



SMYRNA BOARD OF ZONING APPEALS

March 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 February 20, 2025 meeting
5. New Business:
 - a. Setback Variance:
 1. Tree of Hope, LLC
528 Breslin Avenue
 - b. Sign Variance:
 1. Gaven Schultz
291 Blair Road
6. Staff comments and/or other business
7. Adjournment



TOWN OF SMYRNA BOARD OF ZONING APPEALS

MEETING MINUTES

February 20, 2025

5:00 p.m.

Smyrna Town Hall

Chairman Jay Michaelson called the regular session of the Smyrna Board of Zoning Appeals to order on February 20, 2025 at 5:00 p.m. The invocation was given by Vanessa Haley and the Pledge of Allegiance was led by Vice-Chairman Scott Demonbreun.

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

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

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

Present: Planner; Mitchell Wensman, Planner; Kathryn Smith, Office Coordinator; Charles King, Engineer

1. Citizens' Comments:

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

2. Approval of Minutes of the January 16, 2025 meeting

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

Vote: 5 - 0 Passed - Unanimously

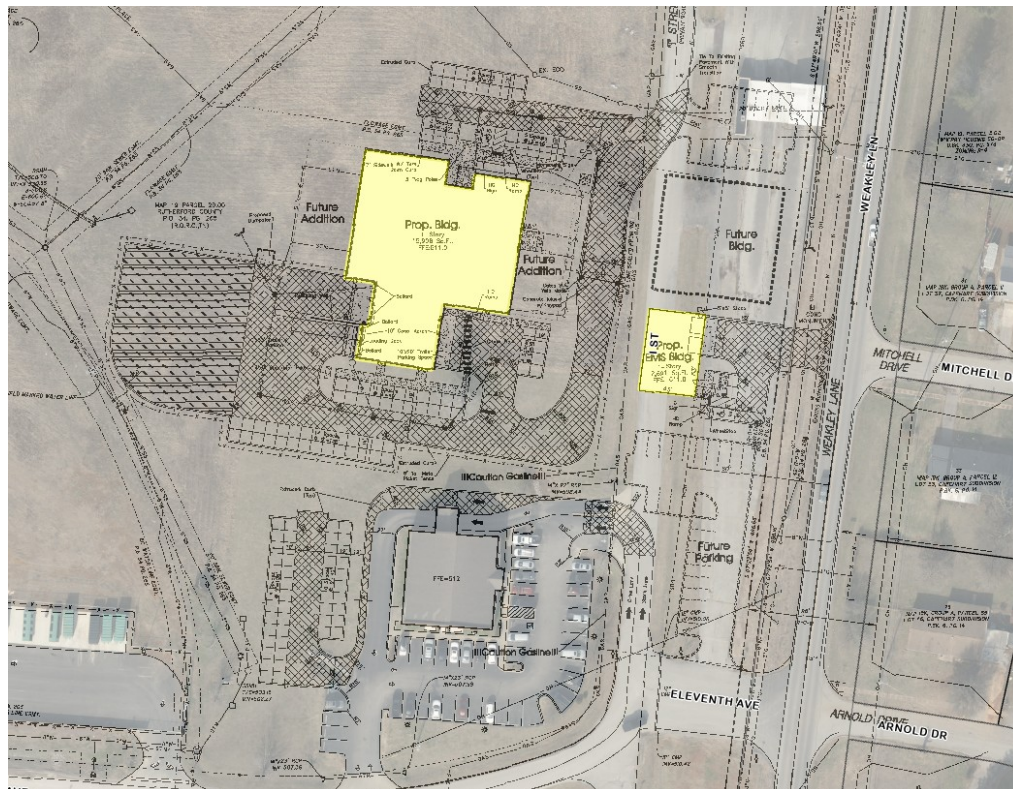
3. New Business:

a. Special Exception:

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

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

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



Staff Analysis

Rutherford County is proposing the addition of a medical examiners lab as well as an EMS facility on 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:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 1. Staff finds the proposed use of a government administrative services use should not negatively affect the health, safety, and welfare of the public.
2. Will not adversely affect other property in the area in which it is located.
 1. Staff finds that the proposed use should not negatively affect other property in the area in which it is to be located.
3. Is within the provisions of “Special Exceptions” as set forth in this ordinance.
 1. Section 5.053.2 C lists “government administrative services” as a special exception in the I-2 district.
4. Conforms to all applicable provisions of this ordinance for the district in which it is to be located as well as the provisions cited in Sections 7.060 and 7.061, and is necessary for public convenience in the location planned.
 1. Staff finds that this site may be able to conform to all provisions of the Municipal Zoning Ordinance as listed in Criteria Review Section 7.060 C.

