SPRING HILL MUNICIPAL BOARD OF ZONING APPEALS

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 12:00 PM on Tuesday July 21, 2020.

A. CALL TO ORDER

B. ROLL CALL

C. MINUTES

1. Consider approval of the June 16, 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. 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 850-2020**: Submitted by Old Acre McDonald for Caliber Collision Center. Property is zoned C-4 and contains approximately 1.9 acres. The applicant requests special use approval for Vehicle Repair/Service – Major facility with plans to construct a vehicle collision center. The applicant has submitted an additional request for a variance that will only be needed if the special use is approved. Requested by David Bailey.

2. **BZA 851-2020**: Submitted by Old Acre McDonald for Caliber Collision Center. The property is located on Kedron Parkway, zoned C-4 and contains approximately 1.964 acres. The applicant requests a variance from Article 9.3.J.2 of the UDC to construct a 6’ tall fence in the front yard of the property. This application is a follow up to the previous special use application (BZA 850-2020). If the special use is denied by the Board of Zoning Appeals, this request is not needed because the use is not permitted. Requested by David Bailey.

3. **BZA 852-2020**: Submitted by Chantay Walker Dillard for 1013 Glessner Drive. The property is zoned R-2, contains approximately .25 acres and is located in the Glenmont Subdivision. The applicant requests a variance from the rear setback requirements of the UDC to cover and screen an existing porch. Requested by Chantay Walker.
4. **BZA 853-2020**: Submitted by Wendy Deats for 4027 Campania Strada. The property is zoned R-2, contains approximately .284 acres and is located in the Benevento subdivision. The applicant requests a variance from the setback requirements of the UDC to construct a screened-in deck over a portion of an existing concrete patio. Requested by Wendy Deats.

G. **OTHER BUSINESS**

H. **PUBLIC COMMENT**

I. **ADJOURN**
A. CALL TO ORDER

*Chairman Terry Cantrell called the meeting to order at 5:32 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 Associate Planner - Austin Page.

C. Consider approval of the May 19, 2020 Board of Zoning Appeals meeting minutes.

*Jim Hagaman made a motion to approve the May 19, 2020 Meeting Minutes. Motion seconded by Vice Chairman Rob Roten. Motion to approve passed 5-0.*

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 834-2020**: Submitted by James Whitlock for the development known as *Great White Express Car Wash*. The property is located at the corner of Belshire Way and Belshire Village Drive and contains approximately 1.37 acres. The applicant is requesting a Special Use consideration to operate a car wash in the C-4 district under the Unified Development Code. Requested by James & Debbie Whitlock.

   **Staff recommended conditions of approval:**
   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 changes and conditions requested by the Planning Commission; including, but not limited to, dedicated turn lanes, buffering considerations, and noise limitations.
Vice Chairman Rob Roten made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 834-2020 with three (3) staff associated conditions of approval. Motion seconded by Brandon McCulloch. Motion to approve passed 3-2 with Alderman Hazel Nieves and Jim Hagaman dissenting.

2. **BZA 835-2020**: Submitted by Kris Thompson for 303 Jones Avenue. The property is zoned R-1, contains approximately .27 acres, and is located in the Jackson & Jones subdivision. The applicant requests a variance from the side yard setback requirements of the UDC to construct a carport. Requested by Kris Thompson.

   **Staff recommended conditions of approval:**
   1. Substantial consistency with the plans submitted and encroachment shown.
   2. The carport shall be open on three sides and may not be enclosed with any material.
   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 a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 835-2020 with three (3) staff associated conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion to approve passed 3-2 with Chairman Terry Cantrell and Vice Chairman Rob Roten dissenting.

3. **BZA 836-2020**: Submitted by Branch Atkisson for 2005 Gweneth Drive. The property is zoned R-2, contains approximately 1.41 acres and is located in the Campbell Station subdivision. The applicant requests a variance from the requirements of the UDC to construct a swimming pool in a regional stormwater detention area. Requested by Branch and Jenny Atkisson.

   **Staff recommended conditions of approval:**
   1. Substantial consistency with the plans submitted and encroachment shown.
   2. The City’s Floodplain Manager is to verify that pool and deck construction is consistent with the letter from Dempsey, Dilling & Associates and the City’s Floodplain ordinance.
   3. Subject to homeowner’s association approval as may be required for Campbell Station.
   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.

   Jim Hagaman made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 836-2020 with three (3) staff associated conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion to approve passed 5-0.

**G. OTHER BUSINESS**

**H. PUBLIC COMMENT**
No Public Comment

I. ADJOURN

Jim Hagaman made motion to adjourn. Motion seconded by Chairman Terry Cantrell. Motion to adjourn passed 5-0.

Meeting Adjourned at 6:57 PM.

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Terry Cantrell, Chairman
**Spring Hill Board of Zoning Appeals**

**TO:** Spring Hill Board of Zoning Appeals  
**FROM:** Austin Page, Associate Planner  
**THROUGH:** Steve Foote, AICP, Planning Director  
**MEETING:** July 21, 2020  
**SUBJECT:** BZA 850-2020 (Caliber Collision Center) – SPECIAL USE

**BZA 850-2020:** Submitted by Old Acre McDonald for Caliber Collision Center. Property is zoned C-4 and contains approximately 1.9 acres. The applicant requests special use approval for Vehicle Repair/Service – Major facility with plans to construct a vehicle collision center. The applicant has submitted an additional request for a variance that will only be needed if the special use is approved. Requested by David Bailey.

