



**TOWN OF SMYRNA
BOARD OF ZONING APPEALS**



AGENDA

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

November 20, 2025

5:00 PM

Smyrna Town Hall

1. Call to Order

Prayer

Pledge of Allegiance

2. Citizen Comments

3. Approval or Correction of Minutes

a. October 16, 2025 regular meeting

4. New Business

a. Setback Variance

1. Regent Homes
6305, 6307, 6309, 6311 & 6313 Loudwater Court

5. Staff Comments and/or Other Business

6. Adjournment



**TOWN OF SMYRNA
BOARD OF ZONING APPEALS**



MINUTES

October 16, 2025

5:00 PM

Smyrna Town Hall

1. Call to Order

The meeting was called to order by Jay Michaelson at 05:00 PM in the Council Chambers at Smyrna Town Hall, 315 South Lowry Street, Smyrna, Tennessee.

The following Board of Zoning Appeals members and staff were present:

Members:

Jay Michaelson
Scott Demonbreun
Vanessa Haley
Don Hyde

Staff:

Mitchell Wensman, Planner
Kevin Rigsby, Town Planner
Kathryn Smith, Office Coordinator
Benjamin Groce, Staff Attorney
Todd Spearman, Asst. Town Manager
Kristi Worrell, Building Official

Prayer

The invocation was given by Vanessa Haley

Pledge of Allegiance

The Pledge of Allegiance was led by Scott Demonbreun

2. Citizen Comments

3. Approval or Correction of Minutes

3.a. June 17, 2025 regular meeting

Following a review of the Minutes of the October 16, 2025 meeting, Board Member Scott Demonbreun made a motion to approve the minutes; the motion was duly seconded by Board Member Don Hyde. The motion was approved 4-0.

4. New Business

4.a. Special Exception

**4.a.1. Sharon Hayden
605 General Barksdale Drive**

Sharon Hayden
Special Exception

Location: 605 General Barksdale Dr	Property Owner: Sharon Hayden
Tax Map/Group/Parcel: 50E/E/20.00	
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 605 General Barksdale Drive. The property is approximately 0.71 acres in size and zoned R-1, Low Density Single Family Residential. The applicant wishes to operate a hair salon located within the existing dwelling. The applicant would be the sole employee with the intent to serve approximately 5 clients per day of service, which would be on Wednesday and Thursday between the hours of 11 AM and 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 hair salon business should not negatively affect the health, safety, and welfare of the public due to the size of the lot and the proximity to neighboring homes and Almaville Road.
- 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 General

Barksdale 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 115' 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 an existing dwelling.
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.
- Maximum of five (5) clients per day of operation.
- The number of employees shall be restricted to people living in the dwelling on site.

No one spoke at the public hearing.

Following discussion, Board Member Scott Demonbreun made a motion to approve the special exception located at 605 General Barksdale Drive with staff recommendations. Board Member Vanessa Haley seconded the motion. Following further discussion, the motion was approved.

**4.a.2. Kenneth Klyver
219 Tarrytown Drive**

Kenneth Klyver
Special Exception

Location: 219 Tarrytown Drive	Property Owner: Kenneth & Reyna Klyver
Tax Map/Group/Parcel: 50C/A/14.00	
Zoning/Use Classification: R-1/Single Family Residential	

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



Staff Analysis

The applicant has requested a special exception to allow a detached accessory dwelling unit at 219 Tarrytown Drive. The property is approximately 0.58 acres in size and zoned R-1, Low Density Single Family Residential. The proposed ADU would be 525 square feet in size. There is also a 240 square foot shed that is preexisting in the rear yard. This new structure would serve as housing for aging family members and aid in caretaking. The structure would be located in the rear yard adjacent to the shed and would be required to meet all applicable setback requirements.

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

C. Criteria for Review:

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

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - Access to the site would utilize the existing driveway off of Tarrytown 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 115’ 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 the proposed ADU 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 additional building as they would not be exceeding the maximum allowed detached accessory square footage for their property.
 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 an ADU. Other properties, however, have received prior BZA approval for other requests in the same subdivision.
 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 detached accessory apartment:

- Putting a condition on this request that the applicant 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.

No one spoke at the public hearing.

Following discussion, Board Member Scott Demonbreun made a motion to approve the special exception located at 219 Tarrytown Drive with staff recommendations. Board Member Don Hyde seconded the motion. Following further discussion, the motion was approved 4-0.

5. Staff Comments and/or Other Business

6. Adjournment

Town of Smyrna, Tennessee

Jay Michaelson, Chairperson

Attest:

Kevin Rigsby, Secretary



**Town of Smyrna
Board of Zoning Appeals Meeting
Agenda Summary**

**Agenda Item Number 4.a.1.
Department: Planning
Date: November 20, 2025**

Subject:

Regent Homes
6305, 6307, 6309, 6311 & 6313 Loudwater Court

Summary:

Blakeney, Lots 115-119
Setback Variance Request

Location: 6305, 6307, 6309, 6311 & 6313 Loudwater Court	Property Owner(s): Regent Homes, LLC
Tax Map/Group/Parcels #: 54L/F/9.00, 10.00, 11.00, 12.00 & 13.00	
Zoning/Use Classification: PRD/Single-Family Residential	

Request: A front setback variance of 10' to reduce the minimum front setback from 35' to 25' along Loudwater Court for Lots 115-119.



Staff Analysis

A 10' front setback variance is requested to allow the principal structure on Lots 115-119 in the Blakeney subdivision to have a 25' front setback on Loudwater Court. The developer wishes to reduce the primary front setback to 25' for these lots. Per the applicant, the allowance of this variance would permit for more functional rear yards and minimize issues with grading and water runoff.

This PRD allows 25% of the single family lots to have a front setback of 25' with the remainder to have a 35' front setback. Several iterations of this PRD have been reviewed and approved by the Planning Commission and Town Council since 2017 resulting in various setbacks throughout the community ranging from 25' during the early phases to a mixture of 25' and 35' in the most recently approved documents.

The approved Final Plat for Blakeney, Section 3, Phase 2 depicts a typical lot detail showing front setbacks of 30' - 35' for the principal structure when facing the street and a 25' secondary front setback for corner lots. While the PRD is approved for 25' and 35', the developer is constructing dwellings within this section to have primary front setbacks of 30' and 35', which exceed the minimum of 25'.

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 properties do have a unique circumstance in regards to the physical surroundings and topographic conditions as the rear of the requested parcels contain a rock face resulting from grading the site prior to development.
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 properties do not have a uniquely shaped lot as there are no easements and one front setback per lot that would be customary with any normal buildable lot within other PRDs.
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 dwellings on these properties 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. As shown in a plot plan submitted for one of the lots (lot 119), a regular home floorplan can fit within setbacks, but does create a constricted rear yard for the future homeowner and steep rear yard based on the topography.
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 this section of the subdivision. The requested 25' primary front setback for the requested lots would not be abnormal for a lot within this subdivision as other lots have a 25' primary 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 not be the minimum to make reasonable use of this structure for the proposed use due to the grading and stormwater flow in the rear of the lots not affecting any future development of the parcel.
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 that these properties are traditionally shaped and do not have any easements present. A home could be built on the properties as the plat shows and meet all applicable setback requirements. Granting the variance would permit any future homeowner more usable back yard space when compared to the dwelling meeting a 35' front setback. This subdivision does have other lots which have a 25' front setback, so the request is not out of character for this subdivision.

Attachments:

1. RegentApplication1
2. RegentApplication











