

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, May 27, 2020, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order
2. Determination of a quorum
3. Consideration of minutes for the regular meeting on April 22, 2020
4. New Business

Variance Request

- a. **Application Z-20-023 by Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc., for Believers Tabernacle, Inc.**, is requesting a variance from Section 9(D)(2)(zz)[1] of the City of Murfreesboro Zoning Ordinance, which states that parking areas for institutional group assembly uses shall not be located in the required front yard. This variance request pertains to a proposed parking lot at an existing institutional group assembly use (a church) in a Residential Single-Family (RS-15) zone on property located at 700 County Farm Road and on the adjacent parcel to the west identified as Tax Map 136E, Group A, Parcel 00400. (Project Planner: Jafar Ware)

Special Use Permit Requests

- b. **Application Z-20-015 by Mr. Joey Rouse, for TNT Fireworks East**, is requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Commercial Highway (CH) zone for property located at 2050 Lascassas Pike. (Project Planner: Austin Cooper)
- c. **Application Z-20-022 by Mr. Robert McClain**, is requesting a special use permit in order to operate a temporary outdoor vending establishment (produce sales) in a Commercial Highway (CH) zone for property located at 1807 Memorial Boulevard. (Project Planner: Austin Cooper)

5. Staff Reports and Other Business
6. Adjourn

Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals

April 22, 2020 – 1:00 P.M.
Zoom Video Meeting

MEMBERS VIDEO PRESENT

Davis Young, Chair
Ken Halliburton, Vice-Chair
Tim Tipps
Julie King
Misty Foy

MEMBERS ABSENT

STAFF PRESENT

Jafar Ware, *Planner*
Brad Barbee, *Landscape Site Plan Inspector*
Amelia Kerr, *Planner*
Marina Rush, *Principal Planner*
David Ives, *Deputy City Attorney*
Roman Hankins, *Assistant City Attorney*
Greg McKnight, *Planning Director*
Matthew Blomeley, *Assistant Planning Director*
Brenda Davis, *Recording Assistant*

Chairman Young called the meeting to order at 1:00 P.M and determined that there was a quorum present.

Chairman Young asked for a motion to perform the meeting electronically as necessary to protect the health, safety, and welfare of Tennesseans and Murfreesboro citizens in light of the COVID-19 outbreak.

Mr. Halliburton made a motion to perform the meeting electronically. The motion was seconded by Ms. Foy. Upon roll call the motion was passed by the following vote:

Aye: Misty Foy
Ken Halliburton
Julie King
Tim Tipps
Davis Young

Nay: None

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The minutes from the February 26, 2020 regular meeting were approved as submitted.

New Business

Special Use Permit Requests

Application Z-19-027 by Ms. Kristy Allen, requesting a special use permit in order to conduct a home occupation (a beauty shop) at her residence located at 3877 Manson Pike. The property is located in a Residential Single-Family (RS-15) zone.

Mr. Ware reviewed the application and staff comments. If the Board approves this request, Staff recommends the following conditions of approval:

- 1) Customer visits shall be by appointment only.
- 2) No more than one customer at a time shall visit the home-based business and there shall be no overlapping appointments.
- 3) Any proposed signage shall comply with the Zoning and Sign Ordinances, shall be attached to the home, shall not exceed 3 square-feet, and shall be subject to any applicable permitting requirements.
- 4) The business shall open only on Tuesdays thru Saturdays and it shall open no earlier than 8:30 AM and shall close no later than 5:30 PM.

Mr. & Mrs. Dan and Kristy Allen were present to answer any questions.

Mr. Tipps asked Mr. Ware to address the surrounding neighborhood relative to the subject location at 3877 Manson Pike. He was under the impression this property was located close to the Chamber of Commerce and the event facility at the end of Manson Pike.

Mr. Ware made Mr. Tipps aware the Chamber of Commerce is on the other side of I-24, adding this property is located to the west of I-24.

Mr. Tipps asked again about the surrounding neighborhood. He said there looks to be another site nearby that is zoned Commercial Fringe.

Mr. Ware agreed there is a site nearby zoned Commercial Fringe, across the street is unincorporated Rutherford County, and southeast of the property is an apartment complex zoned RM-16.

Mr. Blomeley added that these houses were built in the unincorporated County and annexed into the City about nine or ten years ago. He said this is a small single-family residential subdivision and nearby to the east is a proposed multi-tenant commercial building. Mr. Blomeley said there is a developing apartment complex to the south of the proposed commercial building. He said when Mr. Ware referenced the appearance of

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the building, Staff wanted to bring that up for Board discussion. He referred to additional standard #3 for home occupations, which says “that there should be no alteration of the residential building which changes the character thereof as a dwelling.” Mr. Blomeley thought it was worth discussion by the Board as a potential issue and that it is the Board’s determination whether or not that specific standard has been met.

Ms. King asked how the Board determines what is an appearance of a residential building and what is the appearance of a commercial building. She asked if there is a specific standard or is that just up to the observer.

Mr. Blomeley said there is not specific guidance in the Zoning Ordinance beyond the sentence he read. He said it would be discretionary by the Board.

Ms. King said she didn’t know how the Board would be able to make that determination without it being arbitrary to future petitioners.

Mr. Tipps agreed with Ms. King but also added that it is apparent this is an addition to what is a typical residential ranch-style home. Mr. Tipps said it looks like it could be retrofitted for a garage which would be a normal use for a residential property.

Chairman Young asked if the addition was built with proper permits and other than the visual appearance if there is nothing out of line with it.

Mr. Ware said the addition meets all the setback requirements for a residential home in the RS-15 district, which is 40-feet from the front lot line, and they did apply for building permits.

Chairman Young asked the applicants if they had anything to add.

Mr. Allen said initially this was built as an addition to the house. Mr. Allen said that until July 2019, Mrs. Allen had a full commercial operation at a commercial location and she was only seeing an average of 1 to 1.5 clients a day. Mr. Allen looked at her books and thinks she will have 1 to 2 people on a Saturday. He said there will not be any walk-in capability like you would have in a commercial location. She is just going to be taking care of her current client base and again that worked out to be about 1 to 2 clients per day. Mr. Allen said she doesn’t take appointments until 10:00 a.m. and the last appointment would be 5:00 p.m. so they would be finishing at 6:00 p.m. if that meets the Board’s approval.

Chairman Young thanked Mr. Allen and asked if there were any questions for the applicant.

Chairman Young opened the public hearing.

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Mr. Blomeley said no one contacted Staff by the deadline to register to speak.

There being no one to speak, Chairman Young closed the public hearing.

Chairman Young opened the floor for any further discussion or motion.

Mr. Halliburton said the condition of approval dictates that their operating hours would be from 10:00 a.m. – 5:30 p.m., but the applicant just said the client would leave by 6:00 p.m. He said if the Board approves this, it may need to condition that the ending time would be 6:00 p.m. versus 5:30 p.m.

Mr. Blomeley said we would need clarification on the hours of operation, relative to that proposed condition. Mr. Blomeley said that the applicants indicated they wish to take advantage of the option to have the 3 square-foot attached sign for their business. That is why that recommended condition of approval regarding signage was included in the staff report.

Chairman Young recognized the applicant would like to speak.

Mr. Allen said prior to Mrs. Allen moving into the commercial property they also had a home-based business on John R Rice Boulevard, and this would be use of the same sign that the Board previously approved, if they desire to use the sign. He said they are not sure if they are going to put the sign up or not, but they want the Board's permission.

Chairman Young said that, as long as the sign meets the square-footage and size requirements according to City Staff, it is allowed by right.

Mr. Blomeley said the sign is not allowed by-right. It would have to be expressly approved as a part of the BZA application.

Chairman Young asked if there were stipulations on where that sign could be located like the front or side of the house.

Mr. Ware said the sign can be attached to the front.

Chairman Young asked if there were any further questions or a motion.

Mr. Tipps said it meets the requirements that the applicant has to have and with respect to that design, as you look at that neighborhood especially on Manson Pike there appears to be somewhat of a transition from a rural/suburban residential to some light commercial along Manson Pike. He said the owner's plans seem to be consistent with the requirements of a special use permit.

Chairman Young asked if the conditions of approval would include the sign. He also asked what closing time Mr. Tipps wished to recommend as 5:30 p.m. was in the staff comments and the applicant requested 6:00 p.m.

Mr. Tipps made a motion to approve the special use permit request with the following conditions:

- 1) Customer visits shall be by appointment only.**
- 2) No more than one customer at a time shall visit the home-based business and there shall be no overlapping appointments.**
- 3) Any proposed signage shall comply with the Zoning and Sign Ordinances, shall be attached to the home, shall not exceed 3 square-feet, and shall be subject to any applicable permitting requirements.**
- 4) The business shall open only on Tuesdays thru Saturdays and it shall open no earlier than 8:30 AM and shall close no later than 6:00 PM.**

The motion was seconded by Ms. Foy. Upon roll call the motion was passed by the following vote:

Aye: **Misty Foy**
 Ken Halliburton
 Julie King
 Tim Tipps
 Davis Young

Nay: **None**

Application Z-20-009 by Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc, for Believers Tabernacle, Inc., requesting a special use permit for the expansion of an existing institutional group assembly use (a church) in a Residential Single-Family (RS-15) zone for property located at 700 County Farm Road and on the adjacent parcel to the west identified as Tax Map 136E, Group A, Parcel 00400. The proposed expansion consists of the construction of a parking lot.

Mr. Ware reviewed the application and staff comments. If the Board approves this request, Staff recommends the following conditions of approval:

- 1) The applicant shall submit a site plan for review and approval in accordance with the regulations set forth in the Zoning Ordinance.
- 2) A subdivision plat combining the church parcel and the lot with the parking lot expansion shall be recorded prior to the issuance of the site work permit.
- 3) The site plan shall be revised to remove parking spaces from the required front yard. However, if a variance is approved in the future by the BZA to allow

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parking spaces in the required front yard, an amendment to the special use permit shall not be required.

- 4) A Type C buffer with a 6' privacy fence shall be provided along the west property line as far south as the southern limits of the proposed parking lot.

Mr. Clyde Rountree was present to answer any questions.

Chairman Young asked if there were any questions for staff.

Mr. Rountree said Mr. Holder would like to add a commentary on the history of the parking lot. Mr. Rountree said they are requesting the best use of the parking lot today but will be coming back to the BZA to request a variance to the requirement that the parking spaces may not be located in the required front yard. Mr. Holder would like to give the logic behind the upcoming variance for the parking spaces.

Mr. Blomeley offered to provide some additional history before Mr. Holder begins. Mr. Blomeley said there is an existing gravel parking lot on this property that is in violation. The church is proposing to construct this parking lot as a means to remedy that violation. He said their options were to either remove the gravel from the property and then seed and straw the area or to construct a compliant parking lot. Mr. Blomeley said the church is proposing to construct a compliant parking lot. He said that they do wish to apply next month for a variance to the standard that prohibits parking for institutional group assembly uses in the required front yard (i.e. the required front setback). Mr. Blomeley said that is not an issue in today's meeting. He said what the Board will be doing is determining whether or not the use that is being requested in the special use permit application meets all of the standards to be located on this property which is in an RS-15 zone. Mr. Blomeley said the variance to allow parking in the front setback will be the subject of a separate application next month. He said that would not be something to deliberate on at today's meeting because a separate public hearing will be required. Mr. Blomeley said Staff has no issue with the Board acting on the special use permit request today. Regarding the special use permit, if the variance is granted next month, then the site plan could show parking in the required front yard. If the variance is not granted next month, the site plan will have to be revised to remove the parking from the required front setback.

Chairman Young said even though their use is not really changing, anytime that an applicant that has a special use permit makes any changes then it comes back before the Board of Zoning Appeals for review.

Mr. Blomeley said we make a determination on whether or not the changes are significant enough to warrant an amendment to the special use permit. He said what they would be coming back to you for next month would be a variance to allow parking in the front setback. He said one of the standards for institutional group assembly uses

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in residential zones is that parking may not be located in the required front building setback. Mr. Blomeley said the applicant did not request a variance to that standard for today's agenda and all they requested was a special use permit. He said because that has to be advertised as a separate variance and it was not advertised for this meeting, they will have to make a separate application for that proposed variance. Mr. Blomeley said regardless of that, the Board can act today on the special use permit request to allow the construction of this parking lot with the knowledge that the layout may change a little bit depending on whether or not a variance is granted for parking in the front setback. He said we would not require it to come back to the Board of Zoning Appeals for an amendment to a special use permit if the special use permit is approved today. However, if they choose to request a variance, that will need to come back.

