

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, December 20, 2021, 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 November 22, 2021
4. New Business

Special Use Permit

- a. **Application Z-21-027 by Mai True Thao**, is requesting a special use permit in order to operate a home-based business for clothing alterations in a Single Family Residential (RS-10) district for property located at 5134 Green Acres Lane.
(Project Planner: Joel Aguilera)
5. Staff Reports and Other Business
 6. Adjourn

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MINUTES OF THE CITY OF MURFREESBORO BOARD OF ZONING APPEALS

City Hall, 111 W. Vine Street, Council Chambers

November 22, 2021, 1:00 PM

Members Present:

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

Staff Present:

Marina Rush, *Principal Planner*
Joel Aguilera, *Planner*
Matthew Blomeley, *Assistant Planning Director*
Greg McKnight, *Planning Director*
Roman Hankins, *Assistant City Attorney*
Serena Harris, *Recording Assistant*

1. Call to order:

Chair Young called the meeting to order at 1:06 pm.

2. Determination of a quorum:

Chair Young determined that a quorum was present.

3. Consideration of Minutes:

With there being no objection by any of the Board members, the minutes of the August 25 and September 22 BZA meetings were approved as submitted.

4. New Business:

Zoning application [2021-026] for North Shore Medical Labs, represented by Brey Oalmann, North Shore Medical Labs, requesting a special use permit to operate a temporary outdoor vending establishment (mobile Covid-19 testing site) at 1630 South Church Street. Property is zoned Commercial Highway (CH). (Project Planner: Joel Aguilera)

Joel Aguilera presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Tim Tipps reviewed lease termination date stating exhibits show end date as April 30, 2021 not 2022.

Brey Oalmann with North Shore Medical Labs came forward to offer additional information regarding the project. Ms. Oalmann confirmed that the lease termination date of 2021 is a typo and should read 2022 and will be revised.

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Chair Young inquired about process for reapplying for the SUP after the end of February 2022.

Mr. Aguliera confirmed that the applicant would be allowed to reapply after February 2022 and must go thru the full process again. The City of Murfreesboro Zoning Ordinance allows 70 days within a 12-month period, to allow site and operational review to ensure there is no adverse impact to the center, traffic flow, safety, etc.

Julie King inquired about the limitations and reapplication process within a 12-month period.

Marina Rush offered further clarification of the zoning ordinance for temporary vendors is 70 days within a 12-month period and is not based the calendar-year period.

Ms. Rush stated that lease allows more time than what the BZA can approve for this application for a temporary vendor. Ms. Rush also stated that the applicant may need to amend their lease to ensure that it is for 2022 and that they are not leasing or paying for more days than the Board can grant approval of.

Chair Young requested further clarification on reapplication options when the initial permit expires on January 31, 2022.

Ms. Rush stated that November 23, 2022 is the next date the applicant can reapply.

Vice-Chair Ken Halliburton inquired if the applicant understands the reapplication options.

Ms. Oalman replied that she understands the reapplication terms.

Vice-Chair Halliburton requested clarification on restroom access.

Ms. Rush stated that the restroom would have to be open to the public, and be accessible to both patrons & employees.

Ms. Oalman reiterated that restrooms are available to the public.

Chair Young opened the public hearing.

There being no one else to speak for or against the request, Chair Young closed the public hearing.

There being no further discussion, Tim Tipps moved to approve the special use permit application subject to all staff recommendations; The motion was seconded by Misty Foy and carried by the following vote:

Aye: Tim Tipps
Julie King
Misty Foy
Vice-Chair Ken Halliburton

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Chair Davis Young

Nay: None

5. Staff Reports and Other Business:

None.

6. Adjourn.

There being no further business, Chair Young adjourned the meeting at 1:18 p.m.

