



**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.

January 15, 2026

5:00 PM

Smyrna Town Hall

1. Call to Order

Prayer

Pledge of Allegiance

2. Citizen Comments

3. Approval or Correction of Minutes

- a. November 20, 2025 regular meeting

4. New Business

- a. Special Exception

- 1. Michael Woods
1068-1070, 1072-1084 & 1088 Courier Place

5. Staff Comments and/or Other Business

6. Adjournment



**TOWN OF SMYRNA
BOARD OF ZONING APPEALS**



MINUTES

November 20, 2025

5:00 PM

Smyrna Town Hall

1. Call to Order

The meeting was called to order by Jay Michaelson, Chairperson 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, Chairperson
Scott Demonbreun
Jerome Dempsey
Don Hyde
Vanessa Haley

Staff:

Mitchell Wensman, Planner
Kevin Rigsby, Town Planner
Kathryn Smith, Office Coordinator
Benjamin Groce, Staff Attorney
David Santucci, 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. October 16, 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 4-0-1. Jerome Dempsey abstained.

4. New Business

4.a. Setback Variance

4.a.1. Regent Homes

6305, 6307, 6309, 6311 & 6313 Loudwater Court

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.

Following discussion, Board Member Scott Demonbreun made a motion to deny the Setback Variance request for 6305, 6307, 6309, 6311 & 6313 Loudwater Court due to lack of hardship. Board Member Vanessa Haley seconded the motion. Following further discussion, the motion was approved 5-0.

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.
Department: Planning
Date: January 15, 2026**

Subject:

Special Exception

Summary:

Attachments:

None



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

**Agenda Item Number 4.a.1.
Department: Planning
Date: January 15, 2026**

Subject:

Michael Woods
1068-1070, 1072-1084 & 1088 Courier Place

Summary:

Michael Woods
Special Exception

Location: 1068-1070, 1072-1084 & 1088 Courier Place	Property Owners: Charles Higgins & Michael Woods
Tax Map/Group/Parcel: 50N/A/8.01	
Zoning: I-1	

Request: For a special exception to allow contract construction services, consumer repair services, general business service and general retail trade uses within an I-1 zoning district.



Staff Analysis

The applicant has requested a special exception to allow contract construction services, consumer repair services, general business services and general retail trade uses within the I-1 zoned property at 1068-1070, 1072-1084 & 1088 Courier Place. The property is zoned I-1, and currently has a variety of tenants ranging from contractors, a food market, suppliers, warehouse and shipping, security system sales and install and a staffing agency, among others. A majority of the tenants on site have low, if any, customer visits, rather primarily office spaces for the employees with business related product storage. This request is to formalize compliance for those tenants, who operate on site and future tenants, whose business operations necessitate a special exception as per the Zoning Ordinance.

Previous BZA requests have been presented in 2005 for a bar/restaurant, and in 2023 for the existing food market and staffing agency. The request in 2005 was denied due to inadequate parking concerns and the request from 2023 was approved.

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 requested uses should not negatively affect the health, safety and welfare of the public as the uses presented as part of this request are present on site today.
- b. Will not adversely affect other property in the area in which it is located.
 - Staff finds that the proposed use should not adversely affect other properties in the surrounding area as the surrounding properties have a variety of commercial and industrial uses.
- c. Is within the provisions of "Special Exceptions" as set forth in this ordinance.
 - Section 5.053.1 C lists "contract construction services", "consumer repair services", "general business service" and "general retail trade" as special exceptions within the I-1 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 continue to utilize the existing driveways off of Courier Place.
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 could provide sufficient space for off-street parking, as there are approximately 112 striped parking spaces on this parcel to support all tenants. Due to the nature of the businesses, staff does not foresee high traffic volumes to impact this property.
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 exists.
4. Utilities, with reference to locations, availability, and compatibility.
 - This location has access to the necessary utilities including water and sewer.
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 business could meet the signage and lighting requirements as stated above.
7. Required yard and other open space.
 - Staff finds that this yard has the necessary yard and open space to meet setback requirements as the structures to be used for operations currently exist on site.

