



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

September 19, 2022

5:00 p.m.

Smyrna Town Hall

Chairman Steve Sullivan called the regular session of the Smyrna Board of Zoning Appeals to order on September 19, 2022 at 5:00 p.m. The invocation was given by Phil Wilson and the Pledge of Allegiance was led by Scott Demonbreun.

The following Board of Zoning Appeals members/staff were present/absent:

Present: Steve Sullivan, Councilman; Phil Wilson; Jay Michaelson; Scott Demonbreun

Absent: Troy Powell

Staff Present: Brian Hercules, Town Manager; Todd Spearman, Assistant Town Manager; Eric Hennessee, Assistant Town Attorney; Mitchell Wensman, Planner; Kathryn Bobbitt, Office Coordinator

1. Citizens' Comments: None at this time.
2. Approval of Minutes of the August 18, 2022 meeting

Motion by Phil Wilson, seconded by Scott Demonbreun to approve the Minutes of the August 18, 2022 meeting.

Vote: 4 - 0 Passed - Unanimously

3. New Business:

- a. Special Exception:

1. George "Patrick" Dial
300 College Street

Location: 300 College Street	Property Owner: Brandie Rochin
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Tax Map/Group/Parcel #: Map 28L, Group C,
Parcel 24.00

Zoning/Use Classification: R-1/ Low Density
Residential

Request: For a special exception to allow a bed and breakfast.



Staff Analysis

The applicant has requested a special exception to allow a bed and breakfast at 300 College Street. The property is zoned R-1, Low Density Residential, and is approximately 0.69 acres in size. The home is approximately 2,455 square feet with a large kitchen, 3 bedrooms and 3 bathrooms. The applicant would reside in one of the bedrooms while utilizing the remaining two bedrooms for the bed and breakfast users. Parking, as noted by the applicant, would be no less than five spaces with a mix of carport parking and graveled spaces. Guests would be able to stay for no longer than 10 days, as noted in the Zoning Ordinance.

Section 7.060 B of the Zoning Ordinance details the requirements for authorizing special exceptions. These are detailed below.

Special Exception Requirements

Section 7.060 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

Section 7.060 Procedure for authorizing special exceptions

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Official to determine whether a proposed use is potentially noxious, dangerous or offensive.

B. General Requirements:

A conditional use permit (a special exception) shall be provided the Board finds that it:

- Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 - Staff finds the proposed use of a bed and breakfast would not negatively affect the health, safety, and welfare of the public.
- Will not adversely affect other property in the area in which it is located.
 - Staff finds that the proposed use should not adversely affect other properties in the surrounding area.
- Is within the provisions of “Special Exceptions” as set forth in this ordinance.
 - Section 5.051.1 C lists “bed and breakfast” as a special exception in the R-1 district.
- Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.
 - Staff finds that this site may be able to conform to all provisions of the Municipal Zoning Ordinance as listed in Criteria Review Section 7.060 C.

C. Criteria for Review:

- Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangement has been made concerning all the following where applicable:
 - Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - Access to the site would utilize the existing driveway off College Street.
- Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
 - Staff finds that the lot would provide sufficient space for off-street parking due to the size of the lot. Applicant has noted they will provide a minimum of 5 parking spaces.
- Refuse and service areas, with particular reference to the items in 1. and 2. above.
 - Refuse collection will proceed in the same manner as currently.
- Utilities, with reference to locations, availability, and compatibility.
 - This location has access to all the necessary utilities.
- Screening and buffering with reference to type, dimensions and character.
 - Not applicable.
- Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 - Staff finds that the proposed bed and breakfast use should fit the compatibility with properties in the same district in reference to the above effects.
- Required yard and other open space.
 - Staff finds that this yard has the necessary yard and open space to allow for a bed and breakfast.
- General compatibility with adjacent properties and other property in the district.
 - Staff finds that the use may be compatible with adjacent properties due to another residential lot nearby on Wright Street previously approved for a bed and breakfast in 2006.
- The following additional rules apply for upper story residential development proposals:
 - All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
 - All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
 - Not applicable.

7.061.15 Special Conditions for Bed and Breakfasts

- Meals shall be served to guests only.
- The number of rooms available for rent shall be no more than six.
 - The number of intended rooms to rent shall be two.
- The length of stay shall be no longer than ten days.
 - Applicant has noted that stays will be no longer than ten days.
- Adequate parking shall be provided as required in Article IV, Section 4.010.1.A (2) (b).
 - Zoning Ordinance requires 1.5 spaces/room rented, plus 2 spaces/home. Five spaces are required for this use, and the applicant has noted that a minimum of five spaces would be provided.

Conclusion:

Staff finds that this lot would provide adequate space for a bed and breakfast. Ample parking exists, and can be added if needed. There is a previously approved bed and breakfast nearby on Wright Street, and this property is located within close proximity to Front Street.

No one spoke at the Public Hearing.

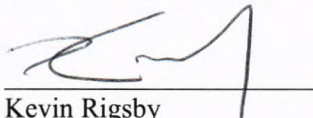
Motion by Phil Wilson, seconded by Scott Demonbreun to approve the special exception to allow a bed and breakfast at 300 College Street with staff comments.

Vote: 4 - 0 Passed - Unanimously

4. Staff comments and/or other business


5. Adjournment

Respectfully submitted:



Kevin Rigsby
Secretary

Certified by:



Councilman Steve Sullivan
Chairman