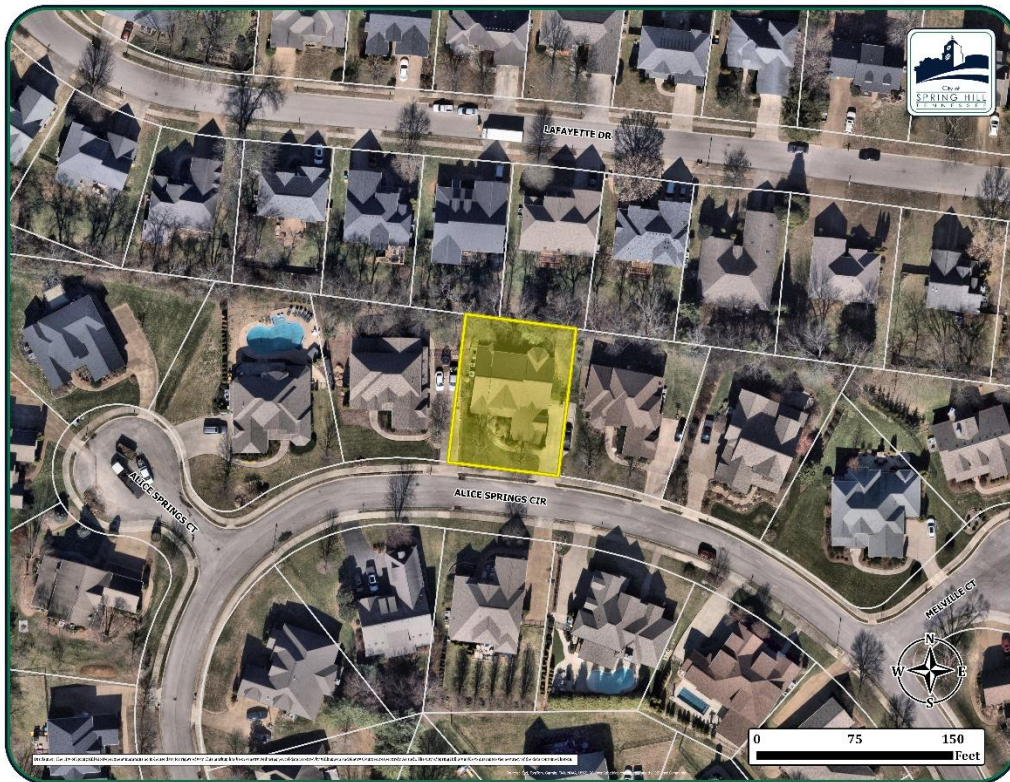


Board of Zoning Appeals

TO: Spring Hill Board of Zoning Appeals
FROM: Benjamin Pavlic, Associate Planner
MEETING: August 18, 2026
SUBJECT: BZA 2127-2026 (1026 Alice Springs Circle)

BZA 2127-2026: Submitted by Nick Dafni. The property is located on the north side of Alice Springs Circle, west of Buckner Lane, known as 1026 Alice Springs Circle or Lot 143, Cherry Grove Addition, Phase 2, Section 2. It is zoned R-2 PUD (Single-Family, Planned Unit Development) and contains approximately 0.22 acres. The applicant requests two variances: 1) to setback requirements to allow an in-ground swimming pool 5' from the eastern interior side lot line, and 2) to maximum impervious surface coverage requirements to allow total a total coverage of up to 60.1%.



Property Description and History: The property is improved with a single-family house and its associated fencing, driveway and walkway. It is surrounded by other R-2 PUD, single-family use properties on all sides, with the border between the Cherry Grove Addition and Cherry Grove, Phase 3, Section 1 subdivisions corresponding with the site's northern lot line. Both Cherry Grove Addition and Cherry Grove are built out.



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A permit for the site’s primary structure was granted by Spring Hill in 2007, and a fashioned metal fence was permitted in 2017. A permit was granted in 2024 for the construction of a new roof over an existing raised patio.

Rio Pools & Spas LLC submitted a swimming pool permit application in June 2026. The application was denied, citing the proposed pool’s deficient interior side setback. Questions were also raised about the property’s impervious surface area but were dismissed upon the permit applicant’s proposal of permeable pavers.

