners Dictionary, American Planning Association, PAS Report 521/522, April 2004

² City of Murfreesboro Zoning Ordinance, Appendix A

³ City of Clarksville Zoning Ordinance, Section 2.1



CITY OF
COLUMBIA
TENNESSEE

DEVELOPMENT SERVICES
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COLUMBIA, TN 38401
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cautioning that it is inappropriate for small cities to define the different phases of vehicle reclamation differently. Whether a business disassembles trucks for parts or reclaims steel through the use of heavy machinery, it is appropriate to classify the operations as the same use. The City of Columbia Zoning Code conforms to this practice and limits *wrecking, junk or salvage yard* operations to the jurisdiction's most intense industrial district, Special Industrial.⁴

The City of Columbia Zoning Code does not permit a *wrecking, junk or salvage yard* operation at 212 Cemetery Avenue. Section 3.1.4 requires that the Zoning Administrator's interpretations be rendered in light of the zoning ordinance, the official zoning map, and the comprehensive plan. The Future Land Use Character Area of the property is Urban Neighborhood. The intended use is inconsistent with the Urban Neighborhood Character Area Matrix (p. 26 Connect Columbia Future Land Use Plan) which emphasizes residential and low-intensity civic uses. The property is zoned IG (General Industrial). Section 8.1.1 does not permit *wrecking, junk or salvage yards* in an IG district. Therefore, the intended use may not be established at the subject site.

If you have any additional questions, please don't hesitate to contact our office at 931-560-1531.

Respectfully,

Austin Brass, AICP
City Planner

Cc: Kevin C. McCarthy, Planning Associate II⁵
Paul Keltner, AICP, Director of Development Services

⁴ "The Disposal of Junked Cars," American Society of Planning Officials, PAS Report 201, August 1965

⁵ Assisted with research and drafting of this letter.

**NARRATIVE STATEMENT OF APPEAL
TO CITY OF COLUMBIA BOARD OF ZONING APPEALS**

Introduction

On December 13, 2021 Pugmill Systems Inc. (herein "PSI") requested the City Zoning Administrator to render a formal interpretation of the Zoning Ordinance and its application to a very specific intended use of property owned by PSI and located at 212 Cemetery Avenue, Columbia, Tennessee. A copy of PSI's application is attached as **Appendix 1**. All statements contained within Appendix 1 are adopted and incorporated by reference into this narrative statement.

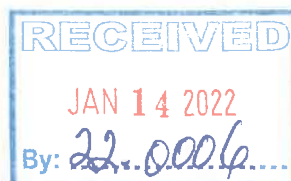
On December 21, 2021 Austin Brass, City Planner, rendered and delivered to counsel for PSI a written interpretation and decision. A copy of the written interpretation and decision is attached as **Appendix 2**. Said interpretation and decision were adverse to PSI and its intended use of property.

Section 3.1.6 of the Zoning Ordinance authorizes an appeal pursuant to Section 3.16 of final action by the Zoning Administrator based upon interpretation of the ordinance. Section 3.16 authorizes appeal to the Board of Zoning Appeals.

THE PROPOSED USE IS NOT A WRECKING, JUNK OR SALVAGE YARD.

Mr. Brass in his decision concludes and states, "The proposed use, as described in your letter is a *wrecking, junk or salvage yard*." That conclusion and interpretation is erroneous for the following reasons:

- (1) The decision fails to recognize that the principal activity for the proposed use is the wholesale sale of useable parts.
- (2) The decision relies upon broad generic definitions not contained within the Zoning Ordinance itself and fails to consider the actual ordinance provisions.
- (3) The decision fails to consider the proposed specific limitations upon site activity and does not differentiate those limitations from the typical outside, noisy, and offensive conditions associated with a wrecking, junk or salvage yard.



000004

The decision fails to recognize that the principal activity for the proposed use is the wholesale sale of useable Class 8 truck parts.

The proposed primary use of this IG zoned property is to disassemble Class 8 trucks and ship reusable vehicle parts to companies that either refurbish or remanufacture the parts or sell them as is. No retail purchase / sales operations will occur on site.

Trucks to be disassembled will be staged outside the building. All disassembly will occur inside the existing industrial structure (approx.. 11,600 sq. ft.) Parts intended for recycling (engines, transmissions, differentials, pumps, radiators, etc.) will be warehoused inside building until sold and shipped. Disassembly will involve manual removal of parts utilizing ordinary mechanic shop or body shop tools and equipment. No shredding, compacting, shearing, or baling of materials (processes associated with salvage or junk yards) will be conducted on site.