Chairman Young opened the public hearing.

Mr. Blomeley said no one contacted Staff by the deadline to register to speak. Mr. Blomeley reminded Chairman Young that Mr. Rountree mentioned the applicant, Mr. Holder, would like to say a few words.

There being no one to speak, Chairman Young closed the public hearing.

Mr. Greg Holder with Believers Tabernacle spoke stating he understands about the variance request and told there was no other recourse but to appeal to the Board of Zoning Appeals. Mr. Holder said Mr. Blomeley emailed him last night and said the church could attempt to obtain a variance and that is what they are planning to do. He said they have been waiting a couple of months for this meeting today and they would like to have the variance on next month's agenda. He was not sure if they have missed the deadline to turn in for the next agenda but because of COVID-19, two months have gone by and had they known sooner, they would have applied for a variance. Mr. Holder said if the State opens things back up so they can have services, he would like to make sure their certificate of occupancy is not delayed while they continue to go through the process.

Chairman Young thanked Mr. Holder and asked if there were any questions or if someone would like to make a motion.

Mr. Holder asked if the special use permit is approved today, are they required to follow the requirements of landscaping as they are shown. He said a fence has been recommended but if the landscaping will be connected with the variance instead of the special use permit, they will wait and discuss it then.

Mr. Blomeley said there are some recommended conditions of approval pertaining to the special use permit, adding there is a vacant residential lot to the west. Rather than having parking next to that vacant residential lot, when there is a house built on that lot

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Staff would like to add some screening there to mitigate the impacts of having a parking lot right next to it. Staff has recommended a landscape buffer with a privacy fence. Mr. Blomeley said the main purpose of the privacy fence is to keep headlights from shining into that residential lot. Mr. Blomeley said that is a recommended condition, as Mr. Ware read earlier, but it is up to the Board's discretion as to whether or not to follow the condition that Staff has recommended or to modify it or to remove it altogether.

Mr. Halliburton referred to Mr. Holder's reference about a certificate of occupancy and asked if anything the Board did today would cause a delay of the church not being able to have services or something of that nature, assuming services would be permitted after May 1st.

Mr. Blomeley said he has been working with Mr. Holder and with Ms. Marina Rush, Principal Planner, on trying to bring that gravel parking lot into compliance and trying to come up with an appropriate path to that. Mr. Blomeley said the church is doing an addition onto the existing church building, so they were planning to tie the C of O for the addition to bringing the parking lot into compliance. He said they will revisit that with the applicant and look at the timing of when they are going to be complete with the building addition and see what our options are at that time. Mr. Blomeley said right now he is not prepared to commit one way or the other as to the timing.

Mr. Rountree said the new facility should be complete within the next 30 days. He asked Mr. Holder to verify.

Mr. Holder agreed with Mr. Rountree and said it looks like the addition should be complete within the next 30 days. He also mentioned he lost the Zoom connection and did not hear what Mr. Blomeley said.

Mr. Blomeley told Mr. Holder that after today's meeting he would talk with him independently and look at the timing of when the parking lot will be completed versus when the addition will be completed and evaluate what the opportunities are there.

Mr. Holder said they would prefer not to install the privacy fence along the western property line. He requested the Board to consider this.

Chairman Young said the recommendations from the Staff to the Board were to include a Type-C buffer and the privacy fence along the western property line.

Mr. Holder asked if the approval today of the special use permit is contingent upon having the fence there or not having the fence there. He said they do not want to install a fence there. He said the fence will make the property look unsightly and give a closed-in feeling.

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Chairman Young said that is one of the items the Board is discussing. He said anytime a non-residential use is proposed in a residential zone, screening and fencing are always items that are discussed.

Mr. Tipps asked if Staff feels that a fence or screening is necessary to preserve the residential dwelling next door so that lights and other things would not impact it adversely.

Mr. Blomeley agreed and added the lot next door is a residential single-family lot, but the lot is vacant at the present time. Staff was suggesting some appropriate screen or transition so that when a house is built there, the residents won't have headlights shining into their yard or house. He said oftentimes a privacy fence is how we accomplish that in conjunction with a buffer. Mr. Blomeley said privacy fences can be used to reduce the amount of plantings adding a Type C option is what Staff recommended in the staff comments however there is a Type B option which is a 10-foot wide buffer instead of a 12-foot wide buffer that may allow for more flexibility because it is a narrower width. Mr. Blomeley said Staff recommended the fence but that is certainly at the Board's discretion as to whether or not the Board feels that is appropriate.

Mr. Tipps asked Mr. Blomeley if landscape screening would accomplish the same thing as a privacy fence to obscure any adverse lighting to the neighbor next door to the subject property.

Mr. Blomeley said in this case that might be appropriate, adding if it were a developed lot next door with a house, he would feel more strongly about a privacy fence because a privacy fence will have a more immediate impact. He said the buffer will allow lights to shine through because for the first few years there are gaps in between the plantings. Mr. Blomeley said since there is no house right now, it may be appropriate to not have the fence since immediate measures would not be needed to eliminate lights shining into a house next door.

Chairman Young asked if the fence is Mr. Holder's main concerns or if he is concerned with the landscaping as well.

Mr. Blomeley thinks Mr. Holder's concern is more with the fence than the landscaping if he is hearing Mr. Holder correctly.

Mr. Holder agreed adding trees and bushes will make it look nice but feels a fence is an intrusion to it and seems to fence you in. He said landscape looks natural. He said they are doing everything they can to save every tree and every bush on the property so adding trees or bushes is good for them and looks good for the property and neighborhood.

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Mr. Joseph Hamid, the Pastor of Believers Tabernacle, said the reason they are leaning toward the trees is as far as their services and how they are conducted here, there will be no headlights affecting any of the neighborhood. He said they only have two services, one on Sunday morning and one on Wednesday evening from 7:00 until 8:30 p.m. He said if someone should purchase the property beside their parking lot, the front of their home would be facing County Farm Road. There will be no direct lighting into their property. He said this is why they are leaning towards more of the trees. Mr. Hamid feels that a fence will block out the sight of the church building.

Ms. King asked what change the Board might want to make to that condition. Would they want the buffer to remain a Type C buffer with no fence?

Mr. Blomeley said the Type C buffer would be 12-feet wide and a little thicker than the Type B buffer which would be 10-feet wide.

Mr. Barbee said the main difference between a Type C buffer and a Type B buffer is the reduction of two feet in width and there is a reduction of a single row of shrubs. He said the shrubs in a Type C buffer usually catch on and grow faster than the trees, so they will catch the debris that might blow across a parking lot or the headlights that might go across a parking lot and to fill-in those lower areas very quickly with the larger trees filling in, in the following years. You usually see the buffer mature in about a 3 to 4-year timespan.

Ms. King asked if the City would be ok with a Type B buffer and changing that recommendation.

Mr. Blomeley said he would be comfortable with either a Type B or Type C buffer knowing that there is not existing house. A Type B buffer would have an opportunity to grow in between now and when a house would be constructed to fill in some of those gaps that would be present with the initial planting of the buffer.

Chairman Young asked if there were any other questions or a motion.

Ms. King made a motion to approve the request with the following conditions:

- 1) The applicant shall submit a site plan for review and approval in accordance with the regulations set forth in the Zoning Ordinance.**
- 2) A subdivision plat combining the church parcel and the lot with the parking lot expansion shall be recorded prior to the issuance of the site work permit.**
- 3) The site plan shall be revised to remove parking spaces from the required front yard. However, if a variance is approved in the future by the BZA to allow parking spaces in the required front yard, an amendment to the special use permit shall not be required.**

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- 4) **A Type B buffer shall be provided along the west property line as far south as the southern limits of the proposed parking lot.**

The motion was seconded by Mr. Tipps. Upon roll call the motion was passed by the following vote:

Aye: **Misty Foy**
 Ken Halliburton
 Julie King
 Tim Tipps
 Davis Young

Nay: **None**

Special Use Permit Amendment Request

Application Z-20-010 by Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc., for the South Central Conference Association of Seventh Day Adventists, requesting to amend a special use permit that was approved by the Board of Zoning Appeals in May 2019 for the expansion of an existing institutional group assembly use (a church) in a Residential Single-Family (RS-8) zone for property located at 711 North Maney Avenue. The proposed expansion consists of a building addition at the rear of the existing church building. This amendment seeks to modify the design and footprint of the proposed building addition that was approved in May 2019.

Mr. Ware reviewed the application and staff comments. If the Board approves this request, Staff recommends the following conditions of approval:

- 1) A site plan shall be submitted to the Planning Department for review and approval prior to the issuance of a building permit.
- 2) A Type C buffer with a 6' privacy fence shall be installed along the north property line and along the common property line with 638 Courtland Street. The Type C buffer shall maintain the required 12' width except where shown on the attached landscape plan.
- 3) The exterior materials of the proposed addition shall match the existing building in appearance, although the materials used may be different.
- 4) The solid waste enclosure shall consist of a masonry wall.

Mr. Rountree and Mr. Bill Huddleston were present to represent the application and answer any questions .

Chairman Young asked if there were any questions for Staff.

Mr. Blomeley said the approved footprint from May 2019 was included in the agenda materials. He referred to the exterior materials of the existing building, Staff was not aware that the existing church building had metal siding until today because the architectural elevations Staff received showed both the existing church building and the proposed addition to consist of fiber-cement siding. Mr. Blomeley received a text from the contractor today that indicated the church wished to use board and batten hardi-board siding, which is fiber-cement siding, on the addition to match the existing metal siding as best they can. He said that the Board doesn't act as an architectural review board. He said the Board's major concern is to make sure that the architecture is not going to have a negative impact on the adjacent residential area. With the new information provided to Staff today regarding the existing exterior materials, Staff recommended a modification of the original condition in the agenda materials, so that the proposed exterior materials match the existing exterior materials. Mr. Blomeley said that would be whether or not they use the same type of materials as the existing church which are architectural metal panels or whether they are able to install fiber-cement siding that is able to match the existing church building. He said the main concern is to make sure the addition is compatible with the area around it and because there is a little bit of uncertainty with regards to the architectural elevations, Staff revised that recommended condition to be a little more open-ended, allowing more flexibility, provided that the Board is comfortable with the revised condition as Mr. Barbee stated it.

Chairman Young asked if there were any other questions for Staff.

Mr. Huddleston said he understands the requirement about the Type C buffer which is 12-feet in width; however, at one corner it looks like we have got a sidewalk slightly encroaching into that 12-feet. He asked if that would be ok.

Mr. Barbee said as part of the conditions of approval, the Type C buffer was referenced to be 12-feet except where it is shown as being less than that on the landscape plan that was submitted.

Chairman Young opened the public hearing. Mr. Blomeley said no one contacted Staff by the deadline to register to speak. There being no one to speak, Chairman Young closed the public hearing.

Mr. Tipps made a motion to approve the request with the following conditions:

- 1) A site plan shall be submitted to the Planning Department for review and approval prior to the issuance of a building permit.**
- 2) A Type C buffer with a 6' privacy fence shall be installed along the north property line and along the common property line with 638 Courtland Street. The Type C buffer shall maintain the required 12' width except where shown on the landscape plan submitted.**

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3) **The exterior materials of the proposed addition shall match the existing building in appearance, although the materials used may be different.**

4) **The solid waste enclosure shall consist of a masonry wall.**

The motion was seconded by Ms. Foy. Upon roll call the motion was passed by the following vote:

Aye: **Misty Foy**
 Ken Halliburton
 Julie King
 Tim Tipps
 Davis Young

Nay: **None**

Staff Reports and Other Business

Mr. Blomeley and Mr. Ives thanked the Board members for their patience while working thru this difficult time and use of the Zoom to hold the meeting.

The meeting adjourned at 2:00 P.M.

CHAIRMAN

SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

MAY 27, 2020

PROJECT PLANNER: JAFAR WARE

Application: Z-20-023

Location: 700 County Farm Road and Tax Map 136E, Group A, Parcel 00400

Applicant: Clyde Rountree of Huddleston-Steele Engineering, Inc., for Believers Tabernacle, Inc.

Owner: Believers Tabernacle, Inc.

Zoning: Single-Family Residential District (RS-15)

Request: A variance from Section 9(D)(2)(zz)[1] of the City of Murfreesboro Zoning Ordinance, which states that parking areas for institutional group assembly uses shall not be located in the required front yard. This variance request pertains to a proposed parking lot at an existing church.



