

**CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

Regular Meeting, November 21, 2022, at 1:00 p.m.  
City Hall, 111 West Vine Street, Council Chambers, 1<sup>st</sup> Floor

---

---

**A G E N D A**

---

---

1. Call to order
2. Determination of a quorum
3. Approval of minutes
  - a. September 28, 2022
  - b. July 27, 2022
4. Old Business:

*Reconsideration of Special Use Permit Request*

- a. **Application Z-22-024 by Larry and Betty Oliver** reconsider previously approved special use permit establishing an accessory apartment in a Single-Family Residential (RS-8) zone for property located at 411 Fourth Avenue in order to modify the conditions of approval.
5. New Business:

*Special Use Permit Amendment Request*

- a. **Application Z-22-025 by Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc., representing Enterprise Holdings, Inc.**, requesting an amendment to an existing special use permit for a motor vehicle sales and rental facility (automobiles) on property in the Commercial Highway (CH) district located along the south side of Franklin Road and along the west side of Bob Kelley Drive. (The subject property is also identified as 3019 Franklin Road and Tax Map 0920, Group B, Parcel 00200.) The previous special use permit was approved by the Board of Zoning Appeals on February 26, 2020. The amendment to the special use permit pertains to the expansion of the motor vehicle sales and rental facility on the southern portion of the subject property, for the sale and/or rental of trucks.
6. Staff Reports and Other Business
7. Adjourn

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

October 26, 2022 1:00PM

**Members Present:**

Davis Young, Chair

Ken Halliburton, Vice-Chair

Tim Tipps

**Staff Present:**

Matthew Blomeley, Assistant Planning Director

Roman Hankins, Assistant City Attorney

Ashley Fulghum, Recording Assistant

**Members Absent:**

Misty Foy

Julie King

**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 September 28, 2022, BZA meeting were approved as submitted.

**4. New Business:**

**Zoning application [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. (Project Planner: Joel Aguilera)**

Mr. Matthew Blomeley 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

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

minutes by reference.

Mr. Larry and Ms. Betty Oliver were in attendance.

Mr. Tim Tipps inquired about setbacks. Mr. Blomeley responded that the renovated structure will not go outside of the current building footprint.

Chair Young opened the public hearing.

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

Vice-Chair Ken Halliburton motioned to approve the special use permit subject to all staff comments

and also to the additional condition that the special use permit shall lapse upon transfer of the property; the motion was seconded by

Mr. Tipps and carried by the following vote:

Aye: Ken Halliburton

Tim Tipps

Chair Davis Young

Nay: None

**5. Staff Reports and Other Business:**

**a. Continuing Education**

Mr. Blomeley informed the Board that he will be sending them the year-to-date training log.

**6. Adjourn**

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

---

CHAIRMAN

---

SECRETARY

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

July 27, 2022 1:00 PM

**Members Present:**

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

**Staff Present:**

Matthew Blomeley, Assistant Planning Director  
Marina Rush, Principal Planner  
Roman Hankins, Assistant City Attorney  
Serena Harris, 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. Nomination of Vice Chair for 2022-2023:**

Ms. Julie King made a motion to nominate Mr. Ken Halliburton to be Vice-Chair for 2022-2023; the motion was seconded by Mr. Tim Tipps and carried by the following vote:

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

Nay: None

**4. 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.

# MURFREESBORO BOARD OF ZONING APPEALS MINUTES

## JULY 27, 2022

### 4. New Business:

**Zoning application [22-010] by Christal Lucas Adcock, requesting a special use permit to establish a home occupation (beauty shop) in a Single Family Residential (RS-15) zone for property located at 1103 East Rye Court. (Project Planner: Brad Barbee)**

Mrs. Marina Rush 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.

Ms. Christal Lucas Adcock was in attendance.

Mr. Tim Tipps inquired if the property owner needs to provide a letter supporting the proposed home-based business requested by his renter. Mrs. Rush responded that the property owner has provided a letter and a copy of the rental lease giving his written permission for the home-based business.

Chair Young opened the public hearing.

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

Ms. Foy motioned to approve the special use permit subject to all staff comments; the motion was seconded by Vice-Chair Haliburton and carried by the following vote:

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

Nay: None

**Zoning application [22-021] by Matt Taylor of SEC, for Middle Tennessee Christian School, requesting a special use permit for the expansion of an existing institutional group assembly use (private school) located in a Single Family Residential (RS-15) zone at 100 East MTCS Road. (Project Planner: Joel Aguilera)**

Mrs. Marina Rush 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.

Mr. Matt Taylor of SEC, Inc. (design engineer) was in attendance, representing the applicant.

Chair Young opened the public hearing.

