A. CALL TO ORDER

B. ROLL CALL

C. Consider approval of the May 21, 2019 and June 18, 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 718-2019**: Submitted by Scott Noel for 3041 Dogwood Trail. The property is zoned R-2 PUD and contains approximately .16 acres. The applicant is requested a variance from the rear setback requirements of the R-2 PUD zoning district to construct a 12’x13’ screened patio. Requested by Scott & Sheri Noel.

2. **BZA 720-2019**: Submitted by Crunk Engineering for property owned by John Maher near the corner of Beechcroft and Maury Hill (Maury County Tax Map 025P-D, Parcel 15.04). The property is zoned C-D-E1 and contains approximately .64 acres. The applicant is requested a special use to allow for four townhome units. Residential uses in the C-D-E1 District are only allowed by special use. Requested by Adam Crunk and John Maher Builders.

E. PUBLIC COMMENT

F. 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.

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Terry Cantrell, Chairman
A. CALL TO ORDER

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

B. ROLL CALL

Members present were present: 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 May 21, 2019 Board of Zoning Appeals meeting minutes.

Chairman Terry Cantrell discovered an error in the minutes and asked Alderman Nieves if she had a dissenting vote at the May 21, 2019 meeting. No motion was made. After staff review, it was found that there was no error in the May 21, 2019 minutes and will be added to the July 16, 2019 agenda.

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)

No public comment

E. PUBLIC COMMENT (AGENDA ITEMS)

No public comment

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.

   Staff 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.

Jim Hagaman made motion to approve BZA 697-2019 based on staff findings of fact and five (5) conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 5-0.

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.

**Staff 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.

Jim Hagaman made motion to approve BZA 699-2019 based on staff findings of fact and two (2) staff conditions of approval by striking condition number two (2). Motion seconded by Alderman Hazel Nieves. Motion passed 5-0.

**G. BOARD COMMENT**

Board and staff discussed the variance and Board of Zoning Appeals procedures, setback requirements and appeals process. Staff commented that Agenda format will change back to its previous format. There is no need to have a public comment section because the Chairman asks for public comment during each item.

**H. STAFF COMMENT**

No additional staff comment.
I. ADJOURN

Hagaman made motion to adjourn. Motion seconded by Vice Chairman Rob Roten. Motion to adjourn passed 5-0.

_______________________________
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: July 16, 2019
SUBJECT: BZA 718-2019 (3041 Dogwood Trail - Screened Porch)

BZA 718-2019: Submitted by Scott Noel for 3041 Dogwood Trail. The property is zoned R-2 PUD and contains approximately .16 acres. The applicant is requested a variance from the rear setback requirements of the R-2 PUD zoning district to construct a 12’x12’ screened patio adjacent to their existing 14’x12’ patio. Requested by Scott & Sheri Noel.

Property Description and History: 3041 Dogwood Trail is located in The Laurels subdivision. The property is zoned R-2, PUD and surrounding properties are also zoned R-2, PUD. The property has a 20’ rear setback and 10’ PUDE. The home is slightly angled on the lot is not parallel to the setbacks, which results in the southern corner of the home being less than a foot from the rear setback and the northern corner being approximately 2’10”. There is an existing 14’x12’ patio that fully encroaches into the rear setback and 2’ into the PUDE. This patio was not shown on the approved plans for the house construction. The property backs up to land owned by the HOA and then GM owned land beyond that. The applicant has met with planning staff to discuss the Board of Zoning Appeals process and to ensure a complete application submittal.

Request: The applicant desires to construct a 12’x12’ screened patio off the rear of the existing residence and into the rear setback. The screened patio would be 12’x12’ and 10’ in height. The proposed structure will be built upon a 12’x12’ concrete slab that is next to (north) of the existing 12’x14’ concrete patio. Structural posts will be of 6”x6” Cedar on concrete footers. The roof will be of a gable design and use shingles that match the existing roof of the residence. The soffit will be finished with tongue and groove cedar planks. The applicant is requesting an encroachment into the rear setback of approximately 10’, which is the max encroachment that is allowed per Table 9.1 of the UDC. If the screened structure was being proposed on the existing concrete patio, it would encroach into the PUDE and not be allowed. At its northern point, the new proposed structure is 10” from PUDE and is less than 6” at its southern corner. This is extremely close to the PUDE but does not appear to encroach. 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 3041 Dogwood Trail at least ten days in advance of the first scheduled action. City has posted a public notice in the newspaper and a sign on the subject property. 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 size and dimensions of the requested patio and cover are reasonable and typical for a single-family home. Lots within The Laurels appear to generally be tight and not afford ample space for covered patios. The home backs up to common area and the GM plant, thus avoiding any impact on property to the rear.

