Due to the current Covid-19 Pandemic, this meeting will be held virtually. If you have any questions, comments or concerns regarding the agenda item(s) below or any other issue, please submit them to Austin Page in the Planning Department at apage@springhilltn.org no later than 4:00 PM on Tuesday April 21, 2020.

A. CALL TO ORDER

B. ROLL CALL

C. CONSIDER APPROVAL OF THE FEBRUARY 2, 2020 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.

E. OLD BUSINESS

F. NEW BUSINESS

1. **BZA 820-2020:** Submitted by Celebration Homes for 448 Rangeland Road. The property is zoned R-2 PUD, contains approximately .20 acres and is located in the Harvest Point subdivision. The applicant requests a variance from the setback requirements of the previous zoning ordinance to allow the front right corner and rear right corner of the home to encroach no more than one foot into their respected setbacks. Requested by Greg Welton.

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. ADJOURN
A. CALL TO ORDER

Vice Chairman Rob Roten called the meeting to order at 5:30 PM.

B. ROLL CALL

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

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

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

Jim Hagaman made a motion to approve the November 19, 2019 Meeting Minutes. Motion seconded by Alderman Hazel Nieves. Motion to approve passed 3-0.

D. GENERAL ANNOUNCEMENT

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.

   **Staff recommended conditions of approval:**
   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.

_The applicant Taylor Nelson provided an approval letter from the Arbors of Autumn Ridge HOA._

Jim Hagaman made motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 796-2020 with six (6) staff associated conditions of approval and striking condition number three (3) because a letter was provided at the meeting. Motion seconded by Alderman Hazel Nieves. Motion to approve passed 3-0.

G. OTHER BUSINESS

H. PUBLIC COMMENT

No Public Comment

I. ADJOURN

_Alderman Hazel Nieves made motion to adjourn. Motion seconded by Jim Hagaman. Motion to adjourn passed 3-0._

_Meeting Adjourned at 5:40 PM._

_______________________________
Terry Cantrell, Chairman
Spring Hill Board of Zoning Appeals

TO: Spring Hill Board of Zoning Appeals
FROM: Steve Foote, AICP, Planning Director
       Austin Page, Associate Planner
MEETING: April 21, 2020
SUBJECT: Variance
BZA 820-2020 (448 Rangeland Road – Harvest Point Lot 98)

BZA 820-2020: Submitted by Celebration Homes for 448 Rangeland Road. The property is zoned R-2 PUD, contains approximately .20 acres and is located in the Harvest Point subdivision. The applicant requests a variance from the setback requirements of the previous zoning ordinance to allow the front right corner and rear right corner of the home to encroach no more than one foot into their respected setbacks. Requested by Greg Welton.

Request: The applicant is requesting a variance to reduce the building setback to allow the front right corner of the home to encroach approximately 9” and the rear right corner to encroach approximately one foot into the building setback. The PUDEs will remain as is and will not be impacted by the proposed encroachment.

Property Description and History: 448 Rangeland Road is located in the Harvest Point subdivision, zoned R-2, PUD and contains approximately .20 acres. All surrounding properties are also zoned R-2, PUD. The property has a rear setback of 30’ and a 10’ PUDE. The front and side setback are shown as 20’ and also contain a 10’ PUDE. This property is a corner lot and does not have any irregularities because of this. Staff would consider this to be a fairly standard lot. The plot plan shows the home built directly up to the building setbacks. A rear porch is shown and does not result in any encroachments. No other areas of the home are proposed to encroach into any building setback.

Analysis: The applicant is proposing a home that results in an encroachment of no more than one foot into the 20’ front and 30’ rear building setback. The front right corner of the proposed home is shown with an encroach of approximately 9” and the rear right corner is to encroach approximately one foot into the building setback. The PUDEs will remain as is and will not be impacted by any encroachment. The plot plan shows the driveway on the corner side of the lot rather than the front, which is not ideal but is not unusual in Spring Hill. The shape of the lot is fairly standard and is not impacted in anyway by being a corner lot. The property contains no physical challenge or hardship that impacts construction on the proposed lot. Although a relatively minor encroachment, the issue is created by the size of the home proposed on the lot. Based on this information, staff has found no compelling reason that justifies support for this variance request. The lot is consistent with other lots in the surrounding area and wider than some.

