



Mt. Juliet, Tennessee

Board of Zoning Appeals

Agenda

2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122

Thursday, October 9, 2025

6:00 PM

Commission Chambers

Members: Chairperson Ray Wallace, Jim Pustejovsky, Larry Searcy, David Heflin, David Rast

Resources: Jon Baughman, City Planner, Jill Johnson, Planner 1, Samantha Burnett, City Attorney

1. Call to Order

2. Approval of Minutes

Review the Minutes from the July 10, 2025, Board of Zoning Appeals Meeting.

3. New Business

Review the Lot Coverage and Rear Setback Zoning Variance Request for 4595 Boxcroft Cir.

Review the Side Setbacks Zoning Variance Request for 104 Spring Hill Rd.

4. Adjourn



Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122

Staff Report

File #: 1423

Agenda Date: 10/9/2025

Agenda #:

Title:

Review the Minutes from the July 10, 2025, Board of Zoning Appeals Meeting.



Members: Chairperson Ray Wallace, Jim Pustejovsky, Larry Searcy, David Heflin, David Rast

Resources: Jon Baughman, Deputy Planning Director, Jill Johnson, Planning,

Present Board Member Dave Heflin, Board Member Jim Pustejovsky,
Board Member David Rast and Board Member Larry Searcy

1. Call to Order

2. Approval of Minutes

Adopt the Minutes from the June 12, 2025, Board of Zoning Appeals Meeting.
The motion carried by the following vote:

RESULT: APPROVED

MOVER: Dave Heflin

SECONDER: David Rast

Aye: Board Member Heflin, Board Member Pustejovsky, Board
Member Rast, and Board Member Searcy

3. New Business

Review the Conditional Use Permit located at 977 Pleasant Grove Road, for a Major Home Occupation – Hair Salon.

Staff reviewed the application, and answered questions from the commission.

A motion was made that this action item be approved with conditions. The motion carried by the following vote:

RESULT: APPROVED WITH CONDITIONS

MOVER: Jim Pustejovsky

SECONDER: Dave Heflin

Aye: Board Member Heflin, Board Member Pustejovsky, Board Member
Rast, and Board Member Searcy

4. Adjourn

The motion carried by the following vote:

RESULT: APPROVED

MOVER: David Rast

SECONDER: Jim Pustejovsky

Aye: Board Member Heflin, Board Member Pustejovsky, Board Member Rast, and Board Member Searcy

Larry Searcy, Vice-Chairperson

Jill Johnson, Planner 1



Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122

Staff Report

File #: 1424

Agenda Date: 10/9/2025

Agenda #:

Title:

Review the Lot Coverage and Rear Setback Zoning Variance Request for 4595 Boxcroft Cir.



STAFF REPORT

Date: October 9, 2025

To: Board of Zoning Appeals

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

Re: Zoning Variance – Lot Coverage & Rear Setback
4595 Boxcroft Circle
Map – 096B
Group – F
Parcel – 013.01

Request: The owner of 4595 Boxcroft Circle seeks a lot coverage and rear setback variance to accommodate a rebuild, expansion and covering of an existing deck on the rear of the home on this property. This property is Providence, Phase A1, Section 2, in the Cottages of Providence in District 4.

History/Analysis: 4595 Boxcroft Circle is in the Cottages at Providence (lot 1B), and is just off Providence Trail, and sits south of the Harmony of Mt. Juliet senior living residences. This subdivision is zoned R-10 PUD and includes two family residential units. This phase and section were developed as part of the overall master plan of the Providence community.

The duplex home lots in the entire subdivision were originally platted with one duplex per lot in approximately 2007. In 2009, the lots were subdivided to include one half of each duplex on an individual lot. For 4595 Boxcroft specifically, the lot went from approximately 8,300sf to the current 4,150sf. The minimum lot area for R-10 developments is 10,000. The subject property is already non-conforming as to required area and lot coverage. The current owner bought the property in 2022.

5-103A Residential Bulk Regulations: The maximum lot coverage for R-10 zoning is 40%. The existing home, sans covered deck addition violates this requirement already ($1,814\text{sf}/4,150\text{sf} = 43.7\%$). The addition of a roof over a portion of the deck area (258sf) will increase this lot coverage nonconformity to $2,072\text{sf}/4,150\text{sf} = 49.9\%$.

Building setbacks for this R-10-PUD zoning are front 20', side 5' and rear 15'. The existing deck is approximately 15' from the property line. The proposal will extend the deck another 2' toward the rear property line and will include a roof connected to the primary structure, making it part of the primary structure and therefore subject to setback requirements. The larger deck will encroach approximately 2' into the required yard violating the 15' rear yard setback.

5-103.5 Yard regulations.