CHAIRMAN

SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

December 20, 2021

PROJECT PLANNER: JOEL AGUILERA

Application: Z-21-027

Location: 5134 Green Acres Lane

Applicant: Mai True Thao

Owner: Mai True Thao

Zoning: RS-10 (Single-Family Residential)

Requests: A special use permit to operate a home-based business (alteration shop)



Overview of Request

The applicant, Mai True Thao, is requesting a Special Use Permit to operate an alteration business at their current residence at 5134 Green Acres Lane, in the Florence Acres subdivision. The subject property is zoned Single-Family Residential (RS-10). The reason a Special Use Permit is being requested is because this business will generate traffic. The applicant has confirmed that there be no more than one customer at a time, and that customers visits shall be by appointment only. Customers will park in the driveway and can accommodate up to 6 vehicles. The applicant has confirmed that there will only be small household equipment (sewing machines, iron, and shelves), and will have no heavy mechanical or electrical equipment. Additionally, the applicant has confirmed that there will be no other employees at the home besides herself and does not plan on hiring any other employees. The hours of operation for the business will be from 8:00am to 5:00pm, Monday through Saturday.

Relevant Zoning Ordinance Section

City of Murfreesboro Zoning Ordinance Section 9(D)(2)(rr) sets forth Standards for Home Occupations in addition to the Standards of General Applicability Section 9(C). The applicant has affirmed in her permit application letter that the home-based business will be operated in compliance with all zoning requirements.

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 home-based business, 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;**
 - No adverse impact on the above-mentioned elements will be associated with proposed use.

- 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 house is already existing on the property and no new accessory structure is being proposed for this request.

- 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;**
 - In reviewing the request, staff has concluded that the traffic generated by the proposed business will be minimal and will not put undue stress on public facilities or 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;**
 - There are no significant natural, scenic, or historic features existing 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:**
 - The alteration business will operate in the existing principal structure and will comply with the additional standards for home occupations discussed below.

Home Occupations – Additional Standards

- 1. No person who is not a resident of the dwelling unit may be employed in connection with the home occupation at the dwelling unit or on the property;**
 - The applicant will be the only employee.
- 2. One attached business sign, not exceeding three square feet, may be permitted subject to approval by the BZA. Such signs shall not be permitted by right;**
 - The applicant has confirmed that they will not have any business signage.
- 3. There shall be no alteration of the residential building which changes the character as a dwelling. No display of products shall be visible from the street;**
 - The applicant has confirmed that there will be no alteration of the residential building.
- 4. The home occupation shall be incidental and subordinate to the residential use of the dwelling unit. No more than twenty-five percent (25%) of the area of a residential dwelling unit and accessory structure, if used as part of the home occupation, shall be devoted to the home occupation. In the event the home occupation is to be conducted totally from within an accessory structure, no more than five hundred square feet of area may be devoted to such home occupation. No more than one home occupation shall be permitted per residential dwelling unit and any related accessory structure;**
 - The applicant has confirmed and demonstrated that the proposed use will not use more than 25% of the residential building. (See attachment #2)
- 5. No mechanical or electrical equipment may be used in a residential dwelling unit or accessory structure in connection with a home occupation except such types as are customary for domestic, household, or hobby purposes; personal computers and facsimile machines may be used. Machinery that causes noise likely to be heard by neighbors or interference with radio or television reception shall be prohibited;**

- The applicant understands this requirement and has confirmed that there will be no heavy mechanical or electrical equipment.
- 6. There shall be no storage outside a principal building or accessory structure of equipment or materials used in connection with the home occupation;**
- The applicant has confirmed that there will be no outside storage of goods or materials in connection to the purposed use.
- 7. There shall be adequate provision for any traffic generated by such home occupation including off-street parking if required by the BZA;**
- In reviewing the application, staff believes that there will be adequate parking on site for the traffic generated by this business.
- 8. Group instruction in connection with the home occupation may be permitted subject to approval by the BZA. For the purposes of this subsection, instruction shall be group instruction if it involves more than two students at any time. The BZA may place a maximum number of students that may be on-site at any time and may establish limitations on the frequency of such group instruction.**
- This requirement is not applicable to this application as there will not be any students or group instruction involved for this use.
- 9. The following activities and land uses shall not be permitted as home occupations: automotive repair (body or mechanical), upholstery or painting, kennels, taxi service, gun dealers, or charter bus service;**
- This requirement is not applicable to this application. This request is for a clothing alteration business and not defined by the above uses.
- 10. The BZA may require additional standards in order to assure the compatibility of the home occupation with other property in the vicinity of the home occupation and to assure the residential character of the neighborhood is maintained.**
- The applicant understands this requirement.

