



SMYRNA BOARD OF ZONING APPEALS

June 17, 2025
5:00 p.m. meeting

Smyrna Town Hall

AGENDA

1. Call to Order
2. Prayer
Pledge of Allegiance
3. Citizens' Comments:

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

4. Approval of Minutes of the May 15, 2025 meeting
5. New Business:
 - a. Setback Variance:
 1. Susan & Van Baggett
210 Mill Creek Court
 2. Tuckers Point Ventures Group, GP
8675 Rocky Fork Almaville Road
6. Staff comments and/or other business
7. Adjournment



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

May 15, 2025

5:00 p.m.

Smyrna Town Hall

Chairman Jay Michaelson called the regular session of the Smyrna Board of Zoning Appeals to order on May 15, 2025 at 5:00 p.m. The invocation was given by Vanessa Haley and the Pledge of Allegiance was led by Scott Demonbreun

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

Present: Jerome Dempsey, Councilman; Jay Michaelson; Scott Demonbreun; Vanessa Haley; Don Hyde

Staff Dave Santucci, Town Manager; Todd Spearman, Assistant Town Manager; Ben Groce, Staff

Present: Attorney; Kevin Rigsby, Town Planner; Mitchell Wensman, Planner; Kathryn Smith, Office Coordinator; Kristi Worrell, Building Official

1. Citizens' Comments:

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

2. Approval of Minutes of the April 17, 2025 meeting

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

Vote: 5 - 0 Passed - Unanimously

3. New Business:

a. Special Exceptions:

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

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

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



Staff Analysis

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

Section 7.060 B of the Zoning Ordinance details the requirements for authorizing special exceptions. These are detailed below.

Special Exception Requirements

Section 7.060 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

Section 7.060 Procedure for authorizing special exceptions

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Official to determine whether a proposed use is potentially noxious, dangerous or offensive.

B. General Requirements:

A conditional use permit (a special exception) shall be provided the Board finds that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 1. Staff finds the proposed use of a general retail trade use should not negatively affect the health, safety, and welfare of the public, as long as additional parking as required by the Zoning Ordinance is provided.
2. Will not adversely affect other property in the area in which it is located.
 1. Staff finds that the proposed use should not adversely affect other properties in the surrounding area, as long as additional parking as required by the Zoning Ordinance is provided.
3. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
 1. Section 5.053.2 C lists "general retail trade" as a special exception within the I-2 district. While the property is zoned PUD, not I-2, it does permit uses as allowed within the I-2 zone.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.
 1. Staff finds that this site may be able to conform to all provisions of the Municipal Zoning Ordinance as listed in Criteria Review Section 7.060 C.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangement has been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 1. Access to the site would utilize the existing driveways off of G Street.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
 1. Staff finds that the lot could provide sufficient space for off-street parking, as there are currently 32 striped parking spaces with additional area behind a gated area as well as in front of the building where additional parking could be added.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
 1. Refuse collection would need to be coordinated with a local company for disposal of waste.
4. Utilities, with reference to locations, availability, and compatibility.
 1. This location has access to all the necessary utilities including water, gas and sewer.
5. Screening and buffering with reference to type, dimensions and character.
 1. Not applicable.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 1. Staff finds that the proposed business could meet the signage and lighting requirements as stated above.
7. Required yard and other open space.
 1. Staff finds that this yard has the necessary yard and open space to meet setback requirements as the structure to be used for operations currently exists on site.
8. General compatibility with adjacent properties and other property in the district.
 1. Staff finds that the use may be compatible with other properties in the vicinity and other property in the district. Properties in the area are a mixture of commercial and industrial with a variety of uses. Other properties in the area zoned industrial have received prior

BZA approval for commercial uses.

9. The following additional rules apply for upper story residential development proposals:
 1. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
 2. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
 1. Not applicable.

Conclusion

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

No one spoke at the first public hearing.

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

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

Vote: 5 - 0 Passed - Unanimously

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

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

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



Staff Analysis

The applicant has requested a special exception to allow an attached accessory apartment on Sharp Springs Road. The property is zoned R-1, Low Density Residential, and is approximately 1.14 acres. Currently, the property is vacant. The applicant plans to construct a dwelling and have an accessory dwelling unit attached to the new primary dwelling. At this time, staff has not received information from the applicant regarding the size of the new house and attached accessory apartment.

Section 7.060 B of the Zoning Ordinance details the requirements for authorizing special exceptions. These are detailed below.

Special Exception Requirements

Section 7.060 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

Section 7.060 Procedure for authorizing special exceptions

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-206 of the Tennessee Code Annotated, by this ordinance, or whether a review is requested by the Building Official to determine whether a proposed use is potentially noxious, dangerous or offensive.