C. Criteria for Review:

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

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 1. Access to the site would utilize a new access drive off of Weakley Lane across from Mitchell Drive for the EMS building and via I Street for the medical building.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
 1. Staff finds that plans submitted as part of this application show sufficient parking to accommodate these uses based on the Zoning Ordinance requirements.
3. Refuse and service areas, with particular reference to the items in 1. and 2. above.
 1. Refuse collection would need to be coordinated with a local company for proper disposal and collection of waste.
4. Utilities, with reference to locations, availability, and compatibility.
 1. This location has access to all utilities including gas, water and sewer.
5. Screening and buffering with reference to type, dimensions and character.
 1. Additional screening or buffering is not required in this instance, however a landscape plan has been submitted with the application and will be required to comply with Design Review Manual requirements during the site plan review.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 1. Staff finds that the proposed use of a governmental administrative services use would fit the compatibility with properties in the same district in reference to the above effects.
Lighting may not shine beyond the property lines.
7. Required yard and other open space.

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

Conclusion

Staff finds that the use of government administrative services on this property would meet all requirements of the Zoning Ordinance pertaining to special exceptions. This plan would still be required to be reviewed and approved by the Planning Commission for a site plan if the BZA granted approval for the use.

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

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

Vote: 5 - 0 Passed - Unanimously

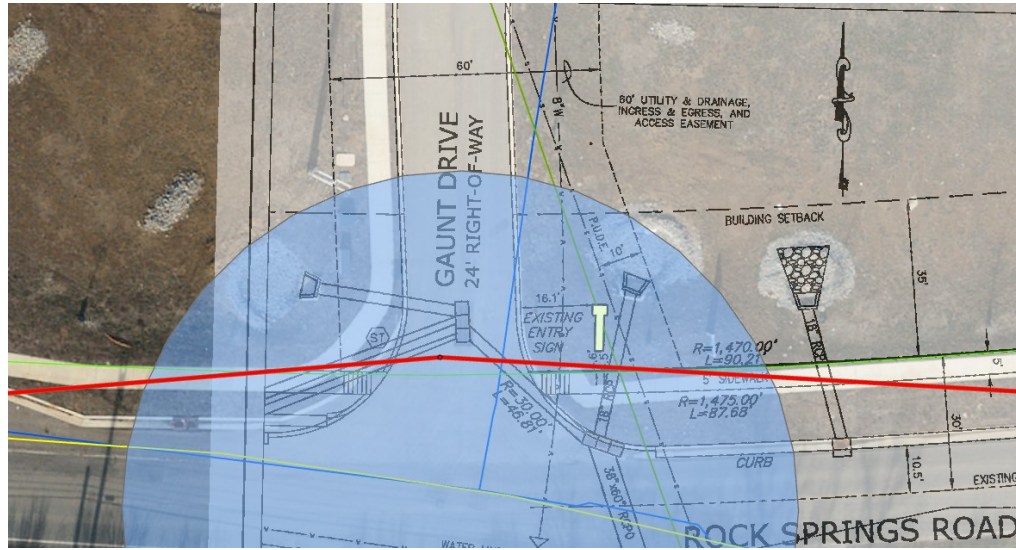
b. Sign Variance:

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

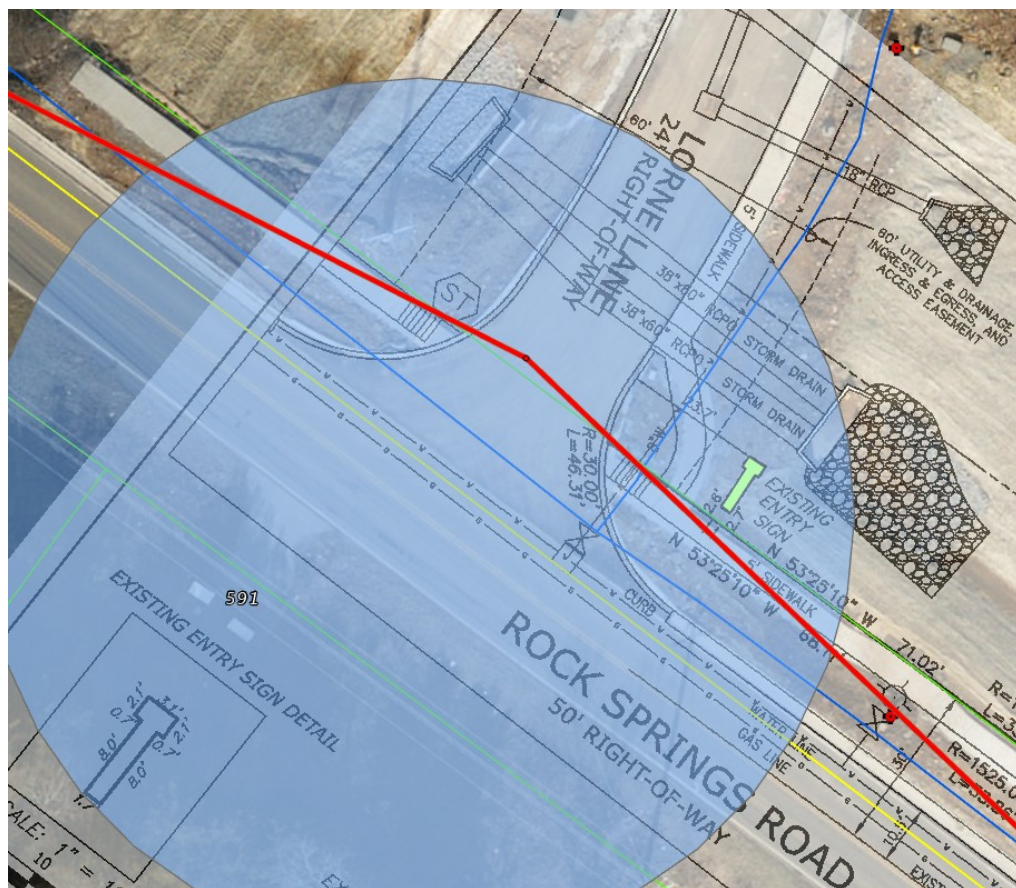
Location: Intersection of Rock Springs Road and Lorne Lane and Gaunt Drive	Property Owner: Harts Branch LLC
Tax Map/Group/Parcel #: 28E/A/16.00	Zoning/Use Classification: PRD/Multi-Family Residential

Request:

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



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



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

Light Green: Parcel Line

Staff Analysis

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

Chapter 9, Section F. 2 of the Sign Ordinance lists criteria that must be considered by the Board when evaluating a variance request.

(2) For an action granting a variance, the Board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular surroundings, shape, or topographic conditions of the specific property involved would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
 1. Staff finds that there are no unique circumstances in regards to surroundings or shape of the lot that would require the applicant to locate the subdivision entry signs in the locations shown. However, there are drainage features (underground pipes, outlet structures, detention ponds and slopes) on the property; these drainage features would not prevent the applicant from meeting the 75' setback requirement from the centerpoint of the intersections. The Public Works Director has granted approval for the placement of the signs on the drainage slopes so long as the vision triangle is not impeded.
2. The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
 1. A similar situation in The Villages subdivision on the corner of Seven Oaks Boulevard and Hawk Cove requested a setback variance for the placement of their subdivision entrance due to the proximity of drainage features. This variance was granted approval in March 2019.
3. The hardship has not been created by any person having an interest in the property.
 1. The subdivision, plat and drainage feature locations were completed by the applicant.
4. Financial returns only shall not be considered as a basis for granting a variance.
 1. The applicant has not identified financial returns as a reason for requesting the variance, however the signs have already been constructed.
5. The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of the ordinance.
 1. Staff finds the variance may not be detrimental to or injurious to other property or detrimental to the public welfare. Using details found in the Subdivision Regulations, staff created a vision triangle and found that the current placement of the signs do not impede motorists' vision.
6. The variance does not confer a special privilege to the applicant that is denied to others.
 1. Staff finds that signs are allowed, per the Sign Ordinance, however, it restricts the location for setbacks as to where the sign may be placed on the property.