**Property Description and History:** The property is located on Kedron Parkway, in Lot 3 of the Spring Hill Town Center subdivision. The property is approximately 740’ west of the Kedron Parkway and Main Street intersection. The property backs up to a retaining wall on the Home Depot property and is directly across the street from the Spring Hill Library parking lot and the Hometown Building commercial center. The applicant submitted several applications:

1. Rezoning application (RZN 858-2020) on July 6, 2020 to rezone the property from C-4 to C-5. Planning Commission will review the rezoning application at a Work Session on July 27, 2020 and make a recommendation to the Board of Mayor and Alderman at the August 10, 2020 Voting Meeting. The rezone will need to go through two BOMA readings for approval.
2. Special Use. The proposed use of a Vehicle Repair/Service – Major is not allowed in the C-4 zoning district and is a special use in the C-5 zoning district. The Board of Zoning Appeals is also considering a special use to determine if the request use is acceptable on the subject site, if rezoned to C-5.
3. Variance. In addition to the above requests, the applicant also submitted this variance application to allow fencing in the front yard of the property (along Kedron Parkway).

**Spring Hill Rising 2040:** This property’s future land use designation is “Downtown City Center” which is described in the Spring Hill Rising 2040 plan as:

“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.”

“Primary future land uses for this designation 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 a low to moderate level of intensity and includes parking that is not adjacent to or visible from the street. Streets are designed to accommodate all modes of transportation. The proposed use is automobile-oriented and it is located in an area adjacent to commercial center with other automobile-oriented uses such as a home improvement store, bank and restaurants. While much of the surrounding development does not align with the goals of the comprehensive plan, they were approved as permitted uses within the current zoning district and complied with applicable zoning regulations at the time of development. As has been discussed with the City leaders in recent months, the Comprehensive Plan is applicable to land decisions like a rezoning or special use request. Although the proposed use shares many similarities with surrounding development, the use does not meet the letter or
intent of the above descriptions taken from the comprehensive plan. The proposed use of a vehicle collision center is not consistent with the comprehensive plan, but is consistent with the surrounding existing uses.

**Proposed Site and Building Design:** The applicant is proposing to construct an 18,600-sf vehicle collision center. The provided site layout shows one main entry driveway which will be used for entering and exiting the site. The driveway will be shared with Lot 4 of Spring Hill Town Center and appears to align with the drive to the Hometown Building commercial center. The drive alignment will be addressed by the Planning Commission and staff at Site Plan review. The site provides 24 parking spaces in the front (north), 14 along the west, 6 along the east and a total of 54 along the rear (south). The total number of parking spaces on the site is 98. Of the 54 spaces to the rear of the site, 48 are “doubled-up” spaces which will store the damaged vehicles before they are repaired and moved to the additional spots along the front or side for pickup. The damaged vehicles will not be visible from Kedron Parkway.

The building will be approximately 196’ in length and will need to incorporate a number of façade designs that will need be addressed at site plan review. The site is also designed to have retention areas along the front and side (west) portions of the site.

**Public Comment:** Due to the Covid-19 Pandemic, the city has not been able to hold public meetings. As a solution, the city asked the public to submit comments to staff by 12:00 pm Tuesday of the meeting date. As of Friday, July 17, 2020, Planning Staff has received one phone call from a neighboring property owner. This property owner expressed his concern with the proposed use and the initial intentions of the Spring Hill Town Center Subdivision.

**Spring Hill Unified Development Code:** The City’s Unified Development Code offers the following regarding special uses (13.3.E):

> 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 make 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 finds that the application generally meets items 3-5 of the above criteria of approval for special uses and has listed the findings for the Board of Zoning Appeals below. The approval or denial of the requested special use is to be based on findings related to the above five review criteria. Staff provides the following analysis for BOZA consideration. The BOZA may accept, modify or determine independent findings of the request. These follow by number the items listed above.

1. While the comprehensive plan is to be used as a guide by the city in making land use decisions, the use is not fully consistent with the land use policies and recommendations of the Comprehensive Plan. However, the lot is interior to an expanded highly trafficked auto-oriented commercial area with no sidewalks.
2. The use of a vehicle collision center on the subject site is subject to review and approval as a special use. Whether the use is consistent with the spirit and intent of the UDC is subject to the Board of Zoning Appeals position of the uses suitability for this particular site. The use must also comply with the specific Use Standards referenced in Table 8-1: Use Matrix (8.3.X) listed below.
Vehicle Repair/Service – Major or Minor
a. Vehicle repair/service establishments may not store the same vehicles outdoors on the site for longer than 15 days once repair is complete. Only vehicles that have been or are awaiting service may be stored outdoors.
b. Vehicle repair must take place entirely within an approved building and not outdoors. Storage of all merchandise, auto parts, and supplies must be within an enclosed structure.
c. Vehicle repair/service establishments that abut a residential district must be screened along interior side and rear lot lines with a solid wall or fence, a minimum of six feet and a maximum of eight feet in height.
d. No partially dismantled, wrecked, junked, or discarded vehicles, or vehicles that sit on one or more flat tires or are inoperable in any manner may be stored outdoors on the premises. This standard does not apply to vehicles under repair.
e. The sale of new or used vehicles is prohibited.
f. No motor vehicles may be stored or parked, and no repair work may be conducted in the public right-of-way.

The site not 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 commercially zoned properties and other property within the immediate vicinity. There is no abutting residential property.
5. The special use in the specific location has sufficient public infrastructure and services to support the use. The transportation infrastructure around this site will adequately support the high level of activity related to this use.

Recommendation: If the Board of Zoning Appeals finds the request to be consistent and compliant with the five requirements for a special use in Article 13.3.E., staff recommends that they adopt the findings in this report or other findings to support the approval. Should the Board of Zoning Appeals approve BZA 850-2020, a special use request to allow a vehicle collision center to operate in the C-5 zoning district, approval should be subject to the submitted plans and the conditions below.