Overview of Request

Believers Tabernacle, Inc., represented by Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc., is requesting a variance to the requirement that parking for institutional group assembly uses in a single-family residential zone may not be located within the required front yard (i.e., the required front setback). The subject property, which is located at 700 County Farm Road, is zoned RS-15 (Residential Single-Family 15). Several years ago, the church acquired land to the west of its existing facilities for this parking lot expansion. The church constructed a non-compliant gravel parking lot. Upon being put on notice that the gravel parking lot was in violation, the church is taking steps to bring the parking lot into compliance. The parking lot addition will be used to accommodate the growing congregation. The parking lot is proposed to be constructed at the base of Tiger Hill and is adjacent to RS-12 (Residential Single-Family 12) zoning to the southwest, RS-10 (Residential Single-Family 10) zoning to the north, and unincorporated land east and south of the proposed church parking lot.

On April 24, 2020, the BZA approved a Special Use Permit (Z-20-009) to allow for the expansion of an institutional group assembly use (Church) in the RS-15 zoning district. The plan that was presented to the BZA at that meeting depicted parking in the required front yard, which did not comply with the standard referenced above. Per the BZA's approval of the Special Use Permit, the applicant is required to either revise the site plan to remove the parking spaces from the required front yard or to apply for a variance to the BZA in order for spaces to be allowed in there. The applicant has chosen to request a variance to allow parking spaces in the front yard. The parking lot is proposed to encroach into the 40' front setback by approximately a 23'. The parking lot will be roughly in line with the church building. In 2009, the BZA approved a variance for a building addition to the church to encroach into the 40' front setback by 28'.

According to the applicant, shifting the parking lot to the south out of the front setback would come as a significant hardship as the area to the south has substantial rock outcroppings and elevation challenges which would require the removal of 10 to 12 mature trees. Removing the 6' to 7' of rock, says the applicant, would require blasting and grading and the construction of a 5' to 6' tall retaining wall to stabilize the ground. The applicant asserts that the topographical challenges of constructing the parking lot outside of the front required yard would result in considerable construction costs for the church, as well as the loss of natural area and mature trees.

Relevant Zoning Ordinance Section

The following sections of the Zoning Ordinance are relevant to this request, as is Section 10, which contains the standards and proof required for variances, and Chart 2, which contains the minimum yard requirements for the RS-15 zone.

Section 9(D)(2)(zz)[1]:

“Parking areas shall not be permitted in the required front yard.”

Standards For Variances from Section 10 of the Zoning Ordinance:

1. Standards and proof required for variances.

Bulk variances and other variances. No bulk variance or other variance shall be granted unless the applicant establishes that the bulk or other regulations generally applicable in the zoning classification for the property for which a variance is requested impose practical difficulties which are unusual to the property and are not self-created. The applicant must also show that the bulk or other variance requested will not be unduly detrimental to other property in the vicinity of the property for which the variance is requested. Additionally, to satisfy the requirements outlined in this subsection for the granting of a bulk or other variance, an applicant shall establish the existence of the following:

- a. Practical difficulties. The narrowness, shallowness or shape, topography or other condition of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classification for the property.

According to the applicant, Tiger Hill is one the steepest hills in Murfreesboro. Shifting the parking to the south would require the utilization of a ram hoe or blasting to remove 6 to 7 feet of rock; removing 10 to 12 trees with greater than 10" caliper trunks; and the construction of a 5 to 6-foot-tall retaining wall to stabilize the disturbed grade.

- b. Unusual characteristics of the subject property. The property is unusual in that it has unusual physical features compared to other property located in the same zoning district.

According to the applicant, the site is unusually steep and rocky compared to most properties in Murfreesboro.

- c. Not self-created. The condition of the property has not resulted from any deliberate action by the owner.

According to the applicant, his client has not modified the grades at the rear of the property to create the current conditions.

2. **Findings.** The BZA must make specific written findings of fact on each of the standards for a variance in either granting or denying the variance. Said findings will determine that the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public health, safety, comfort, morals, or welfare of the inhabitants of the City.

Recommended Condition of Approval:

If the Board approves this request, Staff recommends the following condition of approval:

- 1) A revised site plan with the updated parking lot design must be submitted for administrative review and approval.

The applicant will be in attendance to respond to any questions the Board may have.

Attached Exhibits

- 1) BZA Application
- 2) Applicant Letter(s)
- 3) Site Photos
- 4) Special Use Permit Approval Letter from April 2020
- 5) Site Plan

1) BZA Application

City of Murfreesboro BOARD OF ZONING APPEALS		HEARING REQUEST APPLICATION	
Location/Street Address:			
Tax Map: 136 E	Group: A	Parcel: 4	Zoning District: RS-15
Applicant: HUNTERSON-STEVE		E-Mail: rountree.associates@ymail.com	
Address: 2115 NW BROOK STREET		Phone: 615.893.4084	
City: MURFREESBORO	State: TN	Zip: 37129	
Property Owner: BELIEVERS TABERNACLE			
Address: 700 COUNTRY FARM ROAD		Phone: 615.907.1212	
City: MURFREESBORO	State: TN	Zip: 37127	
Request: VARIANCE #1 FOR PARKING IN FRONT YARD			
VARIANCE #2 REDUCED LANDSCAPE FROM			
Zoning District: RS-15		TYPE 'B' TO TYPE 'A'	
Applicant Signature: Clyde Runkle		Date: 5.11.2020	
Received By:		Receipt No.:	
Application #:			

Murfreesboro
Board of
Zoning Appeals



MURFREESBORO
TENNESSEE

HEARING APPLICATION
AND
\$350.00
GENERAL INFORMATION

BOARD OF ZONING APPEALS HEARING APPLICATION
AND GENERAL INFORMATION

A-304 APPENDIX A - BOARD OF ZONING
APPEALS INFORMATION

2) Applicant Letter(s)



May 14, 2020

Mr. Jafar Ware
Planning & Engineering Department
City of Murfreesboro
111 W. Vine Street
Murfreesboro, TN. 37133

Re: Zoning Variance Application
Believer's Tabernacle Church
700 County Farm Road
Murfreesboro, TN 37130

Dear Jafar,

On behalf of our client, Believer's Tabernacle, we are submitting a variance request for the property listed above for consideration at the May 27, 2020 BOZA meeting.

Pursuant to Section 10 – Variance of the City of Murfreesboro, TN Zoning Ordinance, in regards to the above noted projects, the following information should fulfill the needed application submitted request.

(d) Procedure

(a) Name, address, and telephone number of the applicant

Believers Tabernacle, Inc.
700 County Farm Road
Murfreesboro, TN 37130

Represented by:
Clyde Rountree, RLA
Planner
Huddleston-Steele Engineering, Inc.

(b) Nature and extent of applicant's ownership interest in subject property for which the variance is requested.

Believers Tabernacle is the owner of the property which is the site for the variance. The church desires to obtain a 22.7' variance in order to allow for 6 additional parking spaces within the front yard of the church property.

(c) A plot plan showing the dimensions of the property for which a variance is requested.

A site plan is being submitted with this document for the city staff to review and the Board of Zoning appeals for review.

- (d) **The street address and legal description of the property for which a variance is requested.**

The proposed site is located 700 County Farm Road in Murfreesboro, TN. It is also shown as tax map 136E, Group A, and parcel 4.

- (e) **Zoning classification of the property for which a variance is requested.**

Current zoning of the property is RS - 12

- (f) **A statement of the exact variance sought and section of this article for which a variance is requested.**

We are requesting a variance to build 6 parking spaces in the front yard area along County Farm Road. The current zoning ordinance does not allow for parking in the front yard, see section 9 (D) (zz) [1].

- (g) **A statement of the purpose of requested variance and the intended development of property if the variance is granted.**

The purpose of the variance request is to allow for parking in the front yard based on the need for additional parking due to the growth of the church. The location is merited based on the existing topography and trees which would need to be removed if the proposed parking lot were to be moved backwards. The possibility of moving the parking lot is a very expensive and invasive process. The church desires to construct the parking lot efficiently and to preserve the existing natural green space. The current church building is also in the front yard and creates a logical connection for the new parking lot to be justified forward consistent with the church building.

- (h) **If a use variance is sought, a statement setting forth the reason why a variance and not a zoning amendment is appropriate and stating whether the applicant previously sought a zoning amendment for such property, and if so, the disposition of the request for such amendment.**

A use variance is not being requested.

- (i) **Unless otherwise modified by the zoning administrator, in accordance with standards established by said board in rules published from time to time, a vicinity map showing the property, which is the site of the requested variance and all parcels of property within a five hundred – foot radius if such property is located within the city. Such vicinity map shall show any and all streets, road or alleys, and shall indicate the owner's name and dimension of each parcel of property shown.**

A vicinity map has been included with this submittal.

(e) Standards and proof required for variances

(2) Bulk variances and other variances

(a) Practical difficulties.

The subject property rises in grades from the front of the property to the rear to the property. Towards the rear of where the proposed parking lot is being placed the grades rise rapidly with exposed rock slabs and large mature trees. The church desires to maximize the parking capacity without having to disturb the rocky natural area and removing a large quantity of mature trees.

(b) Unusual characteristics of the subject property. The property is unusual in that it has unusual physical features compared to the other property located in the same zoning district.

The property grades rise rapidly in the back and would make it quite difficult to build the size parking lot the church is needing.

(c) Not self-created. The condition of the property has not resulted from any deliberate action by the owner.

The church has been at this location for 163 years and is growing. The parking lot is needed to meet the parking needs as a result of church's growth. However, the church is limited on areas to provide additional parking. The church chose to provide parking where it had open space available and wanted to minimize any negative impact the new parking lot could have on the existing trees and difficult topography.

(d) That granting the requested variance will not be unduly detrimental to other land in the vicinity of the land for which the variance is requested.

The granting of the variance will not have a negative impact on the adjacent property. By moving the parking lot forward it will most likely be further away from a potential home that could be built on the adjacent residential lot.

(e) That granting the requested variance will not impair an adequate supply of light and air to the adjacent properties, unreasonable increase the congestion in public streets, increase the danger of fire or otherwise endanger the public health, safety, comfort, or morals, or substantially impair the intent and purpose of the Zoning Ordinance or of the general plan for the area.

The granting of the variance should not have any of the above negative consequences if granted.

Thank you for considering our request.

Regards,



Clyde Rountree
Planner – Huddleston-Steele Engineering, Inc.

May 8, 2020

Mr. Greg McKnight, Planning Director
City of Murfreesboro Planning Department
111 West Vine Street
Murfreesboro, TN 37130

Prepared by: Huddleston-Steele Engineering
Bill Huddleston
2115 Northwest Broad Street
Murfreesboro, TN 37129

Re: Variance Request for parking spaces in the front setback of Believer's Tabernacle Church

Dear Greg:

The following are the conditions which would justify the granting of a variance for parking spaces to be within the front setback of the Believer's Tabernacle Church. Believer's Tabernacle Church is in a 163-year old building located at the base of Tiger Hill, one of the steepest hills in Murfreesboro, so the need for this variance is not self-created.

To place the new parking lot outside of the front setback would require moving the parking lot 37' to the south. This adjustment would result in a significant challenge due to the following factors. First, the grading involved in moving the parking lot back is substantial. The area has significant rock outcroppings which suggest that to excavate the area would result in the utilization of a ramhoe or blasting to move 6 to 7 feet of rock. In addition to the grading challenge, 10 to 12 trees with over 10" calipers would need to be removed. The end result would be the need to construct a 5-6 foot tall retaining wall to stabilize the disturbed grade. This construction would be very costly with the end result being a reduction in green space (a natural buffer) and a hardscape solution (the retaining wall).

See attached Variance Exhibit for additional clarification.

Sincerely,

HUDDLESTON-STEELE ENGINEERING, INC.

Bill

William H. Huddleston IV, P.E., R.L.S.

