

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, October 26, 2022, 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. Approval of minutes – September 28, 2022
4. New Business:

Special Use Permit Request

- a. **Application Z-22-024 by Larry & Betty Oliver**, requesting a special use permit to establish an accessory apartment in a Single Family Residential (RS-8) zone for property located at 411 Fourth Avenue. All interested parties are invited to attend.
5. Staff Reports and Other Business
 6. Adjourn

MINUTES
OF THE CITY OF MURFREESBORO
BOARD OF ZONING APPEALS
City Hall, 111 W. Vine Street, Council Chambers

September 28, 2022 1:00PM

Members Present:

Davis Young, Chair

Ken Halliburton, Vice Chair

Misty Foy

Julie King

Tim Tipps

Staff Present:

Marina Rush, Principal Planner

Joel Aguilera, Planner

Matthew Blomeley, Assistant Planning Director

Roman Haskins, Assistant City Attorney

Ashley Fulghum, Recording Assistant

1. Call to Order:

Chair Young called the meeting to order.

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 June 22, 2022, BZA meeting were approved as submitted.

4. New Business:

Zoning application [2022-022] for The Church of Jesus Christ of Latter-Day Saints, represented by Matt Taylor, requesting a special use permit to expand parking lot and construct trash enclosure at 902 E. Clark Blvd. Property is zoned Single-Family Residential District (RS-15) and Duplex Residential District (RD). (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

MURFREESBORO BOARD OF ZONING APPEALS MINUTES
SEPTEMBER 28, 2022
PAGE 2

reference.

Ken Halliburton inquired if the space would be large enough for a truck to back in to get the trash.

Mr. Aguilera replied that it is being reviewed.

Rob Molchan with SEC, Inc. explained the lighting and landscape screening plans.

Chair Young opened the public hearing.

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

Mr. Halliburton moved to approve the special use permit request. The motion was seconded by Tim Tipps and carried by the following vote:

Aye: Misty Foy

Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

5. Staff Reports and Other Business:

a. Approval of 2023 BZA Calendar

Marina Rush presented the calendar.

Julie King motioned to approve the calendar. The motion was seconded by Misty Foy and carried by the following vote:

Aye: Misty Foy

Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

MURFREESBORO BOARD OF ZONING APPEALS MINUTES

SEPTEMBER 28, 2022

PAGE 3

Nay: None

b. Introduction of new Recording Assistant

Ms. Rush introduced the new Recording Assistant, Ashley Fulghum, to the board.

6. Adjourn

There being no further business, Chair Young adjourned the meeting at 1:13pm.

CHAIRMAN

SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

October 26, 2022

PROJECT PLANNER: JOEL AGUILERA

Application: Z-22-023

Location: 411 Fourth Avenue

Applicant: Larry & Betty Oliver

Zoning: RS-8 (Residential Single-Family – 8,000 square feet minimum lot size)

Requests: A Special Use Permit to construct a 484 square foot accessory apartment for a family member.



Overview

Special Use Permit Request

The applicants, Larry, and Betty Oliver, are requesting a Special Use Permit (SUP) to convert the detached garage into a 484-square foot accessory apartment, at 411 Fourth Avenue. The accessory apartment will have a kitchen, bathroom, and bedroom/living area as depicted on the attached floor plan. The property has onsite parking for four vehicles. The property is zoned RS-8 and is located in the Sol Berger single-family residential subdivision.

The Oliver's state in the attached correspondence the accessory apartment is for an elderly parent that they can provide support and assistance to that will allow the parent to age in place on their property. The garage currently has a workshop on a second level, which will remain as a workshop and not be a part of the accessory apartment. A new doorway will be constructed to the apartment on the north side. The workshop will maintain the separate existing entrance via exterior stairs on the south side.

Relevant Zoning Ordinance Section

Chart 2 of the City of Murfreesboro Zoning Ordinance allows accessory apartments with approval of a Special Use Permit the RS-8 district. The Zoning Ordinance sets forth specific standards for accessory apartments in addition to the Standards of General Applicability for Special Use Permit. The following are the relevant sections from the Zoning Ordinance that apply to accessory apartments:

Section 2, Definitions:

Accessory Apartment: a second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot of record for use as an independent living facility with provision within the accessory apartment for food preparation, sanitation and sleeping such a dwelling shall be accessory to the main dwelling.

The Standards of General Applicability relating to Special Use Permits and Standards for Accessory Apartments are listed below with analysis from staff on how the proposed accessory apartment meets the standards.

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:

- The proposed accessory apartment conversion will not have a substantial or undue adverse effect upon any adjacent properties as it will be for only one family member, the new door is the only exterior change to the existing structure, adequate parking is on site, and no changes to utility facilities are needed. The traffic conditions would remain the same and the proposed use would not affect the safety and general welfare of the neighborhood.