If the Board of Zoning Appeals does not find the request to meet the minimum requirements for a special use, members should also provide findings of inconsistency with section 13.3.E above.

Possible Motion(s): Staff offers the following suggested motions for the Board of Zoning Appeals:

A) Approval: Motion to adopt the finding of facts and conclusions of law provided in the staff report and to approve BZA 850-2020, a special use request to allow a vehicle collision center to operate in the C-5 zoning district with the following conditions:

1. Approval is further contingent upon the Board of Mayor and Alderman rezoning the site from C-4 to C-5 and site plan approval by the Planning Commission prior to the expiration of the special use.
2. Approval shall comply with any changes and/or conditions requested by the Planning Commission; including, but not limited to, dedicated turn lanes, buffering considerations, and noise limitations. Development shall be reasonably consistent with the site plan submitted to the BOZA, subject to changes requested by the Planning Commission.
3. 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.

B) Denial: Motion to deny BZA 850-2020 for the reason that the required findings in Article 13.3.E have not been met. The request is not consistent with the Spring Hill Rising 2040 Plan’s Downtown City Center classification.
SITE PLAN

VICINITY MAP

30% PERVIOUS / 70% IMPERVIOUS

KEDRON PARKWAY & HIGHWAY 31
SPRING HILL, TENNESSEE
Perspective: Pulling in from Kedron
Perspective: Traveling East on Kedron

PROJECT
Spring Hill, TN - Collision Center

Development Manager
Oldacre McDonald, LLC
3581 Green Hills Village Drive
Nashville, TN 37215
TOTAL AREA = 1,229,821 Square Feet or 28.233 Acres ±
3.4(2) **Lot Width.**

The minimum lot width at the building shall be twenty (20) feet.

3.4(3) **Yards.**

The minimum front yard shall be thirty (30) feet.

No minimum side yard unless the lot is adjacent to a residential district, at which time a ten (10) foot minimum side yard shall be required.

The minimum rear yard shall be twenty (20) feet.

3.5 **Height.**

Buildings hereafter constructed shall not exceed thirty-five (35) feet in height.

3.6 **Location of Accessory Structures.**

3.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yards.

3.6(2) Accessory structures shall be located at least ten (10) feet from rear lot lines and five (5) feet from any building on the same lot.

3.7 **Limitation of Signs.**

3.7(1) Not more than four (4) signs shall be permitted in the required yard of a shopping complex and not to exceed two (2) signs for an individual business.

3.7(2) Base of signs shall be set back a minimum of seven (7) feet from the public right-of-way.

3.7(3) Class "A" signs (Billboards) shall be permitted on vacant lots only.

**Section 4. (P-4) Central Business Districts.**

**Intent.** To recognize the area of best overall accessibility to all portions of the community, so as to accommodate the widest range of comparison goods stores, specialty shops, business and personal services, or other commercial activities compatible in close grouping and thus suited to shopping by pedestrians.

4.1 **Uses Permitted.**

4.1(1) Any use permitted in B-1, B-2, and B-3 Districts.
4.1(2) Places of amusement and assembly, hotels, public garages or other motor vehicle services.

4.1(3) Any retail or wholesale business or service.

4.1(4) The making of articles to be sold at retail on the premises, provided, however, that any manufacturing shall be restricted to light manufacturing incidental to a retail business or service where the products are sold principally on the premises by the producer to the consumer and where not more than five (5) operatives are employed in such manufacture.

4.1(5) Any accessory use or building customarily incidental to the above permitted uses.

4.2 Uses Permitted on Appeal.

Any other use, except uses allowed in industrial districts.

4.3 Uses Prohibited.

Any use which in the opinion of the Board of Zoning Appeals, would be injurious because of offensive fumes, odors, just or objectional features hazardous to the community on account of fire, explosion, health or aesthetics even when conducted under adequate safeguards.

4.4 Lot Area, Lot Width, Yards and Building Area.

No restrictions.

4.5 Height.

No building shall exceed thirty-five (35) feet in height.

4.6 Location of Accessory Structures.

No restrictions.

4.7 Limitation of Signs.

4.7(1) Signs projecting from a building or extending over public property shall maintain a clear height of eight (8) feet above the sidewalk and all signs shall not extend more than eighteen (18) inches inside the curb line.

4.7(2) Signs under a canopy over a public sidewalk shall not exceed a width of sixteen (16) inches.

4.7(3) No sign shall exceed a Class "C".
Rear yards shall be a minimum of twenty (25) feet for one story buildings and five (5) feet for each additional story.

A minimum Buffer Yard of twenty-five (25) feet shall be required. (Changed by Ord. 07-30.)

2.4(4) Building Area.

Maximum building area shall be forty percent (40%) of the total lot area.

2.5 Height.

Buildings hereafter constructed shall not exceed fifty (50) feet in height.

2.6 Location of Accessory Structures.

2.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yards.

2.6(2) Accessory structures shall be located at least five (5) feet from all rear lot lines and from any building on the same lot.

2.7 Limitation on Signs.

2.7(1) Revolving or flashing signs are prohibited.

2.7(2) Base of signs shall be set back a minimum of seven and one-half (7 ½) feet from the public right-of-way.

2.7(3) No sign shall exceed Class "A".

2.7(4) No sign shall be set closer to the ground, that will inhibit the line of sight distances or reaches a height greater than fifteen (15) feet, except those signs attached to buildings. If berm's are approved, or if berms are added to the site later, they shall be included in the fifteen (15) foot height.

Section 3. (B-3) Intermediate Business District.

