



**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.

May 21, 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. April 16, 2026 regular meeting
- 4. New Business**
 - a. Setback Variance
 1. Drazan Kozul
404 Valley View Drive
 - b. Special Exception
 1. James Lebberes
131 & 133 Weakley Lane
 - c. Zoning Variance
 1. James Elliott
603 Rockglen Trace
- 5. Staff Comments and/or Other Business**
- 6. Adjournment**



**TOWN OF SMYRNA
BOARD OF ZONING APPEALS**



MINUTES

April 16, 2026

5:00 PM

Smyrna Town Hall

1. Call to Order

The meeting was called to order by Jay Michaelson, Chairperson at 05:01 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:

Staff:

Jay Michaelson, Chairperson

Mitchell Wensman, Principal Planner

Wayne Blair

Kathryn Smith, Office Coordinator

Jerome Dempsey, Council Member

Benjamin Groce, Staff Attorney

Don Hyde

Todd Spearman, Asst. Town Manager

Tyler Short

David Santucci, Town Manager

Prayer

The invocation was given by Don Hyde.

Pledge of Allegiance

The Pledge of Allegiance was led by Tyler Short.

2. Citizen Comments

3. Election of Officers

Chairman Jay Michaelson requested that the Town Attorney proctor the elections of Chair and Vice Chair. Only one nomination was made by Jerome Dempsey for Jay Michaelson to serve as Chair and nominations ceased. The vote in favor of Jay Michaelson was unanimous. Next, nominations were taken for the position of Vice Chair. Jerome Dempsey nominated Wayne Blair for the position of Vice Chair and there were no further nominations from the floor. The vote in favor of Wayne Blair was unanimous.

4. Approval or Correction of Minutes

4.a. March 19, 2026 regular meeting

Following a review of the Minutes of the March 19, 2026 meeting, Council Member Jerome Dempsey made a motion to approve the minutes; the motion was duly seconded by Board Member Wayne Blair. The motion was approved 5-0.