Conclusion

Staff finds that the applicant installed the signs without applying for a sign permit; had the applicant contacted staff regarding a sign permit, the location would have been discussed at that time. There are

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

No one spoke at the public hearing.

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

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

Vote: 5 - 0 Passed - Unanimously

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

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

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



Staff Analysis

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

Chapter 9, Section F. 2 of the Sign Ordinance lists criteria that must be considered by the Board when evaluating a variance request.

(2) For an action granting a variance, the Board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship, and shall state the specific hardship which justifies the variance.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

1. The particular surroundings, shape, or topographic conditions of the specific property involved would result in an exceptional hardship upon the owner as distinguished from an inconvenience.
 1. Staff finds that there are no unique circumstances in regards to the surroundings, shape, or topographic conditions of the specific property. There is a 20' utility easement along the front of the lots which front Blair Road, which would prevent a sign from being located in that space.
2. The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties.
 1. Staff finds the conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties. The signs could be reduced in size to meet the 75' setback from the centerpoint of the intersection.
3. The hardship has not been created by any person having an interest in the property.
 1. The subdivision plat and construction of the dwellings was completed by the applicant.
4. Financial returns only shall not be considered as a basis for granting a variance.
 1. The applicant has not identified financial returns as a reason for requesting the variance.
5. The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of the ordinance.
 1. Staff finds the variance may not be detrimental to or injurious to other property or to the public welfare. Using details found in the Subdivision Regulations, staff created a vision triangle and found that the proposed placement of the signs do not impede motorists' vision.
6. The variance does not confer a special privilege to the applicant that is denied to others.
 1. Staff finds that signs are allowed, per the Sign Ordinance, however, it restricts the location for setbacks as to where the sign may be placed on the property.

Conclusion

Staff finds that the applicant is involved with the construction of the dwellings and subdivision of property to build the dwellings. The placement and size of the open spaces to locate the subdivision entrance signs is a constricted area and restricts the location desired to install these signs due to the design of the subdivision plat. A gas main is shown underneath the proposed location for the northern entrance sign. Signs cannot be located above any utilities.

No one spoke at the public hearing.

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

Vote: 5 - 0 Passed - Unanimously

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

Respectfully submitted:

Certified by:

Kevin Rigsby
Secretary

Chairman Jay Michaelson



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Tree of Hope LLC	Owner <input type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: 615-568-1785	Contractor <input checked="" type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: TREEOFHOPELLCTN@GMAIL.CO	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: 528 BRESLIN AVE		
Tax Map: 032D	Group: A	Parcel: 032D-A-042.00-000
Zoning: R-3	Lot Area: 40	

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.

Proposed addition runs into setback back of property. Please see attached site plan. 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:	Date: 03/05/2025
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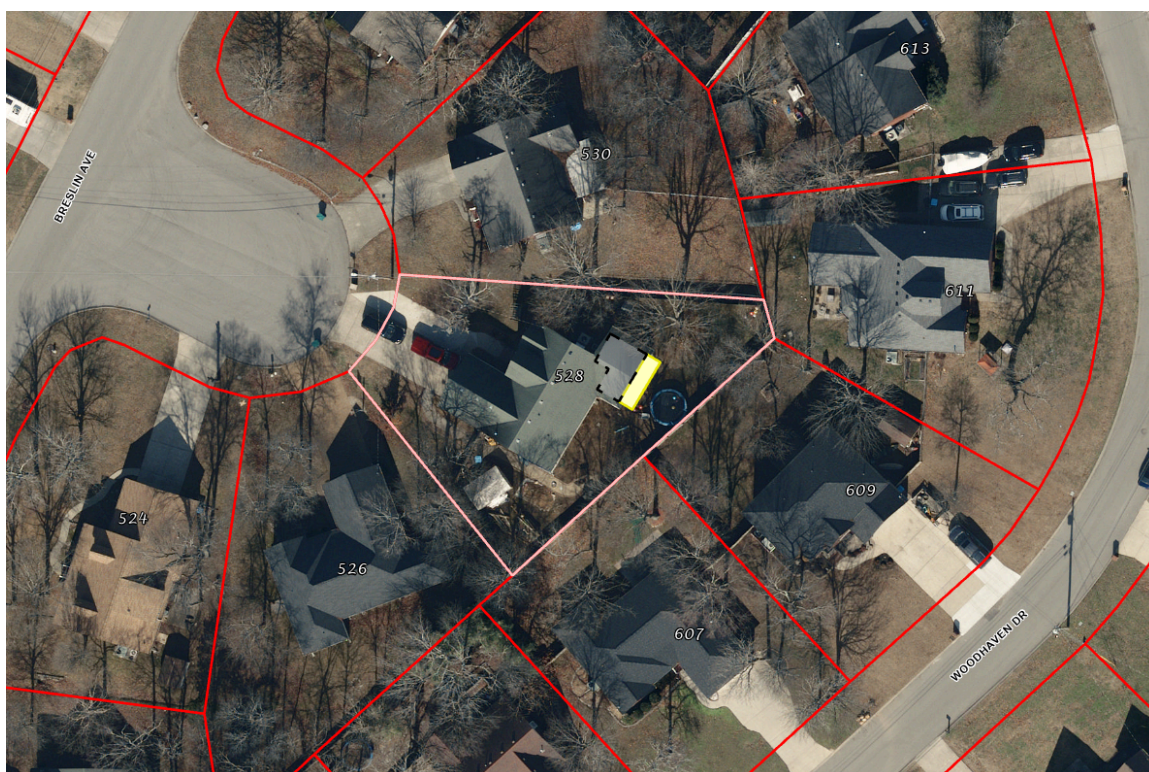
Office Use Only

