



**TOWN OF SMYRNA
BOARD OF ZONING APPEALS**



MINUTES

June 18, 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:

Jay Michaelson, Chairperson
Wayne Blair
Jerome Dempsey, Council Member
Don Hyde
Tyler Short

Staff:

Mitchell Wensman, Principal Planner
Kevin Rigsby, Town Planner
Kathryn Smith, Office Coordinator
Kyle Evans, Town Attorney
Todd Spearman, Asst. Town Manager
David Santucci, Town Manager
Josh Dawsey, Planner

Prayer

The invocation was given by Board Member Don Hyde.

Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Jerome Dempsey.

2. Citizen Comments

3. Approval or Correction of Minutes

3.a. May 21, 2026 regular meeting

Following a review of the Minutes of the May 21, 2026 meeting, Board Member Wayne Blair made a motion to approve the minutes; the motion was duly seconded by Board Member Don Hyde. The motion was approved 5-0.

4. New Business

4.a. Setback Variance

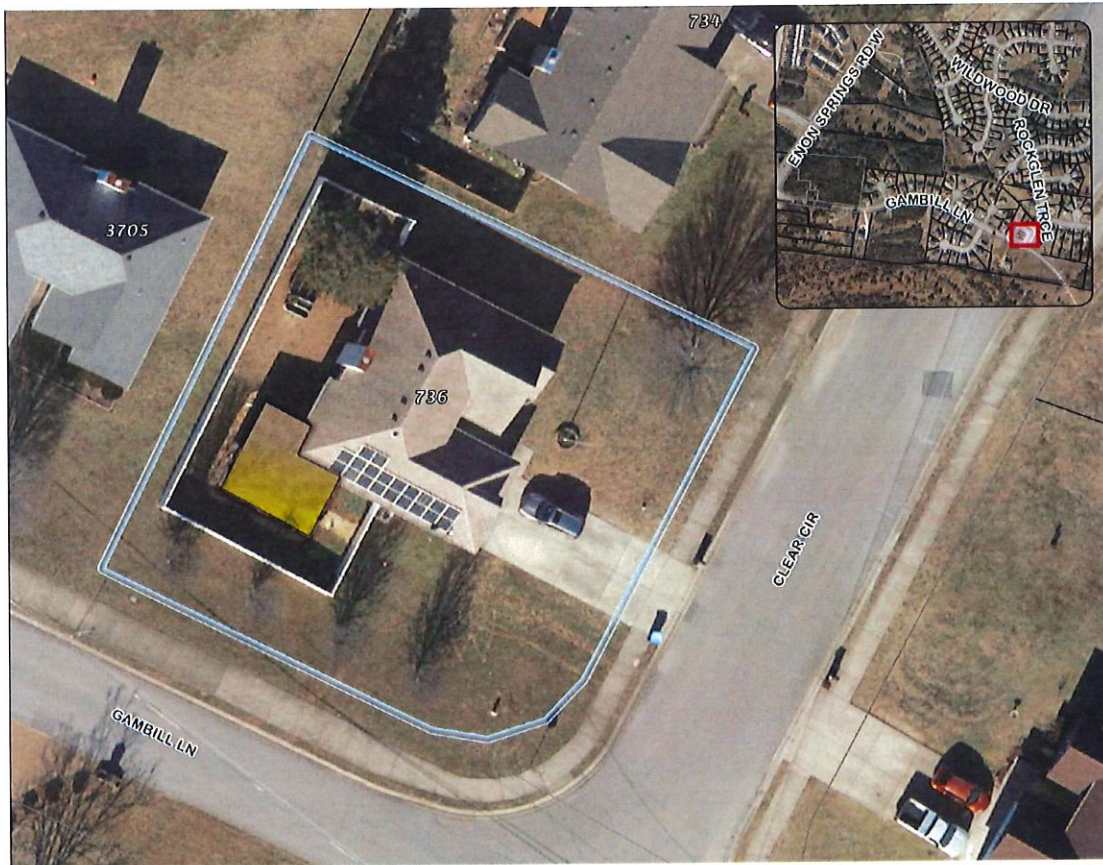
**4.a.1. Ericka Coronado
736 Clear Circle**

Ericka Coronado

Setback Variance

Location: 736 Clear Circle	Property Owner: Ericka Coronado
Tax Map/Group/Parcel: 33N/D/27.00	
Zoning: R-3	

Request: A front setback variance of 9' to reduce the minimum front setback from 35' to 26' along Gambill Lane and a rear setback variance of 7' to reduce the minimum rear setback from 20' to 13'.



Staff Analysis

The applicant has requested a 9' front setback variance along Gambill Lane for a covered patio approximately 26' off of the property line. In addition, a rear setback variance has been requested for the same structure of 7' to reduce the rear setback from 20' to 13'. Upon Codes Enforcement encountering a separate issue, which has since been resolved on the same property, the covered patio

was noticed to not have any permits and in violation of setback requirements. As a result, the applicant has submitted a setback variance request to have the already completed structure be brought into compliance with a variance.