5. New Business

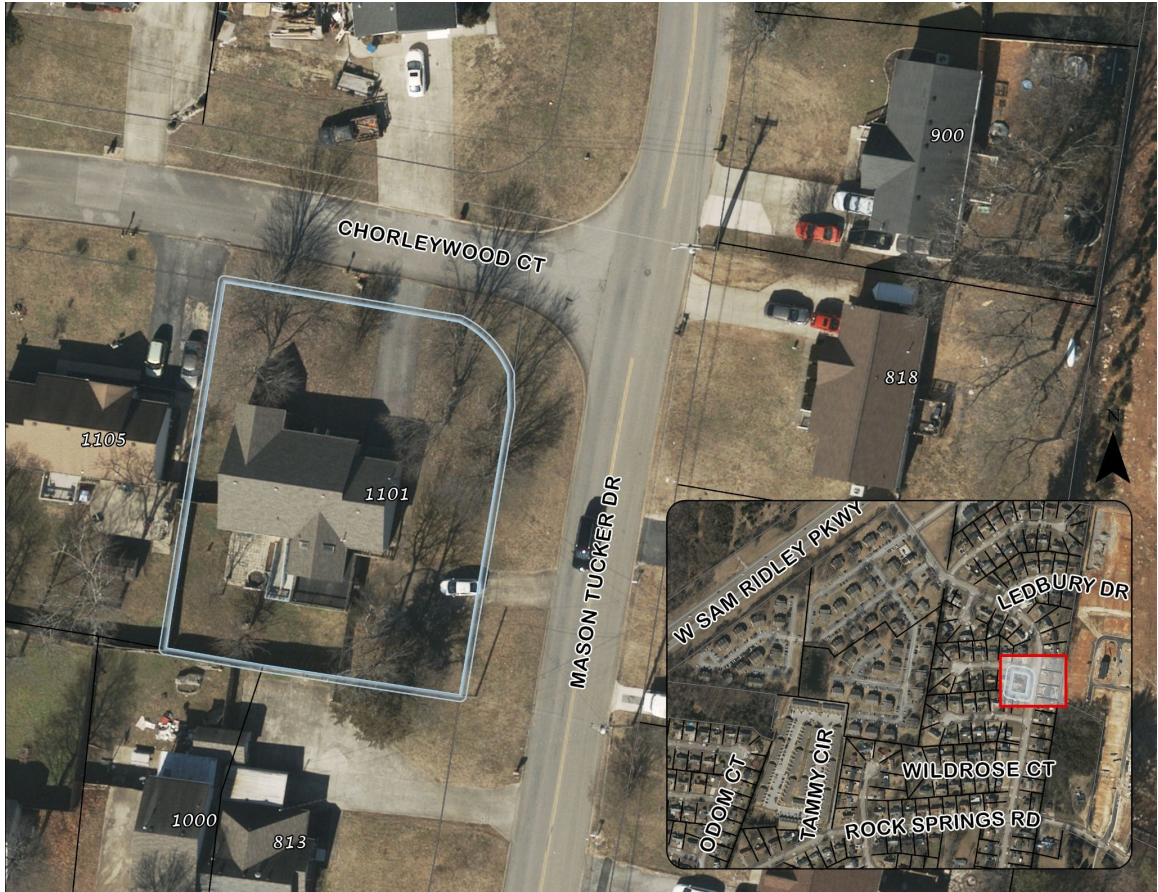
5.a. Special Exception

**5.a.1. Teresa Bankston
1101 Chorleywood Court**

Teresa Bankston
Special Exception

Location: 1101 Chorleywood Ct.	Property Owner: Teresa Bankston
Tax Map/Group/Parcel: 28C/A/61.00	
Zoning/Use Classification: R-4/Single Family Detached 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 dwelling unit at 1101 Chorleywood Court. The property is 12,571 square feet, or 0.28 acres, in size and zoned R-4, Medium Density Residential. This addition would serve as separate living quarters for family members while visiting and taking care of the applicant's family. The addition would be located on the south side of the dwelling and would be required to meet all applicable setback requirements. Proposed to be included in the addition would be new bedrooms, bathrooms and a kitchen.

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

Special Exception Requirements

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

Section 7.060 Procedure for authorizing special exceptions

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

B. General Requirements:

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

- a. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
 - Staff finds the proposed use of an attached 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 5.051.4 C of the Municipal Zoning Ordinance lists accessory apartments as a special exception within the R-4 zoning district. Accessory apartments may only be considered by the Board of Zoning Appeals within the R-4 zoning district if the principal use is one detached single-family dwelling, which is the case for the requested property.
- 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.
 - The current residence has two existing driveways; one off of Mason Tucker Drive and one off of Chorleywood Court that would continue to be used as the primary points of access to the site.
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 driveways are approximately 65' in length, each.
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 water, sewer and gas.
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 as it will be attached to the existing dwelling.
7. Required yard and other open space.
 - Staff finds that this yard has the necessary yard and open space for the addition as they would be required to meet all applicable setback requirements. A plan submitted by the applicant shows the proposed addition would not encroach upon the setbacks.

8. General compatibility with adjacent properties and other property in the district.
 - Staff finds that the use may not be compatible with adjacent properties as there have been no previous requests for accessory apartments within this subdivision. Other variance requests have been presented, but not pertaining to accessory dwellings.
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 attached accessory apartment and would recommend the following conditions if approved:

- 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.

At this time, Chairperson, Jay Michaelson closed the Board of Zoning Appeals meeting and opened the Public Hearing.

Tom Mayhugh spoke regarding the request. With no other speakers, Chairperson, Jay Michaelson closed the Public Hearing and resumed the Board of Zoning Appeals meeting.

Following discussion, Council Member Jerome Dempsey made a motion to approve the Special Exception for 1101 Chorleywood Court with the above listed staff comments. Board Member Wayne Blair seconded the motion. Following further discussion, the motion was approved 5-0.

