



## SMYRNA BOARD OF ZONING APPEALS

February 20, 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. Approval of Minutes of the January 16, 2025 meeting
5. New Business:
  - a. Special Exception:
    1. Matt Taylor on behalf of Rutherford County  
215 I Street & 267 Weakley Lane
  - b. Sign Variance:
    1. Ben Sexton / Harts Branch Village  
Corner of Gaunt Drive & Lorne Lane
    2. Gaven Schultz / Portico Place Townhomes  
Corner of Portico Place & Blair Road
6. Staff comments and/or other business
7. Adjournment



# TOWN OF SMYRNA BOARD OF ZONING APPEALS

## MEETING MINUTES

January 16, 2025

5:00 p.m.

Smyrna Town Hall

Vice-Chairman Jay Michaelson called the regular session of the Smyrna Board of Zoning Appeals to order on January 16, 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; Charles King, Engineer; Kristi Worrell, Building Official; Oksana Strong, Administrative Assistant

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. Election of Chairman:

Motion by Scott Demonbreun, to nominate Jay Michaelson as Chairman of the Board of Zoning Appeals.

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

Motion by Jay Michaelson, to nominate Scott Demonbreun as Vice-Chairman of the Board of Zoning Appeals.

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

3. Approval of Minutes of the November 21, 2024 meeting

Motion by Scott Demonbreun, seconded by Ken Hill to approve the Minutes of the November 21, 2024 meeting.

**Vote:** 4 - 0 Passed

Other: Councilman Jerome Dempsey (ABSTAIN)

4. New Business:

a. Special Exceptions:

- 1. Brittney Gamble  
805 Valley Drive

<b>Location:</b> 805 Valley Drive	<b>Property Owner:</b> Brittney Gamble
<b>Tax Map/Group/Parcel:</b> 50C/A/28.00	<b>Zoning/Use Classification:</b> R-1/Single Family Residential

**Request:** For a special exception to allow an in-home occupation.



**Staff Analysis**

The applicant has requested a special exception to allow an in-home occupation at 805 Valley Drive. The property is approximately 0.86 acres in size and zoned R-1, Low Density Single Family Residential. The applicant would like to operate a dog grooming business located in a space attached to their garage. The applicant would be the sole employee with the intent to service 4-5 dogs for 4 days per week between the hours of 8 AM - 4 PM. 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 pet grooming business should not negatively affect the health, safety, and welfare of the public due to the size of the lot and proximity to neighboring homes.
- Will not adversely affect other property in the area in which it is located.
  - Staff finds that the proposed use may not adversely affect other properties in the surrounding area.
- Is within the provisions of "Special Exceptions" as set forth in this ordinance.
  - Customary incidental home occupations are a permitted right within the Municipal Zoning Ordinance within all residential districts. In the event questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals determines the legality.
- 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 would utilize the existing driveway off of Valley Drive.
- 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 provides sufficient space for off-street parking as the applicant's property has an approximately 110' length driveway for parking.
- 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.
- Utilities, with reference to locations, availability, and compatibility.
  - This location has access to applicable utilities.
- Screening and buffering with reference to type, dimensions and character.

- Not applicable.
- 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 this proposed business should fit the compatibility with properties in the same district in reference to the above effects.
- Required yard and other open space.
  - Staff finds that this yard has the necessary yard and open space for the business as all activity will be conducted in a facility already constructed.
- 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 area not having a business operating out of the household previously approved by the BZA.
- 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 this lot provides sufficient space for the operation of the applicant’s business. If approved, staff would recommend making the following conditions:

- Limiting the number of clients at the dwelling to 1. No overlap of clients.
- The number of employees shall be restricted to people living in the dwelling on site.
- Hours of operation may only occur between the hours of 8:00 AM - 4:00 PM.
- Maximum number of operating days during the week shall not exceed 4.
- Site shall be cleaned accordingly following the departure of each client.
- No boarding of animals.
- All State regulations shall be met.

No one spoke at the public hearing.

At this time, Chairman Jay Michaelson acknowledged Building Official Kristi Worrell to speak regarding this request.

Motion by Ken Hill, seconded by Scott Demonbreun to approve the Special Exception of an in-home occupation of dog grooming for 805 Valley Drive with staff recommendations.

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

2. Jakub Wolfe  
143 Dale Drive

<b>Location:</b> 143 Dale Drive	<b>Property Owner:</b> Jakub Wolfe
<b>Tax Map/Group/Parcel:</b> 32O/B/45.00	<b>Zoning/Use Classification:</b> PRD/Single Family Residential

**Request:** For a special exception to allow an accessory apartment.



### **Staff Analysis**

The applicant has requested a special exception to allow an accessory apartment at 143 Dale Drive in the Gwynne Farms subdivision. The property is zoned PRD, Planned Residential Development, and is 7,118 square feet in size. The applicant plans to build out their basement for a second dwelling for familial purposes. Included with the build out is to be a full kitchen/dining room, bathroom, laundry room, living room and bedroom.

Finishing the basement will yield a square footage in excess of 3,600 square feet of total space under roof, which is the threshold for requiring a higher fire flow requirement of 1,750 gallons per minute from the fire hydrants near the dwelling. Based on the building permit, the dwelling is 3,488 square feet under roof and the finished basement would add an extra 1,000 - 1,100 square feet. The nearest fire hydrant tested at 1,100 gallons per minute, which would require the applicant to sprinkle their home.

