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 October 20, 2020.

A. CALL TO ORDER

B. ROLL CALL

C. CONSIDER APPROVAL OF THE SEPTEMBER 22, 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

F. NEW BUSINESS

1. **BZA 892-2020**: Submitted by Jim Lukens for Lot 2 Station Hill Drive. The property is zoned C-4 and contains approximately .904 acres. The applicant requests special use approval to allow a parking lot as the property’s principal use in the C-4 district. This application has been submitted alongside a site plan application STP 903-2020 which will allow for the construction of a 24 spaced parking lot, adjacent to the existing parking lot in Lot 1. Requested by Jim Lukens.
2. **BZA 893-2020**: Submitted by Rodney Reston for the Benevento HOA. The subdivision is zoned R-2. The applicant requests six (6) variances from the Unified Development Code to allow two proposed entry signs on Benevento Drive and a column sign at the corner of Hurt Road and Duplex Road. Requested by Rodney Reston.

G. OTHER BUSINESS

H. PUBLIC COMMENT

I. ADJOURN
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

Chairman Terry Cantrell called the meeting to order at 5:33 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 August 18, 2020 Board of Zoning Appeals meeting minutes.

Jim Hagaman made a motion to approve the August 18, 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

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.

**Staff recommended conditions of approval:**
1. Substantial consistency with the plans submitted and encroachment shown.
2. The carport shall be open on three sides and may not be enclosed with any material.
3. Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

No public comment was received for this item via the BOZAPublicComment@springhilltn.org email address.

Brandon McCulloch made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 835-2020 with three (3) staff associated conditions of approval listed above. Motion seconded by Alderman Hazel Nieves. Motion to approve BZA 835-2020 passed 3-2 (Chairman Terry Cantrell and Vice Chairman Rob Roten dissenting), ratifying the June 16, 2020 approval.

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.

**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.

No public comment was received for this item via the BOZAPublicComment@springhilltn.org email address.

Jim Hagaman made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 836-2020 with four (4) staff associated conditions of approval listed above. Motion seconded by Alderman Hazel Nieves. Motion to approve BZA 836-2020 Passed 5-0, ratifying the June 16, 2020.

BZA Minutes 9-22-2020
Page 2 | 4
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.

   **Staff recommended conditions of approval:**
   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.

   Staff received two (2) public comments via the BOZAPublicComment@springhilltn.org email address. Public comments are provided at the end of the minutes.

   Jim Hagaman made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 874-2020 with four (4) staff associated conditions of approval listed above. Motion seconded by Alderman Hazel Nieves. Motion to approve passed 5-0.

2. **BZA 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.

   **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.

   Staff received one (1) public comment via the BOZAPublicComment@springhilltn.org email address. Public comments are provided at the end of the minutes.

   Jim Hagaman made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 875-2020 with four (4) staff associated conditions of approval listed above. Motion seconded by Alderman Hazel Nieves. Motion to approve passed 5-0.
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.

**Staff recommended conditions of approval:**

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.

Staff received two (2) public comments via the BOZAPublicComment@springhilltn.org email address. Public comments are provided at the end of the minutes.

Brandon McCulloch made a motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 876-2020 with four (4) staff associated conditions of approval listed above. Motion seconded by Alderman Hazel Nieves. Motion to approve passed 5-0.

**G. OTHER BUSINESS**

*No Other Business*

**H. PUBLIC COMMENT**

*No additional Public Comment*

**I. ADJOURN**

Vice Chairman Rob Roten made a motion to adjourn. Motion seconded by Alderman Hazel Nieves. Motion to adjourn passed 5-0.

Meeting Adjourned at 7:30 PM.

_______________________________
Terry Cantrell, Chairman
Board of Zoning Appeals:

My name is Ronald Woody and I reside at 303 Murphy Circle in Spring Hill. I am commenting on my neighbors 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 Primm's 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 Primm's 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
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
From: Tommy Lamar <tlamar4@gmail.com>  
Sent: Tuesday, September 22, 2020 8:56 AM  
To: Steve Foote <sfoote@springhilltn.org>  
Subject: Re: [External] 145 Carr Dr barn renovation

**External Email**

136 Carr Dr.

On Sun, Sep 20, 2020, 8:26 PM Steve Foote <sfoote@springhilltn.org> wrote:

Mr. Lamar,

Thanks for taking the time to comment. Would you mind sharing your address? That is typical for public comments. Thank you.