Staff Comments:

For the special use permit requested for a home-based occupation, staff recommends approval because the special use permit standards and home occupation standards have been met, as mentioned above.

In addition, staff recommends that if approved, the special use permit be conditionally approved in accordance with Section 9, Subsection B (Conditions on special uses) with the following conditions.

Recommended 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.
3. Any proposed signage shall comply with the Zoning Ordinance, home occupation standards, which requires that no signage shall exceed 3 square feet and shall be subject to any applicable permitting requirements.
4. The business shall open no earlier than 8:00am and shall close no later than 5:00pm.

Attached Exhibits

1. Application letter
2. Supporting evidence document
3. BZA Application

BZA special use permit application – property and housing plans/layouts

Applicant: Mai True Thao

Location: 5134 Green Acres Lane, Murfreesboro, TN 37129

House elevation

- Driveway can accommodate up to 6 vehicles.

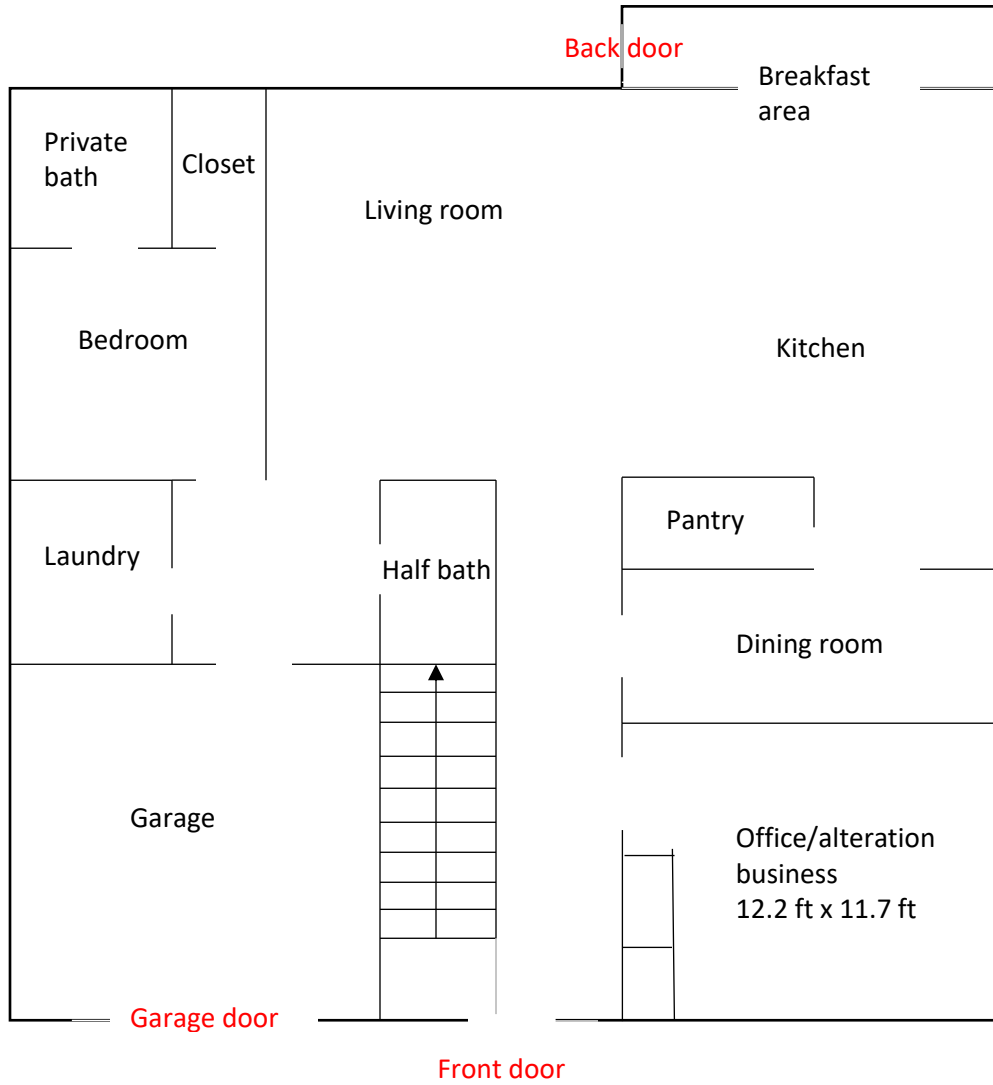


House aerial view with property lines marked in blue



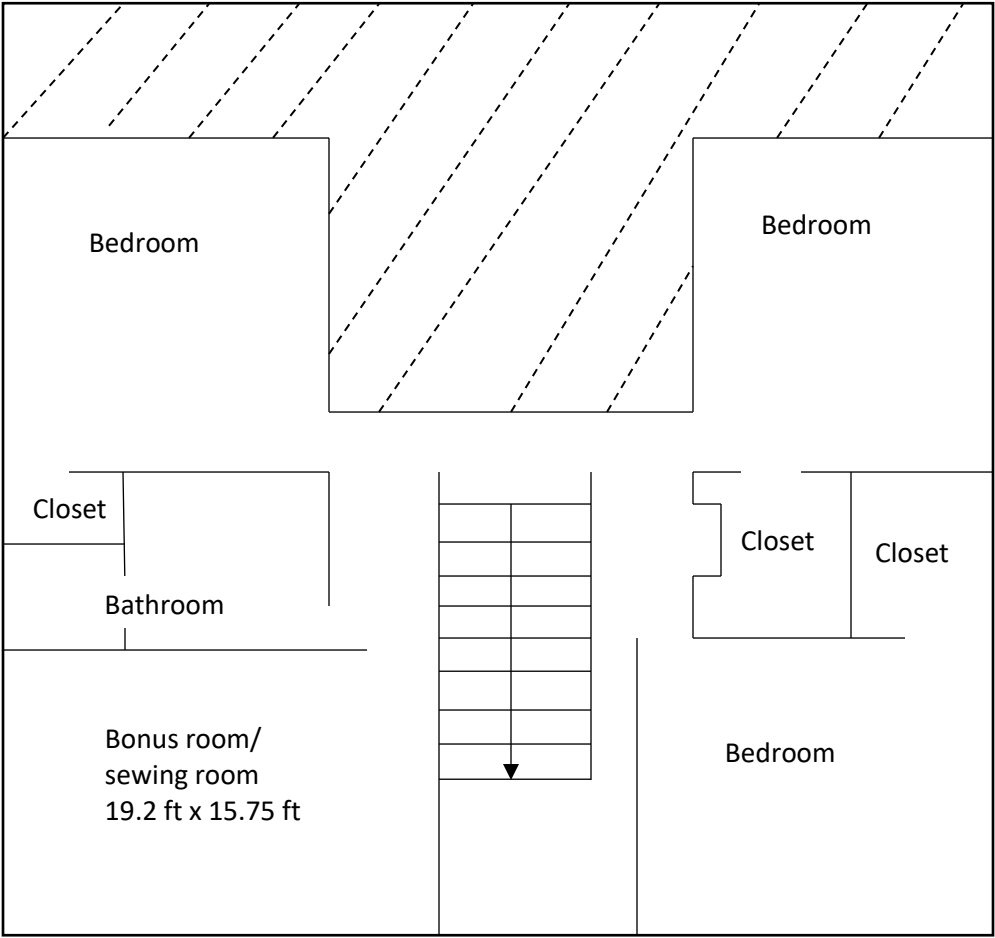
House layout (first floor)