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 an accessory apartment would 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 should not adversely affect other properties in the surrounding area.
- Is within the provisions of “Special Exceptions” as set forth in this ordinance.
  - Gwynne Farms is a PRD zoning and does not address accessory apartments within the zoning. Therefore, it is neither allowed by special exception, nor disallowed. Staff would recommend the applicant check with their HOA and covenant restrictions as to whether an accessory apartment would be permitted.
- 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 would utilize the existing driveway off of Dale Drive.
- 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 may provide sufficient space for off-street parking as the driveway has adequate space for four vehicles in addition to a 2 car garage.
- 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.
- Utilities, with reference to locations, availability, and compatibility.
  - This location has access to all the necessary utilities on site.
- Screening and buffering with reference to type, dimensions and character.
  - Not applicable.
- 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.
- Required yard and other open space.
  - Staff finds that this yard has the necessary yard and open space to meet setback requirements as the accessory apartment would be located within the existing basement.
- 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 subdivision not having received approval for accessory apartments. However, other properties zoned PRD have requested and received approval from the BZA for accessory apartments.
- 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 this lot provides sufficient space to allow for the 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.
- Applicant to verify with the HOA and/or other governing restrictions put upon the property that the use of an accessory apartment is allowed.
- All applicable Code and Fire Department requirements shall be met.

No one spoke at the public hearing.

At this time, Chairman Jay Michaelson acknowledged Building Official Kristi Worrell to speak regarding this request.

Motion by Scott Demonbreun, seconded by Vanessa Haley to approve the Special Exception of an accessory apartment for 143 Dale Drive with staff recommendations.

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

b. Setback Variance:

1. Jon C. Armstead  
324 Andy Johns Drive

<b>Location:</b> 324 Andy Johns Drive	<b>Property Owner(s):</b> Jon & Ruthe Armstead
<b>Tax Map/Group/Parcel #:</b> 27E/F/64.00	<b>Zoning/Use Classification:</b> R-3/Single-Family Residential

**Request:** A rear and side setback variance of 5' for a detached storage shed.



### **Staff Analysis**

The applicant has requested a 5' rear and side setback variance for a storage shed in their rear yard. The property is zoned R-3, Medium Density Residential, and is 13,353 square feet in size and has two front setbacks to meet due to the curvature of Andy Johns Road at nearly 90 degrees in the applicant's front yard. Minimum rear and side yard setback requirement in the R-3 district is 8' for detached accessory structures. As presented, the applicant wishes to locate the shed 3' off the side and rear lot lines in the back corner of the property. If the structure met the 8' setback requirement, the proposed shed would be located approximately 2' off of the dwelling, which would present a fire and life safety requirement. Rotating the building to meet the 8' setback requirement would place the shed on the concrete patio. The applicant plans to install a 7' white vinyl privacy fence around the rear yard.

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. Typical residential lots have four sides to the parcel whereas this lot has three due to the long curvature of Andy Johns Drive for the front parcel line.
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 acts as a corner lot and has a large front setback to meet for the principal structure. This large front setback creates 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.
  1. 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.
  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 is 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 rear and side setbacks. 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.
  1. Staff finds that the requested setback variance may be the minimum to make reasonable use of this structure for the proposed use.
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 be located in the rear yard behind a fence.
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 while this property is not a traditional corner lot, due to the curvature of the road, the lot is set up similarly with two front setbacks. The applicant has noted that there will be a vinyl privacy fence installed enclosing the rear yard upon completion of the shed. Code does require a minimum of 5' separation, as presented the structure would have approximately 6' of separation from

the shed to the dwelling.

At this time, Chairman Jay Michaelson opened a public hearing to which applicant Jon Armstead spoke regarding this request.

Motion by Councilman Jerome Dempsey, seconded by Ken Hill to approve the 5' side and rear Setback Variance for 324 Andy Johns Drive with staff recommendations.

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

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

Respectfully submitted:

Certified by:

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Kevin Rigsby  
Secretary

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Jay Michaelson  
Chairman



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION: APPLICANT IS: THE PROPOSAL PERTAINS TO: Name: Rutherford County c/o Matt Taylor Owner [checked] New Structure [checked] Phone Number: (615) 890-7901 Contractor [ ] Existing Structure [ ] Email: mtaylor@sec-civil.com Other [ ] Signage [ ]

THIS REQUEST IS FOR: Zoning Variance [ ] Sign Variance [ ] Setback Variance [ ] Special Exception [checked] Temporary Use Permit [ ] Administrative Review [ ]

PROPERTY INFORMATION Street Address: 271 Weakley Lane Tax Map: 19 Group: Parcel: 29.00 Zoning: I-2 Lot Area: 18.2

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. This is a request for special exception to allow Government Services of a Forensics & Autopsy Lab as well as a EMS Facility

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: [Signature] Date: 2/10/2025

Office Use Only

Staff Initials: Application Fee: Date:

**SEC, Inc.**

**SITE ENGINEERING CONSULTANTS**

Engineering • Surveying • Land Planning  
850 Middle Tennessee Blvd, Murfreesboro, TN 37129  
www.sec-civil.com • 615-890-7901 • fax 615-895-2567

February 10, 2025

Mr. Kevin Rigsby  
Town of Smyrna  
315 South Lowry St  
Smyrna, Tennessee 37167

RE: Rutherford County Medical Examiners Building  
BZA Special Exception Permit  
Smyrna, Tennessee  
SEC Project No. 23724

Dear Kevin:

Pursuant to Section 7.060 – Procedure for Authorizing Special Exceptions of the Town of Smyrna 2024 Zoning Ordinance in regards to constructing buildings for Forensics/Autopsy Lab, an EMS building and a Office Building for Rutherford County Government on Tax Map 19 Parcel 29.00, please accept the following information as our submittal package for the official Board of Zoning Appeals – Hearing Request Application.