Analysis: The applicant is requesting a variance of the interior side setback requirement set forth by Table 9-1 (Permitted Encroachments into Required Setbacks) of the Unified Development Code to allow a new in-ground pool to be placed 5’ from the eastern lot line.

While Table 9-1 allows swimming pools to encroach into required interior side and rear setbacks, it limits pools’ placements to a minimum of 10’ from lot lines. This has the effect of increasing the pool’s minimum interior side setback from 5’ to 10’.

Pool setbacks from property lines are minimums required for safety. They prevent excavation and water weight from affecting neighboring properties and utility easements, and they also reduce noise pollution from adjacent structures.

The applicant also requests a variance of the maximum impervious surface coverage requirement set forth by UDC, Table 4-1 (Residential Districts Dimensional Standards). The maximum impervious coverage allowed is 50%.

Maximum impervious surface coverage standards are intended to encourage landscaped area, reduce the heat-island effect and minimize stormwater runoff and pooling. The property is nonconforming in regards to this standard – according to the provided survey, the existing improvements on-site have an impervious surface coverage of approximately 52.7%. The proposed pool and patio would increase the impervious surface coverage by more than 7%, to approximately 60.1%. While this assumes the patio is completely impervious, the applicant has indicated that pervious pavers might be utilized, so the total coverage may be less per UDC Sec. 2.4.I.2.a or b (please see the table below for details). In any case, the lot’s current condition would not allow for the addition of any further impervious surfaces.

Material	Square Footage w/ Reductions	Total Impervious Area
concrete	379sf	60.1%
pervious concrete, open grid paving	189.5sf ¹	58.1%
pervious pavers, other pervious surfaces	variable ²	variable ²

¹ Reduction permitted by Sec. 2.4.I.2.a: “Pervious concrete and open grid paving systems are calculated as 50% impervious surface...”



² Sec. 2.4.1.2.b permits reductions based on "...field performance data and coefficients of permeability provided by the manufacturer." Such information has not been received by staff, but any allowed reduction would vary depending on its specifics.

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 1026 Alice Springs Circle, and at least ten days in advance of the first scheduled action. City staff has placed a notice in the newspaper and a sign on the subject property. One email public comment in opposition of the request was received on 8/6/2026 via the BOZAPublicComment@springhilltn.org email address.

The findings listed below represent staff's response to the approval standards required in Section 13.4.E of the UDC, to be considered by the Board of Zoning Appeals prior to approving a variance and a review of the applicant's justification statements.

1. **Where, by reason of exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the enactment of this Code, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property it is not able to comply with the regulations as required under this Code.**

Staff's findings: Staff does not find that the size, shape, or topography of the property creates a physical constraint that prevents compliance with the UDC. The primary structure's footprint does limit the amount of space available for development, but this condition was present upon the property's acquisition. Furthermore, Lot 143 is not unlike other lots within the subdivision, as its area exceeds the minimum lot size established in the Cherry Grove Addition plat (9000sf), meaning there are other lots that have comparable areas as well as the same setback and impervious surface coverage requirements (i.e., Lot 150 at approximately 9410sf, Lot 180 at approximately 9560sf).

Per the applicant:

- a. *"The subject lot is 9350 square feet (0.22 acres) which is materially smaller than typical for the size of residence constructed on it. The relationship between the existing house footprint, the required rear and side setbacks, and the PUDE (public utility and drainage easement) leaves an exceptionally narrow buildable side/rear yard area. Our pool contractor, Rio Pools and Spas, evaluated the property and confirmed that the location identified on the attached Pool Site Plan is the only feasible location for an in-ground pool given the lot's dimensions and existing improvements. This narrowness is a physical characteristic of the specific lot, not a condition created by the applicant."*
- b. *"The subject lot is only 9350 square feet, and the existing house and other structures alone (3471sf) already occupy approximately 37% of the total lot area – a condition that predates and is independent of the proposed pool and deck. Because the lot is unusually small relative to the size of the existing residence, even modest additional improvements consume a disproportionately large share of the remaining lot area compared to a*



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standard-sized lot. This is a physical characteristic of the specific lot and existing improvements, not a condition created by the pool or deck alone."