Sent from my iPhone

Steve Foote  
Planning Director

On Sep 20, 2020, at 12:45 PM, Tommy Lamar <tlamar4@gmail.com> wrote:

**External Email**

Austin, I have a few comments about the barn renovation for The Residence at 145 Carr Drive in Spring Hill. It is our opinion that all of the variances that they have
requested, be granted without further delay. These people are the type of people that make up some of the best of the citizenship in this town and helps attract more of the same. Additionally, the regulations that variances are requested against seem to have been written randomly with no purpose and do not pass any sort of common sense test of validity. I would suggest a complete review of those regulations so that specifically this type of situation does not arise and cause people to have to use needless amounts of time energy for these situations as property owners.

Thanks for your time and consideration.

Tommy and Elisha Lamar
Austin, in reference to the request by the Logozar family for variances to their property at 145 Carr Dr, I, as a neighboring property owner, have a question?

Will they be considering a barrier, ie. fence, between our property and theirs. The property line is very close to the barn, 25-30 feet, and runs at an angle, with part of my property being at the bottom corner, NW of the barn. This is a piece of property I do not utilize, because of the access to it, due to the wooded area.

My concern is that if people start staying at the barn, there is potential for people to access our property, potentially having a liability issue, if something were to happen.

I am not sure if the Logozars are aware of the property line. I wanted to see if this is something they considered, or as a property owner, I am able to place a fence along this property line to protect my interest on this section of land.

This is the only concern i have concerning the variance, as long as the barn is insulated to contain the sound from music being played.

Thank you, Don Brite.
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: October 20, 2020
SUBJECT: BZA 892-2020 (SPECIAL USE – Parking Lot as Principal Use – Lot 2 Station Hill Drive)

**BZA 892-2020**: Submitted by Jim Lukens for Lot 2 Station Hill Drive. The property is zoned C-4 and contains approximately .904 acres. The applicant requests special use approval to allow a parking lot as the property’s principal use in the C-4 district. This application has been submitted alongside a site plan application (STP 903-2020) which will allow for the construction of a 24 spaced parking lot, adjacent to the existing parking lot in Lot 1. Requested by Jim Lukens.

**Property Description and History**: This property is located on Station Hill Drive (Lot 2) and is located approximately 150’ north of the Reserve Boulevard and Station Hill Drive intersection. The property is located adjacent (north) of the existing Premier Chiropractic Building (Lot 1). The applicant intends to construct a 24-space parking lot which will immediately provide a remedy to the parking issues on the adjacent Lot 1, which is the same owner.

The applicant has stated that the overall intention of the site is to construct a future building (medical office, office and retail) and hopes to do so within the next five years. The application has submitted a site plan application (STP 903-2020) which is dependent upon the approval of this special use application. If denied by the Board of Zoning Appeals, the applicant will need to combine Lots 1 and 2 into one lot.

**Spring Hill Rising 2040**: This property’s future land use designation is “Innovation Area”. Primary future land uses for this designation include technology and research centers, hospitals, clinics, specialized medical offices, professional offices, restaurants, lodging and municipal services. This area incorporates transit-oriented development principles and design. Building development should be variable to promote the specific needs of an area that accommodates a variety of scale and building design that supports the goal of encouraging a walkable development form, and mixed-use opportunities are encouraged. Street designs are primarily automobile oriented but accommodate all modes of transportation to promote safety for all users and has an internal transit system and pedestrian oriented internal street network. This proposed use is automobile-oriented and it is located adjacent to a medical office, in which this proposed parking lot will support. A sidewalk is existing along Station Hill Drive.

The Spring Hill Rising 2040 plan is a guide used to help the City in making determinations on land use decisions. These decisions include special use and rezoning applications. The actual development of a site is governed by the zoning and development regulations of the City of Spring Hill. Having considered the various applicable sections of the 2040 Plan, staff believes a parking lot for the purpose of supporting the adjacent business is consistent with the Innovation Area (Comprehensive Plan) due to its direct correlation to the medical office on the adjacent site. The proposal amounts to a temporary solution.

