



SMYRNA BOARD OF ZONING APPEALS

November 21, 2024
5:00 p.m. meeting

Smyrna Town Hall

AGENDA

1. Call to Order
2. Prayer
Pledge of Allegiance
3. Citizens' Comments:

"The Town's Public Comment Period shall be reserved for those citizens that have signed up to address a Board or Committee, at least twenty-four (24) hours in advance of the meeting, pursuant to the Town's Public Comment Policy. Speakers are limited to three (3) minutes. Additional comments may be submitted in writing".

4. Approval of Minutes of the September 19, 2024 meeting
5. New Business:
 - a. Setback Variance:
 1. Jasper Fitzhugh
4022 Wisdom Way
 - b. Zoning Variance:
 1. Kourtney Brownlow
515 Huntly Industrial Drive
6. Staff comments and/or other business
7. Adjournment



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

September 19, 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 September 19, 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; Scott Demonbreun; Vanessa Haley

Absent: Jay Michaelson

Staff Present: Todd Spearman, Assistant Town Manager; Benjamin Groce, Asst. Town Attorney; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kathryn Bobbitt, Office Coordinator; Charles King, Engineer; Kristi Worrell, Building Official

1. Citizens' Comments:

"The Town's Public Comment Period shall be reserved for those citizens that have signed up to address a Board or Committee, at least twenty-four (24) hours in advance of the meeting, pursuant to the Town's Public Comment Policy. Speakers are limited to three (3) minutes. Additional comments may be submitted in writing".

2. Approval of Minutes of the August 15, 2024 meeting

Motion by Scott Demonbreun, seconded by Vanessa Haley to approve the Minutes of the August 15, 2024 meeting.

Vote: 4 - 0 Passed - Unanimously

3. New Business:

a. Special Exceptions:

1. Car Wash ProDesigners
1399 Sam Davis Road

Location: NW Quadrant of Nissan Drive and Sam Davis Road	Property Owner: Riverstone Investments LLC
Tax Map/Parcel #: Map 27, Parcel 6.08	Zoning/Use Classification: C-2/Car Wash

Request: For a special exception to allow a car wash in a C-2 zoning district.



Staff Analysis

The applicant has requested a special exception to allow a car wash within a C-2 zone on the vacant tract at the northwestern quadrant of the intersection at Nissan Drive and Sam Davis Road. Surrounding zoning consists of C-2 and R-1 (Sam Davis property) to the west. As proposed, there would be an access point on both road frontages, but final locations to be determined during the site plan process. Three queue lanes would support approximately 24 vehicles narrowing to a single aisle upon entering the building. In addition, there is a smaller “truck wash”, which would be utilized by oversized vehicles, not semi-trucks. As part of the overall plan for the site, there would be a gasoline station with convenience store, retail and the car wash. The applicant noted the gas station and car wash are proposed to be built simultaneously with the retail development depending on usage.

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 a car wash should 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 has the potential to adversely affect other properties in the surrounding area due to noise produced from this use onto the adjacent residential dwellings. The entrance of the building would be approximately 400' from the nearest residential unit. Vacuums are proposed to be located on the east side of the car wash, parallel to Nissan Drive.
- Is within the provisions of "Special Exceptions" as set forth in this ordinance.
 - Section 5.052.2 C lists "car washes and automobile detailing" as a special exception in the C-2 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:

- 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 is proposed to utilize an access point off Nissan Drive and another access point off Sam Davis Road. Current site plan shows two access points on Nissan Drive, but the number and location of the access points is subject to change after determination on most suitable locations with staff during the site plan process.
- 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 development of this vacant property will increase traffic, more than currently exists, thus more noise for surrounding property owners.
- Refuse and service areas, with particular reference to the items in 1. and 2. above.
 - Refuse collection would need to be coordinated with a local company for proper disposal and collection of waste.
- Utilities, with reference to locations, availability, and compatibility.
 - This location has access to water and gas. The developer would be required to extend/make improvements to the sewer.
- Screening and buffering with reference to type, dimensions and character.
 - West and north of the subject property is residentially zoned which would require a buffer to be installed by the developer along the property line. This would be a Type C landscape buffer, per the Zoning Ordinance, at a minimum. A Type C landscape buffer

consists of an area at least 15' wide with offset alternating rows of evergreen trees and shrubs.

