



# TOWN OF SMYRNA BOARD OF ZONING APPEALS

## MEETING MINUTES

April 17, 2025

5:00 p.m.

Smyrna Town Hall

Chairman Jay Michaelson called the regular session of the Smyrna Board of Zoning Appeals to order on April 17, 2025 at 5:00 p.m. The invocation was given by Vanessa Haley and the Pledge of Allegiance was led by Scott Demonbreun

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

Present: Jerome Dempsey, Councilman; Jay Michaelson; Scott Demonbreun; Vanessa Haley; Don Hyde

Staff Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kathryn Smith, Office Coordinator;

Present: Ben Groce, Staff Attorney; Kristi Worrell, Building Official

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. Election of Officers

Chairman Jay Michaelson requested that the Town Attorney proctor the elections of Chair and Vice Chair. Only one nomination was made by Vice Chair Scott Demonbreun for Jay Michaelson to serve as Chair and nominations ceased. The vote in favor of Jay Michaelson was unanimous. Next, nominations were taken for the position of Vice Chair. Chairman Jay Michaelson nominated Scott Demonbreun for the position of Vice Chair and there were no further nominations from the floor. The vote in favor of Scott Demonbreun was unanimous.

5. Approval of Minutes of the March 20, 2025 meeting

Motion by Scott Demonbreun, seconded by Don Hyde to approve the Minutes of the March 20, 2025 meeting.

**Vote:** 5 - 0 Passed - Unanimously

6. New Business:

a. Special Exceptions:

1. Maria E. Vazquez  
12675 Old Nashville Highway

|  |   |
|--|---|
| <b>Location:</b> 12675 Old Nashville Hwy | <b>Property Owner:</b> Maria Vazquez                            |
| <b>Tax Map/Parcel:</b> 33/26.09          | <b>Zoning/Use Classification:</b> R-2/Single Family 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 12675 Old Nashville Highway. The property is zoned R-2, Low Density Residential, and is approximately 33,871 square feet/0.78 acres in size. The applicant plans to construct a detached second dwelling for familial purposes.

The proposed new dwelling would be 20' x 30' (600 square feet) in size. There is an existing shed on the property that is 192 square feet and would remain. Total detached accessory structures on the property would yield 792 square feet; the maximum allowed for this property is 800 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:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
  1. Staff finds the proposed use of an accessory apartment should not negatively affect the health, safety, and welfare of the public.
2. Will not adversely affect other property in the area in which it is located.
  1. Staff finds that the proposed use should not adversely affect other properties in the surrounding area.
3. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
  1. Section 5.051.2 C lists "accessory apartment" as a special exception within the R-2 district.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.
  1. Staff finds that this site may be able to conform to all provisions of the Municipal Zoning Ordinance as listed in Criteria Review Section 7.060 C.

### **C. Criteria for Review:**

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangement has been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
  1. Access to the site would utilize the existing driveway off of JP Sanders Lane.
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 will provide sufficient space for off-street parking as the driveway has adequate space for multiple vehicles and the length is approximately 250'.
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 and sewer.
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 as the property is over ¾ of an acre in size.
8. General compatibility with adjacent properties and other property in the district.
  1. Staff finds that the use may not be compatible with adjacent properties due to other lots in the immediate vicinity not having accessory apartments on their properties. Other residentially zoned properties have requested accessory apartments over the past several years and have received approval.
9. The following additional rules apply for upper story residential development proposals:
  1. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
  2. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
    1. Not applicable.

**Conclusion**

Staff finds that this lot provides sufficient space to allow for the detached 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.

All applicable Code and Fire Department requirements shall be met.

No one spoke at the public hearing.

Motion by Councilman Jerome Dempsey, seconded by Scott Demonbreun to approve the special exception to allow a detached accessory apartment located at 12675 Old Nashville Hwy with staff recommendations.

**Vote:** 5 - 0 Passed - Unanimously

2. Arnoldo Chavez  
509 Nissan Drive

|  |  |
|--|--|
| <b>Location:</b> 509 Nissan Drive                      | <b>Property Owner:</b> Leonard Jones                     |
| <b>Tax Map/Parcels #:</b> Map 27, Parcel 26.00 & 26.01 | <b>Zoning/Use Classification:</b> R-1/Religious Facility |

**Request:** For a special exception to allow a religious facility in a R-1 zone.



### **Staff Analysis**

With approval from the existing property owner, a religious facility currently operating within Smyrna is seeking approval to operate a religious facility at 509 Nissan Drive and parcel 26.01 immediately to the south. Parcel 26.00, which has an existing dwelling, is approximately 4.18 acres and parcel 26.01 is approximately 4.22 acres. Parcel 26.01 has access to Highpoint Drive in the rear of the property along the eastern property line. The applicant has noted that the existing residence would be removed and after completion of the development, operations at the existing location at 120 Brackin Court would cease.

Section 7.060 B of the Zoning Ordinance details the requirements for authorizing special exceptions. These are detailed below.

