



## SMYRNA BOARD OF ZONING APPEALS

April 17, 2025  
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. Election of Officers
5. Approval of Minutes of the March 20, 2025 meeting
6. New Business:
  - a. Special Exceptions:
    1. Maria E. Vazquez  
12675 Old Nashville Highway
    2. Arnoldo Chavez  
509 Nissan Drive
7. Staff comments and/or other business
8. Adjournment



# TOWN OF SMYRNA BOARD OF ZONING APPEALS

## MEETING MINUTES

March 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 March 20, 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; Ken Hill; Jay Michaelson; Scott Demonbreun; Vanessa Haley

Staff: Todd Spearman, Assistant Town Manager; Ben Groce, Staff Attorney; Kevin Rigsby, Town

Present: Planner; Mitchell Wensman, Planner; Kathryn Smith, Office Coordinator; 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. Approval of Minutes of the February 20, 2025 meeting

Motion by Scott Demonbreun, seconded by Vanessa Haley to approve the Minutes of the February 20, 2025 meeting.

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

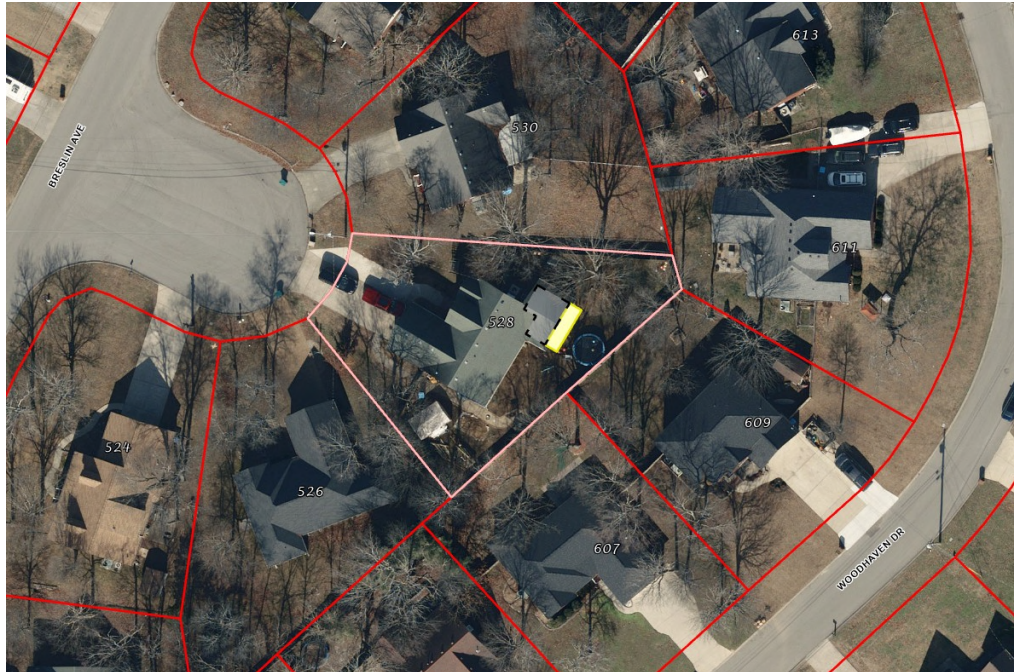
5. New Business:

a. Setback Variance:

- 1. Tree of Hope, LLC  
528 Breslin Avenue

<b>Location:</b> 528 Breslin Avenue	<b>Property Owner(s):</b> Rocio Murillo
<b>Tax Map/Group/Parcel #:</b> 32D/A/42.00	<b>Zoning/Use Classification:</b> R-3/Single-Family Residential

**Request:** A rear setback variance of 4' for an attached sunroom.



**Staff Analysis**

The applicant has requested a 4' rear setback variance for an addition of a sunroom in the rear yard. The proposed addition would be 408 square feet in size. The property is zoned R-3, Medium Density Residential, and is 10,468 square feet in size and is located on a modified cul-de-sac. Minimum rear yard setback requirement in the R-3 district is 20' for any structure attached to the principal structure. There is a 10' PUDE located along the rear lot line, which would not be obstructed as part of the proposed addition. In addition, as noted on the recorded final plat from 1995, a sinkhole or depression area is shown in the eastern property corner; this also would not be altered by the request.