- (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 proposed conversion from a garage to an accessory apartment will be used in a manner that is compatible with the immediate vicinity and would not interfere with adjacent properties by maintaining the same character and design of the surrounding homes of the neighborhood.
- (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:**
- The proposed accessory apartment will be served adequately by essential public facilities because they are currently existing and serve the property.
- (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:**
- 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 Accessory Apartment uses are listed below.

Additional Standards for Accessory Apartment Uses with Staff Analysis:

- 1.) Only one accessory apartment shall be allowed upon a lot zoned for single family purposes;**
 - The applicant has confirmed that only one accessory apartment will be on the lot at 411 Fourth Avenue.
- 2.) Except for bona fide temporary absences, the owner(s) of the residence or lot upon or in which the accessory unit is created shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members;**
 - The applicant has confirmed that they will continue to reside on the property and that the accessory apartment unit will be used by an elderly parent. The applicant understands that neither of the units may be used a rental or for a non-family member, and has agreed to record a Restriction on Use of Land, as required by the City for all accessory apartments..
- 3.) The accessory apartment shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general,**

any new entrances in an existing structure shall be located on the side or in the rear of the building;

- As depicted in the attached exhibits, the accessory apartment will be consistent with the neighborhood, with the entrance located on the side, and not impact the existing neighborhood character.

4.) If attached to or located within the principal structure, the accessory apartment shall be designed and constructed to allow it to be part of the principal structure at such time as the use of the accessory apartment discontinues or approval of the special permit lapses;

- The applicant has confirmed that proposed accessory apartment will remain detached from the principal structure, and this standard would not apply.

5.) The design and size of the accessory apartment shall conform to all applicable standards in the health, building and other codes;

- The accessory apartment will be 484 square feet and if approved, the applicant is required to obtain all necessary building permits to convert the structure from a garage to a living unit of one apartment. The applicant has confirmed that the design and construction will conform to all applicable standards in the health, building, and other codes. The structure will be separated 6 feet from the side property line and will not exceed 30 feet in height.

6.) The accessory apartment shall not exceed seven hundred square feet of floor area;

- The accessory apartment will be 484 square feet and will not exceed 700 square feet of floor area and will only utilize the current footprint of the existing structure.

7.) The BZA may condition approval upon the special use permit lapsing at such time as the ownership of the property is transferred; and:

- The applicant understands that the BZA may condition approval upon the special use permit lapsing at such time as the ownership of the property is transferred.

8.) The BZA may require additional standards may be met in order to assure compatibility of the proposed use with adjoining properties and to maintain the integrity of the single-family zoning district;

- The applicant understands that the BZA may require additional standards may be met in order to ensure compatibility.

Staff Comments:

Staff recommends approval of the Special Use Permit to allow a 484 square foot accessory apartment to be constructed within the existing garage structure, as presented in the application documents and as noted above. 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. The special use permit approval is for a 484 square foot accessory apartment.
2. The owner(s) of the property for this accessory apartment unit shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members.
3. The second-floor studio workshop, of the detached accessory structure, shall remain a workshop, and shall not be converted or be used a part of the accessory apartment per the maximum square footage of Standard [6] of Accessory Apartments.
4. The applicant shall complete the “Restriction on Use of Land” document prepared by the City Attorney and shall comply with all notarizations and recording requirements, as determined by the City Attorney.
5. Prior to submitting an application for a building permit, the applicant shall submit a detailed floor plan to the Planning Department for review and approval.