**Proposed Site and Building Design**: The applicant is proposing a 24-space parking lot which will connect into the site to the south. Access to the proposed site is through the existing parking lot to the south. A turnaround is shown at the northern end of the parking lot. The Planning Commission may request that the parking lot be extended to the northern property line for future cross access. The parking lot is designed with 12 spaces on each side and provides a 25’ drive aisle. The applicant has indicated to staff that the property owner intends to construct a future building within 3-5 years, but details have not yet been determined. Site layout, design and landscaping of the parking lot will be addressed with the site plan application.
Spring Hill Unified Development Code: Article 13.3 of the City’s Unified Development Code lays out the approval process for uses identified as a Special Use in Table 8-1, Use Matrix. Because certain uses have unique characteristics that may prevent them from being compatible with neighboring land uses throughout the community they may be permitted by special use or “use on appeal” in the former zoning ordinance. This process allows for the uses to be considered on a case by case basis and site specific. Article 13.3 offers the following regarding special uses and the specific Approval Standards to be considered by the Board of Zoning Appeals:

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

1. The consistency of the proposed special use with the Comprehensive Plan and any adopted land use policies. As mentioned above, the Spring Hill Rising 2040 Plan identifies the property as Innovation Area. For the reasons stated above, Staff finds the proposed use to be consistent with the Comprehensive Plan and adopted land use policies.

2. The special use in the specific location proposed is consistent with the spirit and intent of this Code. The proposed use, while subject to approval as a special use, is consistent with the purpose statements in Article 5.1 for the C-4 District: “The C-4 District is intended for higher-intensity mixed-use commercial corridors and commercial intersections. The district standards address its relationship to adjacent neighborhoods due to the higher intensity of use, especially access, connectivity, and buffering.” The site is subject to site plan approval from the Planning Commission and that process will ensure consistency with code regulations. Preliminary review of the site plan application indicates that the plan complies with all code provisions. The site is within a commercial area and abuts commercially zoned sites.

3. The proposed special use will not endanger the public health, safety, or welfare. The site is bounded by other C-4 zoned property, including a developed .989-acre parcel to the south and all other abutting properties are undeveloped. The proposed does not meet the threshold for requiring a traffic impact study. Staff is aware of no other issue that would present a hazard to 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. The property is zoned C-4, General Commercial, and permits high intensity commercial activities. The immediate area is undeveloped with the exception of the Chiropractic office to the south. Uses permitted by right in this district include: Amusement Facility, Bar, Contractor’s Yard, Drug Treatment Facility, School, Bank, Funeral Home, Gas Station, Hotel, Church, Restaurant, Retail, Liquor Store. Other uses are listed in Table 8-1. The proposed use is compatible with adjacent properties and provides parking for the properties in the immediate vicinity.

5. The special use in the specific location has sufficient public infrastructure and services to support the use. Regarding utility accessibility and capacity, there is sufficient infrastructure and services for the proposed use.

Findings: Based on the above findings, Staff concludes that the application meets the Approval Standards of Article 13.3.E listed above for the approval of a special use.

The applicant has provided the following summary in response to the five (5) items above:

“The parking lot use is consistent with the Spring Hill Rising Comprehensive Plan which identifies the property within the Innovation Area. The parking lot land use is only a temporary use until the owner and market conditions determine it is time to move forward with the ultimate land use which is expected to be a building for medical
office, office or retail. These uses are all consistent with the Comprehensive Plan. The lot also has access to adequate and existing infrastructure including the street, sidewalk and utilities.”

Public Comment: Due to the Covid-19 Pandemic, the city has not been able to hold public meetings. As a solution, the city has asked the public to submit comments via email to BOZAPublicComment@springhilltn.org by 12:00 pm Tuesday of the meeting date. Staff has received no public comment via the public comment email address.

Recommendation: If the Board of Zoning Appeals agrees with staff’s findings and determines that the request meets the requirements for a special use, staff recommends that the Board of Zoning Appeals adopt staff’s findings of fact and conclusions of law found in this report and approve BZA 892-2020. Approval is subject to the conditions listed in the Motion below.