Staff Initials: MW	Application Fee: 3500.00	Date: 3/7/2025
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Tree of Hope, LLC
Setback Variance Request

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

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



Staff Analysis

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

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

Section 7.080 D of the Zoning Ordinance details the requirements for variances not involving special flood hazard areas. These are detailed below.

Zoning Variance Requirements

Section 7.080 of the Municipal Zoning Ordinance lists general requirements for a zoning variance request. Those requirements and staff's findings are as follows:

Section 7.080 Procedure for authorizing zoning variances

The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

B. Standards for Variances not Involving Special Flood Hazard Areas:

The board shall not grant a variance unless it makes finding based upon evidence presented to it as follows:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.
 - Staff finds that the property does have unique circumstances in regards to the shape of the lot since it is located at the end of a cul-de-sac. Typical residential lots have four sides with a rectangular shape whereas the subject parcel resembles an oblong pie shape.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
 - The property has a uniquely shaped lot due to the cul-de-sac along the front lot line. This situation is not atypical of other lots within Town that are located on a cul-de-sac.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
 - Additions are allowed within the R-3 district, but are to adhere to all setback requirements of the principal structure.
4. Financial returns only shall not be considered as a basis for granting a variance.
 - 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 represents the homeowner, but was not involved with the creation of the lot.
6. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same districts.
 - Staff finds that the variance requested could provide the applicant with special privileges denied by the ordinance to other lands, structures, or buildings in the R-3 district due to a structure encroaching upon the rear setback.
7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
 - Staff finds that the requested setback variance may not be the minimum to make reasonable use of this structure for the proposed

use. An addition could still be constructed and meet setback requirements.

8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located.
 - 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 not a traditionally shaped lot and being at the end of a cul-de-sac creates a pie shaped lot. However, based on the submitted plans, an addition could still be constructed and meet setback requirements. A plan was previously submitted and constructed incorrectly, resulting in the demolition of the built addition. This plan is to construct the previously approved addition including an extra 126 square feet yielding a total addition of 408 square feet.



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Gaven Schultz	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: (979) 317-9422	Contractor <input type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: Gaven.Schultz@DreamFindersHomes.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: 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 53' on the southern Sign, along with 63' on the northern Sign. This variance will allow us to install the signs 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:
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Office Use Only