Attached Exhibits

- A. Site plan
- B. Applicant correspondence
- C. Application

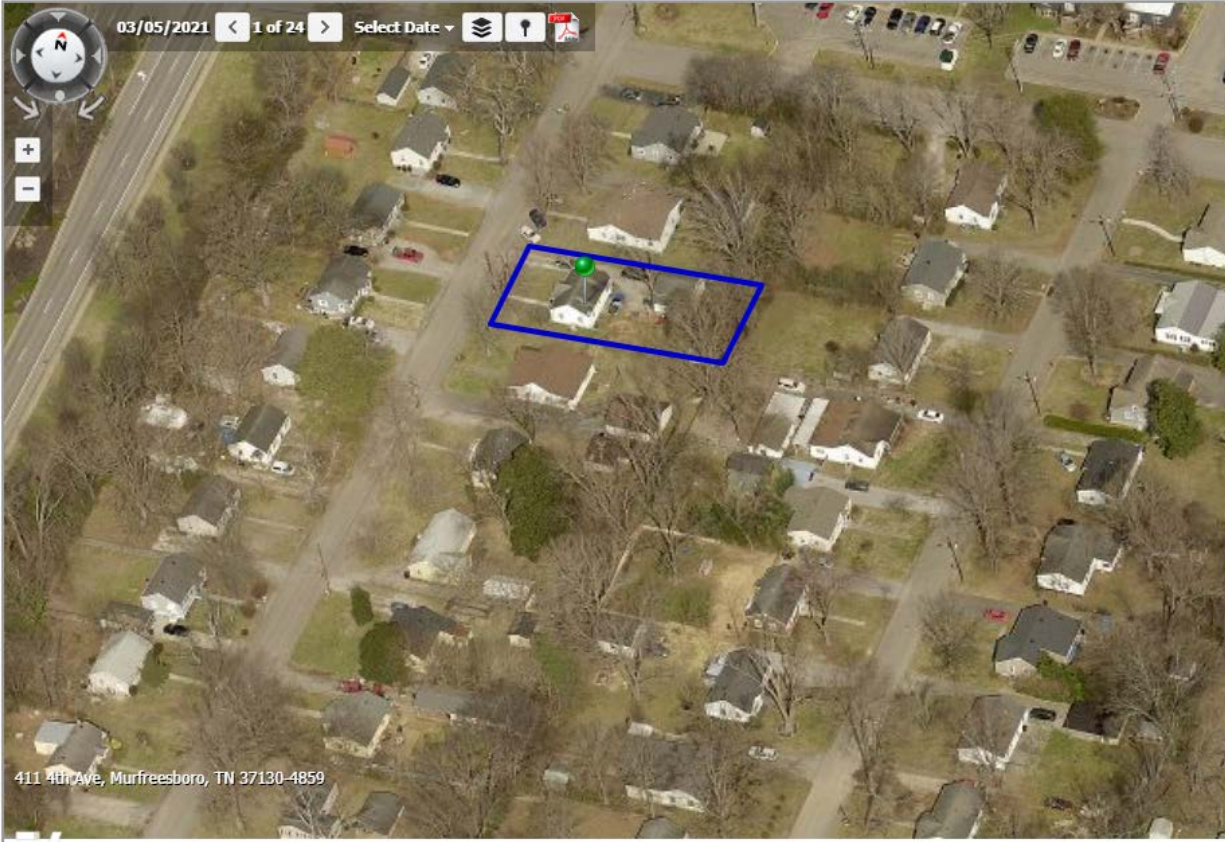
Rutherford County Pictometry

[411 FOURTH AVE, 37130](#)



