Based upon the ongoing COVID-19 pandemic and Executive Order #60 issued by Governor Lee, the Spring Hill Board of Zoning Appeals has made the determination that conducting the meeting by electronic means is necessary to protect the public health, safety, and welfare of Tennesseans and the citizens of Spring Hill. Therefore, "I [Terry Cantrell] make a motion to conduct the meeting by electronic means based upon the determination that doing so is necessary to protect the public health, safety, and welfare of Tennesseans and citizens of Spring Hill in consideration of the COVID-19 pandemic."

If you have any questions, comments or concerns regarding the agenda item(s) below or any other issue, please submit them to BOZAPublicComment@springhilltn.org no later than 12:00 PM on Tuesday September 22, 2020.

A. CALL TO ORDER

B. ROLL CALL

C. CONSIDER APPROVAL OF THE AUGUST 18, 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.

This meeting is being held electronically per Governor Lee’s Executive Order #16 and #51. The opportunity for public comment has been provided through email at BOZAPublicComment@springhilltn.org and links to this meeting. Emailed comments will be entered into the record for this meeting during the Public Hearing.

E. OLD BUSINESS

1. **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. This application was approved June 16, 2020. Due to deficiency in the required published notice for this application, staff has re-published the required legal notice for his request and is bringing the request back to the Board of Zoning Appeals for the purpose of ratifying the June 16, 2020 decision.
2. **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. Due to deficiency in the required published notice for this application, staff has re-published the required legal notice for his request and is bringing the request back to the Board of Zoning Appeals for the purpose of ratifying the June 16, 2020 decision.

F. **NEW BUSINESS**

1. **BZA 874-2020**: Submitted by John Primm for 301 Murphy Circle. The property is located in the Jackson Jones Subdivision, zoned R-1 contains approximately .364 acres. The applicant requests a variance from the requirements of the UDC to allow a 6’ high fence to extend within 5’ of the front of the house and into the front yard. Requested by John Primm.

2. **BZA 875-2020**: Submitted by Jesse and JoAnn Long for 2008 Sunflower Drive. The property is located in the Hampton Springs Subdivision, zoned R-2, PUD and contains approximately .163 acres. The applicant requests a variance from the rear setback requirements of the UDC to permit a covered screened deck. Requested by Jesse & JoAnn Long.

3. **BZA 876-2020**: Submitted by Michael Logozar for 145 Carr Drive. The property is located at the Plantation Subdivision, zoned R-1 and contains approximately 4.08 acres. The applicant is requesting four variances all related to the location of and use of the existing barn on the property. Requested by Michael Logozar.

G. **OTHER BUSINESS**

H. **PUBLIC COMMENT**

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

Chairman Terry Cantrell called the meeting to order at 5:40 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, Associate Planner - Austin Page and City Attorney – Patrick Carter.

C. Consider approval of the July 21, 2020 Board of Zoning Appeals meeting minutes.

Jim Hagaman made a motion to approve the July 21, 2020 Meeting Minutes. Motion seconded by Alderman Hazel Nieves. Motion to approve passed 5-0.

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.

This meeting is being held electronically per Governor Lee’s Executive Order #16 and #51. The opportunity for public comment has been provided through email at BOZAPublicComment@springhilltn.org and links to this meeting. Emailed comments will be entered into the record for this meeting during the Public Hearing.

E. OLD BUSINESS

F. NEW BUSINESS

1. BZA 866-2020: Submitted by Patio Plus for 3003 Dogwood Trail. The property is located in the Laurels at Town Center subdivision zoned R-2 PUD contains approximately .149 acres. The applicant requests a variance from the rear setback requirements of the UDC to cover and screen an existing deck. Requested by Robert Easley.

Staff recommended conditions of approval:

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 the Laurels at Town Center.
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.

Planning Director Steve Foote stated that no emailed public comment was received for this variance application.

Jim Hagaman made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 866-2020 with four (4) staff associated conditions of approval listed above. Motion seconded by Alderman Hazel Nieves. Motion to approve passed 5-0.

2. **BZA 867-2020**: Submitted by Jeremy & Erika Hasford for 1056 Harvey Springs Drive. The property is located in the Willowvale at Harvey Springs subdivision, zoned R-2 and contains approximately .344 acres. The applicant requests a variance from the rear setback requirements of the UDC to construct a covered screened deck. Requested by Jeremy & Erika Hasford.

**Staff recommended conditions of approval:**

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 Willowvale at Harvey Springs.
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.

Planning Director Steve Foote stated that no emailed public comment was received for this variance application.

Alderman Hazel Nieves made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 867-2020 with four (4) staff associated conditions of approval listed above. Motion seconded by Jim Hagaman. Motion to approve passed 5-0.

3. **BZA 834-2020**: Submitted by James Whitlock for the development known as Great White Express Car Wash. The property is located at the southwest 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. Site plan approval through the Spring Hill Planning Commission shall be required prior to expiration of this special use.
2. Development shall be reasonably consistent with the site plan submitted to the BOZA, subject to changes and conditions imposed by the Planning Commission.

Associate Planner Austin Page stated that 43 emailed public comments were received for this special use application. All received public comments were read during the public hearing and are provided as a record in these minutes.

Additional public comment was provided during the public hearing from the following individuals:

2. Jamie Gillespie, a client of Mr. Henry, provided input regarding the need for a traffic study.
3. Doug Sloan, an attorney representing the applicant spoke in support of BZA 834-2020.
4. Amy Burch, a traffic engineer hired by the applicant provided input regarding traffic engineering and support for BZA 834-2020.

Alderman Hazel Nieves thanked staff for all their work and for all of the information they have provided. Alderman Nieves also thanked the guests for providing additional information and the citizens who took the time to write and make their voice heard. Alderman Nieves referenced the Comprehensive Plan and that this particular area has more desired uses according to the Plan. She expressed her concerns with the five criteria for a special, especially items two and three. Her major concerns were but not limited to infrastructure and traffic. Additional concerns can be viewed in the video recording on the City web page. Alderman Nieves stated that this proposed use does not meet all of the requirements for a special use to be approved.

Jim Hagaman thanked everybody on both sides who have spent time on this application and the citizens for providing input. Last time around, Jim Hagaman voted to deny this special use application and that this use causes additional traffic concerns and he will vote to deny.

Brandon McCulloch asked if the Board approves this application and then goes to the Planning Commission, will they look at the issues brought up tonight and deal with them?

City Attorney Patrick Carter stated that the Planning Commission would serve their normal purpose and would evaluate the site plan and likely address traffic amongst other issues. The Planning Commission is able to deny the site plan request, even if the special use is approved.

Brandon McCulloch asked if the Planning Commission would look at traffic issues like they would any other application and would the public not still have the opportunity to provide comments during public meetings like work sessions?

Steve Foote mentioned how the City is only having virtual meetings and that site plan applications do not have public notice requirements. That being said, staff receives public comments for site plan applications quite frequently. There are opportunities to provide comment during meetings but there is no public hearing notice that is mailed out. The Planning Commission does often times require a traffic impact study. There are also times were staff asks for it. Do you get the traffic study now or do you entrust the Planning Commission to review the Planning Commission.
Brandon McCulloch asked, based on your role and our role... what is our job tonight? To review the five facts and review the five facts for a special use?

Planning Director Steve Foote responded by saying your role tonight is to decide whether or not the special use should be approved. There are five findings in the section of the UDC that the Board is required to take a look at and decide whether or not the special use meets those criteria. You are able to add conditions to the approval if necessary.

Jim Hagaman wanted to clarify that his decision to vote to deny isn’t against the car wash. He’s against any business moving onto this site because of the infrastructure issue.

Vice Chairman Rob Roten stated that everyone is aware that he voted to support this decision back in June based on its compliance with the Comprehensive Plan. He based that decision on the five findings and staff’s conclusions. He has not heard anything tonight that will change his mind and will continue to support this special use.

Jim Hagaman made a motion to not adopt the findings of facts and conclusions of law found in this staff report and deny special use application BZA 834-2020 based on the conclusion that the proposal is not consistent with the Spring Hill Rising Comprehensive Plan. Motion seconded by Alderman Hazel Nieves. Motion to deny failed 2-3 with Chairman Terry Cantrell, Vice Chairman Rob Roten and Brandon McCulloch dissenting.

Vice Chairman Rob Roten made a motion to adopt the findings of facts and conclusions of law found in the staff report and approve special use application BZA 834-2020 with two (2) staff associated conditions of approval. Motion seconded by Brandon McCulloch. Motion to approved passed 3-2 with Alderman Hazel Nieves and Jim Hagaman dissenting.

G. OTHER BUSINESS

No Other Business

H. PUBLIC COMMENT

No additional Public Comment

I. ADJOURN

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

Meeting Adjourned at 8:57 PM.

Terry Cantrell, Chairman
From: April Goad
To: Steve Foote; Austin Page
Subject: FW: Please... VOTE TO DENY Belshire Village “Special Use”
Date: Monday, August 10, 2020 8:23:50 AM
Attachments: image001.png

BOZA Public Comment

From: steven stevenblanton.com <steven@stevenblanton.com>
Sent: Saturday, August 8, 2020 6:04 PM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Cc: terry_cantrell@netzero.com; Hazel Nieves <hnieves@springhilltn.org>; Jim Hagaman <jhagaman@springhilltn.org>; Rob Roten <rroten@springhilltn.org>; Brandon McCulloch <bmcculloch@springhilltn.org>
Subject: [External] Please... VOTE TO DENY Belshire Village "Special Use"

**External Email**

To the BOZA with Respect,

An overwhelming number of Spring Hill citizens have already emailed, asking that the BOZA DENY “Special Use” zoning seeking to add a second car wash in Belshire Village Drive area. Yet incredibly, Terry Cantrell, Rob Roten and Brandon McCulloch voted to approve the car wash, tipping the vote for “APPROVED”. I’d like to thank Hazel Nieves and Jim Hagaman for listening to the will of the voters on this matter and voting to “DENY” this special use.

- As a resident of the Belshire community for 5 years, I am not in favor of a second car wash in my community. I want to see the existing car wash thrive, and have no reason to want another one within 200-300 ft.
- Secondly, there is an enormous amount of traffic already trying to navigate that section that is dangerous to every driver traversing that thoroughfare. Did anyone do due diligence with a traffic study?
- Thirdly, are we supposed to be “planning” how Spring Hill develops on the remaining lots and property available for lease and purchase. We already have tires shops, parts stores, mechanics, mattress stores, gas stations and the like (all welcome in the proper location), lining the main road passing through our fair town. I would like to suggest that we be more intentional in placing car washes and avoid lining them up in a row.

I appeal to your sense of responsibility to please hear us when we say, “we do not want this “Special Use” to be approved”. Vote to DENY.

Kind Regards,
BOZA Public Comment

From: steven@stevenblanton.com <steven@stevenblanton.com>
Sent: Saturday, August 8, 2020 6:04 PM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Cc: terry_cantrell@netzero.com; Hazel Nieves <hnieves@springhilltn.org>; Jim Hagaman <jhagaman@springhilltn.org>; Rob Roten <rroten@springhilltn.org>; Brandon McCulloch <bmcculloch@springhilltn.org>
Subject: [External] Please... VOTE TO DENY Belshire Village "Special Use"

**External Email**

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An overwhelming number of Spring Hill citizens have already emailed, asking that the BOZA DENY “Special Use” zoning seeking to add a second car wash in Belshire Village Drive area. Yet incredibly, Terry Cantrell, Rob Roten and Brandon McCulloch voted to approve the car wash, tipping the vote for “APPROVED”. I’d like to thank Hazel Nieves and Jim Hagaman for listening to the will of the voters on this matter and voting to “DENY” this special use.

- As a resident of the Belshire community for 5 years, I am not in favor of a second car wash in my community. I want to see the existing car wash thrive, and have no reason to want another one within 200-300 ft.
- Secondly, there is an enormous amount of traffic already trying to navigate that section that is dangerous to every driver traversing that thoroughfare. Did anyone do due diligence with a traffic study?
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I appeal to your sense of responsibility to please hear us when we say, “we do not want this “Special Use” to be approved”. Vote to DENY.

Kind Regards,
-----Original Message-----
From: Emily Kavin <ekavin@gmail.com>
Sent: Saturday, August 8, 2020 8:47 PM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Cc: Aaron Housel <tnhouse1@gmail.com>
Subject: [External] Proposed Bellshire Village Carwash

**External Email**

It is my understanding that the special zoning request regarding the proposed car wash in Bellshire Village was passed with a 3/2 vote. Due to inappropriate procedures, I am thankful to once again have the opportunity to share my thoughts of opposition to this project. Please see the email I sent previously on the subject copied below. In no way is a second car wash in an already crowded intersection a positive idea. There are definitely better uses that could be made of the land that serves as a gateway to several neighborhoods in the area.
Thank you.
Concerned Autumn Ridge Resident
Emily Housel
**********

Hello-
I received a notice in the mail regarding the possibility of an additional car wash being added to the Bellshire Village area by Lowe’s. As a resident of nearby Autumn Ridge subdivision, I am strongly opposed to this idea. There is already a car wash in the area (Sudsey’s) and on any given day it causes traffic to back up. The area and intersection are already crowded enough. I understand the need to have something on the commercial space but feel something else could be much better suited. Perhaps a middle/higher end restaurant with ample parking. Something along the lines of a J. Alexander maybe. With a captive audience of multiple neighborhoods within walking distance I think it would suit the area much better. Regardless of whether or not the area is used for a restaurant, bottom line, we do not need another car wash in that area. I hope that you will please keep in mind the concerns if myself as well as those of my fellow area residents.
Thank you.
Emily Housel

Sent from my iPhone

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This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus
BOZA Public Comment

-----Original Message-----
From: Meghan Cleckler <meghan.cleckler@gmail.com>
Sent: Saturday, August 8, 2020 9:03 PM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Subject: [External] Belshire village car wash

**External Email**

Good evening,

I am writing in regards to the proposed new car wash in Belshire Village. I live in the Belshire subdivision and am concerned with the traffic congestion for starters. I already have a hard time getting through the stop sign and light in that area, specifically to get my kids to and from school. I would really hate to see that problem exacerbated. Additionally, I’m concerned with the safety hazard additional traffic and backup would pose for my family.

Finally, why in the world do we need another car wash, especially in this location? We have several new car washes in Spring Hill, including one probably less than 100 feet away. What a waste of real estate it would be to put another car wash here.

In summary, I am strongly opposed to the proposed car wash in Belshire Village. I’d much rather see something we don’t have already that families can enjoy. (Please no storage facilities).

