



# TOWN OF SMYRNA BOARD OF ZONING APPEALS

## MEETING MINUTES

May 16, 2024

5:00 p.m.

Smyrna Town Hall

Chairman Steve Sullivan called the regular session of the Smyrna Board of Zoning Appeals to order on May 16, 2024 at 5:00 p.m. The invocation was given by Vanesa Haley and the Pledge of Allegiance was led by Vice-Chairman Jay Michaelson.

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

Present: Steve Sullivan, Councilman; Jay Michaelson; Vanessa Haley

Absent: Phil Wilson; Scott Demonbreun

Staff Present: Jeff Peach, Town Attorney; Benjamin Groce, Attorney; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner

1. Citizens' Comments: None at this time.

2. Approval of Minutes of the April 18, 2024 meeting.

Motion by Jay Michaelson, seconded by Vanessa Haley to approve the Minutes of the April 18, 2024 meeting.

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

3. New Business:

a. Special Exceptions:

1. Toyin Ogunniyi  
4004 Grapevine Loop

<b>Location:</b> 4004 Grapevine Loop	<b>Property Owner:</b> Toyin Ogunniyi
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**Request:** For a special exception to allow an accessory apartment.



### Staff Analysis

The applicant has requested a special exception to allow an accessory apartment at Grapevine Loop. The property is zoned PRD, Planned Residential Development, and is 7,200 square feet in size. The applicant wishes to build out their basement for a second dwelling for familial purposes. Included with the build out is to be a kitchen, dining room, bathroom, living room and two bedrooms.

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.
  - Woodmont Subdivision is a PRD zoning and does not address accessory apartments within the zoning. Therefore, it is neither allowed by special exception, nor disallowed. Staff would recommend the applicant check with their HOA and covenant restrictions as to whether an accessory apartment would be permitted.
- 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 of Grapevine Loop.
- 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 may provide sufficient space for off-street parking as the driveway measures approximately 30’ setback from the garage to the edge of sidewalk in addition to a 2 car garage.
- Refuse and service areas, with particular reference to the items in 1. and 2. above.
  - Refuse collection would proceed in the same manner as currently.
- Utilities, with reference to locations, availability, and compatibility.
  - This location has access to all the necessary utilities on site.
- 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 a proposed accessory dwelling unit 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 meet setback requirements as the accessory apartment would be located within the existing basement.
- General compatibility with adjacent properties and other property in the district.
  - 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.
- 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.

**Conclusion**

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

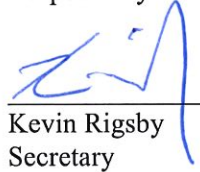
- Putting a condition on this request that the applicant will be required to pay all applicable fees associated with an accessory dwelling unit (Rutherford County Development Tax, Town of Smyrna Impact Fees, Codes inspection fees, etc.).
- Adding a condition that the building not be used for rental purposes.
- Applicant to verify with the HOA and/or other governing restrictions put upon the property that the use of an accessory apartment is allowed.

Motion by Jay Michaelson, seconded by Vanessa Haley to approve the special exception allowing an accessory apartment at 4004 Grapevine Loop with staff recommendations.

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

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


Respectfully submitted:



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Kevin Rigsby  
Secretary

Certified by:



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Councilman Steve Sullivan  
Chairman