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

Vice-Chair Halliburton asked Mr. Taylor if he felt they could complete the construction of the school addition in two years and whether the time requested for the portable classrooms was

# MURFREESBORO BOARD OF ZONING APPEALS MINUTES

## JULY 27, 2022

sufficient. Mr. Taylor stated that the school is intending to open the addition for the 2023/2024 academic year.

Ms. King asked Mr. Taylor about the number of classrooms in the portables.

Ms. Foy asked if there are any portables on the property currently. Mr. Taylor responded that there are two existing portables that have been on the property for approximately 20 years.

Vice-Chair Halliburton motioned to approve the special use permit subject to all staff comments; the motion was seconded by Mr. Tipps and carried by the following vote:

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

### 5. Staff Reports and Other Business:

Mrs. Rush informed the Board that Mrs. Serena Harris will be leaving the City and thanked her for her service with Board of Zoning Appeals.

### 6. Adjourn

There being no further business, Chair Young adjourned the meeting at 1:36 pm.

---

CHAIRMAN

---

SECRETARY



## MEMORANDUM

---

To: Board of Zoning Appeals

From: Marina Rush, Principal Planner

Date: November 17, 2022

Subject: Reconsideration of Special Use Permit Z-22-024, 411 Fourth Avenue Accessory Apartment to amend the conditions of approval

On October 26, 2022, the Board of Zoning Appeals held a public hearing and approved a Special Use Permit (SUP), Z-22-024, for the establishment of a 484 square foot accessory apartment for a family member, located at 411 Fourth Avenue, subject to the recommended conditions of approval. The purpose of this request for Reconsideration of SUP Z-22-024 is to remove one of the conditions of approval, specifically #6 below, as it conflicts with #4 below.

**Number 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.

**Number 6:** The Special Use Permit shall lapse upon transfer of the property.

Upon subsequent discussions with the City Attorney, the approved Condition No. 6 requiring the SUP to lapse with upon the transfer of the property would not be needed due to the Restriction on Use of Land, prepared by the City Attorney, which requires that at least one of the dwelling units can only be occupied by a family member or an invited guest and cannot in any circumstances be used as rental unit. One of the purposes of the use restriction is to put future property owners on notice of how the accessory apartment may be used, so that it is not used by future owners in violation of the Zoning Ordinance and of the SUP approval. In addition, it would likely be difficult for staff to monitor and enforce the condition requiring the SUP to lapse upon transfer of the property. Staff recommends the BZA reconsider the SUP Z-22-024 and remove the Condition of Approval that the “Special Use Permit shall lapse upon transfer of the property.” No public hearing is needed for the Reconsideration. The property owners have been informed of the request for Reconsideration and staff’s recommendation. The draft Restrictive Covenant for the accessory apartment and October 26, 2022, BZA staff report for the item are attached for reference.

This Instrument Prepared By:  
Roman S. Hankins  
Assistant City Attorney  
City of Murfreesboro  
111 West Vine Street  
Murfreesboro, TN 37130

**TAX MAP 103A GROUP J PARCEL 025.00**

**RESTRICTION ON USE OF LAND**

**THIS RESTRICTION ON USE OF LAND** is entered into by the undersigned as of the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**WHEREAS, LARRY OLIVER, JR., and wife, BETTY J. OLIVER** (“Owners”) are the owners of the property known as 411 Fourth Avenue in Murfreesboro, Rutherford County, Tennessee, further described as **Lot No. 3, Sol Berger Addition Annex #1**, according to survey and plat of record in **Deed Book 108 Page 8**, property being conveyed to Owners by Warranty Deed of record in **Record Book 2135, Page 1014**, of the Register’s Office of Rutherford County, Tennessee, and

**WHEREAS**, the Owners have applied to the City of Murfreesboro for a special use permit to construct and maintain an attached accessory apartment as defined in the zoning ordinance of the City of Murfreesboro on the Property; and

**WHEREAS**, Tennessee statutes authorize the City of Murfreesboro to promulgate regulations on the use of property; and

**WHEREAS**, the zoning ordinance and zoning map of the City of Murfreesboro do not allow an accessory apartment on this single family zoned Property to be used as a residence by any person who is not a member of the family of owner(s) or occupant(s) of the principal residence; and

**WHEREAS**, the Owners desire to restrict themselves and all future owners of the Property from being able to allow the use of the accessory apartment as a residence by persons who are not members of the family of owner(s) or occupant(s) of the principal residence in order to comply with the City of Murfreesboro’s zoning ordinance and to satisfy the conditions for the grant of the special use permit issued by the Board of Zoning Appeals on October 26, 2022.

