



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

August 17, 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 August 17, 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; Jay Michaelson; Scott Demonbreun; Vanessa Haley

Absent: Phil Wilson

Staff Brian Hercules, Town Manager; Todd Spearman, Assistant Town Manager; Jason King, Asst.

Present: Town Attorney; Kevin Rigsby, Town Planner; Kathryn Bobbitt, Office Coordinator; Jeff Peach, Town Attorney

1. Citizens' Comments: None at this time.

2. Approval of Minutes of the July 20, 2023 meeting

Motion by Scott Demonbreun, seconded by Jay Michaelson to approve the Minutes of the July 20, 2023 meeting.

Vote: 4 - 0 Passed - Unanimously

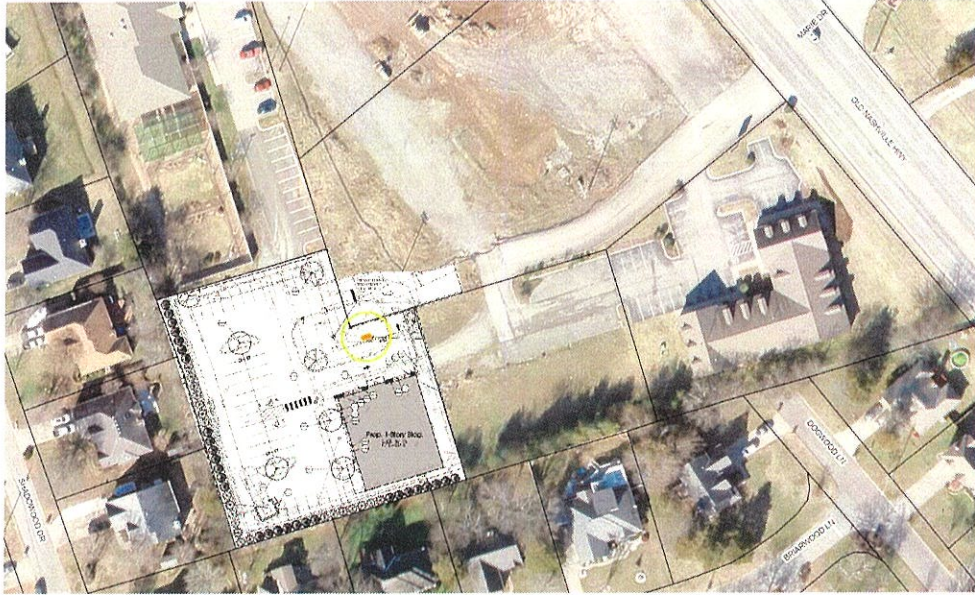
3. New Business:

a. Sign Variance:

1. Joybridge Kids
13185 Old Nashville Highway

Location: 13185 Old Nashville Hwy.	Property Owner: Palm Development Partners
Tax Map/Parcel #: 28/109.00	Zoning/Use Classification: PCD/Medical Office

Request: A ground sign on a parcel without road frontage.



Staff Analysis

The applicant has requested a sign variance to install a ground sign on a parcel without road frontage. The Sign Ordinance, Chapter 6, Section A (3.a) states a use shall be permitted to have up to one ground or pole sign per street frontage. When this commercial subdivision was subdivided, three of the seven parcels were landlocked without road frontage. A private road/drive aisles are used between the parcels. Access easements are utilized across the other tracts for these parcels to gain access to Old Nashville Highway. Without immediate public right-of-way access for this tract, the business would not be allowed to display a ground or pole sign, however, wall signs may still be used.

Chapter 9, Section F. 2 of the Sign Ordinance lists criteria that must be considered by the Board when evaluating a variance request.

- (2) For an action granting a variance, the Board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.
- The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:
 - The particular surroundings, shape, or topographic conditions of the specific property involved would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
 - The parcel upon which the request is presented does not have road frontage with public right-of-way, but is flat and adequately sized when compared to other commercial properties.
- The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
 - Many other commercially zoned properties in Town are bordered by public right-of-way and are allowed to install a ground or pole sign on their property. Only a handful of properties within Town are landlocked, similarly to the subject property, including others within this commercial subdivision.
- The hardship has not been created by any person having an interest in the property.
 - The applicant is the developer of the site, but did not subdivide the properties within the

commercial subdivision.

- Financial returns only shall not be considered as a basis for granting a variance.
 - The property owner has not identified financial returns as a reason for requesting the variance, though marketing the development is one of the reasons for requesting a sign.
- The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of the ordinance.
 - The variance would not have any of the above effects.
- The variance does not confer a special privilege to the applicant that is denied to others.
 - Staff finds that approval of the variance as presented for a ground sign may not confer a special privilege on the applicant as there are few properties in Town without road frontage. The request is not exceeding any maximum signage thresholds set by the Sign Ordinance and would still be required to adhere to regulations set in the Ordinance.

Conclusion

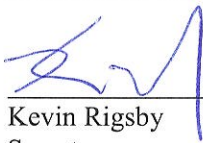
Staff finds that there is a hardship present for the requested parcel due to it not having road frontage. Most commercial properties have public road frontage and are allowed to have a ground or pole sign for their business, however, without road frontage, a ground or pole sign is not allowed without a variance. If approved, staff would recommend all other regulations in regards to size and location of signs be met upon permitting.

Motion by Jay Michaelson, seconded by Scott Demonbreun to approve the the sign variance at 13185 Old Nashville Highway due to the hardship of no road frontage for the parcel.

Vote: 4 - 0 Passed - Unanimously

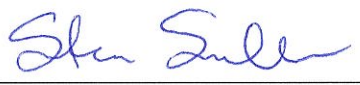
4. Staff comments and/or other business
5. Adjournment

Respectfully submitted:



Kevin Rigsby
Secretary

Certified by:



Councilman Steve Sullivan
Chairman