



SMYRNA BOARD OF ZONING APPEALS

January 16, 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 Chairman:
5. Approval of Minutes of the November 21, 2024 meeting
6. New Business:
 - a. Special Exceptions:
 1. Brittney Gamble
805 Valley Drive
 2. Jakub Wolfe
143 Dale Drive
 - b. Setback Variance:
 1. Jon C. Armstead
324 Andy Johns Drive
7. Staff comments and/or other business
8. Adjournment



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

November 21, 2024

5:00 p.m.

Smyrna Town Hall

Chairman Steve Sullivan called the regular session of the Smyrna Board of Zoning Appeals to order on November 21, 2024 at 5:00 p.m. The invocation was given by Vanessa Haley and the Pledge of Allegiance was led by Jay Michaelson.

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

Present: Steve Sullivan, Councilman; Ken Hill; Jay Michaelson; Scott Demonbreun; Vanessa Haley

Staff Present: Dave Santucci, Town Manager; Todd Spearman, Assistant Town Manager; Ben Groce, Staff Attorney; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kristi Worrell, Building Official

1. Citizens' Comments:

"The Town's Public Comment Period shall be reserved for those citizens that have signed up to address a Board or Committee, at least twenty-four (24) hours in advance of the meeting, pursuant to the Town's Public Comment Policy. Speakers are limited to three (3) minutes. Additional comments may be submitted in writing".

2. Approval of Minutes of the September 19, 2024 meeting

Motion by Scott Demonbreun, seconded by Vanessa Haley to approve the Minutes of the September 19, 2024 meeting.

Vote: 5 - 0 Passed - Unanimously

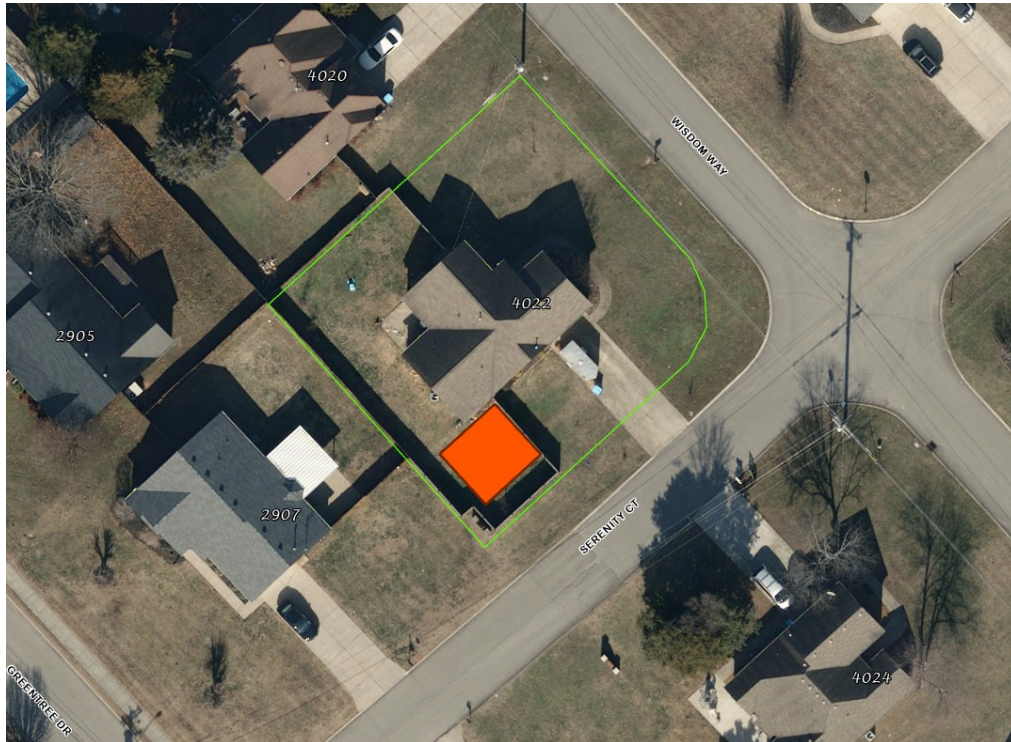
3. New Business:

a. Setback Variance:

1. Jasper Fitzhugh
4022 Wisdom Way

Location: 4022 Wisdom Way	Property Owner(s): Jasper & Yolanda Fitzhugh
Tax Map/Group/Parcel #: 33H/A/43.00	Zoning/Use Classification: R-3/Single-Family Residential

Request: A front setback variance of 25' along Serenity Court for a detached garage/carport.



