



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

February 20, 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 February 20, 2025 at 5:00 p.m. The invocation was given by Vanessa Haley and the Pledge of Allegiance was led by Vice-Chairman Scott Demonbreun.

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

Present: Jerome Dempsey, Councilman; Ken Hill; Jay Michaelson; Scott Demonbreun; Vanessa Haley

Staff Present: Todd Spearman, Assistant Town Manager; Ben Groce, Staff Attorney; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kathryn Smith, Office Coordinator; Charles King, Engineer

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 January 16, 2025 meeting

Motion by Scott Demonbreun, seconded by Ken Hill to approve the Minutes of the January 16, 2025 meeting.

Vote: 5 - 0 Passed - Unanimously

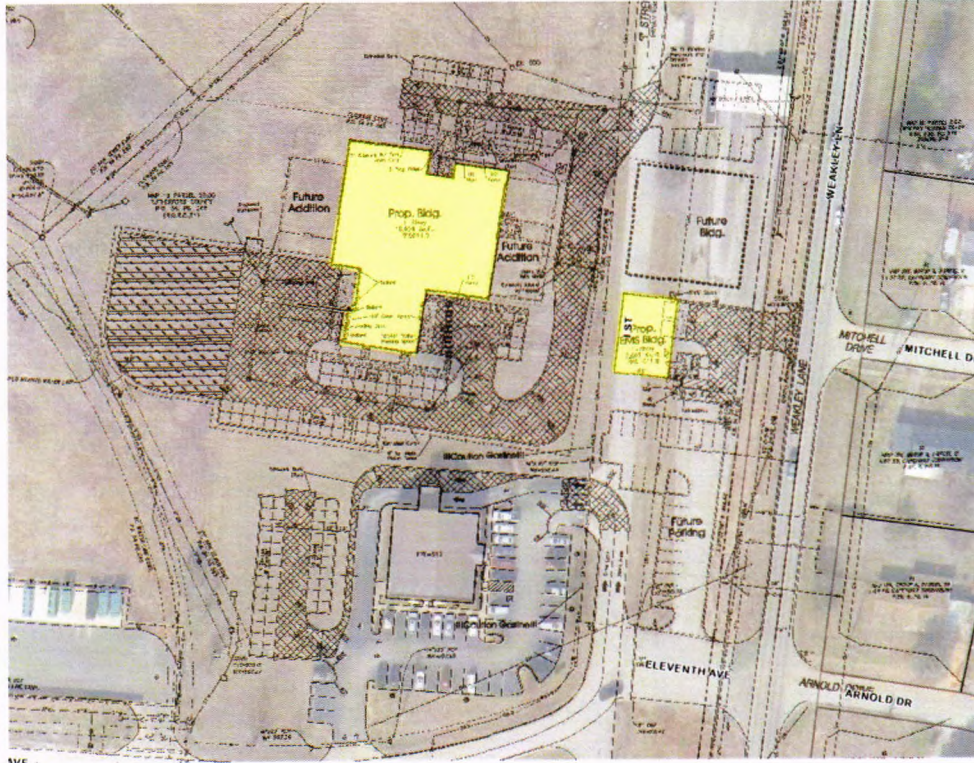
3. New Business:

a. Special Exception:

1. Matt Taylor on behalf of Rutherford County
215 I Street & 267 Weakley Lane

Location: 215 I St. & 267 Weakley Ln.	Property Owner: Rutherford County
Tax Map/Parcel #: Map 19, Parcel 29.00	Zoning/Use Classification: I-2/Government Administrative Services

Request: For a special exception to allow a government administrative services use in an I-2 zoning district.



Staff Analysis

Rutherford County is proposing the addition of a medical examiners lab as well as an EMS facility on Weakley Lane. Existing buildings on this property include the Rutherford County Clerk Office, recycling facility and the previously used emissions testing facility. A new access point would be provided off of Weakley Lane for the proposed EMS building, which would be aligned across from Mitchell Drive. Service to the medical building is shown from I Street. The purpose of the medical building would be to provide lab services for forensics and autopsies.

This property has previously received approval from the BZA for government administrative service uses on this property in 2009.

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 government administrative services use 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 negatively affect other property in the area in which it is to be located.
3. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
 1. Section 5.053.2 C lists "government administrative services" as a special exception in the I-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 a new access drive off of Weakley Lane across from Mitchell Drive for the EMS building and via I Street for the medical building.
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 plans submitted as part of this application show sufficient parking to accommodate these uses based on the Zoning Ordinance requirements.
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.
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. Additional screening or buffering is not required in this instance, however a landscape plan has been submitted with the application and will be required to comply with Design Review Manual requirements during the site plan review.
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 governmental administrative services use 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 businesses as shown on the site plan submitted as part of the application.
8. General compatibility with adjacent properties and other property in the district.
 1. Staff finds that the use may be compatible with the adjacent industrial properties and others in the same district as several properties zoned I-2 have had special exceptions approved in the past, particularly on this property for similar government administrative 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 the use of government administrative services on this property would meet all requirements of the Zoning Ordinance pertaining to special exceptions. This plan would still be required to be reviewed and approved by the Planning Commission for a site plan if the BZA granted approval for the use.