**NOW, THEREFORE**, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owners, for themselves and their successors and assigns agree and covenant as follows:



1. Except for bona fide temporary absences, the Owners 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.

2. This restriction shall run with the land and shall bind the present and all future owners of the Property; provided, that if the zoning ordinance and zoning map of the City of Murfreesboro are ever changed to allow such use of the Property as a matter of right, then this Restriction on Land Use shall be void and of no further effect.

**WILSON BANK & TRUST** ("Lienholder") hereby consents to the entry of the foregoing Restriction on Land Use by Owners and joins in the execution hereof solely as Lienholder and hereby does agree that in the event of the foreclosure of said mortgage, or other sale of said property described in said mortgage under judicial or non-judicial proceedings, the same shall be sold subject to said Restriction on Land Use.

**IN WITNESS WHEREOF**, the parties hereto set forth their hands and seals as of the day and date first above written.

\_\_\_\_\_  
**LARRY OLIVER, JR.**

\_\_\_\_\_  
**BETTY J. OLIVER**

STATE OF \_\_\_\_\_ )  
: ss  
COUNTY OF \_\_\_\_\_ )

Personally appeared before me, the undersigned notary public, **LARRY OLIVER, JR., and wife, BETTY J. OLIVER**, the within named bargainors, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such persons executed the within instrument (**RESTRICTIONS ON USE OF LAND**) for the purposes therein contained.

Witness my hand, at office, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_ (SEAL)

**WILSON BANK & TRUST**

**BY:** \_\_\_\_\_

**ITS:** \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
                                                          : ss  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned notary public, personally appeared \_\_\_\_\_, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be the president, or other officer authorized to execute the instrument, of **WILSON BANK & TRUST COMPANY**, the within named bargainor, a financial institution, and that such person as such officer executed the foregoing instrument (**RESTRICTION ON USE OF LAND**) for the purposes therein contained by personally signing the name of the financial institution in such person’s capacity as such officer.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_ (SEAL)

