



CITY OF COLUMBIA TENNESSEE
BOARD OF ZONING APPEALS
STAFF REPORT

CONTACT INFORMATION

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DOCKET/CASE/APPLICATION NUMBER

22-0132

APPLICANT/ PROPERTY OWNER

Montrae Osborne/ Hannaway Street Original Church of God

PUBLIC HEARING DATE

June 9, 2022

PROPERTY ADDRESS/LOCATION

507, 509 and 504 Hanaway Street/ Tax Map 99A E Parcels 13 &15; Map 99A F Parcels 9 & 10.01

REQUEST: Conditional Use (Expansion of a Religious Facility in an R-6 Zone)

The applicant requests the Board’s approval of a Conditional Use permit to allow expansion of a Religious Facility in a medium-high density residential zone. The existing facility is comprised of two structures with an approximate combined area of 3,100 square feet. The applicant proposes to demolish these structures and build a new 9,876 square foot facility.

The subject property is zoned R-6. The Zoning Ordinance classifies Religious Facilities as a Conditional Use in an R-6 District. The land use is well established on the site. The congregation formed in the early Twentieth Century; the existing structures are at least 70 years old. However, the Zoning Ordinance requires a Conditional Use permit when the area of a Religious Facility expands by more than 20% (Section 8.3.3.S.7). The proposed expansion exceeds this threshold requiring review and approval by the BZA.



EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	Historic District
R-6 (Medium-High Residential District)	Religious Facility	R-6/ Single Family Residential	9,876 Square Foot Religious Facility with Off Site Parking	N/A

DEVELOPMENT STATUS & HISTORY:

Previous Requests/Approval: N/A

Conditions of Previous Approval: N/A

REVIEW & ASSESSMENT:

Subject Site:

The subject site is comprised of four parcels; all are zoned R-6. Two parcels, consisting of a combined 0.50 ± acres, are located on the north side of Hannaway Street. The other two parcels, consisting of an additional 0.50 ± acres, are located on the south side of Hannaway Street. The existing church is located on one of the northern parcels. A residential structure occupies the adjacent property. The applicant proposes to demolish the existing structures, combine these parcels by minor subdivision, and construct the new facility on the consolidated site. The southern parcels are currently used for parking and the applicant proposes to improve the condition of the parking area.

There are residential structures on all properties adjoining the northern parcels. There are residential structures on most properties adjoining the southern parcels. One property bordering the parking lot to the south is utilized by another Religious Facility, the Church of God Sanctified on 8th Street. The entire area is zoned R-6.

The Zoning Ordinance classifies Religious Facilities as a Conditional Use in an R-6 zone. The land use is well established on the site. The congregation was established in the early Twentieth Century; the existing structures are at least 70 years old. However, the Zoning Ordinance requires a Conditional Use permit when the area of a Religious Facility expands by more than 20% (Section 8.3.3.S.7). The proposed expansion exceeds this threshold requiring review and approval by the BZA.

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.

3.15.9 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.S RELIGIOUS FACILITIES

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

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in RS-40 and R-40 Districts where the minimum district lot size shall apply.
2. The location, size and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
3. Educational facilities and other uses located in separate buildings from the place of worship shall be considered a separate use and considered subject to standards applicable to that use.
4. Such facilities shall be located only on major or collector streets as shown on the official major thoroughfare plan.
5. **All bulk regulations of the district shall be met.**
6. **Parking shall not be permitted in the required street or side yards.**
7. Administrative approvals of expansions of religious facilities shall not waive any conditions of approval of the conditional use permit.

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 Religious Institution.

General Requirements (3.15.8.A)

The Use Table at Section 8.1.1 of the Zoning Ordinance lists “Religious Institutions” as a Conditional Use in a medium-high density residential (R-6) zone.

Section 8.3.3.S of the Ordinance imposes limited use standards on Religious Institutions. Those standards are discussed below.

Attributes of the use which may harm the public health, safety, and welfare are discussed below.

The use is well established and predates most of the surrounding residences. Expansion of the use is unlikely to adversely affect other properties in the area. The Board may craft conditions of approval if it finds that the expanded intensity of the use has a negative impact on adjacent properties.

Additional Requirements (3.15.8.B)

The Religious Institution is well established in its current location. Neighborhood compatibility is not a concern and the expansion is unlikely to impose burdens upon neighboring properties.

The most obvious potential harm to the public welfare is the continued use of off-site parking across a public right-of-way. When worshipers gather at the church, many people may cross the street at mid-block at the same time. The preliminary site plan depicts a mid-block crosswalk to provide safe pedestrian access to the off-site parking. However, the City Engineer advises against mid-block crossings. Additionally, the cost of creating a crosswalk that conforms to the City’s standards is likely cost prohibitive. The Board should 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.

Parking

As mentioned above, the principal land use depends on off-street parking located on a separate parcel across the street. This situation presents an obvious risk to the

public welfare if the parcels on the south side of Hannaway Street are used for some other purpose in the future. People arriving at the church by automobile may be forced to park in the street and obstruct the right-of-way.

The Board may require the property owner to restrict the use of the property on the south side of Hananway Street in order to ensure parking remains available for the church in the future.

Lot Area and Location Requirements (8.3.3.S 1, 2 and 4)

The subject property is Zoned R-6, which required a minimum lot size of 6,000 square feet. The Ordinance limits Religious Institutions in an R-6 zone to lots with at least 12,000 square feet. The subject property exceeds this requirement.

The land use is already well established and therefore the standards at Sections 8.3.3.S.2 and 8.3.3.S.4 do not apply.

Bulk Standards and Site Design (8.3.3.S.5 and 6)

The preliminary site plan provided by the applicant does not conform to the standards of the Zoning Ordinance or the City's standards for access management. Moreover, the site plan depicts a small amount of parking in the street yard. The Board may condition its approval on revisions to the site plan which conform to the Zoning Ordinance in effect at the time of building permit application.

Other Considerations

Congress enacted the Religious Land Use and Institutionalized Persons Act (RLUIPA) in 2000. The Act protects religious institutions from discrimination in zoning. Local government land use controls may not impose "substantial burdens" on religious institutions. The American Planning Association advises that communities should not impose restrictions on religious institutions that they would not apply to similar non-religious land uses (i.e. schools, theaters, and civic buildings where groups of people assemble for meetings and events). Conditions imposed on religious land uses must be the least restrictive means of mitigating the negative impacts that the land use imposes on adjacent properties or the public ("furthering a compelling governmental interest"). Although the Board may impose conditions of approval, those conditions must be based on the characteristics of the land use, not the fact that it is a religious institution.

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 22-0132 subject to the following conditions:

1. That the property owner execute and record a Land Use Restriction Agreement (or similar document) to ensure the parcels on the south side of Hannaway street may only be utilized as parking for the Hannaway Church of God for the duration of the use of the property as a Religious Institution unless a similar amount of parking is identified on another property;
2. That all designs conform to the Columbia Zoning Ordinance in effect at the time application for building permits;
3. That construction of the building conform to the Building and Fire Codes adopted by the City of Columbia;
4. That any substantial changes in design of the structures or intensity of the land use, as determined by the Zoning Administrator or his designee, require a new hearing on the Conditional Use; and
5. That the applicant utilize 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.

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 22-0132 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 22-0132.

Alternative Motion [Deny]:

Move to deny the Conditional Use 22-0132 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.