3. Permitted obstructions in required yards. In all residential districts, the following shall not be considered obstructions when located within a required yard, except that these items shall comply with subpart 4 of this section, Obstructions prohibited at street intersections:

a. In any yard.

Air conditioning units, provided that no such unit shall extend more than one-half the required width of the yard.

Arbors and trellises.

Awnings or canopies projecting from a building wall over a required yard not more than six feet, and having no supports other than provided by the wall or its integral parts.

Bay windows not projecting more than two feet into the required yard. In no case shall bay windows be located less than five feet from any lot line.

Chimneys projecting not more than three feet into and not exceeding two percent of the area, of the required yard.

Driveways subject to other specific provisions of this ordinance related directly thereto.

Eaves, gutters, or down spouts, projecting into or over required yards not more than 24 inches or 20 percent of the width of such yard, whichever is the lesser distance.

Fire escapes or staircases, the riser of which shall be at least 50 percent open, and whose vertical projection downward onto a required yard does not project more than three feet into, and not exceeding ten percent of the area of the required yard.

Flagpoles having only one structural ground member.

Fountains.

Mailboxes.

Open terraces, including natural plant landscaping.

Sculpture or other similar objects of art.

Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ash trays, light standards, or directional signs.

Vehicular parking areas, unless, otherwise, specifically prohibited by applicable sections of this ordinance.

Vents necessary for use of fallout shelters constructed below grade of such yards, but excluding all other parts of such shelters.

Walls, including retaining walls, or fences not exceeding six feet in height measured from finish grade level at any point along the length of, and on any side of, such walls, including retaining walls, or fences, and not roofed or structurally part of a building.

Primary structures and covered patios, porches, decks, etc. shall comply with yard requirements as shown above, not being a permissible encroachment via this list.

Sec. 13-103. - Noncomplying buildings or other structures.

13-103.1 General provisions. The provisions of this section shall control buildings and other structures which do not meet the bulk or any other provisions applicable in the districts in which they are located, except those provisions which pertain to activity or use.

13-103.2 Continuation of use. The use of a noncomplying building or other structure or parcel may be continued, except as, otherwise, provided by this section.

13-103.3 Repairs and alterations. Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of subsection 13-103.4, Enlargement of conversion.

13-103.4 Enlargement of conversion.

1. Adequate space for expansion. No expansion or enlargement of any noncomplying building or other structure may be made which would either create a new noncompliance or increase the degree of any previously existing noncompliance of any building or other structure or parcel or portion, thereof.

2. Buildings noncomplying as to lot area. If a building does not comply with the applicable district regulations on lot area per dwelling unit (lot area of zone lot being smaller than required for the number of dwelling units on such zone lot) such building may be converted (and, in mixed buildings, the residential

use may be extended, except when in the floodplain district) provided that the deficiency in the required lot area is not, thereby, increased (for example, a noncomplying building on a zone lot of 3,500 square feet, which before conversion required a lot area of 5,000 square feet and was, therefore, deficient by 1,500 square feet, can be converted into any combination of dwelling units requiring a lot area of no more than 5,000 square feet).

3. Application of other provisions to expanded facilities. In the event that any proposed expansion or addition to a noncomplying building or structure is valued at less than 50 percent of the assessed valuation (as recorded on the most current edition of the property tax records) of the improvements located upon the site, all provisions of this ordinance shall be applicable to the expansion or addition. In the event, however, that the proposed expansion or addition is valued at 50 percent or more of the assessed valuation of the improvements located upon the site all provisions of this ordinance shall apply to both the existing facilities, with the exception of any preexisting noncomplying conditions and the expansion or addition.

13-103.5 Damage or destruction of noncomplying buildings and other structures. In all districts, when any noncomplying building or other structure is damaged or destroyed such building or other structures may be restored provided that such restoration shall not cause a new noncompliance nor increase the degree of noncompliance existing prior to such damage or destruction.

Since the property is already non-conforming regarding the lot coverage maximum and minimum lot size, the highlighted section of code above dictates the process for expansion of non-conforming properties. This proposal violates the requirements of this section.

14-105.4 Standards for Variances:

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: The applicant is seeking two variances from the bulk regulations (5-103A in the zoning ordinance), lot coverage and rear yard setbacks, for the construction of a partially covered, larger deck (26.5'x12') on the rear of the existing duplex home at 4595 Boxcroft Circle. The lot is only 4,150sf and is already non-conforming regarding lot area for R-10 zoning districts (10,000sf min.) and lot coverage (40% maximum) at 43.7%.