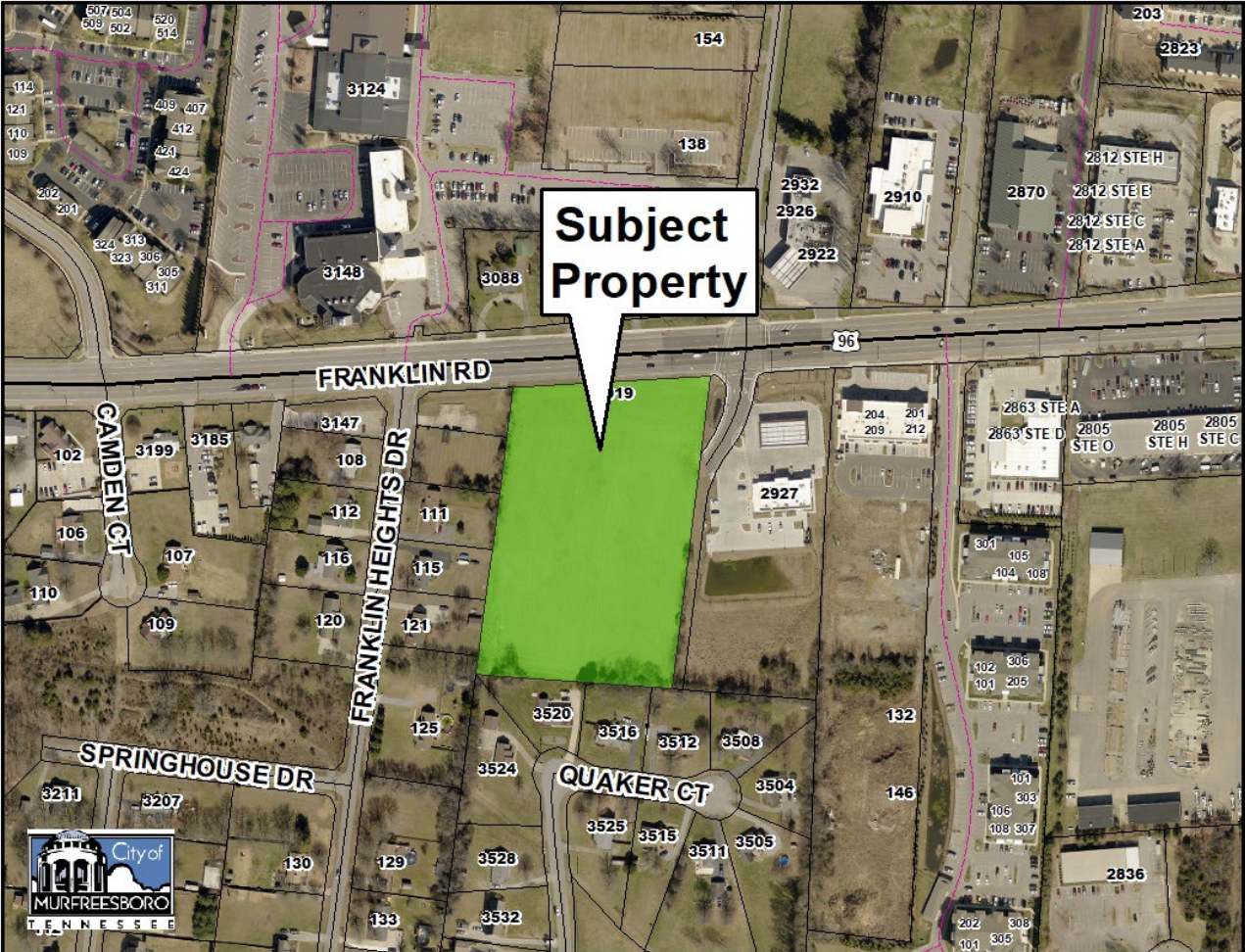
# MURFREESBORO BOARD OF ZONING APPEALS

## STAFF REPORT

NOVEMBER 21, 2022

### PROJECT PLANNER: BRAD BARBEE

- Application:** Z-22-025
- Location:** 3019 Franklin Road (Tax Map 92O, Group B, Parcel 2.00)
- Applicant:** Clyde Rountree of Huddleston Steele Engineering on behalf of Enterprise Holdings, Inc.
- Owner:** Pingree 2000 Real Estate Holdings, LLC.
- Zoning:** CH (Highway Commercial District)
- Request:** Amendment to a Special Use Permit for Motor Vehicle Sales and Rental (Automobiles)



## **Overview of Special Use Permit**

Mr. Clyde Rountree, on behalf of Enterprise Holdings, is requesting an amendment to the existing Special Use Permit 2020-Z-001 in order to expand the area used for the rental/sales of motor vehicles, add an additional office and maintenance structure, modify the parking and storage arrangement, and compensate for the road change from a through street to a cul-de-sac at Bob Kelley Drive. The subject property is located at 3019 Franklin Road and is also identified as Tax Map: 92O, Group: B, Parcel: 2.00. The permit would allow for the expansion of the previously approved special use permit by modifying the area along the southern portion of the lot as shown in the accompanying site plan. The expanded area will be utilized for a truck rental facility and provide three customer parking spaces, four employee parking spaces, and forty-one truck rental inventory spaces along with a hand wash and office structure that is approximately 3,750 ft<sup>2</sup> in size. No changes to the operating hours of 7:00am - 7:00pm have been requested in the amendment application and the applicant must still submit a site plan to the Planning Department and obtain approval prior to obtaining permits for any work.

The required 25ft x 150ft loading and unloading area is provided in the same location as previously approved and the architecture and site layout have been designed in such a way to be compatible with the surrounding area and cause no negative impact on adjacent properties as the site have been heavily screened from the adjacent residential properties.

The subject property is a total area of 3.41 acres and is zoned CH (Highway Commercial District). Across Franklin Road to the North is property also zoned CH, in addition there are several parcels located outside the City limits owned and used by Franklin Road Baptist Church. Directly to the South and West are the Haverford and Franklin Heights single family residential subdivisions, which are located outside of the City limits. The property to the East is also zoned CH and is currently a Race Trac convenience store and fuel station.

## **Relevant Zoning Ordinance Sections**

Chart 1 of the City of Murfreesboro Zoning Ordinance allows motor vehicle sales uses in the CH district only after the issuance of a Special Use Permit by the Board of Zoning Appeals. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(ffff) sets forth standards for motor vehicle sales uses in addition to the Standards of General Applicability Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them.

## **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, and utility facilitates, and other matters affecting the public health, safety and general welfare.**

Staff has reviewed the application and associated documents and believe that this standard has been met because on site facilities are provided for customers, employees, and inventory storage. These facilities have also been designed to cause minimal impact on the

surrounding area by proposing 20ft wide type E buffers *in addition* to 3ft tall berms and opaque fencing along the western and southern property lines to provide protection to the adjacent single family residential property owners.

- 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.**

Staff has reviewed the application and associated documents and believe that this standard has been met because the site has been designed so that it will not interfere with the development and use of the adjacent properties. A 20ft type E buffer has been proposed along the western and southern property lines in addition to a 3ft tall berm and a 6ft tall opaque fence to provide visual screening and sound management.

- 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 persons or agencies responsible would provide such services.**

Staff has reviewed the application and associated documents and believe that this standard has been met because the subject property has street frontage on two public roads and will be serviced off of Franklin Road. Access is provided from one access drive on Franklin Road and two additional access points along Bob Kelley Drive that will serve the subject property. The property is also providing adequate on-site parking for the proposed use and drainage will be designed to meet the required standards. Fire protection and water feeds will be extended to the buildings as well as sanitary sewer which is available along the east property lines. Solid waste is managed by an on-site, dumpster enclosure located along the western side of the property.