6. **Staff Comments and/or Other Business**
7. **Adjournment**

Town of Smyrna, Tennessee

Jay Michaelson, Chairperson

Attest:

Kevin Rigsby, Secretary



Town of Smyrna
Board of Zoning Appeals Meeting

Agenda Item Number 4.a.
Department: Planning

Agenda Summary

Date: May 21, 2026

Subject:

Setback Variance

Summary:

Attachments:

None



Town of Smyrna
Board of Zoning Appeals Meeting

Agenda Item Number 4.a.1.
Department: Planning

Agenda Summary

Date: May 21, 2026

Subject:

Drazan Kozul
404 Valley View Drive

Summary:

Drazan Kozul
Setback Variance

Location: 404 Valley View Drive	Property Owners: Drazan & Sanvila Kozul
Tax Map/Group/Parcel: 27E/B/65.00	
Zoning: R-3	

Request: A front setback variance of 28' to reduce the minimum front setback from 40' to 12' along Griswold Court.



Staff Analysis

The applicant has requested a 28' front setback variance along Griswold Court for an above ground pool approximately 12' off of the property line. Codes Enforcement noticed the pool being constructed without a permit. The homeowner was made aware that a permit would be required and subsequently applied for a building permit. The permit was denied due to front setback encroachment. Had the applicant submitted for a building permit prior to installation of the pool, they would have been made aware of any and all setbacks at that point. Due to the setback encroachment and the pool having been completed, a setback variance request has been applied for to remedy the violation.

The lot is a corner parcel, which means any structures would be required to meet two front setbacks. When the subdivision was platted in 1992, a 40' front setback was required, which is five feet more than the requirement today of 35'.

An inspection of the pool will need to be conducted by Codes to ensure all appropriate provisions are met. Additional permits may be required as a result of the findings of the initial inspection.

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 property having a 40' front setback for any structures built.
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 is a corner lot and has two front setbacks to meet as a result. These two front setbacks create a constricted rear yard for the property owner to build within.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
 - Pools are allowed by right within the R-3 zoning district, but are to adhere to any 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 pool is already finished.
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 home owner, 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 within the R-3 zoning district due to a structure being located within the front setback. Other requests have been presented to the Board of Zoning Appeals for similar situations in previous years, and received approval.
 7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
 - Staff finds that the requested setback variance may not be the minimum to make reasonable use of this structure for the proposed use as the fence could be relocated and the pool reduced in size to meet setback requirements. Based on the current pool size, a variance would be required as other structures in the rear yard would prevent the applicant from meeting 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.
 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 the property at 404 Valley View Drive is a corner lot, thus requiring two front setbacks to be met for any structure. To that extent, the plat requires a 40' front setback when compared to the R-3 Zoning Ordinance requirement today of 35'. The pool was being constructed/finished when noticed by Codes Enforcement. A permit was then applied for by the applicant and was denied due to setback encroachment.

Attachments:

1. Kozul Application_Redacted



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: Drazan Kozul	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 <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: **404 Valley View Dr Smyrna Tn**

Tax Map: 27E	Group: B	Parcel: 65.00
Zoning: R-3	Lot Area: 18,607 SF / 0.42 AC	

DESCRIPTION OF APPEAL

Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request.

I respectfully submit this request for a variance regarding the required 40-foot setback for an above-ground pool at my property located at 404 Valley View Dr, application number 26-38851
 At the time of installation, I was not aware that a permit was required for an above-ground pool. I sincerely apologize for this oversight. As soon as I became aware of the requirement, I took immediate steps to apply for the proper permit and work with the Town to bring everything into compliance. The pool has already been installed in a location that best fits the constraints of the property. Relocating it to meet the full 40-foot setback would be extremely difficult and would significantly limit the functionality of the remaining yard space. I would also like to note that: The pool does not create any known safety hazards, it does not interfere with traffic visibility, it does not negatively impact neighboring properties. I am fully committed to complying with all other applicable safety and building requirements and will make any reasonable adjustments necessary to meet Town standards. I respectfully request your consideration in granting this variance due to the unique limitations of the property and the circumstances described above.

