A. CALL TO ORDER

B. ROLL CALL

C. CONSIDER APPROVAL OF THE NOVEMBER 19, 2019 BOARD OF ZONING APPEALS MEETING MINUTES.

D. GENERAL ANNOUNCEMENT

The procedural rules for public comment will be as follows: The items will be taken in the order of the agenda. Audience members wishing to speak must be recognized by the Chairman and will have five minutes to address the Board of Zoning Appeals. No rebuttal remarks will be allowed.

E. OLD BUSINESS

F. NEW BUSINESS

1. BZA 796-2020: Submitted by Taylor Nelson for 8061 Fenwick Lane. The property is zoned R-2 PUD and contains approximately .33 acres. The applicant requests a variance from the rear setback requirements of the UDC to allow a 12.5‘x19’ screened patio. Requested by Taylor Nelson.

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. ADJOURN
A. CALL TO ORDER

Chairman Terry Cantrell called the meeting to order at 5:34 PM.

B. ROLL CALL

Members present were: Chairman - Terry Cantrell, Vice Chairman - Rob Roten, Alderman - Hazel Nieves and Jim Hagaman. Brandon McCulloch was not present.

Staff present were: Planning Director - Steve Foote, and Associate Planner - Austin Page.

C. Consider approval of the October 15, 2019 Board of Zoning Appeals meeting minutes.

Jim Hagaman made a motion to approve the October 15, 2019 Meeting Minutes, modifying the motions for items six (6) and seven (7). Motion seconded by Alderman Hazel Nieves. Motion passed 4-0.

General Announcement – The procedural rules for public comment will be as follows: The items will be taken in the order of the agenda. Audience members wishing to speak must be recognized by the Chairman and will have five minutes to address the Board of Zoning Appeals. No rebuttal remarks will be allowed.

D. OLD BUSINESS

E. NEW BUSINESS

1. **BZA 776-2019**: Submitted by Mark Mihacsi for 3026 Grunion Lane. The property is zoned R-2 PUD and contains approximately .25 acres. The applicant requests a variance from the rear setback requirements of the UDC to allow a 16’x15.2’ covered patio. Requested by Mark Mihacsi.

   **Staff Recommended Conditions:**
   1. Written approval by the Spring Hill Public Works Department for the encroachment into the drainage easement and advising the property owner of their responsibility and liability due to the encroachment.
   2. The covered patio shall not be enclosed with any material such as screening.
   3. Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at
any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

Jim Hagaman made motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 776-2019 with three (3) staff recommended conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 4-0.

2. **BZA 777-2019**: Submitted by Dale Hayes for 1065 Crossings Circle. The property is zoned C-4 and contains approximately 2.32 acres. The applicant is requesting a special use consideration to operate a drive-through for a proposed Listerhill Credit Union. Requested by Dale Hayes & Listerhill Credit Union.

**Staff Recommended conditions:**
1. Subject to site plan approval by the Planning Commission.
2. During site plan approval, the plan shall have general consistency with the concept plan submitted to the Board of Zoning Appeals, subject to modifications by the Planning Commission.
3. Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

Jim Hagaman made motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 777-2019 with three (3) staff recommended conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 4-0.

3. **BZA 778-2019**: Submitted by S&ME, Inc. for 4922 Main Street – Liberty Financial Credit Union. The property is zoned C-4 and contains approximately .93 acres. The applicant is requesting a special use consideration to operate a drive-through for a proposed Liberty Financial Credit Union. Requested by Jeff Conar.

**Staff Recommended conditions:**
1. Subject to site plan approval by the Planning Commission.
2. During site plan approval, the plan shall have general consistency with the plan submitted to the Board of Zoning Appeals, subject to modifications by the Planning Commission.
3. Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

Jim Hagaman made motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 778-2019 with three (3) staff recommended conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 4-0.
4. **BZA 779-2019**: Submitted by S&ME, Inc. for 4922 Main Street – Liberty Financial Credit Union. The property is zoned C-4 and contains approximately .93 acres. The applicant is requesting a variance from Article 8.3.H.1. of the UDC to consider allowing a reduction in drive-through stacking spaces. Requested by Jeff Conar.