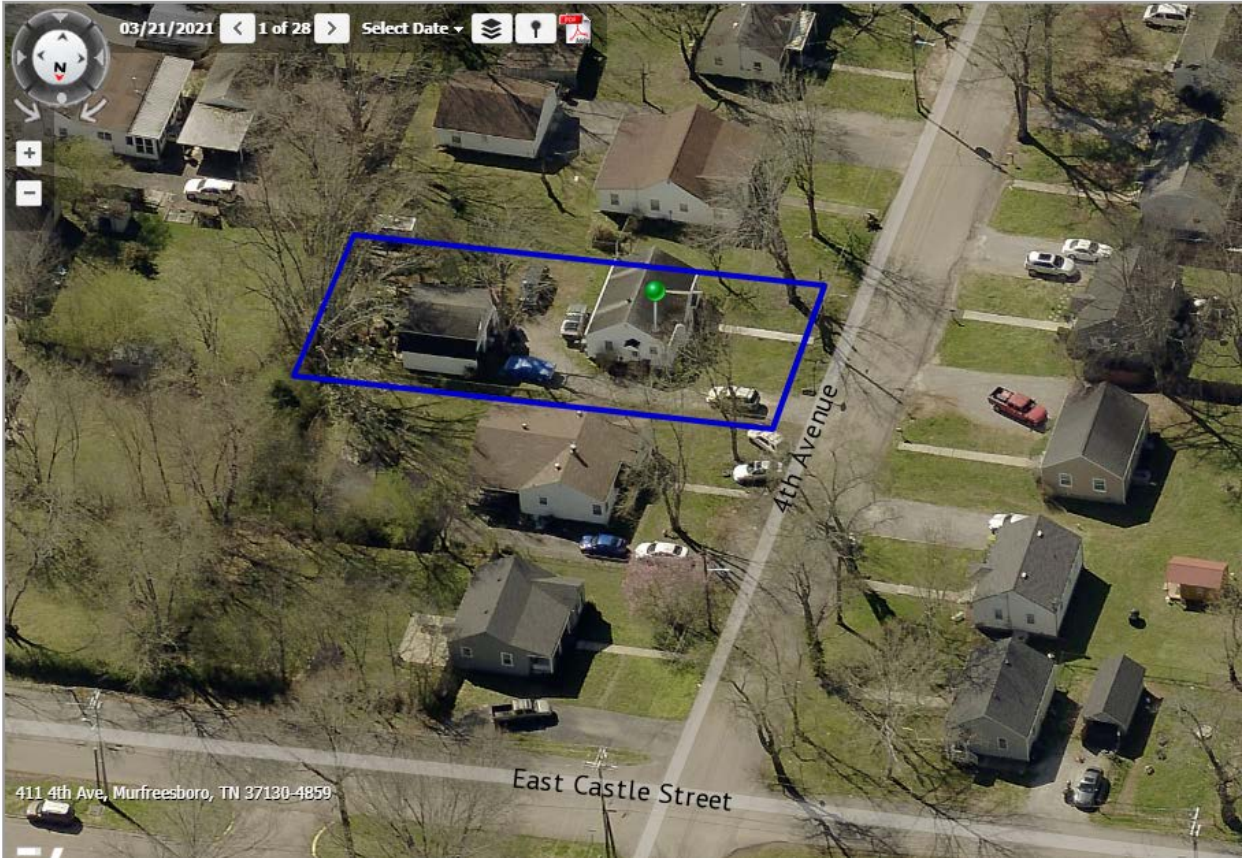
Rutherford County Pictometry

[411 FOURTH AVE, 37130](#)



Rutherford County Pictometry

[411 FOURTHAVE, 37130](#)



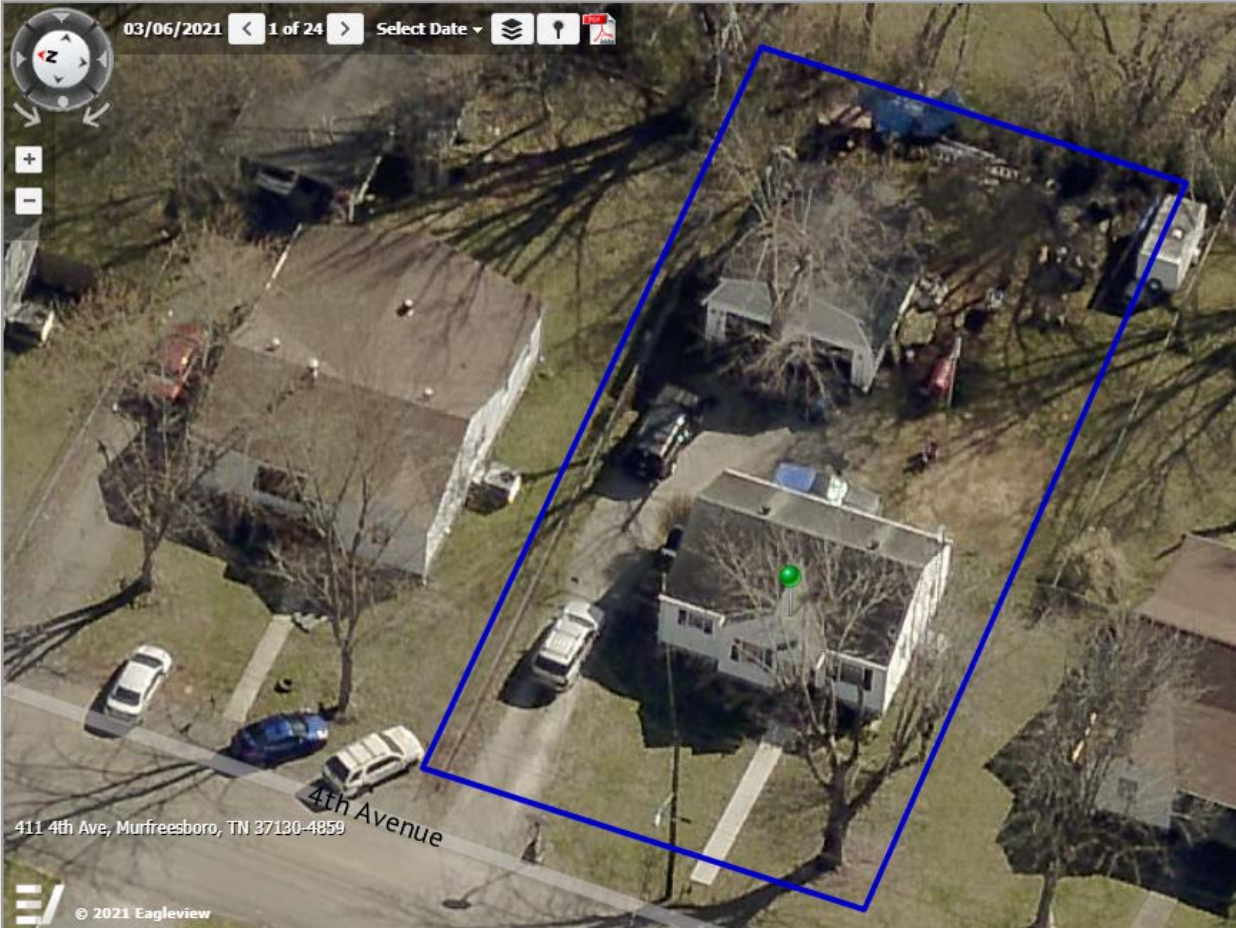
Rutherford County Pictometry

[411 FOURTH AVE, 37130](#)