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: 04/14/2026
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Office Use Only

Staff Initials: <u> </u>	Application Fee: 300	Date: 5.12.26
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Town of Smyrna
Board of Zoning Appeals Meeting

Agenda Item Number 4.b.
Department: Planning

Agenda Summary

Date: May 21, 2026

Subject:

Special Exception

Summary:

Attachments:

None



Town of Smyrna
Board of Zoning Appeals Meeting

Agenda Item Number 4.b.1.
Department: Planning

Agenda Summary

Date: May 21, 2026

Subject:

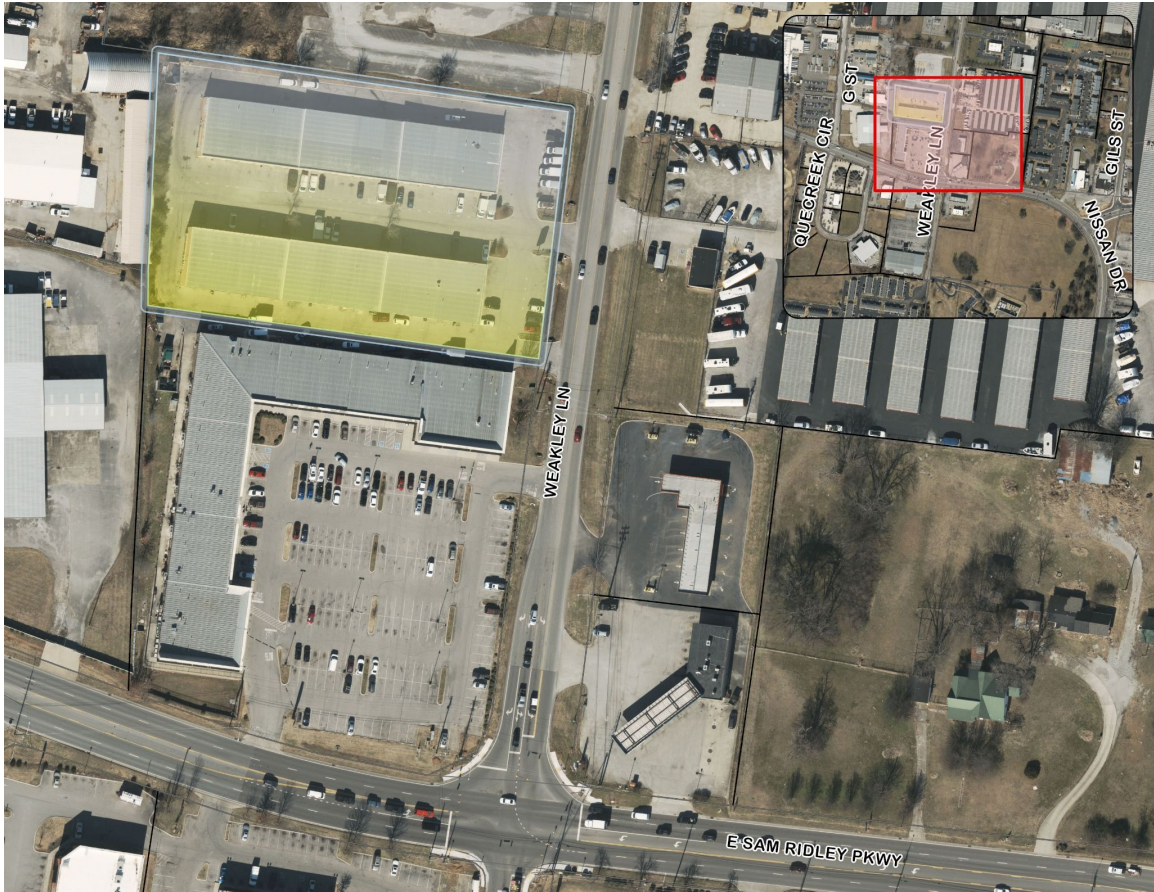
James Lebberes
131 & 133 Weakley Lane

Summary:

James Lebberes
Special Exception

Location: 131 & 133 Weakley Lane	Property Owners: Richland South LLC/Jim & John Realty II LLC
Tax Map/Parcel: 19/33.05	
Zoning: I-1	

Request: For a special exception to allow contract construction services uses within an I-1 zoning district.