B. General Requirements:

A conditional use permit (a special exception) shall be provided the Board finds that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 1. Staff finds the proposed use of an attached accessory apartment should not negatively affect the health, safety, and welfare of the public.
 2. Will not adversely affect other property in the area in which it is located.

1. Staff finds that the proposed use should not adversely affect other properties in the surrounding area.
3. Is within the provisions of “Special Exceptions” as set forth in this ordinance.
 1. Section 5.051.1 C lists “accessory apartment” as a special exception within the R-1 district.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.
 1. Staff finds that this site may be able to conform to all provisions of the Municipal Zoning Ordinance as listed in Criteria Review Section 7.060 C.

C. Criteria for Review:

Prior to the issuance of a special exception, the Board shall make written findings certifying compliance with the specific rules governing individual special exceptions (Section 7.061), and that satisfactory provisions and arrangement has been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 1. Access to the site would utilize a new driveway off of Sharp Springs Road.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
 1. Staff finds that the lot is large enough to provide adequate off-street parking. At this time, however, staff has not received information regarding the proposed driveway length.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
 1. Refuse collection would need to be coordinated with a local company for disposal of waste.
4. Utilities, with reference to locations, availability, and compatibility.
 1. This location has access to water and gas along Sharp Springs Road. Sewer is shown to serve the site via a utility easement through property owned by the Town of Smyrna to the east. Access will need to be finalized through the Smyrna Utilities Department and require Town Council approval.
5. Screening and buffering with reference to type, dimensions and character.
 1. Not applicable.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 1. Staff finds that a proposed attached accessory dwelling unit use should fit the compatibility with properties in the same district in reference to the above effects.
7. Required yard and other open space.
 1. Staff finds that this yard has the necessary yard and open space to meet setback requirements as the property is over one acre in size.
8. General compatibility with adjacent properties and other property in the district.
 1. Staff finds that the use may not be compatible with adjacent properties due to other lots in the immediate vicinity not having accessory apartments on their properties. Other residentially zoned properties have requested accessory apartments over the past several years and have received approval.
9. The following additional rules apply for upper story residential development proposals:
 1. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
 2. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.

1. Not applicable.

Conclusion

Staff finds that this lot provides sufficient space to allow for the detached accessory apartment. If approved, staff recommends:

- Putting a condition on this request that the applicant will be required to pay all applicable fees associated with an accessory dwelling unit (Rutherford County Development Tax, Town of Smyrna Impact Fees, Codes inspection fees, etc.).
- Adding a condition that the building not be used for rental purposes.
- All applicable Code and Fire Department requirements shall be met.

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

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

Vote: 5 - 0 Passed - Unanimously

4. Staff comments and/or other business

5. Adjournment

Respectfully submitted:

Certified by:

Kevin Rigsby
Secretary

Jay Michaelson
Chairman



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Susan & Van Baggett	Owner <input checked="" type="checkbox"/>	New Structure <input type="checkbox"/>
Phone Number: 615-943-7907	Contractor <input type="checkbox"/>	Existing Structure <input checked="" type="checkbox"/>
Email: sfbaggett@yahoo.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 checked="" type="checkbox"/>	Special Exception <input type="checkbox"/>
Temporary Use Permit <input type="checkbox"/>	Administrative Review <input type="checkbox"/>

PROPERTY INFORMATION

Street Address: 210 Mill Creek Court, Smyrna TN. 37167		
Tax Map: 49 D	Group: C	Parcel: 5.00
Zoning:	Lot Area: 10,351 square feet	

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.

Originally told by the persons who built the carport that a permit was not needed because it is not attached to the house. We were notified by the city after it was built. It was built because I have mobility issues. Garage is too small with SUV to open doors to get out.

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: Susan J. Baggett Date: 6/4/2025

Office Use Only

Staff Initials:	Application Fee:	Date:
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Baggett
Setback Variance Request

Location: 210 Mill Creek Ct	Property Owner(s): Van & Susan Baggett
Tax Map/Group/Parcel #: 49D/C/5.00	
Zoning/Use Classification: R-3/Single-Family Residential	

Request: A front setback variance of 13' and a side setback variance of 6.5' for a detached carport.



Staff Analysis

The applicant has requested a 13' front setback variance and a 6.5' side setback variance to allow a detached carport at 210 Mill Creek Court. Setback requirements for detached structures within the R-3 district are 35' for the front setback and 8' for the side setback. With the requested setback variances, the structure would have a 22' front setback and a 1.5' side setback.

The structure was built without a building permit. The applicant stated their contractor advised a permit was not necessary for a detached structure. Codes enforcement observed the structure in January, prompting the homeowner to submit a building permit. This permit was subsequently denied due to the structure not meeting setback requirements.