**Staff Recommended conditions:**
1. Drive through should provide no less than three stacking spaces behind the vehicle at the final point of service.
2. Subject to site plan approval by the Planning Commission.
3. During site plan approval, the plan shall have general consistency with the concept plan submitted to the Board of Zoning Appeals, subject to modifications by the Planning Commission.
4. Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

Jim Hagaman made motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 779-2019 with four (4) staff recommended conditions of approval. Motion seconded by Vice Chairman Rob Roten. Motion passed 3-1 with Alderman Hazel Nieves dissenting.

5. **BZA 780-2019**: Submitted by Crunk Engineering for JMB Beechcroft Townhomes. The property is zoned C-D-E1 and contains approximately .64 acres. The applicant is appealing the decision of the Planning Director that the required 20’ perimeter yard required in Article 8.3.K.1 and the street landscape buffer required in Article 11.7.D does not permit the placement of a townhome building within these areas consistent with the required build-to setback. Requested by Adam Crunk.

Vice Chairman Rob Roten made motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 780-2019, thereby permitting the proposed townhome building to be constructed within the perimeter yard and front landscape buffer, consistent with the site plan (STP 771-2019) approved by the Planning Commission on November 12, 2019. Motion seconded by Alderman Nieves. Motion passed 3-0-1 with Jim Hagaman abstaining.

**F. OTHER BUSINESS**

1. Approval of the 2020 BOZA Calendar.

Vice Chairman Rob Roten made motion to approve the 2020 BOZA Calendar. Motion seconded by Alderman Hazel Nieves. Motion passed 4-0.

**G. PUBLIC COMMENT**

No additional Public Comment

**H. ADJOURN**
Jim Hagaman made motion to adjourn. Motion seconded by Alderman Hazel Nieves. Motion to adjourn passed 4-0.

Meeting Adjourned at 6:45 PM.

Terry Cantrell, Chairman
BZA 796-2020: Submitted by Taylor Nelson for 8061 Fenwick Lane. The property is zoned R-2 PUD and contains approximately .33 acres. The applicant requests a variance from the rear setback requirements of the UDC to allow a 12.5’x19’ screened patio. Requested by Taylor Nelson.

Request: The applicant is requesting a variance to reduce the building setback for a covered screened patio to encroach the 30’ rear setback. The applicant requests to install a 12.5’x19’ screened patio directly north of their existing 14’x14’ concrete patio. The proposed screened patio has a significantly less encroachment (8’) than the existing patio (13.7’).

Property Description and History: 8061 Fenwick Lane is located in The Arbors of Autumn Ridge and is zoned R-2, PUD. All surrounding properties are also zoned R-2, PUD. The property has a rear setback of 30’ and a 10’ PUDE. This property is located on a cul-de-sac and has an irregular shape. The irregular shape of the lot has a shallow depth and uneven rear property line, which results in the northwest corner of the home being approximately 7’ from the side yard setback and 17’ from the property line. The southwest corner of the home is built directly up to the rear setback and is approximately 30.3’ from the rear property line.

Currently, there is an existing 14’x14’ concrete patio that encroaches a maximum of 13.7’ into the rear setback, which is permissible. This concrete patio was poured at the time of the home construction. The property is adjacent to other residential lots in The Arbors at Autumn Ridge and the backyard is enclosed by a 3’ iron fence, with landscaping to buffer. The applicant has discussed with staff the Board of Zoning Appeals process and to ensure a complete application has been submitted.