Thank you,

Meghan Cleckler

Sent from my iPhone

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https://www.avast.com/antivirus
BOZA Public Comment

From: WT Hughes <rexman06h@att.net>
Sent: Saturday, August 8, 2020 10:24 PM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Subject: [External] Special use vote no affecting Belshire neighborhood. Car wash

**External Email**

Vote no

Sent from AT&T Yahoo Mail on Android

This email has been checked for viruses by Avast antivirus software.
www.avast.com
BOZA Public Comment

-----Original Message-----
From: darin stairs <darwen33@yahoo.com>
Sent: Saturday, August 8, 2020 11:09 PM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Subject: [External] Car wash on Belshire Way

**External Email**

To Whom this May Concern,

I live in Belshire and have seen the increase in traffic over the years. It has become so bad due to so many drivers already using our subdivision and the surrounding roads as byways due to the increasing traffic on Main Street. I believe another car wash so close to the existing Study’s will only cause more problems. There are two more car washes already in existence in Spring Hill and if this one gets approved would make 4. The traffic on some days is already the most patience person’s nightmare. Please reconsider on approving this plan. This town needs a craft store or a sports store or even more family friendly restaurants but definitely not another car wash, pizza place, car repair or definitely no more storage places. This town has so much potential and I have watched it make so many bad decisions that have affected the traffic.

Sincerely,
Wendy Stairs

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This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus
Dear Spring Hill BOZA Board Members,

Thank you in advance for reading this email.

I would like to add my voice in hopes that not only my voice is heard but also that my concerns are considered as you prepare to vote for again “special use” for another car wash on the land on Belshire Way at Belshire Village. I am a resident of Belshire, and I live on Cantwell Pl near the entrance of our neighborhood. We have been Spring Hill residents since 2015, and specifically chose this community for its convenience to area businesses but also because of the neighborhood and people that surround us.

I was very concerned to hear, after I had voiced my concerns previously to this same Board, that the Board voted to allow special use for a car wash within a short stone’s throw of another one. In the past five years, we have watched the main thoroughfare of Spring Hill become populated with three tire shops, automotive supply stores and fast food restaurants. All of these businesses are fine and it is nice to have several choices, but I am concerned about three things: child safety, the impact on property value and the attraction to Spring Hill as a “city of choice.”

Having another car wash at the entrance to our neighborhood where Belshire Way is already a pass-through, alternative route to avoid traffic on 31, is concerning. This entire neighborhood is full of very young children. Speed limits are not obeyed and having more traffic, more congestion, which is what another car wash will attract, is something I, nor any of the residents I know desire. I am deeply concerned about the welfare of the children who should be able to play outside and ride their bikes on the sidewalk. But children are children and we risk their lives if traffic continues to build. Also, if Belshire becomes known as a congested neighborhood, our property values will be adversely impacted in the future without doubt. How many car washes do we actually need in a city this size?
And, why, if we need them, would you consider putting them nearly adjacent to each other?

As Spring Hill has grown, it has been my hope that eventually, businesses would be attracted here (larger, dine-in restaurants, retail shopping, etc) so that people would prefer to spend locally. I prefer to support the businesses in my own area. And much of the spending I do is outside Spring Hill because we don’t have enough options. I patronize locally when I can, but I can only support one car wash—particularly if they are side by side. Small business owners or even larger franchises will likely hesitate to come to Spring Hill when they see that zoning doesn’t protect them when a major competitor with the exact business can open next to them. You may not think people notice these things when they are considering where to relocate, but they do. Consider Brentwood and Franklin and notice their business mixes. They have strict zoning laws for a reason. People know this and both those areas are highly sought after with well-above average property values. We already have enough abandoned buildings where businesses couldn’t make it. There’s a reason for that.

There is a way to keep Spring Hill a wonderful community where families will want to move to and make it their home. But how this Board handles planning and zoning is not just about immediate revenue for the city—it is about what Spring Hill will become in ten years. And you have the responsibility to plan for our bright future. I ask you to vote to DENY special use for another car wash on Belshire Way when you revisit this extremely important decision.

Thank you very much for your work for our city and the opportunity to hear from the people who live here and pay taxes.

Kindest regards,

Kathy H. Blanton

Kathy H. Blanton, CMF | Managing Partner | Regency Group
cell: 615-479-1447 | kathyblanton@regencycareers.com

This email has been checked for viruses by Avast antivirus software.

www.avast.com
BOZA Public Comment

-----Original Message-----
From: Craig and Julie Wills <cjwills57@outlook.com>
Sent: Sunday, August 9, 2020 5:08 PM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Subject: [External] Proposed Car Wash - Intersection of Belshire Village Drive and Belshire Way

**External Email**

Dear BOZA Chair and Members,

We were shocked and dismayed to hear yesterday that the Spring Hill BOZA voted in favor on June 16 to allow a new car wash to be built at the intersection of Belshire Village Drive and Belshire Way. The 3 – 2 vote in favor came in spite of the fact that there is already an established car wash within 250 feet of the planned site and that the BOZA received 84 out of 92 emails from concerned citizens, like ourselves, opposing the construction plan due to traffic and safety concerns. We fear this is another example of bureaucrats believing they know better what is right rather than listening to the people they serve. It is unjustified to vote in favor of something where 91% of the respondents to the question stated opposition. We already have severe traffic issues within Spring Hill, due to poor planning, that will take decades to rectify. There is no justification, especially in this particular set of circumstances, to add to that problem. As residents of Belshire, we like many of our neighbors already struggle to get past that intersection almost any time of day. We are opposed and sincerely request that this special use request be denied when it returns for re-vote on August 18th.

Sincerely,

Craig and Julie Wills

1084 Cantwell Place

Spring Hill, TN 37174

<https://www.avast.com/antivirus>  This email has been checked for viruses by Avast antivirus software.
BOZA Public Comment

From: Anderson Andy <Glenn.Anderson@hcahealthcare.com>
Sent: Sunday, August 9, 2020 8:15 AM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Subject: Proposed car wash @Belshire Way

To whom it may concern: Let it be known that I’m opposed to have a new car wash business at Bellshire intersection. It would be a safety concern for increased traffic and does not make sense to put two businesses, of like kind, in such close proximity. Thanks

Get Outlook for iOS
BOZA Public Comment

-----Original Message-----
From: revgolson@aol.com <revgolson@aol.com>
Sent: Sunday, August 9, 2020 8:24 AM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Subject: [External] Opposition to Car Wash Proposal

**External Email**

I wish to express my disapproval for a new high-traffic, high-volume car wash to be built directly at the already stressed Belshire Village Drive and Belshire Way main intersection.

In addition to concerns with already existing traffic concerns and congestion, having two high-traffic, high-volume car washes just 250 feet apart in the very same single development accessing the very same busy intersection is insane! It is tacky and shows poor planning for the character and personality of our community. It impacts property values and quality of life as the gateway to our neighborhood. Additionally, I think it disrespectful of the investment and continued commitment that our existing car wash has made to this community. I am opposed to construction.

Rev. Dr. William T. Golson, Jr.
(303) 918-5664
**External Email**

Gentleman,

I live in Belshire on Cantwell Place and am **against** the building of another car wash at the intersection of Belshire Way and Belshire Village Drive. When the existing car wash is very busy, the traffic gets backed up into the intersection and it becomes dangerous to drive past the car wash or through that intersection.

There is also, a car wash over near Port Royal. We do not need a third car wash in Spring Hill.

Nancy and Everett Miller  
1076 Cantwell Place
Eighty-four of ninety-two emails opposing the special use proposal at Belshire Village Drive and Belshire Way is not enough proof that the residents of that area do NOT want another car wash built there?? The Planning Commission's concerns about safety and visibility in that area is not enough to vote DOWN the proposed special use at Belshire Village Drive and Belshire Way?? This area's lack of infrastructure and safety is not enough to vote NO to such a proposal??

Let me be clear once again as I was one of the eight-four emails originally voicing my concern and displeasure with this proposal. We do NOT need an additional car wash anywhere in Spring Hill and certainly do NOT need another one less than 300 feet from Sudsy's and at the entrance to our Belshire neighborhood. This shows an absence of planning, a deficiency of business diversity, a disregard for public safety, and lack of concern about this area's property values.

To those who voted to approve this special use, Cantrell, Roten, and McCulloch, I implore you to reconsider your vote. I beseech you to listen to those who live in this area, consider our objections, and creatively consider other options for this area. Please vote NO the the special use at Belshire Village Drive and Belshire Way.

Respectfully submitted,

Myna Sowell
Belshire resident
Hello,

I am a resident in the Belshire subdivision and I urge you to NOT put another car wash near our community. We already have one and if there is another car wash it will look tacky and as if the city council didn't do their jobs in planning a better community. One would ultimately fail bringing an empty, unused eye-sore to our community. The fact that I am writing this email twice is appalling. Please service our community better and bring businesses that would help our community thrive and not just fill up empty land with businesses that your citizens so clearly do not want here.

Thank you,
Natasha Colkmire
3011 Everleigh Place
423-602-1378
BOZA Public Comment

From: Mezzatesta <mezztn@gmail.com>
Sent: Monday, August 10, 2020 12:58 PM
To: bozapubliccomment <bozapubliccomment@springhilltn.org>
Subject: [External] Vote to Deny new car wash near Belshire

**External Email**

We do not need another car wash that will have cars backed up in the street that is just yards away from Sudsy's that already has that problem. The cars at the light on Belshire at 31 get backed up enough because it only lets 3-4 cars go through at a time. Then we have backed up cars on top of that going into Sudsy's then possibly another car wash. This will create safety issues (i.e., more wrecks) in this area. We have enough car washes in this area. We need more nice sit down restaurants with healthy food (not fast food) in the place where the new car wash wants to go.

Thanks,
Janet Mezzatesta
Autumn Ridge

This email has been checked for viruses by Avast antivirus software.
www.avast.com
Hello,

On June 16th the Spring Hill Board of Zoning and Appeals met and voted on an agenda item to approve or deny a “special use” that would be required in order for a new high-traffic, high-volume car wash to be built directly at the already stressed Belshire Village Drive and Belshire Way main intersection.

Please do not move forward with this planning. There is no short- or long-term benefit for the community to have 2 car washes in such close proximity. It would make more sense to ensure as much diversity in commercial offerings as possible to help ensure the greatest amount of resident dollars can remain local. The expectation is that you leverage your authority for visionary planning and not simply accept the first offers that come along.

I trust that as our representatives you will respond in the best interest of the Spring Hill populace.

Kindly,

Gregory and Maeda Solomon
3009 Everleigh Pl.
(615) 856-4446/4510

This email has been checked for viruses by Avast antivirus software.
www.avast.com
**External Email**

I am writing to express my concern about a duplicate car wash going in at an already congested intersection at Belshire Way. I live in Belshire and see no reason for putting another car wash right where we already have one. There are so many other businesses that could use that space without being so redundant. Please reconsider such an obviously bad plan for that land.

Thank you for your consideration,

Kathy Lineberger
Cantwell resident

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**External Email**

It just came to my attention that your board has voted on a car wash being built 250 feet from the existing car wash in Belshire Village. I live on Cantwell Place and use the intersection at Belshire way and Hwy. 31 constantly. There is too much traffic now and you are wanting to add to it???. Who thinks 2 car washes 250 feet apart is a good idea?
Please consider the people who live in Spring Hill that you represent, and vote this project down. PLEASE !!!
Brenda Lineberger

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I'm once again emailing on this issue that I have learned will be brought back up to vote on for a special use approval. I'm asking that my voice be seriously considered in this re-vote as it will affect the traffic congestion and safety of us, the residents, in the area.

Such a permit for a car wash to be built at Belshire Way and Belshire Village Drive is not in the best interest of the community. As a homeowner in the Belshire subdivision, I don't think a car wash is a good idea in that area. We already have a lot of traffic congestion coming out of our subdivision there and another car wash is so close - just one lot over! The current car wash line already ends up extending onto Belshire Village Drive and makes getting around that area hard. We don't want another car wash with another car line causing traffic issues. I am not against new business in that area but please vote to DENY this special use approval to stop the car wash so another business (one that would have a parking lot and wouldn't cause a lot more traffic congestion near our neighborhood) could take that spot.

Thank you,
Christi Posey
Hello,

As a neighborhood resident I wanted to express concern over a 2nd car wash being located at Belshire Way & Belshire Village. That particular stop light already has traffic delays trying to enter highway 31. In my opinion this would only perpetuate those issues. Also, not thrilled with another car wash when Spring Hill could use so much more. I do hope to see a push for more locally owned business to being given first priority.

Thanks for your consideration.
**External Email**

The Murphy’s at 4067 Miles Johnson Pkwy 37164 strongly oppose the proposed car wash on Belshire. The planning commission should solicit input as to the types of development sought in specific quadrants if the community as there would be differences. Thanks.

Sent from my iPhone

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Board members:

I am a resident of Spring Hill, transplanted from Ohio 12 years ago. We built the second house in Belshire off Everleigh Place, so we have certainly been a witness to the changes in Spring Hill and this immediate area. I am adamantly opposed to the notion of building another car wash on the property across from Lowes primarily due to traffic and safety concerns. We already have traffic building up back there with the existing businesses and even with the existing car wash that would be some 200 feet away, which is my second concern. Please explain the logic of putting a second car wash in this area. What a total slap in the face to the current one. Can you imagine being the owner of this one, full knowing that it is highly unlikely that both would survive? What disrespectful planning. Also, a brand new car wash was just built 2 miles away at The Crossings and we have a fairly new one off Port Royal.

Of all the wonderful business ideas out there, why another car wash? We have even gone over kill just a bit when it comes to new storage places in Spring Hill, don’t you think? As a resident that is heavily invested in Belshire, I fully expect this board to make the right and responsible decision on this matter. Please do not disappoint the many residents that you know feel the same way. Let’s practice good old fashion common sense and plan accordingly.

Regards,
Keith Randall

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I live at 5008 Pinhill Pass in Belshire neighborhood. First of all, thank you for the opportunity to voice my opinion on this matter. My opinion is that placing a second car wash on that lot is way too close to Sudsy’s business. One of these will not be able to survive and probably close, leaving a huge eye sore in the entrance to our neighborhood. But probably the biggest reason not to place another car wash on that land is because this brings unwanted extra traffic at an already overwhelmed traffic light. I commute to take my son to school in Nashville and increasing traffic at that entrance will cause us even more time waiting to get on the road. I would be in favor of a coffee shop, hair salon, or dry cleaners in that location instead. I strongly oppose a car wash on that land. Please consider how this will decrease the beauty of our entrance as well. I seriously oppose a car wash on that land. Thanks for your consideration of my thoughts. May God bless you in your decision.

Sincerely,
Eve Hertenstein
Sent from my iPhone

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**External Email**

Good morning BOZA,

While I certainly am for business competition to improve the goods and services of the area, I would respectfully request you to not allow another carwash in to the Belshire area.

Being so near to a residential area, you must take in to account the potential traffic issues this car wash would potentially cause the neighborhood I live in. We have more than enough "cut through" traffic coming through Belshire. Given the Covid-19 pandemic and increased virtual schooling, the concern on increased "cut through" traffic is for the number of children that are out in the streets and on our sidewalks. One of the reasons we chose to relocate to Spring Hill and specifically Belshire was that it was a little removed from Main Street. In the 4 years that we have lived here, my family has watched car traffic and larger work truck traffic (not allowed through the neighborhood) increase and run at much higher speeds than the posted limit. This is despite the radar sign being added and occasionally having the SHPD place officers monitoring speeding from the side streets. Adding a business that would potentially add more moving cars to the area is not a good idea and let’s be honest, we the people of Spring Hill have plenty of choices on car washes.