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 not have unique circumstances in regards to the physical surroundings as the lot is uniformly rectangle in shape. However, there is a 20' PUDE along the rear lot line that does not affect the placement of this structure.
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 does not have a uniquely shaped lot, however the house is built up to the side lot lines which prevents a structure from being built on the side of the dwelling.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
 - Detached accessory structures are allowed by right within the R-3 zoning district, but are to adhere to all applicable 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, however the structure is already built.
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 contractor of the applicant constructed the structure without obtaining the proper permits at which point it would have been noted on a site plan that the structure is encroaching upon setbacks.
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 detached accessory structure encroaching upon the front and side setbacks.

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 due to the structure already being constructed.
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.
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 the property lacks unique physical characteristics. The structure was constructed by the applicant's contractor without proper permitting completed by the applicant or the contractor. While the variance request is the minimum to accommodate the existing structure and no available space on the side lot line for an alternative placement of the structure, several variance criteria remain unmet.



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:		APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Tuckers Point Ventures, GP		Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: (615) 714-7497		Contractor <input type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: rnoyes@freehillventures.net		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 checked="" type="checkbox"/>		Special Exception <input type="checkbox"/>	
Temporary Use Permit <input type="checkbox"/>		Administrative Review <input type="checkbox"/>	
PROPERTY INFORMATION			
Street Address: 8675 Rocky Fork Almaville Road			
Tax Map: 054	Group: N/A	Parcel: P/O 41	
Zoning: PRD		Lot Area: 8,380 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>The proposed request is for a rear setback variance for Lot 29, as shown on the preliminary plat for Tuckers Pointe. During the PRD and Preliminary Plat process the proposed lot indicated a 20' front and 35' rear setback and was reviewed and approved. During the construction plan approval process, Consolidated Utility District asked for an exclusive 30' easement in addition to the right of way dedication. This request increased the front setback from 20' to 30' to allow for the easement and impacted the ability to fit a house on the proposed lot. This request is for a setback variance on the rear of the lot from 35' to 28'. The driveway on this lot has been reconfigured from the typical in order to meet the requirement of 4 parking spaces for the single family home.</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: 		Date: 6/9/2025	
Office Use Only			
Staff Initials:	Application Fee:	Date:	



ISLAND SOLUTIONS
2825 BERRY HILL DRIVE, MEMPHIS, TN 37204

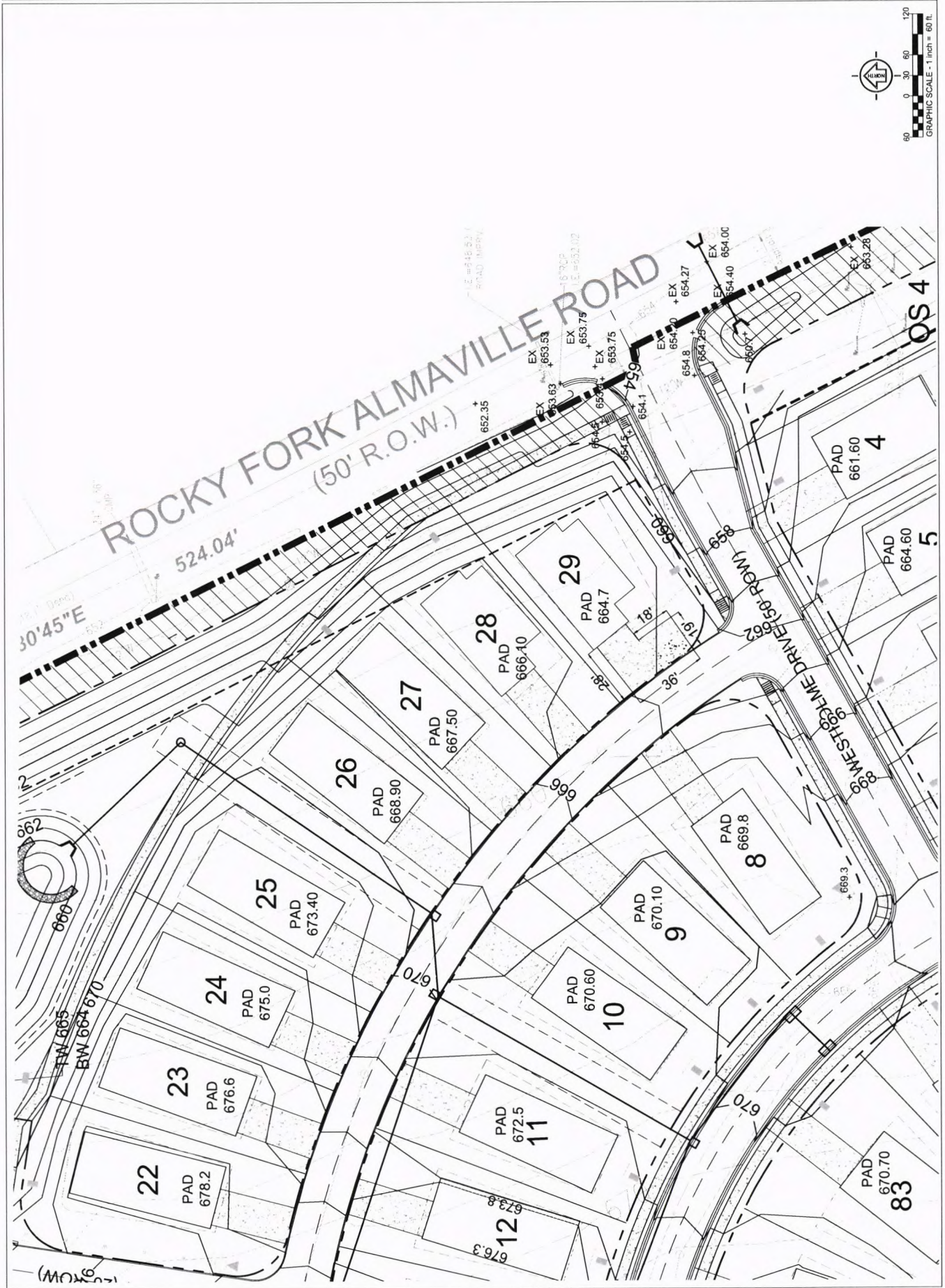
TUCKERS POINTE
PHASE 1
CONSTRUCTION PLANS
MAP 54, PARCELS 41 AND 44
8613 & 8675 ROCKY FORK ALMAVILLE ROAD
SMYRNA, RUTHERFORD COUNTY, TENNESSEE

