



SPRING HILL MUNICIPAL BOARD OF ZONING APPEALS

Terry Cantrell, Chairman
Rob Roten, Vice Chairman
Susan Zemek

Jim Hagaman
Brandon McCulloch

City staff: Steve Foote, Logan Elliott, Austin Page

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

Agenda

April 16, 2019
5:30 PM

A. CALL TO ORDER

B. ROLL CALL

C. Consider approval of the March 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 666-2019:** Submitted by Benjamin Donaldson for 3006 Aruna Court. The property is zoned R-2, PUD and contains approximately 0.171 acres. The applicant requests a variance from the rear setback requirements of the R-2, PUD zoning district to construct a 10' x 22' screened patio.

E. PUBLIC COMMENT

F. ADJOURN

**SPRING HILL
MUNICIPAL BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
TUESDAY MARCH 19, 2019
5:30 PM**

A. CALL TO ORDER

Jim Hagaman called the meeting to order at 5:30 PM.

B. ROLL CALL

Members present were: Chairman, Terry Cantrell, Vice Chairman, Rob Roten and Jim Hagaman. Brandon McCulloch and Susan Zemek were not present. Staff present were: Planning Director, Steve Foote and Planning Assistant, Austin Page.

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

Vice Chairman Rob Roten made motion to approve the February 19, 2019 BOZA Meeting Minutes. Motion seconded by Chairman Terry Cantrell. Motion passed 3/0.

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. 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' insulated aluminum patio cover over an existing concrete patio area.

Staff Conditions:

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.

Jim Hagaman made motion to approve BZA 652-2019 based on staff findings of facts and two (2) conditions of approval.

E. PUBLIC COMMENT

No public comment

F. ADJOURN

Jim Hagaman made motion to adjourn. Motion seconded by Vice Chairman Rob Roten. Motion passed 3-0.

Meeting Adjourned at 5:37 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: April 16, 2019
SUBJECT: BZA 666-2019 (3006 Aruna Court Building Setback Variance)

BZA 624-2018: Submitted by Benjamin Donaldson for 3006 Aruna Court. The property is zoned R-2, PUD, and contains approximately 0.171 acres. The applicant requests a variance from the rear setback requirements of the R-2, PUD, zoning district to construct a 10'x22' screened patio.

Property Description and History: 3006 Aruna Court is in the Meadowbrook subdivision. The property is zoned R-2, PUD, and surrounding properties are also zoned R-2, PUD. The Board of Zoning Appeals has heard and approved similar requests, when warranted, for covered patios and screened in porches in the recent past. The property has a rear setback of 30' and contains an existing concrete patio (10'x36') that is almost entirely in the setback. 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 10'x22' screened patio off the rear of the existing residence. The screened patio would be built on the existing 10'x36' concrete patio. The rear of the residence is very near the 30' rear building setback and majority of the existing slab and proposed patio encroach into the setback. The proposed patio is 10'4" in height and would use metal roofing. The structure is proposed to be attached to the primary structure and is considered part of the primary structure for building setback purposes. The subject lot backs up to property owned by the HOA for Meadowbrook Subdivision and which is used for detention purposes. Adjacent homes are angled away from the subject lot and do not look directly upon the rear yard of this property.

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 3006 Aruna Court 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 the size of the lot creates 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. Although the encroachment is substantial, 1/3 of the setback, the requested depth of the patio is reasonable.***
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 property abuts a common area and drainage pond. Staff finds that the proposal will not have a detrimental impact on the public good or surrounding property.***

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.

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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 finds that there is merit for the subject request based on the lot and its location adjacent to the detention pond. If the Board of Zoning Appeals agrees, staff recommends that they adopt the findings of fact found in this report and approve BZA 666-2019, a building setback variance request for construction of a screened patio, subject to consistency with the submitted plans and the following 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.