



City of

SPRING HILL

TENNESSEE

est. 1809

AGENDA PACKET
Board of Zoning Appeals
Board of Zoning Appeals

March 16, 2021

05:30 pm



SPRING HILL MUNICIPAL BOARD OF ZONING APPEALS

Terry Cantrell, Chairman
Rob Roten, Vice Chairman
Hazel Nieves, Alderman

Jim Hagaman
Brandon McCulloch

City staff: Associate Planner - Austin Page, Planning Assistant – Lucretia Sappington

City of Spring Hill
199 Town Center Parkway
Spring Hill, TN. 37174

AGENDA

March 16, 2021
5:30 PM

- A. CALL TO ORDER
- B. ROLL CALL
- C. CONSIDER APPROVAL OF THE FEBRUARY 18, 2021 BOARD OF ZONING APPEALS MEETING MINUTES.
Attachment: [BOZA Minutes 2-8-21](#)
- 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. Public Comment has also been provided through the BOZAPublicComment@springhilltn.org email address.*
- E. APPROVAL AND/OR DISCUSSION OF BOARD OF ZONING APPEALS BYLAWS
Attachment: [BOZA Bylaws](#)
- F. ELECTION OF OFFICERS
- G. OLD BUSINESS
- H. NEW BUSINESS
- I. OTHER BUSINESS
- J. PUBLIC COMMENT
- K. ADJOURN

**SPRING HILL
MUNICIPAL BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
THURSDAY FEBRUARY 18, 2021
5:30 PM**

A. CALL TO ORDER

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

B. ROLL CALL

Members present for the Virtual Meeting were: Chairman – Terry Cantrell, Vice Chairman - Rob Roten, Alderman - Hazel Nieves, Jim Hagaman and Brandon McCulloch.

Staff present: Associate Planner, Austin Page

C. CONSIDER APPROVAL OF THE DECEMBER 22, 2020 BOARD OF ZONING APPEALS MEETING MINUTES

Alderman Hazel Nieves made a motion to approve the December 22, 2020 Meeting Minutes. Motion seconded by Brandon McCulloch. Motion to approve passed 5-0.

D. GENERAL ANNOUNCEMENT - This meeting is being held electronically due to the weather conditions, snow and ice. The opportunity for public comment has been provided through email at BOZAPublicComment@springhilltn.org and links to this meeting. Emailed comments will be entered into the record for this meeting during the Public Hearing.

E. BOARD OF ZONING APPEALS BYLAWS AND ELECTION OF OFFICERS

Chairman Terry Cantrell made a motion to defer the adoption of Bylaws and Election of Officers to the March 16, 2021 BOZA Meeting. The Motion was seconded by Brandon McCulloch. Motion to approve passed 5-0

F. OLD BUSINESS

G. NEW BUSINESS

1. **BZA 932-2021** Submitted by Robert Easley for 2019 Sunflower Drive. The property is zoned R-2 PUD, contains approximately .17 acres, and is located in the Hampton Springs subdivision. The applicant requests a variance from the rear setback requirements of the UDC to allow a 12’x16’4” covered and screened patio. Requested by Robert Easley.

Staff recommended conditions of approval:

1. Substantial consistency with the plans submitted and encroachment shown.
2. Subject to homeowner’s association approval as may be required for Hampton Springs subdivision.

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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 before the date of expiration. No public hearing is required for approval of such extension of time.

No public comment was received for this item via the BOZAPublicComment@springhilltn.org email address.

Jim Hagaman made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 932-2021 with three (3) staff associated conditions of approval listed above. Motion seconded by Alderman Hazel Nieves. Motion to approve BZA 932-2021 passed 5-0.

2. **BZA 933-2021** Submitted by Ragan-Smith for **B&G Equipment and Supply**. The property is located at 631 & 683 Beechcraft Road and is zoned I-1. The site contains approximately 12.64 acres. The applicant is requesting a special use consideration to operate a heavy retail, rental, and service business. Requested by Wes Magill.

Staff recommended conditions of approval:

1. An approved special use will expire one year from the date of approval according to the provisions of Article 13.3.G of the UDC. Site plan approval through the Spring Hill Planning Commission shall be required prior to the expiration of this special use.
2. The development shall be reasonably consistent with the site plan submitted to the BOZA, subject to changes and conditions imposed by the Planning Commission.