Matt Taylor with SEC, Inc. spoke at the public hearing.

Motion by Councilman Jerome Dempsey, seconded by Scott Demonbreun to approve the Special Exception to allow a government administrative services use in an I-2 zoning district located at 315 I Street & 267 Weakley Lane with staff recommendations.

Vote: 5 - 0 Passed - Unanimously

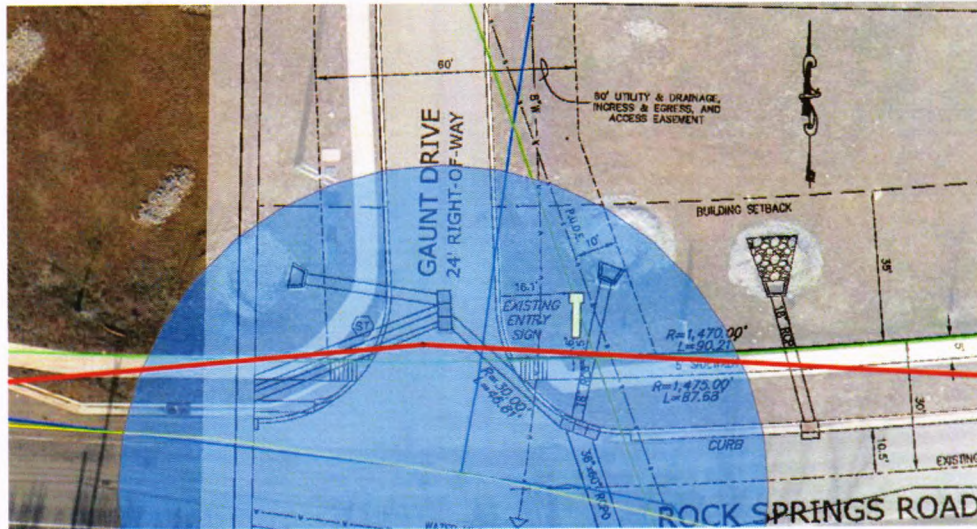
b. Sign Variance:

1. Ben Sexton / Harts Branch Village
Corner of Gaunt Drive & Lorne Lane

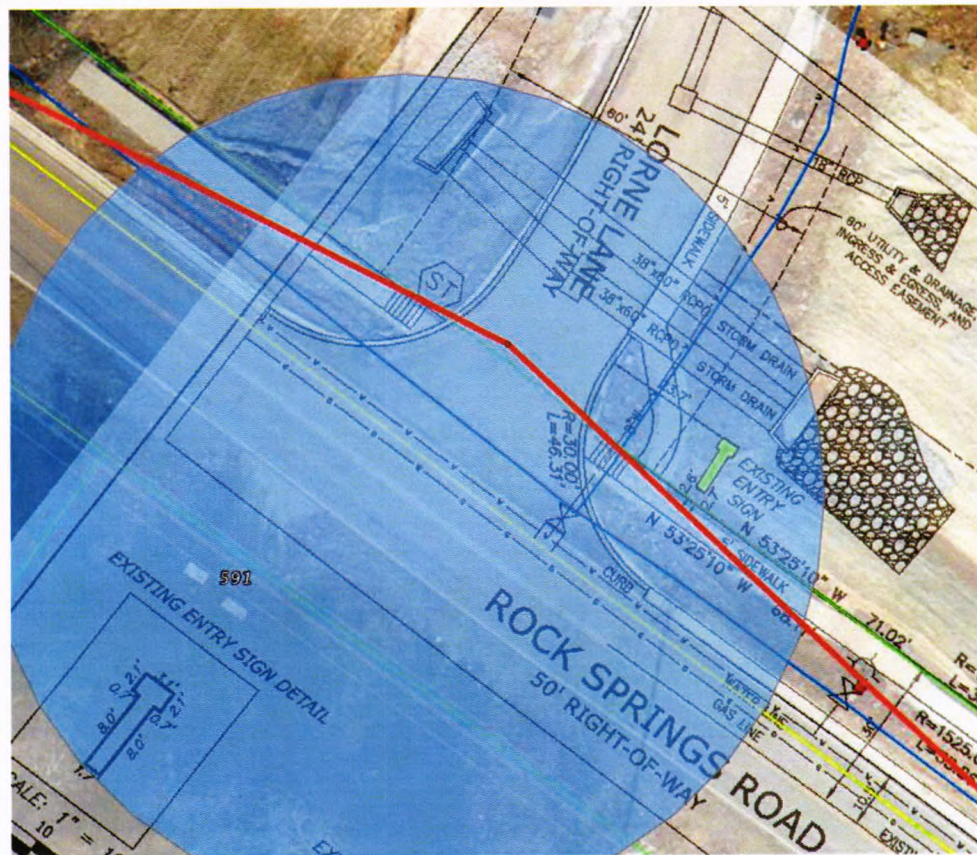
Location: Intersection of Rock Springs Road and Lorne Lane and Gaunt Drive	Property Owner: Harts Branch LLC
Tax Map/Group/Parcel #: 28E/A/16.00	Zoning/Use Classification: PRD/Multi-Family Residential