All storage of parts and materials not intended for recycling will be confined to storage containers inside the building – one for steel and a second for fiberglass, plastic, and interior. Such containers will be removed and replaced as needed by contracts with disposal companies. Any waste fluids generated by disassembly will be stored inside the building and removed as needed by contracted third party disposal companies.

No scrap or waste will be piled or stored outside the building except perhaps in enclosed containers. No scrap or salvage yard operations whatsoever will be conducted.

The property’s existing IG zoning classification permits the following activities:

All wholesale trade:

I. Wholesale Trade

Characteristics: Firms involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.		
Principal Uses	Accessory Uses	Uses Not included
Mail-order house Sale of building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Wholesaling of food, clothing, auto parts, and building hardware	Accessory medical clinic Ancillary indoor storage Associated offices Cafeteria Day care Minor fabrication services Product repair Repackaging of goods Warehouse	Store selling, leasing, or renting consumer, house or business goods, wholesale club (see Retail Sales and Service) Warehouse, freight movement (see Warehouse and Freight Movement) Warehouse or wholesale club (see Retail Sales and Service)

An IG zoning classification also permits all light industrial:

B. Light Industrial Service

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal light industrial uses include:

Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items or electrical items, and toys

Regional recycling center
Sheet metal shop

The proposed use of the property involves activities that most closely align with the characteristics of Light Industrial (i.e. servicing and recycling of Class 8 truck parts) and Wholesale Trade (i.e. sale of products intended for industrial or commercial businesses with only limited sales, if any, to general public). If assembly of commercial machinery and equipment is properly characterized as light industrial, then the reverse process of disassembly (utilizing the same tools and equipment as in assembly) surely should and would be reasonably and properly be so characterized. The proposed use also involves the storage and sale of parts on a wholesale basis.

The proposed use is not properly characterized as as a wrecking, junk, or salvage yard. Those uses involve the purchase and receipt of scrap materials by broad category (i.e. typically all metals) and the processing of the materials in bulk by shredding, compacting, and shearing by huge specialized machinery set in an open yard.

The decision relies upon broad generic definitions not contained within the Zoning Ordinance itself.

Mr. Brass in his decision, rather than consider and interpret the plain language of the Columbia Zoning Ordinance, cites the zoning ordinances for Murfreesboro and Clarksville in support of his decision. The City of Columbia's Zoning Ordinance at Article 13 contains ten (10) pages of definitions – not one of which is referenced or cited by Mr. Brass. The Columbia Zoning Ordinance makes no reference to definitions adopted by Murfreesboro or Clarksville or any other municipality or entity.

Rather than considering the language and provisions of the zoning ordinances of Murfreesboro or Clarksville the Zoning Administrator and this Board of Zoning Appeals should consider and apply the Columbia Zoning Ordinance.

The decision fails to consider the proposed specific limitations upon site activity.

Mr. Brass, citing a 1965 American Society of Planning Officials article, broadly concludes that all forms and methods of vehicle reclamation are the same and equally offensive. His interpretation and conclusion equates the activity of mechanics working inside a closed industrial building utilizing small hand tools to manually remove engine parts (this is what is proposed by PSI) with open yard scrap processing which shred, shear, or bale automobile bodies and other scrap metals for sale to steel manufacturers. His rationale equates the interior storage of warehoused parts (this is what is proposed by PSI) to an outdoor automobile graveyard.

In short Mr. Brass, rather than considering the specific and restricted activities proposed and intended by PSI, relied upon generic definitions to reach a conclusion that is illogical and contrary to the language and guidance provided by the operative authority, the Columbia Zoning Ordinance.

Relief Requested

PSI respectfully requests the Columbia Board of Zoning Appeals for relief as follows:

- (1) To hear and consider evidence as the proposed and intended use of the property;
- (2) To overrule the decision of Mr. Brass;
- (3) To decide that the proposed use of the property is properly characterized as Light Industrial / Wholesale Trade and permitted under the existing IG zoning classification.



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

CONTACT INFORMATION

Austin Brass, City Planner, abrass@columbiatn.com , 931-560-1560

DOCKET/CASE/APPLICATION NUMBER

22-0006

APPLICANT/OWNER

Pugmills Systems, Inc.