Staff Analysis

The applicant has requested a 25' front setback variance on Serenity Court for a detached garage/carport. The property is zoned R-3, Medium Density Residential, and is 0.26 acres in size and has two front setbacks to meet on Wisdom Way and Serenity Court. Minimum front yard setback requirement in the R-3 district is 35' for accessory structures. As presented, the structure would be located approximately 3' from the dwelling and may require additional fire safety precautions to be installed either on the dwelling and/or on the proposed structure. The applicant is requesting to place the carport behind an existing fence.

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 not have any unique circumstances in regards to physical surroundings, shape or topographic conditions.
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 is a corner lot and has two front setbacks to meet for any structure. The two front setbacks create 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, nor the construction of the residence.
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 a front setback. 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 not be the minimum to make reasonable use of this structure for the proposed use. The structure could be relocated to the north side of the residence within the fence to meet front setback requirements. In addition, a side setback variance would likely be required in that situation with the size of the desired detached structure and dwelling location on the property. However, the location requested is closest to the existing driveway, which is the reasoning for the request being in the location presented.
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.
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 a corner lot in which two front setbacks are required to be met for any structure. There is an existing fence which the structure would be located behind as presented. There is adequate space on the lot to locate the structure to meet the front setback, but would likely require a side setback variance due to the distance between the dwelling and side lot line in conjunction with the size of the structure requested. If the request is approved, it does not preclude the applicant from adhering to any additional Code/Fire Safety requirements. Code requires a minimum of 5’ separation, so staff would recommend a 28’ front setback variance if approved.

At this time, Councilman Steve Sullivan opened a public hearing.

Applicants Jasper & Yolnada Fitzhugh spoke at the public hearing.

Motion by Jay Michaelson, seconded by Scott Demonbreun to approve the Setback Variance request located at 4022 Wisdom Way with a 28’ front setback on Serenity Court.

Vote: 5 - 0 Passed - Unanimously

b. Special Exception:

1. Kourtney Brownlow
515 Huntly Industrial Drive

Location: 515 Huntly Industrial Dr.	Property Owner: Walford Partners
Tax Map/Group/Parcel #: Map 19C, Group D, Parcel 2.00	Zoning/Use Classification: I-1/General Personal Services

Request: For a special exception to allow a fitness studio in an I-1 zoning district.



Staff Analysis

Smyrna Strength and Fitness, LLC is proposing to locate their business at 515 Huntly Industrial Drive and would be the only tenant in the building. At least one of the business owners currently operates a gym facility in Franklin for the past five years. Additionally, the applicant(s) were involved with other fitness facilities in Smyrna between 2014-2022. Staff will be on site between the hours of 5:30AM-6:30 PM with peak hours expected between 5:30-8:00 AM, 11:00-1:00 PM, and 4:00-7:00 PM. Maximum staff present would be 1 or 2. The facility will be an access facility, which allows members to access the facility outside of normal business hours. There are approximately 14 parking spaces currently on site. Typical classes will have around 6-8 participants and if needed, the hours could be restricted for facility usage for non class participants during peak hours. Clients first have a consultation with staff to determine best goals for their journey, in addition a higher membership price helps to regulate the number of clients lower than a traditional gym.

The property at 515 Huntly Industrial Drive has had two BZA requests previously for special exception requests. One in 2002 for a contract construction service, which was approved, and one in 2014 for the use of a gym, and was approved. The approval granted in 2014 had two conditions of approval: the approval would expire after one year if the applicant has not occupied the space and no parking along Huntly Industrial Drive.