- Alteration business will operate out of office space. Layout for this room is provided page 6.
- Customers may use half-bath.
- 3 exits: front door, garage, and back door



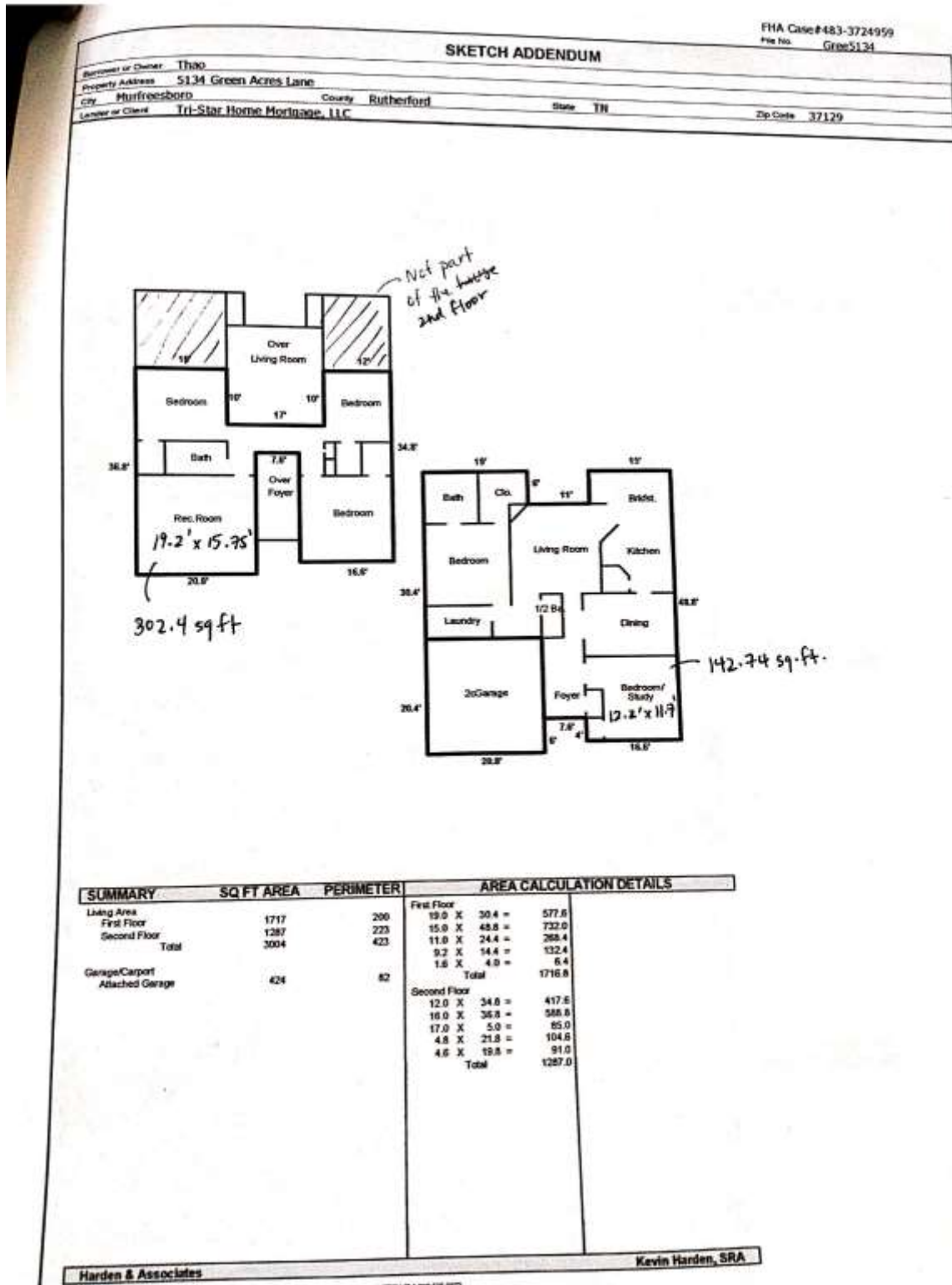
House layout – second floor

- Customers will not have access to this floor, but bonus room will contain sewing machines used for completing alterations. Layout for this room is provided on page 7.