**B. General Requirements:**

A conditional use permit (a special exception) shall be granted 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.**

*Response: This property is already being utilized for other government administrative services and this will expand the County's footprint to include a Forensics/Autopsy Lab, an EMS building and a office building. Each of these services will serve the public and add to health, safety and welfare of county residents.*

**b. Will not adversely affect other property in the area in which it is located.**

*Response: This property is already being utilized for other government administrative services and this will expand the County's footprint to include a Forensics/Autopsy Lab, an EMS building and a office building. Each of these will serve the public and not adversely affect surrounding areas.*

**c. Is within the provision of "Special Exceptions" as set forth in this ordinance.**

*Response: Government Administrative Services are listed as a use permitted as special exception in 5.053.2.C of the zoning ordinance.*

**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.**

*Response: Each of these are addressed in this letter or on the plans*

**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.**

*Response: The proposed layout allows for adequate turnarounds of all fire trucks, semi trucks, emergency service vehicles or where have deadends, the deadends are less than 150 feet as allowed by International Fire Code.*

**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.**

*Response: Off-street parking and loading provisions are made on the site so parking and/or loading are not required in the public right-of-way. Any odors from the lab are disposed of with industrial powered fans that direct the air at high speeds up 7-stories in the atmosphere.*

**3. Refuse and service areas, with particular reference to the items in 1. and 2. above.**

*Response: A dumpster is located on the site.*

**4. Utilities, with reference to locations, availability, and compatibility.**

*Response: A utility plan is included with this submittal to show connection locations.*

**5. Screening and buffering with reference to type, dimensions and character.**

*Response: A landscape plan is included with this submittal to show screening and plantings. No buffering is required. All rooftop equipment will be screened with a cityscape windscreen per local architectural review standards.*

**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.**

*Response: A site plan showing the proposed sign is included with this submittal to show compliance.*

**7. Required yard and other open space.**

*Response: A site plan with detailed dimension is included with this submittal to show compliance with this requirement.*

**8. General compatibility with adjacent properties and other property in the district.**

*Response: This property already has government administrative services. Additionally, surrounding areas are industrial or multi-family in nature. The proposed uses will complement the immediate area as well as the entire county.*

**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.**

*Response: this is not applicable, no residential is proposed with this project.*

**b. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.**

*Response: this is not applicable, no residential is proposed with this project.*

**7.061.4 Special Conditions for Government Administrative Services.**

**A. All of the bulk regulations of the zone district shall apply.**

*Response: Understood. A site plan has been submitted with this application to show these requirements.*

**B. The off-street parking requirements shall be as follows:**

**Minimum of one space for each three (3) employees, plus one space per three hundred (300) square feet of gross floor area. The loading requirements in Article IV, Section 4.020. shall be met.**

*Response: Understood. The parking calculations are shown on the cover sheet of the site plan application.*

**C. The location of such facility shall be determined such that the most efficient services to the community is provided.**

*Response: By locating a Forensics/Autopsy Lab in Rutherford County, the residents of the Rutherford County will have those needs much better met rather than those services being performed out of the county. Additionally, the addition of EMS will allow quicker and more efficient response times.*

**D. The location of such facility shall not materially increase traffic on surrounding streets.**

*Response: Understood. The proposed uses are low traffic volume generators with mainly employees visiting the new facilities.*

**E. The location of such facility shall not have an adverse effect on surrounding properties. Fencing, screening, and landscaping may be required as appropriate to protect the surrounding residential area.**

*Response: Understood. A site plan and landscape plan has been submitted with this application to show compliance with these requirements.*

**F. The site plans for such facility is first approved by the Planning Commission taking into account the above factors as well as any other pertinent factors.**

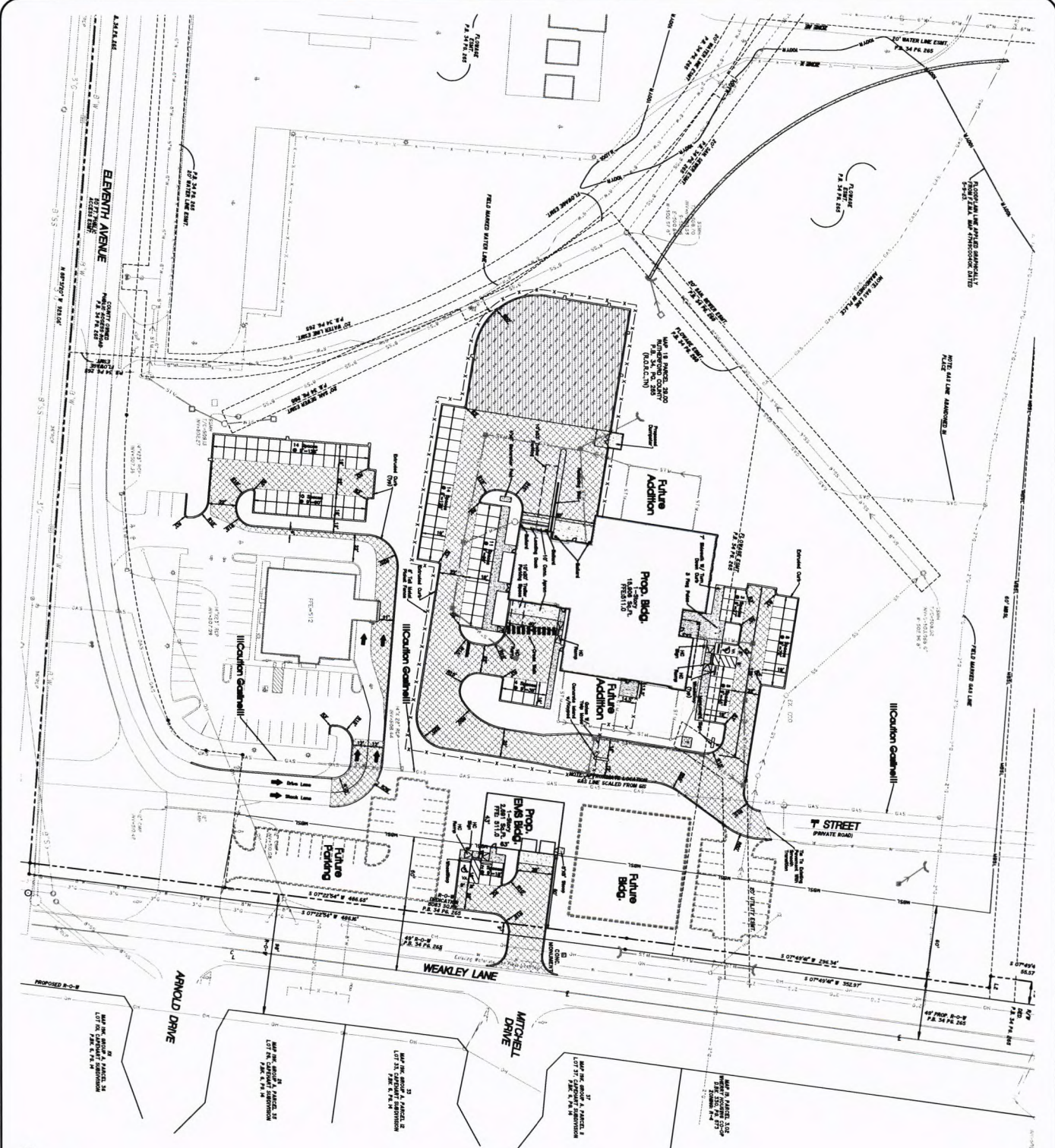
*Response: Understood. A site plan will be submitted to planning commission for approval if the Special Exception is granted.*