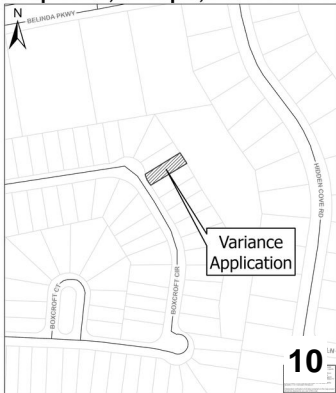
The existing deck is approximately 10'x20' and is uncovered. Reconstruction and expansion of the deck will include the addition of a roof over a portion of the deck (258sf of new roof area) causing the lot coverage to rise from 43.7% to 49.9%. Further, the existing deck is right at the 15' rear yard setback line. The proposed enlargement of the deck will cause it to encroach approximately 2' into the required 15' yard, necessitating the need for another variance.

The request does not meet the requirements for expansion of nonconforming structure found in Article 13-103.4 of the City's zoning ordinance. The proposal will increase the degree of nonconformity on the property.

Recommendation: Staff does not recommend approval of the variance requests from the requirements of 5-103A, Residential Bulk Standards, of the City's zoning ordinance for lot coverage and rear yard setback for 4595 Boxcroft Circle.

4595 Boxcroft Cir

Map 096B, Group F, Parcel 13.01



Mary Tyner

4595 Boxcroft Circle

I would like to:

- Expand the deck footprint out by about 2-3' cantilevered and then expand to the left and right about 5 feet in each direction
- Replace all the decking, but reuse the existing wood framing and footers as the primary structure
- Add a covered section over a portion of the deck, with roof trusses anchored to the house below the eave via a new ledger board (slightly different than what is shown on the attached which shows connection to the roof, see color sketch for better representation) and roof structure framed with 2x8 roof trusses
- New vertical structure would be via 6x6 posts matching the existing structure and, on the corners, a new footer would be added where the deck is expanded in that direction

Explanatory Attachments:

Survey report from ASM Land Surveyors (July 2025)

Sketch of proposed project

Photographs of existing deck/structure

Updated Sketch of proposed covered project

*The City of Mount Juliet has approved the proposal to apply for building permits online.

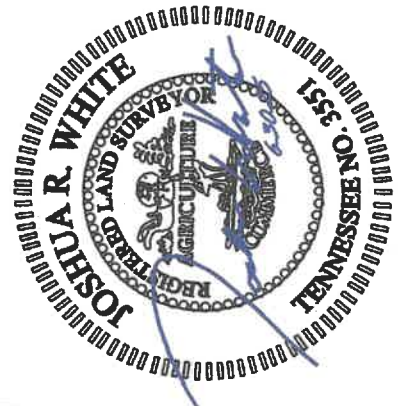
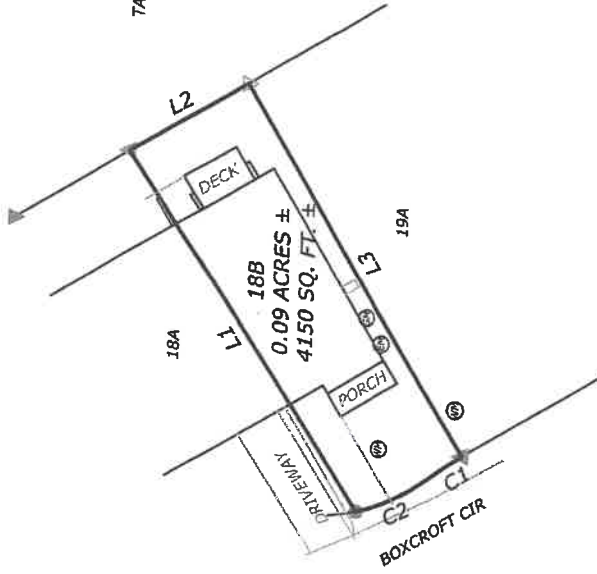
Of course this application awaits The Cottages ARC committee approval of the proposed project. Thank you for your consideration!

NOTES:

1. PURPOSE OF PLAT: SITE EXHIBIT FOR DECK ADDITION
2. THE PROPERTY SHOWN IS ZONED: R-10 PUD IAW MT JULIET PLANNING AND ZONING
3. SUBJECT PROPERTY DOES NOT LIE IN AN AREA DESIGNATED AS A SPECIAL FLOOD AREA. IT FALLS WITHIN ZONE X (UNSHADED, AREA OF MINIMAL FLOOD HAZARD) OF FEMA FLOOD INSURANCE RATE MAP FOR WILSON COUNTY, TENNESSEE AND INCORPORATED AREAS COMMUNITY NUMBER 470290, MAP PANEL 47189C0161E EFFECTIVE DATE MAY 9, 2023. INFORMATION SHOWN HEREON WAS DERIVED FROM DIRECT GIS IMPORT FROM [HTTPS://MSC.FEMA.GOV/PORTAL](https://msc.fema.gov/portal).
4. UTILITY LOCATIONS SHOWN HEREON WERE DERIVED FROM ABOVE GROUND OBSERVATIONS AND INFORMATION SUPPLIED BY OTHERS.
5. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RESTRICTIONS, COVENANTS, AND/OR ANYTHING THAT A TITLE SEARCH MAY REVEAL.
6. HORIZONTAL DATUM IS BASED ON TENNESSEE GNSS REFERENCE NETWORK (TN NAD83) AS OBSERVED BY USING A CARLSON BRX7 GPS BASE AND ROVER SYSTEM.
7. ALL DISTANCES SHOWN ARE FIELD MEASURED UNLESS OTHERWISE NOTED.
8. CURRENT ROOF COVERAGE IS 43.7% - 1814SQFT/4150SQFT