A previous permit was applied for an addition to the existing dwelling and was constructed. Upon inspection from the Codes Department, it was found that the structure was not built to the dimensions as shown on the approved site plan. As a result, the structure was then removed.

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.
  1. Staff finds that the property does have unique circumstances in regards to the shape of the lot since it is located at the end of a cul-de-sac. Typical residential lots have four sides with a rectangular shape whereas the subject parcel resembles an oblong pie shape.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
  1. The property has a uniquely shaped lot due to the cul-de-sac along the front lot line. This situation is not atypical of other lots within Town that are located on a cul-de-sac.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
  1. Additions are allowed within the R-3 district, but are to adhere to all setback requirements of the principal structure.
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 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.
  1. The applicant represents the homeowner, but was not involved with the creation of the lot.
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.
  1. 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 the rear setback.
7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
  1. Staff finds that the requested setback variance may not be the minimum to make reasonable use of this structure for the proposed use. An addition could still 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.
  1. Staff finds that the variance should not be detrimental to the public welfare or injurious to other property or improvements in the area as the structure would not be located in any easements.
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.
  1. 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.

1. Not applicable.

**Conclusion**

Staff finds that this property is not a traditionally shaped lot and being at the end of a cul-de-sac creates a pie shaped lot. However, based on the submitted plans, an addition could still be constructed and meet setback requirements. A plan was previously submitted and constructed incorrectly, resulting in the demolition of the built addition. This plan is to construct the previously approved addition including an extra 126 square feet yielding a total addition of 408 square feet.

At this time, Chairman Jay Michaelson acknowledged Jeff Davenport of 609 Woodhaven Drive to speak at the public hearing.

At this time, Chairman Jay Michaelson acknowledged Ismael Sarabia of 101 Macaw Lane La Vergne, TN 37086 to speak at the public hearing.

Motion by Scott Demonbreun, seconded by Vanessa Haley to deny the rear setback variance of 4' for an attached sunroom located at 528 Breslin Avenue based on lack of hardship as they can redesign within the setbacks.

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

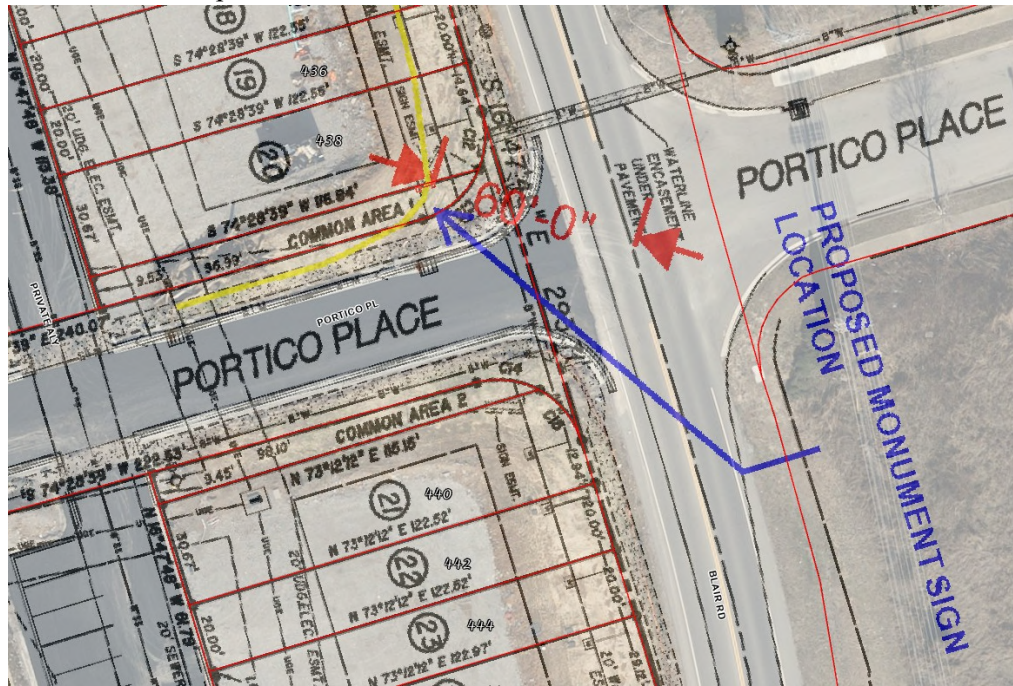
b. Sign Variance:

1. Gaven Schultz  
291 Blair Road

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

**Request:**

A sign variance of 15' to install a northern subdivision entrance sign, on the north side of Portico Place, 60' from the centerpoint of Portico Place and Blair Road.



