



SMYRNA BOARD OF ZONING APPEALS

April 18, 2024
5:00 p.m. meeting

Smyrna Town Hall

AGENDA

1. Call to Order
2. Prayer
Pledge of Allegiance
3. Citizens' Comments:
4. Election of Officers
5. Approval of Minutes of the March 21, 2024 meeting
6. New Business:
 - a. Setback Variance:
 1. Surrey Homes
2005 South Byrnes Street
 2. Tao Nguyen & Thu Pham
2000 E. McLaughlin Street
 3. John & Stacie Robinson
101 Westfield Court
 4. Angelyse Stanford
518 Summerfield Drive
 - b. Sign Variance:
 1. Town of Smyrna
5650 West Jefferson Pike
7. Staff comments and/or other business
8. Adjournment



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

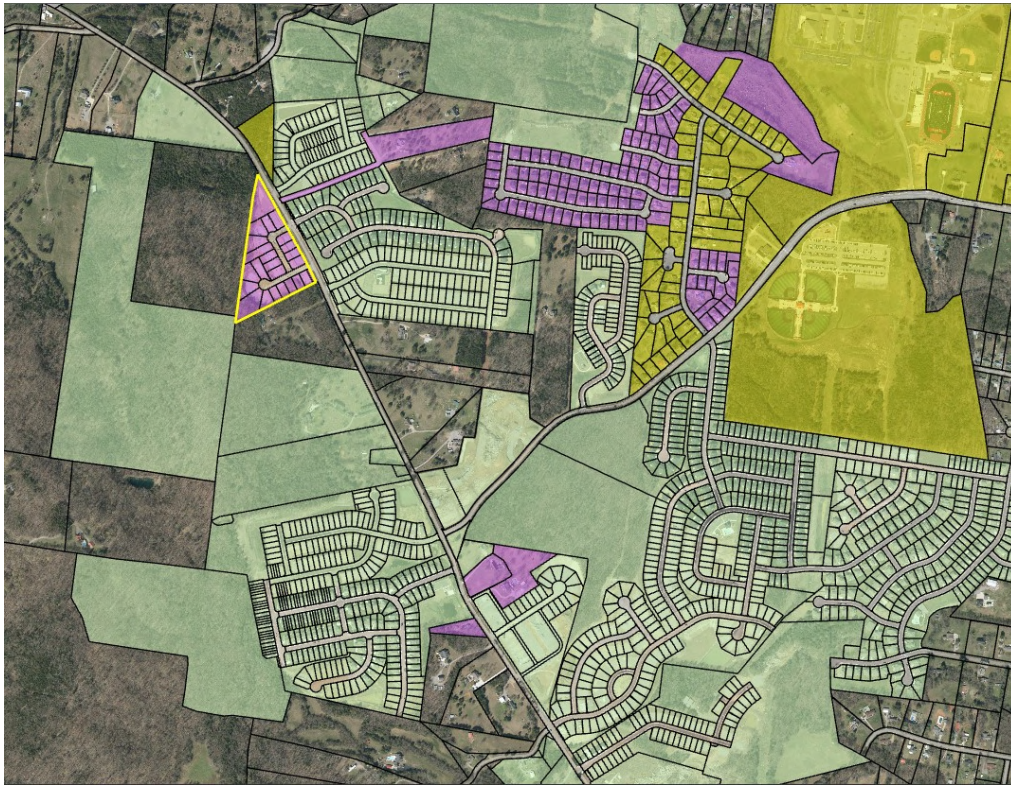
3. New Business:

- a. Sign Variance:

1. Michael Strobel
8965 Rocky Fork Almadale Road

Location: Cannondale Court & Rocky Fork Almadale 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

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:

Certified by:

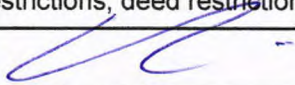
Kevin Rigsby
Secretary

Councilman Steve Sullivan
Chairman



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:		APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Surrey Homes		Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: 615-809-7777		Contractor <input checked="" type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: oliver@surreytn.com		Other <input type="checkbox"/>	Signage <input type="checkbox"/>
THIS REQUEST IS FOR:			
Zoning Variance <input type="checkbox"/>		Sign Variance <input type="checkbox"/>	
Setback Variance <input checked="" type="checkbox"/>		Special Exception <input type="checkbox"/>	
Temporary Use Permit <input type="checkbox"/>		Administrative Review <input type="checkbox"/>	
PROPERTY INFORMATION			
Street Address: 2005 South Byrnes Street, Smyrna TN			
Tax Map: 51-D	Group: F	Parcel: 12.00	
Zoning: PRD	Lot Area: 12,012 SF		
DESCRIPTION OF APPEAL			
<p><i>Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request.</i></p> <p>Somehow the rotation of the house was slightly off resulting in a couple of inch encroachment on one side and the back, it is a very odd shaped lot so that may have thrown off the surveyors. This survey was only received 4/5/24 otherwise it would have been altered on the front end.</p>			
ALL APPLICANTS OR THEIR REPRESENTATIVES ARE REQUIRED TO ATTEND THE MEETING			
<p>Approval by the Board of Zoning Appeals does not remove any requirements or prohibitions that may be in place because of any restrictive covenants affecting your property. Violation of restrictive covenants could result in legal action against you by a homeowner's association or individual homeowners within your neighborhood. The Town of Smyrna will not be liable if action is taken against you due to violation of such covenants.</p>			
APPLICANT AUTHORIZATION			
<p>I hereby certify that I am the authorized applicant, representing all property owners involved in this request and am aware that approval received from the Board of Zoning Appeals does not authorize any activities which are prohibited by any Town Ordinance, covenant restrictions, deed restrictions or HOA regulations.</p>			
Applicant Signature: 		Date: 4/8/24	
Office Use Only			
Staff Initials: mw	Application Fee: 300.00	Date: 4/8/24	

Surrey Homes
Setback Variance Request

Location: 2005 South Byrnes Street	Property Owner(s): Surrey Homes
Tax Map/Group/Parcel #: 51D/F/12.00	
Zoning/Use Classification: PRD/Single-Family Residential	

Request: For two side setback variances, two rear setback variances and one front setback variance for a new construction single family dwelling.



Staff Analysis

The applicant has requested a 0.2' and a 0.6' side setback variance, a 0.4' and a 3.2' rear setback variance and a 0.4' front setback variance on South Byrnes Street for a single family residence. The property is zoned PRD, Planned Residential District, and is 12,012 square feet in size. Minimum side yard setback requirement in this PRD is 7.5', the minimum rear setback is 10' and minimum front setback is 35' for any structure. The original site plan for construction, submitted to the Codes Department, showed the dwelling meeting all setback requirements. A site plan submitted following construction showed a dwelling larger than the originally submitted site plan, as a result, the house is encroaching upon the setbacks.

In addition, there is a public utility drainage easement, which is approximately 7.7' in width at the point of which the residence encroaches on the easement by 0.9'. Public Works has reviewed the plot plan for the subject property and stated they would prefer the foundation not to be located within the easement, but are okay with it due to the drainage system being a pipe structure. However, no other structures may be located within the easement.

Section 7.080 D of the Zoning Ordinance details the requirements for variances not involving special flood hazard areas. These are detailed below.

Zoning Variance Requirements

Section 7.080 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

Section 7.080 Procedure for authorizing zoning variances

The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

B. Standards for Variances not Involving Special Flood Hazard Areas:

The board shall not grant a variance unless it makes finding based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
 - Staff finds that the property does have varying topography with a drainage easement along the northern property line, however, that would not affect the construction of a residence on this lot as shown from the originally submitted site plan by the developer. The lot also has a non-uniform shape when compared to other rectangular lots with the northern lot line in conjunction with the drainage easement creating a constricted area of the lot for development.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
 - The property has no distinguishable features that would deem the petition for a variance as the lot has ample space to locate the structure to meet setback requirements.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
 - Single family dwellings are allowed in this PRD, but are to adhere to all setback requirements.
4. 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 this variance, however the structure is complete.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
 - The applicant is the developer of the dwelling.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.
 - Staff finds that the variance requested would provide the applicant with special privileges denied by the ordinance to other lands, structures, or buildings in the PRD district due to a structure encroaching upon setbacks.