Request:

- Gaunt Drive Sign: A ground sign setback variance of 30' to install a ground sign 45' from the centerpoint of the intersection of Rock Springs Road and Gaunt Drive.



- Lorne Lane Sign: A ground sign setback variance of 25' to install a ground sign 50' from the centerpoint of the intersection of Rock Springs Road and Lorne Lane.



Red: Sight Vision Triangle
Blue: Water Main
Dark Green: Sewer Main
Yellow: Gas Main

Light Green: Parcel Line

Staff Analysis

Harts Branch Village subdivision has requested two ground sign setback variances for the subdivision entrance signs placed at Gaunt Drive and Lorne Lane. Both signs were constructed without obtaining the proper permits. The sign on Gaunt Drive is located above a sewer main and is located within a utility and drainage easement. The Sign Ordinance requires a setback of 75' from the centerpoint of the intersection of two roads for any sign placed on corner lots. Both of the signs do not meet the 75' setback from the centerpoint of the intersection. In addition, the sign placed at the Gaunt Drive intersection is located on top of a sewer main, which the Utilities Department has stated will have to be relocated.

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:

1. 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.
 1. Staff finds that there are no unique circumstances in regards to surroundings or shape of the lot that would require the applicant to locate the subdivision entry signs in the locations shown. However, there are drainage features (underground pipes, outlet structures, detention ponds and slopes) on the property; these drainage features would not prevent the applicant from meeting the 75' setback requirement from the centerpoint of the intersections. The Public Works Director has granted approval for the placement of the signs on the drainage slopes so long as the vision triangle is not impeded.
2. The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
 1. A similar situation in The Villages subdivision on the corner of Seven Oaks Boulevard and Hawk Cove requested a setback variance for the placement of their subdivision entrance due to the proximity of drainage features. This variance was granted approval in March 2019.
3. The hardship has not been created by any person having an interest in the property.
 1. The subdivision, plat and drainage feature locations were completed by the applicant.
4. Financial returns only shall not be considered as a basis for granting a variance.
 1. The applicant has not identified financial returns as a reason for requesting the variance, however the signs have already been constructed.
5. The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of the ordinance.
 1. Staff finds the variance may not be detrimental to or injurious to other property or detrimental to the public welfare. Using details found in the Subdivision Regulations, staff created a vision triangle and found that the current placement of the signs do not impede motorists' vision.
6. The variance does not confer a special privilege to the applicant that is denied to others.
 1. 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 applicant installed the signs without applying for a sign permit; had the applicant contacted staff regarding a sign permit, the location would have been discussed at that time. There are

a large number of drainage features in the areas of both Lorne Lane and Gaunt Drive at the entrances to the subdivision. The Public Works Department has provided the okay to locate the sign on the slope as part of the drainage features, but cannot locate signage on top of drainage pipes. This would allow the applicant to construct the signs to meet the 75' setback radius for both entrance signs. However, there is a sewer main that is present under the sign constructed at the Gaunt Drive intersection. This sign will be required to be relocated, as per the Utilities Department.

No one spoke at the public hearing.

Motion by Councilman Jerome Dempsey, seconded by Ken Hill to deny the Sign Variance request located at the corners of Gaunt Drive and Lorne Lane on Rock Springs Road due to location issues with utility easements and site distance concerns. Following discussion, prior to a vote, a new motion was made.