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 general personal service use should 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 negatively affect other property in the area in which it is to be located.
- Is within the provisions of “Special Exceptions” as set forth in this ordinance.
 - Section 5.053.1 C lists “general personal service” as a special exception in the I-1 district.
- 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.
 1. Access to the site would utilize the existing shared single access point off of Huntly Industrial Drive with the adjoining tract to the east.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
 1. Staff finds that the building is an existing structure, which has been in operation for several businesses throughout the years prior without issue. Parking will need to be addressed accordingly to ensure no vehicles park on Huntly Industrial Drive.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
 1. Refuse collection would need to be coordinated with a local company for proper disposal and collection of waste.
4. Utilities, with reference to locations, availability, and compatibility.
 1. This location has access to all utilities including gas, water and sewer.
5. Screening and buffering with reference to type, dimensions and character.
 1. Not applicable; the building is currently existing and no additional buffering would be required based on the proposed use.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 1. Staff finds that the proposed use of a gym would fit the compatibility with properties in the same district in reference to the above effects. Lighting may not shine beyond the property lines if installed on the exterior of the building.
7. Required yard and other open space.

1. Staff finds that there is adequate space on this lot to support the proposed business as the lot is already developed.
8. General compatibility with adjacent properties and other property in the district.
 1. Staff finds that the use may be compatible with the adjacent industrial properties and others in the same district as several properties zoned I-1 have had special exceptions approved in the past for non-industrial uses.
9. The following additional rules apply for upper story residential development proposals:
 1. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
 2. Not applicable.

Conclusion

Staff finds that the use of a gym on this property would be compatible with surrounding industrial properties as well as other I-1 zoned properties within Town as a variety of special exceptions have been granted previously for other similarly zoned properties. A previous approval was granted from the BZA for the same use on this tract, but that approval has expired based on conditions of approval at the time of the approval in 2014. If approved, staff would recommend a condition that there be no parking on Huntly Industrial Drive.

At this time, Councilman Steve Sullivan opened a public hearing.

Applicant Kourtney Brownlow spoke at the public hearing.

Motion by Jay Michaelson, seconded by Scott Demonbreun to approve the Special Exception request for 515 Huntly Industrial Drive with the condition of no parking on Huntly Industrial Drive, and above listed staff comments.

Vote: 5 - 0 Passed - Unanimously

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

Respectfully submitted:

Certified by:

Kevin Rigsby
Secretary

Councilman Steve Sullivan
Chairman



Town of Smyrna

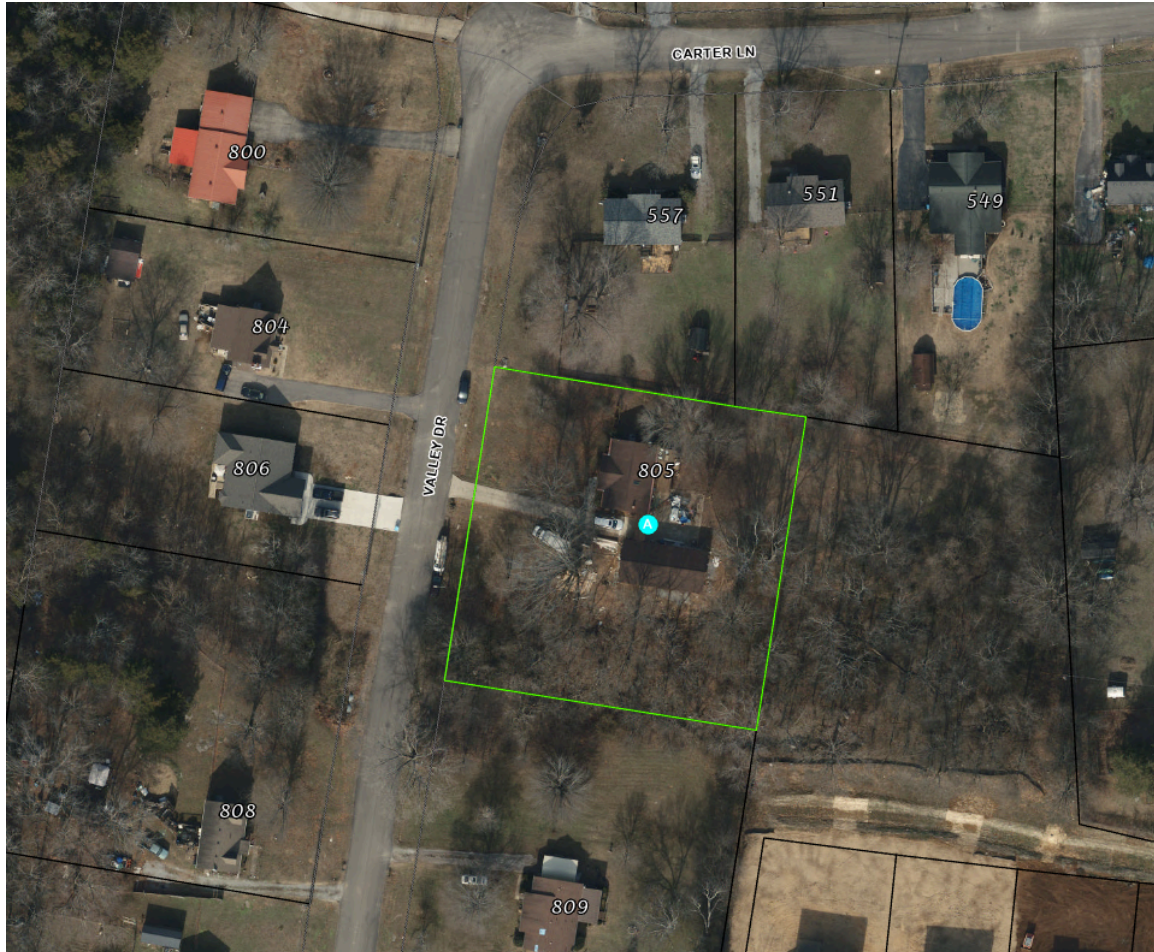
Board of Zoning Appeals Application

APPLICANT INFORMATION:		APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Brittney Gamble		Owner <input checked="" type="checkbox"/>	New Structure <input type="checkbox"/>
Phone Number: (931)209-6473		Contractor <input type="checkbox"/>	Existing Structure <input checked="" type="checkbox"/>
Email: brittney.little130@gmail.com		Other <input type="checkbox"/>	Signage <input type="checkbox"/>
THIS REQUEST IS FOR:			
Zoning Variance <input checked="" type="checkbox"/>		Sign Variance <input type="checkbox"/>	
Setback Variance <input type="checkbox"/>		Special Exception <input type="checkbox"/>	
Temporary Use Permit <input type="checkbox"/>		Administrative Review <input type="checkbox"/>	
PROPERTY INFORMATION			
Street Address: 805 Valley Drive Smyrna, TN 37167			
Tax Map: 033N	Group: A	Parcel: 02800	
Zoning: R-1		Lot Area: 54	
DESCRIPTION OF APPEAL			
<p><i>Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request.</i></p> <p>My request is to start a dog grooming business in the space attached to my garage. I will be the only employee and groom close to 4-5 dogs a day for 4 days a week. A variance is needed because it will be an at home business. Thank you for your time and consideration.</p> <p>8-4PM</p>			
ALL APPLICANTS OR THEIR REPRESENTATIVES ARE REQUIRED TO ATTEND THE MEETING			
<p>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.</p>			
APPLICANT AUTHORIZATION			
<p>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.</p>			
Applicant Signature: Brittney Gamble		Date: 12/12/2024	
Office Use Only			
Staff Initials: mw	Application Fee: 300	Date: 12/12/24	

Brittney Gamble
Special Exception

Location: 805 Valley Drive	Property Owner: Brittney Gamble
Tax Map/Group/Parcel: 50C/A/28.00	
Zoning/Use Classification: 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:

- 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 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.
- b. 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.
- c. 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.
- 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 Valley Drive.
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 provides sufficient space for off-street parking as the applicant's property has an approximately 110' length driveway for parking.
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 applicable utilities.
 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 this proposed business 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 for the business as all activity will be conducted in a facility already constructed.
 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 area not having a business operating out of the household previously approved by the BZA.
 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 for the operation of the applicant's business. If approved, staff would recommend making the following conditions:

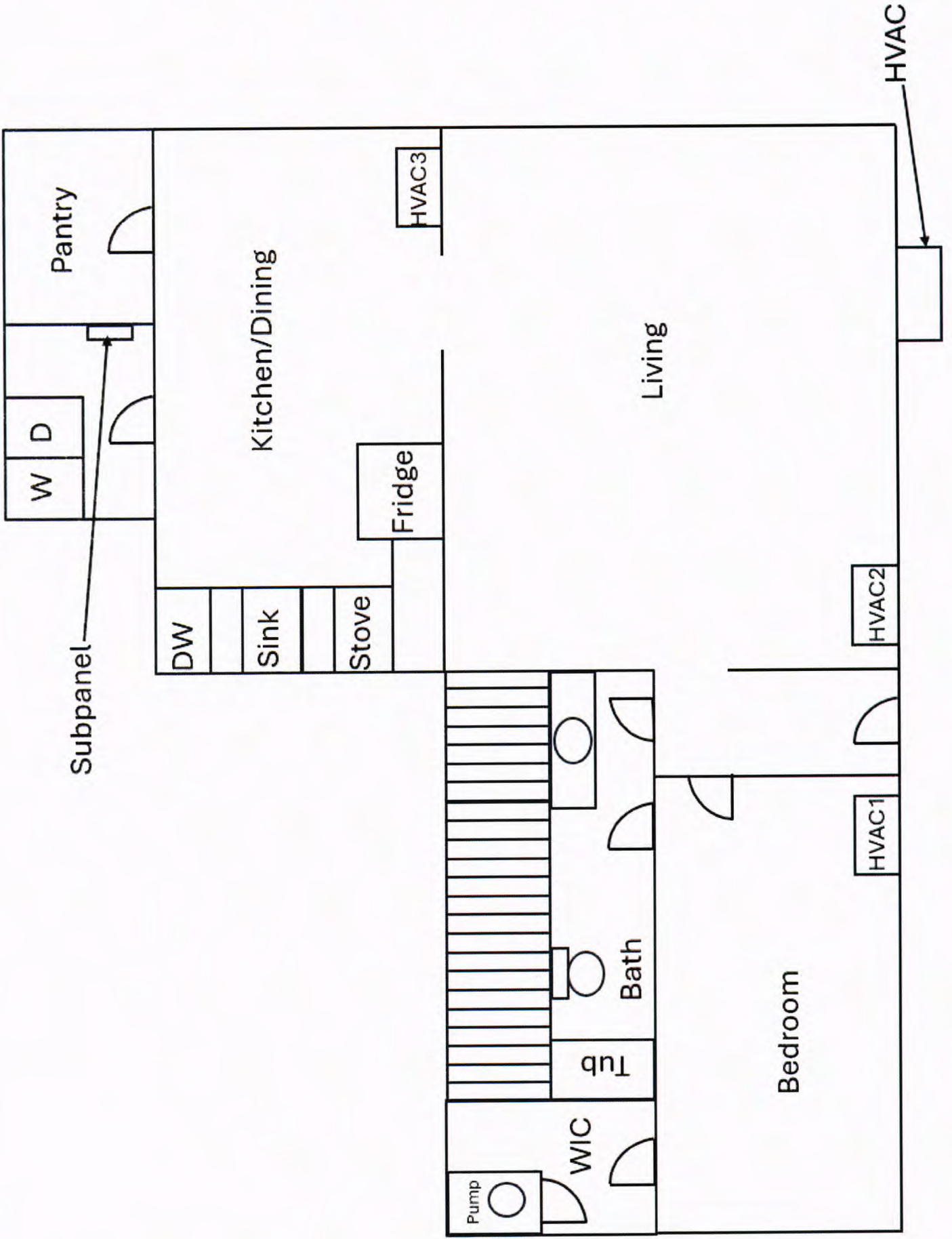
- Limiting the number of clients at the dwelling to 1. No overlap of clients.
- The number of employees shall be restricted to people living in the dwelling on site.
- Hours of operation may only occur between the hours of 8:00 AM - 4:00 PM.
- Maximum number of operating days during the week shall not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