- 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 significant natural, scenic, or historic importance.**

Staff has reviewed the application and associated documents and believes that this standard has been met because neither the applicant or staff are aware of any significant natural, scenic, or historical feature(s) on the subject property.

- 5. That the proposed building/use complies with all additional standards imposed on it by the particular provision of this section authorizing use.**

Staff has reviewed the application and associated documents and believes that this standard has been met. See below for analysis of additional standards.

## **Additional Standards for Motor Vehicle Sales (Automobile) with Staff Analysis**

Motor Vehicle Sales (Automobile) uses shall be subject to the following additional standards:

**[1] each lot used for automobile sales shall include a principal structure designed and constructed in accordance with the provisions of this article (Appendix A: Zoning) and all other applicable regulations and codes;**

Staff has reviewed the application and associated documents and believe that this standard has been met because a principal structure and car wash are proposed for the property. Those structures have been reviewed by City staff for compliance with the Murfreesboro Zoning Ordinance and all other applicable ordinances. Staff will ensure that the development plans are fully compliant during the review process for the modified portion of the site plan.

**[2] in addition to meeting the minimum parking required in Chart 4 of this article (Appendix A: Zoning), supplementary parking spaces meeting the following requirements shall be provided for customers, employees, and service vehicles:**

**[a] customer parking shall be clearly designated via signage and striping and shall be provided at the following minimum ratios:**

| Total number of vehicles on sales lot | Minimum number of customer parking spaces required |
|---------------------------------------|----------------------------------------------------|
| 0-25                                  | 2                                                  |
| 25-50                                 | 3                                                  |
| 51-75                                 | 4                                                  |
| 76-100                                | 5                                                  |
| 101-150                               | 6                                                  |
| 151-200                               | 7                                                  |

Staff has reviewed the application and associated documents and believe that this standard has been met because required parking for customers in excess of the minimum standard has been provided and identified on the civil plans.

**[b] one employee parking space shall be provided for each employee on the largest shift;**

Staff has reviewed the application and associated documents and believe that this standard has been met because required parking for employees that meets this standard has been provided and identified on the civil plans.

**[c] one parking space shall be provided for each service vehicle;**

Staff has reviewed the application and associated documents and believe that this standard has been met because, according to the applicant, no service vehicles are associated with portion of the business.

**[d] all driveways and parking areas, including automobile storage and display areas, shall be surfaced with asphalt, concrete, or other hard dustless surface material. Bituminous surface treatments (“tar and chip”) shall not be allowed on any driveway, automobile storage area, or parking lot.**

Staff has reviewed the application and associated documents and believe that this standard has been met because all required spaces will be constructed with asphalt or concrete.

**[e] Parking and display of automobile inventory shall occur only in areas designated in the special use permit application. Driveway aisles, public right-of-way, and landscaped areas shall not be used for automobile parking or display;**

Staff believes that this standard has been met because the conceptual site plan that has been provided clearly labels the areas where the applicant intends to park and display automobile inventory. In addition, the applicant has committed to abiding by this requirement in the letter submitted to the Board of Zoning Appeals.

**[3] automobile parts and salvage/junk automobiles shall not be stored on any outdoors portion of the site;**

The applicant has indicated that they understand this standard and will comply.

**[4] all automobiles visible from the public right-of-way or lying adjacent to any area zoned for residential uses shall be operational;**

Staff has confirmed that the applicant intends to keep only operational vehicles on the property.

**[5] tents and other temporary or accessory structures shall not be erected on the site except in accordance with the provisions of this article;**

The applicant has indicated that they understand this standard and will comply.

**[6] outdoor sound amplification shall not be allowed;**

Staff has reviewed the application and associated documents and confirmed that no outdoor sound amplification equipment is included in the request.

**[7] the following landscape buffers shall apply to automobile sales lots lying adjacent to residential, mixed use, and office zoning districts:**

| <i>Adjacent Zoning</i>                                                                 | <i>Buffer Required</i> |
|----------------------------------------------------------------------------------------|------------------------|
| <i>RS-15, RS-12, RS-10, RS-8, RS-4, RD, RM-12, RM-16, RM-22, RS-A, R- MO, MU, OG-R</i> | <i>Type E</i>          |
| <i>OG, CU, P, CBD</i>                                                                  | <i>Type D</i>          |

Staff has confirmed that the subject property does adjoin residentially zoned property along the western and southern property lines. The site plan satisfies this requirement by providing a 20'-wide type 'E' buffer and, in addition, also provides a 3ft tall berm and 6ft tall opaque fence.