- 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 the proposed auto wash use will fit the compatibility with properties in the same district in reference to the above effects. Lighting may not shine beyond the property lines.
- Required yard and other open space.
 - Staff finds that there is adequate space on this lot to support a car wash as it is currently undeveloped.
- General compatibility with adjacent properties and other property in the district.
 - Staff finds that the use may be compatible with the adjacent commercial properties in addition to the site being located on Nissan Drive, which is a principal arterial on the Major Thoroughfare Plan with a variety of commercial uses along the roadway.
- 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 a majority of the surrounding properties are commercially zoned and would fit for the use. The property is located along Nissan Drive, which is highly trafficked. The lot is of adequate size to support this use as well as adhering to regulations required per the Design Review Manual and Zoning Ordinance.

At this time, Councilman Steve Sullivan acknowledged Alan Jacob with Car Wash Pro Designers to speak at the public hearing.

Motion by Phil Wilson, seconded by Scott Demonbreun to approve the special exception to allow a car wash within a C-2 zone located at Rutherford County Tax Map: 27, Parcel: 6.08 with the above listed staff comments.

Vote: 4 - 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: Jasper Fitzhugh	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: 615-684-6740	Contractor <input type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: olshive1963@gmail.com	Other <input type="checkbox"/>	Signage <input type="checkbox"/>

THIS REQUEST IS FOR:

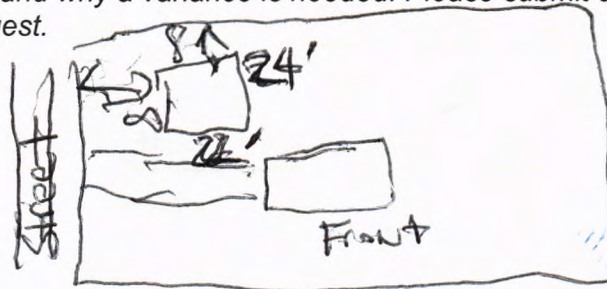
Zoning Variance <input type="checkbox"/>	Sign Variance <input type="checkbox"/>
Setback Variance <input checked="" type="checkbox"/>	Special Exception <input type="checkbox"/>
Temporary Use Permit <input type="checkbox"/>	Administrative Review <input type="checkbox"/>

PROPERTY INFORMATION

Street Address: 4022 Wisdom Way, Smyrna, TN, 37167		
Tax Map:	Group:	Parcel:
Zoning:	Lot Area:	

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.



My Garage is made for only a one car garage. I want a place to store my truck

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

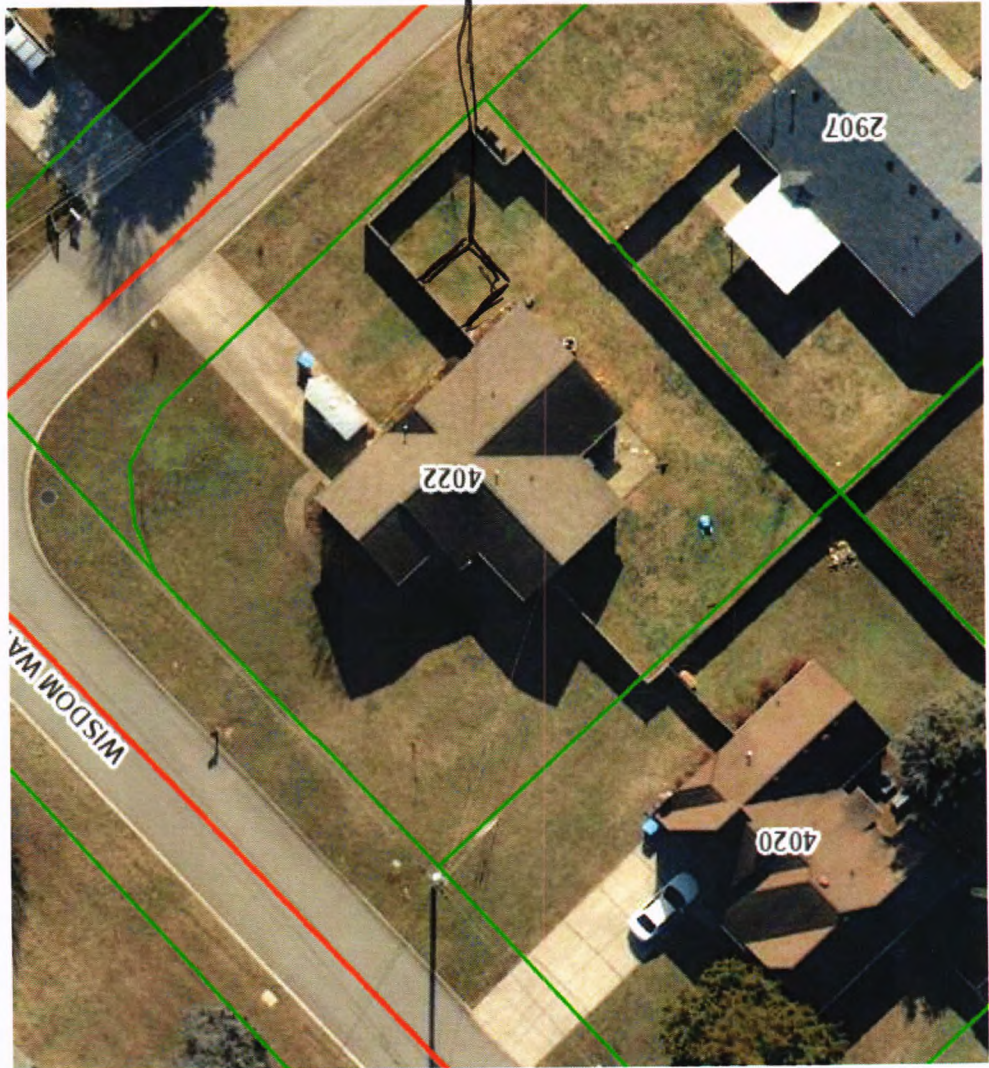
I hereby certify that I am the authorized applicant, representing all property owners involved in this request and am aware that approval received from the Board of Zoning Appeals does not authorize any activities which are prohibited by any Town Ordinance, covenant restrictions, deed restrictions or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