Possible Motion: Motion to adopt the finding of facts and conclusions of law provided in this report and to approve special use application BZA 892-2020 to permit a parking lot as the principal use at Lot 2 Station Hill Drive, with the following conditions:

1. Parking lot is approved solely for the support of Lot 1 and shall not be used as a commercial parking lot for the lease, rent or sale of parking spaces.
2. 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.
3. Development shall be reasonably consistent with the site plan submitted to the BOZA, subject to changes and conditions imposed by the Planning Commission.
PROJECT: LOT 2 Station Hill Road – Parking Lot
Special Use Application – Board of Zoning Appeals
Map 028K Parcel 002.00
Station Hill Drive, Spring Hill, TN

Steve Foote:

Attached is an application for a Special Use approval through the Board of Zoning Appeals. The application includes the following:

- Letter of request
- Review fee $300
- Board of Zoning Appeals Application
- Board of Zoning Appeals Special Use Submittal Checklist
- Proof of ownership
- 7 copies of the site plan which also has a location map

I am submitting this application on behalf of the landowner, Dr. Michael Montelione of Mountain of Lions, LLC. Dr. Montelione recently purchased this property with the intent of building a retail/office building in the future; however, he wants to build a parking lot now. Parking lot is allowed within the C4 zoning district as a special use. Special uses require the approval of the Board of Zoning Appeals, so this application is submitted for review by the Board at their October 20, 2020 meeting.

Dr Montelione (Mountain of Lions, LLC) owns 2040 Reserve Blvd (Lot 1) where he constructed the retail/office building in which he operates the Premier Chiropractic practice. Dr. Montelione recently purchased the adjacent Lot 2 with the intent of someday developing another retail/office building. However, as this time, Dr. Montelione wants to build a parking lot to use for his Premier employee parking.

The parking lot is not a public parking. The lot is for the sole use of the adjacent Lot 1 tenant, which is the same owner. The parking lot shares access to Station Hill Road via an existing shared access driveway on Lot 1. The lot is being designed so it can remain in-place as part of the future Lot 2 development. Timing and details of the future building have not been determined.

The parking lot use is consistent with the Spring Hill Rising Comprehensive Plan which identifies the property within the Innovation Area. The parking lot land use is only a temporary use until
the owner and market conditions determine it is time to move forward with the ultimate land use which is expected to be a building for medical office, office, or retail. These uses are all consistent with the Comprehensive Plan. The lot also has access to adequate and existing infrastructure including the street, sidewalk and utilities.

We appreciate your consideration of this request. If you have any questions concerning this application, please let me know.

Sincerely,

Lukens Engineering Consultants

Jim Lukens, P.E.
SITE SUMMARY

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<th>SITE DEC</th>
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SITE PLAN

- [Legend Image]
- [Site Plan Diagram]
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: October 20, 2020
SUBJECT: BZA 893-2020 (VARIANCES – Benevento Entry Signs)

BZA 893-2020: Submitted by Rodney Reston for the Benevento HOA. The subdivision is zoned R-2. The applicant requests variances from the following sections of the Unified Development Code to allow two proposed entry signs on Benevento Drive and a column sign at the corner of Hurt Road and Duplex Road. Requested by Rodney Reston.

Variance requests include:
Article 12.6.D.5.A One freestanding sign is permitted for a residential subdivision at each entry point.
Article 12.6.D.5.A A minimum separation of 100’ is required between signs.
Article 12.6.D.5.B A maximum sign area of 100 square feet per sign.
Article 12.6.D.2.B Freestanding signs must be setback a minimum of 5’ from any lot line.
Article 12.6.D.6.A Landscape must extend a minimum of 3’ from the sign base on all sides.

Property Description and History: The subject sites for the entry signs are located in open space at the northwest and northeast corners of the Benevento Drive and Duplex Road Intersection. The HOA plans to install two monuments/columns and placing the letter “B” on them. The column sign is proposed at the corner of Hurt Road and Duplex Road, which is the furthermost southwest portion of the Benevento subdivision. The placement of the two columns and fencing will be in a landscape buffer/open space owned by the HOA. The Board approved a similar styled request (BZA 759-2019) regarding monument signs and fencing in October of 2019 on Maleventum Way. Other sections of fencing, signs and monuments are used elsewhere within in the subdivision.

Request: The applicant is seeking five (5) variance approvals to allow the two subdivision entry signs and associated fencing on open space at the entrance on Benevento Drive. An additional request is made to allow for a Column with the letter “B” to be installed at the northeast corner of Hurt Road and Duplex Road.

The applicant is requesting the following variances:

1. **Article 12.6.D.5.A** – One freestanding sign is permitted for a residential subdivision at each entry point.
The proposal includes two signs, one on each side of the street. The applicant is requesting to reconstruct entry signs that existed prior to the Duplex Road widening construction. An additional two column signs are proposed with the letter “B” in common open space owned by the HOA at the vicinity of Hurt Road and Duplex Road.