RELINQUISH THESE NOTES:
AS-BUILT - FINAL EXHIBIT
AS-BUILT - PRELIMINARY
AS-BUILT - PRELIMINARY TO AS-BUILT
AS-BUILT - OLD PERMITS
AS-BUILT - LOT 29

EXHIBIT NUMBER: 54
DATE: 5/28/2025

LOT 29
DRIVEWAY
ADJUSTMENT
EXHIBIT
EXH6.0

INC 00004



Tuckers Point, Lot 29
Setback Variance Request

Location: Tuckers Point Subdivision	Property Owner(s): Tuckers Point Ventures GP
Tax Map/Part of Parcel #: 54/41.00	
Zoning/Use Classification: PRD/Single-Family Residential	

Request: A front setback variance of 10' for the principal structure.



Staff Analysis

A 10' front setback variance is requested to allow the principal structure on Lot 29 in the Tuckers Point subdivision to have a 28' front setback on Queensbury Alley. This PRD requires alley-loaded single family dwellings to meet 38' front setbacks on the alley with 20' front setbacks on other road frontages. Lot 29 has three road frontages to meet a front setback: Rocky Fork Almadale Road, Westholme Drive and Queensbury Alley. Westholme Drive and Rocky Fork Almadale Road have a 20' front setback requirement, while Queensbury Alley requires a 38' front setback.

This property is located within Consolidated Utility District's (CUD) service area. Following approval of the PRD zoning and preliminary plat for this subdivision, CUD requested an exclusive 30' easement in addition to the right of way dedication that was already to be provided for future road widening. The easement request constricts the area in which a dwelling could be located on this property while meeting all applicable setback requirements set by the PRD. The PRD zoning and preliminary plat have been reviewed and approved, however a final plat has not been submitted or recorded at this time to create the lot..

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 a unique circumstance in regards to the physical surroundings in that CUD has a water main located along one of the property lines.
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 does not have a uniquely shaped lot, however there are three setbacks that are required to be met as this is a corner lot. These three front setbacks create a constricted area for the principal structure to be placed on the property.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
 - Single family dwellings are a permitted use within this PRD, but are to adhere to all applicable setback requirements of the PRD.
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, however the purpose of this variance request is to construct a dwelling on this property to sell.
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 developer of the site, however, the requirement of the larger easement width and location was not a result of the developer's actions.
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 PRD district due to a structure encroaching upon a front setback.

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 due to the larger than normal utility easement width.
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 not be located in any easements.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.
 - 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 this property is traditionally shaped, but does have three front setbacks, which constrict the location of which a principal structure could be located on the property. The result of the water line easement location was unknown at the time of platting for the subdivision and has to be remedied afterwards.