Staff Analysis

The applicant has requested a special exception to allow contract construction services uses within the I-1 zoned property at 131 and 133 Weakley Lane. The property is zoned I-1, and currently has a variety of tenants existing on site, most of which are not industrial in nature. Over the years, approximately 20 special exception requests have been presented to allow these businesses to operate within an industrial district on this property. 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 allow any contract construction business to operate on this site, specifically, this request is resulting from a HVAC business.

A BZA request was presented to the Board in 2009, and was approved for a HVAC repair training business in suite 145. Due to the Minutes from the August 2009 meeting stating the approval was for a specific suite, this request is required to permit the potential use within any suite on the property.

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 there are a variety of other commercial businesses present on this property 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" as a special exception 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 driveway off of Weakley Lane.
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. Due to the nature of a majority of the businesses on site, staff does not foresee high traffic volumes to impact this property as a result of this business.
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, sewer and gas.
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 and would be required to submit a sign permit application if signage is desired.
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 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. Lebberes Application_Redacted



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: James Lebberes	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 <input checked="" type="checkbox"/>	Sign Variance <input type="checkbox"/>
Setback Variance <input type="checkbox"/>	Special Exception <input type="checkbox"/>
Temporary Use Permit <input type="checkbox"/>	Administrative Review <input type="checkbox"/>

PROPERTY INFORMATION

Street Address: 133 Weakley Ln		
Tax Map: 34 pg 201	Group: <small>Weakley PI subdivision amended lots 1&2</small>	Parcel: 019-033.05.000
Zoning: I-1	Lot Area: 2.44 acres	

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.

We wish to lease suite 220 to an HVAC contractor and understand the use requires planning commission approval.

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: <i>ML</i>	Application Fee: <i>300</i>	Date: <i>5.4.26</i>
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Town of Smyrna
Board of Zoning Appeals Meeting

Agenda Item Number 4.c.
Department: Planning

Agenda Summary

Date: May 21, 2026

Subject:

Zoning Variance

Summary:

Attachments:

None



Town of Smyrna
Board of Zoning Appeals Meeting

Agenda Item Number 4.c.1.
Department: Planning

Agenda Summary

Date: May 21, 2026

Subject:

James Elliott
603 Rockglen Trace

Summary:

James Elliott
Zoning Variance

Location: 603 Rockglen Trace	Property Owners: Myra & James Elliott
Tax Map/Group/Parcel: 33N/D/30.00	
Zoning: R-3	

Request: Zoning variance request to exceed the maximum allowed detached accessory structure square footage.



Staff Analysis

The applicant has requested a zoning variance to allow for a 1,200 square foot detached accessory structure at 603 Rockglen Trace.

Per the Zoning Ordinance, accessory structures are allowed within the R-3, medium density single family residential zoning district. Residential lots are allocated a total maximum detached accessory structure square footage, which increases with lot size. The requested property at 603 Rockglen Trace is approximately 29,913 square feet, which would allow for a maximum of 800 square feet of detached accessory structures. For a property owner to build a total of 1,200 square feet of detached structures, their property would need to be at least 1 acre in size.

The applicant states the structure would be used for storage for vehicles, tools, lawn equipment and other household items as well as providing a space for general family usage. It is further stated by the applicant that the structure would not be used for commercial purposes, habitation, or any other activity not permitted by the Zoning Ordinance.

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 lot is unique in shape as it is angled towards the north at the rear of the site. There is a 20' public utility and drainage easement along the rear property line, but does not affect this request. Additionally, the property has an approximate 10-12 foot drop from the front of the property to the rear in the aforementioned easement.
2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
 - Staff finds there are no unique circumstances with this lot.
3. The variance will not authorize activities in a zone district other than those permitted by this ordinance.
 - Accessory structures are permissible in residential districts, but are not to exceed the maximum allowed detached accessory square footage on the parcel.