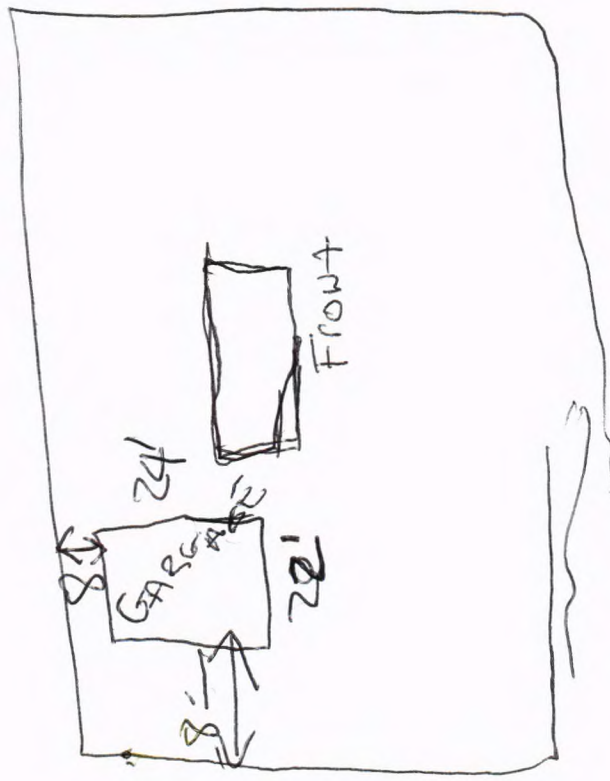
Applicant Signature:	Date: 10-21-2024
----------------------	------------------

Office Use Only

Staff Initials:	Application Fee:	Date:
-----------------	------------------	-------