Your thorough consideration of the requested special use permit is much appreciated. Please contact me if any additional information is required. I can be contacted at 615-890-7901 or via email at [mtaylor@sec-civil.com](mailto:mtaylor@sec-civil.com).


Sincerely,



Matt Taylor, P.E.  
Vice President  
SEC, Inc.



Know what's below.  
Call before you dig.



**SEC INC**  
SITE ENGINEERING CONSULTANTS  
ONE NORTON DRIVE, SUITE 200  
SMYRNA, TN 37167  
TEL: 615-879-1111  
FAX: 615-879-1112  
WWW.SECINC.COM  
SEC is an Equal Opportunity Employer

**Government Hatch Legend**

- Proposed Concrete
- Heavy Duty Asphalt
- Light Duty Asphalt
- For A City Agent

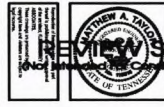
Scale: 1" = 30'

0' 30' 60'

**SITE PLAN**

**RUTHERFORD COUNTY MEDICAL EXAMINERS LAB**

206 I ST  
SMYRNA, TN 37167



**KLIN SWINNEY ASSOCIATES**  
architecture + interior design + planning

22 middleton street nashville, tennessee 37210

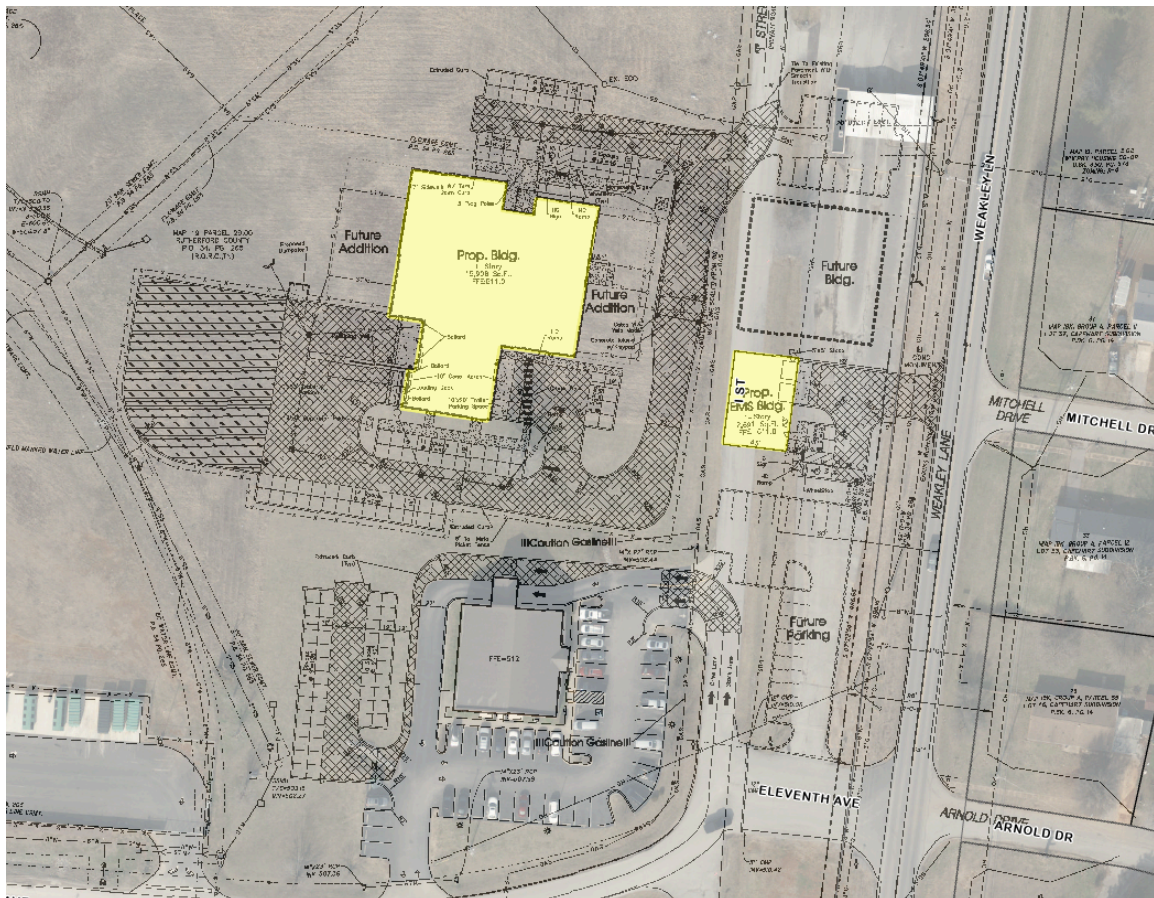
**C2.0**

DATE: 02.10.2025  
SHEET NO. 03

**Rutherford County Medical Examiners Lab & EMS Facility  
Special Exception**

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 property owned by Rutherford County 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:

- 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 government administrative services 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 5.053.2 C lists "government administrative services" as a special exception in the I-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 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.