**[8] all loading and unloading of automobiles shall be accomplished on-site. Automobile loading, unloading, staging, and maneuvering shall not be permitted within any public right-of-way. Loading/unloading areas shall be provided as follows:**

**[a] each site used for automobile sales shall provide a loading/unloading area of 150 feet in length by 25 feet in width;**

**[b] the required loading/unloading area shall not block or utilize any portion of the designated customer, employee, or service vehicle parking area(s) or any internal driveway as required by Section 26 of this article;**

Staff has confirmed that a loading/unloading area has been provided on site that meets the required standards and, in addition, a condition of approval has been added to reinforce the importance of this standard.

**[9] fencing may be constructed in automobile inventory areas, provided that such fencing meets the following standards:**

**[a] no barbed wire or razor wire shall be permitted;**

**[b] chain-link fencing shall be plastic coated with black or green coating; and**

**[c] chain-link fencing shall not be allowed along the perimeter of any automobile storage area lying adjacent to a public right-of-way;**

Staff has reviewed the fence design and confirmed that this standard has been met because the fencing provided is a 6ft tall privacy fence located along the southern and western property lines to supplement the required buffer.

**[10] automobile service bays and overhead service area doors shall not be visible from any public right-of-way;**

Staff has reviewed the door locations on the proposed building and confirmed that it does not face public right-of-way.

**[11] mechanical and other automobile services shall not be performed within 100 feet of any property zoned for residential use, regardless of any lesser minimum building setbacks;**



Staff has confirmed that the proposed hand wash and office building is a minimum of 100ft away from property zoned for residential use. The hand wash and office building are approximately 162ft from the nearest residential property to the west and approximately 100ft from the nearest residential property to the south.

**[12] hours of operation shall be limited to “daytime hours” as defined in the Murfreesboro Noise Control Ordinance;**

According to the applicant, the business will operate from 7:00am until 7:00pm. This time frame is within the envelope specified for daytime hours in the Noise Control Ordinance of 7:00am until 10:00pm.

**[13] the applicant shall provide a site plan showing all proposed structures, parking areas, automobile storage areas, landscaped areas, buffers, delivery/loading areas, and fencing. The site plan shall also indicate the maximum number of for-sale, for-rent, and/or for-lease automobiles that can be accommodated by the provided parking and storage areas;**

Staff believes that this standard has been met because a conceptual site plan has been provided by the applicant providing the required information. This site plan will be further refined through the City’s site plan review process.

**[14] where the requirements of this subsection exceed those of other subsections and exhibits in this article (Appendix A: Zoning), excepting Section 24 Article III, the standards set forth in this subsection shall supersede those subsections and exhibits; and**

The applicant has indicated that they understand this standard and will comply.

**[15] the Board of Zoning Appeals may require additional standards to ensure the compatibility of the automobile sales lot with other properties in the vicinity.**

The applicant understands that the BZA may impose additional conditions.

**Recommended Conditions of Approval:**

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

1. A Site plan application shall be submitted to the Planning Department for review and approval. The site plan set shall include architectural elevations and demonstrate compliance with all requirements of the Zoning Ordinance and Design Guidelines, and conditions of approval for the Special Use Permit.
2. Operating hours will be limited to 7:00 AM to 7:00 PM.
3. The applicant will provide, maintain, and ensure the use of the 25ft x 150ft loading zone - space for the loading and unloading of vehicles only. This loading zone-space may not be used for parking, inventory storage, or any other use.
4. Vehicles shall be unloaded and loaded within the 25ft x 150ft loading/unloading area designated on the site plan. No loading or unloading of vehicles is permitted within any public ROW.

5. No storage or display of any vehicles shall take place on any landscaped or lawn areas.
6. As described by the applicant, the maintenance building will be for hand washing of vehicles only. The addition of automated equipment will require an amendment to the Special Use Permit.
7. All conditions of the previous special use permit approval will still apply. (A copy of these conditions are attached for reference.)

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

**Attached Exhibits**


- 1) BZA Application
- 2) Site Photographs
- 3) Applicant Letter
- 4) Conceptual Site Plan
- 5) Original Special Use Permit confirmation letter

|                                                               |                                        |
|---------------------------------------------------------------|----------------------------------------|
| <i>City of Murfreesboro</i><br><b>BOARD OF ZONING APPEALS</b> | <b>HEARING REQUEST<br/>APPLICATION</b> |
|---------------------------------------------------------------|----------------------------------------|

|                                                                   |          |              |                  |
|-------------------------------------------------------------------|----------|--------------|------------------|
| Location/Street Address: 3019 Franklin Rd, Murfreesboro, TN 37129 |          |              |                  |
| Tax Map: 920                                                      | Group: B | Parcel: 2.00 | Zoning District: |