7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
 - Staff finds that the requested setback variance may not be the minimum to make reasonable use of this structure for the proposed use due to the ability for a dwelling to be constructed and meet setback requirements.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
 - Staff finds that the variance may not be detrimental to the public welfare or injurious to other property or improvements in the area.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
 - Staff finds that the variance may not have any of the above effects.
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provide the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.
 - Not applicable.

Conclusion

Staff finds that this property does have unique circumstances with some varying topography on the property as well as the presence of a 10' drainage easement and an abnormally shaped lot to constrict development to the western portion of the parcel. While the property is a corner lot, it does have ample space to locate a dwelling while meeting all applicable setback requirements. The applicant submitted a site plan prior to construction with a floorplan that met all setback requirements, however the house was constructed larger than shown on the approved site plan and does not meet setback requirements.

If the Board approves this request, the applicant will be required to pay the difference in permit fees from the originally submitted site plan to the site plan which was constructed. Staff will also need an updated site plan with square footage shown of all areas under roof to ensure fire code compliance is met.



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:		APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Tao Nguyen and Thu Pham		Owner <input checked="" type="checkbox"/>	New Structure <input type="checkbox"/>
Phone Number: (615) 335-4454		Contractor <input type="checkbox"/>	Existing Structure <input checked="" type="checkbox"/>
Email: haiquynh1215@gmail.com		Other <input type="checkbox"/>	Signage <input type="checkbox"/>
THIS REQUEST IS FOR:			
Zoning Variance <input type="checkbox"/>		Sign Variance <input type="checkbox"/>	
Setback Variance <input type="checkbox"/>		Special Exception <input type="checkbox"/>	
Temporary Use Permit <input type="checkbox"/>		Administrative Review <input checked="" type="checkbox"/>	
PROPERTY INFORMATION			
Street Address: 2000 E. McLaughlin Street, Smyrna, TN 37167			
Tax Map: 32 L	Group: E	Parcel: 27.00	
Zoning: R-3	Lot Area: 16,327 SF / 0.375 ac		
DESCRIPTION OF APPEAL			
<p><i>Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request.</i></p> <p>Dear Council of the Town of Smyrna:</p> <p>Please accept this correspondence as a formal request regarding the deck footing/building in the above-referenced matter. We have enclosed herewith the supporting documents for your review and consideration. To the best of the applicants' knowledge and belief, the applicants have complied with all the ordinances and procedures governed and directed by the Town of Smyrna. If any further information is required, please let us know. We will do our utmost to follow the Town Council's guidance. We greatly appreciate your time and consideration and look forward to hearing from you soon. Thank you.</p> <p>Respectfully, Tao Nguyen and Thu Pham</p>			
ALL APPLICANTS OR THEIR REPRESENTATIVES ARE REQUIRED TO ATTEND THE MEETING			
<p>Approval by the Board of Zoning Appeals does not remove any requirements or prohibitions that may be in place because of any restrictive covenants affecting your property. Violation of restrictive covenants could result in legal action against you by a homeowner's association or individual homeowners within your neighborhood. The Town of Smyrna will not be liable if action is taken against you due to violation of such covenants.</p>			
APPLICANT AUTHORIZATION			
<p>I hereby certify that I am the authorized applicant, representing all property owners involved in this request and am aware that approval received from the Board of Zoning Appeals does not authorize any activities which are prohibited by any Town Ordinance, covenant restrictions, deed restrictions or HOA regulations.</p>			
Applicant Signature: Thu , Nguyen		Date: April 05 , 2024	
Office Use Only			
Staff Initials: <i>mm</i>	Application Fee: <i>WAIVED</i>		Date:

< Inbox



buildingsafety-noreply@to... 8/28/23

Results of recent TOS inspection

The Town of Smyrna Building Safety Department has recently done a **Deck Footing "Inspection"** inspection for **Tao Nguyen & Thu Pham - Deck Addition** , located at **E MCLAUGHLIN ST 2000** . (This is permit number [23-34729](#) .) The result of this inspection is that it **PASSED**.

If you have any questions about this inspection, please contact our department, and ask for Mark Hardy , who is the inspector for this project. He is usually in the office between 8:00-9:00 AM, and also between 3:30-4:30PM.

[615-355-5704](tel:615-355-5704)

Mark .Hardy @townofsmyrna.org

Permit is ready for payment

You have recently provided this department a site plan for Tao Nguyen & Thu Pham - Deck Addition , located at E MCLAUGHLIN ST 2000 . This letter is to inform you that the site plan you provided has been approved, and you can now come and pay for this permit. Once it has been paid for, you will be issued a permit for this project, and work can begin on it. (Your permit number is: [23-34729](#))

The building permit fee for this project calculates to \$157.00 . You can pay this fee with cash, check, or credit card. You can also pay this fee over the phone by calling our Treasury Department at [615-459-2553 ext. 2500](#). (Note that paying with a credit card or over the phone will require an additional convenience fee, and that we are unable to provide receipts for phone and mail-in transactions.) Our business hours are M-F, 8:00 to 4:30.

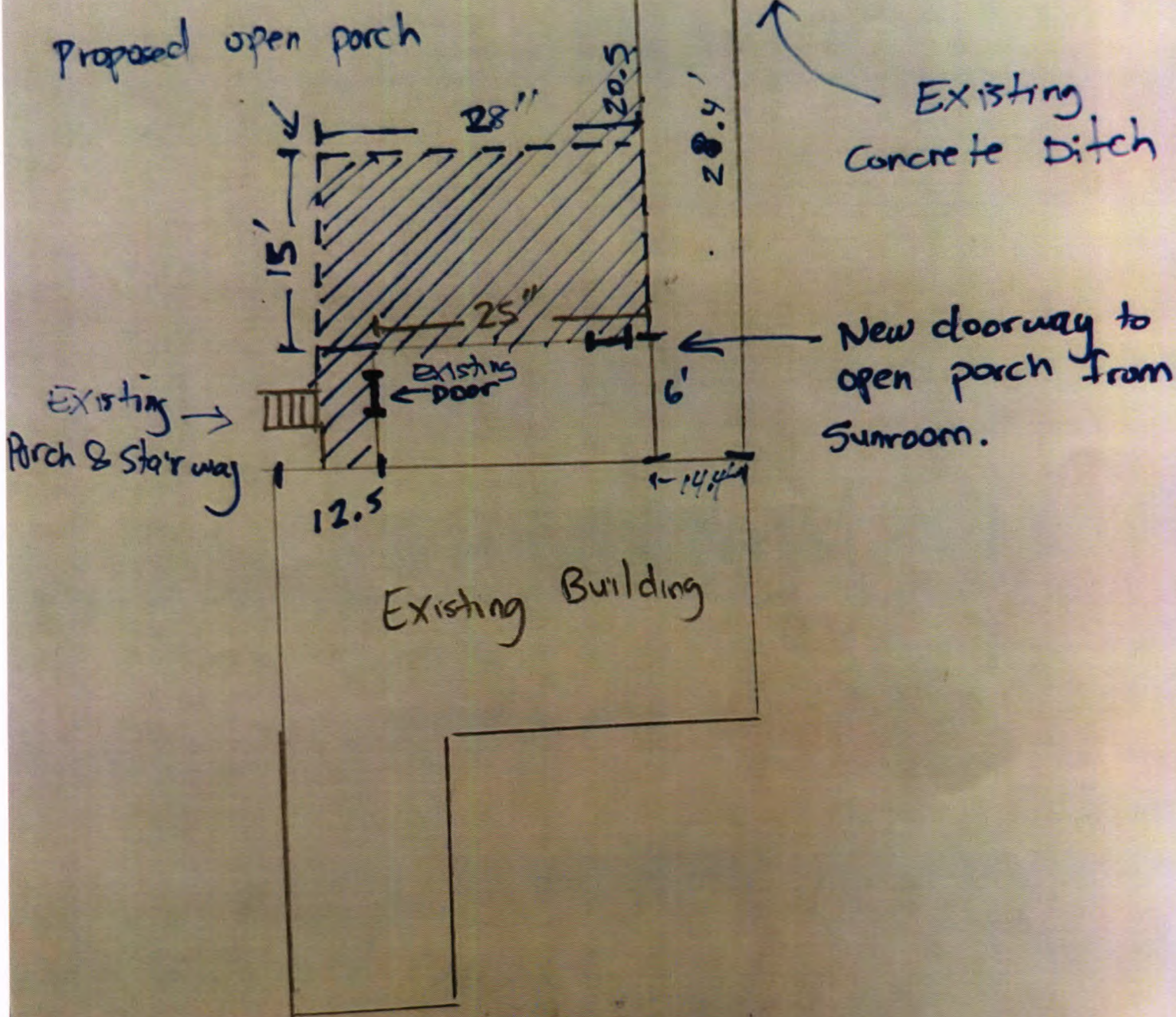
You will be required to request inspections as this job progresses.

