A. CALL TO ORDER

B. ROLL CALL

C. **Consider approval of the May 21, 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. PUBLIC COMMENT (NON-AGENDA ITEMS)

E. PUBLIC COMMENT (AGENDA ITEMS)

F. NEW BUSINESS

   1. **BZA 697-2019:** Submitted by Cynthia Donley for 1013 Maleventum Way. The property is zoned R-2 and contains approximately 0.25 acres. The applicant requests a variance from the rear setback requirements of the R-2 zoning district to construct a 12’x14’ screened patio.

   2. **BZA 699-2019:** Submitted by Robert Easley for 1017 Red Pepper Ridge. The property is zoned R-2, PUD and contains approximately 0.19 acres. The applicant requests a variance from the rear setback requirements of the R-2, PUD zoning district to construct an 18’x13’ screened patio.

G. BOARD COMMENT

H. STAFF COMMENT

I. ADJOURN
A. CALL TO ORDER

Chairman Terry Cantrell called the meeting to order at 5:31 PM.

B. ROLL CALL

Members present were: Chairman, Terry Cantrell, Vice Chairman, Rob Roten, Alderman Hazel Nieves, Jim Hagaman and Brandon McCulloch.

Staff present were: Planning Director, Steve Foote and Planning Assistant, Austin Page.

C. Consider approval of the April 16, 2019 Board of Zoning Appeals meeting minutes.

Vice Chairman Rob Roten made motion to approve the April 16, 2019 BOZA Meeting Minutes. Motion seconded by Chairman Terry Cantrell. 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. NEW BUSINESS

1. BZA 685-2019: Submitted by Catalyst Design Group for 720 Beechcroft Road. The property is zoned C-4 and contains approximately 4.14 acres. The applicant requests a special use to allow one (1) drive-through facility, as shown on plans. This development is currently requesting site plan approval form the Planning Commission and will be heard at the May 28, 2019 Work Session and June 10, 2019 Regular Meeting. Requested by Catalyst Design Group.

   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, buffering considerations, and noise limitations.
   4. This Special Use approval cannot be used in conjunction with the principle use “Restaurant” as defined in the Unified Development code or any business using a menu/order board.
Jim Hagaman made motion to approve BZA 685-2019 based on staff findings of facts and four (4) conditions of approval. Motion seconded by Vice Chairman Rob Roten. Motion passed 3-1, with Alderman Hazel Nieves dissenting.

E. PUBLIC COMMENT

1. William Potts of 2227 Twins Peak Ct. expressed his concerns with the drive-through and development adding even more traffic to Beechcroft Road.

2. Alicia Fitts of 2031 Sugar Ridge Road expressed her concerns with the drive-through and development adding more traffic to Beechcroft Road. Ms. Fitts thanked staff for taking the stance of fast food being too busy of a use, but reiterated that a use like a dry cleaner could also have long lines.

The Board of Zoning Appeals and staff thanked Mr. Potts and Ms. Fitts for their intellectual comments and concerns.

F. ADJOURN

Jim Hagaman made motion to adjourn. Motion seconded by Vice Chairman Rob Roten. Motion to adjourn passed 4-0.

Meeting Adjourned at 6:00 PM.

______________________________
Terry Cantrell, Chairman
Spring Hill Board of Zoning Appeals

TO: Spring Hill Board of Zoning Appeals
FROM: Chuck Downham, Assistant City Administrator
Austin Page, Planning Assistant
MEETING: June 18, 2019
SUBJECT: BZA 697-2019 (1013 Maleventum Way – Screened Porch)

BZA 697-2019: Submitted by Cynthia Donley for 1013 Maleventum Way. The property is zoned R-2 and contains approximately 0.25 acres. The applicant requests a variance from the rear setback requirements of the R-2 zoning district to construct a 12’x14’ screened patio.