- 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.
    - 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.
    - 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.
    - 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.
    - 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.
    - 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:
    - 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 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.



Town of Smyrna

# Board of Zoning Appeals Application

APPLICANT INFORMATION:		APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Ben Sexton		Owner <input type="checkbox"/>	New Structure <input type="checkbox"/>
Phone Number: 615-663-1203		Contractor <input checked="" type="checkbox"/>	Existing Structure <input checked="" type="checkbox"/>
Email: ben.sexton@regenthomes-tn.com		Other <input type="checkbox"/>	Signage <input type="checkbox"/>
THIS REQUEST IS FOR:			
Zoning Variance <input type="checkbox"/>		Sign Variance <input checked="" 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: corners of Gault drive/Lorne Lane			
Tax Map: 028E	Group: A	Parcel: 01600	
Zoning:	Lot Area:		
DESCRIPTION OF APPEAL			
<p>Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request.</p> <p>We would like to request that the monument signs for our Harts Branch development be located inside the 75' setback from the centerpoint of their intersections and closer than 10' to the ROW line. Their current locations are the only sensible locations for these signs. Please see attached letter for detail explanation.</p>			
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: Benjamin Sexton		Date: 1/15/25	
Office Use Only			
Staff Initials:	Application Fee:	Date:	



Mitchell Wensman

Town of Smyrna

315 S Lowry St

Smyrna, TN 37167

January 15<sup>th</sup>, 2025

Mr. Wensman,

We would like to request variances allowing the current locations for our entrance monuments for our Harts Branch Development. We believe that the circumstances which caused our decision for the current location for the signs are meaningful enough to allow this exemption, without any downsides.

For our two signs, there are three options to pursue to meet the 75' setback from the center of the intersection: move the signs further down Rock Springs Road, move them further down the entry road, or move them directly away from the intersection. We believe that each of these options defeats the purpose of the entry sign, and we should be permitted this variance.

Each option has its own set of problems. If we were to move the signs along either road, it would cause different types of confusion to drivers along Rock Springs Road. If they are moved up the entry street, they might not be visible from Rock Springs until the drivers are too close to the entry to make a safe turn, and if they are moved up Rock Springs, drivers will be looking for the entrance near the sign, and when the road appears before or after the sign, it might also cause confusion or dangerous turn. Finally, there is moving the sign directly away from the intersection. This will also not work. Both of our signs are in front of drainage run off area, which are lower than street level. Our signs are only five feet tall, and these dips will make the signs difficult to see from the road, once again defeating the purpose of the entry sign.

Therefore, we would like to request this variance. We believe that the current locations are the best of all options for the entrance monument signs. If the signs location is completely unworkable, we would also be open to rotating the sign to a 45 degree angle in relation to the entry road, increasing visibility even further.

Thank you for taking time to review this request. Thanks!