Analysis: The applicant is proposing a screened patio that has a maximum encroachment of 8’ and will extend approximately 6’ less than the existing concrete patio. The applicant has provided staff with a complete application submittal. A list of all adjacent property owners has been provided, along with a notification letter and proof of mailings. The applicant is proposing screen to enclose the patio and will not use any other materials for screening purposes. The proposed screened patio will be covered with shingles to match the existing home. The covered patio framing and supports are proposed to be constructed with materials that match the characteristics of the home and will have a wood burning fire place on the end of the patio. This fire place will be located at the center of the patio and will project no more than two additional feet into the setback. The proposed structure will be attached to the primary structure and is considered part of the primary structure for building setback purposes. The applicant is proposing electrical to be installed in the structure. The proposed screened will not encroach into the PUDE. Any roof overhang should be limited to two feet to avoid any encroachment into the PUDE.

Findings of Fact: The applicant has met UDC requirements regarding the U.S.P.S. First Class mailing of notices to all adjacent property owners of 8061 Fenwick Lane and at least ten days in advance of the first scheduled action. City staff has placed notice in the newspaper and a sign on the subject property. The findings listed below represent staff’s response to the approval standards required in Section 13.4.E of the UDC, to be considered by the Board of Zoning Appeals prior to approving a variance and a review of the applicant’s justification statements.

1. Where, by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and
exceptional situation or condition of such piece of property it is not able to comply with the regulations as required under this Code. The city receives many requests from property owners to cover existing patios, decks, and/or create new ones. This has often times been considered a reasonable request, based on the facts of each individual situation, when the size of the structure is reasonable, and when the encroachment is limited. Staff has determined that the shape of the lot is irregular because of its location on the bulb out of the cul-de-sac. With the positioning of the home and layout of the property’s setbacks, little room is available for an additional covered patio. The only other alternative is to cover the existing patio, which would encroach further into the rear setback.

Per the applicant: Total depth from corner of property to property line is 22.5’. Master easement was set at 30’ and PUDE at 10’. Requesting variance to allow porch built up to PUDE easement.

2. The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties to or exception or place undue hardship upon the owner of such property. The subject property has a unique shape and is not considered a standard lot. The proposed screened patio encroaches approximately a maximum of 8’ into the rear setback and does not encroach into the PUDE. Although fairly wide, the proposed screened patio encroaches 6’ less than the existing concrete patio.

Per the applicant: Master easement set forth would effectively render rear property unusable.

3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this Code. The encroachment is along the rear of the property, which backs up to the rear lot line of other properties. Staff finds the home to be consistent with the surrounding lots and does not believe that the proposal will have a significant detrimental impact on the public good or any of the surrounding property.

Per the applicant: Yes, a proposed variance that is granted would not encroach neighbor property or PUDE easement.

Recommendation: If the Board of Zoning Appeals finds the request to be reasonable and compliant with the requirements for a variance, staff recommends that they adopt the findings in this report or others to support the approval. Should the Board of Zoning Appeals approve BZA 796-2020, a building setback variance request for construction of a screened patio. Approval should be subject to the submitted plans and the conditions below.

Possible Motion: Motion to adopt the finding of facts and conclusions of law provided in the staff report and to approve variance BZA 796-2020 to reduce the building setback for a covered patio at 8061 Fenwick Lane with the following conditions.