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.**

Staff's findings: While a pool could be installed that complies with setback standards, staff acknowledges that maximum impervious surface coverage standards do not allow for the placement of a new pool and patio. However, the lot already hosts improvements which exceed the current allowed coverage and an addition to the primary structure's enclosed area was approved as recently as 2024. Furthermore, Cherry Grove Addition contains a swimming pool available to residents in the open space amenities area at 3008 Stewart Campbell Pt. As a result, staff does not believe the inability to further improve the site is an undue hardship in this case.

Per the applicant:

- a. *"Strict application of the 10-foot pool setback would reduce the buildable pool width to approximately 8 feet – insufficient for a functional in-ground residential swimming pool. This would effectively deny us the ability to install a pool at all, despite it being a common accessory use for single-family residences in this neighborhood, and despite the lot's own governing PUD setback already permitting structures as close as 5 feet from the same side property line. Requiring strict compliance with the 10-foot standard, on top of the lot's inherent narrowness, would impose a hardship not experienced by lots with more typical proportions."*
- b. *"Because the existing house already occupies a large share of this small lot, strict application of the 50% impervious coverage maximum would leave insufficient remaining allowance to add a pool and any reasonable pool deck or patio surface, even though the pool's setback variance (Request 1) would otherwise permit its installation. Applicants would effectively be forced to forgo a deck or usable patio surface around the pool entirely, which is not a reasonable outcome for a functional residential pool installation, given both the practical need for pool-adjacent decking and the lot's already-constrained impervious budget."*

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.**

Staff's findings: Approval of the variance would allow the proposed pool to have a side setback of 5'. The pool's proximity to nearby lots could result in increased disturbance in the form of noise. In addition, the further installation of impervious surface area to a lot already not conforming with current standards could cause changes in drainage patterns, decreased soil absorption and increased runoff and flood risk to other lots in the subdivision. As such,



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staff believes that the intent and purpose of the code would be compromised and that the public good would be impacted.

Per the applicant:

- a. *"(1). The pool site plan shows no utility lines, drainage structures, easements, septic systems, or other public infrastructure within the affected setback area. (2). No public-utility-and-drainage easement (PUDE) encroachment results from the proposed pool location. (3). Development Services records confirm that other homes within this same neighborhood have previously been approved with side setbacks of less than 10 feet, including properties approved prior to the adoption of the Unified Development Code as well as properties approved after adoption (see Supporting Neighborhood Context table below). This demonstrates that development at a reduced setback is consistent with the existing character of the area and does not impair the intent of the zoning code. (4). The requested variance affects only setback distance for an accessory recreational structure and creates no change in use, density, height, or lot coverage beyond what is already reflected on the attached site plan."*

Address	Notes
1014 Fitzroy Circle	Does not meet 10' setback; approved in 2022 by a staff member no longer with the City.
3007 Brisbane Ct.	Does not meet 10' setback; approved in 2022 by a staff member no longer with the City.
1044 Fitzroy Circle	Does not meet 10' setback; approved prior to adoption of the Unified Development Code (UDC).
1031 Fitzroy Circle	Does not meet 10' setback; approved prior to adoption of the UDC.

- b. *"(1). The applicants intend to use a permeable paver product for the deck surface with a high field permeability rating, which City staff calculated would reduce actual coverage to approximately 54.85%-55%, closer to the maximum standard than the requested ceiling of 57.18%. (2). The UDC's own impervious surface standard already recognizes and credits pervious paving systems (Sec. 2.4.1.2), reflecting the code's intent to mitigate – rather than categorically prohibit – additional coverage where pervious materials are used, which is consistent with the applicants' proposed approach. (3). The pool site plan and accompanying erosion and sediment control notes provide for a stabilized construction entrance, silt fencing, concrete washout controls, and post-construction stabilization measures, minimizing any stormwater or runoff impact from the proposed improvements. (4). The requested increase affects only impervious surface coverage for an accessory recreational improvement and does not change the use, density, or height of any structure on the property. (5.) No utilities, easements, or drainage structures are affected by the proposed pool or deck location, as shown on the attached Pool Site Plan."*

Recommendation: Based on the findings of facts and conclusions of law provided in the staff report, staff recommends **denial** of variance BZA 2127-2026 to not allow for a reduction of the



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eastern interior side setback to 5' and an increase in the allowed impervious surface coverage of up to 60.1%, being applicant failed to prove the following criteria:

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.
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.



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