



## TOWN OF SMYRNA BOARD OF ZONING APPEALS

### MEETING MINUTES

May 15, 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 May 15, 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 Present: Dave Santucci, Town Manager; Todd Spearman, Assistant Town Manager; Ben Groce, Staff Attorney; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kathryn Smith, Office Coordinator; 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 April 17, 2025 meeting

Motion by Scott Demonbreun, seconded by Vanessa Haley to approve the Minutes of the April 17, 2025 meeting.

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

3. New Business:

a. Special Exceptions:

1. B & D Property Development on behalf of Joseph Goodman  
100 G Street

<b>Location:</b> 100 G Street	<b>Property Owner:</b> B & D Property Development LLC
<b>Tax Map/Parcel:</b> 19/33.00	<b>Zoning/Use Classification:</b> PUD/General Retail Trade

**Request:** For a special exception to allow a general retail trade use in a PUD.



### Staff Analysis

The applicant has requested a special exception to allow a general retail trade business at 100 G Street. The property is zoned PUD, and this PUD allows for I-2 uses in addition to automobile sales inside the existing building. The applicant intends to use the building for approximately 30% retail showroom space and roughly 70% warehouse, receiving and inventory space for other retail locations. The public access to the building would be limited to the 30% retail showroom space. The building is 40,500 square feet according to the Assessor of Property's website, so 30% retail would translate to 12,150 square feet of retail space and 28,350 square feet of warehouse space. This would require a total of 58 parking spaces, 49 for the retail and 9 for the warehouse. There are currently 32 striped parking spaces.

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 general retail trade use should not negatively affect the health, safety, and welfare of the public, as long as additional parking as required by the Zoning Ordinance is provided.
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, as long as additional parking as required by the Zoning Ordinance is provided.
3. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
  1. Section 5.053.2 C lists "general retail trade" as a special exception within the I-2 district. While the property is zoned PUD, not I-2, it does permit uses as allowed within the I-2 zone.
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 driveways off of G Street.
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 could provide sufficient space for off-street parking, as there are currently 32 striped parking spaces with additional area behind a gated area as well as in front of the building where additional parking could be added.
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 disposal of waste.
4. Utilities, with reference to locations, availability, and compatibility.
  1. This location has access to all the necessary utilities including water, gas 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 the proposed business could meet the signage and lighting requirements as stated above.
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 structure to be used for operations currently exists on site.
8. General compatibility with adjacent properties and other property in the district.
  1. Staff finds that the use may be compatible with other properties in the vicinity and other property in the district. Properties in the area are a mixture of commercial and industrial with a variety of uses. Other properties in the area zoned industrial have received prior

BZA approval for commercial uses.

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 general retail trade use. Other properties in the area are zoned a mixture of commercial and industrial with a variety of uses. Staff would recommend that if the Board approves this use that a condition be included that parking as required by the Zoning Ordinance be added to the site.

No one spoke at the first public hearing.

At this time, Chairman Jay Michaelson acknowledged Sean Miller of 111 Enon Springs Road West to speak at the second public hearing.

Motion by Councilman Jerome Dempsey, seconded by Scott Demonbreun to approve the Special Exception to allow a general retail trade use in a PUD located at 100 G Street with staff's recommended condition.

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

2. Christopher Blake Sexton, PLS on behalf of Paula Cropper  
Sharp Springs Road

<b>Location:</b> Sharp Springs Road	<b>Property Owner:</b> Paula Cropper
<b>Tax Map/Parcel:</b> 19/5.02	<b>Zoning/Use Classification:</b> R-1/Single Family Residential



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 5.051.1 C lists "accessory apartment" as a special exception within 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 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 a new driveway off of Sharp Springs 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 is large enough to provide adequate off-street parking. At this time, however, staff has not received information regarding the proposed driveway length.
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 disposal of waste.
4. Utilities, with reference to locations, availability, and compatibility.
  1. This location has access to water and gas along Sharp Springs Road. Sewer is shown to serve the site via a utility easement through property owned by the Town of Smyrna to the east. Access will need to be finalized through the Smyrna Utilities Department and require Town Council approval.
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 attached 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 one 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.

At this time, Chairman Jay Michaelson acknowledged Paula Cropper of 1486 Cotillion Drive and Building Official Kristi Worrell to speak at the public hearing.


Motion by Scott Demonbreun, seconded by Vanessa Haley to approve the Special Exception to allow an attached accessory apartment at Rutherford County Tax Map: 19, Parcel: 5.02 with the above listed staff comments, the Utilities Department and Town Council approval.

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

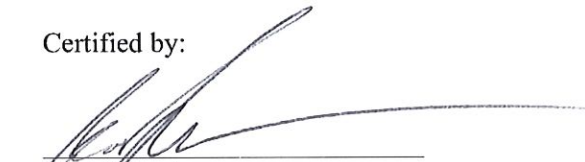
4. Staff comments and/or other business

5. Adjournment

Respectfully submitted:

  
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Kevin Rigsby  
Secretary

Certified by:

  
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Jay Michaelson  
Chairman