2. **Article 12.6.D.5A** – A minimum of 100’ is required between signs.
The proposal includes two signs, one on either side of the street. Given that the street is a 50’ right-of-way the two signs are less than 100 feet apart. Staff believes that this requirement was possibly intended to apply to signs on the same side of the street. Most subdivisions have entry signs at both sides of an entrance and they would rarely if ever meet this requirement.

3. **Article 12.6.D.5.B** – Freestanding residential subdivision signs are permitted to a maximum height of 8’.
The two requested signs at subdivision entrance are proposed to have a height of 12.5’. The signs are similar in height to the signs that existed prior to the Duplex Road Widening construction. Photos or designs of the previous signs have not been provided. The proposed locations of the signs are consistent with the previously installed signs, built under the prior code.
4. **Article 12.6.D.5.B.** – Freestanding residential subdivision signs are permitted a maximum sign area of 100 square feet.
   The two requested signs at the subdivision entrance are proposed to exceed the 100 square foot requirement. The actual sign lettering of “Benevento” accounts for approximately 36 square feet. However, the structure the sign is placed is 175 square feet. Out of an abundance of caution and the interpretation of the “sign area”, the applicant applied for the variance exceeding the 100 square foot requirement. The signs are similar to the signs that existed prior to the Duplex Road Widening construction. Photos or designs of the previous signs have not been provided. The proposed locations of the signs are consistent with the previously installed signs locations, built under the prior code.

5. **Article 12.6.D.2.B** – Signs must be setback a minimum of 5' from any lot line and may not encroach on a public right-of-way or public easement.
   The two requested entry signs are located in open space. With the Duplex Road widening project, the common open space lots depth was reduced significantly. The requested variance would permit the signs to be located within the 5’ setback requirement and located within the 25’ PUDE of the Benevento Phase 1 Final Plat. The proposed locations of the signs are consistent with the previously installed signs locations, built under the prior code. Neither the signs or wall structures appear to constitute an obstruction to visibility.

   The proposed signs are consistent with other signs, monuments and fencing in the subdivision. None of these others include landscaping. Staff considers the stone monuments and detailed entry signs decorative by design.

**Findings of Fact:** The applicant has met UDC requirements regarding the U.S.P.S. First Class mailing of notices to all adjacent property owners of the common open space 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 properties. The findings listed below are staff’s response to the approval standards required in Section 13.4.E of the UDC, to be considered by the Board of Zoning Appeals prior to approving a variance.

1. Where, by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property it is not able to comply with the regulations as required under this Code. **The request completes the placement of monuments for Benevento. The subdivision was approved under the old zoning ordinance and other signs installed under the former regulations. The sign locations are somewhat different in that they are not recommended at an intersection to the development, but between adjacent residential lots. While staff believes the monuments represent a reasonable request, the height requested for the fence is more difficult to justify. The fence is permissible if held to a maximum of 36”. Many subdivision entry features include wall and archway structures that are tall enough for a person to walk under and in some cases include small entry buildings. In these cases, they are not considered “fences” per se, but buildings. In either case, a variance is appropriate to eliminate any potential nonconformity. Entry signs in the subdivision were existing prior to the Duplex Road widening construction. The Duplex construction decreased the open space lot width and the amount of usable space to place signage. The applicant wishes to reconstruct the signs in size, massing and character. Benevento would not have a need to request these variances if the road project had not removed former structures. This request and hardship is not self-imposed.**

**Per the applicant:** “The purpose of the project is to reconstruct the two (2) monument signs for our subdivision that existed prior to the widening of Duplex Rd. The two (2) columns (determined to be signs, because they include the letter “B” on them), match our existing perimeter fence signage located on Hurt Rd in the vicinity of Prescott Way, and also on Maleventum Way at the property line between Benevento and Benevento East. The monument signs are proposed to be located on either side of the Benevento Drive right of way, which is 50’. The location of these entrance monument signs is in the vicinity of the signs that existed prior to the widening of Duplex Rd. The purpose of the project is to reconstruct the two (2) monument signs for our subdivision that existed prior to the
widening of Duplex Rd. With the construction of the widening of Duplex Rd, Guard Rails were installed, one on each side of Benevento Drive, requiring the structure of the sign to be raised so as to permit the landscaping and sign "Benevento" to be visible from the Duplex Rd Right of Way. The variance requested would permit the height of the structure to be similar in size to the structures that existed prior to the Duplex Rd project.”