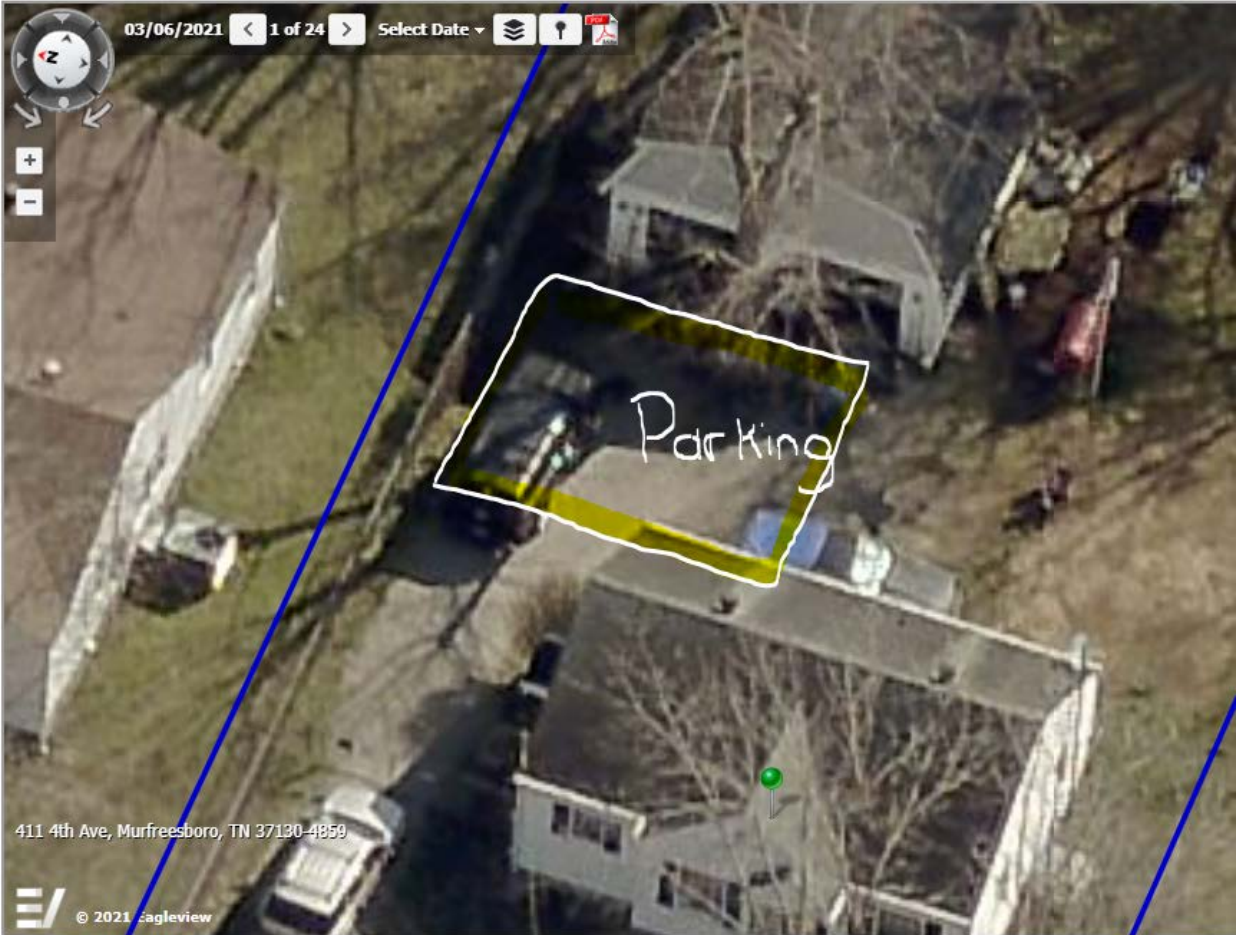
Rutherford County Pictometry

[411 FOURTH AVE, 37130](#)



Rutherford County Pictometry

[411 FOURTH AVE, 37130](#)