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:		APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Jakub Wolfe		Owner <input checked="" type="checkbox"/>	New Structure <input type="checkbox"/>
Phone Number: (615) 945-7255		Contractor <input type="checkbox"/>	Existing Structure <input checked="" type="checkbox"/>
Email: jakewolfe1234@gmail.com		Other <input type="checkbox"/>	Signage <input type="checkbox"/>
THIS REQUEST IS FOR:			
Zoning Variance <input type="checkbox"/>		Sign Variance <input type="checkbox"/>	
Setback Variance <input type="checkbox"/>		Special Exception <input checked="" type="checkbox"/>	
Temporary Use Permit <input type="checkbox"/>		Administrative Review <input type="checkbox"/>	
PROPERTY INFORMATION			
Street Address: 143 Dale Drive			
Tax Map: 32-0	Group: B	Parcel: 45.00	
Zoning: PRD	Lot Area: 0.16 / 7,118 SF		
DESCRIPTION OF APPEAL			
<p><i>Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request.</i></p> <p>Request is to convert unfinished basement area to accessory-dwelling-unit (In-Law Suite) including full kitchen (stove/range, dishwasher, sink, refrigerator), laundry room, living room, 1 bedroom (w/ WIC), 1 full bath, and walkout to back yard. Area will contain gas supply for stove range and future fireplace. HVAC will be separate from house via 3-unit mini-split system. Renderings attached.</p>			
ALL APPLICANTS OR THEIR REPRESENTATIVES ARE REQUIRED TO ATTEND THE MEETING			
<p>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.</p>			
APPLICANT AUTHORIZATION			
<p>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.</p>			
Applicant Signature: <i>Jakub Wolfe</i>		Date: 1/3/2025	
Office Use Only			
Staff Initials:	Application Fee:	Date:	



Jakub Wolfe
Special Exception

Location: 143 Dale Drive	Property Owner: Jakub Wolfe
Tax Map/Group/Parcel: 32O/B/45.00	
Zoning/Use Classification: 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:

- 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 would 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.
 - 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.
- 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 Dale Drive.
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 may provide sufficient space for off-street parking as the driveway has adequate space for four vehicles in addition to a 2 car garage.

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 all the necessary utilities on site.
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 accessory apartment would be located within the existing basement.
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 subdivision not having received approval for accessory apartments. However, other properties zoned PRD have requested and received approval from the BZA for accessory apartments.
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 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.



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Jon C. Armstead	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: 615-275-8672	Contractor <input type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: jcarmstead@bellsouth.net	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: 324 Andy Johns Drive Smyrna, TN 37167

Tax Map: 27-E Group: F Parcel: 64.00

Zoning: R-3 Lot Area: 13,353 SF / 0.3 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 have been a resident since 2005. I am running out of storage in my garage and want to put up a 12x24 shed in the backyard. I do not have room for 8 FT setbacks. As you can see on the plot. We have no easement or water run offs. The backyard will have a 7 FT privacy fence white vinyl surrounding it. Thank you.