If you have any questions, please don't hesitate to contact this office at [615-355-5704](#).

Building Safety Department

Town of Smyrna





* AFTER SPEAKING WITH APPLICANT, DIMENSIONS PROVIDED ON SITE PLAN ARE MEASURED TO THE EDGE OF THE CONCRETE DITCH, NOT PROPERTY LINE. DISTANCE FROM PROPERTY LINE TO DITCH EDGE MEASURED APPROXIMATELY 2 1/2' - 3'.

Tao Nguyen & Thu Pham
Setback Variance Request

Location: 2000 E. McLaughlin Street	Property Owner(s): Quynh Nguyen & Trung Khau
Tax Map/Group/Parcel #: 32L/E/27.00	
Zoning/Use Classification: R-3/Single-Family Residential	

Request: A rear setback variance of 3' for a deck.



Staff Analysis

The applicant has requested a 3' rear setback variance for a deck. The property is zoned R-3, Medium Density Residential, and is 16,327 square feet in size. Minimum rear yard setback requirement in the R-3 district is 8' for accessory structures. A permit was applied for through the Codes Department with a site plan of the proposed deck and was approved for construction. The deck was in the middle of construction when a stop work order was issued by the Codes Department due to the deck encroaching upon the rear setback. The deck has been built per dimensions provided on the site plan. Distances on the site plan are measured to the concrete ditch edge, not the parcel line. Measurements with parcel data show the approximate distance from the parcel line to the edge of the concrete ditch measure 2.5' - 3'. In addition, there is a drainage easement in the rear of the lot and has been granted permission from Public Works for the structure to remain, if approved.

Section 7.080 D of the Zoning Ordinance details the requirements for variances not involving special flood hazard areas. These are detailed below.

Zoning Variance Requirements

Section 7.080 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

Section 7.080 Procedure for authorizing zoning variances

The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

B. Standards for Variances not Involving Special Flood Hazard Areas:

The board shall not grant a variance unless it makes finding based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
 - Staff finds that the property does have varying topography with a 10' concrete drainage easement along the northern property line, however, that would not affect the construction of a deck on the property.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
 - The property has no distinguishable features that would deem the petition for a variance as the lot has ample space to locate the structure to meet setback requirements if it were reduced in length.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
 - Decks are allowed within the R-3 district, but are to adhere to all setback requirements.
4. 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 this variance.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
 - The applicant is the homeowner and applicant for building permit.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.
 - Staff finds that the variance requested would provide the applicant with special privileges denied by the ordinance to other lands,

structures, or buildings in the R-3 district due to a structure encroaching upon setbacks.

7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
 - Staff finds that the requested setback variance may not be the minimum to make reasonable use of this structure for the proposed use due to the ability to reduce the size of the deck to meet setback requirements.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
 - Staff finds that the variance should not be detrimental to the public welfare or injurious to other property or improvements in the area.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
 - Staff finds that the variance may not have any of the above effects.
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provide the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.
 - Not applicable.

Conclusion

Staff finds that this property does not have unique circumstances with the exception of some varying topography on the property. The applicant submitted a site plan prior to construction and the site plan was approved by staff. Upon construction of the deck, a stop work order was issued due to the structure not meeting setback requirements despite being constructed per dimensions provided on the site plan.

If approved, and the deck is covered and attached to the house in the future, a new BZA setback variance would be required since this request is treated as an accessory structure with a minimum 8' setback requirement.



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: John + Stacie Robinson	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: 615-462-1301	Contractor <input type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: stacie.robinson1@aol.com	Other <input type="checkbox"/>	Signage <input type="checkbox"/>

THIS REQUEST IS FOR:

Zoning Variance <input type="checkbox"/>	Sign Variance <input type="checkbox"/>
Setback Variance <input checked="" type="checkbox"/>	Special Exception <input type="checkbox"/>
Temporary Use Permit <input type="checkbox"/>	Administrative Review <input type="checkbox"/>

PROPERTY INFORMATION

Street Address: 101 Westfield Ct Smyrna TN		
Tax Map: 27 F	Group: C	Parcel: 27.00
Zoning: R-3	Lot Area: 0.34 AC	

DESCRIPTION OF APPEAL

Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request. We are on the corner lot of cul-de-sac & have 2 setbacks. Five spoke w/ hitch in appeals & Tom from Street Maintenance. There is already a fence there. I paid for the pool before knowing I had to have a permit.

ALL APPLICANTS OR THEIR REPRESENTATIVES ARE REQUIRED TO ATTEND THE MEETING

Approval by the Board of Zoning Appeals does not remove any requirements or prohibitions that may be in place because of any restrictive covenants affecting your property. Violation of restrictive covenants could result in legal action against you by a homeowner's association or individual homeowners within your neighborhood. The Town of Smyrna will not be liable if action is taken against you due to violation of such covenants.

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing all property owners involved in this request and am aware that approval received from the Board of Zoning Appeals does not authorize any activities which are prohibited by any Town Ordinance, covenant restrictions, deed restrictions or HOA regulations.

