



# TOWN OF SMYRNA BOARD OF ZONING APPEALS

## MEETING MINUTES

March 16, 2023

5:00 p.m.

Smyrna Town Hall

Chairman Steve Sullivan called the regular session of the Smyrna Board of Zoning Appeals to order on March 16, 2023 at 5:00 p.m. The invocation was given by Chairman Steve Sullivan 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; Scott Demonbreun; Vanessa Haley

Absent: Phil Wilson; Jay Michaelson

Staff Present: Brian Hercules, Town Manager; Todd Spearman, Assistant Town Manager; Jeff Peach, Town Attorney; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kathryn Bobbitt, Office Coordinator

1. Call to Order
2. Prayer  
Pledge of Allegiance
3. Citizens' Comments: None at this time.
4. Approval of Minutes of the February 16, 2023 meeting

Motion by Scott Demonbreun, seconded by Councilman Steve Sullivan to approve the minutes of the February 16, 2023 meeting.

**Vote:** 3 - 0 Passed - Unanimously

5. New Business:

a. Election of Officers

Motion by Councilman Steve Sullivan, seconded by Scott Demonbreun to defer to the next Board of Zoning Appeals meeting.

**Vote:** 3 - 0 Passed - Unanimously

b. Special Exception:

1. Craig Brooks - V.P. of Seven Oaks H.O.A.  
100 Goodrich Court

<b>Location:</b> Seven Oaks Boulevard	<b>Property Owner:</b> Seven Oaks H.O.A.
<b>Tax Map/Group/Parcels:</b> 50C, C, 3.00, 9.00 and 21.00	<b>Zoning/Use Classification:</b> R-3/Single Family Residential
<b>Tax Map/Group/Parcel:</b> 50C, B, 67.00	
<b>Tax Map/Group/Parcel:</b> 50B, A, 21.00Tax Map/Group/Parcel: 50F, B, 41.01	



**Request:** Removal of common spaces on lots 263, 275, 281, 375 and 376 in Sections X and XI and common space in Section V in Seven Oaks subdivision.

**Staff Analysis:**

The concept plan for this subdivision PUD was presented and reviewed by the BZA in June 2000. In 2000, PUDs were administered by the Board of Zoning Appeals, rather than the Planning Commission and Town Council as it is today; this changed in 2002. The zoning of R-3 stayed with the properties, but special conditions were granted to the subdivision for varying lot sizes and setbacks, among other requirements not typical of a standard R-3 zoned property. Due to this, a request to modify the subdivision PUD requirement is being presented to the Board of Zoning Appeals for review.

Seven Oaks subdivision HOA has requested for the removal of six common spaces. The request states these properties would then be sold to residents of the subdivision, but could technically be sold to any person having an interest in the property, including non subdivision residents. The homeowners who purchase the lot, or portion thereof, would then be required to maintain the property and assume any responsibilities of the property.

Homeowners within the subdivision and the HOA are ultimately attempting to dissolve the HOA. The common spaces are currently maintained by the HOA; by selling the common spaces, the HOA has the possibility of dissolving as maintenance of common areas and detention ponds are no longer required on their behalf.

**Conclusion:**

Staff would recommend one of two options:

1. Denial of the request
  1. Maintain the current open spaces and detention areas
  2. The Seven Oaks HOA would retain ownership of these areas and continue maintenance of these lots as is currently operated.
2. Modify the PUD
  1. Apply to Sections 5, 6, 7, 8, 9, 10, 11A and 11B of the Seven Oaks subdivision
  2. Remove the requirement common spaces
  3. Remove the requirement of a H.O.A. once all common areas are sold.
  4. Any future development or subdivision of the common areas would adhere to Zoning Ordinance requirements.
  5. 4 open space lots, or portions thereof (263, 275, part of 375, and 376) are currently dedicated as a public utility and drainage easement and would remain for drainage purposes.
  6. A portion of the common area within Section V is utilized for utility purposes due to a pump station and force main located on Lot 375 and in the common area as part of Section V. This would remain as well.

At this time, Chairman Steve Sullivan acknowledged applicant Craig Brooks to speak regarding this request.

Motion by Scott Demonbreun, seconded by Vanessa Haley to defer until resolved with who will own the lots, and the property is deeded accordingly.

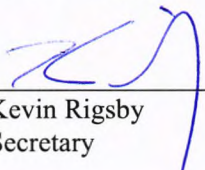
**Vote:** 3 - 0 Passed - Unanimously

6. Staff comments and/or other business

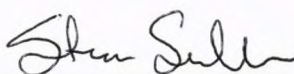
At this time, Chairman Steve Sullivan welcomed Vanesa Haley to the Board of Zoning Appeals.

7. Adjournment

Respectfully submitted:

  
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Kevin Rigsby  
Secretary

Certified by:

  
\_\_\_\_\_  
Councilman Steve Sullivan  
Chairman