3) Site Photos









4) Special Use Permit Approval Letter from April 2020



April 24, 2020

Huddleston-Steele Engineering
Attn: Clyde Rountree
2115 NW Broad St
Murfreesboro, TN 37129

Believers Tabernacle, Inc.
Attn: Pastor Joseph Hamid
700 County Farm Road
Murfreesboro, TN 37127

RE: Z-20-009 – 700 County Farm Road

Dear Mr. Rountree and Pastor Hamid:

Please be advised that at its regular meeting held on April 22, 2020, the Murfreesboro Board of Zoning Appeals (BZA) voted to approve your request for a Special Use Permit for the expansion of an existing institutional group assembly use (a church) in a Residential Single-Family (RS-15) zone for property located at 700 County Farm Road and on the adjacent parcel to the west identified as Tax Map 136E, Group A, Parcel 00400. The proposed expansion consists of the construction of a parking lot. Approval was made subject to the following conditions:

- 1) The applicant shall submit a site plan for review and approval in accordance with the regulations set forth in the Zoning Ordinance.
- 2) A subdivision plat combining the church parcel and the lot with the parking lot expansion shall be recorded prior to the issuance of the site work permit.
- 3) The site plan shall be revised to remove parking spaces from the required front yard. However, if a variance is approved in the future by the BZA to allow parking spaces in the required front yard, an amendment to the special use permit shall not be required.
- 4) A Type B buffer shall be provided along the west property line as far south as the southern limits of the proposed parking lot.

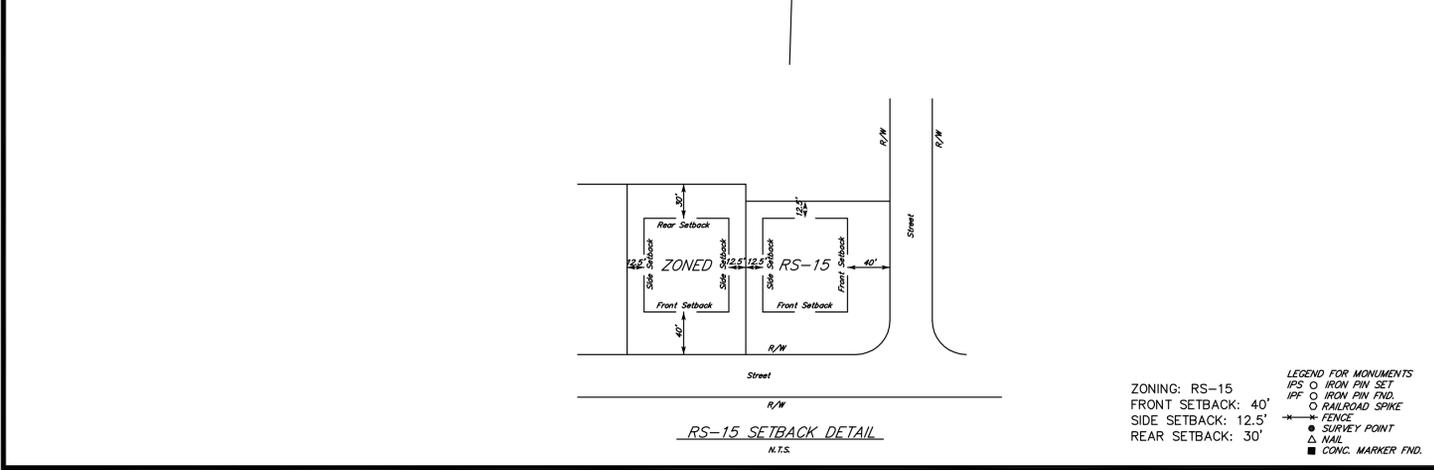
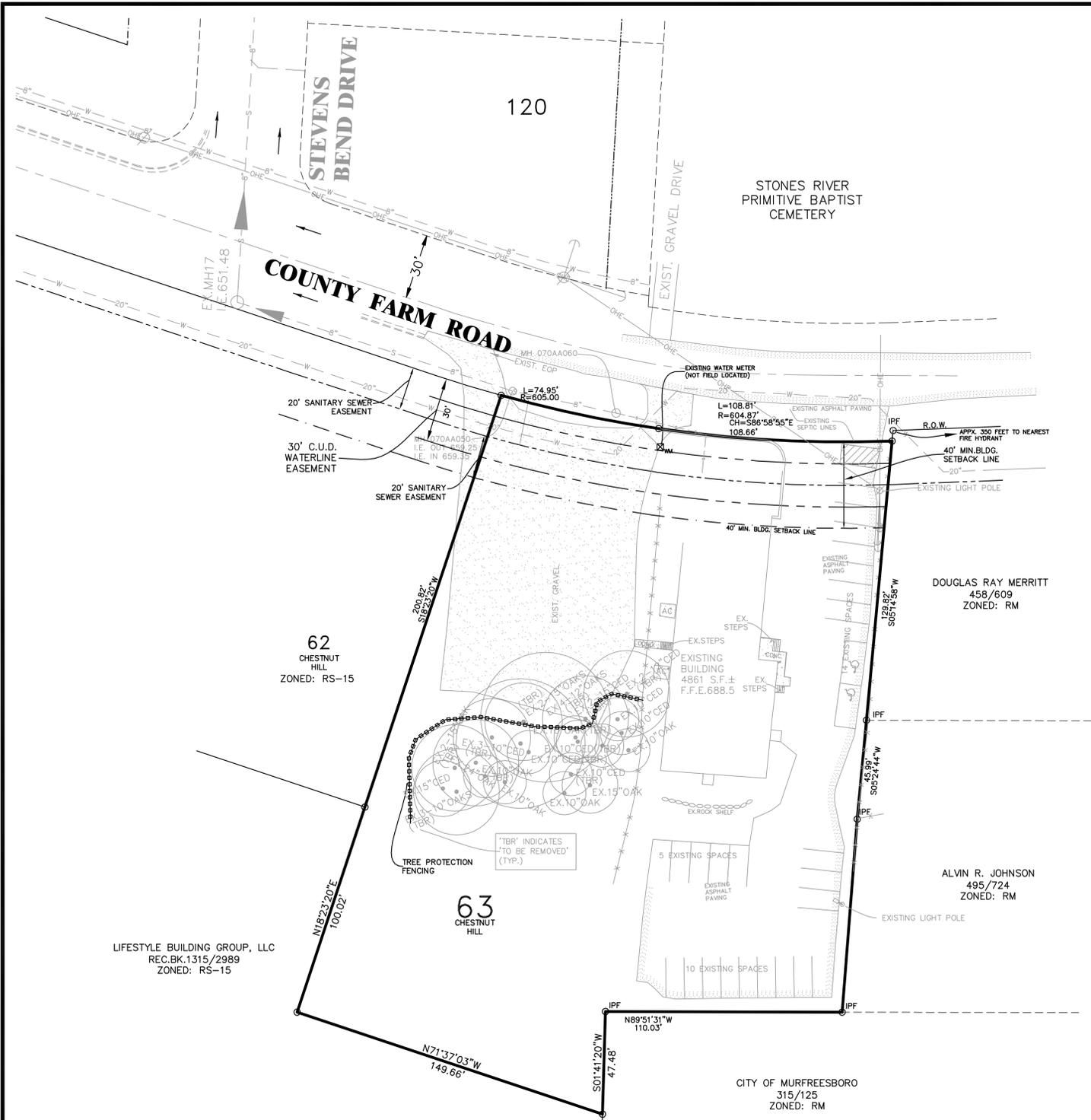
Please keep a copy of this letter as evidence of the Board's action. If you have any questions, please contact me at (615) 893-6441.

Sincerely,

A handwritten signature in blue ink that reads "Jafar Ware" with a stylized flourish at the end.

Jafar Ware
Planner

cc: Building and Codes Department



NOTES:

1. IN TENNESSEE, IT IS A REQUIREMENT PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN THREE NOR MORE THAN TEN WORKING DAYS OF THEIR INTENT TO EXCAVATE. A LIST OF THESE UTILITIES MAY BE OBTAINED FROM THE COUNTY REGISTER OF DEEDS. THOSE UTILITIES THAT PARTICIPATE IN THE TENNESSEE ONE CALL SYSTEM CAN BE NOTIFIED BY CALLING TOLL FREE 1-800-351-1111.
2. UNDERGROUND UTILITIES SHOWN WERE LOCATED USING AVAILABLE ABOVE-GROUND EVIDENCE, AND ALSO FROM INFORMATION OBTAINED FROM THE RESPECTIVE UTILITY COMPANIES. THE EXISTENCE OR NON-EXISTENCE OF THE UTILITIES SHOWN AND ANY OTHER UTILITIES WHICH MAY BE PRESENT ON THIS SITE OR ADJACENT SITES SHOULD BE CONFIRMED WITH THE UTILITY OWNER PRIOR TO COMMENCING ANY WORK.

1. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN THESE PLANS (OR ANYTHING ASSOCIATED WITH THESE PLANS, E.G. CUT SHEETS) AND THE FIELD CONDITIONS FOUND PRIOR TO OR DURING CONSTRUCTION.
2. APPARENT ERRORS, DISCREPANCIES, OR OMISSIONS ON THE CONSTRUCTION PLANS (OR ANYTHING ASSOCIATED WITH THESE PLANS, E.G. CUT SHEETS) SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IMMEDIATELY AFTER BEING DISCOVERED. THE CONTRACTOR MAY NOT USE APPARENT ERROR, DISCREPANCIES, OR OMISSIONS FOR ADDITIONAL CHARGES. THE ENGINEER SHALL BE PERMITTED TO MAKE CORRECTIONS AND INTERPRETATIONS AS MAY BE DEEMED NECESSARY FOR THE FULFILLMENT OF THE INTENT OF THE CONSTRUCTION PLANS. ANY PROPOSED REMEDIATIONS SHALL FIRST BE REVIEWED BY THE ENGINEER.

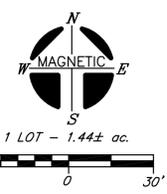


- LEGEND**
- ⊘ Power Pole
 - ⊕ Existing Fire Hydrant
 - ⊕ Proposed Fire Hydrant
 - △ Reducer
 - ⊕ Proposed Gate Valve & Box
 - ⊕ Concrete Thrust Block
 - W— Existing Water Line
 - W— Proposed Water Line
 - S— Existing Sanitary Sewer Line
 - S— Proposed Sanitary Sewer Line
 - Existing Manhole
 - Proposed Manhole
 - Sewer Line Check Dam
 - 00— Existing Contours
 - 00— Proposed Contours
 - 00.0 Existing Spot Elevations
 - 00.0 Proposed Spot Elevations
 - Siltation Fence (to be installed before grading and left in place until a good stand of grass is established over all disturbed areas.)
 - Turf Reinforcement Mat
 - E— Existing Telephone & Electric Line
 - UGE— Existing Underground Electric Line
 - CMP— Corrugated Metal Pipe
 - RCP— Reinforced Concrete Pipe

OWNER: BELIEVERS TABERNACLE, INC.
 ADDRESS: 700 COUNTY FARM ROAD
 MURFREESBORO, TN 37127

TAX MAP: 136E, "A" PARCEL: 4

FLOOD MAP PANEL: 470165 0270 H ZONE: X
 DATED: JANUARY 5, 2007



LEGEND FOR MONUMENTS

- IPS ○ IRON PIN SET
- IPF ○ IRON PIN FND.
- RAILROAD SPIKE
- FENCE
- SURVEY POINT
- ▲ NAIL
- CONC. MARKER FND.

ZONING: RS-15
 FRONT SETBACK: 40'
 SIDE SETBACK: 12.5'
 REAR SETBACK: 30'

This survey is a TOPOGRAPHIC SURVEY for INFORMATION ONLY and is NOT A GENERAL PROPERTY SURVEY as defined under RULE 0820-3-.07

FOR REVIEW ONLY.

NOT FOR CONSTRUCTION.