Applicant Signature: Stacie Robinson	Date: 4-2-24
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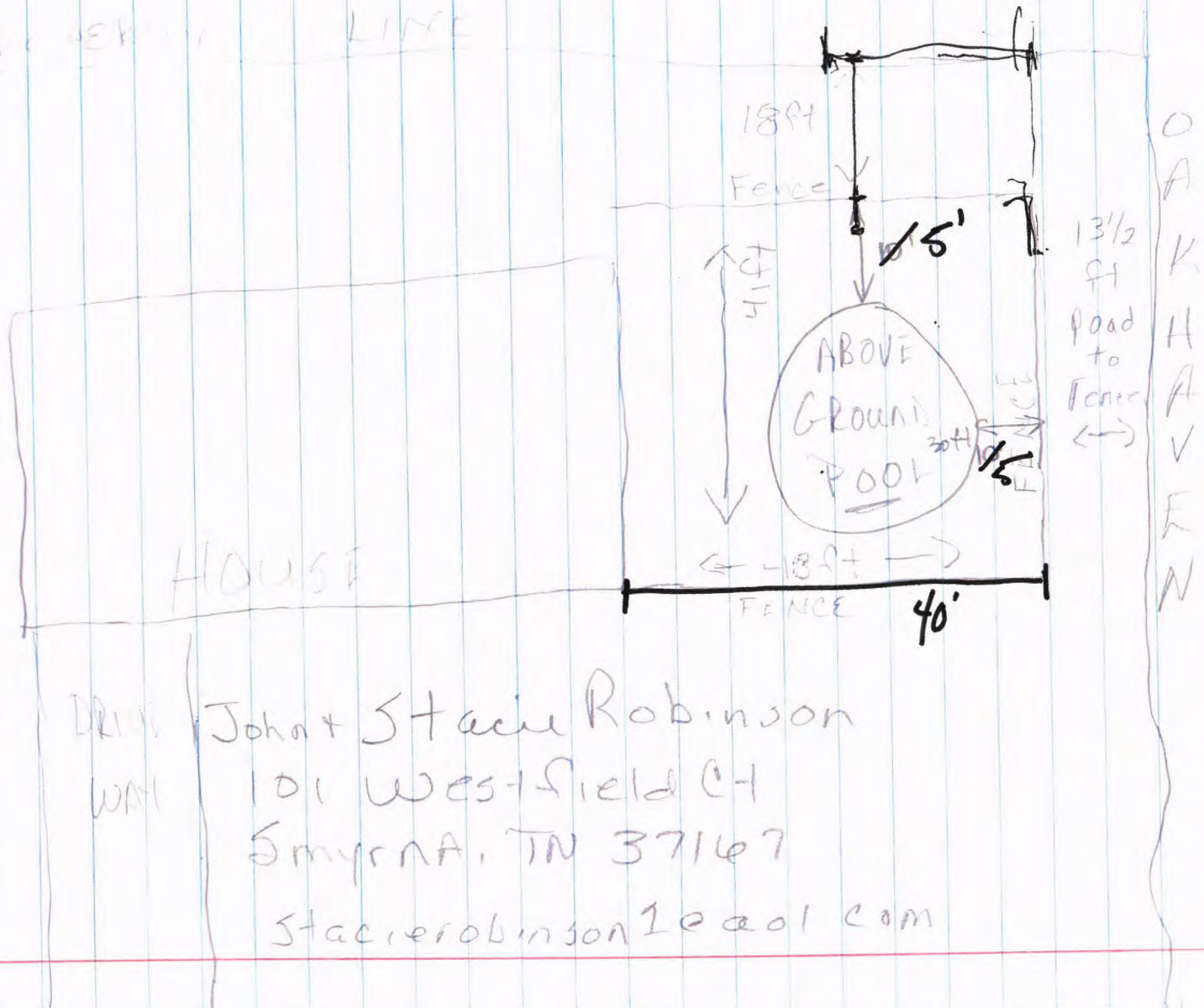
Office Use Only

Staff Initials: ms	Application Fee: 300.00	Date: 4/15/24
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10x10
or
10x12 } STORAGE
BLOG

FENCE LINE

P
R
O
P
E
R
T
Y
L
I
N
E



DRIVEWAY
WALL

John + Stacie Robinson
101 Westfield Ct
Smyrna, TN 37167
stacierobinson1@aol.com

WESTFIELD COURT

Pool: 30' DIAMETER
27' POSSIBLE

615-462-1301

John & Stacie Robinson
Setback Variance Request

Location: 101 Westfield Court	Property Owner(s): John & Stacie Robinson
Tax Map/Group/Parcel #: 27F/C/27.00	
Zoning/Use Classification: R-3/Single-Family Residential	

Request: A front setback variance of 35' along Oakhaven Drive for a pool.



Staff Analysis

The applicant has requested a 35' front setback variance on Oakhaven Drive for a pool. The property is zoned R-3, Medium Density Residential, and is 0.34 acres in size and has two front setbacks to meet on Westfield Court and Oakhaven Drive. Minimum front yard setback requirement in the R-3 district is 35' for accessory structures; however, when the plat for this subdivision was recorded in 1988, a 40' front setback was required. In addition, there is a 20' drainage easement on the western property line, which is to remain clear and is not proposed to be encroached upon. The applicant is requesting to build a 30' diameter above ground pool and is to be placed behind a fence so as to be out of sight from the public right-of-way.

Section 7.080 D of the Zoning Ordinance details the requirements for variances not involving special flood hazard areas. These are detailed below.

Zoning Variance Requirements

Section 7.080 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

Section 7.080 Procedure for authorizing zoning variances

The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

B. Standards for Variances not Involving Special Flood Hazard Areas:

The board shall not grant a variance unless it makes finding based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
 - Staff finds that the property does not have any unique circumstances in regards to physical surroundings, shape or topographic conditions.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
 - The property is a corner lot and has two front setbacks to meet for any structure, in addition, at the time the plat was recorded, a 40' was required compared to the 35' requirement in the R-3 district today. The two front setbacks create a constricted area for any structures to be placed in the rear yard.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
 - Pools are allowed within the R-3 district, but are to adhere to all setback requirements.
4. 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 this variance, however the applicant has noted the pool has already been paid for.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
 - The applicant is the homeowner, but was not involved with the creation of the lot, nor the construction of the residence.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.
 - Staff finds that the variance requested could provide the applicant with special privileges denied by the ordinance to other lands, structures, or buildings in the R-3 district due to a structure encroaching upon a front setback. Other properties in the same zoning district have requested variances from the BZA in previous years in similar situations and have received approval.

7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
 - Staff finds that the requested setback variance may be the minimum to make reasonable use of this structure for the proposed use due to there not being any other location on the property for which the desired pool could be located and meet setbacks.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
 - Staff finds that the variance should not be detrimental to the public welfare or injurious to other property or improvements in the area.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
 - Staff finds that the variance may not have any of the above effects.
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provide the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.
 - Not applicable.

Conclusion

Staff finds that this property is a corner lot in which two front setbacks are required to be met for any structure. At the time of recording the plat for this subdivision, a 40' front setback was required compared to the 35' required if the plat were recorded today. There is an existing fence which the structure would be located behind and no encroachment upon the drainage easement is shown. Due to the size of the proposed pool as well as the corner lot with setback requirements, the pool is unable to be located anywhere else on the property to meet all setback requirements without a variance.



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Angelyse Stanford	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: 615-830-1661	Contractor <input type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: AngelyseStanford@gmail.com	Other <input type="checkbox"/>	Signage <input type="checkbox"/>

THIS REQUEST IS FOR:

Zoning Variance <input type="checkbox"/>	Sign Variance <input type="checkbox"/>
Setback Variance <input checked="" type="checkbox"/>	Special Exception <input type="checkbox"/>
Temporary Use Permit <input type="checkbox"/>	Administrative Review <input type="checkbox"/>

PROPERTY INFORMATION

Street Address: **518 Summerfield Drive**

Tax Map: 50D	Group: B	Parcel: 10.00
Zoning: R-1	Lot Area: 0.62 Acres	

DESCRIPTION OF APPEAL

Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request.

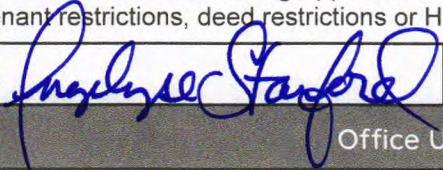
Requesting a variance for a carport installation on front setback existing on a corner lot property. Lot has two 10x16 sheds, totaling 320 square feet of existing detached structures on site. The 20x20 car port would leave property with 80 sq. ft. unused of the 800 sq. ft. structural allowance for the property size.

ALL APPLICANTS OR THEIR REPRESENTATIVES ARE REQUIRED TO ATTEND THE MEETING

Approval by the Board of Zoning Appeals does not remove any requirements or prohibitions that may be in place because of any restrictive covenants affecting your property. Violation of restrictive covenants could result in legal action against you by a homeowner's association or individual homeowners within your neighborhood. The Town of Smyrna will not be liable if action is taken against you due to violation of such covenants.