The applicant had hired a contractor to build the 20' x 20' covered patio, attached to the principal structure. Per the applicant, the contractor noted that no permitting would be required on the homeowners part, however no permits were applied for by the contractor either.

The lot is a corner parcel, which means any structures would be required to meet two front setbacks. A 20' public utility & drainage easement (PUDE) exists along the front property line of Gambill Lane. No interference of any easements are occurring with the location of the covered patio.

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

Zoning Variance Requirements

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

Section 7.080 Procedure for authorizing zoning variances

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

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

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

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated.

- Staff finds that the property does not have any unique circumstances in regards to the shape, surroundings or topographic conditions.
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.
 - Attached structures are allowed by right within the R-3 zoning district, but are to adhere to any applicable 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, however the covered patio has already been constructed.
 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 may not provide the applicant with special privileges denied by the ordinance to other lands, structures, or buildings within the R-3 zoning. Structures may not be built within setbacks unless a setback variance has been granted by the Board of Zoning Appeals.
 7. The variance is the minimum that will make possible the reasonable use of the land, building, or structure.
 - Staff finds that the requested setback variance may be the minimum to make reasonable use of this structure for the proposed use as the structure is already built. Without a variance, the roof could extend beyond the home approximately 5' towards

Gambill Lane and the rear property line.

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 736 Clear Circle is a corner lot, thus requiring two front setbacks to be met for any structure. In addition, the rear setback of the principal structure must be met as the covered patio is attached to the principal structure. If the structure were detached, it would still be required to meet the front setback, but be allowed to be 5' off the rear property line. The structure was completed in 2024 without permits applied for by the applicant, or contractor. Had permits been applied for, the setback issues would have been discovered and addressed at that time.

At this time, Chairperson, Jay Michaelson closed the Board of Zoning Appeals meeting and opened the Public Hearing. Ericka Coronado of 736 Clear Circle 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, Board Member Wayne Blair made a motion to approve the Setback Variance for 736 Clear Circle with staff recommendations due to hardship of

the two front setbacks. Council Member Jerome Dempsey seconded the motion. Following further discussion, the motion was approved 5-0.

4.b. Special Exception

4.b.1. Eli Waldron 107, 109 & 111 Threet Industrial Road

Eli Waldron Special Exception

Location: 107, 109 & 111 Threet Industrial Road	Property Owner: Giant Garages LLC
Tax Map/Parcel: 18/6.05	
Zoning: I-2	

Request: For a special exception to allow contract construction services, consumer repair services and general business services uses within an I-2 zoning district.



Staff Analysis

The applicant has requested a special exception to allow contract construction services, consumer repair services and general business services uses within the I-2 zoned property at 107, 109 and 111 Threet Industrial Road. The property is zoned I-2, and currently has a variety of tenants existing on site including HVAC technician, general contractor, painter and contract construction services. 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 resulted from an erosion fence installation company requesting a business license for this location and to bring all existing tenants into compliance.

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 low impact 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 5.053.2 C lists contract construction services, consumer repair services and general business service uses as a special exception within the I-2 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 Threet Industrial Road.
2. Off-street parking and loading areas where required, with particular attention to the items in item 1. above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
 - 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 these businesses.

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 businesses 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 being used for operation 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. Surrounding zoning in the vicinity of the subject property contains a mixture of C-2, I-1, I-3 and A-1.

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 and general business services in addition to uses as allowed by right within the I-2 zoning district. Other properties in the area are zoned a mixture of commercial and industrial with a variety of uses.

At this time, Chairperson, Jay Michaelson closed the Board of Zoning Appeals meeting and opened the Public Hearing. Nobody spoke at the Public Hearing. Chairperson, Jay Michaelson closed the Public Hearing and resumed the Board of Zoning Appeals meeting.

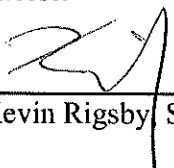
Following discussion, Council Member Jerome Dempsey made a motion to approve the Special Exception for 107, 109, & 111 Threet Industrial Road with staff recommendations. Board Member Tyler Short seconded the motion. Following further discussion, the motion was approved 5-0.

5. Staff Comments and/or Other Business

At this time, Principal Planner, Mitchell Wensman advised everyone that the Comprehensive Plan Survey has been extended to July 5, 2026.

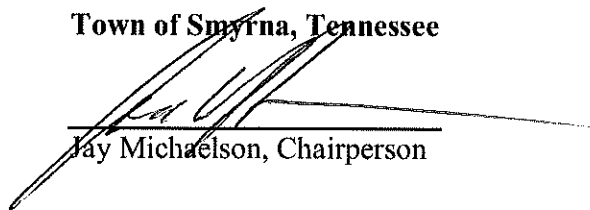
6. Adjournment

Attest:



Kevin Rigsby Secretary

Town of Smyrna, Tennessee



Jay Michaelson, Chairperson