SPRING HILL MUNICIPAL BOARD OF ZONING APPEALS

Terry Cantrell, Chairman  Jim Hagaman
Rob Roten, Vice Chairman  Brandon McCulloch
Hazel Nieves, Alderman

City staff: Planning Director - Steve Foote, AICP & Planning Assistant - Austin Page

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

Agenda
September 17, 2019
5:30 PM

A. CALL TO ORDER

B. ROLL CALL

C. Consider approval of the August 20, 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. OLD BUSINESS

1. BZA 731-2019: Submitted by James Coffee for 2115 Deer Valley Drive. The property is zoned R-2, PUD and contains approximately .16 acres. The applicant requests a variance from the rear setback requirements of the Deerfield PUD to construct an 18’x27’ covered patio, with an enclosed 8’x18’ storage room. Requested by James Coffee.

E. NEW BUSINESS

1. BZA 744-2019: Submitted by Eddie Lopez for 1008 Claymill Drive. The property is zoned R-2, PUD and contains approximately .22 acres. The applicant requests a variance from the rear setback requirements of the Wades Grove PUD to construct a 12’x22’ covered screened porch. Requested my Eddie Lopez.

F. PUBLIC COMMENT

G. ADJOURN
SPRING HILL
MUNICIPAL BOARD OF ZONING APPEALS
REGULAR MEETING MINUTES
TUESDAY AUGUST 20, 2019
5:30 PM

A. CALL TO ORDER

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

B. ROLL CALL

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

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

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

Jim Hagaman made motion to approve the July 16 Meeting Minutes. Motion seconded by Alderman Hazel Nieves. 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 715-2019**: Submitted by John Knott for 1715 Dryden Road. The property is zoned R-2 and contains approximately 0.19 acres. The applicant requests a variance from the rear setback requirements of the R-2 zoning district to construct a 16’x12’ screened patio. Requested by John Knott.

   **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. 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 715-2019 with the four (4) staff conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 4-0.

2. **BZA 730-2019**: Submitted by Fred and Maggie Williams for 1337 Saybrook Crossing. The property is zoned R-2, PUD and contains approximately .21 acres. The applicant requests a variance from the rear setback requirements of the Newport Crossing PUD to construct a 14’x15’ covered and screened porch. Requested my Fred and Maggie Williams.

**Staff Conditions:**
1. The screened porch 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. 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 730-2019 with the four (4) staff conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 4-0.

3. **BZA 731-2019**: Submitted by James Coffee for 2115 Deer Valley Drive. The property is zoned R-2, PUD and contains approximately .16 acres. The applicant requests a variance from the rear setback requirements of the Deerfield PUD to construct a 21’x35’ covered patio, with an enclosed 8’x21’ storage room. Requested by James Coffee.

**Staff Conditions:**
1. The covered patio shall not be enclosed with any material.
2. The storage room siding needs to match the siding of the existing home.
3. The roof shall be covered with shingles that are similar to the existing shingles of the home.
4. Soffit and trim/ accent materials including screen door shall be composed of materials that complement the primary dwelling including similar color(s).
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 deny BZA 731-2019. Motion was not seconded.

Vice Chairman Rob Roten made motion to defer BZA 731-2019 to the September 17, 2019 BOZA meeting. Motion seconded by Alderman Hazel Nieves. Motion passed 4-0.

E. **PUBLIC COMMENT**

*BZA Minutes 8-20-2019*  
*Page 2 / 3*
No public comment

F.  ADJOURN

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

Meeting Adjourned at 6:57 PM.

______________________________
Terry Cantrell, Chairman
TO: Spring Hill Board of Zoning Appeals
FROM: Austin Page, Planning Assistant
Steve Foote, AICP, Planning Director
MEETING: September 17, 2019
SUBJECT: BZA 731-2019 (2115 Deer Valley Drive)

BZA 731-2019: Submitted by James Coffee for 2115 Deer Valley Drive. The property is zoned R-2, PUD and contains approximately .16 acres. The applicant requests a variance from the rear setback requirements of the Deerfield PUD to construct a 18’x27’ covered patio, with an enclosed 8’x18’ storage room. Requested by James Coffee.