H. HUDDLESTON-STEEL ENGINEERING, INC.
 2115 N.W. BROAD STREET, MURFREESBORO, TN 37129
 TELEPHONE: 663 - 4084, FAX: 663 - 0080

#	DATE	REVISION DESCRIPTION
1	05/14/20	ADDRESSED CITY STAFF COMMENTS

EXISTING CONDITIONS

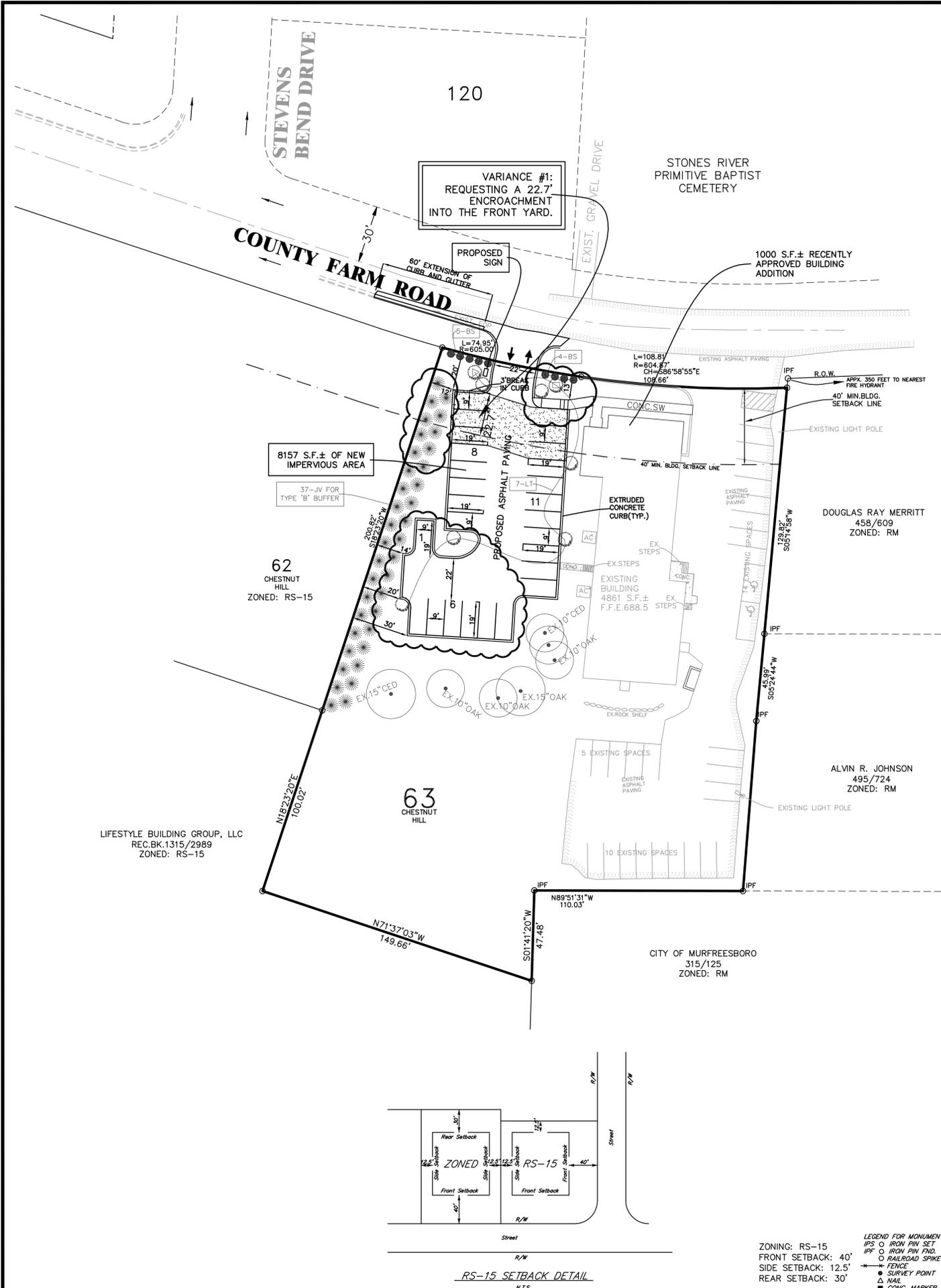
PARKING ADDITION

BELIEVERS TABERNACLE

COUNTY FARM ROAD

11TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN.

DATE: FEBRUARY, 2020 SCALE 1"=30' SH. 1 OF 3



NOTES:

- IN TENNESSEE, IT IS A REQUIREMENT PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT" THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN THREE NOR MORE THAN TEN WORKING DAYS OF THEIR INTENT TO EXCAVATE. A LIST OF THESE UTILITIES MAY BE OBTAINED FROM THE COUNTY REGISTER OF DEEDS. THOSE UTILITIES THAT PARTICIPATE IN THE TENNESSEE ONE CALL SYSTEM CAN BE NOTIFIED BY CALLING TOLL FREE 1-800-351-1111.
- UNDERGROUND UTILITIES SHOWN WERE LOCATED USING AVAILABLE ABOVE-GROUND EVIDENCE, AND ALSO FROM INFORMATION OBTAINED FROM THE RESPECTIVE UTILITY COMPANIES. THE EXISTENCE OR NON-EXISTENCE OF THE UTILITIES SHOWN AND ANY OTHER UTILITIES WHICH MAY BE PRESENT ON THIS SITE OR ADJACENT SITES SHOULD BE CONFIRMED WITH THE UTILITY OWNER PRIOR TO COMMENCING ANY WORK.
- THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN THESE PLANS (OR ANYTHING ASSOCIATED WITH THESE PLANS, E.G. CUT SHEETS) AND THE FIELD CONDITIONS FOUND PRIOR TO OR DURING CONSTRUCTION.
- APPARENT ERRORS, DISCREPANCIES, OR OMISSIONS ON THE CONSTRUCTION PLANS (OR ANYTHING ASSOCIATED WITH THESE PLANS, E.G. CUT SHEETS) SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IMMEDIATELY AFTER BEING DISCOVERED. THE CONTRACTOR MAY NOT USE APPARENT ERROR, DISCREPANCIES, OR OMISSIONS FOR ADDITIONAL CHARGES. THE ENGINEER SHALL BE PERMITTED TO MAKE CORRECTIONS AND INTERPRETATIONS AS MAY BE DEEMED NECESSARY FOR THE FULFILLMENT OF THE INTENT OF THE CONSTRUCTION PLANS. ANY PROPOSED REMEDIATIONS SHALL FIRST BE REVIEWED BY THE ENGINEER.

- LEGEND**
- ⊙ Power Pole
 - ⊕ Existing Fire Hydrant
 - ⊕ Proposed Fire Hydrant
 - ⊕ Reducer
 - ⊕ Proposed Gate Valve & Box
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 - (to be installed before grading and left in place until a good stand of grass is established over all disturbed areas.)
 - Turf Reinforcement Mat
 - E— Existing Telephone & Electric Line
 - UGE— Existing Underground Electric Line
 - CMP— Corrugated Metal Pipe
 - RCP— Reinforced Concrete Pipe

STANDARD NOTES:

- IN ACCORDANCE WITH TCA SECTION 7-59-310(b)(1), COMPETITIVE CABLE AND VIDEO SERVICES ACT, IN CASES OF NEW CONSTRUCTION OR PROPERTY DEVELOPMENT WHERE UTILITIES ARE TO BE PLACED UNDERGROUND, THE DEVELOPER OR PROPERTY OWNER SHALL GIVE ALL PROVIDERS OF CABLE OR VIDEO SERVICE TO THE CITY OF MURFREESBORO DATES ON WHICH OPEN TRENCHING WILL BE AVAILABLE FOR THE PROVIDERS' INSTALLATION OF CONDUIT, PEDESTALS OR VAULTS, AND LATERALS, REFERRED TO AS "EQUIPMENT," TO BE PROVIDED AT EACH SUCH PROVIDER'S EXPENSE.
- ALL SIGNAGE, INCLUDING FLAGS AND FLAGPOLES, IS SUBJECT TO INDEPENDENT REVIEW BY THE BUILDING AND CODES DEPARTMENT. ALL SIGNAGE MUST CONFORM TO THEIR REQUIREMENTS AND REQUIRE SEPARATE SIGN PERMITS.
- A LAND DISTURBANCE PERMIT MAY BE REQUIRED. DETERMINATION WHETHER A LAND DISTURBANCE PERMIT IS REQUIRED SHALL BE MADE BY THE CITY ENGINEER. A SEPARATE LAND DISTURBANCE PERMIT SHALL BE MADE WITH THE OFFICE OF THE CITY ENGINEER FOR REVIEW AND UPON APPROVAL FOR ISSUANCE OF A LAND DISTURBANCE PERMIT.
- FOR ALL DEVELOPMENTS OF MORE THAN ONE ACRE, A STATE OF TENNESSEE CONSTRUCTION GENERAL PERMIT IS REQUIRED. EVIDENCE OF THIS PERMIT MUST BE PROVIDED TO THE OFFICE OF THE CITY ENGINEER PRIOR TO CONSTRUCTION COMMENCEMENT.
- A STORMWATER MANAGEMENT PLAN DEMONSTRATING THAT THE SITE PROVIDES FOR TREATMENT OF THE WATER QUALITY VOLUME AND PROVIDES FOR MANAGEMENT OF THE STREAMBANK PROTECTION VOLUME MUST BE PROVIDED.
- AN ENGINEER'S CERTIFICATION OF THE CONSTRUCTION OF THE STORMWATER MANAGEMENT FACILITIES MUST BE PROVIDED TO THE CITY ENGINEER PRIOR TO CERTIFICATE OF OCCUPANCY.
- A STORMWATER FEE CREDIT APPLICATION MUST BE SUBMITTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- A STORMWATER FACILITIES OPERATION AND MAINTENANCE PLAN AND A STORMWATER FACILITIES MAINTENANCE AGREEMENT MUST BE SUBMITTED PRIOR TO ISSUANCE OF A BUILDING PERMIT.
- THE STORMWATER FACILITIES MAINTENANCE AGREEMENT MUST BE RECORDED PRIOR TO CERTIFICATE OF OCCUPANCY.
- UNDER THE CURRENT ADOPTED PLUMBING CODE, THE CITY OF MURFREESBORO REQUIRES THE MINIMUM FLOOR ELEVATION (M.F.E.) TO BE SET AT OR ABOVE THE TOP OF CASTING ELEVATION OF THE NEAREST MANHOLE THAT IS UPSTREAM OF THE SEWER SERVICE CONNECTION. AS AN ALTERNATIVE, THE HOMEOWNER SHALL INSTALL A BACKWATER VALVE PER THE PLUMBING CODE AND EXECUTE AND RECORD A RELEASE OF INDEMNIFICATION AGAINST THE CITY OF MURFREESBORO WITH REGARDS TO THE SANITARY SEWER CONNECTION. THE BUILDER AND/OR HOMEOWNER SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THIS REQUIREMENT.

NOTE: PLANNING DEPARTMENT APPROVAL OF THIS SITE PLAN, MAY OR MAY NOT ADEQUATELY REFLECT THE LATEST REQUIREMENTS AND/OR PLANS APPROVED BY MURFREESBORO WATER RESOURCES DEPARTMENT (MWRD). THIS ALSO APPLIES TO SITE PLANS THAT ARE INCLUDED IN THE BUILDING PERMIT SET. CONTRACTOR MUST VERIFY WITH MWRD THAT THEY ARE USING APPROVED UTILITY PLANS.

PARKING REQUIREMENTS
 1 SPACE FOR EVERY 8 FIXED OR MOBILE SEATS IN THE AUDITORIUM OR SANCTUARY OR LARGEST PLACE OF ASSEMBLY WITHIN THE FACILITY

PARKING REQUIRED
 160 SEATS / 8 = 20 SPACES + 1 H.C.

