



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

March 21, 2024

5:00 p.m.

Smyrna Town Hall

Vice-Chairman Jay Michaelson called the regular session of the Smyrna Board of Zoning Appeals to order on March 21, 2024 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; Vanessa Haley

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; Kristi Worrell, Building Official

1. Citizens' Comments: None at this time.
2. Approval of Minutes of the February 15, 2024 meeting

Motion by Jay Michaelson, seconded by Scott Demonbreun to approve the Minutes of the February 15, 2024 meeting.

Vote: 5 - 0 Passed - Unanimously

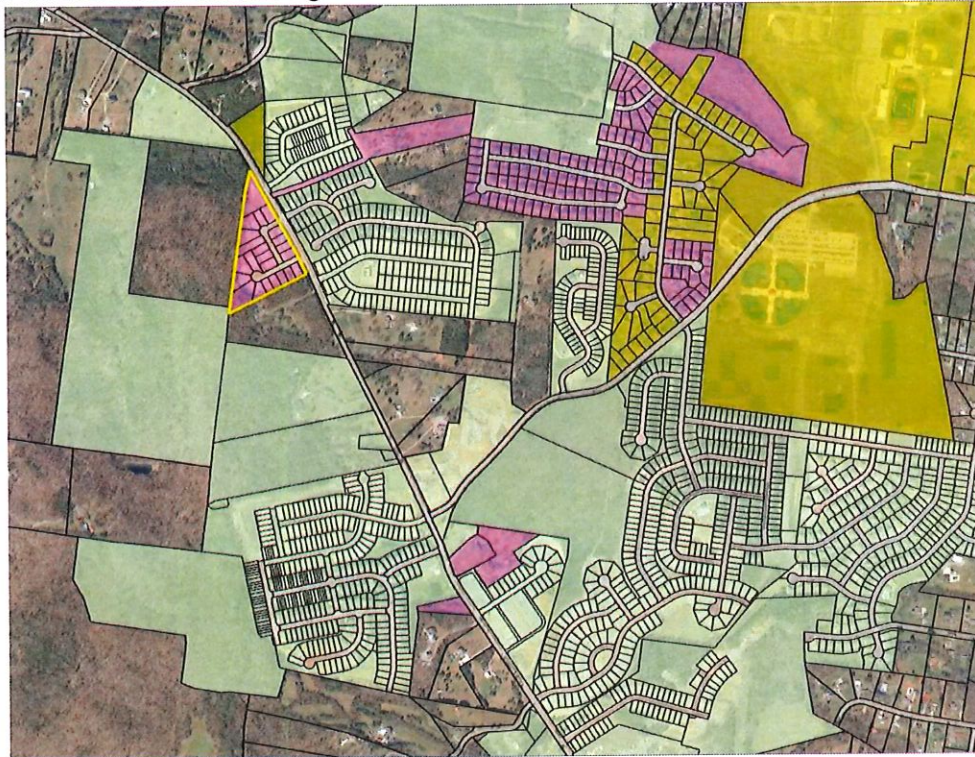
3. New Business:

- a. Sign Variance:

1. Michael Strobel
8965 Rocky Fork Almaville Road

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| Location: Cannondale Court & Rocky Fork Almaville Road | Property Owner: Ashton Nashville Residential, LLC |
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Request: A subdivision entrance sign for a subdivision containing less than 36 dwelling units.



Staff Analysis

The applicant has requested a sign variance to place a subdivision entrance sign at the main entrance to a subdivision containing 22 single family residential lots. Chapter 4, Section B (1) of the Sign Ordinance states signs may be permitted at the main entrances to a subdivision containing at least thirty-six (36) dwelling units. The Saddle Grove subdivision is currently under construction, approximately half of the lots have building permits applied for, and the developer submitted for a sign permit for an entrance sign for this development.

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.
 - Staff finds that there is no distinct hardship present to the property in regards to the surroundings, shape, or topographic conditions.
- The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
 - Other residentially zoned subdivisions adjacent to the subject subdivision contain greater than 36 dwelling units.
- The hardship has not been created by any person having an interest in the property.
 - The applicant is the developer of the 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 as the sign would be positioned on open space managed by the HOA and meeting all other requirements set forth in the Sign Ordinance pertaining to size and location on the parcel.
- The variance does not confer a special privilege to the applicant that is denied to others.
 - Staff finds that subdivision entrance signs are allowed, per the Sign Ordinance, however, it restricts the subdivision size as to whether a subdivision is allowed to have an entrance sign.

Conclusion

Staff finds that there is no physical hardship with the lay of the land with this request. The applicant is requesting a variance on the minimum required amount of dwelling units within a subdivision to permit for an entrance sign. Other subdivisions within the vicinity of the requested subdivision contain greater than 36 dwelling units and several of those subdivisions have signage. The signage, as proposed, meets the Sign Ordinance requirements for size and location.

At this time, Chairman Steve Sullivan acknowledged Town Planner Kevin Rigsby to speak regarding this request.

At this time, Chairman Steve Sullivan acknowledged applicant Michael Strobel to speak regarding this request.

Motion by Phil Wilson, seconded by Scott Demonbreun to approve the sign variance request for the subdivision known as Saddle Grove at the intersection of Rocky Fork Almaville Road and Cannonade Court to allow a neighborhood sign for a subdivision containing 22 dwelling units.

Vote: 5 - 0 Passed - Unanimously

b. Special Exceptions:

1. Cutler Capley
111 Long Rifle Road

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| Location: 111 Long Rifle Road | Property Owner: Armando Vera |
| Tax Map/Group/Parcel: 34O/D/3.00 | Zoning/Use Classification: R-1/ Low Density Residential |

Request: For a special exception to allow a detached accessory apartment.



Staff Analysis

The applicant has requested a special exception to allow a detached accessory apartment at 111 Long Rifle Road. The property is zoned R-1, Low Density Residential, and is 1.02 acres in size. The applicant wishes to build a second dwelling for familial purposes. The proposed structure would be located behind the principal structure approximately 270' off of the front property line and approximately 12' from the northern property line. The structure is to be 20' x 24' (480 SF) in size; the maximum detached accessory structure square footage allowed for this property is 1,200 square feet.

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 an accessory apartment 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 “accessory apartment” 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:

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 Long Rifle 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 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, through CUD, and gas, but the existing residence is served by a septic system. Sewer is located in the rear of the property. If the applicant would like to service the additional structure via 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 to meet setback requirements.
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 subdivision 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 if the new structure is to utilize a septic system.

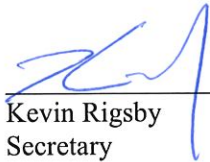
No one spoke at the public hearing.

Motion by Scott Demonbreun, seconded by Phil Wilson to approve the special exception of an accessory apartment for 111 Long Rifle Road putting a condition on this request that the applicant provide a letter of approval from TDEC before applying for building permits if the new structure is to utilize a septic system, 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.), and adding a condition that the building not be used for rental purposes.

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