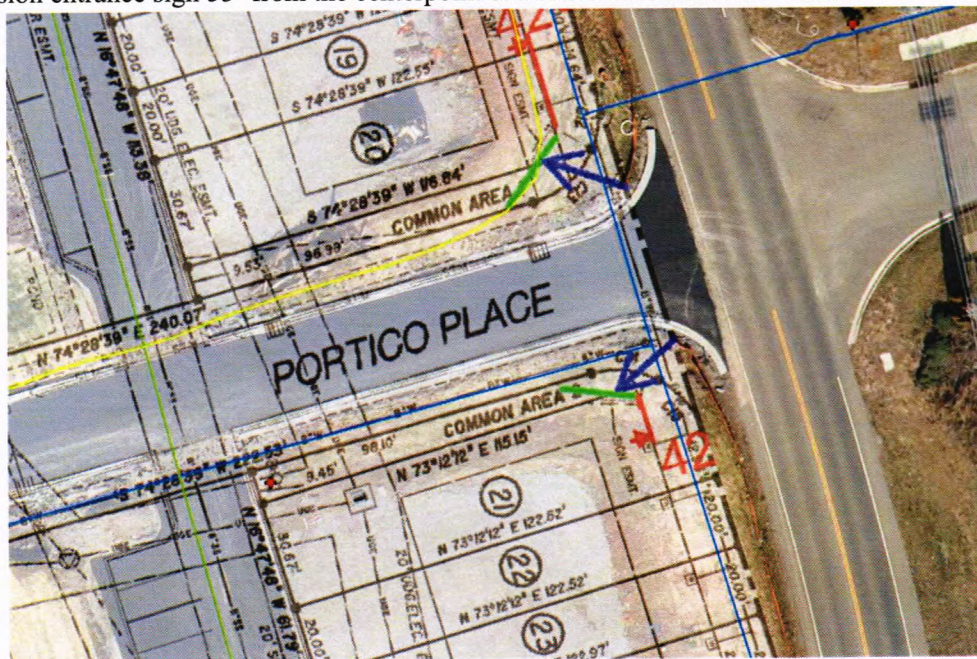
Motion by Councilman Jerome Dempsey, seconded by Scott Demonbreun to deny the Sign Variance request located at the corners of Gaunt Drive and Lorne Lane on Rock Springs Road due to location issues with utility easements and site distance concerns and to have the signs removed within 30 days.

Vote: 5 - 0 Passed - Unanimously

2. Gaven Schultz / Portico Place Townhomes
Corner of Portico Place & Blair Road

Location: Intersection of Portico Place and Blair Road	Property Owner: Blair Road LLC
Tax Map/Group/Parcels #: 29N/C/20.00, 20.01, 20.02 & 21.00	Zoning/Use Classification: PRD/Multi-Family Residential

Request: A sign variance of 19' to install a northern subdivision entrance sign 56' from the centerpoint of Portico Place and Blair Road and a sign variance of 22' to install a southern subdivision entrance sign 53' from the centerpoint of Portico Place and Blair Road.



Staff Analysis

Portico Place subdivision is requesting to install two subdivision entrance signs at the intersection of Portico Place and Blair Road. The Sign Ordinance requires a minimum setback from the centerpoint of the intersection of at least 75'. A sign easement area is shown on the plat, however no aspect pertaining to signage is reviewed as part of the plat process. All signs require a separate permit and are required to meet Sign Ordinance requirements. The proposed location of the northern sign is shown on top of a gas main, which will not be allowed by our Utilities Department.

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:

1. 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.
 1. Staff finds that there are no unique circumstances in regards to the surroundings, shape, or topographic conditions of the specific property. There is a 20' utility easement along the front of the lots which front Blair Road, which would prevent a sign from being located in that space.
2. The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
 1. Staff finds the conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties. The signs could be reduced in size to meet the 75' setback from the centerpoint of the intersection.
3. The hardship has not been created by any person having an interest in the property.
 1. The subdivision plat and construction of the dwellings was completed by the applicant.
4. Financial returns only shall not be considered as a basis for granting a variance.
 1. The applicant has not identified financial returns as a reason for requesting the variance.
5. The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of the ordinance.
 1. Staff finds the variance may not be detrimental to or injurious to other property or to the public welfare. Using details found in the Subdivision Regulations, staff created a vision triangle and found that the proposed placement of the signs do not impede motorists' vision.
6. The variance does not confer a special privilege to the applicant that is denied to others.
 1. 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 applicant is involved with the construction of the dwellings and subdivision of property to build the dwellings. The placement and size of the open spaces to locate the subdivision entrance signs is a constricted area and restricts the location desired to install these signs due to the design of the subdivision plat. A gas main is shown underneath the proposed location for the northern entrance sign. Signs cannot be located above any utilities.

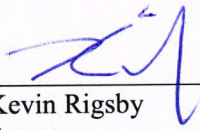
No one spoke at the public hearing.

Motion by Vanessa Haley, seconded by Scott Demonbreun to deny the Sign Variance for Portico Place Townhomes located at the Intersection of Portico Place and Blair Road due to one sign being located on top of utilities and one not being located out of the setback.

Vote: 5 - 0 Passed - Unanimously

4. Staff comments and/or other business
5. Adjournment

Respectfully submitted:



Kevin Rigsby
Secretary

Certified by:



Chairman Jay Michaelson