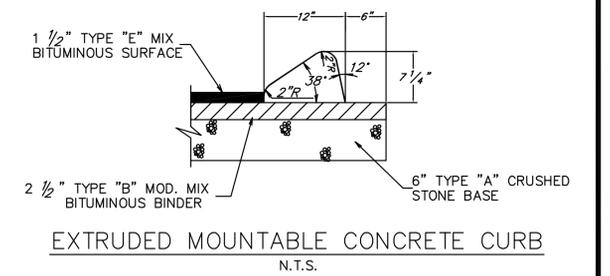
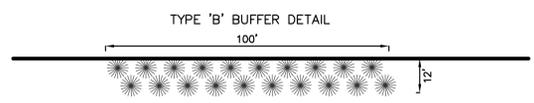
EXISTING PARKING ON CHURCH BUILDING SITE:
 26 SPACES PLUS 2 HANDICAP

PROPOSED PARKING SPACES WITH THIS PROJECT:
 26 SPACES

TOTAL OVERALL PARKING BOTH PHASES:
 52 SPACES PLUS 2 HANDICAP

PROPOSED IMPERVIOUS AREA WITH THIS PROJECT: 8157 S.F.±
RECENTLY APPROVED BUILDING ADDITION: 1000 S.F.±

TOTAL NET IMPERVIOUS WITH CURRENT CHURCH PROJECT: 9157 S.F.±



PLANT MATERIAL LIST

SHRUBS & TREES		QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	ROOT	
15	PV			Pragnese viburnum	Viburnum	18" Hgt.		Cont	Compact evergreen shrub
1	LT			Liriodendrum tulipifera	Tulip Poplar	4" cal.		Cont	S/CLEAR TRUNK, SINGLE, STRAIGHT CENTRAL LEADER, FULL CANOPY
1	LT			Liriodendrum tulipifera	Tulip Poplar	3" cal.		Cont	S/CLEAR TRUNK, SINGLE, STRAIGHT CENTRAL LEADER, FULL CANOPY
6	LT			Liriodendrum tulipifera	Tulip Poplar	2 1/2" cal.		Cont	S/CLEAR TRUNK, SINGLE, STRAIGHT CENTRAL LEADER, FULL CANOPY
37	JV			Juniperus virginiana	Eastern Red Cedar		6' tall at planting	Cont	EVERGREEN TREE

10% x 8 = 1-4" TREE
 15% x 8 = 1-3" TREE

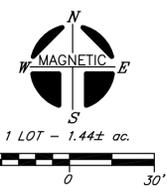
#	DATE	REVISION DESCRIPTION
1	05/14/20	ADDRESSED CITY STAFF COMMENTS

This survey is a TOPOGRAPHIC SURVEY for INFORMATION ONLY and is NOT A GENERAL PROPERTY SURVEY as defined under RULE 0820-3-.07

OWNER: BELIEVERS TABERNACLE, INC.
 ADDRESS: 700 COUNTY FARM ROAD
 MURFREESBORO, TN 37127

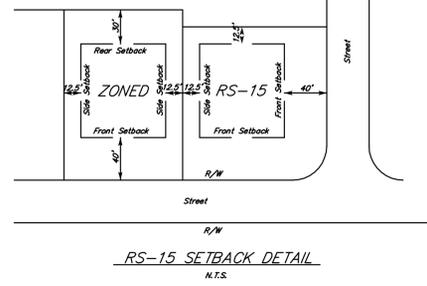
TAX MAP: 136E, "A" PARCEL: 4

FLOOD MAP PANEL: 470165 0270 H ZONE: X
 DATED: JANUARY 5, 2007



- LEGEND FOR MONUMENTS**
- IPF ○ IRON PIN SET
 - IPF ○ IRON PIN FND.
 - RAILROAD SPIKE
 - FENCE
 - SURVEY SPIKE
 - NAIL
 - ▲ NAIL
 - CONC. MARKER FND.

ZONING: RS-15
 FRONT SETBACK: 40'
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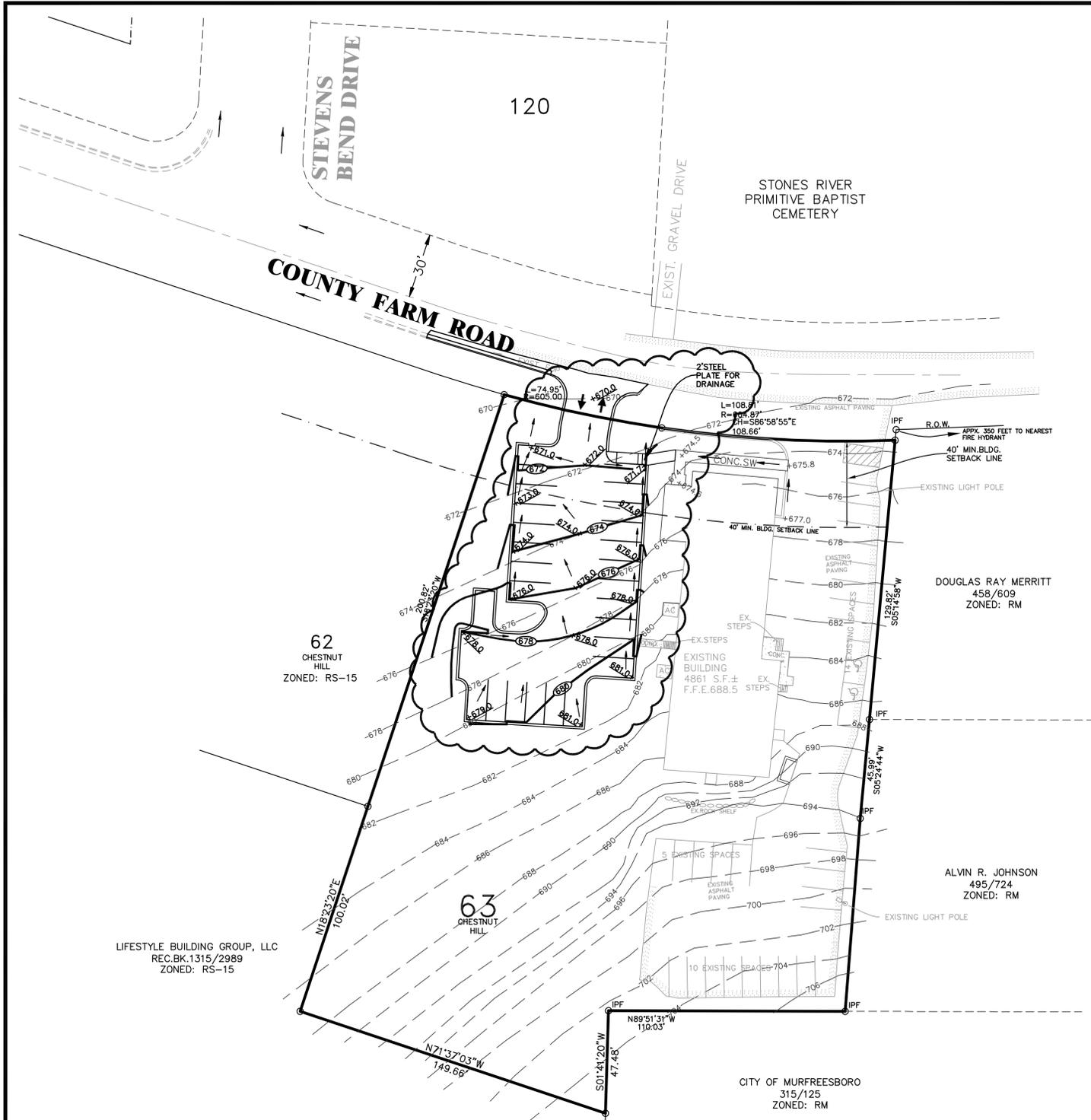
FOR REVIEW ONLY.

NOT FOR CONSTRUCTION.

BZA EXHIBIT
SITE PLAN - PARKING ADDITION
BELIEVERS
TABERNACLE
 COUNTY FARM ROAD
 11TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN.

DATE: MAY, 2020 SCALE 1"=30' SH. 2 OF 3

H. HUDDLESTON-STEEL
 ENGINEERING & SURVEYING, INC.
 2115 N.W. BROAD STREET, MURFREESBORO, TN 37129
 TELEPHONE: 893-4084, FAX: 893-0080



NOTES:

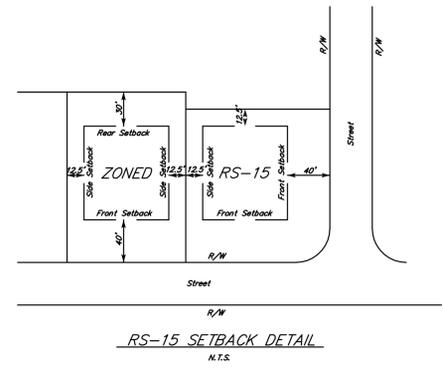
1. IN TENNESSEE, IT IS A REQUIREMENT PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT" THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN THREE NOR MORE THAN TEN WORKING DAYS OF THEIR INTENT TO EXCAVATE. A LIST OF THESE UTILITIES MAY BE OBTAINED FROM THE COUNTY REGISTER OF DEEDS. THOSE UTILITIES THAT PARTICIPATE IN THE TENNESSEE ONE CALL SYSTEM CAN BE NOTIFIED BY CALLING TOLL FREE 1-800-351-1111.
2. UNDERGROUND UTILITIES SHOWN WERE LOCATED USING AVAILABLE ABOVE-GROUND EVIDENCE, AND ALSO FROM INFORMATION OBTAINED FROM THE RESPECTIVE UTILITY COMPANIES. THE EXISTENCE OR NON-EXISTENCE OF THE UTILITIES SHOWN AND ANY OTHER UTILITIES WHICH MAY BE PRESENT ON THIS SITE OR ADJACENT SITES SHOULD BE CONFIRMED WITH THE UTILITY OWNER PRIOR TO COMMENCING ANY WORK.

1. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES BETWEEN THESE PLANS (OR ANYTHING ASSOCIATED WITH THESE PLANS, E.G. CUT SHEETS) AND THE FIELD CONDITIONS FOUND PRIOR TO OR DURING CONSTRUCTION.

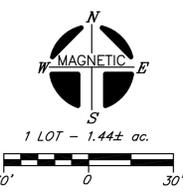
2. APPARENT ERRORS, DISCREPANCIES, OR OMISSIONS ON THE CONSTRUCTION PLANS (OR ANYTHING ASSOCIATED WITH THESE PLANS, E.G. CUT SHEETS) SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IMMEDIATELY AFTER BEING DISCOVERED. THE CONTRACTOR MAY NOT USE APPARENT ERROR, DISCREPANCIES, OR OMISSIONS FOR ADDITIONAL CHARGES. THE ENGINEER SHALL BE PERMITTED TO MAKE CORRECTIONS AND INTERPRETATIONS AS MAY BE DEEMED NECESSARY FOR THE FULFILLMENT OF THE INTENT OF THE CONSTRUCTION PLANS. ANY PROPOSED REMEDIATIONS SHALL FIRST BE REVIEWED BY THE ENGINEER.

- LEGEND**
- ⊗ Power Pole
 - ⊕ Existing Fire Hydrant
 - ◆ Proposed Fire Hydrant
 - Reducer
 - ⊕ Proposed Gate Valve & Box
 - ▲ Concrete Thrust Block
 - W— Existing Water Line
 - W— Proposed Water Line
 - S— Existing Sanitary Sewer Line
 - S— Proposed Sanitary Sewer Line
 - Existing Manhole
 - Proposed Manhole
 - Sewer Line Check Dam
 - 00— Existing Contours
 - 00— Proposed Contours
 - 00.0 Existing Spot Elevations
 - 00.0 Proposed Spot Elevations
 - S— Siltation Fence (to be installed before grading and left in place until a good stand of grass is established over all disturbed areas.)
 - Turf Reinforcement Mat
 - E— Existing Telephone & Electric Line
 - UGE— Existing Underground Electric Line
 - CMP— Corrugated Metal Pipe
 - RCP— Reinforced Concrete Pipe

NOTE: PLANNING DEPARTMENT APPROVAL OF THIS SITE PLAN, MAY OR MAY NOT ADEQUATELY REFLECT THE LATEST REQUIREMENTS AND/OR PLANS APPROVED BY MURFREESBORO WATER RESOURCES DEPARTMENT (MWRD). THIS ALSO APPLIES TO SITE PLANS THAT ARE INCLUDED IN THE BUILDING PERMIT SET. CONTRACTOR MUST VERIFY WITH MWRD THAT THEY ARE USING APPROVED UTILITY PLANS.



ZONING: RS-15
FRONT SETBACK: 40'
SIDE SETBACK: 12.5'
REAR SETBACK: 30'



OWNER: BELIEVERS TABERNACLE, INC.
ADDRESS: 700 COUNTY FARM ROAD, MURFREESBORO, TN 37127
TAX MAP: 136E, "A" PARCEL: 4
FLOOD MAP PANEL: 470165 0270 H ZONE: X
DATED: JANUARY 5, 2007

NOTE: THIS PARCEL IS SUBJECT TO ALL EASEMENTS AS SHOWN AND ANY OTHER EASEMENTS AND/OR RESTRICTIONS EITHER RECORDED OR BY PRESCRIPTION THAT A COMPLETE TITLE SEARCH MAY REVEAL.