In addition, please keep Spring Hill’s natural beauty intact whenever possible! Make plans to extend our parks and natural recreational areas. Designate land to add more multi-use baseball/softball fields. Spring Hill’s mix of amenities and rolling hills, green grassy fields, and parks were another reason we settled here. Just a thought!

Thank you for your time BOZA,

D.J.

D.J. Bowers  
5004 Belshire Pl  
Spring Hill, TN 37174

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**External Email**

To Whom it May Concern:

As a tax-paying resident that utilizes Belshire Way every day, I strongly urge you to deny this special request for a car wash less than a football field away from another car wash. It would create additional traffic, being unsightly, and further reduce property values in an already poorly-planned town. Sudsy’s contributes to local schools and charities as well; this is an absurd way to use this plot of land.

Sincerely,
Brooke and Peter Clark
1028 Alpaca Drive
Spring Hill, TN 37174
Anyone that drives the posted speed limit on Belshire Way towards Main St already runs the risk of hitting a vehicle exiting Lowes AS WELL AS vehicles that think that there is a 4-way stop at the intersection of Belshire Way and Belshire Village Dr.

Typically, on the weekends, the line of vehicles waiting for the light at Belshire Way and Main are lined up past the intersection of Belshire Way and Belshire Village Dr. and another line of cars going into a car wash is not needed.

I also believe the placement of a car wash just a stones throw from an existing car wash is a train wreck waiting to happen, with one dead in the bushes on the side of the road. This shouldn't be allowed to happen and can easily be stopped.

James and Debbie Whitlock seem like very responsible and knowledgable business individuals, however the property they are wanting for their next location is not worthy of a Special Use consideration or approval. They simply need to pick another site.

Please DENY the special use request from the Whitlocks.

Thanks,

Kenneth Garrett
Good morning BOZA Members,
My name is William Sanford my address is 1071 Cantwell Place. I feel that another carwash in this area will negatively affect our subdivision. The existing carwash will at times will back up traffic from their entranced to Belshire Way to the south and to Bess Blvd. on the north. With the existing neighborhoods using Belshire Way to get to Main St. (US31) traffic will back up from US31 past Bellshire Village Dr. I feel that the addition of a carwash at this time will drastically increase the amount of vehicle traffic in this area and congestion at this location. I do not want to stand in the way of progress but this is just not a good location for a second carwash. I feel this area would be best suited for a business that serves the local residents may be a drycleaner, medical office, restaurant, barber / beauty shop, etc. With the growing traffic on US31 many travelers will start cutting through Belshire to get to Lowe’s and Walmart. This will increase the chances for children and walkers to be hit by speeding motorist. Please do not allow this new carwash to affect our quality of life in our subdivision
William Sanford
1071 Cantwell Place
Spring Hill, TN 37174

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**External Email**

I would like to voice my formal opposition to adding another car wash to the belshire shopping area where Lowe's and sudsy's are located. I don't have an issue with another car wash in Spring Hill, however I do not feel that is a proper location.

First, the roadway simply cannot support that, especially the exit leading out onto 31 between Kentucky Fried Chicken and the bank. Second, I do not understand why Great White wants another location less than 2 and 1/2 miles from their current location. What I can say is putting one in the middle of an already congested area so close to their other location doesn't make sense.

I'm happy to have a local business in town, but just not there. I respectfully request that you deny the special use permit for their location unless they plan on paying for the widening of the Road near the bank in KFC so that there is a longer left turn lane to allow for the increased traffic. I already sit through that light two or three cycles which will only be made worse.

Thank you,
Bethany Vriesman
1002 Gadwall Ln, Spring Hill, TN 37174
615 932 0333

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To Whom it May Concern;

I’m writing this to express my concern as a Belshire resident regarding another car wash near our Belshire entrance. The concern is the higher volume of traffic that it will create along with Lowe’s and the other business in the area. In addition, many people now use Belshire way as a “short cut” or “go around” to by pass any traffic on Main Street. I speak as a previous owner of a car wash and do know that they can create a high volume of traffic, trash, etc. I am having a difficult time understanding why you would allow another car was so close to the one that is already there. Apparently there is no consideration for the other car wash that is currently there. There are car washes throughout the city now that apparently can service the city.

What is needed badly (and I speak as a former Traffic Safety Officer, Builder and Developer) is more and better roads, not more people (apartments, single family, etc.) until the infrastructure is put in place to handle the volume. The roads and thoroughfares in the city are definitely behind schedule as it is and were that way in 2002 when I moved here. The roads now are over capacity and I don’t need to spend money on a traffic survey to figure that out. Someone needs to collaborate with the State to get traffic in and out of the city on Main St. in a reasonable manner and look for other ways to move traffic efficiently. Let me put it this way; If we had more flooding in the City, I’m sure there would be a study on finding more ways to improve getting the flow of water out of the City. The same needs to be done to get the flow of traffic in/out as well.

If you are counting neighborhood votes, then I vote that you do not approve the special use permit for the car wash.

Respectfully,

Michael (Mike) Cohee
4002 Pendleton Drive
Cell: 615-870-8771
**External Email**

As a resident in Autumn Ridge, I am against building car wash in the Belshire area in front of Lowe’s. With 20 or so businesses that use that small intersection, the last thing we need is a car wash generating more car traffic. I urge you and the board to vote against approving this business permit/license. Thank you.
Carol Ratlief
8030 Puddleduck
Spring Hill

Sent from my iPhone

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Despite the Board of Zoning and Appeals receiving 84 emails from engaged and concerned residents and businesses in the neighborhood opposing the “special use” due to traffic and safety concerns, the board still voted a disappointing 3 to 2 in favor of granting the “special use” request at their June 16th BOZA meeting! Building a carwash at the proposed site demonstrates a lack of concern for the community and a disregard for public safety concerns. The citizens who live in this area wrote and expressed their concerns which the board gave little attention to when they voted. The Board voted against the people of Spring Hill!

Today, I am writing a second time to request that the Board vote NO to having another carwash in this area which already has a busy carwash in a high traffic area. The traffic in this area and specifically on Main Street is already congested. Installing another carwash is unnecessary and will present safety issues with visibility exiting the site.

Please cast a vote in favor of the citizens of Spring Hill by opposing the building of an unwanted, unnecessary carwash in the Belshire Way area.

Thank you,

Marilyn Staats
8038 Fenwick Lane
Spring Hill, TN 37174

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www.avast.com
Hello,
I want to express my concern for the special use of the land on Belshire Way across from Lowe's. It has come to my attention that this land is being considered for use as a car wash. There is an existing car wash within 200 feet of this property already. To build another car wash right there is, in my opinion, a poor choice. The traffic along Belshire Way is consistently busy throughout the business day. I live in Belshire neighborhood, and we see many cars each day waiting in the streets to turn into Belshire Village. Cars have to wait already, and adding this type of business will create much more of a traffic headache. Besides that, why does Spring Hill need 2 car washes literally next to each other?

Many of our neighbors, us included, ride our bikes on those streets to shop at local restaurants and businesses. Lots of people also walk or jog here. The safety of Spring Hill's citizens, whether foot traffic or riding in cars, is in jeopardy at this intersection if this proposed car wash is approved.

Having two of the same type of business in this close proximity shows lack of proper planning on the city planners and on the business owner. I'm not opposed to another car wash, but I am very much opposed to this car wash being on Belshire Way.

We kindly ask that you deny this additional car wash on Belshire Way. Thank you.

--
Hayden Cross
Austin,

I wanted to submit this photo for the discussion tonight regarding the proposed zoning exception for a car wash at Belshire Village Dr. if you could make it available to the commission that would be great.

This was taken last Friday evening at about 6:30 trying to go get dinner. Thx.

Sent with BlackBerry Work
(www.blackberry.com)
From: Terry Waltman
To: bozapubliccomment
Subject: [External] Car Wash
Date: Tuesday, August 18, 2020 7:39:09 AM

**External Email**

Please do not approve special use for car wash at intersection of Belshire Way and Belshire Village Dr. It will create a traffic problem worse than it already is for a business that is already only a half block away. Not a good look for access to a subdivision.

Sent from my iPad

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Amazing.

Three of you voted in favor of the new facility in spite of the 80 out of 90 negative public opinion. That shows you don’t care about the people in the area. You only care about yourselves. It’s time to follow the money. All of the board must have interests in either be in the real estate or construction industry.

We have certainly ruined our city with construction before infrastructure. I sat thru seven stop light cycles the other day.

Just keep up the good work. You will get rich and the city will crumble without schools, roads etc.

By the way, did I mention how stupid it is to build two competing facilities within a nine iron of each other...???

George Carey
6005 Trout Ln
Spring Hill, TN 37174
e: lukn4trout@gmail.com
c: (901) 651-7909
p: (615) 392-8281
**External Email**

Please vote NO on the permit to build a new car wash next to Lowe’s. The traffic is bad enough and we already have a car wash in that area and we don’t need the gridlock!

Mike Riccomi
Belishire Neighbor
4020 Pendleton Drive
Spring Hill Tennessee 37174
209-612-8694
To whom it may concern,

In response to the letter I received, I must voice my concern about the new proposed carwash. From my understanding, this car wash will be fairly high traffic. As a business owner, new business generates more traffic, which in many scenarios is a great thing. However, in this situation I’m concerned.

Often, when I’m around town, wearing a Culver’s shirt, I get positive feedback and encouragement about our restaurant. But more often than I’d like, people will say they’d love to try our restaurant, but they hate coming to this part of town because of the traffic. This often leaves me frustrated because it is out of my control.

On nice days, our neighbor Sudsy’s will have a line that is backed into the street causing more congestion. I’m concerned that adding another high traffic business will only exacerbate the traffic problems making more people not want to come to the area.

I am all for bringing more great businesses to town, and if this new business owner is anything like me, then they will naturally see the benefits of a great town like Spring Hill. But for me, it wasn’t until I was in town for some time before I recognized the real traffic challenges surrounding this portion of 31 & Belshire. The backbone of this town simply isn’t strong enough to support the weight of some of these heavy traffic businesses.

In many ways, I hope that I am wrong. I hope this new business can come in, and bring more business to the area and further support businesses like mine, McAlisters, Family First Karate studio and more. But I am concerned for myself and them, that we might find ourselves frustrated and further solidifying the reputation that traffic in this area is terrible.

This is a great town, with great people, and great leadership that is incredibly business friendly. I’m extremely grateful for that. Thank you for taking the time to consider all perspectives.

Russell Glass
Culver’s of Spring Hill
858-761-1175
Hello!

As a concerned resident of Spring Hill and Autumn Ridge subdivision I wanted to voice my concern on this new carwash. Why in the world would you want to approve another carwash right next to the current one? Don’t we have enough congestion in that area without adding another carwash. Seems crazy and extremely tacky to me. I am not opposed to another carwash but not right next to Sudsy’s. Really? Makes Spring Hill look like a bunch of folks that have no clue how to plan. Let’s reconsider and put it somewhere else. Kinda like fast food restaurant rules. They cannot put McDonalds within a certain range of each other. Can you imagine putting a Culver’s across the street from the current one in Spring Hill? How dumb?!!! Don’t make our town any more cluttered with nonsense. Between all the tire stores and dentists I don’t think we have room for any additional businesses that duplicate themselves within a 250 feet radius. Is someone making this decision have dibs on this new carwash so there is a conflict of interest? Something does not seem right here?! Step back and think about how dumb that would be to have two carwashes next to one another.

Thanks,
Toni Fahey
Concerned citizen

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Hello,

I live in Belshire behind Lowe's. I am writing for a second time against a car wash going in at the entrance.

The traffic already to exit Belshire is rough especially when trying to go Left or Straight through main, the light is very quick so this makes a very long car line that causes traffic backup.

Adding a car wash so close to another car wash seems like it would cause issues from a traffic and safety level but also on a competition level. I am pro-business but I worry one of the car washes would suffer, possibly causing closure.

More importantly, the traffic in the area with Lowe's and other businesses cause enough issue since the infrastructure isn't build well enough to handle the current traffic load.

I am writing against the car wash going into this area for these reasons.

Thanks,

Jacob

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Jacob Court
CREATIVE DIRECTOR
BRANDING | DIGITAL | PRINT

(818) 571-3968
hello@jacobcourt.com
www.jacobcourt.com
Please deny the special use request to place a car wash in the Belshire intersection. It is a busy area, and drivers can't even navigate the current intersection correctly. Often drivers at the stop sign on Belshire Village pull into oncoming traffic on Belshire Way. The existing car wash stalls traffic on Belshire Village Drive, and adding another car wash on the opposite side will further block traffic from businesses and going to and from Belshire, Witt Hill and Autumn Ridge.

Thank you,
Jennifer Pressotto
Dear Board of Zoning and Appeals,

Thank you for seriously considering feedback from the community that will be directly impacted by this decision.

Regarding BZA 834-2020, the Unified Development Code (UDC) is extremely clear about the “special use” designation. Its purpose as stated in §13.3.(A.) is:

“Within each district the use of land and structures are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in a particular district or districts without consideration of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location.”

The reason a “special use” designation exists is that it requires additional scrutiny and consideration beyond a ‘by-right’ use. It is not an automatic approval, but according to §13.3. (E.) of the UDC:

“...rather, each special use must be evaluated on an individual basis, in relation to all applicable standards of this Code. 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.”
If the board does not find support for each (i.e. **ALL**) of these conclusions, they are obliged by the UDC to deny the “special use”. These are objective conclusions. There is no room in the UDC guidelines for a board member to support a “special use” based on an opinion or sentiments that are outside of the guidelines or conflict with the conclusions.

For example, if a board member believes that a specific location lacks public infrastructure (i.e. adequate roadways, access, intersection flow, etc.) under the #5 conclusion, there is no room to make an exception and vote to support the “special use” based on an opinion that “it’s the city, and not the applicant’s fault for infrastructures issues”. Who is “at fault” for the lack of infrastructure is irrelevant for the purposes of a “special use” vote, **ONLY the fact that there isn’t adequate public infrastructure.**

In the June 16th BOZA meeting, board members Nieves and Hagaman voted to deny the “special use” due to their concerns that there was not support for conclusions #3 (public safety) and #5 (sufficient public infrastructure (i.e. access/roadway/intersection)). Board member Roten stated explicitly,

> “The issue is infrastructure. ... the issues with infrastructure is not on the property owner or the person that’s going to lease the property, it’s on the city. And the city wrote the code for that. So, we can either put a moratorium on building, or we can move forward with what we put in place. **We put a lot of effort into that last UDC.** And if not this, then what else? Because we can't put a moratorium on building and if there’s infrastructure problems, it doesn't fall on the property owners. **So, for those reasons, I’m going to vote to support.”**

While the city may be at fault for insufficient infrastructure, according to the UDC guidelines, “fault” can NOT be a justification for a board member to vote to support a “special use”. **If there isn’t sufficient infrastructure, the “special use” must be denied.**

It is public record from the June meeting, that at least three of the five board members (Nieves, Roten, and Hagaman), as well as over 80 citizens of the neighborhood, and at least four businesses of the Belshire Village Shopping Center, deem public infrastructure is not sufficient at this specific intersection. It is therefore incumbent on the board, according to the UDC, no matter whose fault the insufficiencies are, that “special use” be denied.