Intent. This district is designed primarily to provide sufficient space primarily along arterial and collector streets for establishment and uses engaged in wholesale and retail trade, offering a wide variety of products and services.

3.1 Uses Permitted.

3.1(1) Automobile sales and service, bank, barbershop or beauty parlor, bus terminals, churches, clinics, drive-in restaurants, dry cleaning and laundry establishments, filling stations, funeral homes, hotels, indoor theaters, manufacture of articles to be sold at retail on the premises (provided such manufacturing is incidental to the retail business and employs not more than five (5) operators), motels, offices, outdoor advertising signs and outdoor advertising structures, parking lots, parking garages, places of amusement, printing and engraving establishments, public buildings, public and private clubs, retail businesses, used
car lots, wholesale businesses, day care centers, retirement and assisted living facilities, and full medical care nursing homes.

3.1(2) Accessory structures.

3.2 **Uses Permitted on Appeal.**

3.2(1) Churches.

3.2(2) Warehouses.

3.2(3) **Any use complying with the intent of the district.**

3.2(4) Restaurants.

3.2(5) Establishments that sell or serve intoxicating beverages.

3.3 **Uses Prohibited.**

Uses not specifically permitted.

3.4 **Lot Area, Lot Width, Yards and Building Area.**

3.4(1) No minimum lot area is required, however, off-street parking and loading/unloading requirements shall be observed.

3.4(2) **Lot Width.**

The minimum lot width at the building shall be twenty (20) feet.

3.4(3) **Yards.**

The minimum front yard shall be thirty (10) feet.

No minimum side yard unless the lot is adjacent to a residential district, at which time a ten (25) foot minimum buffer yard.

Rear yards shall be a minimum of twenty-five (25) feet for one story buildings and five (5) feet for each additional story.

A minimum Buffer Yard of twenty-five (25) feet shall be required (Changed by Ord. 07-30.)

3.5 **Height.**

Buildings hereafter constructed shall not exceed fifty (50) feet in height.

3.6 **Location of Accessory Structures.**

3.6(1) With the exception of signs, accessory structures shall not be erected in any required front or side yards.

3.6(2) Accessory structures shall be located at least ten (10) feet from rear lot lines and five (5) feet from any building on the same lot.
3.7 Limitation of Signs.

3.7(1) Not more than four (4) signs shall be permitted in the required yard of a shopping complex and not to exceed two (2) signs for an individual business.

3.7(2) Base of signs shall be set back a minimum of seven and one-half (7 ½) feet from the public right-of-way.

3.7(3) No sign shall exceed a Class “B”.

3.7(4) Retail stores, the shopping areas of which exceed twenty thousand (20,000) square feet, shall be permitted to display on and within the outside walls of the buildings they occupy, the names of their establishments.

One sign attached to the building, mounted flat against the side of the building, shall be permitted for each tenant actually conducting business on the premises. Each tenant conducting business on the premises shall be permitted one (1) square foot of sign for every linear foot of building frontage or side, if the tenant’s primary entrance opens on the side of the building. In no event shall the total sign for all of the businesses at one location exceed one hundred (100) square feet. A design plan shall be submitted to the City for review prior to the issuance of any permit. The above restrictions on attached signs shall not apply to strip malls. Strip malls shall be defined as a shopping complex containing a row of various stores, businesses and restaurants opening onto a common parking lot. Each store, business or restaurant in the strip mall shall be permitted one (12) linear foot of sign for every linear foot of building frontage of that particular store, business or restaurant, regardless of the total amount of signs for the entire strip mall.

3.7(5) Only one freestanding sign shall be permitted for each building containing more than one business establishment for the purpose of advertising the name of the building or development, and any business establishment in the building or development. Any freestanding sign shall not exceed twelve (12) feet in width.

No sign shall be set closer to the ground that will inhibit the line of sight distances. No sign erected shall reach a height greater than fifteen (15) feet, except those signs attached to buildings. If berms are approved, or if berms are added to the site later, they shall be included in the fifteen (15) foot height calculation. Such sign shall not exceed one hundred (100) square feet per face. Only two-sided signs shall be permitted. The sign shall be constructed of masonry or masonry-type material such as split face block, brick or block. No exposed steel post shall be permitted. Nor shall the sign be constructed out of concrete or other smooth face block. A design plan shall be submitted to the City for review prior to the issuance of any permit.

Section 4. (B-4) Central Business District

Intent. To recognize the area of best overall accessibility to all portions of the community, so as to accommodate the widest range of comparison goods stores, specialty shops, business and personal services, or other commercial activities compatible in close grouping and thus suited to shopping by pedestrians.
4.1 Uses Permitted.

4.1(1) Any use permitted in B-1, B-2, and B-3 Districts.

4.1(2) Places of amusement and assembly, hotels, public garages or other motor vehicle services. Mini-warehouse storage units limited to indoor storage only.

4.1(3) Any retail or wholesale business or service.

4.1(4) The making of articles to be sold at retail on the premises, provided, however, that any manufacturing shall be restricted to light manufacturing incidental to a retail business or service where the products are sold principally on the premises by the producer to the consumer and where not more than five (5) operatives are employed in such manufacture.

4.1(5) Any accessory use or building customarily incidental to the above permitted uses.

4.1(6) Apartments, in accordance with Article VII, Subsection 2.1(1).

4.1(7) Restaurants.

4.2 Uses Permitted on Appeal.

Any other use, except uses allowed in industrial districts.

4.3 Uses Prohibited.

Any use which in the opinion of the Board of Zoning Appeals, would be injurious because of offensive fumes, odors, just or objectional features hazardous to the community on account of fire, explosion, health or aesthetics even when conducted under adequate safeguards.