**Staff Analysis**

Portico Place subdivision is requesting to install subdivision entrance signs at the northern 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 to meet Sign Ordinance requirements.

The applicant stated they are in discussions with the Utilities Department to locate the northern entrance sign within utility easements/within proximity of the underground utilities. In addition, the applicant has requested the southern entrance sign in the location shown due to the placement of utility pedestals in the nearby vicinity of the proposed location. The applicant states that if the signs were to meet setback requirements, it would be located behind the utility pedestal and interfere with the constructed townhomes. The applicant met with the Utilities Department and came to an agreement that the footers for the sign could be located no closer than 2' to the gas main.

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 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 and underground gas line on the northern side of Portico Place, which would prevent a sign from being located in that space without

approval from the Utilities Department.

- The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
  - Staff finds the conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties. The sign could be reduced in size to meet the 75' setback from the centerpoint of the intersection.
- The hardship has not been created by any person having an interest in the property.
  - The subdivision plat and construction of the dwellings was completed by the applicant. The utility pedestals are a requirement of our Codes Department.
- 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 the variance.
- 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 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.
- 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 signs 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 sign is a constricted area and restricts the location desired to install a sign due to the design of the subdivision plat. Any sign placement within a utility easement or in close proximity to underground utilities will require approval from the Utilities Department, which was obtained within 2' of the gas main. The utility pedestals are a requirement by our Codes Department, and placing the signs to meet setbacks would interfere with constructed townhomes to maintain visibility from Blair Road.

No one spoke at the public hearing.

Motion by Scott Demonbreun, seconded by Councilman Jerome Dempsey to deny the sign variance of 15' to install a northern subdivision entrance sign, on the north side of Portico Place, 60' from the centerpoint of Portico Place and Blair Road due to lack of hardship and concern for the utilities and the amount of available space elsewhere.

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

6. Staff comments and/or other business

7. Adjournment

Respectfully submitted:

Certified by:

\_\_\_\_\_  
Kevin Rigsby  
Secretary

\_\_\_\_\_  
Jay Michaelson  
Chairman



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Maria E. Vazquez	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: 615-295-3356	Contractor <input type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: maria615vazquez@gmail.com	Other <input type="checkbox"/>	Signage <input type="checkbox"/>

THIS REQUEST IS FOR:

Zoning Variance  Sign Variance   
 Setback Variance  Special Exception   
 Temporary Use Permit  Administrative Review

PROPERTY INFORMATION

Street Address: 12675 Old Nashville Hwy Smyrna TN 37167

Tax Map: 33 Group: Parcel: 26.09

Zoning: R-2 Lot Area: 33,871 SF / 0.78 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. I would like to build a tiny house to bring my 75-year-old mother to live ~~live~~ with me. She lives in a two story townhome and can no longer climb stairs or live alone. She is also having trouble paying her housing cost. My mother currently lives at 3057 Burnt Pine Smyrna TN. 5 minutes away from my house.

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: Maria E. Vazquez Date: 4-4-2025

Office Use Only

Staff Initials: MW Application Fee: 300 Date: 4/4/25

MARIA VASQUEZ  
12675 OLD NASHVILLE HIGH  
SMYRNA, TENNESSEE

Patricia V. Taliaferro

**GENERAL NOTES**

1. Bearings shown hereon are referenced to the last record in Book 1385, Page 3419, Register's Office County, Tennessee.
2. Subject property is shown as Parcel 26.01 on Ru Map No. 33.
3. This surveyor has not physically located all underground and underground utilities shown hereon with appurtenances at the site, public record and/or map. This surveyor makes no guarantee that the underground comprise all such utilities in the area, either in size or location. The surveyor further does not warrant that the size and location of all underground utilities shown are in the exact location as indicated. Therefore, circumstance considered. Detailed verification of depth should also be made prior to any decision. Availability and cost of service should be confirmed with utility company. Tennessee One Call 1-800-351-4343.
4. By graphic plotting and scaled map location only, within an area of flood inundation as designated in Emergency Management Agency maps which include National Flood Insurance Administration Report Map Number 47149C0106H, which bears an effective date of 5/5/2007. The surveyed premises is in Flood Zone 5. This surveyor has not been furnished with a Title survey is subject to the findings of an accurate Title

