



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.
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 a the CBD zoning district located at [808 WALKER STREET](#).

Documents:

[22-0081_808WALKER_ZONEMAP.JPG](#)
[22-0081_FLOORPLAN_808_WALKER ST.PDF](#)
[22-0081_808_ADDITIONAL DOCUMENTS TCA REGS_WALKER ST.PDF](#)
[22-0081_SOMMBIRD TASTING ROOM_CU_STAFF REPORT.PDF](#)
[22-0081_COMMENTS FROM THE HISTORIC ZONING COMMISSION_808 WALKER.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.

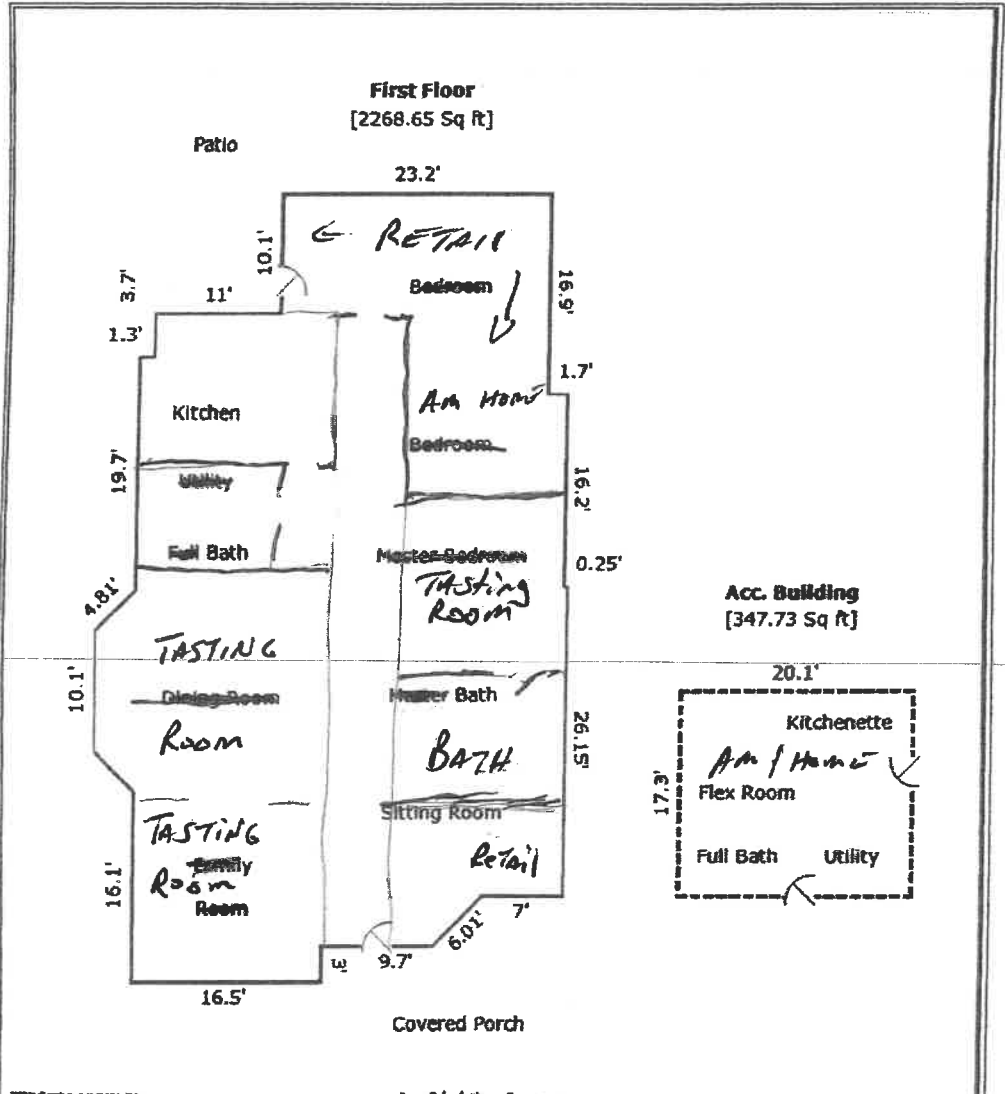
Case #20-0081
808 Walker St



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



**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

21-0081

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 at the end of each 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]*.

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?