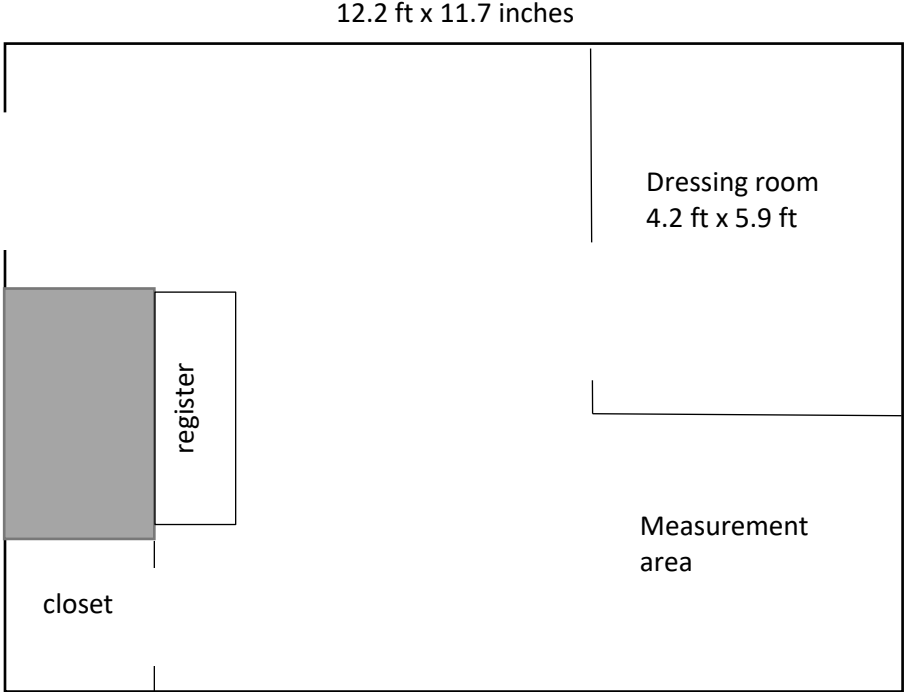
Full layout of house with square footage

- Total living square footage of house: 3004
- Total area for business: 445.14 (14.8% of total living square footage)