**SURVEYOR'S CERTIFICATE**

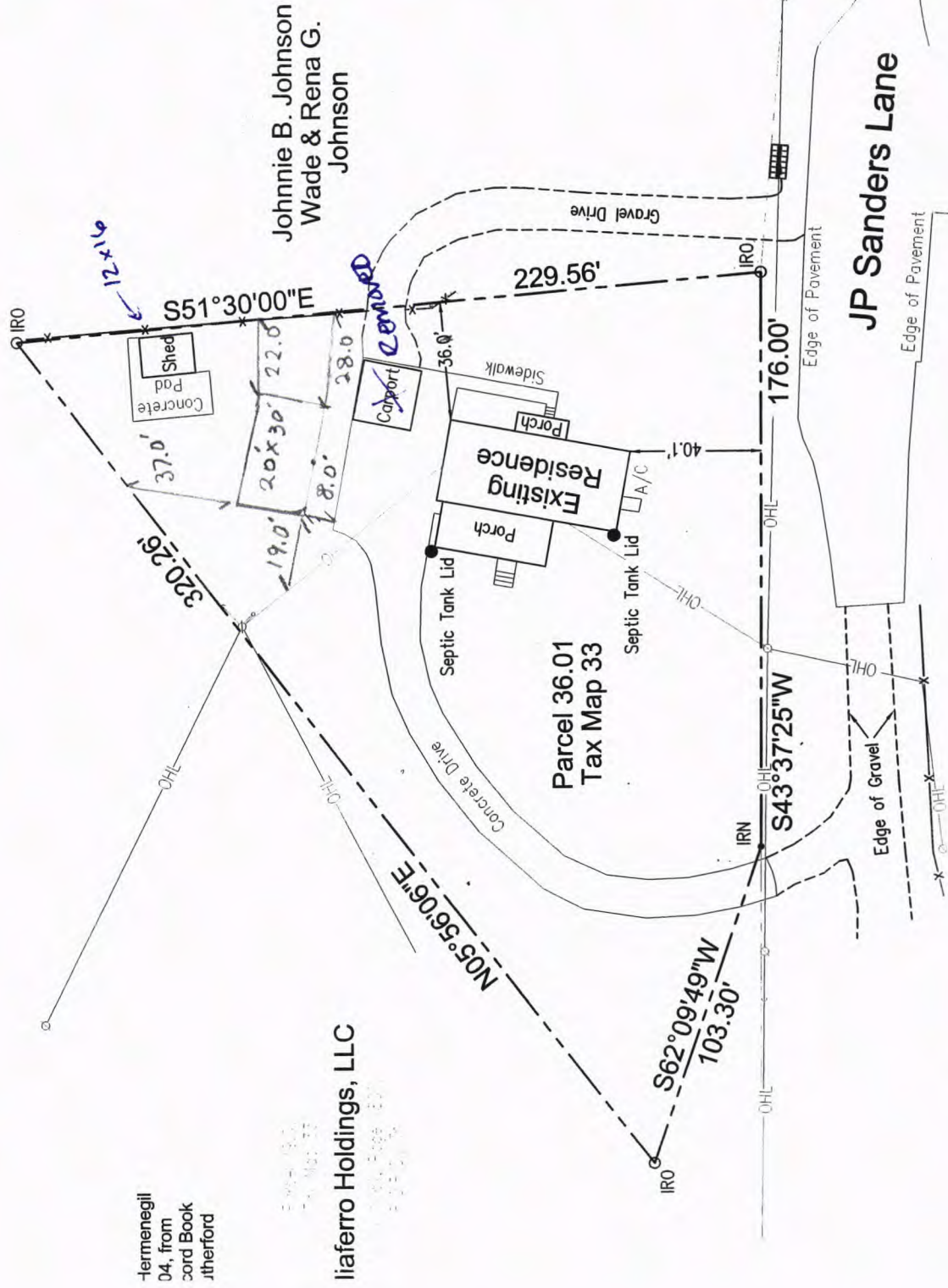
I hereby certify that this is a Category I Survey as performed in accordance with the current Standards of Land Surveying in the State of Tennessee and the date of closure exceeds 120 days.