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

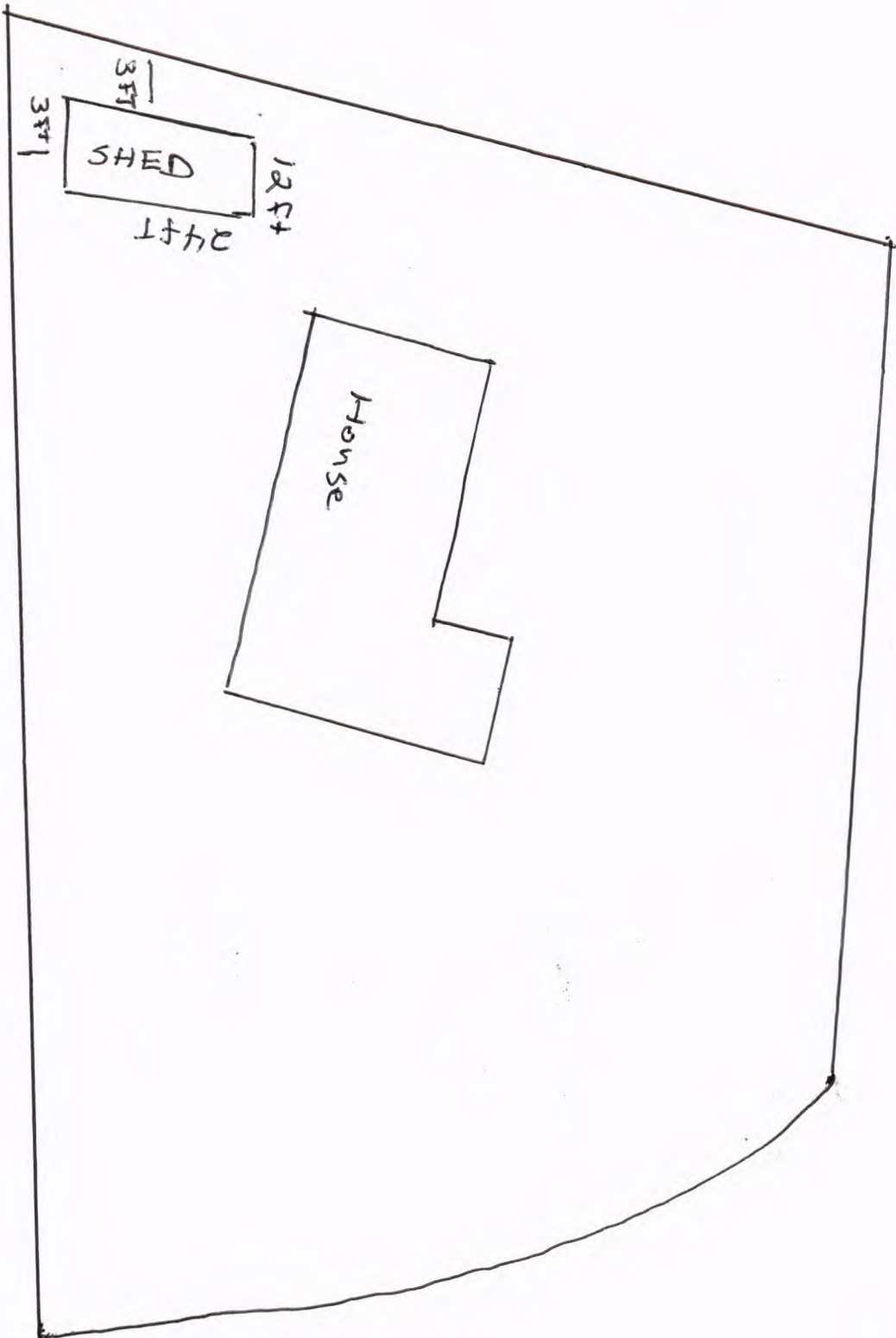
I hereby certify that I am the authorized applicant, representing all property owners involved in this request and am aware that approval received from the Board of Zoning Appeals does not authorize any activities which are prohibited by any Town Ordinance, covenant restrictions, deed restrictions or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

