



# TOWN OF SMYRNA BOARD OF ZONING APPEALS

## MEETING MINUTES

June 13, 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 June 13, 2024 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: Jeff Peach, Town Attorney; Todd Spearman, Assistant Town Manager; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kathryn Bobbitt, Office Coordinator; Kristi Worrell, Building Official

1. Citizens' Comments: George Killgore  
1021 Old Jefferson Pike  
Smyrna, TN 37167  
In Opposition  
Project: 1155 Old Jefferson Pike  
  
Dan Pope  
1027 Old Jefferson Pike  
Smyrna, TN 37167  
In Opposition  
Project: 1155 Old Jefferson Pike  
  
Melinda Potts  
1020 Old Jefferson Pike  
Smyrna, TN 37167  
In Opposition  
Project: 1155 Old Jefferson Pike

Rhonda Randolph  
1123 Old Jefferson Pike  
Smyrna, TN 37167  
In Opposition  
Project: 1155 Old Jefferson Pike

Mark Wells  
105 Young Drive  
Smyrna, TN 37167  
In Opposition  
Project: 1155 Old Jefferson Pike

Ava Wilson  
123 Young Drive  
Smyrna, TN 37167  
In Opposition  
Project: 1155 Old Jefferson Pike

2. Approval of Minutes of the May 16, 2024 meeting

Motion by Scott Demonbreun, seconded by Vanessa Haley to approve the Minutes of the May 16, 2024 meeting

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

3. New Business:

a. Special Exception:

1. Braulio A. Sanchez  
1155 Old Jefferson Pike

<b>Location:</b> 1155 Old Jefferson Pike	<b>Property Owner:</b> Braulio Sanchez
<b>Tax Map/Parcel:</b> 26/11.05	<b>Zoning/Use Classification:</b> R-1/Single Family Residential

**Request:** For a special exception to allow an in-home occupation.



**Staff Analysis**

The applicant has requested a special exception to allow an in-home occupation at 1155 Old Jefferson Pike. The applicant operates an electrical company with approximately 12 employees. Per the application, an average of eight vehicles arrive daily with employees as well as a box truck delivery once per week with other Amazon and FedEx deliveries throughout the week. The property was sold in 2021; the previous owner operated a fencing business out of the house without issue. Staff has received phone calls from surrounding property owners in regards to the traffic generated from the applicant's business.

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 electrical company would not negatively affect the health, safety, and welfare of the public due to the size and location of the lot within the subdivision.

2. Will not adversely affect other property in the area in which it is located.
  1. Staff finds that the proposed use may adversely affect other properties in the surrounding area due to the traffic generated by the employees of the applicant's business as well as deliveries to the residence.
3. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
  1. Customary incidental home occupations are a permitted right within the Municipal Zoning Ordinance within all residential districts. In the event questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals determines the legality.
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 Old Jefferson Pike.
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 may provide sufficient space for off-street parking as the applicant owns both 1154 and 1155 Old Jefferson Pike. In addition, the driveways and lot size is of sufficient size to accommodate vehicles for parking on site.
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 gas and water, however, the property is serviced by a septic system.
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 business 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 as the lot is 5.12 acres in size and an accessory structure is already constructed where equipment is stored.
8. General compatibility with adjacent properties and other property in the district.
  1. Staff finds that the use may not be compatible with adjacent properties due to other lots in the subdivision not having a similar intensity business operating out of the household.
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.
    1. Not applicable.

**Conclusion**

Staff finds that this lot provides sufficient space for the operation of the applicant's business, however, greater than average traffic is generated as a result of business operations. There is an accessory structure on site that stores all goods for the business and the lot is located in the rear of George E Young Subdivision. As a result, any deliveries and employees must travel through the entire subdivision to arrive at the applicant's residence and place of business on a daily basis.

At this time, Chairman Steve Sullivan acknowledged the following speaker to speak during the Public Hearing:

Lisa Hilton  
101 Young Drive  
Smyrna, TN 37167

Steve Hilton  
101 Young Drive  
Smyrna, TN 37167

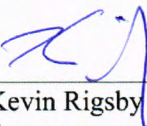
Carl Wilson  
1013 Old Jefferson Pike  
Smyrna, TN 37167

Motion by Scott Demonbreun, seconded by Vanessa Haley to deny the special exception allowing an in-home occupation located at 1155 Jefferson Pike due to increased traffic and being a safety concern.

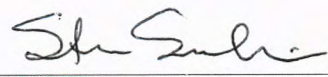
**Vote:** 3 - 0 Passed - Unanimously

- 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