No public comment was received for this item via the BOZAPublicComment@springhilltn.org email address.

Jim Hagaman made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 933-2021 with two (2) staff associated conditions of approval listed above. Motion seconded by Alderman Hazel Nieves. Motion to approve BZA 933-2021 passed 5-0.

H. OTHER BUSINESS

I. PUBLIC COMMENT

J. ADJOURN

Jim Hagaman made a motion to adjourn. Motion seconded by Alderman Hazel Nieves. Motion to adjourn passed 5-0.

Meeting Adjourned at 6:00 PM.

Terry Cantrell, Chairman

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**BYLAWS OF THE CITY OF SPRING HILL
BOARD OF ZONING APPEALS**

1.1 Enabling Legislation

Pursuant to the Tennessee Code Annotated, Section 13-7-205, the Board of Zoning Appeals of the City of Spring Hill, Tennessee, hereinafter referred to as “the City”, hereby enacts these Bylaws.

2.1 The Spring Hill Board of Zoning Appeals

2.1.1 Board Name

The name Board shall be the Spring Hill Board of Zoning Appeals, hereinafter referred to “the Board”.

2.1.2 Board Office

The principal office of the Board shall be at City Hall, 199 Town Center Parkway, Spring Hill, Tennessee 37174.

3.1 Purposes and General Powers

3.1.1 Applicable Legislation

The purposes and general powers of the Board shall encompass those purposes and power specified in:

- A. the Tennessee Code Annotated, Section 13-7-205 through 13-7-207, and any amendments and supplements thereto, together with the applicable statutory provisions enacted by the Tennessee Legislature;
- B. the applicable sections of the Spring Hill City Charter and the Spring Hill Municipal Code, and any amendments and supplements thereto; and
- C. the regulations, rules, bylaws, and policies adopted and enunciated by the Board.

4.1 Officers

4.1.1 Officers

The officers of the Board shall be a Chair and Vice-Chair.

4.1.2 Elections

The Chair and Vice-Chair shall be elected at the first meeting held each year from among the appointed Members and shall serve for a term of one year, with

eligibility for reelection. The Chair and the Vice-Chair shall hold office until successors are elected.

4.1.3 Duties of Elected Officers

- A. The Chair shall preside at the meetings of the Board and shall vote on the matters coming before it. The Chair shall sign minutes, reports, bylaws, and other instruments made by the Board.
- B. The Vice-Chair shall serve, in all duties, as listed above, in the absence of the Chair.

4.1.4 Absence of Elected Officers

- A. Should the Chair not be in attendance, the Vice-Chair shall serve as Chair of the meeting.
- B. Should the Chair and the Vice-Chair not be in attendance, the Board shall, on the motion of any of its Members, accept nominations, and shall hold an election to appoint an Acting Chair to conduct the meeting during the absence of the Chair and the Vice-Chair.

4.1.5 Vacancy

- A. Should the Chair resign or be unable to continue as Chair, the Vice-Chair shall serve the remainder of the Chair's term.
- B. Should the Vice-Chair be required to serve the remainder of the Chair's term as provided herein, a new Vice-Chair shall be elected at a meeting of the Board from among the appointed members to serve the remainder of the Vice-Chair term of office.

5.1 Members

The Board shall consist of five (5) Members (including the Chair), one of which shall be an Alderman not serving on the Planning Commission, who is to be approved by the Board of Mayor and Aldermen, and the remaining four (4) Members shall be appointed by the Mayor. The term of office shall be for a period of four (4) years with the Alderman's term being a period of two (2) years coinciding with the City election at which time a new Alderman representative approved by the Board of Mayor and Aldermen shall be appointed.

5.1.1 Term

The terms of the Members (except for the Alderman whose term shall be two years coinciding with the City election) shall be four (4) years, provided, however, that the terms shall be so arranged that the term of one (1) Member shall expire each year.

5.1.2 Compensation

Members shall be compensated, as deemed appropriate by the Spring Hill Board of Mayor and Aldermen.

5.1.3 Vacancies

Vacancies in the terms of appointed Members shall be filled by the Mayor, with the exception of the seat to be held by an Alderman who shall be approved by the Mayor and Board of Aldermen.