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing all property owners involved in this request and am aware that approval received from the Board of Zoning Appeals does not authorize any activities which are prohibited by any Town Ordinance, covenant restrictions, deed restrictions or HOA regulations.

Applicant Signature:  Date: **04/02/2024**

Office Use Only

Staff Initials: mm	Application Fee: 300.00	Date: 4/4/24
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Town of Smyrna - Proposed Site Plan

Name: Cedric + Angelyse Stanford Address: 518 Summerfield Drive

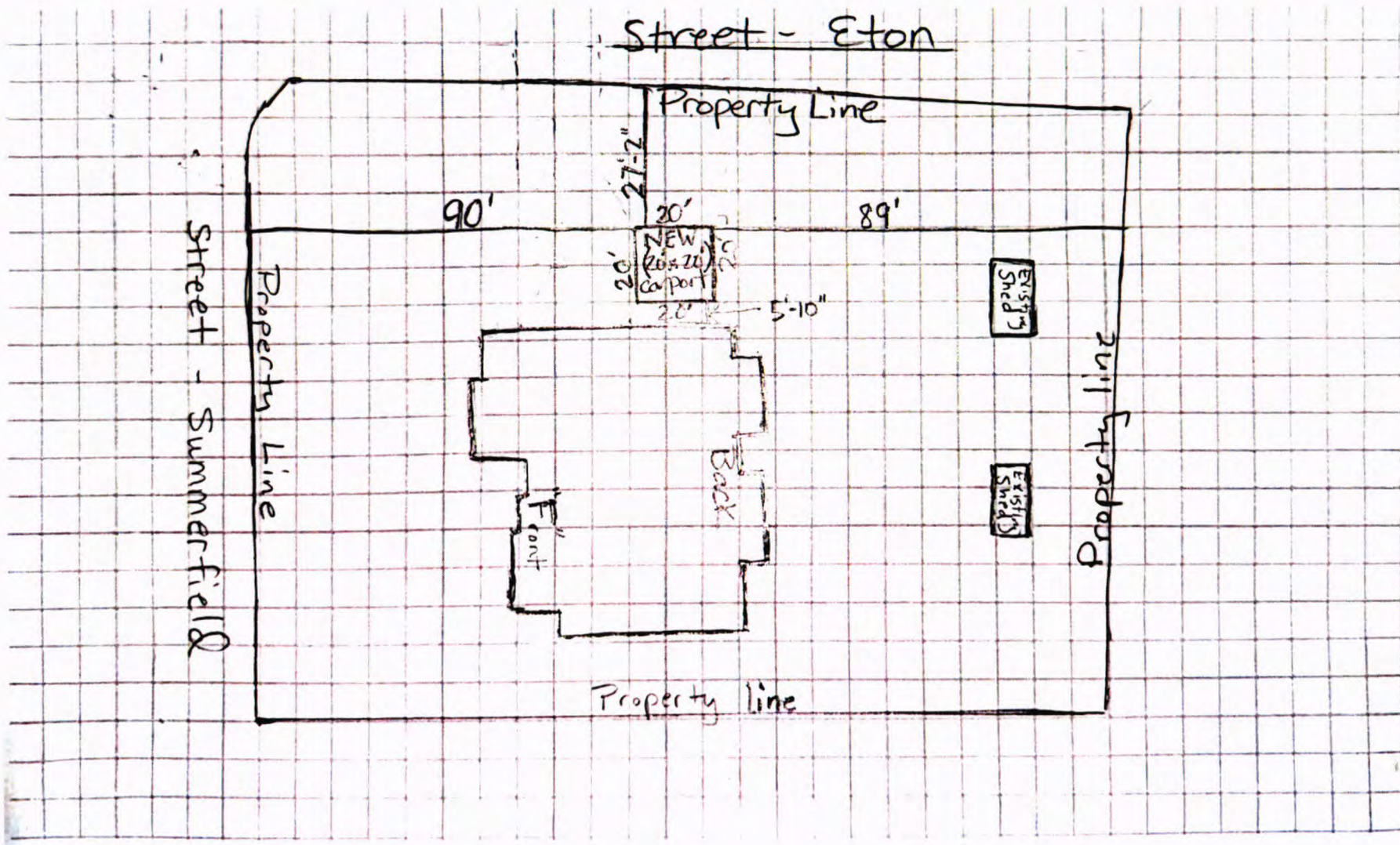
Phone#: (615) 830-1161 Email: AngelyseStanford@gmail.com Estimated Construction Cost: \$3,601.⁰¹ (Pre-manufact Carport)

Construction Type (circle one): Above ground Pool, In ground Pool, Deck (covered / uncovered , Porch, Carport, Garage, Addition, Storage, or Other _____

Electrical: Yes No

Return completed site plan to: permits@townofsmyrna.org or 315 S Lowry St or Fax 615-355-5781

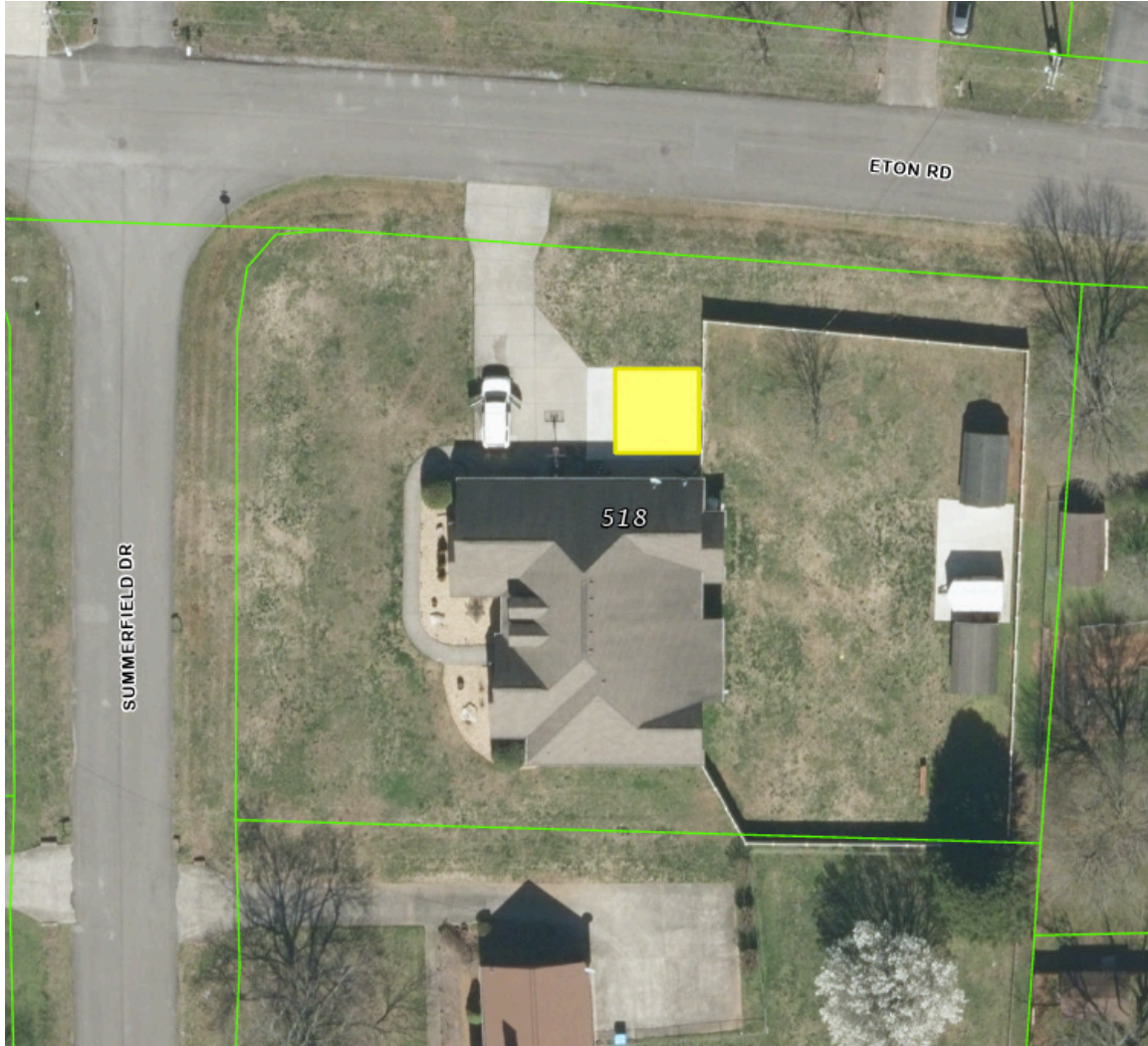
Property line info: <https://secure.rutherfordcountyttn.gov/propertydata/RealPropertySearch2.aspx>