Date: March 19, 2014  
Taliaferro & Associates, PLLC  
12675 Old Nashville High  
Smyrna, Tennessee 37157



GRAPHIC SCALE



Johnnie B. Johnson  
Wade & Rena G.  
Johnson

Taliaferro Holdings, LLC

Surveyed by:  
Patricia V. Taliaferro  
Taliaferro & Associates, PLLC  
12675 Old Nashville High  
Smyrna, Tennessee 37157

**Maria Vazquez**  
Special Exception

Location: 12675 Old Nashville Hwy	Property Owner: Maria Vazquez
Tax Map/Parcel: 33/26.09	
Zoning/Use Classification: 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:

- 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 an accessory apartment 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 adversely affect other properties in the surrounding area.
- c. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
  - Section 5.051.2 C lists "accessory apartment" as a special exception within the R-2 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 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.
  - 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.
  - Refuse collection would proceed in the same manner as currently.
4. Utilities, with reference to locations, availability, and compatibility.
  - This location has access to water and sewer.
5. Screening and buffering with reference to type, dimensions and character.
  - 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.
  - 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.
  - Staff finds that this yard has the necessary yard and open space to meet setback requirements as the property is over  $\frac{3}{4}$  of an acre in size.
8. General compatibility with adjacent properties and other property in the district.
  - 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:
  - 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 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.



Town of Smyrna

# Board of Zoning Appeals Application

Arnoldo Chavez

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Iglesia fuente de Salvacion	Owner <input type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: 615 739 0277	Contractor <input type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: IFDS 07@gmail.com	Other <input checked="" type="checkbox"/>	Signage <input type="checkbox"/>

THIS REQUEST IS FOR:

Zoning Variance  Sign Variance

Setback Variance  Special Exception

Temporary Use Permit  Administrative Review

PROPERTY INFORMATION

Street Address: 509 Nissan Drive

Tax Map: 27 Group: Parcel: 26.00 + 26.01

Zoning: R-1 Lot Area: 8.42 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 Rezoning for a future Build for Church fountain of Salvation currently located at 120 Brackin Court. We are currently contingent on this property we will proceed with purchase once Rezoning is approved.

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.