Regarding “public safety”, the city staff commented to the board in the June 16th meeting, “the proposed use will not endanger the public health, safety or welfare.” Yet in writing to the Planning Commission for their July 27th work session the city staff then states, **“they have concerns with site distance and visibility exiting the site”**! While this could reference site
layout, landscaping, ingress/egress, or some other issue, without some VARIANCE, “site
“distance” and “visibility” concerns would create a safety issue necessitating a “special use” be denied under §13.3.(E.) conclusion #3 of the UDC!

It is also extremely relevant but has not been discussed or mentioned at any length, that this particular intersection is somewhat unique in Spring Hill. It is rare in that it serves as not only the primary/major entrance to the Belshire Village Shopping Center’s 18 businesses and has become a common ‘cut-through’ to Walmart, but this intersection is also the primary/major entrance to multiple residential subdivisions (i.e. Autumn Ridge, The Arbors of Autumn Ridge, and the Belshire subdivisions) representing thousands of residents. The very unique characteristic of this small intersection is what creates the major headaches, back-ups, and gridlock issues for the residents, businesses, and those accessing that intersection for commerce. The pressure and flow of that intersection is at or over capacity and should NOT have a significant flow of high-volume cars added to it! These are the issues BOZA needs to consider for this “special use.” Approving this “special use” and just Hoping that it doesn’t compound an already existing problem, according to the UDC would be a mistake (this is a model example of why “special uses” exist). Hope is not a strategy! Denying this “special use” is the exact tough decision BOZA is tasked to make in the best interest of the community.

Finally, it is important to counter some misleading statements regarding traffic from the applicant and their representatives from the June meeting as well as their written responses to the UDCs five considerations. Competition, free enterprise and capitalism aside, in this case, traffic is the paramount issue regarding infrastructure and public safety for this specific “special use”. If there remain any questions or discussion about whether or not a new high-traffic, high-volume car wash will bring additional traffic to the Belshire intersection, it is critical the following questionable statements from the applicants be addressed:

- “Car Washes are NOT considered traffic generators.” (emphasis theirs)
- “We will capture from existing traffic already in the area.”
- “Car washes statistically do not actually attract people to a particular area.”
- “99% of people that come to a car wash are already in that location.”
- “We are not anticipating a draw specifically to that area for our business alone. The people are already going to be there.”
- “We will lessen the traffic issues going toward Sudsy’s.”
- “People are already going that way and it’s going to absorb some of the traffic as they’re going to Lowe’s, they’re going to Discount Tire, they’re going to KFC.”
- “(Car washes) are a product of a spur of the moment choice. So, if someone would..."
already be there going to Lowe’s and then when they see the car wash, they say ‘hey,
I’ll swing in here and get my car washed.’ Or, ‘I’m already at Discount Tire and I just got my brand-new tires, so I’m going to swing over and get my car washed’.”

Unfortunately, the comments above are either extremely misleading, incomplete, and/or simply untrue.

**Today’s modern express-model car washes are absolutely, without a shadow of a doubt, traffic generators!** Most express car washes (including Sudsy’s and Shark Express) aggressively market and promote an Unlimited Wash Club where guests pay a recurring monthly fee on their credit card and come wash their car as many times as they want. While 15 or 20 years ago, car washes may have been impulse driven, spur-of-the-moment purchases, today they are DESTINATION businesses! Thousands of people sign up for these clubs.

While it is true that a new wash will draw traffic ‘already in the area’, it is very misleading to leave out the fact that a new express wash will also absolutely draw significant traffic all by themselves! Make no mistake, the addition of a fast-transaction, high-volume, high-traffic car wash as proposed at the corner of this intersection will increase the traffic count significantly at the Belshire Way and Belshire Village Drive intersection.

Board member Nieves stated on June 16th related to the Belshire Village intersection,

> “There’s not anything here that I can see that is convincing in any way that this particular area is not going to be even more impacted with more traffic, causing more bottle-necking, causing safety issues, as well as the fact that we have some other development going on with some townhomes down the street. So, this is going to be another very, very difficult place to navigate in Spring Hill and I just can’t support it, because it is not lining up with those findings.”

Ms. Nieves is correct. The board has no substantial evidence or data to support that the intersection will be able to handle the increased traffic count from any high-volume business. If the intersection is already at, near, or over capacity... and three board members are on record, as well as over 91% of the community feedback, and four Belshire Village businesses agree it is... imagine the impact of adding significantly more traffic by approving a business whose primary goal is to wash as many cars as possible, in as short a time period as possible!
There are other lots and building sites available... you are not denying this business an opportunity to build in north Spring Hill, just denying that they can build at this “particular” (see UDC “special use” considerations) intersection!

BOZA has the responsibility as a “special use” consideration to be forward looking and help the city and community plan wisely. They must deny the “special use” based on the following UDC guidelines: 1.) “the impact of this use upon neighboring land”, 2.) “public need for this particular use at this particular location, 3.) “public safety”, and 4.) “public infrastructure”.

I ask each board member to please consider and respect the residents and business community who use this intersection every day and have made a very pronounced statement in their public comments about traffic and safety concerns! This is not a Planning Commission vote where there is a ‘by-right’ use; the board has a higher standard to achieve, according to the UDC. Therefore, in ADDITION to the safety and infrastructure impediments (which are sufficient enough), BOZA can and must consider that the public comments reflect that there is not, “a public need for this particular use in this particular location” (UDC “special use” consideration).

**Most importantly as a board, please do the right thing and simply follow the UDC directives which mandate that this “special use” be denied if ANY of the five defined conclusions are not supported.** A few “opinions” that traffic will not increase at the intersection, or that insufficient infrastructure is the ‘fault’ of the city and not the applicant, are unfortunately not sufficient enough reasons or evidence according to your UDC to support this “special use”.

Thank you for the consideration and time and for all the hard work you all do on behalf of our city. Please VOTE TO DENY this “special use”.

Thank you.

Troy VanLiere
3012 Belshire Village Drive
Well, good morning, BOZA!
I write to oppose the approval of a “special use” consideration to allow a car wash in Belshire Village close to Sudsy’s.
It is embarrassing to see that “we” have let the city population grow beyond the capacity of Highway 31. Having the other roads to allow access to Lowe’s, Publix, and Aldi allow us some relief from traffic by our not having to travel on Highway 31. To allow any business to open anywhere in Spring Hill will only add to the traffic congestion, and I consider it irresponsible.
I oppose allowing any business to be built in this main part of Spring Hill. Frankly, I see it as irresponsible to allow houses to continue to be built anywhere in Spring Hill until Highway 31 is widened. I understand it may take 5 years to widen the road.
Thank you for listening.

Fred Staats
To whom it may concern, regarding the “special use” consideration for the construction of a car wash at the intersection of Belshire Way and Belshire Village Drive.

We urge you to please vote against allowing any business that will impede the traffic flow and create an additional traffic headache in this part of Spring Hill as the proposed carwash would do. Please consider residents who regularly drive through this location to and from their homes and other existing business such as Lowes. The existing carwash nearby already creates a backlog of traffic into the road and having another similar business so close that would undoubtably do the same would be an eggregious town planning decision. The traffic already backs up due to the traffic lights near by and it's already a mess in that location, please put your constituents first and don't allow anything that would make it worse. This is aside from the fact that it makes no sense to have two carwashes so close in proximity. Spring Hill can and must do better than this with it's town planning.

Thanks and kind regards,
Kirsty Crook
Jason Crook

This email has been checked for viruses by Avast antivirus software.

www.avast.com
**External Email**

Please, NO CAR WASH!!
It’s too much traffic already. Please don’t add a business that will generate even more cars! No car wash!! Our city is close to becoming a little on the trashy side!! Please think of the people of Spring Hill and the traffic.

Thank you,
Leigh Ann Murray

Sent from my iPhone

--

This email has been checked for viruses by Avast antivirus software.
https://www.avast.com/antivirus
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: September 22, 2020
SUBJECT: BZA 835-2020 (Variance – 303 Jones Avenue) Ratification of prior action

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.

Update: This variance application was approved by the Board of Zoning Appeals on June 16, 2020. The approval included the 3 (three) conditions listed below in the recommendation section of this report.

It was brought to staff’s attention that there was a deficiency in the required published notice for this application. The Building and Codes Department has issued permits and construction of the carport has been completed. Staff has re-published the required legal notice for this request and is bringing this request back to the Board of Zoning Appeals for the purpose of ratifying the June 16, 2020 decision.

There is no material difference between the June variance and this request. The rest of the information in this report is unchanged except for the Recommendation and Motion section.

Request: The applicant is requesting a variance to reduce the building setback for a carport to encroach approximately 6’ into the 10’ side setback. The proposed carport is 20’x30’ and will be a minimum of 3.84’ from the side property line.

Property Description and History: 303 Jones Avenue is located in the Jackson & Jones subdivision and is zoned R-1, Single-Family Residential. All surrounding properties are zoned R-1, with C-5 zoning to the rear. The property is rectangular in shape and has no irregularities, although the house is slightly skewed on the lot. The home is approximately 14’ from the 10’ side setback and 24’ from the side property line. The property is adjacent to other residential lots in Jackson & Jones and the applicant intends to install a 6’ privacy fence that will run along the western property line to the rear of the property. The applicant has discussed the Board of Zoning Appeals process with staff to ensure a complete application has been submitted. The applicant had been coordinating with the Building department prior to the submittal of a variance application. The carport was permitted, but construction was not consistent with the plans submitted. The carport has been constructed and a stop work order has been placed on the property until a variance is granted.

Analysis: The applicant is proposing to construct a 20’x30’ “L” shaped carport. The northwest corner of the proposed carport will be approximately 4’ from the western property line and will encroach 6’ into the 10’ side setback. While the middle southwest corner of the carport is approximately 3.84’ from the western property line and will encroach 6.16’ into the setback. The southernmost 10’x10’ area of the carport does not encroach any setbacks and is 14’ from the western property line. The proposed carport will be approximately 8’ in height and will use materials to match the current characteristics of the home. The proposed carport is to be open on three sides and is not permitted to be enclosed. The proposed carport is covered with a galvanized metal roof that will be tilted to direct water towards to the rear of the property. The carport is attached to the primary structure and is considered part of the primary structure for building setback purposes. The applicant is not proposing any electrical to be installed in the structure. The proposed carport does not impact any drainage easements. 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 303 Jones 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 carports. 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. Based on the positioning of the home and layout of the property’s setbacks, little room is available to provide a double wide carport on either side of the property. A single car width tandem carport does fit without encroachment.

**Per the applicant:** “The size and shape of my lot on the driveway side is such that there could be no room for a carport to cover/protect both vehicles without the variance to be within 10’ rule.”

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 carport which has started construction, encroaches approximately 6’ into the 10’ side yard setback. There are no drainage easements. A single wide carport would not require a variance.

**Per the applicant:** “This is a unique situation and encroaches into another property in no way. As a matter of fact, even within the 10’, the fence is on my side of a privacy fence within legal code on the property. It is actually still 83’ from the near housing structure at 307 Jones Ave. in no way causes undue hardship on the owner or property of any party involved”.

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 side of the property, which is adjacent to a driveway on the neighboring property. Garages and/or carports are typically located on the sides of homes. 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:** “There is no substantial detriment to the public good by approving this request for variance. As the submitted documentation illustrates, there are already similar and very nice looking carports on neighboring properties in the subdivision, which further supports no detriment to the public.”

Recommendation: Staff recommends that the Board of Zoning Appeals adopt the findings in this report and make a motion to approve BZA 835-2020, a building setback variance request for construction of a screened patio, subject to the submitted plans and the conditions below.

Suggested Motion:

Move to adopt the finding of facts and conclusions of law provided in this report and to approve variance BZA 835-2020 to reduce the building setback for a carport at 303 Jones Avenue with the following conditions, and ratifying the Boards action of June 16, 2020.

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.
2 stall carport
- 1st stall (closest to house) 30ft x 10ft
- 2nd stall (outer) 20ft x 10ft
- 8ft height

Materials—
- Wood structure
- Covered in siding to match house
- Gutter
- Galvanized roof (flat w/ tilt for drainage toward back of lot)
- Soffit underneath roof to finish
- Flashing where roof meets house

Jones Ave
300 House
Driveway
Line w/ 301 Jones Ave
Line of 306 Jones Ave

Not to Scale
CITY OF SPRING HILL

199 TownCenter Parkway
Spring Hill, TN 37174
931-486-2252 FAX 931-486-3596

SHED PERMIT

THIS FORM WAS PRINTED ON: 04/21/2020

Permit Number: 0-03714-20  Date Issued: 04/20/2020

Project Address: 303 JONES AVE LOT 23 JACKSON
Lot #:
JONES
Block #:
SPRING HILL, TN
Zoning:
Parcel ID:
Subdivision:

Owner/Agent: Kris Thompson
Contractor: Kris Thompson
Address: 303 JONES AVE.
Address: 303 JONES AVE.
City: Spring Hill
City: Spring Hill
State: TN
State: TN
Zip:
Zip:
Phone: (615) 480-5038
Phone: (615) 480-5038

Desc of Work: Carport Cover
Valuation: $0.00
Project Sq Ft: 0.00

<table>
<thead>
<tr>
<th>Fee Code</th>
<th>Quantity</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shed</td>
<td>0.00</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

Total $25.00

NOTICE

This permit becomes null and void if work or construction authorized is not commenced within 1 year, or if construction or work is suspended or abandoned for a period of 6 months at any time after work is started.

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS DOCUMENT AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISION OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.

______________________________  __________/_____/______
(Signature of Contractor or Authorized Agent)  Date

______________________________  __________/_____/______
(Approved By)  Date
Kristin Thompson

Property Owner
Verify that the property line was located and that the carport that will be constructed will be a minimum of 10 feet from the property line.

10 feet to property line from new carport

JONES AVE.
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: September 22, 2020
SUBJECT: BZA 836-2020 (Variance – 2005 Gweneth Drive) Ratification of prior action

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.

Update: This variance application was approved by the Board of Zoning Appeals on June 16, 2020. The approval included the 4 (four) conditions listed below in the recommendation section of this report.

It was brought to staff’s attention that there was a deficiency in the required published notice for this application. The Building and Codes Department issued permits on June 22, 2020 and the pool has begun construction. Staff has re-published the required legal notice for this request and is bringing it back to the Board of Zoning Appeals for the purpose of ratifying the June 16, 2020 decision.