|                                                 |           |                                      |  |
|-------------------------------------------------|-----------|--------------------------------------|--|
| Applicant: CHRIS SLOVAN/<br>ENTERPRISE HOLDINGS |           | E-Mail: Christopher.P.Slovan@ehi.com |  |
| Address: 284 MALLORY STATION RD SUITE 120       |           | Phone: 615.429.6988                  |  |
| City: FRANKLIN                                  | State: TN | Zip: 37067                           |  |

|                                           |           |                     |  |
|-------------------------------------------|-----------|---------------------|--|
| Property Owner: ENTERPRISE HOLDINGS       |           |                     |  |
| Address: 284 MALLORY STATION RD SUITE 120 |           | Phone: 615.429.6988 |  |
| City: FRANKLIN                            | State: TN | Zip: 37067          |  |

|                                                                                                          |                |
|----------------------------------------------------------------------------------------------------------|----------------|
| Request: AMENDING AN EXISTING SPECIAL USE PERMIT                                                         |                |
|                                                                                                          |                |
| Zoning District:                                                                                         |                |
| Applicant Signature:  | Date: 11.15.22 |

|                |            |
|----------------|------------|
| Received By:   | Receipt #: |
| Application #: | Date:      |

Murfreesboro  
Board of  
Zoning Appeals



MURFREESBORO  
TENNESSEE

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

1) Frontage along Old Fort Parkway



11.15.2022

Murfreesboro Board of Zoning Appeals  
111 W. Vine Street, P.O. Box 1139  
Murfreesboro, TN 37133-1139

Re: BZA Application for a Special Use Permit Amendment– Enterprise Truck Rental

Dear Greg,

Please review the following request for a Special Use Permit (SUP) on this property zoned CH. The nature of this request is resulting from a revised master plan on the subject property which was previously granted a Special Use Permit. Enterprise desires to expand their truck rental operation.

Section 9 (C)

(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; **no substantial or undue adverse effect upon adjacent property.**

(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 subject property is currently zoned CH and will remain so. The development pattern along Old Fort Parkway is trending towards commercial in the area of the subject property and should not interfere with the current development pattern.**

(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; **Old Fort Parkway is a rapidly developing corridor and as such has the infrastructure to support the proposed uses for the subject property.**

(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; **no proposed buildings or use will have adverse effects on the nature, scenery, or history around the subject property.**

(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. **The proposed buildings are attached to this application and are believed to meet the design standards imposed on them from the zoning ordinance.**

(ffff) Motor Vehicle Sales (Automobile) shall be subject to the following additional standards:

[1] each lot used for automobile sales shall include a principal structure designed and constructed in accordance with the provisions of this article (Appendix A: Zoning) and all other applicable regulations and codes; **An office/Hand wash building is proposed.**

[2] in addition to meeting the minimum parking required in Chart 4 of this article (Appendix A: Zoning), supplementary parking spaces meeting the following requirements shall be provided for customers, employees, and service vehicles:

[a] customer parking shall be clearly designated via signage and striping

and shall be provided at the following minimum ratios:

| Total number of vehicles on sales lot | Minimum number of customer parking spaces required |
|---------------------------------------|----------------------------------------------------|
| 0-25                                  | 2                                                  |
| 25-50                                 | 3                                                  |
| 51-75                                 | 4                                                  |
| 76-100                                | 5                                                  |
| 101-150                               | 6                                                  |
| 151-200                               | 7                                                  |
| 201-250                               | 8                                                  |
| 251 or more                           | 10                                                 |

**There are 41 rental truck spaces. Three customer spaces are required; 3 spaces plus one H/C space are provided.**

[b] one employee parking space shall be provided for each employee on the largest shift;

**4 employee parking spaces are provided.**

[c] one parking space shall be provided for each service vehicle;

**No service vehicles are associated with this portion of the business.**

[d] all driveways and parking areas, including automobile storage and display areas, shall be surfaced with asphalt, concrete, or other hard dustless surface material. Bituminous surface treatments (“tar and chip”) shall not be allowed on any driveway, automobile storage area, or parking lot.

**Asphalt paving will be used.**

[e] Parking and display of automobile inventory shall occur only in areas designated in the special use permit application. Driveway aisles, public right-of-way, and landscaped areas shall not be used for automobile parking or display;

No driveway aisles, public right-of-way, and landscape areas shall be used for automobile parking or display.

[3] automobile parts and salvage/junk automobiles shall not be stored on any outdoors portion of the site; All vehicles on site will be operable.

[4] all automobiles visible from the public right-of-way or lying adjacent to any area zoned for residential uses shall be operational; All vehicles on site will be operable.

[5] tents and other temporary or accessory structures shall not be erected on the site except in accordance with the provisions of this article;

No tents or accessory structures will be erected on the site.