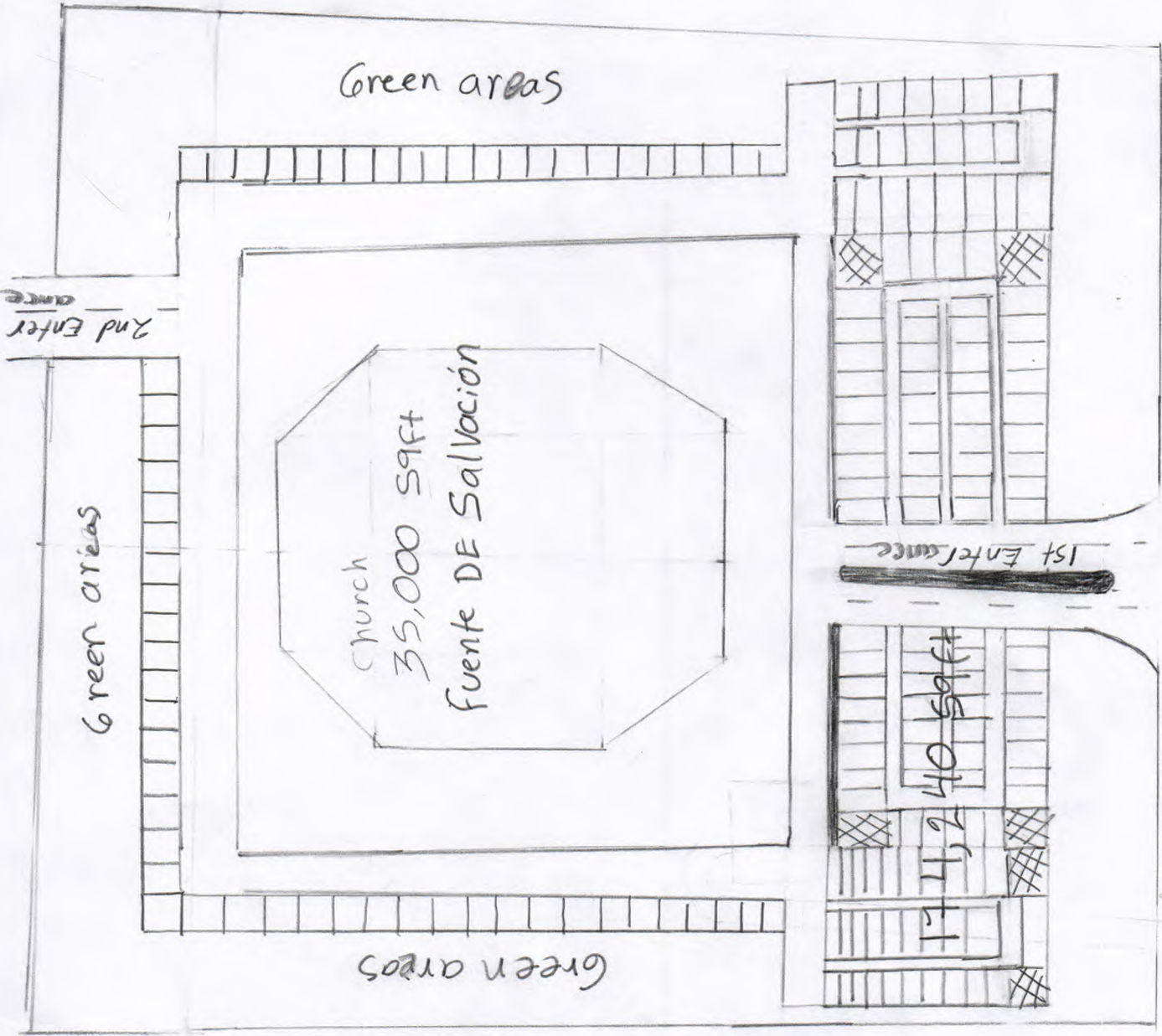
APPLICANT AUTHORIZATION

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: 04-01-2025

Office Use Only

Staff Initials: Application Fee: 3 Date: 4/3/25



Green areas

2nd Enter

Green areas

Church  
Fuente DE Salvación  
35,000 sqft

Green areas

1st Entrance

17 4,240 sqft

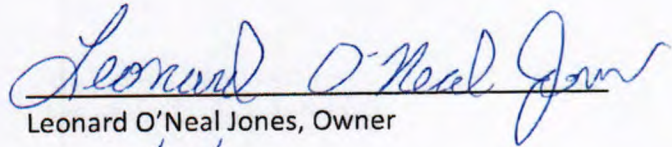
NISSAN DR.

MEMO

From: Leonard O'Neal Jones

To: Smyrna Board of Zoning Appeals and Smyrna Planning Commission

I am the owner of tracts Tax Map 27, Parcel 26.00 and Tax Map 27, Parcel 26.01 on Nissan Drive in Smyrna, Tennessee and am aware of the application before the Smyrna Board of Zoning Appeals that would allow construction of a church on this land.

  
Leonard O'Neal Jones, Owner

4/5/25  
Date

**Iglesia Fuente De Salvación**  
Special Exception

Location: 509 Nissan Drive	Property Owner: Leonard Jones
Tax Map/Parcels #: Map 27, Parcel 26.00 & 26.01	
Zoning/Use Classification: 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:

- 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 religious facility 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 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.
- c. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
  - Section 5.051.1 C lists "religious facilities" as a special exception in the R-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.
  - 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.
  - 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.
  - 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.
  - This location has access to all utilities including gas, water and sewer.
5. Screening and buffering with reference to type, dimensions and character.
  - 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.
  - 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.
  - 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.
  - 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:
  - 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.

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.
  - 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.
  - 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.
  - The Major Thoroughfare Plan designates Nissan Drive as a principal arterial.
4. All bulk regulations of the district shall be met.
  - 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.
  - 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.