5.1.4 Attendance, Absences, and Vacancies

Any Member of the Board who is absent from three (3) consecutive regular meetings or is absent from six (6) or more regular meetings during a twelve-month period may be removed from the Board upon the discretion of the Mayor. Absences related to sickness, death in the family, or other like emergencies shall not affect a Member's status except in the case of a prolonged absence. Any vacancies on the Board shall be filled within sixty (60) days, through appointment by the Mayor, except for the seat to be held by an Alderman which shall be approved by a majority vote of the Spring Hill Board of Mayor and Aldermen.

5.1.5 Removal

A Member can only be removed by the Mayor, in his sole discretion, in the case of the four (4) seats held by non-Aldermen and a two-thirds ($\frac{2}{3}$) vote in the case of the Alderman appointed to his or her seat by the Board of Mayor and Aldermen.

6.1 Staff**6.1.1 Employees**

The Board shall use the services of the City Attorney and City Employees as it shall deem necessary. The Board's Recording Secretary shall be a member of the Planning Department or other designated City Staff member.

7.1 Meetings

7.1.1 Regular Meetings

Regular meetings of the Board shall be held on the _____ of each month at _____ p.m. in the City Hall Board Room, or at such other place as the Board may designate. The deadline for regular meetings shall be set forth in Section 7.1.4.

7.1.2 Special Meetings

The Chair, if necessary, or upon the request of any Board Member, shall call and designate the time and place of a special meeting for the purpose of transacting business designated in the call.

7.1.3 Publication

Notice of regular meetings shall be published prior to each meeting in at least one local newspaper with an agenda of the items to be considered at the meeting. If possible, notice of special meetings shall be published prior to each meeting in at least one local newspaper, with an agenda. If notice of a special meeting is not possible in at least one local newspaper, then prior to holding the meeting, notice shall be announced by way of radio, internet, or television announcement, and shall include a brief summary or agenda of the matters to be discussed.

7.1.4 Agenda

- A. It shall be the duty of the Planning Department to prepare an agenda listing the business and matters to be considered by the Board at each meeting.
- B. In order for items to be considered at a regular meeting, they shall be submitted to the Planning Department as follows:
 - 1. An appellant wishing to present an item to the Board shall contact the Planning Department to schedule a pre-application conference. The appellant will be advised of the details of the review procedures and the information to be submitted to the Planning Department. It shall be the responsibility of the appellant to become familiar with the regulations, policies and procedures of the City. At the pre-application conference, the appellant shall designate one contact person to work with the Planning Department for the duration of the item. The pre-application conferences may be waived at the discretion of staff, provided the appellant concurs.
 - 2. Items shall be submitted to the Planning Department by Monday at 12:00 noon, three (3) weeks preceding the meeting at which the items will be considered. All items shall include fully completed applications, along with any necessary exhibits, as determined at the pre-application conference, or as otherwise communicate by City

Staff. All required application fees shall be paid in full at the time the fully completed application and supporting documents are submitted to the Planning Department. Items not submitted or fees not paid in full, as specified in this subsection, shall not be placed on the Agenda.

3. The Planning Department shall make all reasonable efforts to review the items submitted by the deadline date. If the Planning Department is unable to review all of the items submitted, then it will advise the appellant that additional time is needed to review those items. It will then be the decision of the appellant as to whether they wish to withdraw the items from the Agenda until the Planning Department has completed its review of the items. If the appellant chooses to leave those items on the Agenda, the Board shall approve, approve with conditions, disapprove, or defer the items at the meeting at which they will be considered. The Board shall state its reasons for any decision made.
 4. The Planning Department shall use the week prior to the agenda items being delivered to Board Members as processing time for the items.
 5. The Planning Department shall deliver the Agenda, and all exhibits pertaining to the Agenda, one week prior to the meeting at which the agenda items will be considered, unless approval is granted by the Chair to deliver the Agenda according to a different schedule.
 6. Items not submitted in accordance with the requirements of this Section shall not be placed on the Agenda unless the appellant makes a personal request to the Board to be considered as a non-agenda item. Non-agenda items shall be considered only upon the unanimous approval of all of the Board Members, present and voting. The Planning Department shall neither review non-agenda items nor make recommendations regarding them. It shall be the responsibility of the appellant to deliver the materials for non-agenda items to the Board.
- C. Items considered at special meetings are limited to those designated by the Chair or at the request of the Board Member calling the meeting.
 - D. The Planning Department shall make copies of the Agenda available to the Board Members, to the City Attorney and to the appellants prior to each regular meeting and at the earliest possible date prior to a special meeting.
 - E. Items deferred by the Board shall be reset for a particular date as determined by the Board.