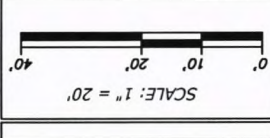
Warmest Regards,

Ben Sexton,

Regent Homes

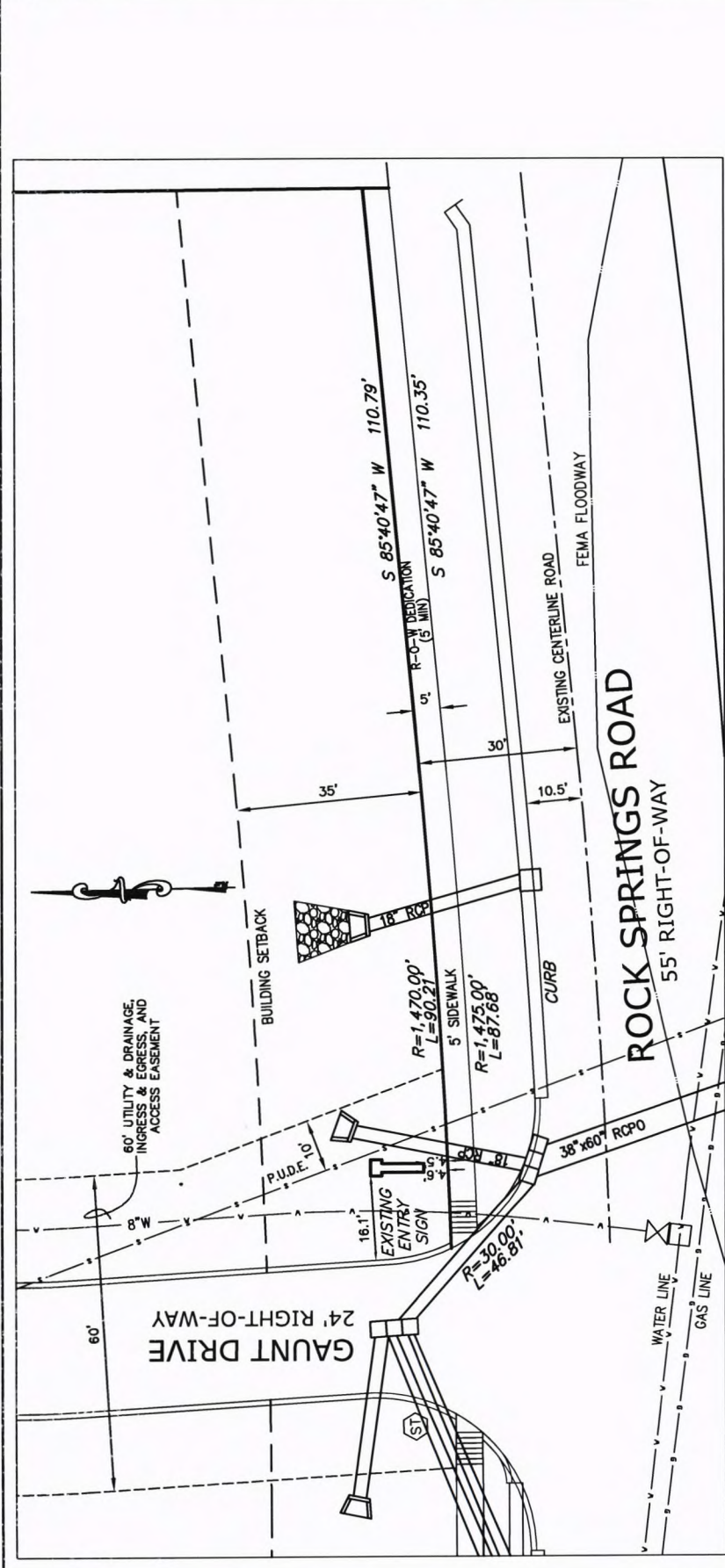


H & H LAND SURVEYING, INC.  
 P.O. BOX 2433  
 SMYRNA, TENNESSEE 37167  
 PHONE: (615) 831-0756  
 EMAIL: office@hhandland.com



**REGENT HOMES**  
 TITLE: PLOT PLAN  
 GAUNT DRIVE SMYRNA, RUTHERFORD, TENNESSEE  
 HARTS BRANCH VILLAGE - PHASE ONE  
 MAP: 28E - GROUP: A - PARCEL: P/O 16.00  
 PLAT NOT RECORDED AT THIS TIME. (R.O.R.C., TN)

DRAWN BY: RAW  
 CHECKED BY: DLC  
 DATE: 12/05/24  
 JOB# 2024-0710



**PLOT PLAN**

THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPT. AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION SINCE NO IMPROVEMENTS EXIST AT THIS TIME.

OWNER: REGENT HOMES  
 ADDRESS: GAUNT DRIVE  
 CITY: SMYRNA, RUTHERFORD COUNTY, TENNESSEE, 37167  
 SUBD: HARTS BRANCH VILLAGE-PHASE ONE  
 RECORD: PLAT NOT RECORDED AT THIS TIME. (R.O.R.C., TN)  
 MAP: 28E-GROUP: A - PARCEL: P/O 16.00  
 AREA: 415.832 SQ.FT.± OR 9.546 AC.±  
 SCALE: 1"=20' DATE: DECEMBER 5, 2024  
 REVISION: DATE: DECEMBER 5, 2024  
 ADDITIONAL DIMENSIONS ADDED TO THE RIGHT OF WAY.



**EXISTING ENTRY SIGN DETAIL**

SCALE: 1" = 10'

**EXISTING ZONING: PRD (PLANNED RESIDENTIAL DEVELOPMENT)**

THE BUILDER IS SOLELY RESPONSIBLE FOR CONFORMING TO ALL ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACK LINES EASEMENTS AND OTHER BUILDING IMPROVEMENTS AND PROPERTY RESTRICTIONS AS WELL AS ANY OTHER CONDITIONS AS SET FORTH OR NOTED ON THE SUBMISSION PLAT AND OTHER LOCAL, STATE OR FEDERAL POLICES, REGULATIONS AND ORDINANCES THAT MAY APPLY TO THIS PROJECT. THE BUILDER IS RESPONSIBLE FOR VERIFYING ALL BUILDING DIMENSIONS SHOWN AND SHALL REPORT ANY DISCREPANCIES TO THE LAND SURVEYOR BEFORE BEGINNING CONSTRUCTION. THE SHAPE, SIZE AND PLACEMENT OF THE PROPOSED STRUCTURE AND IMPROVEMENTS MAY CHANGE DUE TO LOT INFORMATION SHOWN IS NOT FINAL. THE LOCATION OF THE HOUSE AND IMPROVEMENTS SHOWN HEREON IS AS SPECIFIED AND DIRECTED BY THE BUILDER/CONTRACTOR. THE SUBJECT PROPERTY AND IMPROVEMENTS SHOWN HEREON ARE SUBJECT TO SUCH STATE OF FACT AS AN ACCURATE TITLE SEARCH, FLOOD STUDY, COMPREHENSIVE SURVEY, GEOLOGIC AND SOILS STUDY MAY REVEAL. THIS DOCUMENT IS AUTHORIZED FOR THE MATTERS RELATED TO ANY FLOOD ASSESSMENTS OF THE SUBJECT PROPERTY AND IMPROVEMENTS.

**GRAPHIC SCALE**



41  
HARTS  
BRANCH

HARTS B  
ANCH

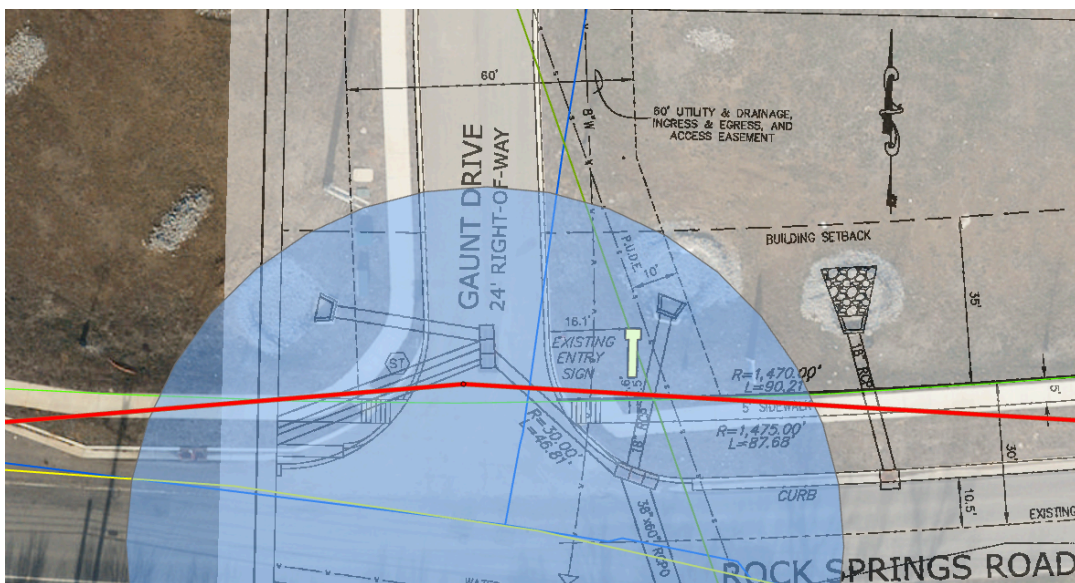
NEW  
HOMES  
FOR SALE  
252-264-9111  
harts.com