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 Benevento subdivision may not have considered the installation of monuments at the subject locations until after the development of the adjacent homes in Benevento East. The HOA desires to delineate the entrance into the subdivision from adjacent neighborhoods. Staff believes that the monument height and mass is reasonable and attractive, and thereby will not have an adverse impact on adjacent property. Entry signs in the subdivision were existing prior to the Duplex Road widening construction. Denying the applicant to reconstruct signs in size, massing and character would result in an undue hardship upon the HOA. The new proposed signs are in the same vicinity as the previous signs.

Per the applicant: “The location of these entrance monument signs is in the vicinity of the signs that existed prior to the widening of Duplex Rd. The purpose of the project is to reconstruct the two (2) monument signs for our subdivision that existed prior to the widening of Duplex Rd. With the construction of the widening of Duplex Rd, Guard Rails were installed, one on each side of Benevento Drive, requiring the structure of the sign to be raised so as to permit the landscaping and sign "Benevento" to be visible from the Duplex Rd Right of Way. The variance requested would permit the height of the structure to be similar in size to the structures that existed prior to the Duplex Rd project. With the widening of Duplex Rd, our Common Open Space Lots width (the width of the lot from Right of Way to Private Property lots of the subdivision) was reduced significantly. We are requesting a variance to permit the entrance monument signs, and the Columns located at the corner of Hurt Rd and Duplex Rd, and at the boundary of Benevento and Benevento East, to be located within the five (5) foot setback requirement of UDC Article 12.6.D.5.b and twenty-five (25) foot PUDE of Benevento Phase 1 Final Plat. Under strict adherence to Freestanding Sign regulations in UDC Article 12 and the PUDE, constructing a boundary incorporate decorative masonry columns (determined to be signs, because they include the letter "B" on them) at the property line, would not be possible.”

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 two monuments, fencing and two entry signs are located in common open space. Staff has not received any negative comments about them. As mentioned above, the proposed signage appears to fit and blend into the neighborhood.

Per the applicant: No response provided.

Public Comment: Due to the Covid-19 Pandemic, the city has not been able to hold public meetings. As a solution, the city has asked the public to submit comments via email to BOZAPublicComment@springhilltn.org by 12:00 pm Tuesday of the meeting date. Staff has received no public comment via the public comment email address.

Recommendation: If the Board of Zoning Appeals agrees with staff’s findings and determines that the requested variances are acceptable, staff recommends that the Board of Zoning Appeals adopt the findings of fact found in this report and approve BZA 893-2020, for the construction of subdivision entry signs, monument signs, to waive landscaping and separation requirements as described herein and on Exhibit A.

1. 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.
To: City of Spring Hill Board of Zoning Appeals  
From: Benevento Homeowners Association Board of Directors  
Date: September 28, 2020  

Subject: Request for Appeal by the Benevento Homeowners Association under UDC 13.4 pertaining to Variances under provisions required for Freestanding Signs and Fences under the UDC.

The Benevento Homeowners Association (HOA) requests to reconstruct our main entrance monuments, to include landscaping, at Benevento Dr and Duplex Rd, an entrance that was required to be removed during the construction of the widening of Duplex Rd. The entrance monuments and neighborhood sign are similar to, but not identical, in sizing and location as existed prior to the widening of Duplex Rd.

The HOA also intends to include a perimeter fence feature, with landscaping, located within the Benevento HOA Common Open Space, and adjacent to the newly reconfigured Duplex Rd Right of Way along the length of Duplex Road. Features of the perimeter fence include 5-board wood rail fencing in a cross-buck pattern, along with decorative masonry stone veneer columns, located at the property corner of Benevento East to the East, and Hurt Rd Right of Way to the West. A component of the masonry column would be a decorative letter “B”, representing the boundary of Benevento subdivision. The perimeter fence and its components, are identical to fence and decorative columns located along the boundary of Hurt Rd and Benevento Subdivision constructed by the HOA in 2017, and at Maleventum Way at the entrance to Benevento East constructed by the HOA in 2020.