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. Staff is concerned that the drawings provided are of a low quality and do not clearly establish that
a 12’x12’ patio would not encroach into the PUDE. For this reason, staff believes that a 10’x12’ screened patio would be more reasonable and would allow up to two (2) feet of space between the structure and PUDE.

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. The proposed screened porch appears to complement the style of the existing residence.**

Based on the drawings provided, it is not possible to state with full confidence that the proposed addition will not encroach into the PUDE. Unless the applicant provides a survey proving that no encroachment will occur, staff recommends adjusting the size of the screened porch to be a maximum of 10’ deep (10’x12’). This allows for a reasonable sized screened patio, a decrease in overall rear setback and encroachment and a larger buffer between the screened patio and the PUDE in case any work in the PUDE needs to be done.

**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 718-2019, 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. The patio shall have a maximum depth from the house of 10 feet.
4. 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.
3041 dogwood trail
12 x 12 Screened in patio roof

- Cable roof over patio cedar
- Patio roof will be a 5/12 pitch Shingled to match existing house
- Structural post will be 6x6 cedar story on concrete footers.
- Roof rafters will be 2x8s every 16" oc w/ 1/2 OSB plywood.
- Facia will be wrapped with 1x8 and 1x10 cedar
- Ceiling will be finished off with 1x6 Tongue and groove cedar.
- The screen will be a pool & patio screen and screen tight system is used.

DESCRIPTION
New gable roof
5\(\frac{1}{12}\) pitch
Shingles to match
Existing roof
Existing house

10'

12'
of house

Screen door

Rendering 1 of 2
Existing Patio
Existing Patio
Existing Patio
Spring Hill Board of Zoning Appeals

TO: Spring Hill Board of Zoning Appeals
FROM: Austin Page, Planning Assistant
Steve Foote, AICP Planning Director
MEETING: July 16, 2019
SUBJECT: BZA 720-2019 (JMB Beechcroft Townhomes)

BZA 720-2019: Submitted by Crunk Engineering for property owned by John Maher near the corner of Beechcroft and Maury Hill (Maury County Tax Map 025P-D, Parcel 15.04). The property is zoned C-D-E1 and contains approximately .64 acres. The applicant is requested a special use to allow for four townhome units. Residential uses in the C-D-E1 District are only allowed by special use. Requested by Adam Crunk and John Maher Builders.

Property Description and History: The property is located on the south-side of Beechcroft Road, just east of the Maury Hill and Beechcroft intersection. The property is zoned C-D-E1, Downtown Edge 1 Sub-District and has a triangular shape with approximately three-hundred feet of frontage on Beechcroft Road. Surrounding properties are zoned C-D-E1 and R-1 across the street. Abutting property is zoned C-D-E1. Adjacent uses contain single family homes to the rear and Pris and Pearls to the east. The property contains or is bordered by mature existing vegetation. There are currently no structures on the property.

Proposed Site and Building Design: The applicant is proposing four (4) two-story townhome units with a twenty-foot-wide driveway on the eastern side of the lot. The applicant has provided a preliminary site plan that incorrectly shows the setbacks for C-D-E1 zoning district. Currently, the lot has 0% impervious area. The proposed development has an impervious coverage of 33%. The preliminary plan is showing eight (8) parking spaces, and the parking lot is to the rear of the site. The renderings show the front of the units facing onto Beechcroft. The renderings do not label façade or roof materials, but appear to show brick, hardie board and architectural shingles. This should be clarified.

The preliminary site plan shows the future half right-of-way of 47.5’. The C-D-E1 District allows a front setback of 0-10’ and the townhomes are proposed up to the property line. The private sidewalk providing access to the front of the units is within the right-of-way.

Spring Hill Rising 2040: This property’s future land use designation is “Downtown/City Center”. Primary future land uses include appropriate mixtures of residential, professional offices, eating places, places of worship, small-scale retail, entertainment, cultural uses, community recreational uses, and municipal services. The Downtown/City Center designation emphasizes uses that generate moderate to high density and have moderate to high lot coverage. Vehicular access is provided by alleys and private driveways, and parking lots are not adjacent to or visible from the street. Buildings are typically two or more stories and reinforce traditional pedestrian scale. They have shallow setbacks and are used to frame the street. Green space is characterized by street trees, planters, planting strips, formal public spaces, and a town square, though existing natural and historic features of properties are maintained and incorporated into the design. Downtown/City Center is characterized by a compact, walkable environment typical of town centers. Development creates and promotes our sense of place and community, and it encourages active living and community interaction. Future development emphasizes connectivity and uses that generate a high level of activity. These are not developments that are designed to accommodate the automobile and related services. In balancing all of this, staff finds that the proposed use of four (4) townhouse units is consistent with the comprehensive plan.