Cedric & Angelyse Stanford
Setback Variance Request

Location: 518 Summerfield Drive	Property Owner(s): Cedric & Angelyse Stanford
Tax Map/Group/Parcel #: 50D/B/10.00	
Zoning/Use Classification: R-1/Single-Family Residential	

Request: A front setback variance of 14' along Eton Road for a carport.



Staff Analysis

The applicant has requested a 14' front setback variance on Eton Road for a carport to be placed roughly 26' from the front property line. The property is zoned R-1, Low Density Residential, and is 0.62 acres in size and has two front setbacks to meet on Summerfield Drive and Eton Road. Minimum front yard setback requirement in the R-1 district is 35' for accessory structures; however, when the plat for this subdivision was recorded in 1973, a 40' front setback was required. In addition, there is a 10' drainage easement on the eastern property line, which is to remain clear and is not proposed to be encroached upon. The applicant is requesting to build a 20' x 20' (400 SF) carport and is to be placed on top of an existing concrete slab off of the original driveway. The house was constructed roughly 52' setback off the front parcel line on Eton Road. There are two existing detached sheds which total 320 square feet in size, and the maximum detached accessory structure square footage allotment for this property is 800 square feet.

Section 7.080 D of the Zoning Ordinance details the requirements for variances not involving special flood hazard areas. These are detailed below.

Zoning Variance Requirements

Section 7.080 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

Section 7.080 Procedure for authorizing zoning variances

The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

B. Standards for Variances not Involving Special Flood Hazard Areas:

The board shall not grant a variance unless it makes finding based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
 - Staff finds that the property does not have any unique circumstances in regards to physical surroundings, shape or topographic conditions.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
 - The property is a corner lot and has two front setbacks to meet for any structure, in addition, at the time the plat was recorded, a 40' was required compared to the 35' requirement in the R-1 district today.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
 - Carports are allowed within the R-1 district, but are to adhere to all setback requirements.
4. 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 this variance.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance.
 - The applicant is the homeowner, but was not involved with the creation of the lot, nor the construction of the residence.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.
 - Staff finds that the variance requested could provide the applicant with special privileges denied by the ordinance to other lands, structures, or buildings in the R-1 district due to a structure encroaching upon a front setback. Other properties in single family

residential zoning districts have requested variances from the BZA in previous years in similar situations and have received approval.

7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
 - Staff finds that the requested setback variance may be the minimum to make reasonable use of this structure for the proposed use due to the location of the driveway.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
 - Staff finds that the variance should not be detrimental to the public welfare or injurious to other property or improvements in the area.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
 - Staff finds that the variance may not have any of the above effects due to the distance the structure would be located off of the roadway.
10. Variances may be issued for the reconstruction rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places upon a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building, and provide the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historic designation.
 - Not applicable.

Conclusion

Staff finds that this property is a corner lot in which two front setbacks are required to be met for any structure. At the time of recording the plat for this subdivision, a 40' front setback was required compared to the 35' required if the plat were recorded today. If approved, the carport would be approximately 40' from the edge of pavement on Eton Road and 26' from the parcel line.



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION: APPLICANT IS: THE PROPOSAL PERTAINS TO: Name: Tom Rose, Phone Number: 615-459-9766, Email: tom.rose@townofsmyrna.org, Owner, Contractor, Other, New Structure, Existing Structure, Signage

THIS REQUEST IS FOR: Zoning Variance, Sign Variance, Setback Variance, Special Exception, Temporary Use Permit, Administrative Review

PROPERTY INFORMATION: Street Address: 5650 W. JEFFERSON PIKE, Tax Map: 20, Group: -, Parcel: 45.01, Zoning: C-2, Lot Area: 2.40 AC

DESCRIPTION OF APPEAL: Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request. IN MEETING THE SETBACK, THE SIGN WOULD BE BEHIND A UTILITY POLE AS VIEWED FROM W. JEFFERSON PIKE TRAVELING WESTBOUND. MOVING THE SIGN IN THE SETBACK WOULD PROVIDE VISIBILITY.

ALL APPLICANTS OR THEIR REPRESENTATIVES ARE REQUIRED TO ATTEND THE MEETING

Approval by the Board of Zoning Appeals does not remove any requirements or prohibitions that may be in place because of any restrictive covenants affecting your property. Violation of restrictive covenants could result in legal action against you by a homeowner's association or individual homeowners within your neighborhood. The Town of Smyrna will not be liable if action is taken against you due to violation of such covenants.

APPLICANT AUTHORIZATION

I hereby certify that I am the authorized applicant, representing all property owners involved in this request and am aware that approval received from the Board of Zoning Appeals does not authorize any activities which are prohibited by any Town Ordinance, covenant restrictions, deed restrictions or HOA regulations.