8. General compatibility with adjacent properties and other property in the district.
 - Staff finds that the use may be compatible with other properties in the vicinity and other property in the district. Properties in the area contain a variety of uses that are commercial and industrial in nature.
9. The following additional rules apply for upper story residential development proposals:
 - a. All upper story residential development proposals shall require a certified statement demonstrating a firm agreement for parking reserved exclusively for the use of the upper story residential development.
 - b. All upper story residential development proposals shall be in compliance with all Building, Utility, and Housing Codes within the Smyrna Municipal Code.
 - Not applicable.

Conclusion

Staff finds that this lot provides sufficient space to allow for the uses of contract construction services, consumer repair services, general business services and general retail trade in addition to uses as allowed by right within the I-1 zoning district. Other properties in the area are zoned a mixture of commercial and industrial with a variety of uses.

Attachments:

1. Woods Application_Redacted



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: <u>J. Michael Woods</u>	Owner <input checked="" type="checkbox"/>	New Structure <input type="checkbox"/>
Phone Number: [REDACTED]	Contractor <input type="checkbox"/>	Existing Structure <input checked="" type="checkbox"/>
Email: [REDACTED]	Other <input type="checkbox"/>	Signage <input type="checkbox"/>

THIS REQUEST IS FOR:

Zoning Variance Sign Variance
 Setback Variance Special Exception
 Temporary Use Permit Administrative Review

PROPERTY INFORMATION

Street Address: 1068 - 1088

Tax Map: <u>A 050N</u>	Group: <u>A</u>	Parcel: <u>008.01</u>
Zoning: <u>I-1</u>	Lot Area: <u>3.40</u>	

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. The complex known as Courier Place Center consisting of (4 Buildings) was approved and built just over 20 years ago as flex space (office warehouse). Several current tenants move closely fit the uses permitted in 5.053.1 pg. C of the light industrial district as a special exception. We therefore request that all uses as a special exception be approved for the complex.

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: J. Michael Woods Date: 12/18/25

Office Use Only

Staff Initials: <u>mw</u>	Application Fee: <u>300.00</u>	Date: <u>12.19.25</u>
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Courier Place Center
1068-1088 Courier Pl

Activities:

Construction Sales and Services

Wireless communication systems for institutions

Refurbishes/Remodels Kitchens and Bathrooms for homes and
Institutions

Supplies electrical components to manufacturers

Building contractor for roofs, remodels, and repairs

Electrical and Mechanical contractor

Provides flooring and cabinets for kitchens and bathrooms

Warehousing/shipping goods

Pest Control

Security and entertainment systems for home/commercial

Building contractor providing drywall services

C. Uses Permitted as Special Exceptions

In the I-1, Light Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Group assembly, other than racetracks (auto, motorcycle, dog, and horses), and drag strips.
2. Food and beverage service.
3. Food service take-out.
4. Commercial recreation.
5. Contract construction services.
6. Consumer repair services.
7. Intermediate impact facilities.
8. Government administrative services.
9. Automotive service and repair, except for auto towing services.
10. Convenience commercial.
11. General business service.

12. General personal service.
13. General retail trade.
14. Boat dealers.
15. Religious facilities.
16. Entertainment and Amusement Services

B. Uses Permitted.

In the I-1, Light Industrial District, the following uses and accessory uses are permitted:

1. Warehousing goods transport and storage.
2. Airports, air cargo terminals, and heliports.
3. Wholesale sales.
4. Limited manufacturing.
5. Intermediate manufacturing.
6. Aircraft dealers.
7. Animal care and veterinary services.
8. Agricultural activities.
9. Essential public transport, communication, and utility services.

10. Signs as regulated by Town ordinance.
11. Plant and forest nurseries.
12. Building materials and farm equipment sales.
13. Dairies and truck gardens.
14. Auto towing services.