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 has provided staff with elevations and a floor plan of the proposed home. The home is similar to all other homes in the Harvest Point Subdivision with the exception of the requested encroachments.

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 448 Rangeland Road 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 variance 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. However, encroachments of homes and/or principle structures are far less common.** Staff has determined that the shape of the lot is fairly standard and the lot does not create a hardship due to its size, shape, etc. It appears to be a normal corner lot. The proposed home is shown up to the setback lines and has provided no additional room to conform. With the size of the lot, the positioning of the home and it overall size, there is no way the home is able to fit without an encroachment of the front right and front rear corners. The only other alternative is to reduce the footprint of the home to fit inside of the setbacks.

   **Per the applicant:** Home is only 1 foot over setback at right front corner and 1 foot at right rear corner.

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 does not have a unique shape and is considered a standard lot.** The proposed home encroaches approximately a maximum of 1’ into the front and rear setback and does not encroach into the PUDE. Although fairly minimal, the home selection is too big for the lot. Unlike some variances for open porches or decks, the subject request is occupied space in a home. Staff has found no physical hardship on the property and determined that the hardship a result of the property owner seeking to construct a home that is simply too big for the lot.

   **Per the applicant:** No hardship will be present.

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 right front and rear of the property. Staff finds the plans of 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:** Should not affect zoning map or code or create any type of detriment.

**Recommendation:** Based on the analysis provided above, Staff is unable to support the request and recommends denial of variance application BZA 820-2020. If the Board of Zoning Appeals finds the request to be reasonable and compliant with the requirements for a variance, staff recommends that they provide findings to support the approval. Should the Board of Zoning Appeals approve BZA 820-2020, a building setback variance request, 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 (state for the record) and to approve variance BZA 820-2020 to reduce the building setback for a 2,800-sf home at 448 Rangeland Road, from 20 to 19 feet on the front and from 30 to 29 feet on the rear (as shown) with the following conditions.

1. Consistency with the plans submitted and encroachment shown and with no more than a one foot encroachment.
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.
March 24th, 2020
Board of Zoning Appeals
City of Spring Hill TN 37174

To Whom It May Concern,

Celebration Homes is requesting a variance for the property located at 448 Ragland Road, Harvest Point Subdivision Lot 98, Spring Hill TN 37174.

This is a home we have sold and due to an irregular set back line the proposed home is 1’ over the rear set back line and 1’ over the setback line at the right front corner, garage of the home.

We have looked at various options at reducing the footprint of the home by 2’ but it will greatly affect the living space inside the home and or garage.

We are requesting a variance for the home to extend beyond the setback line as described above. 1’ in the rear and 1’ at the right front corner.

Thank you for your consideration.

Sincerely,

Celebration Homes
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<th>APPLICANT MUST READ AND INITIAL EACH BOX TO THE RIGHT</th>
<th>INITIALS</th>
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<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>i(\checkmark)</td>
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<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>(\checkmark)</td>
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<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>
<td>(\checkmark)</td>
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<td>d) A pre-application conference with City staff is <strong>recommended</strong>, but not mandatory.</td>
<td>(\checkmark)</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:** Celebration Homes /
<table>
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<th>Approval Standards</th>
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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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| "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."

Home is only 1 foot over setback at right front corner and 1 foot at right rear corner |
| 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. |
| 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."

Should not affect zoning map or code or create any type of detriment |

Applicant Name/Project: Celebration Home

Variance BOZA checklist
A NEW RESIDENCE FOR

Michael & Kathio Tarpey Residence

MELROSE COURT

NEWBURY, NH 03155

CELEBRATION HOMES
More Space. More Style.