Applicant Signature: [Signature], Date: 3/28/24

Office Use Only

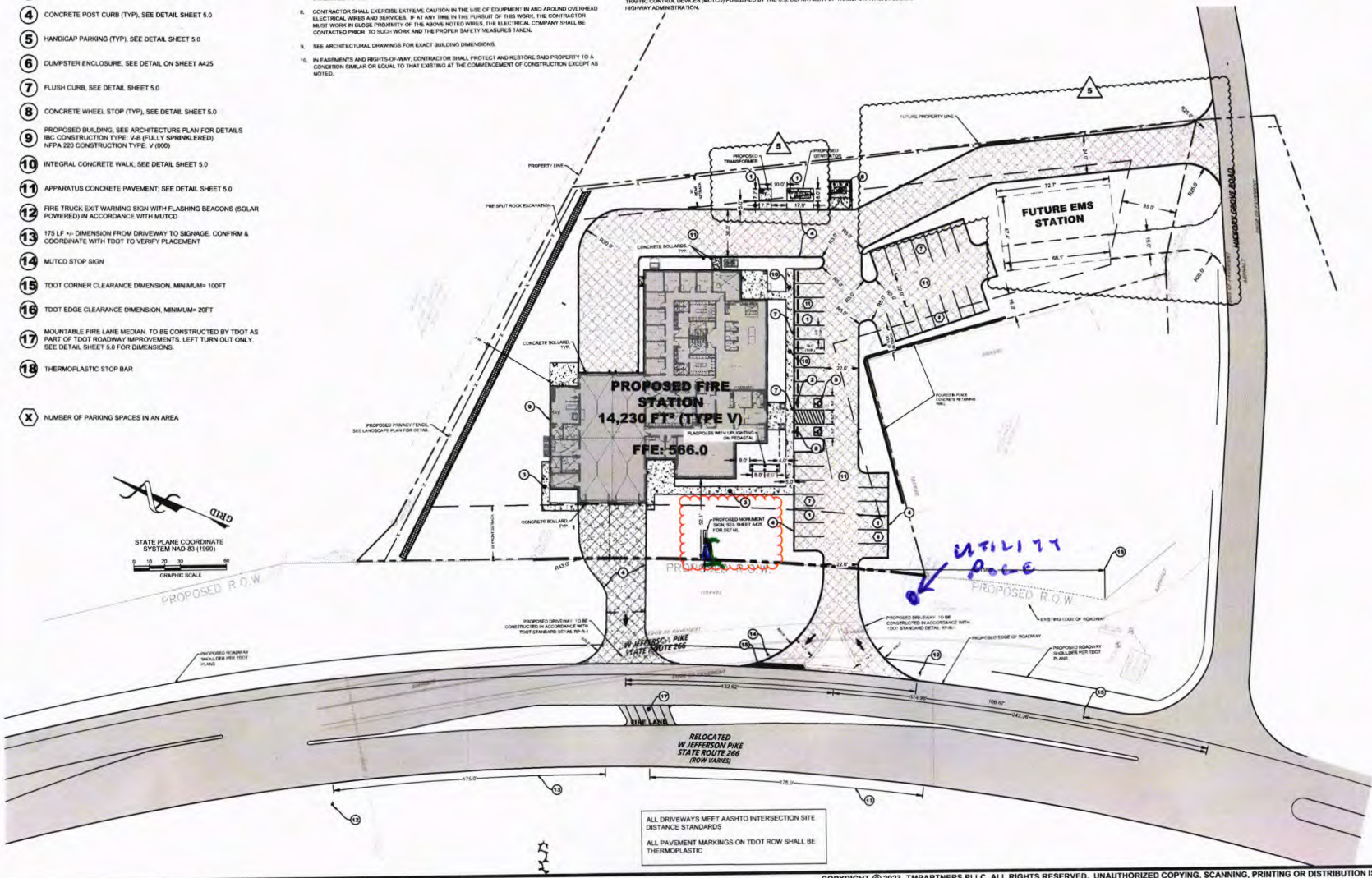
Staff Initials: [Signature], Application Fee: \$, Date:

SITE PLAN KEYNOTES:


- 1 SEE ELECTRICAL SHEETS FOR CONCRETE PAD DETAILS
 - 2 EXTERIOR ACCESSIBLE SIGN FOR HANDICAP PARKING. SEE DETAIL SHEET 5.0
 - 3 CONCRETE SIDEWALK (TYP). SEE DETAIL SHEET 5.0
 - 4 CONCRETE CURB (TYP). SEE DETAIL SHEET 5.0
 - 5 HANDICAP PARKING (TYP). SEE DETAIL SHEET 5.0
 - 6 DUMPSTER ENCLOSURE. SEE DETAIL ON SHEET A425
 - 7 FLUSH CURB. SEE DETAIL SHEET 5.0
 - 8 CONCRETE WHEEL STOP (TYP). SEE DETAIL SHEET 5.0
 - 9 PROPOSED BUILDING. SEE ARCHITECTURE PLAN FOR DETAILS (SIC CONSTRUCTION TYPE: V-8 (FULLY SPRINKLERED) NFPA 220 CONSTRUCTION TYPE: V (000))
 - 10 INTEGRAL CONCRETE WALK. SEE DETAIL SHEET 5.0
 - 11 APPARATUS CONCRETE PAVEMENT. SEE DETAIL SHEET 5.0
 - 12 FIRE TRUCK EXIT WARNING SIGN WITH FLASHING BEACONS (SOLAR POWERED) IN ACCORDANCE WITH MUTCD
 - 13 175 LF +/- DIMENSION FROM DRIVEWAY TO SIGNAGE. CONFIRM & COORDINATE WITH TDOT TO VERIFY PLACEMENT
 - 14 MUTCD STOP SIGN
 - 15 TDOT CORNER CLEARANCE DIMENSION. MINIMUM= 100FT
 - 16 TDOT EDGE CLEARANCE DIMENSION. MINIMUM= 25FT
 - 17 MOUNTABLE FIRE LANE MEDIUM. TO BE CONSTRUCTED BY TDOT AS PART OF TDOT ROADWAY IMPROVEMENTS. LEFT TURN OUT ONLY. SEE DETAIL SHEET 5.0 FOR DIMENSIONS.
 - 18 THERMOPLASTIC STOP BAR
- X NUMBER OF PARKING SPACES IN AN AREA

GENERAL CONSTRUCTION NOTES:

1. THE CONTRACTOR SHALL CHECK ALL FINISHED GRADES AND DIMENSIONS IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.
2. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES. TAKE CARE TO PROTECT UTILITIES THAT ARE TO REMAIN. REPAIR CONTRACTOR CAUSED DAMAGE ACCORDING TO LOCAL STANDARDS AND AT THE CONTRACTOR'S EXPENSE. COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANIES.
3. THE CONTRACTOR SHALL CONFORM TO ALL LOCAL CODES AND OBTAIN ALL PERMITS PRIOR TO BEGINNING WORK.
4. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUSTMENT OF FINAL GRADES MAY BE NECESSARY. OBTAIN APPROVAL FROM ENGINEER PRIOR TO ANY DETERMINATIONS FROM INTENDED GRADES ON PLANS. INSTALL ALL UTILITIES PRIOR TO INSTALLATION OF PAVEMENT.
5. CONCRETE WALKS AND PADS SHALL HAVE A BRUSH FINISH UNLESS OTHERWISE NOTED. ALL CONCRETE SHALL BE CLASS "C" (4000) P.S.I. UNLESS OTHERWISE NOTED.
6. ALL DAMAGE TO EXISTING ASPHALT PAVEMENT, CURB AND GUTTER, AND CONCRETE SIDEWALKS TO REMAIN WHICH RESULTS FROM NEW CONSTRUCTION, SHALL BE REPLACED WITH LIKE MATERIALS AT CONTRACTOR'S EXPENSE.
7. DIMENSIONS ARE TO THE FACE OF CURBS, EDGE OF CONCRETE, OR TO FACE OF BUILDING UNLESS OTHERWISE NOTED.
8. CONTRACTOR SHALL EXERCISE EXTREME CAUTION IN THE USE OF EQUIPMENT IN AND AROUND OVERHEAD ELECTRICAL WIRES AND SERVICES. IF AT ANY TIME IN THE COURSE OF THIS WORK, THE CONTRACTOR MUST WORK IN CLOSE PROXIMITY OF THE ABOVE NOTED WIRES, THE ELECTRICAL COMPANY SHALL BE CONTACTED PRIOR TO SUCH WORK AND THE PROPER SAFETY MEASURES TAKEN.
9. SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS.
10. IN RIGHT-OF-WAY AND RIGHT-OF-WAY, CONTRACTOR SHALL PROTECT AND RESTORE SAID PROPERTY TO A CONDITION SIMILAR OR EQUAL TO THAT EXISTING AT THE COMMENCEMENT OF CONSTRUCTION EXCEPT AS NOTED.
11. THE CONTRACTOR SHALL COMPLY WITH ALL PERTINENT PROVISIONS OF THE "MANUAL OF ACCIDENT PREVENTION IN CONSTRUCTION" ISSUED BY AACE OF AMERICA, INC. AND THE "SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION" ISSUED BY THE U.S. DEPARTMENT OF LABOR.
12. CONTRACTOR SHALL SAW CUT ANY SIDEWALKS, CURBS, GUTTERS, DRIVEWAYS, OR PAVED STREETS FOR UTILITY CHANGES, AND REPLACE WITH SAME SECTION AND MATERIALS AS EXISTING.
13. NO TREES OR VEGETATION SHALL BE DISTURBED WITHOUT OWNER'S APPROVAL.
14. CONTRACTOR SHALL HIGH-PRESSURE WASH PARKING LOT, CONCRETE PAVEMENT, AND SIDEWALKS UPON COMPLETION OF CONSTRUCTION AS NEEDED.
15. CONTRACTOR SHALL NOTE THAT ALL WORK TO BE DONE SUCH AS EXCAVATIONS, TRENCHES, CASSONS, WALKS, ETC. AS INDICATED ON DRAWINGS, IS SHOWN WITHOUT KNOWLEDGE OF UNDERGROUND UTILITIES ON THE PARTICULAR SITE. THE ARCHITECT, ENGINEER, AND OWNER ASSUME NO RESPONSIBILITY FOR DETERMINING THEIR LOCATION, SIZE, DEPTH, OR HAZARD.
16. NO CONSTRUCTION OR STORAGE OF SUPPLIES AND EQUIPMENT SHALL BE PERMITTED OUTSIDE SILT FENCE.
17. ALL CONSTRUCTION ACTIVITIES SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (ADA) IN EFFECT AT THE TIME IN WHICH THE CONSTRUCTION ACTIVITIES ARE PERFORMED.
18. ALL PAVEMENT MARKINGS AND SIGNAGE SHALL BE IN CONFORMANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) PUBLISHED BY THE U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION.