1. Consistency with the plans submitted and encroachment shown
2. The covered patio shall not be enclosed with any material other than screening.
3. Subject to homeowner’s association approval as required for The Arbors at Autumn Ridge.
4. Roof overhang/eave shall not exceed two (2) feet and not encroach into the PUDE.
5. The applicant shall plant two evergreen trees along the rear lot line adjacent to the north point of the patio.
6. The covered patio shall not encroach into the drainage easement. Any encroachment will require the prior written approval by the Spring Hill Public Works Department for the encroachment into the drainage easement and advising the property owner of their responsibility and liability due to the encroachment.
7. Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.
<table>
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<tr>
<th><strong>APPLICANT MUST READ AND INITIAL EACH BOX TO THE RIGHT</strong></th>
<th><strong>INITIALS</strong></th>
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<tr>
<td>a) Published notice is required. The City of Spring Hill will publish notice in a newspaper of general circulation within the City.</td>
<td>70</td>
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<tr>
<td>b) Written notice must be mailed by U.S.P.S. First Class at least ten days in advance of the first scheduled action to all adjoining property owners of the subject property. The notice must include the date, time, place, and purpose of such hearing/meeting, the name of the applicant, and the address of the subject property. Nothing in this section is intended to prevent the applicant or the City from giving additional notice as he/she may deem appropriate. The <strong>APPLICANT IS RESPONSIBLE</strong> for mailing notices and must provide the City with an affidavit stating that notice was mailed to every property owner as required and provide the City with a list of names, addresses, and property identification numbers (PIN) of all notice recipients, and a map indicating the boundaries of the notice area. The applicant must also provide the City an example of the notice sent.</td>
<td>7</td>
</tr>
<tr>
<td>c) Posted notice is required on the property and will be installed by the City of Spring Hill. This signage must be maintained until all action on the application has been completed. Please call the Planning Department if the sign is damaged or removed.</td>
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<td>d) A pre-application conference with City staff is <strong>recommended</strong>, but not mandatory.</td>
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**The following information is recommended to facilitate review of the application:**

- Letter of request outlining the nature and reason for the request
- A written narrative explaining how the request is consistent with the comprehensive plan
- A concept or plot plan that shows the property and illustrates the variance(s) being sought.
- An explanation as to why the property may not be developed and reasonably used without the variance
- A written statement from the applicant expanding how the request is consistent with the approval standards listed below.

**Applicant Name/Project:**

**Screen Porch**

**Variance BOZA checklist**
<table>
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<td>&quot;The Board of Zoning Appeals may authorize a variance from the strict application of this Code so as to relieve such difficulties or hardship only in accordance with the following criteria. The Board of Zoning Appeals must make findings of fact on all criteria. Please initial all that apply.&quot;</td>
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<tr>
<td>The application for a variance should provide the applicant’s evidence that the application meets or exceeds the criteria below.</td>
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| "Where, by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property it is not able to comply with the regulations as required under this Code."

| 1 |
| Total depth from corner of property to property line is 22.5'. Mason easement was set at 30', and RUDP at 10'. Requesting variance to allow porch built up to RUDP easement. |
| 2 |
| The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties to or exception or place undue hardship upon the owner of such property. |
| Master easement set forth would effectively render area of property unusable. |
| 3 |
| "Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this Code." |
| Yes, a proposed variance that is granted would not encroach neighbor property or RUDP easement. |

**Applicant Name/Project:** TAYLOR NELSON / SCREEN PARK

**Variance BOZA checklist**
Taylor Nelson
8061 Fenwick Lane
Spring Hill, TN 37174

Re: Variance request

Photos of existing space to be built upon:
Example drawing of proposed screened-in patio space:
8061 Fenwick Lane
Spring Hill TN 37174

Builder: Building to be performed by Neissen Construction, LLC

Project Description: 19’ W x 12.5’ D Shed Roof over patio, screened-in w/ wood burning fireplace

Materials List

1. Roof framed out of 2 x 8, 16” OC with ½ OSB
2. Structured post will be 6x6 pressure treated with a 3x10 bearing beam to hold up main roof
3. Ceiling will be finished of 10/1x6 pine T&G bead board
4. Roof will be shingled to match existing house
5. Patio screen will be used w/ screen tight system
6. Patio flooring will be out of brick pavers
7. Fireplace will be wood burning and brick on outside of fireplace will match house
8. Electrical will be installed to code, including 1-2 fans, several electrical outlets and some recessed lighting

PROPOSED MATERIALS
Similar build performed by Neissen Construction LLC on another project:

EXAMPLE