42x22A
Garage
Main



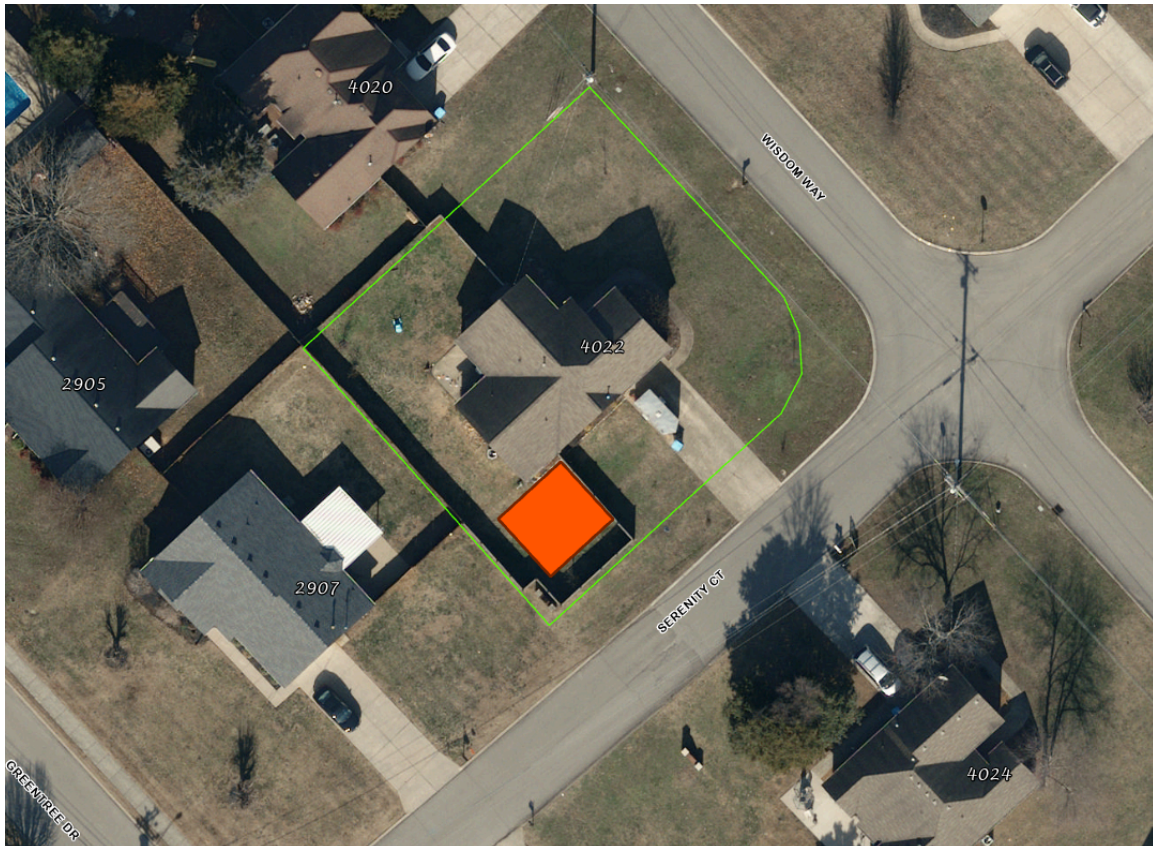


4022 Wisdom Way Dr.

Jasper Fitzhugh
Setback Variance Request

Location: 4022 Wisdom Way	Property Owner(s): Jasper & Yolanda Fitzhugh
Tax Map/Group/Parcel #: 33H/A/43.00	
Zoning/Use Classification: R-3/Single-Family Residential	

Request: A front setback variance of 25' along Serenity Court for a detached garage/carport.



Staff Analysis

The applicant has requested a 25' front setback variance on Serenity Court for a detached garage/carport. The property is zoned R-3, Medium Density Residential, and is 0.26 acres in size and has two front setbacks to meet on Wisdom Way and Serenity Court. Minimum front yard setback requirement in the R-3 district is 35' for accessory structures. As presented, the structure would be located approximately 3' from the dwelling and may require additional fire safety precautions to be installed either on the dwelling and/or on the proposed structure. The applicant is requesting to place the carport behind an existing fence.

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. 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.
 - Detached accessory structures 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 applicant 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-3 district due to a structure encroaching upon a front setback. However, 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 not be the minimum to make reasonable use of this structure for the proposed use. The structure could be relocated to the north side of the

residence within the fence to meet front setback requirements. In addition, a side setback variance would likely be required in that situation with the size of the desired detached structure and dwelling location on the property. However, the location requested is closest to the existing driveway, which is the reasoning for the request being in the location presented.

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. There is an existing fence which the structure would be located behind as presented. There is adequate space on the lot to locate the structure to meet the front setback, but would likely require a side setback variance due to the distance between the dwelling and side lot line in conjunction with the size of the structure requested. If the request is approved, it does not preclude the applicant from adhering to any additional Code/Fire Safety requirements.