### *Special Exception Requirements*

Section 7.060 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

### *Section 7.060 Procedure for authorizing special exceptions*

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Official to determine whether a proposed use is potentially noxious, dangerous or offensive.

### **B. General Requirements:**

A conditional use permit (a special exception) shall be provided the Board finds that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
  1. Staff finds the proposed use of a religious facility should not negatively affect the health, safety, and welfare of the public.
2. Will not adversely affect other property in the area in which it is located.
  1. Staff finds that the proposed use may negatively affect other property in the area in which it is to be located due to additional traffic and noise generated on the property than exists today.
3. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
  1. Section 5.051.1 C lists "religious facilities" as a special exception in the R-1 district.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.
  1. Staff finds that this site may be able to conform to all provisions of the Municipal

**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. A concept site plan submitted shows a proposed entrance off of Nissan Drive and a secondary access point off of Highpoint Drive in the rear of the property.
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 site should have adequate size to accommodate the required parking for this use based on the Zoning Ordinance requirements of one parking space per three seats.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
  1. Refuse collection would need to be coordinated with a local company for proper disposal and collection of waste. Staff would recommend restricting hours of waste removal from the site to minimize the effect of noise on the surrounding property owners.
4. Utilities, with reference to locations, availability, and compatibility.
  1. This location has access to all utilities including gas, water and sewer.
5. Screening and buffering with reference to type, dimensions and character.
  1. As a nonresidential use within a residential district, a buffer will be required on the northern, eastern, and southern property lines. Staff would recommend at least a Type C landscape buffer per Zoning Ordinance specifications.
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 the proposed use of a religious facility would fit the compatibility with properties in the same district in reference to the above effects. Lighting may not shine beyond the property lines.
7. Required yard and other open space.
  1. Staff finds that there is adequate space on this lot to support the proposed use.
8. General compatibility with adjacent properties and other property in the district.
  1. Staff finds that the use may be compatible with other residentially zoned properties as there are other religious facilities in Town that operate on tracts zoned residential. There are no other religious facilities in the immediate vicinity, however.
9. The following additional rules apply for upper story residential development proposals:
  1. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
  2. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
    1. Not applicable.

**D. Special Conditions for Religious Facilities:**

1. No such facilities shall be permitted on a zone lot unless it contains twice the lot area requirements of the district except those facilities proposed in the R-1 and R-4 Districts where the minimum district lot size shall apply.
  1. The proposed properties are zoned R-1 and are over 4 acres in size, each. The minimum lot size in the R-1 district is 15,000 square feet.
2. The location, size, and design of such facilities shall be situated so that the proposed facility

shall be compatible with the development within the surrounding area, thus reducing the impact upon such area.

1. Staff finds that the subject parcels adjoin residentially occupied properties to the south (high density) and north and east (single family detached).
3. Such facilities shall be located only on arterial or collector streets as shown on the official Major Thoroughfare Plan.
  1. The Major Thoroughfare Plan designates Nissan Drive as a principal arterial.
4. All bulk regulations of the district shall be met.
  1. Staff finds that the applicant should be able to conform to all bulk regulations as set forth in the Zoning Ordinance due to the size of the lots and the removal of the existing structure.
5. The off-street parking requirements of this ordinance in Article IV, Section 4.010, shall apply.
  1. Staff finds that since this will be a vacant lot, if approved, off-street parking requirements should be able to be met.

### **Conclusion**

Staff finds that the use of a religious facility on this property may be able to meet all requirements of the Zoning Ordinance pertaining to special exceptions. Staff has concerns regarding the adjoining residentially occupied properties surrounding the proposed parcel.

Staff has the following recommendations:

- A minimum of a Type C buffer to be installed along the northern, eastern and southern property lines.
- To not make the connection to Highpoint Drive into the site.
- Restrict the hours of waste removal from the site to 8:00 AM - 8:00 PM.

If approved, this plan would still be required to be reviewed and approved by the Planning Commission with a site plan.

At this time, Chairman Jay Michaelson opened the public hearing and the following people spoke:

Beverly Cooper of 541 Highpoint Drive  
Cynthia Myers of 540 Highpoint Drive  
Jennifer Capriel of 102 Young Drive

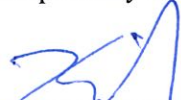
Motion by Councilman Jerome Dempsey, seconded by Don Hyde to approve the special exception to allow a religious facility in a R-1 zone located at 509 Nissan Drive with staff recommendations.

**Vote:** 5 - 0 Passed - Unanimously

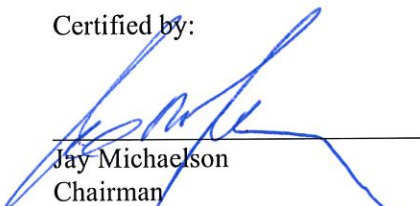
7. Staff comments and/or other business

8. Adjournment

Respectfully submitted:

  
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Kevin Rigsby  
Secretary

Certified by:

  
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Jay Michaelson  
Chairman