Property Description and History: 1013 Maleventum Way is in the Benevento East Subdivision. The property is zoned R-2 and surrounding properties are also zoned R-2. The property has a rear setback requirement of 25’ and a 10’ Public Utility Drainage Easement (PUDE). There is an existing 6’x4’ concrete patio that is 3.34’ from the 25’ rear setback line. The subject property backs up to other residential properties and there are no fences separating or screening the yards. There are homes in the area with existing covered patios, but they do not encroach into the setbacks. The home is positioned further back on the lot, compared to neighboring homes. This results in the home being closer to rear setback. The applicant has met with planning staff to discuss the Board of Zoning Appeals process and to ensure a complete application submittal. City staff has posted a public notice placard on the property.

Request: The applicant desires to construct a 12’x14’ screened patio off the rear of the existing residence. The screened patio would be built upon a new 4” concrete slab that is also 12’x14’. The rear of the residence is 7.34’ from the 25’ rear setback and the proposed screened patio will encroach into the setback by 4.66 feet leaving a separation from the rear property line of nineteen 20.34 feet. The proposed concrete slab and screened patio will not encroach into the side yard setback and would be about 14’ from the side property line. Also, the proposed concrete slab and screened patio will not encroach into the PUDE. The structure is proposed to be attached to the primary structure and therefore is considered part of the primary structure for building setback purposes. The proposed screened patio is 10 feet in height at its connection to the existing home and angles down to a height of 7 feet. The applicant has requested to cover the roof with aluminum or shingles, but will have an aluminum soffit. The structure will be equipped with gutters and 3”x4” downspouts. At the bottom of the proposed patio, the applicant has requested to use 8” metal splash guards.

Findings of Fact: The applicant has met UDC requirements regarding the certified mailing of notices to all adjacent property owners of 1013 Maleventum Way and at least ten days in advance of the first scheduled action. The findings listed below are staff’s response to the approval standards listed 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. **The property owner shall demonstrate to the BOZA that the requested variance is the minimum, necessary and whether the dimensions of the proposed porch enclosure could be further reduced to minimize the variance requested. 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.**
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.**

Staff further finds that the variance will be consistent with the general community character of the neighborhood, and that 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. If the Board of Zoning Appeals does not find the variance to be consistent with approval standards, then the applicant could remove the permanent screening material and this would reclassify the porch as unenclosed and would allow for the unenclosed porch to encroach into the rear setback a maximum of 8’ and would bring the proposal into compliance.

**Recommendation:** Staff finds that there is merit for the subject request based on the size of the lot. If the Board of Zoning Appeals recommends approval of BZA 697-2019, staff asks that they adopt the findings of fact found in this report, 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. The roof shall be covered with shingles that are similar to the existing shingles of the home.
3. Soffit and trim/accent materials including screen door shall be composed of materials that complement the primary dwelling including similar color(s).
4. The splashguards shall be consistent material to splashguards utilized elsewhere around the perimeter of the primary of the primary home. If splashguards are not utilized elsewhere, aggregate concrete splashguards are recommended.
5. 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.
Not to scale

Alum or Stipple Top
White Alum, Bottom

13' x 4'' thick

2' x 3'

1/4'' splash metal

Charcoal fiberglass screen

New concrete min. 4'' thick
4" Thick Roof Panel (Alum. or Shingle Roof) Alum. Bottom

Charcoal Fiberglass Screen

4'6" 36" x 80" Screen Door

6" Splash Metal

12' New Concrete 4" Thick

Exterior

Home
SIDE VIEW

NOT TO SCALE

"CUTTER with Downspout"

"4" Thick Roof Panel (Alum or Shingle Top) Alum Bottom"

"CHARCOAL FIBERGLASS SCREEN"

"6"

"1/8" Splash Metal"

"1X5"

"4" Thick - Min - New Concrete"
BZA 699-2019: Submitted by Robert Easley for 1017 Red Pepper Ridge. The property is zoned R-2, PUD and contains approximately 0.19 acres. The applicant requests a variance from the rear setback requirements of the R-2, PUD zoning district to construct a 12’x16’ screened patio with a one-foot eave.