4.4 Lot Area, Lot Width, Yards and Building Area.

4.4(1) No minimum lot area is required, however, off-street parking and loading/unloading requirements shall be observed.

4.4(2) Lot Width.

The minimum lot width at the building shall be twenty (20) feet.

4.4(3) Yards.

The minimum front yard shall be ten (10) feet.

No minimum side yard unless the lot is adjacent to a residential district, at which time a twenty-five (25) foot minimum buffer yard shall be required.

Rear yards shall be a minimum of twenty-five (25) feet for one story buildings and five (5) feet for each additional story.
Spring Hill Board of Zoning Appeals

TO: Spring Hill Board of Zoning Appeals
FROM: Austin Page, Associate Planner
THROUGH: Steve Foote, AICP, Planning Director
MEETING: July 21, 2020
SUBJECT: BZA 851-2020 (Caliber Collision Center – Variance)

BZA 851-2020: Submitted by Old Acre McDonald for Caliber Collision Center. The property is located on Kedron Parkway, zoned C-4 and contains approximately 1.964 acres. The applicant requests a variance from Article 9.3.J.2 of the UDC to construct a 6’ tall fence in the front yard of the property. This application is a follow up to the previous special use application (BZA 850-2020). If the special use is denied by the Board of Zoning Appeals, this request is not needed because the use is not permitted. Requested by David Bailey.

Property Description and History: The property is located on Kedron Parkway, in Lot 3 of the Spring Hill Town Center subdivision. The property is approximately 740’ west of the Kedron Parkway and Main Street intersection. The property backs up to a retaining wall on the Home Depot property and is directly across the street from the Spring Hill Library parking lot and the Hometown Building commercial center. The applicant submitted several applications:

1. Rezoning application (RZN 858-2020) on July 6, 2020 to rezone the property from C-4 to C-5. Planning Commission will review the rezoning application at a Work Session on July 27, 2020 and make a recommendation to the Board of Mayor and Alderman at the August 10, 2020 Voting Meeting. The rezone will need to go through two BOMA readings for approval.
2. Special Use. The proposed use of a Vehicle Repair/Service – Major is not allowed in the C-4 zoning district and is a special use in the C-5 zoning district. The Board of Zoning Appeals is also considering a special use to determine if the request use is acceptable on the subject site, if rezoned to C-5.
3. Variance. In addition to the above requests, the applicant also submitted this variance application to allow fencing in the front yard of the property (along Kedron Parkway).

Proposed Site and Building Design: The applicant is proposing to construct an 18,600-sf vehicle collision center. The provided site layout shows one main entry driveway which will be used for entering and exiting the site. The driveway will be shared with Lot 4 of Spring Hill Town Center and appears to align with the drive to the Hometown Building commercial center. The drive alignment will be addressed by the Planning Commission and staff at site plan review. The site provides 24 parking spaces in the front (north), 14 along the west, 6 along the east and a total of 54 along the rear (south). The total number of parking spaces on the site is 98. Of the 54 spaces to the rear of the site, 48 are “doubled-up” spaces which will store the damaged vehicles before they are repaired and moved to the additional spots along the front or side for pickup. The damaged vehicles will not be visible from Kedron Parkway. The applicant proposes to install a 6’ tall black ornamental fence within the front yard of the property, between the parking lot and street.

Analysis: The applicant is proposing to install a 6’ black ornamental aluminum fence in the front yard of the property along Kedron Parkway. The applicant insists that the fencing is crucial for this type of business and that the proposed fencing will add safety to the damaged vehicles on site. In non-residential districts, fencing is prohibited in the front yard. The characteristics of the site place no hardships on the property owner and the site is able to be developed according to the regulations applicable to the C-4 district.

Public Comment: Due to the Covid-19 Pandemic, the city has not been able to hold public meetings. As a solution, the city asked the public to submit comments to staff by 12:00 pm Tuesday of the meeting date. As of Friday, July 17, 2020, Planning Staff has received one phone call from a neighboring property owner. This property owner expressed his concern with the proposed use and the initial intentions of the Spring Hill Town Center Subdivision.
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 the subject property 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 property itself does not require a fence between the road and building. The fence request is based on the proposed use of an auto body repair facility and the need to protect repaired vehicles. The applicant is not building the fence up to the property line, but it lies within the front yard (area between the building and front property line. The request is submitted because the UDC prohibits fencing in the front yard in commercial districts. The applicant is allowed to place fencing in the interior side yard or rear yard of the property. If possible, a design that placed customer parking in the front yard and not require fencing is preferred.

   Per the applicant: “By nature of the operation of any business of this a fence is required for the safety and security of the vehicles and their contents. Because of the area required for stormwater retention, and other development requirements we have proposed parking along Kedron Road that must be protected by fencing. Additionally, this provides better operational circulation and better access for emergency personnel in the unlikely event they’re needed on site.”

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 lot has no irregularities and is able to comply with all other aspects of the UDC except for Article 9.3.J.2, which states that fencing is prohibited in the front yard. This proposed business requires fencing for vehicles on-site overnight and the fencing adds protection to the site due to the storage of damaged and repaired vehicles on the property. The hardship on this site is created by the use/design of the site plan and is not due to the characteristics of the site.

   Per the applicant: “The code currently prohibits fencing along a “front yard”. With a large frontage on Kedron any business that requires fencing as a normal operation would likely be forced to seek a variance for their fencing or be forced to find a different location. The strict enforcement of this code is prohibitive in helping the property achieve its highest and best use.”

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 does not believe that the proposal will have a significant detrimental impact on the public good or surrounding property. There are other commercial zoned properties around town that have fencing in the front or corner side yards. Some of these are three-rail fences in rural/Agricultural area, or fences around detention ponds. Other commercial uses in this area do not typically have fencing within the front yard.