Nature and Reason for the Variance 1 – Number of Freestanding Signs permitted (Article 12.6.D.5.a):

Under Spring Hill’s UDC Article 12, regulations of Freestanding Signs include, but are not limited to (emphasis added):

“One freestanding sign – residential subdivision is permitted for each entry point to the development.”

Source: Spring Hill Uniform Development Code, Article 12.6.D.5.a

Variance requested: We request to reconstruct two (2) signs, one on each side of the entrance of Benevento Dr that existed prior to the construction of the widening of Duplex Rd. Additionally, we request to add two columns (signs) with the letter “B” on our Common Open Space property at the vicinity of the corner of Hurt Rd and Duplex Rd, and the property line between Benevento and Benevento East at Duplex Rd.

Variance Reason: The purpose of the project is to reconstruct the two (2) monument signs for our

Benevento HOA Board of Directors request for Variances
subdivision that existed prior to the widening of Duplex Rd. The two (2) columns (determined to be signs, because they include the letter “B” on them), match our existing perimeter fence signage located on Hurt Rd in the vicinity of Prescott Way, and also on Maleventum Way at the property line between Benevento and Benevento East.


Under Spring Hill’s UDC Article 12, regulations of Freestanding Signs include, but are not limited to (emphasis added):

“One freestanding sign – residential subdivision is permitted for each entry point to the development. A minimum separation of 100 feet is required between signs.”

Source: Spring Hill Uniform Development Code, Article 12.6.D.5.a

Variance requested: We request to reconstruct two (2) signs, one on each side of the entrance of Benevento Dr that existed prior to the construction of the widening of Duplex Rd, the distance between the signs is approximately 50’, on either side of the Benevento Dr Right of Way.

Variance Reason: The purpose of the project is to reconstruct the two (2) monument signs for our subdivision that existed prior to the widening of Duplex Rd. The monument signs are proposed to be located on either side of the Benevento Drive right of way, which is 50’. The location of these entrance monument signs is in the vicinity of the signs that existed prior to the widening of Duplex Rd.


Under Spring Hill’s UDC Article 12, regulations of Freestanding Signs include, but are not limited to (emphasis added):

“Freestanding signs – residential subdivision are permitted a maximum sign area of 100 square feet per sign and a maximum sign height of eight feet per sign.”

Source: Spring Hill Uniform Development Code, Article 12.6.D.5.b

Variance requested: We request to reconstruct two (2) signs, one on each side of the entrance of Benevento Dr at a height of approximately 12.5 feet, of similar size and height as the signs that existed prior to the construction of the widening of Duplex Rd.

Variance Reason: The purpose of the project is to reconstruct the two (2) monument signs for our subdivision that existed prior to the widening of Duplex Rd. With the construction of the widening of Duplex Rd, Guard Rails were installed, one on each side of Benevento Drive, requiring the structure of the sign to be raised so as to permit the landscaping and sign “Benevento” to be visible from the Duplex Rd Right of Way. The variance requested would permit the height of the structure to be similar in size to the structures that existed prior to the Duplex Rd project.

Nature and Reason for the Variance 4 – Freestanding Sign (Residential Subdivision) permitted maximum height...
Under Spring Hill's UDC Article 12, regulations of Freestanding Signs include, but are not limited to (emphasis added):

"Freestanding signs – residential subdivision are permitted a maximum sign area of 100 square feet per sign and a maximum sign height of eight feet per sign."
Source: Spring Hill Uniform Development Code, Article 12.6.D.5.b

Variance requested: We request to reconstruct two (2) signs, one on each side of the entrance of Benevento Dr of similar size as the signs that existed prior to the construction of the widening of Duplex Rd. The approximate square area of the structure that includes the sign would be greater than 100 square feet. However, the actual sign area of the letters “Benevento” would be within the 100 square feet.

Variance Reason: The purpose of the project is to reconstruct the two (2) monument signs for our subdivision that existed prior to the widening of Duplex Rd. The variance requested would permit the massing of the structure to be similar in size to the structures that existed prior to the Duplex Rd project.