Rutherford County Pictometry

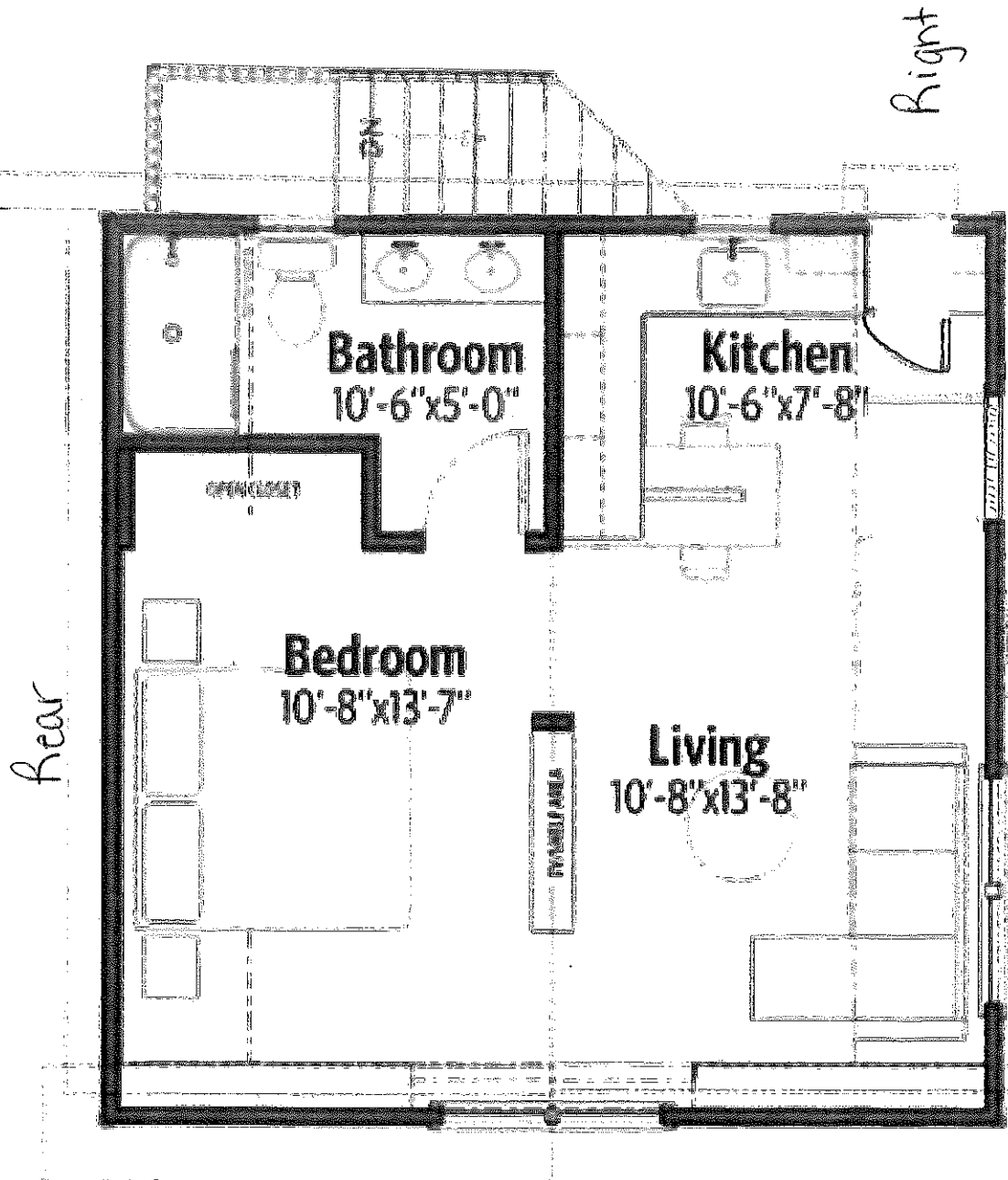
[411 FOURTH AVE, 37130](#)



Two-Story Structure to existing structure maximum height of thirty feet.



ADU - Diver
41 Fourth Ave



Left



Plan 50201PH
Jump to...



PURCHASE OPTIONS



NEED HELP?
800-854-7852

Plan details

Square Footage Breakdown

Total Heated Area:

484 sq. ft.

Width:

22' 0"

2nd Floor:

484 sq. ft.

Depth:

22' 0"

Beds/Baths

ADU

Bedrooms:

1

Type:

Detached

Full Bathrooms:

1

Area:

484 sq. ft.

Count:

484 sq. ft.

Entry Location:

Side

Foundation Type

Standard Foundations:

Slab

Ceiling Heights

Floor / Height:

First Floor / 8' 0"
Second Floor / 9' 0"

Exterior Walls

Standard Type(s):

2x6

Roof Details

Framing Type:

Stick

September 20, 2022

City of Murfreesboro

Murfreesboro Board of Zoning Appeals

Re: Special Permit Uses - Oliver

Dear Board,

Below you will find context and documentation to support our request to be granted a Special Use Permit for our property located at 411 Fourth Avenue, Murfreesboro, TN 37130. All information below and attached are respectively submitted to the Board of Zoning Appeals to provide the detail of the current property, use and condition and the intended use for review and consideration. The property is in a community which reflects multi-generational families, and we feel that gaining approval of a Special Use Permit will afford us the opportunity to continue to contribute in a comparable manner.