There is no material difference between the June variance and this request. The rest of the information in this report is unchanged except for the Recommendation and Motion section.

Request: The applicant is requesting a variance to construct a 20’x40’ swimming pool with an additional 10’ concrete pool deck to encroach the regional stormwater detention area.

Property Description and History: The property at 2005 Gweneth Drive is located in the Campbell Station subdivision and is zoned R-2, Single-Family Residential. All surrounding properties are also zoned R-2. The property is abnormally long in length and is home to a regional stormwater detention area easement, 40’ trunk sewer easement and a 40’ powerline easement. The home is approximately 20’ from the regional stormwater detention area easement. Currently, there is an existing covered patio that does not encroach into the easement. The property is adjacent to other residential lots in Campbell Station and 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 20’x40’ swimming pool that will entirely encroach into the regional stormwater detention area easement. The furthest edge of the pool is approximately 53.4’ from the rear of the home and a concrete pool deck extends a distance of 64.5’ from the rear of the home. According to the aerial exhibit and the City’s GIS contour lines, the top of the berm sits at an elevation of 735.75’. Based on the historic flood of 2010 (500-750-year storm event), which crested the berm, the elevation that delineates the peak flow function of this detention basin is 737’, which is 1.25’ above the berm elevation. As proposed on the aerial exhibit, the pool and deck construction are shown at an elevation of 738’. The pool and deck construction can be achieved by a retaining wall in the rear or a soil backfill slope. If a soil backslope is utilized, then the limit of fill or disturbance should be the 737’ contour line. No fill can be added below this 737’ elevation because it is the peak flow functional limit of the detention basin. Staff has discussed these requirements with the City’s Floodplain Manager and confirmed that the pool design is consistent with these technical requirements.

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. No building setbacks are impacted by this proposal.
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 2005 Gweneth 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. However, a request for a swimming pool to encroach a regional stormwater detention area easement is an unusual request. With the positioning of the home and the proximity to the easement, little room is available to construct a swimming pool. This is in spite of the fact that the rear yard is over 400’ deep. Even if the applicant decided to adjust the layout of the pool and move it closer to the rear of the home, majority of the pool would still be encroaching into the easement.

Per the applicant: “An undue hardship has been placed on the owners as a result of a large storm water detention area easement on the property. We are requesting a variance/special exemption to relieve the hardship in such a way that will not affect the functionality of the detention area. Therefore, not impairing the intent/purpose of the easement or peak flow functional limit of the detention basin.”

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 unique and contains 1.4 acres. Majority of the lot is encompassed by some sort of easement and unusable. The proposed pool encroaches the regional stormwater detention area by approximately 14’ but is above an elevation of 737’ and would not impact the functionality of the detention area.

Per the applicant: “Allowing the owners to build a pool while partially encroaching on the easement would relieve the hardship.”

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 in the rear of the property, which is more than 340’ from the rear lot line. 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: “As shown in the attached info packet, allowing the variance/SE to encroach while building out past an elevation of 737’ (and additional criteria listed) would ensure no detriment to public good or impairment of intention or purpose of the detention area or easement.”

Recommendation: Staff recommends that Board of Zoning Appeals adopt the findings in this report and make a motion to approve BZA 836-2020, a variance request for construction of a swimming pool, subject to the submitted plans and the conditions below.

Suggested Motion: Move to adopt the finding of facts and conclusions of law in this report and to approve variance BZA 836-2020 to permit a swimming pool to encroach the regional stormwater detention area easement at 2005 Gweneth Drive with the following conditions, and ratifying the Boards action of June 16, 2020.

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.
City of Spring Hill, TN

Variance

Board of Zoning Appeals

Submittal Checklist

<table>
<thead>
<tr>
<th>APPLECTANT MUST READ AND INITIAL EACH BOX TO THE RIGHT</th>
<th>INITIALS</th>
</tr>
</thead>
<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>
<td>BA</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. The APPLICANT IS RESPONSIBLE 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>BA</td>
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<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>BA</td>
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<tr>
<td>d) A pre-application conference with City staff is recommended, but not mandatory.</td>
<td>BA</td>
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</table>

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: Pool - 2005 Gweneth
<table>
<thead>
<tr>
<th>Approval Standards</th>
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<tbody>
<tr>
<td>&quot;The Board of Zoning Appeals may authorize a variance from the strict application</td>
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<td>of this Code so as to relieve such difficulties or hardship only in accordance with</td>
<td>BA</td>
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<tr>
<td>the following criteria. The Board of Zoning Appeals must make findings of fact on all</td>
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<td>criteria. Please initial all that apply.&quot;</td>
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<td>The application for a variance should provide the applicant's evidence that the</td>
<td>BA</td>
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<tr>
<td>application meets or exceeds the criteria below.</td>
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</tr>
<tr>
<td>1 &quot;Where, by reason of exceptional narrowness, shallowness, size or shape of a</td>
<td>BA</td>
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<tr>
<td>specific piece of property at the time of the enactment of this Code, or by reason of</td>
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<tr>
<td>exceptional topographic conditions or other extraordinary and exceptional situation</td>
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<td>or condition of such piece of property it is not able to comply with the regulations</td>
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<td>as required under this Code.&quot;</td>
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<tr>
<td>An undue hardship has been placed on the owners as a result of a large storm water</td>
<td>BA</td>
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<tr>
<td>detention area easement on the property. We are requesting a variance/special exemption to</td>
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<tr>
<td>relieve the hardship in such a way that will not affect the function of the detention area. Therefore not impairing the intent, purpose of the easement or peak flow fraction limit of detention basin.</td>
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<tr>
<td>2 The strict application of any provision enacted under this Code would result in</td>
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<td>peculiar and exceptional practical difficulties to or exception or place undue</td>
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<td>hardship upon the owner of such property.</td>
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<tr>
<td>Allowing the owners to build pool while partially encroaching on the easement would relieve the hardship.</td>
<td>BA</td>
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<tr>
<td>3 &quot;Such relief may be granted without substantial detriment to the public good and</td>
<td></td>
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<td>without substantially impairing the intent and purpose of the zoning map and this Code.&quot;</td>
<td></td>
</tr>
<tr>
<td>As shown in the attached info packet, allowing the variance/SE to encroach while not building out past elevation of 737 (and additional criteria listed) would ensure no detriment to public good or impairment of intent or purpose of the detention area or easement</td>
<td>BA</td>
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Applicant Name/Project: Branch Atkinson/Pool - 2005 Gwenneth

Variance BOZA checklist
Written Statement Explaining how request is consistent with approval standards

Subject: RE: [External] Re: Pool survey

Chris/Tom:

We have developed an exhibit from the information Mr. Atkisson provided. The aerial exhibit shows contours, proposed pool and deck, detention easement boundary line and Atkisson property lines. The top of berm elevation is 735.75+/- and based on the historic flood of 2010 (500-750 year storm event) which crested the berm, the elevation which delineates the peak flow function of this detention basin is 737.00 (1.25' above berm elevation). Therefore, as you can see from the exhibit, the proposed pool and deck is at elevation 738.20 +/- The pool and deck construction can either be achieve by a retaining wall, in the rear, or a soil backfill slope. If a soil slope is utilized then the limit of fill would be the 737.00 elevation line. No fill can be added below this 737.00 elevation which is the peak flow functional limit of the detention basin.

So, with the technical issue being addressed, it raises the question on how to allow Mr. Atkisson to construct his pool which encroaches on Regional Stormwater Detention Easement. As discussed with Chris, the new Unified Development Code (UDC) does not allow encroachment into an easement. Therefore, this will require presentation to the Board of Zoning Appeals (BZA) for review and approval consideration.

Chris: Can you guide Mr. Atkisson through this application process? Based on this information and everyone's understanding of the proposed project, I do not believe a site visit is needed.

Sincerely,

Jerome Dempsey, P.E. | Principal I Regional Director
DEMPSEY, DILLING & ASSOCIATES, now an affiliate of THOMAS & HUTTON
p 615-220-5800
e dempsey.j@tandh.com
502 Hazelwood Drive | Smyrna, TN 37167
Hi Branch, thanks for submitting this info. I am the Vice President of the Campbell Station HOA and I am also a member of the Architectural Review Committee. Based upon the information that you have provided we intend to approve this project so long as the city of Spring Hill issues you their approval.

Regards,

Matt Fisher

Loan Consultant

615 838 8639
(855) 753-9676
M Fisher@loandepot.com
https://www.loandepot.com/mfisher

10 Cadillac Dr., Suite 360 Brentwood, Tennessee 37027
Google+  Facebook  Twitter  Youtube  Linkedin

Apply Today
Written Statement Explaining how request is consistent with approval standards

Subject: RE: [External] Re: Pool survey

Chris/Tom:

We have developed an exhibit from the information Mr. Atkisson provided. The aerial exhibit shows contours, proposed pool and deck, detention easement boundary line and Atkisson property lines. The top of berm elevation is 735.75+/- and based on the historic flood of 2010 (500-750 year storm event) which crested the berm, the elevation which delineates the peak flow function of this detention basin is 737.00 (1.25' above berm elevation). Therefore, as you can see from the exhibit, the proposed pool and deck is at elevation 738.20 +/- . The pool and deck construction can either be achieve by a retaining wall, in the rear, or a soil backfill slope. If a soil slope is utilized then the limit of fill would be the 737.00 elevation line. No fill can be added below this 737.00 elevation which is the peak flow functional limit of the detention basin.

So, with the technical issue being addressed, it raises the question on how to allow Mr. Atkisson to construct his pool which encroaches on Regional Stormwater Detention Easement. As discussed with Chris, the new Unified Development Code (UDC) does not allow encroachment into an easement. Therefore, this will require presentation to the Board of Zoning Appeals (BZA) for review and approval consideration.

Chris: Can you guide Mr. Atkisson through this application process? Based on this information and everyone’s understanding of the proposed project, I do not believe a site visit is needed.

Sincerely,

Jerome Dempsey, P.E. | Principal I Regional Director
DEMPSEY, DILLING & ASSOCIATES, now an affiliate of THOMAS & HUTTON
p 615-220-5800
e dempsey.j@tanh.com
502 Hazelwood Drive | Smyrna, TN 37167
TO: Spring Hill Board of Zoning Appeals
FROM: Austin Page, Associate Planner
THROUGH: Steve Foote, AICP, Planning Director
MEETING: September 22, 2020
SUBJECT: BZA 874-2020 (VARIANCE – 301 Murphy Circle)

BZA 874-2020: Submitted by John Primm for 301 Murphy Circle. The property is located in the Jackson Jones Subdivision, zoned R-1 contains approximately .364 acres. The applicant requests a variance from the requirements of the UDC to allow a 6’ high fence to extend within 5’ of the front of the house and into the front yard. Fences within this zone are restricted by the UDC to 36” in height. The applicant proposes to rebuild the entire existing 6’ privacy fence. He intends to place the new fence along the southeast property line. Requested by John Primm.

Request: The applicant is requesting to remove the existing 6’ privacy fence and replace it with a new fence of the same height. The applicant requests a variance from Article 9.3.2(a.i) of the UDC to allow a fence over 36” to extend within 5’ of the front building line and into the front yard.

Property Description and History: 301 Murphy Circle is located in the Jackson Jones Subdivision and is zoned R-1. All surrounding properties are also zoned R-1. The subject property is located on the corner of Jackson Street and Murphy Circle and was constructed under pre Unified Development Code regulations. The lot is shallow and the home is positioned approximately 21’ from the rear property line and approximately 38’ from the front property line. There is an existing 6’ wooden privacy fence that was installed 40 years ago and is located on the eastern side of the property. The fence encloses portions of the rear, interior side and front yard. The existing privacy fence is approximately 6’ from the rear property line, 4’ from the interior side property line and 20’ from the front property line. The current fence at the driveway encroaches slightly into the public Right-of-Way along Murphy Circle. The applicant has modified his proposal to indicate that the new fence will be setback the distance required to remain outside of the right-of-way.

Analysis: The applicant is proposing to tear down the existing 6’ wooden privacy fence and install a new 6’ wooden privacy fence that will be approximately 4’ closer to the interior side (south) property line. According to the applicant, the fence has been existing for 40 years and is in need of replacing. Article 9.3.2 (a.i) of the UDC states that fences and walls are limited to a height of 36” within 5’ of the front building line. The front of the home is approximately 38’ from the front property line and the existing fence is approximately 20’ from the property line. The fence currently extends 18’ beyond the front of the home. The location of the fence along the rear of the property will not change and will remain as is. The existing fence located in the front yard encroached X’ into the City ROW along Murphy Circle at its southeast corner. The new fence is proposed to be installed X’ behind the existing fence location and will be out of the City Right-of-Way along Murphy Circle.

Findings of Fact: The applicant has provided staff with a complete application submittal. The applicant has met UDC requirements regarding the U.S.P.S. First Class mailing of notices to all adjacent property owners of 301 Murphy Circle and at least ten days in advance of the first scheduled action. Proof of mailings have been provided. City staff has placed notice in the newspaper and a sign on the subject property. Two comments were received regarding this request. 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. Variances regarding fences are not common but are not unusual. With the positioning of the home and layout of the property’s setbacks, little room is available for a fenced in area beyond the rear of the home.

Article 14.3, Nonconforming Structures anticipates the normal ‘repair and maintenance’ of nonconforming structures. However, it does not recognize or permit the removal and replacement of a nonconforming structure like a deck or fence, even when the replacement does not increase the degree of nonconformity. Replacement of a dilapidated structure should not prohibit the property owner’s continued use and enjoyment of their property.

Per the applicant: “The lot at 301 Murphy Circle is shallow compared to other lots in the neighborhood. The property line at the back of the house is only 21 feet from the back of the house. The total distance from the back property line to the front property line is only 65 feet. Placement of the fence where ordinance requires will not allow for much space in the fenced in area of the yard.”

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 shallow and has a 30’ front and rear setback, which infringes upon usable space on the property. However, this does not impact fence locations as they are allowed to be placed up to the property lines. A fence over 36” is permitted in the rear and side yard but is not permitted within 5’ of the front of the home. The fence is existing and the applicant is asking to tear down and rebuild the fence. The proposed fence will be moved 4’ to the east, upon the interior side lot line. The fence will decrease the encroachment towards the front property line.

Not allowing the replacement of the fence would create a hardship on the property owner.

Per the applicant: “We have poured a new concrete driveway and put in a new storage building to improve the property. We were not aware of the fence placement ordinance at the time of these improvements. The placement of the fence based on the ordinance will require the fence posts to be in or very near the edge of the concrete driveway. The driveway gate will have to open outward instead of inward to the yard. If the gate opens inward based on the ordinance placement of the fence, we will not be able to park a car in front of the garage door and back out of the driveway with the gate open. It would look better with the driveway gate opening to the inside of the fence. The gates will have to be wider than 12 feet to span the driveway based on the ordinance placement of the fence. We do not know if this will be possible. Placement of the fence based on the ordinance will make the storage building front doors very close to the fence and will impede putting things like a riding lawn mower into the storage building and taking things like a riding lawn mower out of the storage building. Flower beds in the front corner of the fence will have to be reworked or moved to a different area in the yard.”