Nature and Reason for the Variance 5 – Freestanding Sign Setback Requirements (Article 12.6.D.2.b) and PUDE of Benevento Subdivision Phase I Final Plat:

Under Spring Hill’s UDC Article 12, regulations of Freestanding Signs include, but are not limited to (emphasis added):

"Freestanding signs must be set back a minimum of five feet from any lot line. No ground sign may project into, over, or otherwise encroach on a public right-of-way or public easement."
Source: Spring Hill Uniform Development Code, Article 12.6.D.5.b

Additionally, private lots within Benevento HOA have a typical lot configuration that includes Public Utility and Drainage Easements (PUDE) as follows:

Front and Rear Yard PUDE: 25 (twenty-five) feet
Side Yard PUDE: 10 (ten) feet
Source: Benevento Subdivision Phase I and Phase II Final Plats

Variance requested: We request to reconstruct two (2) signs, one on each side of the entrance of Benevento Dr to be located along the North property boundary of the Common Open Space and private lots of Benevento Subdivision, Phase 1 Final Plat.

Variance Reason: With the widening of Duplex Rd, our Common Open Space Lots width (the width of the lot from Right of Way to Private Property lots of the subdivision) was reduced significantly. We are requesting a variance to permit the entrance monument signs, and the Columns located at the corner of Hurt Rd and Duplex Rd, and at the boundary of Benevento and Benevento East, to be located within the five (5) foot setback requirement of UDC Article 12.6.D.5.b and twenty five (25) foot PUDE of Benevento Phase 1 Final Plat. Under strict adherence to Freestanding Sign regulations in UDC Article 12 and the PUDE, constructing a boundary incorporate decorative masonry columns (determined to be signs, because...
they include the letter “B” on them) at the property line, would not be possible.

**Nature and Reason for the Variance 6 — Freestanding Sign Landscape requirements (Article 12.6.D.6.a):**

Under Spring Hill’s UDC Article 12, regulations of Landscaping Freestanding Signs include, but are not limited to (emphasis added):

> "All freestanding signs must be landscaped at the base of the sign as follows:
>
> a. Landscape must extend a minimum of three feet from the sign base on all sides with small shrubs a minimum of 18 inches in height at planting in a single row around the perimeter of the sign base. Plant materials must include a variety of species for visual interest."

Source: Spring Hill Uniform Development Code, Article 12.6.D.6.a

**Variance requested:** We request to reconstruct two (2) columns (determined to be signs, because they include the letter “B” on them) to be incorporated into a perimeter fence at the property line located at Hurt Rd and Duplex Rd, and at the boundary of Benevento and Benevento East. The base of the columns would be required to be set back from the property line 3 (three) feet to accommodate landscaping from the base of the column required by UDC 12.6.D.6.a.

**Variance Reason:** Strict adherence to landscape requirements under UDC Article 12.6.D.6.a, would make the project, as a boundary perimeter fence located on the property line, unattainable.

**Consistency to approval standard provided under UDC Article 13.4.E:**

The Benevento HOA Board submits the following approval standards under UDC Article 13.4.E for consideration to the Board of Zoning Appeals:

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

> 3. Such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning map and this Code.”

Source: Spring Hill Uniform Development Code, Article 13.4.E

**Variance Justification:** We request approval to our variance requests in order to reconstruct monument signs in size, massing and character commensurate to what existed prior to their removal in order to construct the widening of Duplex Rd.

We respectfully request the Board to grant our requests for Variances under Spring Hill’s Uniform Development Code (UDC) Article 13.4 of certain provisions required for Freestanding Signs, including, but not limited to: 1) Number of Residential Freestanding Signs permitted (Article 12.6.D.5.a), 2) Minimum Spacing Requirement of Residential Freestanding Signs permitted (Article 12.6.D.5.a), 3) permitted height (Article 12.6.D.5.b), 4) Freestanding Sign setback requirements (Article 12.6.D.2.b), 5) sign maximum area...
(Article 12.6.D.5.b), and 6) Freestanding Sign Landscape requirements (Article 12.6.D.6.a) under UDC Article 12 that would make reconstructing our Entrance Monument Signs, unattainable. We submit that a variance is warranted and within the approval standards of the Board’s ability to issue such variances to UDC Article 12 as may be required to reconstruct our monument signs, and to construct a perimeter fence similar to what exists in other areas of the Benevento Subdivision.

Sincerely,

The Benevento Homeowners Association Board of Directors

Attachments
Benevento Subdivision Front Entrance Concept

Height (approx.) - 12.5 FT

Height (approx.) - 9.5 FT

Total Length of Structure (approx.) - 50 FT

Height (approx.) - 6 FT