Per APPENDIX A – ZONING

Section 9. Standards for Special Permit Uses

(C) Standards of General Applicability

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. Since this will be for residential living purposes, there will be no impact to current traffic conditions. Parking will be in front of the structure. The unit will use public utilities, i.e., Murfreesboro Water & Sewer and Middle Tennessee electric as does the existing home. There will be no unapproved matters that will affect the public health, safety, and general welfare of current or future neighbors.

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 first-floor construction will result in a one-two bedroom accessory apartment with bathroom facilities. The second story will continue to function as a studio/workshop with a separate entrance, also on the right of the building.** The converted garage will have exterior facades like that of the existing home. The finished construction will be such that it is in shape and size of adjacent homes' character in the neighborhood. The siding will be of similar style/finish and like color. The windows will match existing home windows. The main entrance will be on the left side of the building. The completed living space will not exceed seven hundred square feet and will be constructed in the same footprint. The proposed building primary use will be that of residential living and will resemble family residential properties in the immediate vicinity.

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 for such services. The current home on the property and the current two-car, two-story garage in question is serviced by utilities provided by local service providers. Upon completion of the garage conversion, the intent is to continue extended water and refuse disposal through the Murfreesboro Water & Sewer Department; the electricity through Middle Tennessee Electric and if necessary, fire protection from the local Fire Department located on Mercury Boulevard, less than one mile from the property.

4.) 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. As part of the construction remodel, the intent is not to demolish the existing structure, but to remove a portion of the roof and side to rebuild to current codes ensuring the safety of and compliance with the BZA requirements. This plan will minimize any loss and safeguard any importance identified by the BZA.

5.) The proposed building or use complies with all additional standards imposed on it by the particular provisions of this section authorizing such use. The final construction and use of the Special Use Permit will enter and remain in compliance with all BZA requirements and will also comply with any special and particular provisions imposed.

(D) Authorized special uses and additional standards.

1 and 2.) Per the Special Permit Uses specified on Chart 1, in the specified district, we, Larry and Betty Oliver, the property owners of 411 Fourth Avenue, in the city of Murfreesboro, are requesting approval to the BZA to grant a permit for Special Use to convert our two-car, two-story garage to an accessory apartment. As such, we agree to adhere and be subject to the following minimum standards in addition to the general standards applicable to special permit uses set forth in subsection (C).

(a) 1.) Further, we, Larry and Betty Oliver agree that only one accessory apartment shall be allowed upon the existing lot currently zoned for single family purposes.

2.) That except for bona fide temporary absences, we the owners, of the residence or lot upon or in which the accessory unit is created shall occupy at least of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. The accessory apartment will house our elderly parent and will offer the ability to age in place and have family provide the required assistance. In no event shall either of the units be used as a rental unit to a non-family member.

3.) That the request for special use permit and use of the stated property will be in compliance with standards and will not cause any harmful characteristics nor impact on the character of the zoning district in which the property is located. Further, design of the will be reasonable feasible, the appearance of the building remains that of a one-family residence. The white siding will be of similar vinyl style/finish and like covering the existing home. The windows will match existing home windows and will be of comparable size, scaled to the remodeled structure. The main entrance will be on the left side of the building. An exterior staircase will be constructed according to codes, to access the second floor. The completed living space will not exceed seven hundred square feet and will be constructed in

the same footprint. Landscaping consisting of Native Shrubs and grasses. The proposed building primary use will be that of residential living and will resemble family residential properties in the immediate vicinity. The accessory apartment property line is more than six feet from property line to the left, twenty feet from the rear property line and at least twenty-five feet from the right side of the property line. The maximum building height will not exceed thirty feet.

4.) The remodeled structure will remain as detached from the principal structure and will remain as such even as the use of the accessory apartment discontinues or approval of the special permit lapses. Use of existing driveway and parking in front of existing structure. (See photo attached.)

5.) The design and size of the accessory apartment shall conform to all applicable standards in the health, building, and other codes. The construction and occupation of the accessory apartment shall be conducted as to comply with and meet all existing codes imposed. The completed structure will be in keeping with the adjacent homes in the neighborhood as to not affect the existing neighbors or residences. Access to the accessory apartment will be via the existing driveway and will not require any easement. (See attached.)

6.) The finished living space will not exceed seven hundred square feet of floor area. It will consist of an eating area, restroom, sleeping and living area. The access will be on the left side of the structure and will not be visible from the street (Fourth Avenue). (See attached.)

7.) We agree that the BZA may condition approval upon the special use permit lapsing at such time as the ownership of the property is transferred; and

8.) We also agree that the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties and to maintain the integrity of the single-family zoning district. As part of our request to BZA, we are fully prepared meet additional requirements imposed by the BZA.

All information provided has been done so to the best of our knowledge. We are asking that you take this and all other materials herein under careful review. This request is for residential, extended family use and will not be used as a business. All care will be taken to uphold the character and keeping of the neighbors and the community.