Update: This item was deferred at the August 20, 2019 meeting. Since then, the applicant has worked with staff to reduce the size of the requested encroachment. The applicant reduced the width of the proposed covered patio by 8’. The previous plot plan was drawn incorrectly showing a bay window on northern rear of the house. As a result, the size of the patio was shown incorrectly. The updated plot plan correctly shows the layout of the home and dimensions of the patio.

Property Description and History: 2115 Deer Valley Drive is located in the Deerfield subdivision. The subject property is zoned R-2 PUD and all surround properties are also zoned R-2 PUD. The property has a front setback of 30’, side setback of 7.5’ (15’ street side) and a rear setback of 25’. The shape of the rear lot line is slightly angled and home is not aligned with the rear setback line. The northwest corner of the home is approximately 11’ from the rear setback and 36’ from the property line. The southwest corner of the home is approximately 8’ from the rear setback and 33” from the property line. Currently, there is an existing 21’x35’ concrete patio that encroaches roughly 7’ at the northwest corner and 10’ at the southwest corner. The property is adjacent to other residential properties and has a 6’ privacy fence which encloses the yard. The applicant met with planning staff to discuss the Board of Zoning Appeals process and to ensure a complete application submitted.

Request: The applicant desires to cover a portion of the existing 21’x35’ concrete patio with an 18’x27’ patio cover and create an 8’x18’ storage room on the northern part of the patio. The proposed patio cover encroaches roughly 8’6” into the setback at the northwest and 6’6” to the southwest. The proposed covered patio will not extend beyond the existing patio. 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 covered patio is 8’ in height at the connection to the home and angles downward to a height of 7’. The applicant proposes to use a shingled roof and accents that match the current characteristics of the home. The storage room will be 8’x18’, shows two 3’x4’ windows and a single 4’ door. The room will be fully enclosed and be covered in siding and materials that match the current home. The proposed storage room will not increase the encroachment of 6’6”.

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 2115 Deer Valley 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 are 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.

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 existing patio is still quite large and extends on average of 7’6” beyond the rear setback. The proposed covered patio will not extend beyond the existing patio. The updated proposal is more in line with the intentions of the UDC.
Per the applicant: Mr. Coffee wishes to cover their existing concrete pad so that Mr. Coffee can use the space. His medical condition requires that he cannot be in direct sunlight. The yard is fenced and this roof will in no way effect the surround properties.

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. The applicant has reduced the size of the proposed covered patio in response to comments from the Board of Zoning Appeals. The overall encroachment is reduced.

Per the applicant: Mr. Coffee is unable to use this space as of now. Since the small room and roof in no way affect the neighbors and 3 of them have submitted approval of this project, it seems appropriate to grant this request.

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 applicant has presented information supporting the request from adjacent property owners. Staff does not believe that the proposal will have a significant detrimental impact on the public good or surrounding property.

Per the applicant: As stated, this project will all be contained with the confines of an existing fence, simply covering the concrete pad. The exterior will be covered in shingles, siding and vinyl to match the existing house.

Recommendation: If the Board of Zoning Appeals finds that the requested variance is warranted, staff recommends that they adopt the findings of fact found in this report, or other findings, and approve BZA 731-2019, a building setback variance request for construction of a screened patio, subject to consistency with the submitted plans and the following conditions:

1. The covered patio shall not be enclosed with any material.
2. The storage room siding needs to match the siding of the existing home.
3. The roof shall be covered with shingles that are similar to the existing shingles of the home.
4. Soffit and trim/accent materials including screen door shall be composed of materials that complement the primary dwelling including similar color(s).
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.
DEAR ZONING COMMISSION,