**Regent Homes/Harts Branch Village  
Sign Variance Request**

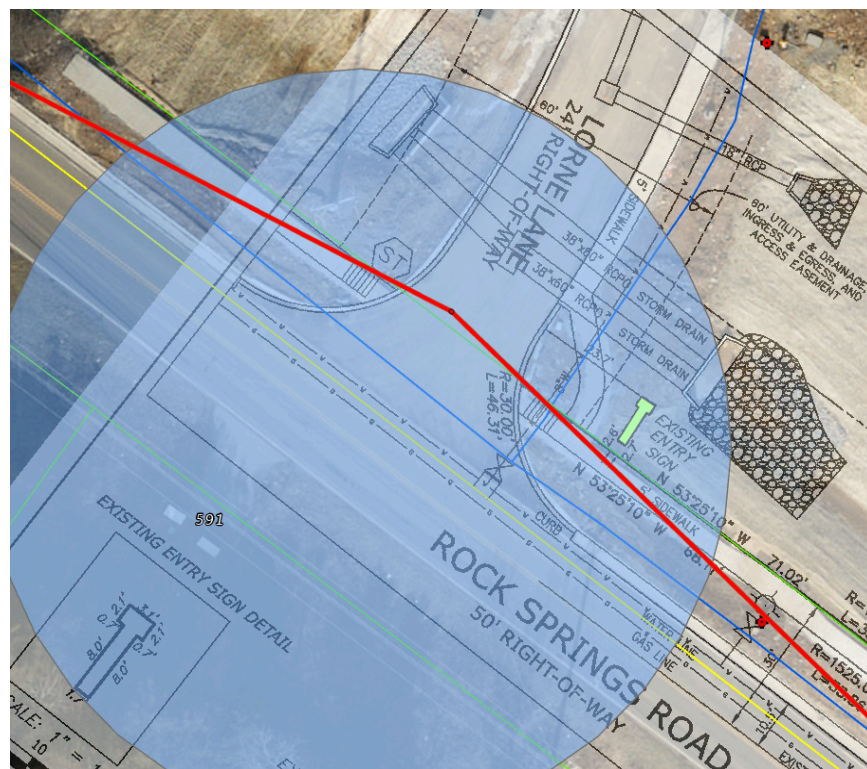
Location: Intersection of Rock Springs Road and Lorne Lane and Gaunt Drive	Property Owner: Harts Branch LLC
Tax Map/Group/Parcel #: 28E/A/16.00	
Zoning/Use Classification: PRD/Multi-Family Residential	

**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:

- (a) 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 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.
- (b) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
- 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.
- (c) The hardship has not been created by any person having an interest in the property.
- The subdivision, plat and drainage feature locations were completed by the applicant.
- (d) 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, however the signs have already been constructed.

- (e) 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 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.
  
- (f) 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 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.



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION: APPLICANT IS: THE PROPOSAL PERTAINS TO: Name: Gaven Schultz Owner [checked] New Structure [checked] Phone Number: (979) 317-9422 Contractor [ ] Existing Structure [ ] Email: Gaven.Schultz@DreamFindersHomes.com Other [ ] Signage [ ]

THIS REQUEST IS FOR: Zoning Variance [ ] Sign Variance [checked] Setback Variance [checked] Special Exception [ ] Temporary Use Permit [ ] Administrative Review [ ]

PROPERTY INFORMATION

Street Address: 291 Blair Rd Tax Map: 32.00 Group: Parcel: 9.00 Zoning: PRD 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. Due to overlapping utility easements and the requirement for the sign to be 75' from the centerline of the road we are unable to install the sign within the designated sign easement. The proposed monument sign is consistent with the design previously approved in the PRD. We are requesting a variance to reduce the required distance from the centerline of the road to the corner of the sign to 40'. This variance will allow us to install the sign within the recorded sign easement and the common are that will be maintained by the HOA.