4. Financial returns only shall not be considered as a basis for granting a variance.
 - The property owner has not identified financial returns as a reason for requesting a 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 alleged difficulty or hardship as stated by the applicant is due to the shape of the lot and utilizing the maximum buildable area on the parcel. The applicant was not involved with the creation of this 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 may provide the applicant with special privileges denied by the ordinance to other lands, structures, or buildings in the R-3 district due to the lack of hardship relating to the request.
7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
 - Staff finds that the request is not the minimum that will make possible the reasonable use of the property based on the applicant's request.
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 should 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 there is no physical hardship pertaining to the request. While the lot is a unique shape when compared to a standard R-3 zoned parcel in Town, it is not a justified hardship for requesting an overage of the maximum allowable detached accessory square footage. The proposed use of the structure is consistent with requirements set forth in the Zoning Ordinance for any other residential property owner.

Attachments:

1. Elliott Application_Redacted



Town of Smyrna

Board of Zoning Appeals Application

APPLICANT INFORMATION:	APPLICANT IS:	THE PROPOSAL PERTAINS TO:
Name: James Elliott	Owner <input checked="" type="checkbox"/>	New Structure <input checked="" type="checkbox"/>
Phone Number: [REDACTED]	Contractor <input type="checkbox"/>	Existing Structure <input type="checkbox"/>
Email: [REDACTED]	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: **603 Rock Glen Trace, Smyrna, TN 37167**

Tax Map: 33N	Group: D	Parcel: 03000
Zoning: R-3	Lot Area: 29,913 SF / 0.68 AC	

DESCRIPTION OF APPEAL

Describe your request and why a variance is needed. Please submit a site plan and/or photographs if applicable to your request.

See Attached Documents:

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: <i>James Elliott</i>	Date: 5/6/2026
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Office Use Only

Staff Initials: <i>_____</i>	Application Fee: 300.00	Date: 5.6.26
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To: Planning and Zoning Department
Town of Smyrna

Dear Planning and Zoning

I am writing to formally request approval for the construction of a 30-foot by 40-foot (1,200 square foot) detached garage to be located on my residential property within the Town of Smyrna. The proposed structure is intended to function strictly as an accessory building, subordinate to the primary residence, and will be used for personal storage and family-related activities. This includes the storage of vehicles, tools, lawn equipment, and other household items, as well as providing space for general family use. The structure will not be used for commercial purposes, habitation, or any activity inconsistent with the Town of Smyrna's zoning regulations.

This request is made with careful consideration of the applicable provisions of the Town's Municipal Zoning Ordinance. The proposed garage size of 1,200 square feet is consistent with the maximum allowable size for accessory structures on qualifying residential lots. The structure will be placed in compliance with all required setbacks and will not encroach upon any restricted areas of the property.

Additionally, the unique and irregular shape of the lot presents practical limitations in terms of layout and usable space. Due to these constraints, a 30 × 40 structure represents the most efficient and reasonable use of the available buildable area while still maintaining full compliance with zoning requirements. A smaller structure would not adequately serve the functional needs of the property, while this proposed size allows for proper placement and accessibility without adversely impacting surrounding properties.

The proposed garage is consistent with the intent of the zoning ordinance in that it is incidental and subordinate to the primary residential use, and it contributes to the overall functionality, organization, and livability of the property. In the event that any aspect of this request is determined to require a variance, I respectfully request consideration based on the practical difficulties imposed by the lot's irregular configuration, as well as the reasonable and customary residential use of the proposed structure. I appreciate your time and consideration of this request. Please let me know if additional documentation, site plans, or information is required to assist in your review.