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 fence is located along the rear, side and front of the property, which is adjacent to other residential lots in this subdivision. The fence has been existing for 40 years and staff is not aware of any complaints made against the fence or this property. 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: “The current fence has been in its current position for almost 40 years. It has not been a detriment during that time. We cannot foresee the city needing any of the area that will be inside the fence for any reason in the future. We will work with the city if a need arises. We do not see replacing the fence substantially impairing the intent or purpose of the zoning map or the ordinance limiting a 6 foot privacy fence to stopping 5 feet from the corner of the house.”

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 874-2020, a variance request to allow a fence over 36" within 5’ of the front of the home and into the front yard, but outside the right-of-way, approval should be subject to consistency with the plans submitted and placement shown.

**Public Comment:** Staff has received 2 public comments via the BOZAPublicComment@springhilltn.org email address. The 2 comments are in support of this variance application and have been provided in the packet.

**Possible Motion:** Motion to adopt the finding of facts and conclusions of law provided in the staff report and to approve variance BZA 874-2020 to allow a 6’ fence to extend within 5’ of the front of the home and into the front yard at 301 Murphy Circle subject to the following conditions.

1. Substantial consistency with the plans submitted and encroachment shown, ensuring that the fence is outside of the right-of-way for Murphy Circle.
2. The privacy fence shall not extend beyond a height of 6’.
3. Subject to homeowner’s association approval as may be required for the Jackson Jones Subdivision.
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.
## City of Spring Hill, TN

### Variance

#### Board of Zoning Appeals

#### Submittal Checklist

<table>
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<th>Applicant Must Read and Initial Each Box to the Right</th>
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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:  

**John Primm/Fence Replacement**
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. |
| "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."
| SEE ATTACHED |

1 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.

2 SEE ATTACHED

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."

SEE ATTACHED

Applicant Name/Project: John Grimm / FENCE REPLACEMENT
Approval Standards - Item 1

The lot at 301 Murphy Circle is shallow compared to other lots in the neighborhood. The property line at the back of the house is only 21 feet from the back of the house. The total distance from the back property line to the front property line is only 65 feet. Placement of the fence where the ordinance requires will not allow for much space in the fenced in area of the yard.
Approval Standards - Item 2

We have poured a new concrete driveway and put in a new storage building to improve the property. We were not aware of the fence placement ordinance at the time of these improvements.

The placement of the fence based on the ordinance will require the fence posts to be in or very near the edge of the concrete driveway.

The driveway gate will have to open outward instead of inward to the yard. If the gate opens inward based on the ordinance placement of the fence, we will not be able to park a car in front of the garage door and back out of the driveway with the gate open. It would look better with the driveway gate opening to the inside of the fence.

The gates will have to be wider than 12 feet to span the driveway based on the ordinance placement of the fence. We do not know if this will be possible.

Placement of the fence based on the ordinance will make the storage building front doors very close to the fence and will impede putting things like a riding lawn mower into the storage building and taking things like a riding lawn mower out of the storage building.

Flower beds in the front corner of the fence will have to be reworked or moved to a different area in the yard.
Approval Standards - Item 3

The current fence has been in its current position for almost 40 years. It has not been a detriment during that time.

We cannot foresee the city needing any of the area that will be inside the fence for any reason in the future. We will work with the city if a need arises.

We do not see replacing the fence substantially impairing the intent or purpose of the zoning map or the ordinance limiting a 6 foot privacy fence to stopping 5 feet from the corner of the house.
August 18, 2020

City of Spring Hill, Tennessee
Board of Zoning Appeals
5000 Northfield Lane, Ste. 520
Spring Hill, TN 37174

Re: Fence Permit Variance

Dear Board of Zoning Appeals,

We currently live at 301 Murphy Circle, Spring Hill, TN and have a 6 foot wood picket fence that is approaching 40 years of age. It has reached its end of life. It is in need of extensive repair.

We wish to replace the existing fence with a new fence. The new fence will be a 6 foot cap and trim fence. The pickets of the fence will be cedar pre-stained boards with black posts. The posts will be galvanized steel. It will have two 5 foot wide metal framed gates for access outside of the fence and a 12 foot wide double metal frame gate that will open to the inside of the fence at the driveway.

The current ordinance states that a 6 foot fence stops 5 feet from the front corner of the house. The old existing fence is approximately 20 feet in front of the corner of the house.

We are requesting a variance from the Board of Zoning Appeals to allow the new fence to extend 20 feet in front of the corner of the house where the existing fence has been. The only change would be to move the east side of the fence approximately 4 feet to the property line.

Please consider allowing a variance.

Thank you for your consideration,

John and Cheryl Primm
September 18, 2020

City of Spring Hill, Tennessee
Board of Zoning Appeals
5000 Northfield Lane, Ste. 520
Spring Hill, TN 37174

Re: Fence Permit Variance - Move of fence from right-of-way

Dear Board of Zoning Appeals,

Cheryl and I will move the fence out of the right-of-way. I have attached a copy of the site map with the new position of the fence.

Before installation of the fence, I will have my surveyor, Glen Alexander, mark the yard to make sure that the fence is not in the right-of-way.

Thank you,

[Signature]

John Primm
SITE PLAN

NEW POSITION BY FENCE TO REMOVE FROM RIGHT-OF-WAY

LOCATION MAP
Board of Zoning Appeals:

My name is Ronald Woody and I reside at 303 Murphy Circle in Spring Hill. I am commenting on my neighbor's request for variance to the ordinance concerning the Primm's plans for a new fence between our properties. I have spoken to Mr. Primm and I have no problems with his plan. In fact, a new fence would enhance our neighborhood.

Sincerely,

Ronald P. Woody
Austin,
My name is Steve Bowman and I reside at 302 Murphy Circle, Spring Hill, TN. We live across the street from the Primm Property at 301 Murphy Circle. It is my understanding that the Primms have requested a Fence Variance to allow a new fence to replace the old fence in the same location. We have been neighbors to the Primms for over 40 years and they have always maintained their property in a very neat and orderly manner. In fact I helped John put up the old fence.

I am writing to express our support for the variance in order for the Zoning Board of Appeals to allow the new fence to extend 20 feet in front of the corner of the house where the existing fence has been for approximately 40 years. We certainly have no objections.

Thank you for your consideration. If you have any questions you may email or call me at 931-619-5243.

Sincerely,
Steve Bowman

This email has been checked for viruses by Avast antivirus software.

www.avast.com
BZA 875-2020: Submitted by Jesse and JoAnn Long for 2008 Sunflower Drive. The property is located in the Hampton Springs Subdivision, zoned R-2, PUD and contains approximately .163 acres. The applicant requests a variance from the rear setback requirements of the UDC to permit a covered screened deck. Requested by Jesse & JoAnn Long.

Request: The applicant is requesting a variance to reduce the building setback for a covered screened deck to encroach 10' into the 30' rear setback. The applicant requests approval to replace their existing 12'x16' elevated deck and to provide a roof and screening. The applicant has provided a letter of explanation and request which is attached for review.

Property Description and History: 2008 Sunflower Drive is located in the Hampton Springs Subdivision and is zoned R-2, PUD. The property has a rear setback of 30' and includes a 10' rear PUDE. The home is centrally located on the property and is parallel to the front and rear setbacks and property lines. The rear of the home is approximately 2' from the rear setback line and 32' from the property line. The existing 12'x16' uncovered deck encroaches 10' into the rear setback, which is permissible. The property is adjacent to other R-2, PUD lots in the Hampton Springs Subdivision and backs up to C-1 zoned property to the north.

The current status of the covered deck is shown in the attached picture. As the property owner (currently living out of state) stated in their letter they hired a company to replace the deck after a recent purchase and to cover/screen in the deck. Upon notice from the HOA they stopped construction and learned that a variance was needed for the setback encroachment. The deck has been reconstructed and is covered. Screening and other minor finishes are still required.

Analysis: The previous 12'x16' deck was demolished and has been replaced with a new 12'x16' sized deck. The applicant wanted to improve the new replacement deck by covering and enclosing the deck with screening. The covering and screening of the deck is what requires a variance. The applicants currently reside in Texas and are planning on retiring to this home. As stated above, construction has already begun on the deck and once the applicants became aware of an issue, they immediately contacted the city to determine what needed to be done.

The proposed covered screened deck will have the same 10’ encroachment as the prior uncovered deck. There is no increase or decrease in the overall encroachment into the 30’ rear setback. The covered deck framing and supports are proposed to be constructed with wood and siding, which will complement the current characteristics of the home. The proposed covered deck has a height of 12.3’ and will have a roof angling out and away from the home. As a roofed structure proposed deck is considered part of the primary structure for building setback purposes. The proposed screened deck is approximately 10’ 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 2008 Sunflower 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. No comments were received regarding this request. 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 proposed 12’x16’ deck, which is the same size as the existing deck. The variance is required to allow the covering of the prior/existing deck.

   **Per the applicant:** “The requested variance is in a residential neighborhood area. The addition of a screened area and roof to the original deck on the rear of the home will not impact the class or use of the property.”

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 home is positioned 2’ from the rear setback line and has provided little to no room for any conformity. The proposed screened deck will encroach approximately 10’ into the rear setback and does not encroach into the PUDE. The existing deck encroaches 10’ and there is no increase or decrease of encroachment. Approval of the request will permit the covering and screening in of the new deck. The rear yard permits no space for a covered deck.

   **Per the applicant:** “The requested variance to 2008 Sunflower Drive will not encroach on the rear yard which backs up to a commercially (C-1) zoned field and Kedron Rd. Screening and roofing the existing deck provides protection from insects, especially mosquitoes and health concerns given the rise in Malaria in middle TN. The encroachment is vertical and aligns with the neighborhood.”

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 C-1 zoned land. 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:** “Relief to the homeowners will provide a layer of safety and privacy without expanding the original deck footprint nor impacting community character and neighboring homes.”

**Public Comment:** Staff has received no public comment via the BOZAPublicComment@springhilltn.org email address. Planning Staff has received one letter from a neighboring property owner who is in support of this variance application. The letter has been provided in the packet.

**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 866-2020, a building setback variance request to cover and screen an existing deck, 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 866-2020 to reduce the building setback for a covered screened deck at 3003 Dogwood Trail 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 the Hampton Springs Subdivision.
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.
**City of Spring Hill, TN**

**Variance Board of Zoning Appeals**

**Submittal Checklist**

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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:**

Jesse & JoAnn Long  
2008 Sunflower Dr. Spring Hill TN 37174  
Request for Variance: Encroachment - Replace existing 12' x 16' deck, Screen-in roof.

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 hardships 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 situations or conditions of such piece of property, it is not able to comply with the regulations as required under this Code."

   The requested variance is in a residential neighborhood area. The addition of a screened area and roof to the original deck on the rear of the home will not impact the class or use of the property.

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 requested variance to 2008 Sunflower Dr will not encroach on the rear yard which backs up to a commercially Zoned Field and Keidow Rd. Screening & roofing the existing deck provides protection from insects, especially mosquitoes, a health concern given the rise in malaria in Middle TN. The encroachment is vertical and aligns with the neighborhood.

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."

   Relief to the homeowners will provide an added layer of safety and privacy without expanding the original deck footprint nor impacting community character and neighboring homes.

---

**Applicant Name/Project:**

Jesse & JoAnn Long

2008 Sunflower Dr, Spring Hill, TN

Request for variance: Encroachment

- Replace existing 12' x 12' deck, screen-in + roof.
August 23, 2020

City of Spring Hill, TN
Board of Zoning Appeals
Northfield Complex
5000 Northfield Lane
Building 500, Suite 520
Spring Hill, TN 37174

Dear Spring Hill Board Members,

Thank you for your service to the City of Spring Hill and the Board of Zoning Appeals. We are the new property owners of 2008 Sunflower Dr., Spring Hill, TN and are writing to respectfully seek your consideration of a variance request. The request is for replacement of the original 12’ x 16’ deck, along with screening and roofing the deck which is located on the back of the residence.

We are approaching retirement as teachers in Lubbock, TX where we have worked for the past 26 years. We plan on moving to Spring Hill in the near future. We plan to temporarily rent the house until we can relocate to the area to be closer to relatives in Spring Hill and our young grandchildren in Franklin.

We purchased the home in early July “as is.” Several essential repairs were noted in the inspection. Replacement of the rotting 12’ x 16’ deck on the back of the home was among the items requiring attention before the home could be occupied. We hired a contractor, Tristan Hall of “Halls Do It All” of Burns, TN, to assist us.

Our house at 2008 Sunflower Dr. backs up to a commercially zoned (C1) field and will not significantly impact or encroach on the rear yard or field bordered by busy Kedron Road. Without realizing we needed prior approval from the City and Hampton Springs HOA, we asked our contractor to screen-in and roof the deck (without changing or expanding the original footprint), reasoning this would help mitigate the insects (mosquitoes potentially carrying malaria on the rise in Middle TN) and provide an added layer of safety and privacy while still enjoying the outdoor deck. It was not until a HOA representative stopped and spoke to our contractor and in turn, called us, that we realized we had inadvertently stepped outside of the required procedures. We are deeply sorry for our mistake. Tristan immediately stopped work on the deck, nearly 2/3 complete, until we could follow the appropriate process and correct our error.

We have looked at the comprehensive plan in the Spring Hill RISING 2040 publicly accessible document and applicable sections of the unified development code (UDC). We believe the tastefully screened in porch on the back of our home is consistent with the desired community character of the neighborhood and in no way impinges on neighboring homes. In addition, it appears there are existing homes on Sunflower with outdoor decks/porches that are screened-in and roofed and/or have privacy walls in place. The original deck encroaches (original 12’ in depth) into the rear of the yard (see attachments).
The requested variance does not change the footprint of the deck into the rear of the yard, located in the range, it appears, of 20'-21' line. The change in encroachment is vertical, facing upward toward the sky, as opposed to encroaching outward into the rear yard.

As a residential neighborhood area, the addition of screen and sloped roof to the property will not impact the class or the use of the property.

We humbly ask for your consideration in granting our request for a variance for finishing the screening-in and roofing of the existing deck on the back of our home. Doing so will allow us to use the home more fully and safely.

With gratitude,

Jesse and JoAnn Long
From: James Willis
To: Austin Page
Subject: [External] Support for Proposed Variance Request
Date: Thursday, August 27, 2020 12:34:53 PM
Attachments: Ut to Austin Page City Assoc Planner August 2020.docx

**External Email**

Please find attached in a Word document a letter of support for a proposed variance request.