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

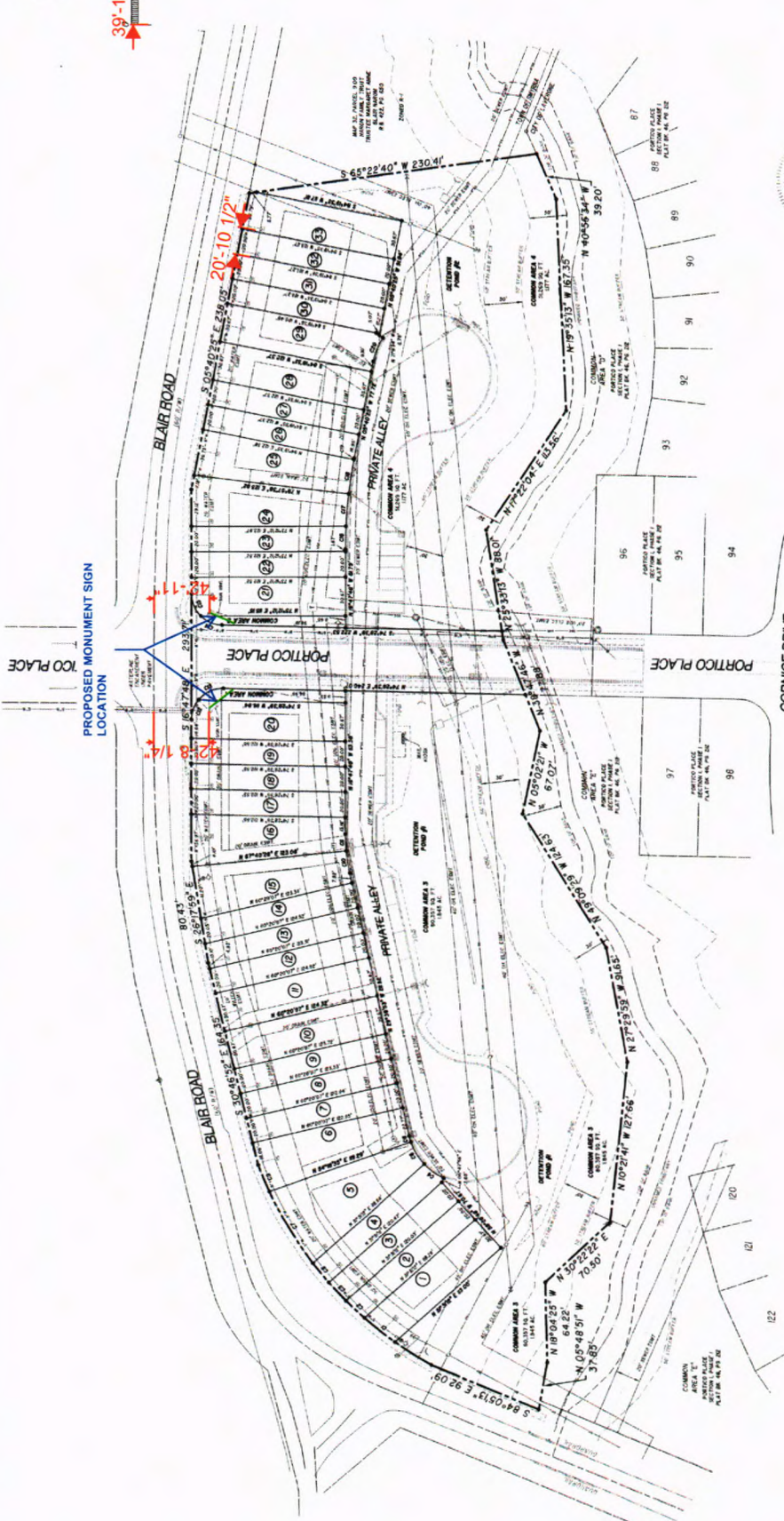
I hereby certify that I am the authorized applicant, representing all property owners involved in this request and am aware that approval received from the Board of Zoning Appeals does not authorize any activities which are prohibited by any Town Ordinance, covenant restrictions, deed restrictions or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

Applicant Signature: Date:

Office Use Only

Staff Initials: Application Fee: Date:





PROPOSED MONUMENT SIGN  
LOCATION

PLAT BOOK 50 PAGE 19-20  
 TIME OF RECORDING: 12-31-20  
 DATE OF RECORDING: MARCH 15, 2021



**FINAL PLAT**  
**PORTICO PLACE TOWNHOMES**  
**SUBDIVISION**

CITY OF SMYRNA, TENNESSEE  
 3rd CIVIL DISTRICT, RUTHERFORD COUNTY

**SEC, Inc.** SITE ENGINEERING CONSULTANTS  
 ENGINEERING • SURVEYING • LAND PLANNING  
 400 WEST WASHINGTON AVENUE, SUITE 200  
 MEMPHIS, TENNESSEE 38102  
 PHONE: 901-525-7700 FAX: 901-525-7701  
 WWW: WWW.SECINC.COM  
 PROJECT: 19-10-20  
 SHEET: 1 OF 2

OWNER/DEVELOPER:  
 BLAIR ROAD, LLC  
 CHARLESTON, SC 29407

DESIGNER:  
 SEC, INC.  
 MEMPHIS, TN 38102

DATE OF RECORDING: MARCH 15, 2021

DATE OF RECORDING: MARCH 15, 2021

DATE OF RECORDING: MARCH 15, 2021

AREA TABLE (OTHER)

Lot No.	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)	Area (sq. ft.)
1	1,234	1,234	1,234	1,234
2	1,234	1,234	1,234	1,234
3	1,234	1,234	1,234	1,234
4	1,234	1,234	1,234	1,234
5	1,234	1,234	1,234	1,234
6	1,234	1,234	1,234	1,234
7	1,234	1,234	1,234	1,234
8	1,234	1,234	1,234	1,234
9	1,234	1,234	1,234	1,234
10	1,234	1,234	1,234	1,234

TYPICAL TOWNHOME SUBDIVISION SETBACKS  
 TOWNHOME INTERIOR LOTS

CURVE DATA

Stationing	Curve Length (ft)	Radius (ft)	Delta (deg)	Chord (ft)	Offset (ft)
1+00.00	100.00	100.00	90.00	141.42	70.71
2+00.00	100.00	100.00	90.00	141.42	70.71
3+00.00	100.00	100.00	90.00	141.42	70.71

- LEGEND**
- PROPOSED DRIVE
  - PROPOSED DRIVE CENTER LINE
  - PROPOSED DRIVE RIGHT OF WAY
  - PROPOSED DRIVE LEFT OF WAY
  - PROPOSED DRIVE CENTER LINE
  - PROPOSED DRIVE RIGHT OF WAY
  - PROPOSED DRIVE LEFT OF WAY
  - PROPOSED DRIVE CENTER LINE
  - PROPOSED DRIVE RIGHT OF WAY
  - PROPOSED DRIVE LEFT OF WAY
  - PROPOSED DRIVE CENTER LINE
  - PROPOSED DRIVE RIGHT OF WAY
  - PROPOSED DRIVE LEFT OF WAY
  - PROPOSED DRIVE CENTER LINE
  - PROPOSED DRIVE RIGHT OF WAY
  - PROPOSED DRIVE LEFT OF WAY

**Portico Place Townhomes**  
Sign Variance Request

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:

- (a) 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, which would prevent a sign from being located in that space.
- (b) 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 signs could be reduced in size to meet the 75' setback from the centerpoint of the intersection.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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 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.