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:		APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Kourtney Brownlow		Owner <input checked="" type="checkbox"/>	New Structure <input type="checkbox"/>
Phone Number: (615) 653-1111		Contractor <input type="checkbox"/>	Existing Structure <input checked="" type="checkbox"/>
Email: kourtneybrownlow@gmail.com		Other <input type="checkbox"/>	Signage <input type="checkbox"/>
THIS REQUEST IS FOR:			
Zoning Variance <input checked="" 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 type="checkbox"/>	
PROPERTY INFORMATION			
Street Address: 515 Huntly Industrial Dr. Smyrna, TN 37167			
Tax Map: 19C	Group: D	Parcel: 2.00	
Zoning: I-1	Lot Area: 0.45 acres		
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>Smyrna Strength and Fitness, LLC is requesting consideration for a zoning variance to 515 Huntly Industrial Dr. This building has been previously approved for exemption as a fitness facility in 2014. We are requesting similar consideration for our business. We will ideally open to clientele 12/2. The business will offer group fitness classes and personalized coaching in addition to 24/7 access. Expected peak times would occur between 5:30-8 AM, 11-1 PM, and 4-7 PM. At the time of occupying, Smyrna Strength and Fitness will be the only tenant operating at this location.</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: <i>Kourtney Brownlow</i>		Date: 11/12/2024	
Office Use Only			
Staff Initials:	Application Fee:	Date:	

Smyrna Strength and Fitness, LLC
Special Exception

Location: 515 Huntly Industrial Dr.	Property Owner: Walford Partners
Tax Map/Group/Parcel #: Map 19C, Group D, Parcel 2.00	
Zoning/Use Classification: I-1/General Personal Services	

Request: For a special exception to allow a fitness studio in an I-1 zoning district.



Staff Analysis

Smyrna Strength and Fitness, LLC is proposing to locate their business at 515 Huntly Industrial Drive and would be the only tenant in the building. At least one of the business owners currently operates a gym facility in Franklin for the past five years. Additionally, the applicant(s) were involved with other fitness facilities in Smyrna between 2014-2022. Staff will be on site between the hours of 5:30AM-6:30 PM with peak hours expected between 5:30-8:00 AM, 11:00-1:00 PM, and 4:00-7:00 PM. Maximum staff present would be 1 or 2. The facility will be an access facility, which allows members to access the facility outside of normal business hours. There are approximately 14 parking spaces currently on site. Typical classes will have around 6-8 participants and if needed, the hours could be restricted for facility usage for non class participants during peak hours. Clients first have a consultation with staff to determine best goals for their journey, in addition a higher membership price helps to regulate the number of clients lower than a traditional gym.

The property at 515 Huntly Industrial Drive has had two BZA requests previously for special exception requests. One in 2002 for a contract construction service, which was approved, and one in 2014 for the use of a gym, and was approved. The approval granted in 2014 had two conditions of approval: the approval would expire after one year if the applicant has not occupied the space and no parking along Huntly Industrial Drive.

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:

- a. 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 a general personal service use should not negatively affect the health, safety, and welfare of the public.
- b. Will not adversely affect other property in the area in which it is located.
 - Staff finds that the proposed use should not negatively affect other property in the area in which it is to be located.
- c. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
 - Section 5.053.1 C lists "general personal service" as a special exception in the I-1 district.
- d. 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.
 - Access to the site would utilize the existing shared single access point off of Huntly Industrial Drive with the adjoining tract to the east.
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.
 - Staff finds that the building is an existing structure, which has been in operation for several businesses throughout the years prior without issue. Parking will need to be addressed accordingly to ensure no vehicles park on Huntly Industrial Drive.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
 - Refuse collection would need to be coordinated with a local company for proper disposal and collection of waste.
4. Utilities, with reference to locations, availability, and compatibility.
 - This location has access to all utilities including gas, water and sewer.
5. Screening and buffering with reference to type, dimensions and character.
 - Not applicable; the building is currently existing and no additional buffering would be required based on the proposed use.
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.
 - Staff finds that the proposed use of a gym would fit the compatibility with properties in the same district in reference to the above effects. Lighting may not shine beyond the property lines if installed on the exterior of the building.
7. Required yard and other open space.
 - Staff finds that there is adequate space on this lot to support the proposed business as the lot is already developed.
8. General compatibility with adjacent properties and other property in the district.
 - Staff finds that the use may be compatible with the adjacent industrial properties and others in the same district as several properties zoned I-1 have had special exceptions approved in the past for non-industrial uses.

9. The following additional rules apply for upper story residential development proposals:
 - a. 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.
 - b. 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 the use of a gym on this property would be compatible with surrounding industrial properties as well as other I-1 zoned properties within Town as a variety of special exceptions have been granted previously for other similarly zoned properties. A previous approval was granted from the BZA for the same use on this tract, but that approval has expired based on conditions of approval at the time of the approval in 2014. If approved, staff would recommend a condition that there be no parking on Huntly Industrial Drive.