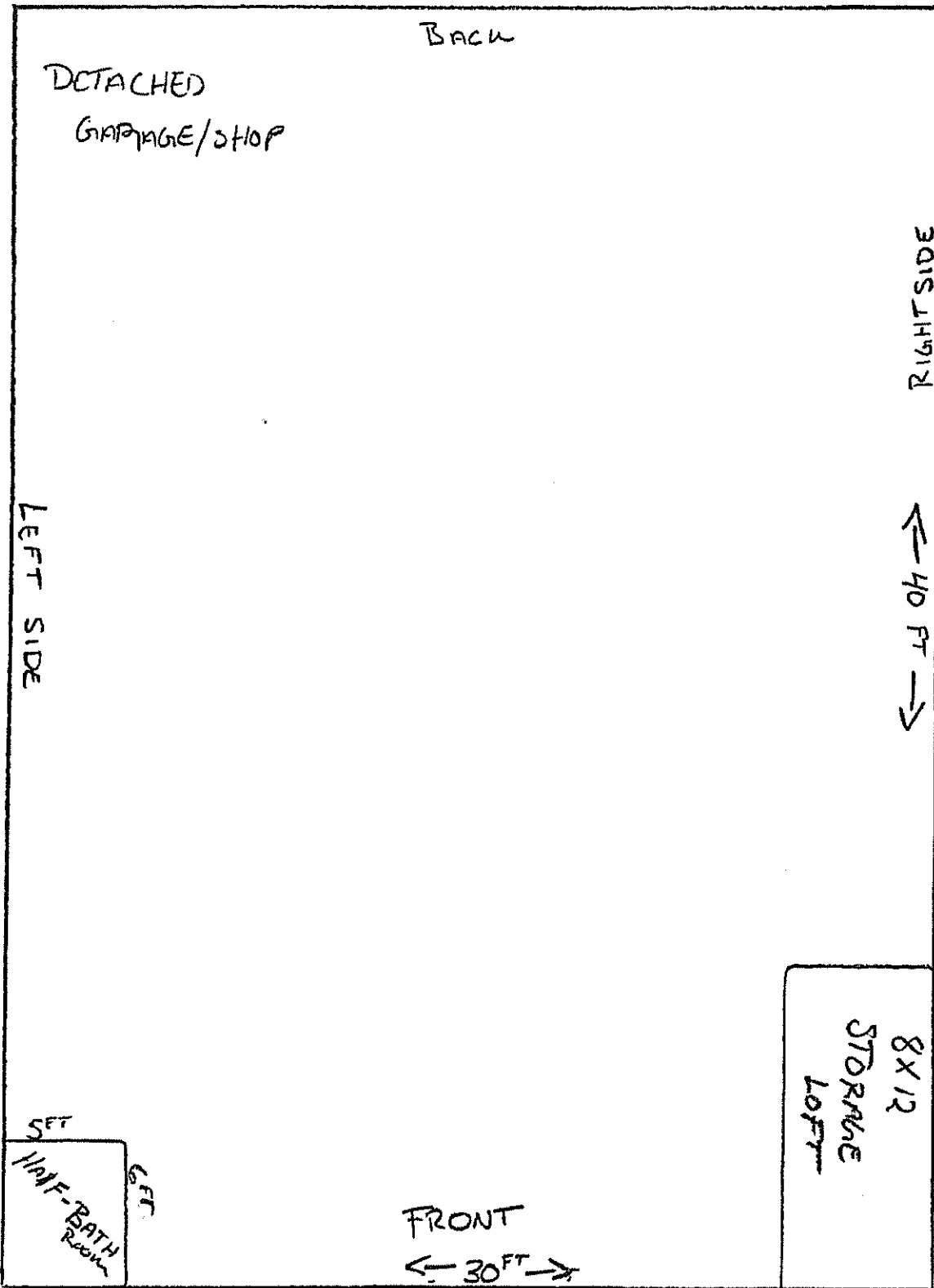
Sincerely, James Elliott

603 ROCK GLEN TRACE
SMYRNA, TN 37167

*ELECTRICAL + PLUMBING NO A/C

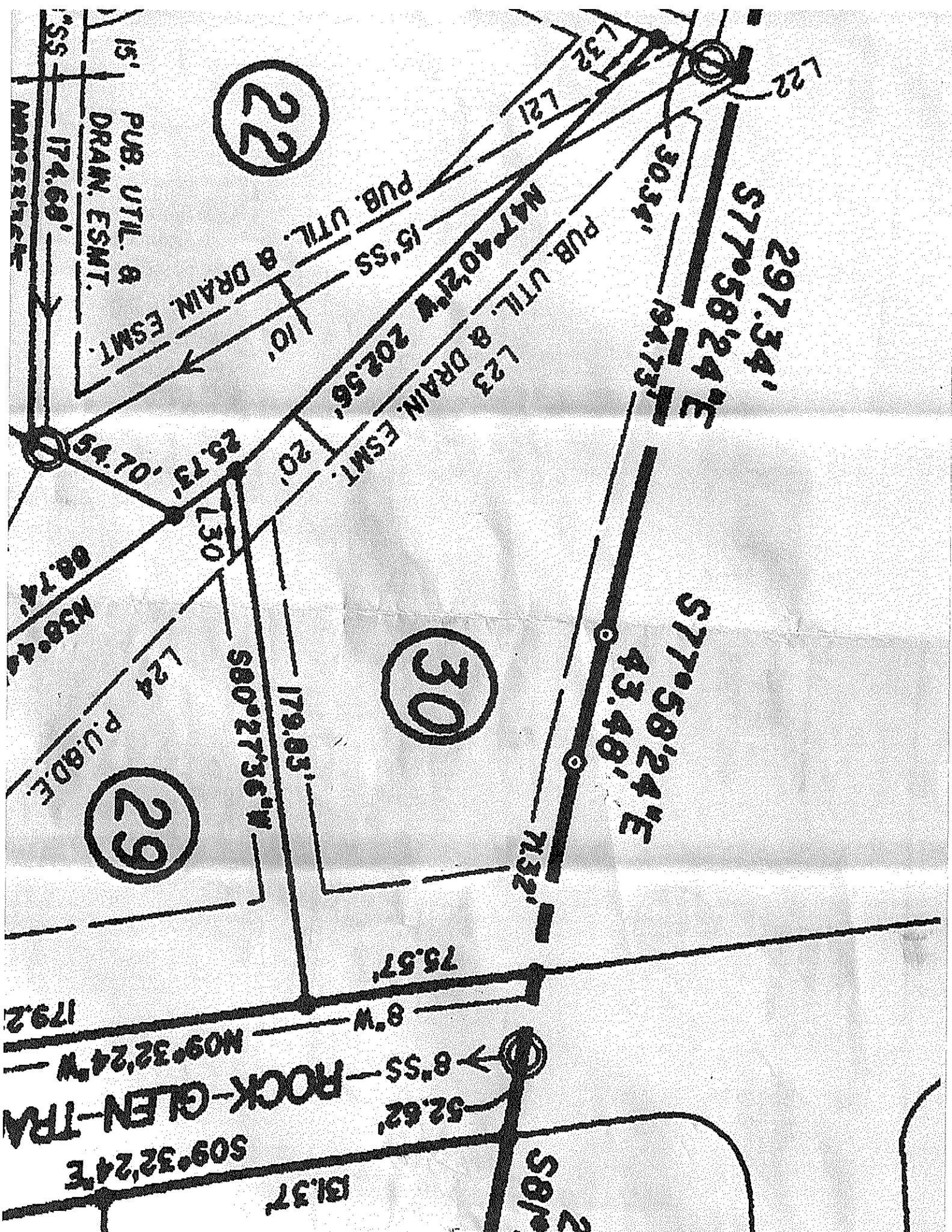
175 FEET TO
END OF PROP.

90 FEET TO PROP. LINE



12 FEET TO PROP. LINE

ROADWAY/DRIVEWAY-



22

30

29

297.34'

S77°58'24"E

43.48'E

732'

PUB. UTIL. & DRAIN. ESMT.

PUB. UTIL. & DRAIN. ESMT.

PUB. UTIL. & DRAIN. ESMT.

ROCK-GLEN-TRA

S09°32'24"E

N09°32'24"W

8" W

15' PUB. UTIL. & DRAIN. ESMT.

174.68'

SS

ADDRESS

N38°4'

88.74'

L24 P.U. 80'E

S80°27'36"W

179.83'

L30

25.73'

0.74'S

L23

L21

L32

L22

52.62'

81.37'

581'

8" SS