Respectfully Submitted for your consideration and approval.

Larry and Betty Oliver

Owners, 411 Fourth Avenue, Murfreesboro, TN 37130

615.225.7939

615.349.6585

City of Murfreesboro

BOARD OF ZONING APPEALS

HEARING REQUEST APPLICATION

Location/Street Address: 411 Fourth Avenue, Murf. TN 37130

Tax Map: Group: Parcel: 1024-J-025 Zoning District:

Applicant: Larry : Betty Oliver E-Mail: oli fam 2-st @ aol.com

Address: 2319 Calderwood Ct Phone: 615.255.7439 / 314.6855

City: Murfreesboro TN State: TN Zip: 37130

Property Owner: Larry : Betty Oliver

Address: 411 Fourth Avenue Phone: 615-255-7439 / 615-314-6855

City: Murfreesboro TN State: TN Zip: 37130

Request: Convert two-story, two-car garage into two-story mother-in-law family member living area.

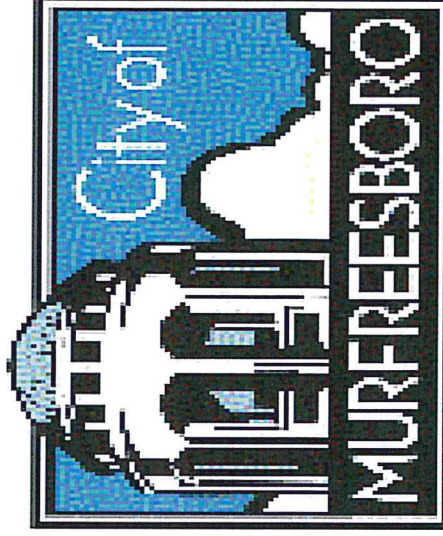
Zoning District:

Applicant Signature: Betty Oliver Date: 9/12/2022

Received By: AF Receipt #: 530141

Application #: Date: 10/10/22

Murfreesboro Board of Zoning Appeals



T E N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION

INTRODUCTION:

The Board of Zoning Appeals hears appeals of the requirements of the Zoning and Sign Ordinances, appeals from administrative decisions, and requests for Special Exception uses listed on Chart 1 of the Zoning Ordinance.

VARIANCES:

Required yard and height variances may be granted in accordance with Section 10 of the Zoning Ordinance in cases where the strict application of the ordinance imposes hardship or practical difficulty on the property owner due to the unusual character of the property, which makes compliance extraordinarily difficult or impossible. *Financial hardships will not be considered.*

Variances of the Sign Ordinance may be granted in cases where the strict application of the ordinance imposes hardship or practical difficulties as a result of unusual characteristics of the applicant's property, which make compliance extraordinarily difficult or impossible. *Financial hardships will not be considered.*

SPECIAL USE PERMITS:

Special use permits may be granted in accordance with Sections 8 and 9 of the Zoning Ordinance for uses specified in Chart 1 of the Zoning Ordinance.

APPEALS FROM ADMINISTRATIVE DECISIONS:

The Board of Zoning Appeals has authority to hear appeals from any order, requirement, decision, or determination by any department, office, or bureau responsible for the administration of the Zoning or Sign Ordinances.

APPLICATION PROCESS:

The owner or other party having contractual interest in the affected property must file an application with the Board's secretary no later than 3:00 PM on the submittal deadline date on the official BZA Calendar.

The applicant must submit the following:

1. A completed application (included on this brochure).
2. A \$350 application fee; or in the case of a special meeting, a \$450 application fee (checks to be made payable to the City of Murfreesboro).
3. Supporting materials which should include:

-- For special use permits, a site plan indicating the location of all existing and proposed structures, parking spaces, access points, fences, driveways, and property lines. Home occupation requests should include a statement of the proposed hours of operation, the volume of traffic anticipated, and the nature of the

business. Day-care centers should include a statement from the Department of Human Services that such center can be licensed by the State.

-- For yard variance requests, a site plan showing all existing and proposed structures, property lines, and the distance between structures and the property lines.

-- For appeals from administrative decisions, a statement indicating the order, requirement, decision, or determination being appealed and a statement setting forth the applicant's argument.

-- Additional information may be required at the discretion of the Board's Secretary.

MEETING TIME AND PLACE:

The Board of Zoning Appeals meets once a month at 1:00 PM in the Council Chambers located in the City Hall Building at 111 West Vine Street. See BZA Calendar for meeting dates.

MEMBERSHIP

Davis Young, Chairman	Julie R.P. King
Ken Halliburton, Vice-Chair	Tim Tipps
Misty Foy	

STAFF

Matthew Blomeley, Asst Planning Director
Teresa Stevens, Sign Administrator
David Ives, Assistant City Attorney
Brenda Davis, Recording Assistant



4311