   Per the applicant: “Granting this variance will not provide any detriment to the public good. The fence will have to meet all other development regulation including landscaping and material selection. Thereby increasing the amount of vegetation required on site.

Recommendation: If the Board of Zoning Appeals finds the request to be reasonable and compliant with the requirements for a variance, staff recommends that they adopt findings to support the approval. Should the Board of Zoning Appeals approve BZA 851-2020, a variance from Article 9.3.J.2 of the UDC to construct a fence in the front yard of the property, approval should be subject to the submitted plans and the conditions below. Members should also provide reasons for not finding consistency with section 13.4.E above if unable to support the request.
Possible Motion(s):

A) Motion to adopt the finding of facts and conclusions of law provided in the staff report and to approve variance BZA 851-2020 to allow a maximum 6’ fence in the front yard with the following conditions.

1. Approval is further contingent upon rezoning approval by the Board of Mayor and Alderman and site plan approval by the Planning Commission.
2. Development shall be reasonably consistent with the site plan submitted to BOZA, subject to changes requested by the Planning Commission.
3. A suitable landscape plan designed to effectively screen the appearance of the fence from Kedron Parkway shall be approved by the Planning Commission as part of the site plan approval process.
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.

B) Motion to deny BZA 851-2020 for the reason that the required findings for a variance have not been met.
KEDRON PARKWAY & HIGHWAY 31
SPRING HILL, TENNESSEE

30% PERVIOUS / 70% IMPERVIOUS
Spring Hill Board of Zoning Appeals

TO: Spring Hill Board of Zoning Appeals
FROM: Austin Page, Associate Planner
THROUGH: Steve Foote, AICP, Planning Director
MEETING: July 21, 2020
SUBJECT: BZA 852-2020 (1013 Glessner Drive - Variance)

BZA 852-2020: Submitted by Chantay Walker Dillard for 1013 Glessner Drive. The property is zoned R-2, contains approximately .25 acres and is located in the Glenmont Subdivision. The applicant requests a variance from the rear setback requirements of the UDC to cover and screen an existing porch. Requested by Chantay Walker.

Request: The applicant is requesting a variance to reduce the building setback for a covered screened porch to encroach 9.5’ into the 25’ rear setback. The applicant requests to cover and screen their existing 11’x16’ elevated porch.

Property Description and History: 1013 Glessner Drive is located in the Glenmont Subdivision, west of Bucker Lane and Summit High School. The property is zoned R-2, Single-Family Residential and all surrounding properties are also zoned R-2. The property has a rear setback of 25’ and a 10’ rear PUDE. The property is rectangular in shape and has no irregularities. The home is approximately 1.5’ from the rear setback and 26.5’ from the rear property line. Currently, there is an existing 11’x16’ uncovered deck that encroaches approximately 9.5’ into the rear setback (17’ from the rear property line), which is permissible. The existing deck is elevated approximately 4’ off the ground. The property is adjacent to other residential lots in Glenmont and the backyard is enclosed by a 6’ fence. The lot directly to the rear abuts the rear yard for this site and is the side yard for this lot. The applicant has discussed the Board of Zoning Appeals process with staff to ensure a complete application has been submitted.

Analysis: The applicant is proposing to cover and screen their existing 11’x16’ porch and will not increase the overall encroachment of 9.5’ into the rear setback. The applicant is proposing to enclose the porch with screening and will use no other materials for screening purposes. The covered porch framing and supports are proposed to be constructed with materials that match the characteristics of the home and the roof will also use shingles to match the existing home. Once roofed over, the proposed structure will be attached to the primary structure and is considered part of the primary structure for building setback purposes. The proposed screened porch is 7’ from the PUDE and will not encroach or impact the drainage easement in any way. 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.

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 1013 Glessner Drive 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 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, when the size of the structure is reasonable, and when the encroachment is limited. With the positioning of the home and layout of the property’s setbacks, little room is available to cover the existing deck. The rear property line is the side lot line for the adjacent lot.
Per the applicant: “Where by the shallowness of the lot at 1013 Glessner and the placement of the home on the property the screening of the deck and full covering of deck in the rear of the house it is not able to comply with regulations as required under this 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 subject lot is considered a standard lot. The proposed screened porch will encroach approximately 9.5’ into the rear setback and does not encroach into the PUDE. The existing deck encroaches 9.5’ and there is no increase or decrease of encroachment.

Per the applicant: “Application of this regulation causes an undue hardship on the landowner because it limits their ability to cover existing deck and screen the deck. The landowner and their child both battle with severe grass, ragweed and dirt allergies.”

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 rear of the property, which backs up to the rear lot line of other properties. Staff finds 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: “Such relief may be granted without substantial detriment to the community or intent of the zoning code.”

Recommendation: If the Board of Zoning Appeals finds the request to be reasonable and compliant with the requirements for a variance, staff recommends that they adopt the findings in this report or others to support the approval. Should the Board of Zoning Appeals approve BZA 852-2020, a building setback variance request for construction of a covered screened porch, approval should be subject to consistency with the plans submitted and encroachment shown.

Possible Motion: Motion to adopt the finding of facts and conclusions of law provided in the staff report and to approve variance BZA 852-2020 to reduce the building setback for a covered screened porch and fireplace at 1013 Glessner Drive with the following conditions.