MR & MRS COFFE WISH TO COVER THEIR BACK PATIO. SO THAT MR. COFFE CAN USE THIS PART OF HIS PROPERTY. MR. COFFE HAS RECENTLY HAD A TRANSPLANT AND THE SIDE EFFECTS OF HIS MEDICINE FOR THE REST OF HIS LIFE IS THAT HE CANNOT BE IN THE SUN MUCH AT ALL. THE ROOM THAT IS PROPOSED TO BE ADDED IS TO HOLD ITEMS TO BE USED IN THE NEW COVERED AREA. THE PROPOSED COVERED ROOF ONLY COVERS THE EXISTING PATIO CONCRETE PAD. WE HAVE MET WITH NEIGHBORS AND DISCUSSED THIS PROJECT AND NONE HAVE ANY ISSUES. 3 OF THESE NEIGHBORS SIGNED AN AFFIDAVIT STATING SUCH FOR THE HOA. WE APPRECIATE YOUR CONSIDERATION IN THIS MATTER.

Sincerely,

WILLIAM JAMES COFFE
WITH SUPERIOR CARPENTRY
### 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.

<table>
<thead>
<tr>
<th>1</th>
<th>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.</th>
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PLAN NO. 1774 VILLIEN A
BRICK FRONT
LEFT SIDE GARAGE

DEER VALLEY DRIVE

SUPERINTENDENT MUST CHECK ALL DIMENSIONS FROM ANY EXISTING ADJACENT HOUSE TO ENSURE THAT THE MINIMUM REQUIRED DISTANCE IS MAINTAINED FROM EACH EXISTING AND/OR NEW HOUSE(S).

DEERFIELD SUBDIV. LOT # 109
RUTHERFORD COUNTY, TENNESSEE SCALE: 1" = 20'
DATE DRAWN: 9/6/04 DRAWN BY J.A.

GENERAL NOTES:
(A) SUPERINTENDENTS TO VERIFY ALL LOT DATA AS SHOWN WITH RECORDED Plat AND RESTRICTIONS PRIOR TO START OF CONSTRUCTION.
(B) FINISH GRADE 3% SLOPE AWAY FROM HOUSE AT ALL POINTS.

OLE SOUTH PROPERTIES INC.
From behind the home we note shower. The width will be 8' on the right side looking left, 6' on the left side where room now only interfere with the setback. With this modification, we will.
2115 DEER VALLEY DR.
SPRING HILL, TN
37174

SIDE VIEW OF COVERED PORCH

SHINGLED ROOF
LVL OUTER BAND WRAPPED IN VINYL

MATERIALS
1. ROOF WILL BE WRAPPED IN MIRATEC
2. ROOF WILL BE BINGED
3. GUT TO BE WRAPPED IN VINYL TO MATCH HOUSE
4. Room TO BE WRAPPED IN SIDING TO MATCH HOUSE
5. BUTTLEDS AND DOWNSPOUTS WILL MATCH HOUSE

CONCRETE PAD 20'
BZA 744-2019: Submitted by Eddie Lopez for 1008 Claymill Drive. The property is zoned R-2, PUD and contains approximately .22 acres. The applicant requests a variance from the rear setback requirements of the Wades Grove PUD to construct a 12'x22' covered screened porch. Requested my Eddie Lopez.

Property Description and History: 1008 Claymill Drive is located in the Wades Grove subdivision. The subject property is zoned R-2 PUD and all surrounding properties are also zoned R-2 PUD. The property has a front setback of 20', side setback of 5' and a rear setback of 20'. Additionally, the property has a 10' PUDE in the front and rear. Due to this property being a corner lot, the home is angled and does not sit parallel to the setbacks. The southern corner of the home is approximately 2' from the rear setback and 21' from the property line. Currently, there is an elevated 12'x22' deck which was built with the home. The rear setback diagonally crosses the southern corner of the deck resulting in an encroachment of 6'. The property is adjacent to other residential properties and has a 6' privacy fence which encloses the yard. The applicant met with planning staff to discuss the Board of Zoning Appeals process and to ensure a complete application submitted.