This survey is a TOPOGRAPHIC SURVEY for INFORMATION ONLY and is NOT A GENERAL PROPERTY SURVEY as defined under RULE 0820-3-.07

FOR REVIEW ONLY.
NOT FOR CONSTRUCTION.
H.S. HUDDLESTON-STEELE
 ENGINEERING, INC.
 2115 N.W. BROAD STREET, MURFREESBORO, TN 37129
 TELEPHONE: 693-4084, FAX: 693-0080

#	DATE	REVISION DESCRIPTION
1	05/14/20	ADDRESSED CITY STAFF COMMENTS

BZA EXHIBIT
GRADING & DRAINAGE PLAN - PARKING ADDITION
BELIEVERS TABERNACLE
 COUNTY FARM ROAD
 11TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN.
DATE: MAY, 2020 **SCALE:** 1"=30' **SH. 3 OF 3**

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

MAY 27, 2020

PROJECT PLANNER: AUSTIN COOPER

Application: Z-20-015

Location: 2050 Lascassas Pike

Applicant: Joey Rouse, for TNT Fireworks East

Owner: Kroger Limited Partnership

Zoning: Commercial Highway (CH)

Requests: A special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer)



Overview of Request

The applicant, Joey Rouse, representing TNT Fireworks East, wishes to operate a fireworks tent for the Fourth of July selling season from June 28, 2020 to July 5, 2020. The property is located at 2050 Lascassas Pike and is currently developed with a Kroger-anchored shopping center. City of Murfreesboro Zoning Ordinance, Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent. The proposed tent is 30 feet by 60 feet and would be situated near the end of a row of parking remote from the building. This is a new site for temporary fireworks sales. The applicant has provided a copy of the lease from the property owner granting the applicant permission to operate the fireworks tent. The site is surrounded on all sides by existing commercial development also zoned CH.

Relevant Zoning Ordinance Sections

Chart 1 of the City of Murfreesboro Zoning Ordinance allows seasonal fireworks retailers as a special use in the CH district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(eeee) sets forth standards for temporary vendors in addition to the Standards of General Applicability in Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them. After reviewing the criteria for the special use requirements for temporary vending uses, this project appears to meet the criteria.

Standards of General Applicability with Staff analysis:

- (1) The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare:**

No adverse impact on the above-mentioned list will be associated with this proposed use in Staff's opinion.

- (2) The proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations:**

The temporary tent is far enough away from neighboring property and will not interfere with the regular operation of nearby businesses during this week.

- (3) The proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**

Staff believes this application will not hinder the above services. Parking on this site is in ample supply.

- (4) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance:**

No features of significant natural, scenic, or historic importance have been identified on the subject property.

(5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:

Additional standards for temporary vendors are listed below.

Additional Standards for Institutional Group Assembly Uses with Staff Analysis:

Temporary vendors shall be subject to the following additional standards:

- (1) The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use.**

Included in the application.

- (2) The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site.**

There will be ample asphalt parking on site. The tent only occupies 14 spaces and does not block any travel lanes.

- (3) Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.**

The applicant is aware that additional traffic control measures could be required by the BZA.

- (4) Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers, and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.**

The applicant will have a vehicle that remains overnight for security reasons. This is not inconsistent with other fireworks applications.

- (5) Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.**

The site is 330 feet from an operable fire hydrant.

- (6) A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.**

The applicant is aware of the deposit and the requirement to clean up the site after the selling season.

- (7) Adequate provision shall be made for restroom facilities on the property. Restroom facilities must be located on-site for all temporary vendor locations that include on-site overnight security. Portable toilets, if used, shall be located on the site and may not be located in any required front setback or in any required side yard. The BZA may approve the use of off-site restroom facilities provided they will be available during all business hours and provided that the applicant provides the written permission of the owner or manager of the off-site facilities.**

A portable toilet will be provided at the location.

- (8) The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.**

The applicant will comply with this requirement.

- (9) No special use permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Special Use Permit and same are not cured within 24 hours after notice, the Special Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.**

The applicant understands these requirements.

- (10) **Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires.**

This does not apply as the applicant will be using a generator on-site for power.

- (11) **Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventory are outside of any easements for electric power transmission or distribution.**

The site of the tent is not located in any easements.

- (12) **Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.**

The applicant will provide a trash can on-site and will remove trash from the premises as needed.

- (13) **Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.**

The applicant understands this requirement.

- (14) **The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound shall not be permitted.**

The applicant will not use any noise amplification devices.

- (15) **A site may be used for temporary vending for no more than 70 days during any 12-month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on November 14, 2017, whichever shall first occur.**

The application is for 1 week only and will not exceed the amount of time stipulated above.

- (16) The BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.**

The applicant will adhere to any additional requirements.

- (17) Notwithstanding subsections [2] and [4] above, a temporary vendor may be permitted to locate parking areas, tents and other facilities on lots with gravel surfaces if such gravel surfaced lots were legally established, in existence and had been used for temporary vending purposes prior to January 1, 2007 provided however that the exception in this subsection shall end on November 14, 2017.**

The parking lot consists of asphalt, not gravel.

- (18) The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.**

- a. Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.**

The site is about 270 ft from the nearest fuel source.

- b. No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent, or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.**

This standard is met.

- c. The sales period for a fireworks seasonal retailer location shall not be approved for a period that begins before June 28 or ends after July 5 and/or begins before December 26 and ends after January 2 of any year. No activity associated with the fireworks seasonal retailer shall be located on the property before June 22 or before December 21 and all materials including sales offices, tents, garbage, trash, etc., shall be removed from the lot on or before July 10 or January 7.**

The applicant is aware of this requirement and is seeking to operate from June 28th until July 5th. The proposed hours are 8am to 10pm with extended hours until midnight on July 3rd and 4th. This is consistent with other firework applications.

- d. Fireworks seasonal retailers must comply with all state and City laws and ordinances regarding the sale of fireworks, including but not necessarily limited to T.C.A. §68-104-101 and City Code §12.**

The applicant will comply with this requirement.

- e. A fireworks seasonal retailer shall not be approved for a period of more than one calendar year.**

The applicant is aware of this requirement. The request is only for the 4th of July selling season 2020.

f. The applicant must obtain a tent permit for the fireworks tent.

The applicant is aware of this requirement.

g. A fireworks seasonal retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.

The applicant will comply with this requirement.

h. A fire extinguisher shall be kept on-site at all times.

The applicant is aware of this requirement and will keep a fire extinguisher at the tent.

i. The City's fireworks ordinance shall be posted on-site.

The applicant will comply with this requirement.

j. No fireworks are to be set off on-site.

The applicant will comply with this requirement.

k. The site must pass an electrical safety inspection prior to opening for business. An electrical permit must be purchased from the Building and Codes Department in order to obtain this inspection.

The applicant will comply with this requirement.

(19) The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: [aa] Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site.

No vending of food or beverage is proposed in this application.

Recommended Conditions of Approval:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on-site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district and temporary firework vending standards. In addition, a tent permit must be purchased from the Building and Codes Department.

Attached Exhibits

1. Site photos
2. Letter of explanation from applicant
3. BZA Application
4. Site Sketch

1. Site Photos



View of proposed parking row



View of site distance from shopping center.

2. Letter of Explanation from Applicant

TNT Fireworks
408 Hwy 149
Clarksville, TN 37030
931-249-3109

Answers for BZA standards for: 2050 Lascassas Pike, Murfreesboro, TN 37129 (Kroger parking lot)

Along with everything you have provided for the BZA I will ask that you also submit a letter showing your ability to comply with the special requirements for temporary vendors in our zoning ordinance. The following is a list of items you will need to comply with so what you will need to provide is a short explanation for every item showing that you intend to comply with that individual regulation. If it doesn't apply, just write N/A. Thank you.

(C)Standards of general applicability. An applicant for a special permit shall present evidence at the public hearing on such special permit, which evidence must establish:

- (1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
- (2) that the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations;
- (3) that the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;
- (4) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance; and,
- (5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

Site plan submitted, traffic, parking etc have been taken into account with setting up the proposed location. Location meets all requirements of the zoning ordinances.

(eeee) Temporary vendors, as described in Section 25(D)(4) of this article, are subject to the following additional standards:

- [1] The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use. Copy of lease agreement with property owned will be supplied.
- [2] The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing

onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site. [3] Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.

Location site plans show that we will occupy no more than 25% of the parking area and have sufficient turn around capabilities and will not obstruct the flow of traffic.

- [4] Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.

Information for any vehicle on site after hours to provide overnight security will be identified on the application.

- [5] Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.

Tent is within 500' of a fire hydrant

- [6] A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.

Will pay a \$500 deposit on location and agree to leave the property cleaned.

- [7] Adequate provision shall be made for restroom facilities on the property. Restroom facilities must be located on-site for all temporary vendor locations that include on-site

overnight security. Portable toilets, if used, shall be located on the site and may not be located in any required front setback or in any required side yard. The BZA may approve the use of off-site restroom facilities provided they will be available during all business hours and provided that the applicant provides the written permission of the owner or manager of the off-site facilities.

A port a jon will be provided at location and meet BZA set back requirements.

- [8] The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.

Special us permit will be posted on site.

- [9] No special use permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Special Use Permit and same are not cured within 24 hours after notice, the Special Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.

Understood

- [10] Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires.

N/A (generators only)

- [11] Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventory are outside of any easements for electric power transmission or distribution.

Acknowledged

- [12] Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.

Acknowledged Operator to provide a trash can and to remove waste from premissis.

- [13] Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.

Acknowledged

- [14] The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents at any time with louder

volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound shall not be permitted.

N/A

- [15] A site may be used for temporary vending for no more than 70 days during any 12 month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on November 14, 2017, whichever shall first occur.
Acknowledged
- [16] The BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.
Acknowledged
- [17] Notwithstanding subsections [2] and [4] above, a temporary vendor may be permitted to locate parking areas, tents and other facilities on lots with gravel surfaces if such gravel surfaced lots were legally established, in existence and had been used for temporary vending purposes prior to January 1, 2007 provided however that the exception in this subsection shall end on November 14, 2017.
N/A
- [18] The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.
 - [aa] Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.
Acknowledged
 - [bb] No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent, or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.
Acknowledged
 - [cc] The sales period for a fireworks seasonal retailer location shall not be approved for a period that begins before June 28 or ends after July 5 and/or begins before December 26 and ends after January 2 of any year. No activity associated with the fireworks seasonal retailer shall be located on the property before June 22 or before December 21 and all materials including sales offices, tents, garbage, trash, etc., shall be removed from the lot on or before July 10 or January 7.

Acknowledged. Tents will be erected on or after June 22nd and sales will start at location on or after June 28th. Sales will cease on July 5th. Hours of operation will be 8am to 10 pm daily and July 3rd & 4th till 12am. Location will be cleaned and tent removed by July 10th.

- [dd] Fireworks seasonal retailers must comply with all state and City laws and ordinances regarding the sale of fireworks, including but not necessarily limited to T.C.A. §68-104-101 and City Code §12.

Acknowledged

- [ee] A fireworks seasonal retailer shall not be approved for a period of more than one calendar year.

Acknowledged

- [ff] The applicant must obtain a tent permit for the fireworks tent.

Acknowledged

- [gg] A fireworks seasonal retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.

Acknowledged, certificate of flame resistance will be submitted with application.

- [hh] A fire extinguisher shall be kept on-site at all times.

Acknowledged, a power base and water based extinguisher will be provided.

- [ii] The City's fireworks ordinance shall be posted on-site.

Acknowledged, will be posted

- [jj] No fireworks are to be set off on-site.

Acknowledged, this is against TNT company policy as well with property owners

- [kk] The site must pass an electrical safety inspection prior to opening for business. An electrical permit must be purchased from the Building and Codes Department in order to obtain this inspection.

Acknowledged

- [20] The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: [aa] Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site.