ALL DRIVEWAYS MEET AASHTO INTERSECTION SITE DISTANCE STANDARDS
ALL PAVEMENT MARKINGS ON TDOT ROW SHALL BE THERMOPLASTIC




TMPartners, PLLC
Architecture Interiors Planning

211 Franklin Road
Suite 200
Brentwood, TN 37027-5593
615.377.9773 Office
615.370.4147 Fax
www.TMPartners.com



OFFICE OF THE
COMMISSIONER OF REVENUE
STATE OF TENNESSEE
NASHVILLE, TN 37203



BCA
BARGE CIVIL

800 DRUMMER PINE BLVD
NASHVILLE, TN 37209
615.266.8911 • BCACivil.com
BCA FILE NO. 200507

TOWN OF SMYRNA
FIRE STATION #4
5650 W JEFFERSON PIKE
SMYRNA, TN 37167

TFW #21199 | PROJECT #2023-07-10-04

REVISIONS		
1	06/06/2023	ADDendum 01
2	08/08/2023	ADD 01
3	11/07/2023	ADD 02
4	12/12/2023	ADD 03
5	01/24/2024	ADD 04

DR. BY	EM
CK. BY	JG
PROJ. NO.	A03822
DATE	11/06/23

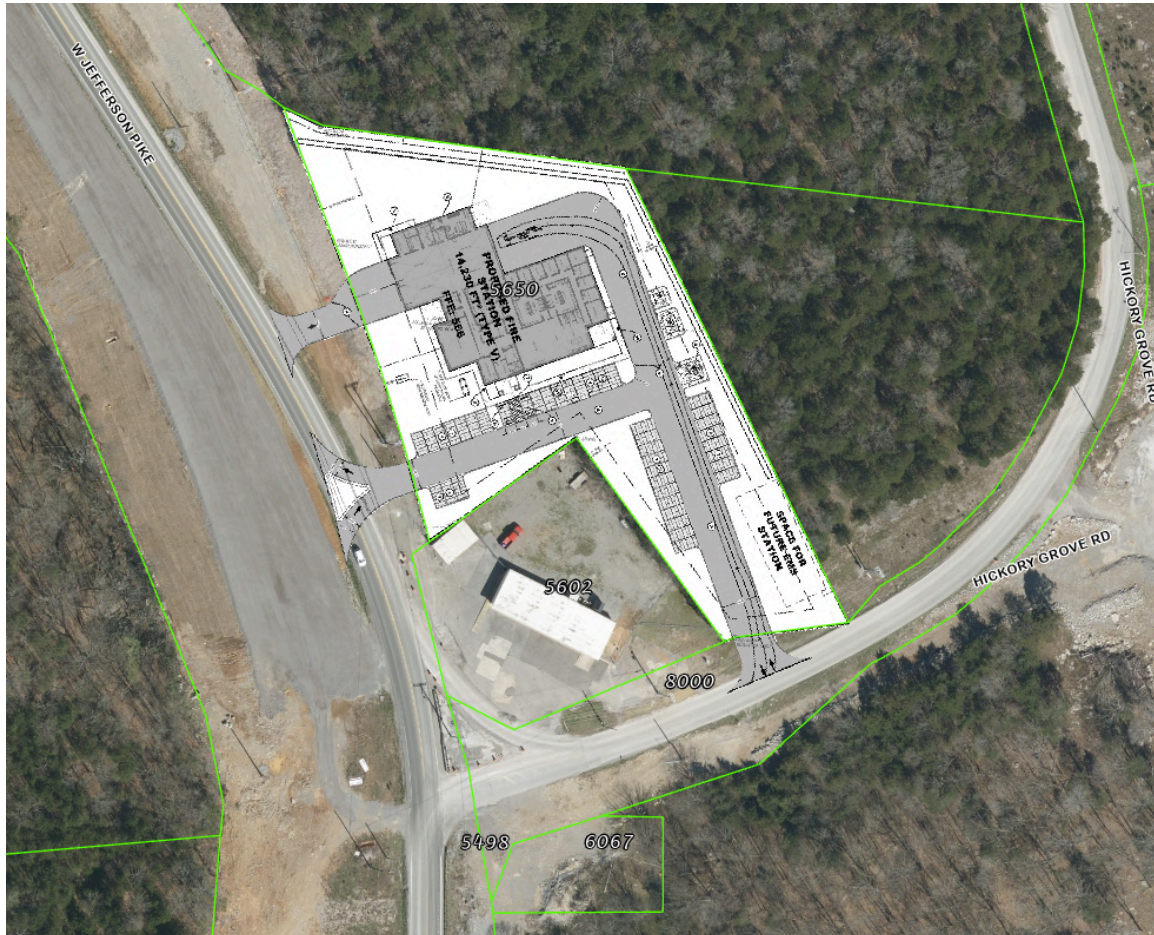
SITE LAYOUT PLAN

C-1.0

Town of Smyrna - Fire Station 4
Sign Variance Request

Location: 5650 W. Jefferson Pike	Property Owner: Town of Smyrna
Tax Map/Parcel #: 20/45.01	
Zoning/Use Classification: C-2/Fire Station	

Request: A ground sign setback variance of 10' to be placed on the front property line.



Staff Analysis

The Town is requesting a variance to place the ground sign for Fire Station 4 on the front property line along West Jefferson Pike. Due to the curvature of W. Jefferson Pike and placement of overhead utility poles; if the ground sign were to be placed meeting setback requirements, visibility would be obstructed from a utility pole for traffic traveling westbound. In addition, the distance from the front property line to the edge of pavement on W. Jefferson Pike is approximately 68'; if the sign were to meet setbacks, it would be located roughly 78' off the edge of pavement.

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:

- (a) 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 the curvature of W. Jefferson Pike in addition to the overhead utility poles do have the potential to interfere with signage visibility.
- (b) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
 - There are no other properties in this area which have developed at this time.
- (c) The hardship has not been created by any person having an interest in the property.
 - The Town is the developer of this parcel.
- (d) Financial returns only shall not be considered as a basis for granting a variance.
 - The applicant owner has not identified financial returns as a reason for requesting the variance.
- (e) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of the ordinance.
 - Staff finds the variance would not have any of the above effects as the sign would be located approximately 68' off of the edge of pavement on W. Jefferson Pike.
- (f) The variance does not confer a special privilege to the applicant that is denied to others.
 - Staff finds that signs are allowed, per the Sign Ordinance, however, it restricts the location for setbacks as to where the sign may be placed on the property.

Conclusion

Staff finds that the subject property is situated approximately 68' off the future edge of pavement for West Jefferson Pike, when completed. If a variance is approved, visibility for motorists would not be impeded. As an emergency service facility, sign visibility is paramount.