Applicant Signature: *[Signature]* Date: 12-27-24

Office Use Only

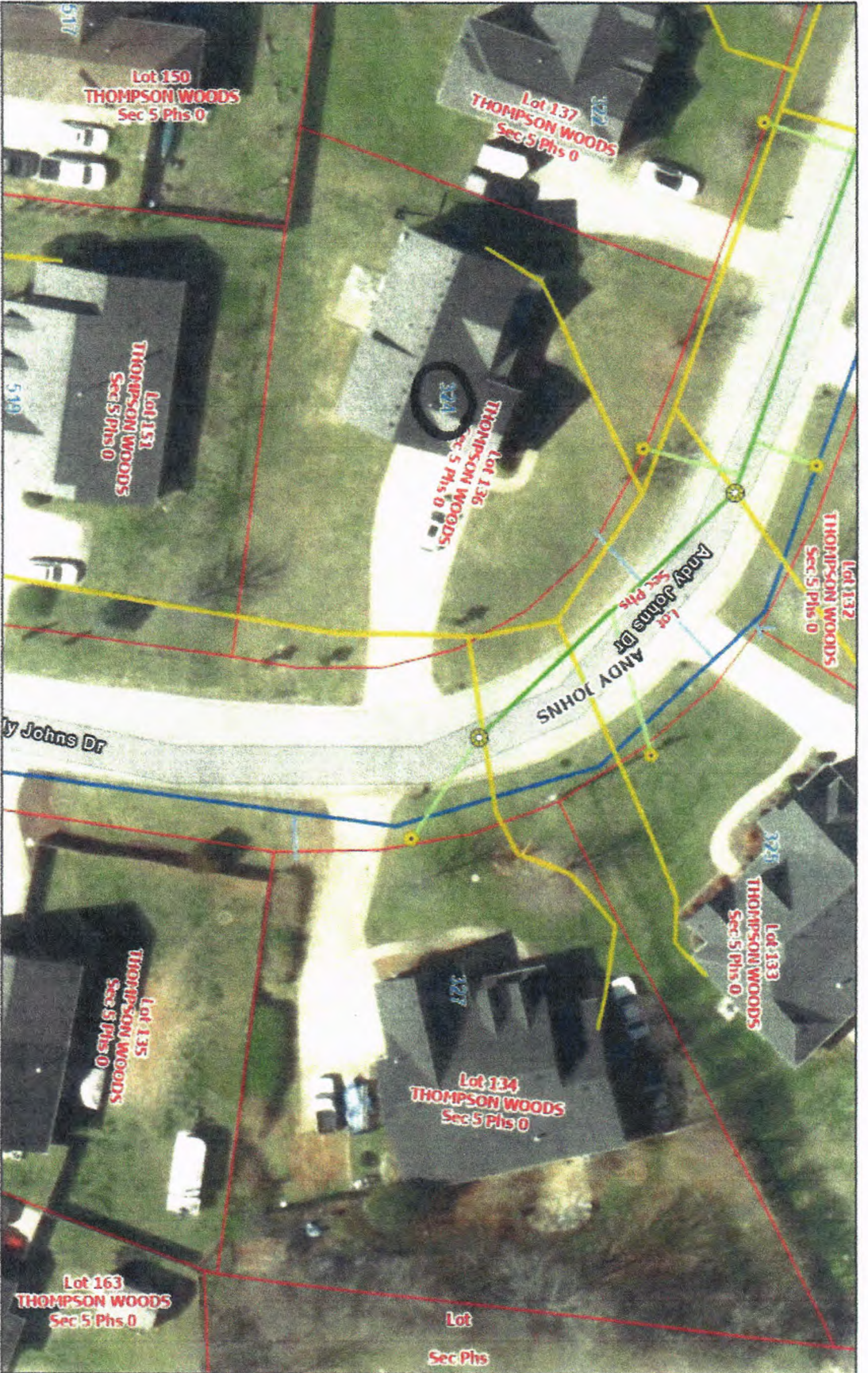
Staff Initials: Application Fee: Date:

Jon Armstead 324 Andy Johns Drive Smyrna, TN 37167
615-275-8672 jc armstead @ bellsouth.net 7,000 est cost
Construction type - Storage



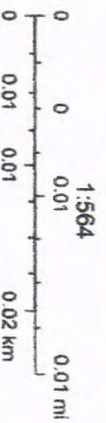
324 Andy Johns Drive
Smyrna TN 37167

ArcGIS Web Map



11/8/2023, 9:44:04 AM

- Water Lateral Lines
- Gas Main
- Sewer Clean Outs
- Sanitary Sewer Manholes
- Road Centerlines
- Parcels
- Water Mains
- Sewer Lateral Lines
- Sewer Gravity Mains
- Town Limits
- City
- Service Lines
- Addresses



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This map is not Survey Quality

Source: Esri, Maxar, Earthstar Geographics and the GIS User Community, Sources: Esri, HERE, Garmin, FDO, NOAA, USGS, © OpenStreetMap

Jon Armstead
Setback Variance Request

Location: 324 Andy Johns Drive	Property Owner(s): Jon & Ruthe Armstead
Tax Map/Group/Parcel #: 27E/F/64.00	
Zoning/Use Classification: 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.
 - 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.