



STAFF REPORT

Date: Oct. 9, 2025

To: Board of Zoning Appeals

From: Jon Baughman, City Planner
Jill Johnson, Planner I

Re: Zoning Variance – Side Setbacks
104 Spring Hill Road
Map – 050E
Group – B
Parcel – 007.01

Request: The owner of 104 Spring Hill Road seeks a side setback variance to accommodate a new custom home build on this property. This property is part of the Paradise Acres subdivision, in section 2. This property is located off Nonaville Road and is due north of Windtree Pines subdivision. The applicant stated the request is for ten (10') foot side setbacks, to build a large custom home. The applicant has included a letter that states the property was previously zoned RS-15 and wanted the associated 10' setbacks. The site is located in District 1.

History & Analysis: 104 Spring Hill Road was previously in the jurisdiction of Wilson County as part of 124 Spring Hill Road, and the base zoning district at that time was R-1, single family residential. When the subdivision and subsequent areas of Nonaville Road to Saundersville Road were annexed into City limits in 1992 (ord 92-05), it was automatically assigned base zoning of RS-40, single family, low density residential. Through research in conjunction with our GIS Director, Rob Ealy, there is no evidence this property was zoned anything other than RS-40 once it was annexed into the City limits.

The property appears to have been subdivided on 11/17/2022, via plat recorded with the register of deeds, Book P31, Page 1372, of which is attached. The subject property, lot 6 at 104 Spring Hill Rd., is shown to have only a legally non-conforming freestanding garage, that appears to have been included as a portion of lot 7 at 124 Spring Hill which currently has a single-family residence and carport. The paved drive onto 124 Spring Hill Drive splits the lot lines and extends onto 104 Spring Hill Dr., therefore further confirming the subdivision of the property.

The property is currently zoned RS-40 as of annexation in 1992, with setbacks as follows:

Front: 50'
Side: 25'
Rear: 40'

The home was constructed in the late 1970's, which would have been under Wilson County's jurisdiction relative to the lot lines which appear to have been Front 40', Side 15' and Rear 40', which were met with the residential building (124 Spring Hill Rd.) as it stands prior to the subdividing of the lots in 2022. The result is creating a smaller lot which will not conform to the current setbacks as included on a RS-40 zoned lot.

The Board shall not grant a variance, unless it makes findings based upon evidence presented to it as follows:

- 1. By reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this ordinance, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this ordinance would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.*
- 2. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.*
- 3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.*
- 4. Financial returns only shall not be considered as a basis for granting a variance.*
- 5. The granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this ordinance.*
- 6. The proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.*
- 7. The alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this ordinance.*

Summary: Then request is for a variance from the requirements of 5-103A, Residential District Bulk Regulations for side setbacks of 10' in lieu of the required 25' in RS-40 zoning. Staff does not support this variance request. The property in question, at 104 Spring Hill Rd., was subdivided from 124 Spring Hill Rd., and in doing so created a lot too small to accommodate a larger house while simultaneously meeting setback requirements. This property has been zoned RS-40 since 1992. All adjoining properties are zoned RS-40, and the future land use is low density residential throughout the area of Paradise Acres and all along Nonaville Road, both north and south.

The hardship was created by the subdivision of the property creating two smaller parcels, therefore does not meet the criteria as shown above in 14-105.4. The disapproval of the variance does not deem this lot unusable for a residence but will not allow for a much larger home that is being requested.

Recommendation: Staff does not recommend approval of the side setback variance for 104 Spring Hill Rd., however if an approval is given by the Board of Zoning Appeals, we request that it is subject to any conditions below:

1. Should the variance be approved all other requirements of Article V. of the zoning ordinance shall be adhered to.
2. Should the driveway be shared, an access easement shall be established.