A. CALL TO ORDER

B. ROLL CALL

C. Consider approval of the February 19, 2019 Board of Zoning Appeals meeting minutes.

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. NEW BUSINESS

1. **BZA 652-2019**: Submitted by Robert Easley for 2823 Kaye Drive. The property is zoned R-2, Single-Family District, and contains approximately 0.35 acres. The applicant requests a variance from the rear setback requirements of the R-2 zoning district to install a 22’ x 16’ insolated aluminum patio cover over an existing concrete patio area.

E. PUBLIC COMMENT

F. ADJOURN
SPRING HILL
MUNICIPAL BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
TUESDAY FEBRUARY 19, 2019
5:30 PM

A. CALL TO ORDER

Chairman Terry Cantrell called the meeting to order at 5:30 PM.

B. ROLL CALL

Members present were: Terry Cantrell, Rob Roten, Jim Hagaman and Brandon McCulloch. Member Susan Zemek was not present. Staff present were: Planning Director, Steve Foote, Associate Planner, Logan Elliot and Planning Assistant, Austin Page.

C. Consider approval of the January 22, 2019 Board of Zoning Appeals meeting minutes.

Jim Hagaman made motion to approve the January 22, 2019 BOZA Meeting Minutes. Motion seconded by Rob Roten. Motion passed 4/0.

General Announcement – The procedural rules for public comment will be as follows: The items will be taken in 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.

1. **BZA 624-2018**: Submitted by Penni Bolt for 3025 Dogwood Trail. The property is zoned R-2, PUD, and contains approximately 0.156 acres. The applicant requests a variance from the rear setback requirements of the R-2 PUD, zoning district to extend an existing patio and enclose the entire area with a permanent roof and screening. Request by Penni Bolt.

   Staff Conditions:
   1. The screened in patio shall not be enclosed with any material other than screening.
   2. 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 approve **BZA 624-2018** based on staff findings of facts and two (2) conditions of approval.
2. **BZA 630-2018**: Submitted by Civil Engineering Services for the development known as Tommy’s Car Wash. The property is zoned C-4, located on the southern portion of Lot 4B of Crossings North subdivision and contains approximately 1.25 acres. The applicant is requesting a special use consideration to operate a car wash in the C-4 district under the new Unified Development Code. This item was deferred at the 1-22-19 BOZA Meeting. Requested by James and Debbi Whitlock.

**Staff Conditions:**

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.
2. Development shall be reasonably consistent with the site plan submitted to BOZA, subject to changes requested by the Planning Commission.
3. Approval is further contingent upon site plan approval by the Planning Commission and shall comply with requests of the Planning Commission; including, but not limited to, hours of operation, right-in/right-out driveway on Main Street, buffering considerations, and noise limitations.

Jim Hagaman made motion to approve **BZA 630-2018** based on staff findings of fact and three (3) conditions of approval. Motion seconded by Rob Roten. Motion passed 4/0.

3. **BZA 641-2019**: Submitted by CKP Development for the development known as Harvest Point. The property is zoned R-2 PUD, and contains approximately 473 acres. The applicant is requesting variances to: 1) reduce the 750 square foot yard requirement included in Article X, Section 3-3.7 of the Zoning Ordinance dated June 10, 2008 and 2) to reduce the rear yard setback on front access lots within Phase 4

**Staff conditions:**

1. Open Space areas as shown on the attached exhibits provided by the applicant shall be followed.
2. Amenities approved and shown for the central open space in Harvest Point shall be provided.

Jim Hagaman made motion to approve **BZA 631-2018** based on staff findings of fact and two (2) conditions of approval. Motion seconded by Rob Roten. Motion to approve passed 3/0 with Brandon McCulloch abstaining.

**PUBLIC COMMENT:**

No public comment.

**ADJOURN:**

Jim Hagaman made a motion to adjourn. Motion seconded by Rob Roten. Motion passed 4/0.
Meeting adjourned at 6:12 PM.

_______________________________
Terry Cantrell, Chairman
Spring Hill Board of Zoning Appeals

TO: Spring Hill Board of Zoning Appeals
FROM: Austin Page, Planning Assistant
Steve Foote, AICP, Planning Director
MEETING: March 19, 2019
SUBJECT: BZA 652-2019 (2823 Kaye Drive - Building Setback Variance)

BZA 652-2019: Submitted by Robert Easley for 2823 Kaye Drive. The property is zoned R-2, Single-Family District, and contains approximately 0.35 acres. The applicant requests a variance from the rear setback requirements of the R-2 zoning district to install a 22’ x 16’ insulated aluminum patio cover over an existing concrete patio area.