Request: The applicant desires to cover and screen the existing 12'x22' deck. The proposed screened porch will not increase the encroachment of 6' or reduce the distance to the property lines. 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 porch is 13' in height at the connection to the home and angles downward to a height of 8'. The applicant proposes to use a shingled 5/12 pitch roof and accents that match the current characteristics of the home.

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 1008 Claymill 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 are 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.

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 and decks, and this has been considered a reasonable request, when the encroachment is limited. The size of the lot and positioning of the home creates a situation where the typical patio cover does not fit on the lot. Only one corner of the proposed screened porch encroaches 6' into the rear setback. Staff finds this encroachment to be minor.

   Per the applicant: The unique placement of the house on the lot causes an irregular shaped rear lot which effects the rear deck/enclosure by a minimal of less than 2 feet.

2. The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties to or exception or place undue hardship upon the owner of such property. The subject property is a pie shaped lot, with side lot lines converging in a point. Such lots typically define the rear yard as a line tangent to the point. Denying a reasonable sized rear patio and cover can create a practical difficulty to a property owner seeking the reasonable use of their property.
Per the applicant: The current code would not allow us to enclose the existing deck and utilize our rear yard to its potential.

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. The encroachment is along a side lot line of adjacent property, reducing any potential impact on neighbors.

Per the applicant: upon completion of the enclosed porch, there will no substantial detriment to the public due to said structure already existing and being only built up an additional 8 feet.

Recommendation: If the Board of Zoning Appeals agrees with staff’s findings and determines that the requested variance is warranted, staff recommends that the Board of Zoning Appeals adopt the findings of fact found in this report and approve BZA 744-2019, 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 porch 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/accents materials including screen door shall be composed of materials that complement the primary dwelling including similar color(s).
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.
Dear Board Members,

My wife and I have hired Patrick Neissen of Neissen Construction, LLC to enclose (screen in) our existing rear wooden deck at our home located at 1008 Claymill Drive in Spring Hill. Said deck is approximately 12’ in width x 22’ in length. Upon applying for the permit, we were informed that we needed to apply for a Variance because the enclosure would cause a code violation in the building setback, rear. From our understanding, the code requires all enclosures to be a minimum of 20’ from the rear setback line and currently one corner (point) of our existing deck is approximately 34’ away while the other corner is approximately 18’-6” from said lot line. Clearly this would violate the code, but because our house sits on a corner lot (baseball field shape) in a unique position we hope for the approval of this Variance. Please feel free to contact us if you have any questions.

Sincerely,

Eddie and Tracy Lopez
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Applicant Name/Project: Eddie Lopez / Screened in Rear Deck

Variance BOZA checklist
FRONT SETBACK = 20'
SIDE SETBACK = 5'
REAR SETBACK = 20'
MIN. BETW. STRUCTURES = 15'

AREA = 9,661 SQ FT

LOT 719 WADE'S GROVE

RECEIVED
AUG 20 2019
CITY OF SPRING HILL
PLANNING DEPARTMENT
Support post 6x6 cedar
- Hand rails 2x6 and 2x4 cedar
- Roof to be framed out of 2x8 pine rafters with ½ OSB plywood
- Roofing will have ice and water barrier with synthetic felt and matching weather wood architectural shingles
- Ceiling to be covered up with bead board look tongue and groove cedar
- Bottom of deck to be wrapped with 1x6 cedar with an access door for accessibility under deck
- Porch will have pool and patio screen installed with screen tight system base and cap
- 6 Inch gutter with downspout along front of porch
- Electrical will be installed to code and inspected before frame and final inspection.
  - 2 Fans with light fixtures attached
  - 1 light/fan switch
  - 2 to 3 outlets located in interior space
  - 1 electrical outlet at ground level on exterior of porch per code
1008 Clay Mill Drue Lopez Residence

12x24 roof added over deck
Screened in

12x24 roof shingled to match house
5/12 pitch

Front View