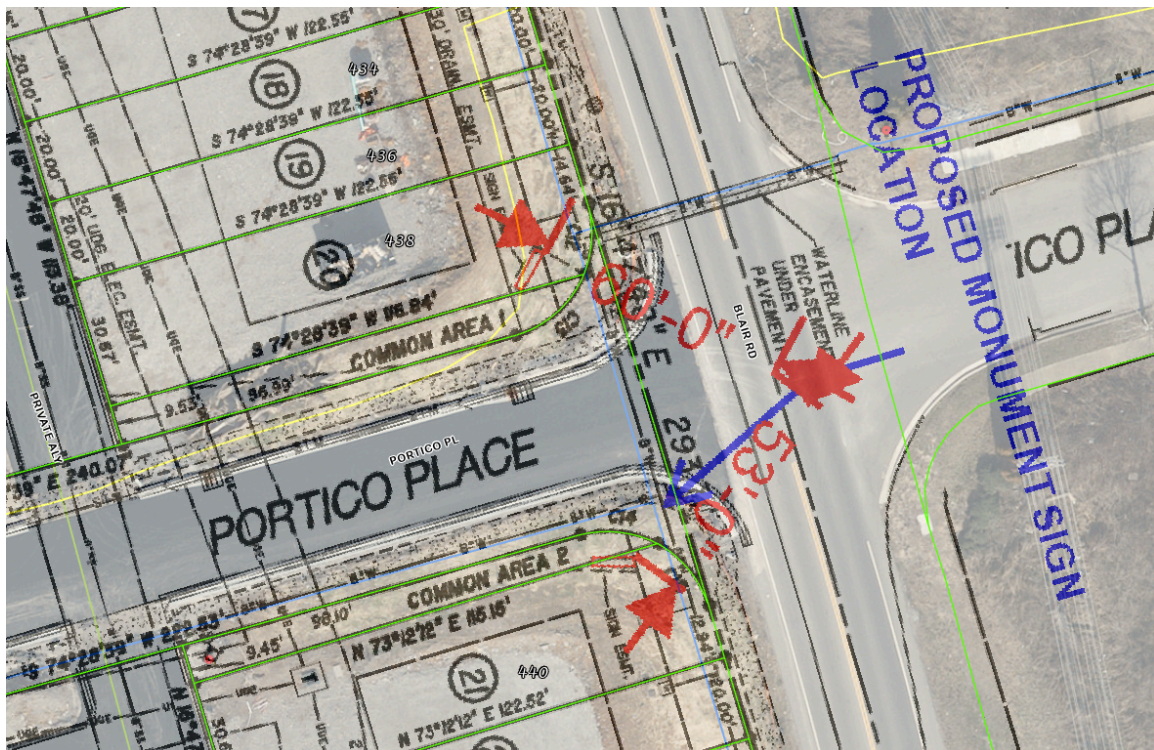
Staff Initials:	Application Fee:	Date:
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Portico Place Townhomes
Sign Variance Request

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 southern subdivision entrance sign, on the south side of Portico Place, 56' from the centerpoint of Portico Place and Blair Road.
- A sign variance of 15' to install a northern subdivision entrance sign, on the north side of Portico Place, 60' from the centerpoint of Portico Place and Blair Road.



Staff Analysis

Portico Place subdivision is requesting to install subdivision entrance signs at the northern and southern intersection of Portico Place and Blair Road. The Sign Ordinance requires a minimum setback from the centerpoint of the intersection of at least 75'. A sign easement area is shown on the plat, however no aspect pertaining to signage is reviewed as part of the plat process. All signs require a separate permit and are to meet Sign Ordinance requirements.

The applicant stated they are in discussions with the Utilities Department to locate the northern entrance sign within utility easements/within proximity of the underground utilities. In addition, the applicant has requested the southern entrance sign in the location shown due to the placement of utility pedestals in the nearby vicinity of the proposed location. The applicant states that if the signs were to meet setback requirements, it would be located behind the utility pedestal and interfere with the constructed townhomes.

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 and underground gas line on the northern side of Portico Place, which would prevent a sign from being located in that space without approval from the Utilities Department.
- (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 sign 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. The utility pedestals are a requirement of our Codes Department.
- (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 signs may be placed on the property.

Conclusion

Staff finds that the applicant is involved with the construction of the dwellings and subdivision of property to build the dwellings. The placement and size of the open spaces to locate the subdivision entrance sign is a constricted area and restricts the location desired to install a sign due to the design of the subdivision plat. Any sign placement within a utility easement or in close proximity to underground utilities will require approval from the Utilities Department. The utility pedestals are a requirement by our Codes Department, and placing the signs to meet setbacks would interfere with constructed townhomes to maintain visibility from Blair Road.