Spring Hill Unified Development Code: The City’s Unified Development Code offers the following regarding special uses:

*The listing of a use as a special use within a zoning district does not constitute an assurance or presumption that such special use will be approved. Rather, each special use must be evaluated on an individual basis, in relation to*
all applicable standards of this Code. Such evaluation will determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed. The decision of the Board of Zoning Appeals must be based on findings to support each of the following conclusions:

1. The consistency of the proposed special use with the Comprehensive Plan and any adopted land use policies.
2. The special use in the specific location proposed is consistent with the spirit and intent of this Code.
3. The proposed special use will not endanger the public health, safety, or welfare.
4. The proposed special use is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
5. The special use in the specific location has sufficient public infrastructure and services to support the use.

Findings: Staff has reviewed the above criteria and offers the findings of fact listed below for consideration by the Board of Zoning Appeals.

Findings of Fact:
1. The use is consistent with the Comprehensive Plan and adopted land use policies.
2. The use of a four (4) townhome development on the subject site is consistent with the spirit and intent of this Code.
3. The proposed special use will not endanger the public health, safety, or welfare.
4. The proposed special use, as conditioned below, is compatible with the general land use of adjacent properties and other property within the immediate vicinity.
5. The special use in the specific location has sufficient public infrastructure and services to support the use.

This is a residential-oriented development and is a good location for this type of development. The property is zoned C-D-E1 which would allow commercial uses, such as a bar, day care center or amusement facility by right. Since the property is located in an area that is all residential, having a proposed townhome development would follow the current characteristics of the neighborhood. The development follows the Comprehensive Plan and if properly buffered from adjacent single family uses, should not have an adverse impact on the surrounding properties. Infrastructure around this site will support this type of use.

The applicant has provided one plan showing the site and layout of the development. The final layout shall be approved by the Planning Commission in accordance with Section 13.6, Site Plan, of the Unified Development Code.

Recommendation: If the Board of Zoning Appeals agrees with the findings in this report, staff recommends that the Board approve application BZA 720-2019, JMB Beechcroft Townhomes, with the following conditions:

1. Trees along Beechcroft Road are to be preserved unless removal is approved by the Planning Commission.
2. Provide a min. 10 landscape strip along the side and rear lot lines and landscape per 11.7 of the UDC.
3. The large tree west of the proposed townhome building is to be protected and preserved.
4. The maximum number of units is 4 townhomes.
5. Dedicate right-of-way as shown and required by the Planning Commission.
6. Provide off-site improvements, sidewalks, etc. as required by the Planning Commission.
7. The site shall comply with the requirements of 8.3.K of the UDC.
8. Development shall be reasonably consistent with the site concept plan submitted to BOZA, subject to changes requested by the Planning Commission.
9. Approval is further contingent upon site plan approval by the Planning Commission and shall comply with requests of the Planning Commission.
10. 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.
June 24, 2019

City of Spring Hill
Planning Department
5000 Northfield Lane
Bldg. 500, Suite 520
Spring Hill, TN 37174

RE: JMB Beechcroft Townhomes
0 Beechcroft Road
Spring Hill, TN 37174
BZA – Special Use Request

On behalf of John Maher Builders, Inc., our client and the property owner at 0 Beechcroft Road, map 025P-D Parcel 15.04, we are respectfully submitting a request for Special Use in the C-D-E1 zone for the construction of 4 townhome units. Our request is being made on the following basis:

1) Consistency with the Comprehensive Plan: The property is located in the Downtown/City Center Future Land Use according to the Spring Hill Rising 2040 Comprehensive Plan. This area supports residential with two story buildings oriented toward the street with close connections to pedestrian access. Therefore, our proposed plan for townhomes is well supported within the Downtown/City Center Land Use.

2) Consistent with the Spirit and Intent of the Code: The proposed townhome project is consistent with the Code in that we are proposing a two story building oriented toward the arterial street, Beechcroft, with a focus on walkability, open space preservation, and placing parking away from the street.

3) No Endangerment of Public Health, Safety, or Welfare: Given the surrounding residential uses, and the close proximity to other townhome developments nearby, we do not foresee this development as being detrimental or endangering the public health, safety, or welfare in any way.

4) Compatibility with Surrounding Land Uses: This project is situated within a primarily residential district with townhomes located two properties to the east. The two story structure will blend well with the 1.5 story structure to the east and the 1 to 2 story homes located along Maury Hill Street at the rear of the property.

5) Public Infrastructure: Based on our understanding of the existing City utility, solid waste, fire, police, and other City services, this 4 unit townhome project should be provided with adequate City services without the need for any public improvements.

A copy of our proposed Site Plan is attached for reference. Should you need additional information to process our request before the Board of Zoning Appeals, please let us know and we will respond accordingly.

Sincerely,

Adam Crunk, PE
Crunk Engineering LLC
615-873-1795
adam@crunkeng.com