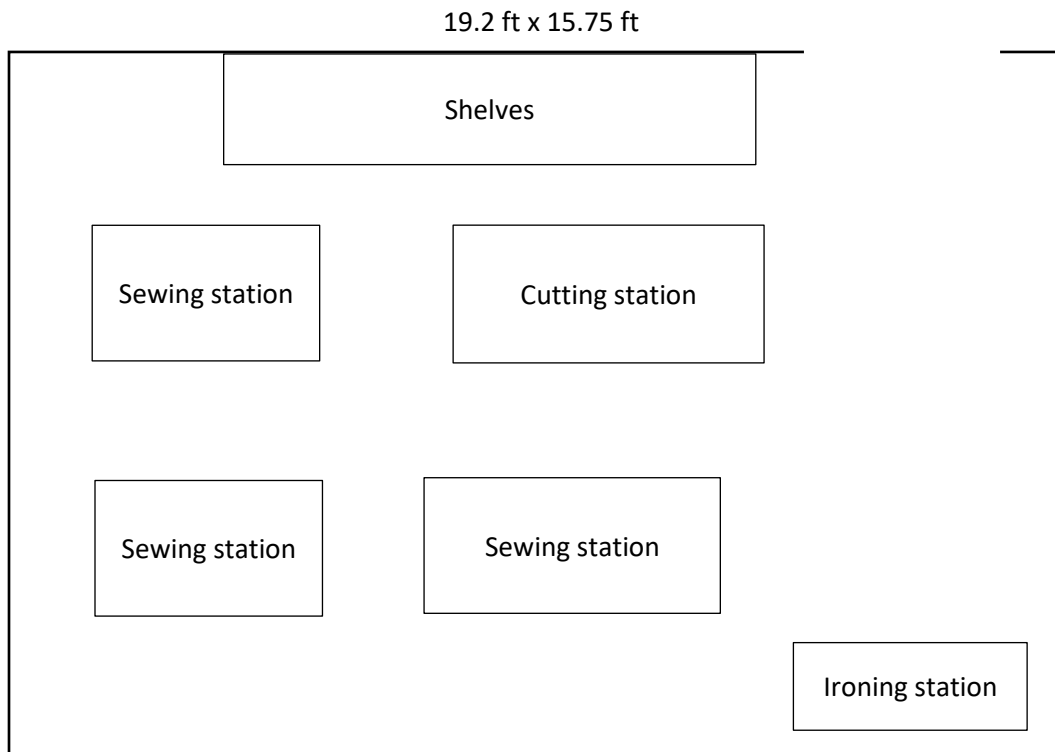
Proposed office/alteration business layout

- Total square footage: 142.74
- One dressing room for customers to change clothes
- Register
- Measurement area



Proposed bonus room/sewing room layout

- Total square footage: 302.4
- Customers are not expected here. This is primarily my work area where I have my sewing machines.



Mai True Thao
5134 Green Acres Lane
Murfreesboro, TN 37129
615-893-4333
maialterations@hotmail.com

November 29, 2021

Board of Zoning Appeal
111 W. Vine St.
Council Chambers
Murfreesboro, TN 37130

RE: Special use permit to operate home-based alteration business

Dear Members of the Board of Zoning Appeal:

As the owner of the residential home at 5134 Green Acres Lane and the alteration business, Mai Alterations, I am requesting a special use permit to operate my alteration business out of my residence. Customers will be bringing me their clothes to measure and alter so that the clothes will fit them properly. For the measuring part, I need a dressing room for customers to change in and a measurement area. To do the alterations, I require five sewing machines (a straight-needle machine, a blind-stitch machine, serger machine, walking foot machine, and cover-stitch machine), an iron, and some shelves for storing the clothes. No heavy mechanical or electrical machinery is needed, and no business signage will be posted up.

I will be using the office and bonus rooms that are already part of my house. The office will contain an erected dressing room (no construction needed), a measurement area, and a register area for processing payment. The bonus room will have the sewing machines, iron, and storage shelves. The proposed layouts for both rooms are provided in the supporting document. The office is 142.74 square feet, and the bonus room is 302.4 square feet. The total living square footage of my house is 3004. Therefore, I am using a total 445.14 square feet, which is an area consisting of 14.8% of my house, for my business.

The street on which my property is on is a dead-end street. As such, the usual traffic is primarily from residents and local deliveries. The possible traffic generated from my business will not significantly affect the current traffic conditions. My business hours will be Monday to Saturday from 8 am to 5 pm by appointments only, and I expect 3 to 4 customers throughout the day. They can park in my driveway, which can accommodate up to 6 vehicles total (driveway can be seen in included aerial and elevation view of house). I also do not have any employees and will not be hiring any. My business does not require routine deliveries of goods; the occasional business deliveries will be conducted with typical home-based delivery companies (UPS, FedEx, USPS).

I will take care to ensure that my business operation will not adversely impact my neighbors and their properties, nor will it disrupt the integrity of my neighborhood, and therefore, I hope the Board can grant this sincere request. Thank you for your consideration of this matter.

Respectfully,



Mai True Thao
Home/business owner

Attached: BZA application form, supporting document including site plans/layout and aerial and elevation views of property