7.1.5 Quorum

Three (3) Members of the Board shall constitute a quorum for the purpose of conducting business. See Section 4.1.4 B. if both Chair and Vice Chair are absent from Members present constituting a quorum.

7.1.6 Voting

A majority of the Board Members present and constituting a quorum shall be necessary to decide items requiring action. At the discretion of the Chair, the voting on questions shall be by roll call, and the ayes, nays and abstentions shall be entered upon the minutes of the meeting, except that, when the vote of all of the Board Members present is unanimous, recording the unanimous vote shall be sufficient. Otherwise, a voice vote shall be sufficient.

7.1.7 Order of Business

- A. Call the meeting to order.
- B. Approve the minutes of prior meetings.
- C. Announcements.
- D. Vote to place non-agenda items on the Agenda.
- E. Order of presentation of agenda items:
 1. Staff presentation of the item, but only if the appellant is present. If appellant is absent, the requested relief shall be deemed denied.
 2. **Open the Public Hearing:** Declared open by the Chair.
 - a. Comments by those wishing to speak during the Public Hearing on the item in the following order:
 - i. Those speaking on behalf of the agenda item, including the appellant.
 - ii. Those speaking in opposition of the agenda item.

A total of ten (10) minutes shall be given to each side for testimony, unless extended for due cause by the Chair.

 - (a) Additional pertinent information from Staff, if applicable.

- (b) Rebuttal testimony in the following order:
 - (i) Those speaking on behalf of the agenda item.
 - (ii) Those speaking in opposition of the agenda item.

A total of five (5) minutes shall be given to each side for rebuttal testimony, unless extended for due cause by the Chair.

- 3. **Close the Public Hearing:** Motion, second, and vote by the Board Members required. This act ends all discussion except from the Members unless the Chair recognizes individuals for further testimony.
- 4. Discussion by the Board Members.
- 5. Motion and second by the Board Members.
- 6. Discussion on the motion.
- 7. Vote of the Board Members.

7.1.8 Minutes

- A. The Board shall speak only through its Minutes, which shall be prepared by the Recording Secretary or designee, who shall, insofar as possible, prepare a verbatim record of the proceedings and prepare the Minutes from the verbatim record of the meeting. The Minutes shall contain the following information:
 - 1. The kind of meeting, such as regular or special.
 - 2. The name of the assembly.
 - 3. The meeting date and place.
 - 4. The fact of the regular Chair and Vice-Chair being present, or, if both absent, the name of the Acting Chair. The attendance or absence of all other Board Members shall be noted.
 - 5. Whether the Minutes of the previous meeting were approved.
 - 6. The main motions and name of the Board Member making the motion, and whether the motion was seconded.
 - 7. The action taken on the motion and the reasons for that action.

8. The names of the persons addressing the Board, a general statement as to whether they favored or opposed the proposition addressed, and a summary of their statement.

9. The hours of the meeting and its adjournment.

B. The Minutes shall be signed by the Chair or the Vice Chair in the absence of the Chair.

C. The verbatim record shall also remain on file for general reference. The Minutes shall be delivered to the Board Members for examination before the next regular meeting.

8.1 Reasons for the Board Decision

The Board shall state its reasons for any decision made in the form of a Findings of Fact and Conclusions of Law.

9.1 Amendments

These Bylaws may be amended at a regular or special meeting, but no amendment shall be adopted unless a written notice of at least four (4) days has been previously given to the Board Members.

10.1 Parliamentary Rules

To the extent not inconsistent with these rules or the enabling statutes and ordinances, *Robert's Rules of Order* shall be the parliamentary rules of the Board.

APPROVED on the _____ day of _____, 2021.

ATTEST:

By: _____
Chair

By: _____
Recording Secretary