1. Substantial consistency with the plans submitted and encroachment shown.
2. The covered porch shall not be enclosed with any material other than screening.
3. Subject to homeowner’s association approval as may be required for Glenmont.
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.
EXAMPLE OF PROPOSED PORCH
Spring Hill Board of Zoning Appeals

TO: Spring Hill Board of Zoning Appeals
FROM: Austin Page, Associate Planner
THROUGH: Steve Foote, AICP, Planning Director
MEETING: July 21, 2020
SUBJECT: BZA 853-2020 (4027 Campania Strada - Variance)

BZA 853-2020: Submitted by Wendy Deats for 4027 Campania Strada. The property is zoned R-2, contains approximately .284 acres and is located in the Benevento subdivision. The applicant requests a variance from the setback requirements of the UDC to construct a screened-in deck over a portion of an existing concrete patio. Requested by Wendy Deats.

Request: The applicant is requesting a variance to reduce the building setback for a covered screened patio to encroach 11.6’ into the 25’ rear setback. The applicant requests approval to construct a 10’x16’ covered and screened deck over the existing concrete patio and add a 2’ fireplace at the end of the proposed covered deck.

Property Description and History: 4027 Campania Strada is located in the Benevento subdivision and is zoned R-2, Single-Family Residential. All surrounding properties are also zoned R-2. The property has a rear setback of 25’ and a 10’ rearPUDE. The property is rectangular in shape and has no irregularities. The home is approximately .4’ from the rear setback and 25.4’ from the rear property line. Currently, there is an existing 15’x32’ uncovered concrete patio that encroaches approximately 14.6’ into the rear setback (10.8’ from the rear property line). The existing patio also has a 4’ bump out that encroaches approximately 4’ into the PUDE and is 6.8’ from the property line (this is proposed to be removed with construction of the new deck). The property is adjacent to other residential lots in Benevento and backs up to a creek and land own by the HOA. This area is approximately 60’ wide and contains mature trees and vegetation. The applicant has discussed the Board of Zoning Appeals process with staff to ensure a complete application has been submitted.

Analysis: The applicant is proposing to construct a raised 10’x16’ wooden deck over the existing concrete patio. The proposed deck will be covered and screened. The applicant is proposing screen material to enclose the deck and will not use any other materials for screening purposes. The covered deck framing and supports are proposed to be constructed with materials that match the characteristics of the home and will have a fire place on the end of the deck. This fire place will be located at the center of the deck and will project no more than two additional feet into the setback, increasing the proposed encroachment from 9.6’ to 11.6’. The fireplace will be approximately 13.4’ from the rear property line and 3.4’ of the PUDE. The proposed deck will be covered with a roof system that will complement the existing home. Once roofed over, the proposed structure will be attached to the primary structure and is considered part of the primary structure for building setback purposes. The applicant is proposing electrical to be installed in the structure. The proposed screened deck is 3.4’ from the PUDE and will not encroach or impact the PUDE in any way. The applicant is planning on removing sections of the existing concrete patio that extend beyond the 10’x16’ deck footprint to the north and east. The 4’ bump out (existing fire pit) that encroaches into the PUDE will be removed and no part of the proposed deck or existing concrete patio will encroach into the PUDE. The existing concrete patio to the south of the proposed deck will remain as is. 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.

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 4027 Campania Strada 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 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, when the size of the structure is reasonable, and when the encroachment is limited. With the positioning of the home, which is built almost to the rear building setback line, and layout of the property’s setbacks, no room is available to cover the existing patio.

**Per the applicant:** “The rear property line was angled inward as a result of the location of the creek that extends along the rear property lines. In order to provide the required buffer for the creek, the property had to be shortened and the line extended at an angle. Therefore, the depth/length of our property on the north side is 131 feet and the depth/length of our property on the south side is 133 feet. Absent the creek, our property would have likely been more consistent with the length of other properties within our neighborhood without creek adjacency, and thereby eliminated the need for a variance.”

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 lot is considered a standard lot but the position of the existing house makes it impossible to have the requested covered patio without encroaching into the rear setback. The proposed covered and screened deck with fireplace encroaches approximately 11.6’ into the rear setback and does not encroach or impact the PUDE.

**Per the applicant:** “Not being permitted the use of our property in accordance with what is typically granted to others within the neighborhood and other neighborhoods would create a difficulty for us to enjoy our backyard. We understand that the setbacks are in place to provide building separation but we cannot enjoy the back yard to the fullest extent constrained by the codes in place. Given the constraints likely created by the creek, we have a practical difficulty placed upon us as noted in #1.”

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 rear of the property, which backs up to the rear lot line of other properties. The property is separated from adjacent lots to the rear by a 60’ common area that contains a creek and further buffers the site from adjacent lots with mature vegetation. Staff finds 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:** “By granting us a variance to encroach within the setback up to the drainage easement will not interfere or cause a detriment to the public good. The easement will remain unchanged and no other issues will arise from our construction of an outdoor screened in deck. In addition, the zoning is a single-family residential zone and the property is a single-family home and will continue to be used as a single-family home and will therefore, no have impairment on the intent of the zoning map or code.”

**Recommendation:** If the Board of Zoning Appeals finds the request to be reasonable and compliant with the requirements for a variance, staff recommends that they adopt the findings in this report or others to support the approval. Should the Board of Zoning Appeals approve BZA 853-2020, a building setback variance request for construction of a covered and screened patio, approval should be subject to the conditions below.

**Possible Motion:** Motion to adopt the finding of facts and conclusions of law provided in the staff report and to approve variance BZA 853-2020 to reduce the building setback for a covered and screened deck with fireplace at 4027 Campania Strada with the following conditions.

