



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

October 19, 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 October 19, 2023 at 5:00 p.m. The invocation was given by Phil Wilson and the Pledge of Allegiance was led by Scott Demonbreen.

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

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

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

Present: Town Attorney; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kathryn Bobbitt, Office Coordinator; Charles King, Engineer; Dennis Blair, Interim Building Official

1. Citizens' Comments: None at this time.
2. Approval of Minutes of the September 21, 2023 meeting

Motion by Scott Demonbreun, seconded by Vanessa Haley to approve the Minutes of the September 21, 2023 meeting

Vote: 5 - 0 Passed - Unanimously

3. New Business:
 - a. Special Exceptions:
 1. Johnny Minick
6130 Rock Springs Road

Location: 6130 Rock Springs Rd.	Property Owner: Johnny Minick Ministries, Inc.
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Request: For a special exception to allow an attached accessory apartment.



Staff Analysis

The applicant has requested a special exception to allow an attached accessory apartment at 6130 Rock Springs Rd. The properties are zoned R-1, Low Density Residential, and are 5.01 acres each in size. The applicant wishes to build out the existing attached garage, approximately 60%, to a living space for familial purposes. This renovation would encompass approximately 400-500 square feet of space and would include a bedroom, bathroom and kitchen space with a sink and refrigerator. In addition, there would also be an extra approximate 2,960 square foot addition to the west of the existing garage for the new car garage as well as an above level for living. As part of the living space in the addition, the applicant would add a bedroom, bathroom, full kitchen, dining room, living room and storage.

Per parcel data retrieved from Rutherford County, the parcels owned by the applicant are separate, not combined. The existing house appears to be built on mainly one of the parcels with a portion of the western edge of the house on the second tract. As a result, the applicant will have one of two options prior to receiving a building permit:

- Combine parcels via a deed and have it recorded at the Register of Deeds.
- If the owner wishes to keep two parcels, the applicant will be required to submit a final plat to shift the existing lot line. The plat will need to be recorded with the Register of Deeds office.

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:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 1. Staff finds the proposed use of an accessory apartment would not negatively affect the health, safety, and welfare of the public.
2. Will not adversely affect other property in the area in which it is located.
 1. Staff finds that the proposed use should not adversely affect other properties in the surrounding area.
3. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
 1. Section 5.051.1 C lists "accessory apartment" as a special exception in the R-1 district.
4. 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.
 1. 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:

1. 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.
 1. Access to the site would utilize the existing driveway off of Rock Springs Road.
2. 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.
 1. Staff finds that the lot would provide sufficient space for off-street parking due to the size of the lot, additional garage parking and driveway length.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
 1. Refuse collection would proceed in the same manner as currently.
4. Utilities, with reference to locations, availability, and compatibility.
 1. This location has access to water, but is served by a septic system. The applicant will need to coordinate with the TDEC Environmental Office to ensure the existing septic system can support additional living space, or if a separate septic system will be needed.
5. Screening and buffering with reference to type, dimensions and character.
 1. Not applicable.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 1. Staff finds that a proposed accessory dwelling unit use should fit the compatibility with properties in the same district in reference to the above effects.
7. Required yard and other open space.
 1. Staff finds that this yard has the necessary yard and open space as the structure is attached to the principal structure and can meet setbacks once the center lot line is shifted or eliminated.

8. General compatibility with adjacent properties and other property in the district.
 1. Staff finds that the use may be compatible with adjacent properties due to other lots in the area having been previously approved by the BZA for an accessory apartment.
9. The following additional rules apply for upper story residential development proposals:
 1. 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.
 2. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
 3. Not applicable.

Conclusion:

Staff finds that this lot provides sufficient space to allow for the accessory apartment. If approved, staff recommends:

- Putting a condition on this request that the applicant will be required to pay all applicable fees associated with an accessory dwelling unit (Rutherford County Development Tax, Town of Smyrna Impact Fees, Codes inspection fees, etc.).
- Adding a condition that the building not be used for rental purposes.
- The applicant to provide a letter of approval from TDEC before applying for building permits.
- The existing lot line is to be either shifted or eliminated via a final plat or deed and recorded with the Register of Deeds office prior to issuance of any building permits.

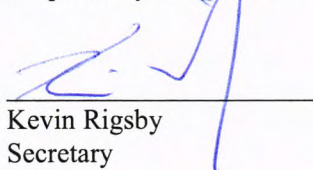
No one spoke at the public hearing.

Motion by Phil Wilson, seconded by Scott Demonbreun to approve the special exception to allow an attached accessory apartment for 6130 Rock Springs Road with the above listed staff recommendations.

Vote: 5 - 0 Passed - Unanimously

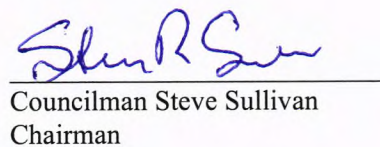
4. Staff comments and/or other business
5. Adjournment

Respectfully submitted:



Kevin Rigsby
Secretary

Certified by:



Councilman Steve Sullivan
Chairman