A. CALL TO ORDER

Chairman Terry Cantrell called the meeting to order at 5:35 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: City Attorney Patrick Carter, Planning Director - Steve Foote, and Associate Planner - Austin Page.

C. Consider approval of the September 17, 2019 Board of Zoning Appeals meeting minutes.

Jim Hagaman made a motion to approve the September 17, 2019 Meeting Minutes, modifying the vote on application BZA 744-2019 from the vote 4-0 to 3-0. Motion seconded by Alderman Hazel Nieves. Motion passed 5-0.

General Announcement – The procedural rules for public comment will be as follows: The items will be taken in the order of the agenda. Audience members wishing to speak must be recognized by the Chairman and will have five minutes to address the Board of Zoning Appeals. No rebuttal remarks will be allowed.

D. OLD BUSINESS

E. NEW BUSINESS

1. **BZA 753-2019**: Submitted by Russ & Alicia Michaels for 1053 Neal Crest Circle. The property is zoned R-2 and contains approximately .32 acres. The applicants request a variance from the rear setback requirements of the R-2 zoning district to construct a 15’x30’ deck with a 15’x15’ portion being covered and screened. Requested by Russ & Alicia Michaels.

   **Staff Recommended Conditions:**
   1. Written approval by the Spring Hill Public Works Department for the encroachment into the drainage easement.
   2. Written confirmation from the State of Tennessee or Public Works Department that the stream buffer does not apply to the lot as depicted on the subdivision plat.
   3. The screened and covered deck shall not be enclosed with any material other than screening.
   4. The roof shall be covered with shingles that are similar to the existing shingles of the home.
5. Soffit and trim/accent materials including screen door shall be composed of materials that complement the primary dwelling including similar color(s).

6. Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

*Jim Hagaman made motion to adopt the findings of fact and conclusions of law found in the staff report and approve BZA 753-2019 with six (6) staff recommended conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 4-1 with Brandon McCulloch opposing.*

2. **BZA 754-2019**: Submitted by Robert Easley for **3009 Da Vinci Court**. The property is zoned R-2 and contains approximately .24 acres. The applicant requests a variance of from the rear setback requirements of the R-2 zoning district to construct a 13’x24’ patio cover. Requested by Robert Easley.

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

*Jim Hagaman made motion to adopt the findings of fact found and conclusions of law in the staff report and approve BZA 754-2019 with two (2) conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 5-0.*

3. **BZA 760-2019**: Submitted by Paul Varney for **Hometown Storage**. The property is located at 4965 Lovell Lane, zoned C-1 and contains approximately 2.99 acres. The applicant is requesting an appeal of Article 13-Signs of the UDC and the decision of the Building Official and Planning Director that an off-premise sign is not permitted.

*Jim Hagaman made motion to confirm the decision of the Building Official and Planning director that the off-premise signs for Hometown Storage are not permitted (BZA 760-2019). Motion seconded by Alderman Nieves. Motion passed 5-0.*

4. **BZA 756-2019**: Submitted by Angela Privett for **5159 Main Street**. The property is zoned C-4 and contains approximately 1.46 acres. The applicant requests a variance from Article 9.3 of the UDC to allow for a 200'x88' fence in the corner side yard. Requested by Angela Privett.

**Staff Recommended Conditions:**
1. The fencing shall not be any larger than the proposed dimensions of 88'x200'.

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2. Per Section 13.4G of the Unified Development Code, an approved variance will expire one year from the date of approval unless a site plan review application has been submitted or, where site plan review is not required, a building permit is obtained. The Board of Zoning Appeals may grant an extension for a period of validity for no longer than an additional 6 months, so long as the applicant applies in writing for an extension of time at any time prior to the date of expiration. No public hearing is required for approval of such extension of time.

Jim Hagaman made motion to adopt the findings of fact found in the report and approve BZA 758-2019 with two (2) staff conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 5-0.

5. **BZA 759-2019**: Submitted by Rodney Reston for the Benevento HOA. The property is located near the corner of Hurt and Duplex Roads and is zoned R-2. The applicant requests a variance from the applicable sections of the UDC to allow a sign less than 5’ from the right-of-way, two signs less than 100’ apart, waive landscaping at the sign base, and to exceed the maximum fence height in the front yard. Requested by the Benevento HOA.

Jim Hagaman made motion to adopt the findings of fact found and conclusions of law in the staff report and to approve the requested variances with no conditions of approval. Motion seconded by Alderman Hazel Nieves. Motion passed 5-0.

6. **BZA 755-2019**: Submitted by Steve Bone for Lot 5 of Windstead Manor. The property is zoned R-2 and contains approximately .23 acres. The applicant requests a variance from the rear setback requirements of the R-2 zoning district to allow a single-family residence to encroach 15’ (reduce the rear setback from 25’ to 10’). Request by Steve Bone.

**Public Comment on item BZA 755-2019:**
6. Dan Allen, Ward 3 Alderman clarified that BOMA approved the request of Steve Bone to allow foundation work to begin on Lots 5 & 12 of Windstead Manor.

**Staff Recommended Conditions:**
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.
2. No construction is to take place in the reduced 10' setback, that area between the property line and the approved setback line. This space shall be for grass and landscape purposes only. The applicant shall be responsible for notifying prospective purchasers of this restriction.

Jim Hagaman made motion to adopt the findings of fact and conclusions of law in the staff report and approve BZA 755-2019 with one (1) staff condition of approval and adding a second (2) condition to read as above. Motion seconded by Alderman Nieves. Motion passed 5-0.

7. BZA 756-2019: Submitted by Steve Bone for Lot 12 of Windstead Manor. The property is zoned R-2 and contains approximately .23 acres. The applicant requests a variance from the rear setback requirements of the R-2 zoning district to allow a single-family to encroach 15'. Request by Steve Bone.

Staff Recommended Conditions:
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.

Jim Hagaman made motion to adopt the findings of fact and conclusions of law in the staff report and approve BZA 756-2019 with one (1) staff condition of approval and adding a second (2) condition to read as above. Motion seconded Alderman Nieves. Motion passed 5-0.

8. BZA 757-2019: Submitted by Brinker International for 2000 Crossings Circle. The property is zoned C-5 and contains approximately 1.41 acres. The applicant requests a variance from the applicable sections of the Unified Development Code to allow the existing site landscaping and parking to remain as is. Requested by Mike Gabriel.

Staff Recommended Conditions:
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.

Jim Hagaman made motion to adopt the findings of fact found and conclusions of law found in the staff report and approve BZA 757-2019 with one (1) staff condition of approval. Said approval modifies Article 10.6 to waive wheel stops, Article 11.5 and 11.7 to reduce perimeter landscape strips to the existing widths, and permits the construction of the proposed Chil’s site plan as approved by the Planning Commission. Motion seconded by Alderman Hazel Nieves. Motion passed 5-0.
F. OTHER BUSINESS

1. 2020 Calendar

G. PUBLIC COMMENT

No additional Public Comment

H. ADJOURN

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

Meeting Adjourned at 8:00 PM.

Terry Cantrell, Chairman