1. Substantial consistency with the plans submitted and encroachment shown.
2. The covered deck shall not be enclosed with any material other than screening.
3. Subject to homeowner’s association approval as may be required for Benevento.
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.
Minimum Building Setbacks
Front Yard • 30 feet
Rear Yard • 25 feet
Side Yard • 10 feet

Per plat of record

1. This survey was done under the authority of TCA 62-18-126 and is not a survey as defined under 0620-3-07
2. No property corners were set or reset as part of this survey.
3. Bearing are based on plat of record.
4. Contractor to verify all dimensions prior to construction of house.

CAMPANIA STRADA
30' RIGHT OF WAY

LOT 50

LOT 51

LOT 52

LOT 50

LOT 51

LOT 52

CIVIL ENGINEERING SURVEYING PLANNING
2488 Nashville Hwy
COLUMBIA, TN 36401
PHONE 615 380-2320

OWNER: Deats, Jason and Wendy
Benevento Subdivision, Phase 2, Lot 51
Plat Book P46, page 122
Deed Book 4693, page 430
4027 Campania Strada
Spring Hill, TN 37174

CIVIL ENGINEERING SURVEYING PLANNING
2488 Nashville Hwy
COLUMBIA, TN 36401
PHONE 615 380-2320

CLIENT: Deats, Wendy and Jason
4027 Campania Strada
Spring Hill, Tennessee 37174

PROJECT: As Built - Lot 51
Benevento S/D, Lot 51
4027 Campania Strada
Spring Hill, Tennessee 37174

REVISION: DATE:

DRAWN BY: ABO

SCALE: T = 30'

SHEET: 1 OF 1

PROJECT NO: 20558

DATE: 6-25-20

WES ENGINEERS SURVEYORS

PROPOSED COVERED DECK W/ FIREPLACE
## Variance Submittal Checklist

<table>
<thead>
<tr>
<th><strong>APPLICANT MUST READ AND INITIAL EACH BOX TO THE RIGHT</strong></th>
<th><strong>INITIALS</strong></th>
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<tbody>
<tr>
<td>a) Published notice is required. The City of Spring Hill will publish notice in a newspaper of general circulation within the City.</td>
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<tr>
<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. <strong>The 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></td>
</tr>
<tr>
<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></td>
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<tr>
<td>d) A pre-application conference with City staff is recommended, but not mandatory.</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: **DEATS OUTDOOR SCREENED IN DECK**

Variance BOZA checklist
Approval Standards

"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."

The application for a variance should provide the applicant's evidence that the application meets or exceeds the criteria below.

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.

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."

Applicant Name/Project: [Signature]

Variance BOZA checklist
June 10, 2020

City of Spring Hill
Steve Foote, AICP
Planning Director

Mr. Foote:

We are requesting approval to build an outdoor, screened in deck with a permanent canopy or roof and a fireplace. We plan to extend the back patio, as a deck 10 feet. The UDC permits decks to encroach a maximum of “one-half of the required setback” and is not permitted to “exceed the height of the ground floor” (Table 9.1). The deck itself will comply with the UDC requirements, however, we would like to build a permanent canopy/roof over the deck, enclose the area with screening and build a fireplace. Therefore, we are requesting the variance for the enclosure and fireplace. The fireplace will extend two additional feet into the rear yard for a maximum encroachment of 12 feet into the 25 foot setback. We are requesting this variance in order to be able to enjoy our backyard, however our home was built six inches from the setback line leaving no options to be able to screen in a deck for our family. The setback effectively denies us the ability to use a portion of our backyard as a screened in area as so many others in our neighborhood and surrounding neighborhoods are able to have and appreciate. Therefore, we would like a variance to provide us the same or similar options for enjoyment of our property.

This request is consistent with the Spring Hill Rising 2020 plan in a couple ways: 1. Allowing us to utilize our yard and home to the fullest extent feasible will increase the quality of our housing. 2. Allowing us to utilize our property in the manner we hope to achieve is the City investing in the existing housing stock to promote a better quality of life for us as residents.

Furthermore, while we do have a 25 foot rear yard setback requirement per the zoning district, we also have a creek and creek buffer separating our property from our neighbors located behind us. This creek and creek buffer which contains mature vegetation (trees and shrubs) provides even more separation between our properties and our homes than would have existed with just the properties that back up to one another. The creek and creek buffer located within the open space of our neighborhood will remain unchanged and we will not encroach into our 10 foot drainage easement along the rear portion of our property, therefore, even with the encroachment there is adequate spacing between homes and the creek and tree line will continue to provide a buffer beyond what a typical setback would have provided. Therefore, encroachment of the setback on our property will not adversely affect any other neighbors.

Findings of Fact.
1. The rear property line was angled inward as a result of the location of the creek that extends along the rear property lines. In order to provide the required buffer for the creek, the property had to be shortened and the line extended at an angle. Therefore, the depth/length of our property on the north side is 131 feet and the depth/length of our property on the south side is 133 feet. Absent the creek, our property would have likely been more consistent with the length of other properties within our neighborhood without creek adjacency, and thereby eliminated the need for a variance.
2. Not being permitted the use of our property in accordance with what is typically granted to others within the neighborhood and other neighborhoods would create a difficulty for us to enjoy our backyard. We understand that the setbacks are in place to provide building separation but we cannot enjoy the back yard to the fullest extent constrained by the codes in place. Given the
constraints likely created by the creek, we have a practical difficulty placed upon us as noted in #1.

3. By granting us a variance to encroach within the setback up to the drainage easement will not interfere or cause a detriment to the public good. The easement will remain unchanged and no other issues will arise from our construction of an outdoor screened in deck. In addition, the zoning is a single family residential zone and the property is a single family home and will continue to be used as a single family home and will therefore, no have impairment on the intent of the zoning map or code.

Sincerely,

[Signature]

Jason and Wendy Deats
4027 Campania Strada
Spring Hill, TN 37174
615-305-9152