Property Description and History: 1017 Red Pepper Ridge is in the Laurels at Town Center subdivision. The property is zoned R-2, PUD and surrounding properties are also zoned R-2, PUD. The property has a rear setback of 30’. The home is 4’ from the rear setback at its shortest and 10’ at its largest. There is an existing 12’x16” rear deck that is approximately 4’ off the ground. Half of the existing deck encroaches in the rear setback and was built when the home was built. The deck was allowed to be built into the setbacks because it is not covered and was permissible. At its greatest, the existing deck encroaches approximately 6’ into the setback. The existing deck is no less than 24’ from the property line and no less than 14’ from the PUDE. The subject property is located on a corner lot and the home is not parallel to the rear setback, creating a unique situation where the rear setback diagonally crosses the existing deck. The property is adjacent to other residential properties and has a yard that is currently enclosed by a 6’ foot privacy fence. The applicant has met with planning staff 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 12’x16’ screened patio off the rear of the existing residence and into the rear setback. The screened patio would be 12’x16”, with an insulated aluminum roof making the structure 13’x18”. The proposed structure will be built upon the already existing 12’x16’ deck. At its greatest, the existing deck encroaches approximately 6’ into the setback. The existing deck is no less than 24’ from the property line and no less than 14’ from the PUDE. The proposed screened patio will not increase the encroachment. The structure is proposed to be attached to the primary structure and is considered part of the primary structure for building setback purposes. The proposed screened patio is 12’9” in height and proposes to use a shingled roof that is similar to the roof of the existing home. The proposed structure will be equipped with gutters and downspouts.

Findings of Fact: The applicant has met UDC requirements regarding the certified mailing of notices to all adjacent property owners of 1017 Red Pepper Ridge 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 and positioning of the home 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 exceptionally 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.**
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 significant 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.

**Recommendation:** Staff finds that there is merit for the subject request based on the positioning of the home and size of the lot. If the Board of Zoning Appeals agrees, staff recommends that they adopt the findings of fact found in this report and approve BZA 699-2019, 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. The roof shall be covered with shingles that are similar to the existing shingles of the home.
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.
ORTGAGE LOAN INSPECTION

PROPERTY ADDRESS: 1017 RED PEPPER RIDGE, SPRING HILL, TENNESSEE

PROPERTY DESCRIPTION: LOT 97, SECTION ONE AND RESUBDIVISION OF LOTS 37 & 38, TOWN CENTER AT SPRING HILL

JUDG: MAURY

REDEEMED: PLAT BOOK P18, PAGE 123 & 128, R.O.M.C., TENNESSEE

DATE: 8-10-06

BLEND NUMBER: 2487

LEGEND
- PROPERTY LINE
- AT: EASEMENT
- L,S,L.-MINIMUM BUILDING SETBACK LINE
- SEWER LINE
- WATER LINE
- L-E=UTILITY ANCHOR EMBT.
- I-I=IRON ROD ODL
- FIRE HYDRANT
- MANNHOLE

UTILIZING GRAPHIC PLOTTING METHODS THE PROPERTY SHOWN HEREIN IS NOT LOCATED IN AREAS DESIGNATED AS SPECIAL FLOOD HAZARD ON THE LATEST F.E.M.A. FLOOD INSURANCE RATING MAPS RECEIVED BY THIS OFFICE.

MAP PANEL 47027890018

SITE SERVICES

P.O. BOX 2487 BRENTWOOD, TENNESSEE 37024
VOICE: 615-837-3593 FAX: 615-837-1804

PLOT PLAN
EXISTING DECK

1017 Red Pepper Ridge
Spring Hill, TN 37174

Roof Mounts to Brick

12' 9" Tall

Screen Room Built In Deck

12' Out

16' Wide
Picture of Extroded Aluminum Picket Wall Screen Room with Insulated Aluminum Roof.

**The example is only the screen structure**

EXAMPLE 1