COTTAGES OF PROVIDENCE
HOA INC
TAX MAP 096B GRP F PARCEL Q50.00
PB 27 PG 128



SITE EXHIBIT

MARY TYNER

4595 BOXCROFT CIR MT JULIET TN

TAX MAP 096B PB 27 PG 128

GROUP F SCALE: 1" = 50'

PARCEL 013.01 6/30/25



joshw@asmtn.com
0:615-861-1701 C:731-616-4406
113 E MAIN ST. STE A
LEBANON TN 37087



Mary Tyner Deck Photo 2.jpg
1589K



Tyner Deck Sketch 7-6-25.png
265K

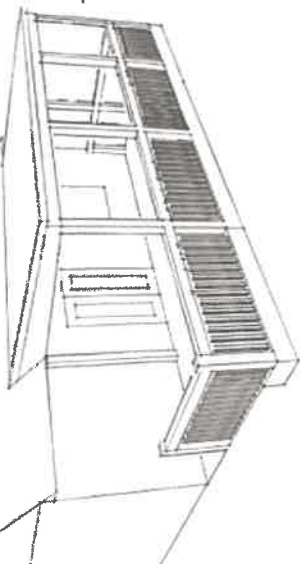


Mary Tyner Deck Photo.jpg
2688K



Tyner Deck Updated Sketch.png
1886K

PB 27 PG 128





Mt. Juliet, Tennessee

2425 North Mt. Juliet Rd
Mt. Juliet, TN 37122

Staff Report

File #: 1425

Agenda Date: 10/9/2025

Agenda #:

Title:

Review the Side Setbacks Zoning Variance Request for 104 Spring Hill Rd.



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.

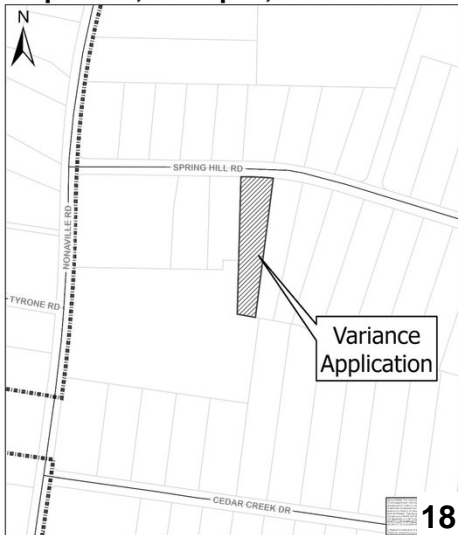
The hardship was created by the subdivision of the property creating two smaller parcels, therefore does not meet the criteria as shown above in 14-105.4. The disapproval of the variance does not deem this lot unusable for a residence but will not allow for a much larger home that is being requested.

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.

104 Spring Hill Rd

Map 050E, Group B, Parcel 007.01



FROM THE DESK OF

TRAVIS THOMPSON

September 18, 2025

City of Mt. Juliet Planning Commission & Staff
Mt. Juliet, TN

Dear Commission & Staff,

I have contracted to sell my lot at 104 Spring Hill Rd. Mt. Juliet, TN. As you probably know, Spring Hill Rd. is one of the older established streets in Mt. Juliet where most of the homes were ranch style (wide) and built in the 60's/70's.

For quite some time the zoning was RS15 w/ 10ft. side setbacks which allowed for the above/existing homes on the street to be built.

In recent past, an RS40 overlay was established that also implemented 25 ft. setbacks which makes it tough to build a custom single family home as the contracted buyers are wanting to do. The current setbacks would cause the buyer to have to build more of a "tall & skinny" home than traditionally sized home.

We respectfully ask for the commission to grant a variance for the original 10 ft. setbacks to be honored in order for the buyer to build their one, custom, single family home.

Furthermore, this new construction home will undoubtedly be a value upgrade for the entire street.

Sincerely yours,



Travis Thompson