Thank you,

James ("Jim") & Sylvia Willis
2010 Sunflower Drive
Spring Hill, TN 37174
email: jwillis817@aol.com
Home Phone (land line) 931-674-2334
Jim's cell: (voice or text) 850-281-7131

This email has been checked for viruses by Avast antivirus software.

www.avast.com
August 26, 2020

Austin Page, Associate Planner
City of Spring Hill
199 Town Center Parkway
Spring Hill, TN 37174

Re: Support for Proposed Variance Request for 2008 Sunflower Drive, Spring Hill, TN 37174, on behalf of property owners Jesse and JoAnn Long

Dear Austin Page:

As you will note we live next door to 2008 Sunflower Drive which is property owned by Jesse and JoAnn Long. We are very much in favor of the covered deck addition to the house located on this property. In fact, we believe the addition of this deck will not only add value to the home owners but it will likewise enhance the attractiveness of the property. We further believe that with the enhanced image of this house right next door to ours that it will also enhance the value of our property. We certainly support all property enhancements that are done in good taste like this enhancement at 2008 Sunflower Drive. We strongly encourage that the requested variance be approved by our city.

We are very proud property owners in the Hampton Springs subdivision and firmly believe our community adds real value to the attractiveness of our city. The vast majority of property owners in this subdivision take pride in their property and are well aware of their responsibilities as citizens of our great city of Spring Hill.

Thank you for the privilege to submit this letter on behalf of the Long family.

Respectfully,

James Willis and Sylvia Willis
BZA 876-2020: Submitted by Michael Logozar for 145 Carr Drive. The property is located at the Plantation Subdivision, zoned R-1 and contains approximately 4.08 acres. The applicant is requesting four variances all related to the location of and use of the existing barn on the property. Requested by Michael Logozar.

Request: All four of these variance requests are for subjects and code provisions not typically considered. The applicant is requesting a variance from the following sections of the City’s Unified Development Code:

a)  8.3.1.3 to allow a detached accessory dwelling unit in the front yard.
   - Detached accessory dwelling units may only be located in the rear yard. Detached accessory dwelling units must be located ten feet from any lot line and from any principal building.

b)  8.3.1.4 to have the same meter connections.
   - Both the principal dwelling unit and the accessory dwelling unit must maintain separate meter connections.

c)  8.3.1.5 to permit a building height of over 20’.
   - A detached accessory dwelling unit is subject to the height permitted for a detached garage, which is 20’ in the R-1 zoning district.

d)  9.3.N.3 to allow the home occupation of an office and music studio to be conducted in the accessory structure.
   - The home occupation and all related activity, including storage, must be conducted completely within the principal building. No home occupation may be conducted in any accessory structure.

The applicant plans to renovate 770-sf of the main floor which includes one bathroom and is intended to be used as the applicant’s home occupation of music composition. The second-floor renovation contains 800-sf and will be used as a guest space for family and friends. The guest space will include a kitchen and a bathroom.

Property Description and History: 145 Carr Drive is located in the Plantation Subdivision and is zoned R-1. The property has a front setback of 30’, side setback of 15’ and a rear setback of 30’. This property has an irregular shape and contains approximately 4.08 acres. There is an existing barn that has been in place for at least 12 years. The current property owners did not construct the barn and recently purchased the property. The barn currently has utilities, is located in the front yard of the property, and is approximately 75’ from the primary residence. Currently, the barn is used for storage and the residents perform their home occupations inside of the primary residence. The property is adjacent to other R-1 zoned lots in the subdivision and the rear of the property backs up to an undeveloped portion of the Harvest Point PUD. The property is secluded, with a tree buffer along almost 100% of the perimeter property line. The house and barn are not visible from the public road.

Analysis: The applicant is requesting four variances in order to renovate their existing barn to accommodate a home occupation and guest living space. The main floor will include the office and music space and contains approximately 750-sf. The guest area, which includes the entrance and stairwell area, contains approximately 800-sf and is under the 901-sf
requirement that would’ve required special use approval by the Board of Zoning Appeals. The barn is already connected
to utilities and is why the applicant is requesting a variance from Section 8.3.1.4 to waive the requirement for separate
metered connections. The applicants have indicated to staff that they have no intentions of renting the guest space as a
short-term or long-term rental and that it would strictly be used for friends and family. The barn has an estimated height
of 23', which is 3' above the maximum allowed height of 20'. However, the barn is existing and was a part of the property
when the current owners purchased the property.

The UDC prohibits home occupations to be conducted out of an accessory structure and therefore requires a variance to
the location of this activity. The property owners are both music composers and will use this renovated space for music
production. There is a dedicated music room that is proposed to be soundproofed and shall not cause any additional noise
outside out of the property. The home occupation is not service based and there will be no customers continuously coming
to the property.

The property is irregular in shape and the barn is located in the front yard. The primary residence is positioned near the
rear of the property and the overall property contains over 4 acres (see attached plan). The barn is approximately 32' from
the eastern property line, approximately 245' from the rear property line and approximately 110' to the nearest front
property line. In relation to nearby homes, the barn is approximately 266' from the home on the eastern property, approximately 317' to the north and approximately 306' to the west. The property lines are lined with trees and existing
vegetation and the barn is not visible from the nearest road (Carr Drive).

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 145 Carr 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. No comments were received regarding this request.
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 for each of the requested variances. Staff’s review of the criteria is provided
below.

Variance Number One. A variance from Article 8.3.1.3 to allow the detached accessory dwelling unit in the front yard.

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. The property is unique in shape, secluded, and contains over 4 acres. The positioning of the barn in the front
   yard prohibits the barn from complying with the accessory structure sections of the UDC. Due to the current location
   and height, the barn is not able to comply to city regulations. The barn is already connected to utilities and was
   constructed over twelve years ago. The requested variance will not alter the appearance of the barn from off-site, if it
   could be seen. This variance merely grants approval to an existing structure that does not meet the current setback
   and location requirement in the Unified Development Code. The barn will no longer be considered non-conforming.

   Per the applicant: “Our yard meets many of these requirements as noted in the above descriptions such as
   size, shape and topographic conditions.”

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 applicant purchased the
property with an existing barn. Although the barn is in a location that makes it non-conforming with setbacks, it
should be able to be used for normal uses permissible with this structure.

   Per the applicant: “The barn has been there for over 12 years and it is not practical to move the structure, and
there is no room behind the house to move it to.”

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. Due to the secluded nature of the site, the location of the barn is not observable. The barn has also been in this location for many years. Staff has no information related to the origin of the barn or whether it was constructed prior to annexation or complied with applicable codes when built. It existed in 2007.

   Per the applicant: “Having a guest space in our barn will be entirely out of sight from all neighbors and can be granted without any substantial detriment to the public good, and is in line with the intent of the UDC for the privacy and wellbeing of the neighbors. Our request would also not substantially impair the purpose of the zoning map and the code because there is not a clear correlation between the UDC diagram/definitions of a rear yard, and our property due to its exceptional shape and size and the fact that we have two distinct yards on our lot: The front entrance yard, and after crossing the creek bridge and vegetation, the rear cleared yard which contains both the house and the barn.”

Variance Number Two: A variance from Article 8.3.1.4 to not have separate utility metered connections.

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. Staff has found no critical rational for this requirement being included in the Unified Development Code and is considering a recommendation to remove this from the code. Since both units are required to have single ownership there is no reason for separate connections. Utilities are existing to this barn and unless the property is subdivided, the utility service is appropriate.

   Per the applicant: “We have exceptional topographic conditions as noted above.”

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. Similar to a multi-family development with rented dwellings that are not required to have a separate utility service, this arrangement should be acceptable as long as the unit is owned by the owner of the single-family home.

   Per the applicant: “We already have service to the barn, and this would be very cost prohibitive and risk damaging our primary service lines.”

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. There is no adverse impact to the area or city.

   Per the applicant: “There would be no harm to the public good nor the intent and purpose of the code to allow us to use what is already there. Granting this variance would allow us to prevent potential damage to our existing service lines and property and avoid inconveniencing our neighbors with trench work on what visually looks like part of their yard.”

Variance Number Three: A variance from Article 8.3.1.5 to allow the height of detached accessory structure to exceed a height of 20’.

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 requested variance will not alter the appearance of the barn from off-site. The site is heavily
buffered and not visible from the public right-of-way. This variance merely grants approval to an existing structure that does not meet the current height maximum in the Unified Development Code.

**Per the applicant:** “We have exceptional topographic conditions that keep this building private from the neighbors and it does not look like a large building in the context of its surroundings.”

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 applicant purchased the property with an existing barn. Although the barn is taller than permitted in the R-1 District, it should be able to be used for normal uses permissible with this structure. This approval will make the structure ‘conforming.’

**Per the applicant:** “The barn has been there for over 12 years and it is not practical to reduce its height.”

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. Due to the secluded nature of the site, the location of the barn is not observable. The barn has also been in this location since at least 2007.

**Per the applicant:** “There would be no harm to the public good nor the intent and purpose of the code to allow us to use what is already there. It is private, out of sight, and visually fits its surroundings.”

### Variance Number Four: A variance from Article 9.3.N.3 to allow the home occupation to be conducted in the detached accessory structure.

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. The property is unique in shape, secluded, and contains over 4 acres. The location of this property being a somewhat rural property and isolated from adjoining property creates a situation where a home occupation operated in the barn would not unnoticeable to other property owners or the right-of-way. There are also much larger setbacks and separation from adjoining property owners. While this provision makes sense in a more urban “in-city” context, it is less applicable in this rural setting.

**Per the applicant:** “We have exceptional conditions of our lot that keep this building private from all the neighbors.”

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. Denial of the variance may create an inconvenience for the property owner requiring the home occupation to be operated within the main house. However, with the barn existing and available for use, no negative impact is created by operating the use our of the detached garage.

**Per the applicant:** “This is our livelihood and it has been very difficult to operate out of our living room due to the noise and activity of day to day family life especially with all the effects of the COVID19 related orders ad lifestyle changes. The kind of music we make requires a quiet environment to record in. Our family of 7 is now entirely home most of the time, including our children who are doing their schooling online close to our music area. We have the space to work within the existing structure that is on our property, and would like to develop it for the reasons noted.”

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. As stated above, there should be no adverse impact to operating the business out of the existing barn.
Per the applicant: “Both the nature of our occupation and the type of building we have to work with can meet the intent of the UDC by not negatively impacting the neighbors by being unsightly or noisy, and there will be no change in the impact on the neighborhood by moving it from our living room into our barn structure.”

Public Comment: Staff has received no public comment via the BOZAPublicComment@springhilltn.org email address.

Recommendation: The Board of Zoning Appeals may want to vote on each of the four variance sections separately. For each or every request that the Board finds 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, and approve the request associated with BZA 866-2020. Each of the requests is listed below in the Motion section for voting purposes.

Possible Motion: Motion to adopt the finding of facts and conclusions of law provided in the staff report and to approve variance BZA 876-2020 to:

1. 8.3.1.3 to allow a detached accessory building/dwelling unit in the front yard.
2. 8.3.1.4 to have the same meter connections for both the principal residence and accessory dwelling unit.
3. 8.3.1.5 to permit an accessory building height of 23’ (over 20’).
4. 9.3.N.3 to allow the home occupation of an office and music studio to be conducted in the accessory structure.

subject to the following conditions.

1. The applicant will take action to prevent noise from the home occupation from impacting surrounding property.
2. The approval for the home occupation to be operated within the accessory building shall be limited to the current proposed business.
3. Substantial consistency with the plans submitted and dimensions shown.
4. Should the property ever be divided and ownership of the accessory building no longer be on the same property as the existing house, variances 1, 2, and 4 shall become void. 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.
# City of Spring Hill, TN

## Variance

### Board of Zoning Appeals

### Submittal Checklist

<table>
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<tr>
<th>Application Must Read and Initial Each Box to the Right</th>
<th>Initials</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>
<td>m/e/f/s</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. The <strong>Applicant Is Responsible</strong> for mailing notices and must provide the City with an affidavit stating that notice was mailed to every property owner as required and provide the City with a list of names, addresses, and property identification numbers (PIN) of all notice recipients, and a map indicating the boundaries of the notice area. The applicant must also provide the City an example of the notice sent.</td>
<td>m/e/f/s</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>m/e/f/s</td>
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<tr>
<td>d) A pre-application conference with City staff is <strong>recommended</strong>, 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.

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**Applicant Name/Project:** 145 Canal Dr, Darien renovation  
**Variance BOZA checklist**

Michael Kendra Logozzo
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."

   SEE LETTER.

2. The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties to or except or place undue hardship upon the owner of such property.

   SEE LETTER.

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."

   SEE LETTER.
Letter of Request for Variances for the Interior Renovation of Barn Structure for the Logozar Family located at 145 Carr Drive.

August 28, 2020

Re: Interior Renovation of Barn Structure at 145 Carr Drive

Dear Board of Zoning Appeals

We are requesting a permit for interior development to finish out the upstairs guest space of our barn building along with a developing part of the main floor into a personal office and piano room. The remainder of the building will stay undeveloped for parking and storage.

We are both music composers and would like to have a quiet place to record piano music. We are currently using our living room for this purpose and would like to be using it for family activities and as a space for our children to do their online schooling. The piano room will be soundproofed and the use of it will not cause any additional noise outside our property.

The barn building has been in place for at least 12 years and already has water and electric available.

We are not requesting any changes to the footprint, location, or height of the building. After consulting with the planning department at the City of Spring Hill, we understand that we need to request the following variances in order to complete the renovation and use the barn in the manner described:

1. Variance from Article 8.3.1.3 to allow the detached accessory dwelling in the front yard.
2. Variance from Article 8.3.1.4 to not have separate meter connections.
3. If the barn is over 20’, a Variance is needed from Article 8.3.1.5.
4. Variance from Article 9.3.N.3. to allow the home occupation to be conducted in the accessory structure.

The following pages contain additional information pertaining to this request.

Thank you,

Michael & Kendra Logozar
Neighborhood and Plot Map and Subject Photos

145 Carr Drive is in the Plantation subdivision near the far western edge of the Spring Hill city limits in a neighborhood of approximately 40 properties 1-2 acres in size.

There are 4 larger hidden lcts behind the creek that surrounds the neighborhood, and ours is one of them and is at the very end of the last street in the neighborhood.
This photo shows the view from the street of at the end of the cul-de-sac. It shows our front yard that we maintain beside our long driveway. Neither the barn nor the house are visible from the street. Our property is between the white fences on the left and the trees/house on the right. (The house in the photo is our neighbor’s house.)

After entering the woods and crossing the bridge over the creek, the rear yard which contains both our house and barn is in a clearing of approximately 3 acres, out of view of the rest of the neighborhood.

When oriented via the driveway entrance, the barn is on the left and the house on the right, with the house sitting farther forward than the barn.
This aerial photo shows the driveway and orientation of the houses and the buffer surrounding the rear main yard behind the creek.

One more view from the southwestern side of the yard:
Interior Development Plan

The following annotated drawing shows the different development areas of the renovation plan.