Property Description and History: 2823 Kaye Drive is located in the Brixworth subdivision. The property is zoned R-2 and surrounding properties are also zoned R-2. The Board of Zoning Appeals has heard and approved similar requests for covered patios and porches in the recent past. The property is located on the corner lot of Kaye Drive and the cul-de-sac of Lauderdale Court. The location of the property resulted in an irregular lot size with the back yard having an extreme angle. The property has a rear setback of 25’ and contains an existing concrete patio (20’ x 16’) that is close to the rear setback but does not encroach. The applicant has met with planning staff on multiple occasions to discuss the Board of Zoning Appeals process and to ensure a complete application submittal. City staff has posted a public notice on the property.

Request: The applicant desires to construct a 22’ x 16’ insulated aluminum patio cover over their existing concrete patio off the rear of the existing residence. The patio cover will be 9’ feet in height. The existing concrete patio does not encroach into the rear setback, but the proposed structure will encroach the setback approximately 1’7”. The structure is proposed to be attached to the primary structure and is considered part of the primary structure for building setback purposes.

Findings of Fact: The applicant has met UDC requirements regarding the certified mailing of notices to all of those property owners within 250 feet of 2823 Kaye Drive and at least ten days in advance of the first scheduled action. The findings listed below are staff’s response to the approval standards required in the UDC, to be considered by the Board of Zoning Appeals prior to approving a variance.

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 request to cover the existing patio is reasonable and typical for a single-family home. Staff finds that odd shape of the lot create a situation where it is difficult for the applicant to comply with the regulations of the code.**

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. **Denying a reasonable sized rear patio and cover could present a practical difficulty to a property owner and deny them reasonable use of the property. The requested encroachment is minimal at 1’7” and is within the allowance for eaves.**

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. **Staff finds that the proposal will not have a detrimental impact on the public good or surrounding property. The request is for a covering only and not an enclosed/walled in room.**

Staff further finds that the variance will be consistent with the general community character of the neighborhood, and;
This variance will not allow a use prohibited in the base zoning district, nor vary the provisions of the Zoning Ordinance, Comprehensive Plan or Major Thoroughfare Plan.

**Recommendation**: Staff recommends the Board of Zoning Appeals adopt the findings of fact found in this report and approve BZA 652-2019, a building setback variance request for construction of a patio cover subject to consistency with the submitted plans and the following condition:

1. The patio shall not be enclosed with any material.
2. 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.
MINIMUM BLDG. SETBACKS
FRONT YARD........ 30'
SIDE YARD........ 10'/20'
REAR YARD........ 25'

THIS PLOT PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A SITE INSPECTION OR TITLE REPORT, THEREFORE THIS PLOT PLAN IS SUBJECT TO AN ACCURATE AND UP TO DATE TITLE REPORT. THIS PLOT PLAN IS NOT REPRESENTATIVE OF A BOUNDARY SURVEY BY DELTA ASSOCIATES.

PLOT PLAN
HOUSE: VANDERBILT/49/RMF/E GREAT ROOM EXTL/PATIO
Owner: PULTE HOMES
Property Address: 2823 KAYE DRIVE
Property Location: BREWERTON PH.1, SEC. 2 LOT #36
Property: SPRING HILL WILLIAMSON CO., TN
Recorded: PLAT BK P48 PG:17, R.O.W.C., TN
Scale: 1"=20' Dates 10-21-14 Cadfile: BR038P
EXAMPLE PATIO
February 25, 2019

Re: Proposed Variance

Dear Homeowner,

I am writing to you as required by the Spring Hill Development Code. The property at 2823 Kaye Drive, Tax Map 154P, Parcel 01100, in Maury County, Thompson Station, Tennessee has an application pending to request a variance. The purpose of the variance request is to allow an Insulated Aluminum Patio Cover over their existing concrete area on the back of their home. The zoning ordinance requires that a public notice be mailed to the owners of all property within two hundred fifty (250) feet of the subject site. This notice is sent to comply with that requirement.

The application for a variance will be considered by the Spring Hill Board of Zoning Appeals during a meeting on the 19th day of March, 2019, held at 5:30 P.M. in the courtroom at Spring Hill City Hall (199 Town Center Parkway).

You are invited to attend the above described meeting and are encouraged to voice your support for or against the proposed variance.

If you have any questions regarding this application you can contact the Spring Hill Planning & Zoning Department at (931) 486-2252 ext. 232 or in person at 5000 Northfield Lane, Suite 520, Spring Hill, TN. 37204.

Sincerely yours

[Signature]
Owner, Patio Plus

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Fax: 931-381-1794
www.patioplushomeimprovements.com