Acknowledged



Joey Rouse
Regional Manager
TNT Fireworks
931-249-3109

3. BZA Application

City of Murfreesboro BOARD OF ZONING APPEALS		HEARING REQUEST APPLICATION	
Location/Street Address: 2050 Lascassas Pike			
Tax Map:	Group:	Parcel:	Zoning District:
Applicant: Joey Rouse		E-Mail: rousej@intfireworks.com	
Address: 408 Highway 149		Phone: 931-249-3109	
City: Clarksville		State: TN	Zip: 37040
Property Owner: Kroger Limited Partnerships			
Address:		Phone:	
City: Cincinnati		State: OH	Zip:
Request: Class C Fireworks Sales (8am-10pm) June 28- July 5, 2020			
Zoning District:			
Applicant Signature: <i>Joey Rouse</i>		Date: 4/6/2020	
Received By: B. DAVIS		Receipt No.: 117843	
Application #: 20-2-015		5-8-20	

Murfreesboro
Board of
Zoning Appeals

HEARING APPLICATION
AND
GENERAL INFORMATION

4. Site Sketch

Kroger 2050 Lascassas Pike Murfreesboro TN 37130
TENT 30 X 60



MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

MAY 27, 2020

PROJECT PLANNER: AUSTIN COOPER

Application: Z-20-022

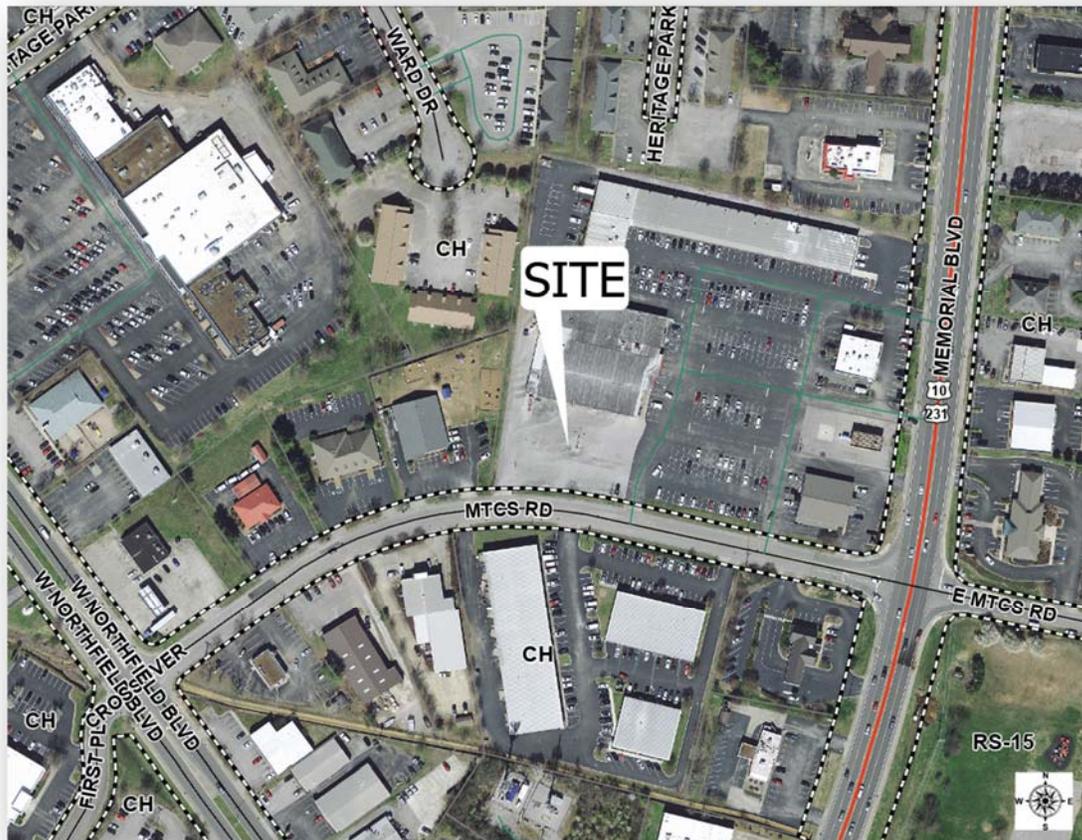
Location: 1807 Memorial Blvd

Applicant: Robert McClain

Owner: Knight Family Limited Partnership

Zoning: CH (Commercial Highway)

Requests: A special use permit in order to operate a temporary outdoor vending establishment (produce sales)



Overview of Request

Mr. Robert McClain is requesting a Special Use Permit to operate a temporary vending business (produce sales) in the parking lot of the Haynes True Value Hardware. The subject property is zoned and surrounded on all sides by Commercial Highway zoning. The request will be for June 2nd through October 17th where they will sell fruits and vegetables from a 12' by 12' tent which will be set up and removed daily. The applicant will only sell from 11am to 5:30 every Tuesday, Thursday, and Saturday. The tent will be situated just to the south of the building on the side facing MTCS Road.

Relevant Zoning Ordinance Section

Section 25(D)(5) of the City of Murfreesboro Zoning Ordinance allows temporary vending establishments as a special use in the CH district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(eeee) sets forth standards for temporary vendors in addition to the Standards of General Applicability in Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them. After reviewing the criteria for the special use requirements for temporary vending uses, this project appears to meet the criteria.

Standards of General Applicability with Staff Analysis:

- 1. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;**
 - Haynes Hardware and the surrounding areas have an established retail presence that will not be changed with this application. Other temporary vending operations have been approved in the past for this general area of the site. The tent is situated as to not affect the regular flow of parking and does not take up necessary or prime parking spots.
- 2. That the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations;**
 - The temporary tent should not interfere with the regular operation of on-site or neighboring businesses.
- 3. That the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;**
 - The application includes a statement from Knight Family Partnership allowing the site to use restroom facilities. There is ample parking on-site and the establishment should have minimal impact on infrastructure.

4. **That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance;**
 - Staff is not aware of any such features on-site that will be impacted by this use.
5. **The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:**
 - Additional standards for temporary vendors are listed below.

Additional Standards for Institutional Group Assembly Uses with Staff Analysis:

1. **The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use.**
 - Included in the application (see attachment #5).
2. **The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site.**
 - There is ample asphalt parking on-site to accommodate the proposed use in addition to the existing permanent uses.
3. **Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.**
 - The applicant is aware that additional traffic control measures could be required by the BZA.
4. **Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.**

- The 12'x12' tent will be open on all 4 sides. The applicant will set up and remove the tent for every day of operation.
5. **Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.**
- The site is about 100 feet from an operable fire hydrant.
6. **A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.**
- The applicant is aware of the deposit and the requirement to clean up the site after his approval expires.
7. **Adequate provision shall be made for restroom facilities on the property. Restroom facilities must be located on-site for all temporary vendor locations that include on-site overnight security. Portable toilets, if used, shall be located on the site and may not be located in any required front setback or in any required side yard. The BZA may approve the use of off-site restroom facilities provided they will be available during all business hours and provided that the applicant provides the written permission of the owner or manager of the off-site facilities.**
- Restroom facilities will be provided by Haynes True Value Hardware. Written permission for use of the restrooms has been provided by the property owner (see attachment #5).
8. **The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.**
- The applicant will comply with this requirement.
9. **No special use permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Special Use Permit and same are not cured within 24 hours after notice, the Special Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.**
- The applicant understands these requirements

- 10. Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires.**
 - No electricity will be needed on-site for this use.
- 11. Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventory are outside of any easements for electric power transmission or distribution.**
 - The tent will not be located in any easements.
- 12. Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.**
 - The applicant will dispose of his own trash.
- 13. Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.**
 - The applicant understands this requirement.
- 14. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound shall not be permitted.**
 - The applicant will not use any noise amplification devices.
- 15. A site may be used for temporary vending for no more than 70 days during any 12-month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on November 14, 2017, whichever shall first occur.**
 - While the application is for 4 months and 15 days, it will only occur 3 days a week (60 days) and will not exceed the amount of time stipulated above.
- 16. The BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.**

- The applicant will adhere to any additional requirements.
- 17. Notwithstanding subsections [2] and [4] above, a temporary vendor may be permitted to locate parking areas, tents and other facilities on lots with gravel surfaces if such gravel surfaced lots were legally established, in existence and had been used for temporary vending purposes prior to January 1, 2007 provided however that the exception in this subsection shall end on November 14, 2017.**
- The parking lot consists of asphalt, not gravel.
- 18. The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: [aa] Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site.**
- The applicant will not include any furniture for customers as the product is not intended for on-site consumption.

Recommended Conditions of Approval:

1. The tent shall be weighted above-ground and no stakes or other appurtenances penetrating the surface of the parking lot shall be used to anchor the tent.
2. A tent permit must be obtained from the Building and Codes Department prior to the tent being erected.
3. A more detailed site plan, drawn to scale and showing the exact location of the tent, shall be submitted for review and approval of the Planning and Transportation Departments prior to the issuance of the tent permit.
4. Additional traffic control measures may be required by the Transportation Department prior to beginning operation.

Attached Exhibits

1. Site photos
2. Letter of explanation from applicant
3. Application
4. Site Plan
5. Permission Letter/Restroom Agreement

1. Site Photos



Photo of where the tent will be located



Aerial photo

2. Letter of Explanation

I Robert McClain am requesting for a permit to have a Vegetable and Fruit Stand. The requested location is at 1807 Memorial Blvd Murfreesboro TN 37129. The Produce Stand will be located in the back parking lot of the Reeves + Sain building. Attached you will find a map showing the location of the stand being located on the side of middle Tennessee Christian ~~to~~ Road. Below is a listing of how I plan to comply with all rules and regulations. Dates and time will be as follows Every Tuesday, Thursday, and Saturday from 11AM-5:30pm

C): Standards of general applicity

• 1) The proposed stand will not have a substantial or undue adverse effect to any adjacent property as they are banking locations and a school. It is a single stand and the location provides 3 entrances and/or exits for customers to utilize. The publics healths and welfare will not be affected by any produce or by myself.

• 2) The proposed stand/tent will be 12x12 in size and will not interfere with any development pertaining to adjacent properties. The tent will be setup and removed daily.

3) Restrooms will be available at the Haynes Hardware located in the same vicinity the stand will be located. A fire extinguisher will be provided by myself for emergencies. Hand Sanitizer and wipes will be available for use to comply with COVID-19. Water and Sewer will not be needed.

4) Parking is available in large quantity. There is 3 entrances/exits available so that traffic is not to be interrupted. Parking areas is paved asphalt. Reeves + Sain is currently vacant and owner has granted permission. I will provide Entrance and Exit signs to direct traffic flow.

5) The tent to be used is 12x12 and open at all 4 sides incase persons need to exit in the event of an emergency. No items, tents, or vehicles will remain onsite over night. It will be setup and removed daily.

6) All trash, items, and any other objects will be clean and/or removed the ~~day~~ last day of the Stand. This location will only be used for the Produce Stand I speak of in this request.

- 8) I will have onsite at all times the granting documentation that proves I have permission for said stand
- 9) All ordinances of the city will be followed at all times.
I understand my permit can be revoked.
- 10) no electric meter is needed
- 11) Tent will be located away from all power sources
- 12) All trash will be removed & hauled by myself.
- 13) No signs will be displayed
- 14) No music or other related sources will be used.
- 15) I agree
- 16) I agree
- 17) Parking is asphalt
- 20) No food or beverages will be consumed on site.

I agree to follow all rules and regulations needed.

Thanks,
Robert McClain

Dates Requested for 2020 calendar year

each day requested time wi

June 2nd - Tuesday 11:00^{am} - 5:30 pm

June 04th - Thursday

June 6th - Saturday

June 9th - Tuesday

June 11th - Thursday

June 13th - Saturday

June 16th - Tuesday

June 18th - Thursday

June 20th -

June 23rd -

June 25th -

June 27th -

June 30th -

July 2nd

July 4th

July 7th

July 9th

July 11th

July 14th

July 16th

July 18th

July 21st

July 23rd

July 25th

July 28th

July 30th

August 1st

August 4th

August 6th

August 8th

August 11th

○ All days below are for the 2000 calendar year

August 13th

August 15th

August 18th

August 20th

August 22nd

August 25th

August 27th

August 29th

September 1st

Sept 3rd

Sept 5th

Sept 8th

Sept 10th

Sept 12th

Sept 15th

Sept 17th

Sept 19th

Sept 22nd

Sept 24th

Sept 26th

Sept 29th

Oct 1st

Oct 3rd

Oct 6th

Oct 8th

Oct 10th

October 13th

Oct 15th

Oct 17th

* times will be
11:00am to 5:30pm
each day

3. Application

City of Murfreesboro BOARD OF ZONING APPEALS		HEARING REQUEST APPLICATION	
Location/Street Address: 1807 Memorial Blvd Murfreesboro TN 37139			
Tax Map:	Group:	Parcel: 801-00100 00-C-07	Zoning District: 515-Murfreesboro
Applicant: Robert McClain		E-Mail: lancasterheather1@gmail.com	
Address: 11723 Patterson Rd		Phone: 615-397-2727	
City: Rockvale	State: TN	Zip: 37153	
Property Owner: Knight Family Properties			
Address: P. O. Box 4104		Phone: 615-289-3036	
City: Murfreesboro	State: TN	Zip: 37133-4104	
Request: Produce Stand and Fruit			
Zoning District: 515 Murfreesboro Rutherford County			
Applicant Signature:		Date:	
Received By: B. Davis		Receipt #: 530067	
Application #: 20-2-022		Date: 5-11-20	



4. Site Plan



5. Permission Letter/Restroom Agreement

07/11/20 11:28 AM 01/10/2020 7 01/10/2020

PG 1/1

Robert McClain has permission to sell produce in the parking lot at 1807 Memorial Blvd. Robert's customers may use the restroom at Haynes Hardware Co. Robert is responsible for his own liability insurance.

John Schmidt, Treasurer of HKS Associates formally Knight Family Limited Partnership.

 5/11/20