PUBLIC HEARING DATE

N/A

PROPERTY ADDRESS/LOCATION

**212 Cemetery Ave / Tax Map 099,
Parcel 026.00**

REQUEST: Appeal of Administrative Decision

This request is for an appeal of an administrative decision by Pugmill Systems Inc, based off of the Zoning Administrator's determination for the proposed new use of a Class 8 Vehicle Recycling Center in an IG zoning district. This use includes the disassembly of trucks that will be used for dismantling and shipping of parts. The Zoning Administrator has determined that this use is classified as a "Wrecking, junk, and salvage yards, scrap operations" and would be a prohibited use in an IG zoning district under section 8.1.1 (Use Table) of the City of Columbia Zoning Code.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
I-G (Industrial General)	Industrial Use	IG/ R-6/ Industrial & Single-Family Residential.	N/A	N/A

DEVELOPEMNT STATUS & HISTORY:

Previous Requests/Approval: August 10th, 2020. BZA #20-0146. A request from Duane Allen to allow for a gravel equipment/storage parking area, approved.

Conditions of Previous Approval: N/A

ZONING ORDINANCE REFERENCED:

3.1.6 APPEAL

3.16.1 APPLICABILITY

An appeal may be made by the aggrieved party in the case of refusal by the Zoning Administrator to issue a Zoning Permit, certificate of zoning compliance, or other administrative decision.

3.16.2 APPLICATION REQUIREMENTS

An application for an appeal of an administrative decision shall be filed in accordance with Sec. 3.3.3, Application Requirements.

A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the Zoning Administrator, or designee. The date and time of filing shall be entered on the notice.

3.16.3 DEADLINE FOR SUBMISSION OF APPLICATION

An appeal of an administrative decision shall be filed with the Board of Zoning Appeals within 30 days of receipt of the decision by the Zoning Administrator.

Appeal of Admin Decision, Case# 22-0006

3.16.4 PUBLIC HEARING

Any appeal of an administrative decision shall require a public hearing before the Board of Zoning Appeals.

3.16.4 PUBLIC HEARING

Any appeal of an administrative decision shall require a public hearing before the Board of Zoning Appeals.

Scheduling of Hearing

1. Each application or appeal shall be numbered serially and filed in proper form with the required date, and shall be placed upon the calendar of the Board by the Zoning Administrator. The calendar numbers shall begin anew on January 1, each year, shall be hyphenated with the year in which the appeal is filed.
2. Appeals will be assigned for hearing by the Zoning Administrator in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order by the Board, upon good cause being shown. The Zoning Administrator of Adjustment shall give published public notice as forth in Sec.3.3.4.

Notice of Hearing

1. All notices shall specify the current zoning and notification that applicant is seeking an appeal of administrative decision.
2. All notices shall be made at least 10 days prior to the scheduled Board of Zoning Appeals meeting.
3. Format of Notice

Proceedings

1. At the public hearing of the case before the Board, the Appellant shall appear on his/her own behalf or be represented by counsel or agent. The Appellant's case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.
2. Every person before the rostrum shall abide by the order and direction of the chair. Discourteous or disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Board and shall be dealt with as the chair deems proper.

Decisions

1. The Board of Appeals may reverse or affirm (wholly or partly) or may modify the order, requirement, decision, or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Appeals shall have all the powers of the officer from whom the appeal is taken.
2. A motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
3. The concurring vote of a majority of the entire membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance a majority of those present and voting is required.
4. Any motion to overturn a decision shall state the reasons or findings of fact that support the motion.

3.16.6 EFFECT OF APPEAL



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

A. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the Board of Appeals that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this ordinance. In that case, proceedings shall not be stayed except by order of the Board of Appeals or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.

B. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this ordinance are stayed.

3.16.7 APPEAL

Any person including any agency of the city government aggrieved by a decision of the Board on a variance may appeal by *certiorari* to a court of competent jurisdiction. The judgment and findings of the Board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction.

REVIEW & ASSESSMENT:

Pugmill Systems, Inc. located at 212 Cemetery Ave is currently engaged in the manufacturing and assembly of industrial equipment. The property is zoned (IG) *Industrial General*. A request has been made for an additional business activity to occur on site known as Class 8 Premium Parts LLC. The function of this business activity is the disassembly of Class 8 trucks for the use of recycling of the materials from the trucks to outside entities. The Zoning Administrator has determined that the dismantling and recycling of Class 8 trucks would be classified as a “wrecking, junk, and salvage *scrap operation*” and would be a prohibited use under section 8.1.1 (*Use Table*) of the City of Columbia Zoning Code.

RECOMMENDATION:

Denial of the Appeal of Administrative decision as the dismantling of heavy trucks to be used for recycling is a “wrecking, junk, and salvage scrap operation”. Per article 8.1.1 (use table) of the City of Columbia Zoning Code, this use is prohibited in an IG zoning district in which the subject property is zoned.

Case #22-0006
212 Cemetery Ave.