- The green area (approximately 800 sq ft including the stairwell, and main floor entrance) is the guest area.

- The area in blue (approximately 550 sq ft) will be the soundproofed piano room.

- The area in beige is a personal office area (approximately 200 sq ft) with the entrance being the covered patio of the barn.

- All the white areas are intended to be left undeveloped for parking and storage. The bathroom in the white area on the plan is an optional garage bathroom outside the climate controlled developed area.
Variance Request (8.3.1.3): Detached Accessory Dwelling in the Front Yard

The different parts of a yard are defined as follows in the Spring Hill UDC (2-35/p42):

![Yards Diagram]

Based on this diagram, we can understand the intent of the UDC in requiring a detached accessory dwelling to be in the rear yard, as it would maintain the look and feel of the neighborhood and keep any guest foot traffic and activity away from the public areas of the street. In lots like the ones shown, the rear portion would be as far out of view of the neighbors as possible.

While many developments within the city of Spring Hill look like this diagram, our property does not.

Our lot is cut into two yards with a creek, bridge, and wooded buffer zone between them:

1) a front yard that is larger than many city lots that is approximately 50 wide and 280 ft deep that only contains our driveway and lawn to maintain, and

2) a rear yard over the creek that is entirely shielded from view of all the neighbors that contains both our house and barn.

Inside that rear yard, when oriented towards the driveway entrance, the house is still more in front than the barn.

There is not a clear correlation between this diagram from the UDC and our property due to the exceptional shape, size, and topographical conditions of our property.
Our request is consistent with the following approval standards and 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.

   Our yard meets many of these requirements as noted in the above descriptions such as size, shape and topographic conditions.

2. "The strict application of any provision enacted under this Code would result in peculiar and exceptional practical difficulties or or exception or place undue hardship upon the owner of such property.

   The barn has been there for over 12 years and it is not practical to move the structure, and there is no room behind the house to move it to.

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."

   Having a guest space in our barn will be entirely out of sight from all neighbors and can be granted without any substantial detriment to the public good, and is in line with the intent of the UDC for the privacy and wellbeing of the neighbors.

   Our request would also not substantially impair the purpose of the zoning map and the code because there is not a clear correlation between the UDC diagram/definitions of a rear yard, and our property due to its exceptional shape and size and the fact that we have two distinct yards on our lot: The front entrance yard, and after crossing the creek bridge and vegetation, the rear cleared yard which contains both the house and the barn.
Variance Request (8.3.1.3): Separate Meter Connections

This section of code requires the principal dwelling and accessory dwelling unit to maintain separate meter connections.

We understand some reasons for this part of the code would be to maintain the independence of the accessory dwelling billing relationship and availability of service in the event of damage to the primary dwelling unit's water line. This would most typically benefit a long-term unrelated resident of the accessory dwelling unit.

We are requesting a variance on this item for the following reasons:

1. Our property is zoned R-1 and as such we will not be having a long-term unrelated resident living in the accessory dwelling unit, such as could happen with a R-2 zoned property. Any future owners of our property will similarly only be able to use this space for short term guests.

   People who stay in our guest space will have much closer ties to our principal dwelling unit than a long term tenant would and would not need a separate billing relationship or utilities independent of our primary dwelling unit. In the event of a service problem to the accessory dwelling unit, we would not have an issue either temporarily opening up our primary dwelling unit to guests, or alternately shutting down our guest space to undergo repairs.

2. Due to the exceptional topographic conditions of our property it would be very costly and cause undue risk in order to bring in redundant water and electric connections. We estimate the lines would have to be brought about 450 feet and would cross a concrete drainage ditch that was installed after our old water line was installed. It would also need to cross our bridge adjacent to the water line that is already attached to it, and additionally need to cross another set of water and electric lines between the house and the barn.

   Aside from the prohibitive cost, this would put an undue burden on the neighbors adjacent to the water meter and make a mess of what visually looks to be part of their yard. It would also risk damage to our existing water and electrical connections due to all the paths the new trenching would have to cross.

3. We already have water and electric service at the barn, as provided by the previous owners.
Our request is consistent with the following approval standards and meets or exceeds the criteria below:

4. "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.

We have exceptional topographic conditions as noted above.

5. "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.

We already have service to the barn, and this would be very cost prohibitive and risk damaging our primary service lines.

6. "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."

There would be no harm to the public good nor the intent and purpose of the code to allow us to use what is already there. Granting this variance would allow us to prevent potential damage to our existing service lines and property and avoid inconveniencing our neighbors with trench work on what visually looks like part of their yard.
Variance Request (8.3.1.5): Height Limit of 20’

The UDC 8.3.1.5 requires the dwelling unit to be limited to the height permitted for a detached garage.

The building we are requesting to finish out the guest space in was originally built as a pole barn and is larger than a standard garage type building. We estimate the total height to be 28’ at the tallest point. It was built at least 12 years ago, pre-dating several versions of the UDC, and has been there longer than the nearest neighbor’s house.

The building elevations are approximately as follows:
Topographically, this is the lowest elevation lot in the area and trees are much higher than the building. As such, it does not look out of context with the area.

As noted earlier, there is a buffer of 150-200' of woods, creek, and vegetation that add to the privacy of this building.

We understand that the code is good to keep neighborhood's looking more uniform and to not inconvenience close neighbors with unsightly large buildings that look out of place and potentially negatively impact the privacy and enjoyment of their property, but due to the circumstances we have noted, this building respects the privacy of the neighbors.

Our request is consistent with the following approval standards and 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.

   We have exceptional topographic conditions that keep this building private from the neighbors and it does not look like a large building in the context of its surroundings.

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 barn has been there for over 12 years and it is not practical to reduce its height.

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."

   There would be no harm to the public good nor the intent and purpose of the code to allow us to use what is already there. It is private, out of sight, and visually fits its surroundings.
Variance Request (9.3.N.3)—Home Occupation in an Accessory Structure

The UDC allows for a home occupation in the primary structure but not in the accessory structure.

We are both music composers who need a quiet space to record piano music away from the day-to-day noise from household family life. We currently use our living room for this purpose and would like to be using it for family activities and as a space for our children to do their online schooling.

The piano room in the barn will be soundproofed and the use of it will not cause any additional noise outside our property.

Our request is to move what is in this photo into our barn structure so we can have a quiet place to record our piano away from the noise of day to day family and online schooling life. This is not something that is easily done in our primary structure and is better suited to the other building.

Our activities in this room are to create the quietest of instrumental music which many people use to relax and de-stress. This is not something that would negatively impact the neighbors by way of noise or traffic.

This is currently not a service-based occupation. We have not had any customer traffic since moving to Tennessee and only need a space to spend our time creating music which we eventually make royalties from.

At some point in the future we want to let other people record on our piano which would introduce a service component to our occupation, but if we do there would be a very limited amount of traffic. When we did this in Texas, we had only 3 or 4 projects a year of less than a couple of days each where one customer came at a time, arranged well in advance. We did not publish our address publically.

The reason for designing the barn to have two rooms instead of one for this purpose (labeled “Office” and “Music Room” on the document) is that the piano requires a humidity controlled environment and there are times I would like to be doing non piano related activities on a computer with the windows open in spring or fall which I cannot do near the piano.
We understand the UDC may have this code in place to keep order in a neighborhood and maintain the enjoyability of each person’s property. In an ordinary city lot, running a business out of a shed or even detached garage can be unsightly and possibly cause extra traffic and noise.

We are requesting a variance on this item for similar reasons as the other ones. Our lot provides plenty of privacy from all of the neighbors and it will not cause them any amount of inconvenience or harm for us to move what is happening in our living room to our barn structure. We will be soundproofing our piano room to provide additional privacy to the guest room above in addition to keeping the inside noise in, and the outside noise out.

Our request is consistent with the following approval standards and 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 sitution or condition of such piece of property it is not able to comply with the regulations as required under this Code.

   We have exceptional conditions of our lot that keep this building private from all the neighbors.

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.

   This is our livelihood and it has been very difficult to operate out of our living room due to the noise and activity of day to day family life especially with all the effects of the COVID19 related orders ad lifestyle changes. The kind of music we make requires a quiet environment to record in. Our family of 7 is now entirely home most of the time, including our children who are doing their schooling online close to our music area. We have the space to work within the existing structure that is on our property, and would like to develop it for the reasons noted.

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."

Both the nature of our occupation and the type of building we have to work with can meet the intent of the UDC by not negatively impacting the neighbors by being unsightly or noisy, and there will be no change in the impact on the neighborhood by moving it from our living room into our barn structure.
I. Dwelling – Accessory Dwelling Unit

1. No more than one accessory dwelling unit is allowed per lot. For townhouse developments where individual lots are not created, one accessory dwelling unit is allowed per townhouse dwelling unit. When permitted, the accessory dwelling unit does not count toward the maximum number of dwelling units on a lot, including when the accessory dwelling unit is located in a detached structure.

2. Both the principal dwelling unit and the accessory dwelling unit must be owned by the same property owner. One of the units must be owner-occupied.

3. Detached accessory dwelling units may only be located in the rear yard. Detached accessory dwelling units must be located ten feet from any lot line and from any principal building.

4. Both the principal dwelling unit and the accessory dwelling unit must maintain separate meter connections.

5. A detached accessory dwelling unit is subject to the height permitted for a detached garage.

6. No accessory dwelling unit may exceed 1,250 square feet in gross floor area. Accessory dwelling units above 901 square feet in gross floor area require a special use permit.

7. As of the effective date of this Code, existing detached garages may convert an upper floor to an accessory dwelling unit and may exceed the 1,250 square feet in gross floor area limit. Such conversions are subject to a special use permit if they exceed 901 square feet in area.

8. When a detached garage is converted to an accessory dwelling unit, the ground floor must be maintained as parking.

9. No additional parking is required for an accessory dwelling unit. Required parking for the principal structure must be maintained.

J. Dwelling – Manufactured Home

Manufactured homes must meet the following design standards when not located within a manufactured home park:

1. The front entry must be a dominant feature on the front elevation of a manufactured home, using features such as porches, raised steps and stoops with roof overhangs, or decorative railings.

2. Windows, entrances, bay windows, or other architectural features are required on all street-facing walls.

3. Each manufactured home must utilize roofing materials such as asphalt shingles or similar material, similar in material and appearance to single-family dwellings. Metal roofing is not permitted.

4. The roof design must be a full height roof element with a minimum pitch of 3:12.

5. All manufactured homes must be designed with skirting that is constructed of a non-metal fire-resistant material that meets the requirements of the Building Code.

6. The manufactured home must be set on a concrete slab or runway, and such slab or runway must be of a size large enough to accommodate a manufactured home in such a fashion that the concrete will extend at least two inches around the walls of the manufactured home on all sides.

7. Manufactured homes located within the RM-H District must meet the standards set forth in Section 4.4.

K. Dwelling - Multi-Family or Townhouse

1. Siting Standards

Siting standards are reviewed by the Design Review Commission but cannot be modified or waived by the Commission. Siting standards may only be modified by a variance.
Article 9. On-Site Development Standards

M. Single-Family Garage, Detached

1. One detached garage is permitted per lot for a single-family dwelling. There is no limit on the number of detached garages for two-family, three-family, multi-family, and townhouse developments.

2. A detached garage may be up to 15 feet in height, with the exception of the AG, R-A, R-R, and R-1 Districts where the maximum height of a detached garage may be up to 20 feet. Detached garages are encouraged to match the pitch of the roof of the principal dwelling.

3. The area above vehicle parking spaces in a detached garage may not contain a cooking facility or plumbing. This does not apply if an accessory dwelling unit use has been approved, in which case those standards control.

4. Detached garages are permitted only in the rear, interior side, and corner side yards. Detached garages must be set back a minimum of ten feet from the front building façade line. This façade line does not include architectural features, such as bay windows, or porches.

5. Detached garages must be set back a minimum of 20 feet from the lot line where access to the garage is taken.

N. Home Occupation

1. The home occupation must be conducted by an individual permanently residing within the dwelling. Only residents of the dwelling may be employed in the home occupation.

2. Signs that indicate from the exterior that the structure is being used, in part, for any purpose other than that of a residence are limited to one identification sign not exceeding four square feet in area. The sign may be wall-mounted or freestanding. A freestanding sign is limited to five feet in height and must be setback five feet from any lot line.

3. The home occupation and all related activity, including storage, must be conducted completely within the principal building. No home occupation may be conducted in any accessory structure.

4. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials may be used or stored on the site.
5. No commodities can be sold or services rendered that require receipt or delivery of merchandise, goods, or equipment other than by a passenger motor vehicle or by parcel or letter carrier mail services using vehicles typically employed in residential deliveries.

6. The home occupation must not create any traffic hazards or nuisances in public rights-of-way.

7. Alterations to the residence that would alter the residential character of the dwelling are prohibited.

8. Visitors, including but not limited to customers or clients, to the home occupation are permitted provided visitors must utilize existing off-street parking serving the residence within which the home occupation resides. Neither visitors or residents of the premises may park any vehicles on the street during operation of the home occupation. Visitors shall only visit the location of the home occupation between the hours of 9:00 a.m. to 6:00 p.m.

9. There must be no perceptible noise, odor, smoke, electrical interference, vibration, or other nuisance emanating from the structure where the home occupation is located in excess of that normally associated with residential use.

10. Repair and service of any vehicles, lawn care equipment, or any heavy machinery are prohibited as a home occupation.

11. Staging and/or storage of tractor trailers, semi-trucks, or heavy equipment, such as landscape or construction equipment used in a commercial business, is prohibited. No staging of employees, including parking of employee vehicles, for work off the premises are permitted at any time.

12. Day care homes are not considered a home occupation and are regulated separately by this Code as a principal use (Article 8).

(Ord. 19-09, 4/15/19)

Livestock

Chicken coops, apiaries, and aquaponic/aquaculture facilities are regulated separately. These standards do not apply to agricultural uses. These standards do not apply to livestock kept as part of a public safety facility, such as police dogs or horses for mounted police.

1. Keeping of livestock, including the required livestock enclosures, is permitted as an accessory use in the R-A District only on lots of two acres or more.

2. Roofed livestock structures are prohibited in the required front or corner side yard.

3. Roofed livestock structures must be located 35 feet from any lot line. Fenced enclosures, whether attached or unattached to the roofed structure, must be located 20 feet from any lot line.

4. The maximum number of livestock permitted on a lot is calculated as one acre per animal. The standards are cumulative requirements; for example, in order to keep three horses, a minimum of three acres of lot area is required. However, in all cases, a minimum lot area of two acres is required to keep any livestock.

5. All livestock structures and enclosures must be designed to ensure the health and well-being of the animals, including protection from predators, the elements, and inclement weather.

6. All livestock must be kept to prevent any adverse impact, including but not limited to odor, noise, drainage, or pest infestation, on any other property.

7. The following ancillary activities are permitted as part of keeping horses and other equine specifically:
   a. Riding lessons
   b. Boarding horses
   c. Therapeutic riding