[6] outdoor sound amplification shall not be allowed; No sound amplification will occur.

[7] the following landscape buffers shall apply to automobile sales lots lying adjacent to residential, mixed use, and office zoning districts:

| Adjacent Zoning                                                                   | Buffer Required |
|-----------------------------------------------------------------------------------|-----------------|
| RS-15, RS-12, RS-10,<br>RS-8, RS-4, R-D, RM-12,<br>RM-16, RS-A, R-MO, MU,<br>OG-R | Type E          |
| OG, CU, P, CBD                                                                    | Type D          |

A type E buffer is being proposed.

[8] all loading and unloading of automobiles shall be accomplished on-site. Automobile loading, unloading, staging, and maneuvering shall not be permitted within any public right-of-way. Loading/unloading areas shall be provided as follows:

[a] each site used for automobile sales shall provide a loading/unloading area of 150 feet in length by 25 feet in width; The lot has an unloading zone that will serve both the car and truck rental business.

[b] the required loading/unloading area shall not block or utilize any portion of the designated customer, employee, or service vehicle parking area(s) or any internal driveway as required by Section 26 of this article; The required loading/unloading area will not block or utilize any portion of the designated customer, employee, or service vehicle parking area.



[9] fencing may be constructed in automobile inventory areas, provided that such fencing meets the following standards: A 6' privacy fence on both the south and west property lines and a perimeter planting yard for the north and east property lines will be designed.

[a] no barbed wire or razor wire shall be permitted; **Understood.**

[b] chain-link fencing shall be plastic coated with black or green coating; and **Understood.**

[c] chain-link fencing shall not be allowed along the perimeter of any automobile storage area lying adjacent to a public right-of-way; **Understood.**

[10] automobile service bays and overhead service area doors shall not be visible from any public right-of-way; **No service bays or overhead doors face the public right-of-way.**

[11] mechanical and other automobile services shall not be performed within 100 feet of any property zoned for residential use, regardless of any lesser minimum building setbacks; **Understood. The sales/washing building is 162 feet from the western property line, 100 feet from the southern property line, and 93 feet from the eastern property line.**

[12] hours of operation shall be limited to "daytime hours" as defined in the Murfreesboro Noise Control Ordinance; **7am to 7pm.**

[13] the applicant shall provide a site plan showing all proposed structures, parking areas, automobile storage areas, landscaped areas, buffers, delivery/loading areas, and fencing. The site plan shall also indicate the maximum number of for-sale, for-rent, and/or for-lease automobiles that can be accommodated by the provided parking and storage areas;

**A site plan has been provided with this application.**

[14] where the requirements of this subsection exceed those of other subsections and exhibits in this article (Appendix A: Zoning), excepting Section 24 Article III, the standards set forth in this subsection shall supersede those subsections and exhibits; and **Understood.**

[15] the Board of Zoning Appeals may require additional standards to ensure the compatibility of the automobile sales lot with other properties in the vicinity **Understood.**

Thank you for considering our request.

Sincerely,

*Clyde Rountree*

Clyde Rountree, RLA



NOTE: ANY UTILITY STRUCTURE, LIGHT POLES, SIGN OR OTHER FEATURE MAY NOT BE ADDED TO ANY REQUIRED LANDSCAPE ISLAND IN SUCH A MANNER THAT WOULD DISPLACE THE REQUIRED LANDSCAPE ELEMENT(S) (TREES, SHRUBS, ETC.)

- LEGEND**
- ⊕ Power Pole
  - ⊕ Existing Fire Hydrant
  - ⊕ Proposed Fire Hydrant
  - ⊕ Reducer
  - ⊕ Proposed Gate Valve & Box
  - ⊕ Concrete Thrust Block
  - Existing Water Line
  - Proposed Water Line
  - Existing Sanitary Sewer Line
  - Proposed Sanitary Sewer Line
  - ⊕ Existing Manhole
  - ⊕ Proposed Manhole
  - Sewer Line Check Dam
  - Existing Contours
  - 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
  - Existing Telephone & Electric Line
  - UGE Existing Underground Electric Line
  - CMP Corrugated Metal Pipe
  - RCP Reinforced Concrete Pipe
- LEGEND FOR MONUMENTS**
- ⊕ IRON PIN SET
  - ⊕ IRON PIN FND.
  - ⊕ RAILROAD SPIKE
  - ⊕ FENCE
  - ⊕ SURVEY POINT
  - ⊕ NAIL
  - ⊕ CONC. MARKER FND.
- LIGHT POLE**
- Property Lines
  - Easement Lines
  - Existing Items

**Board of Zoning Appeals (BZA) Conditions of Approval:**

- a. The design of the gates will be subject to final review and approval of the Planning Department to ensure that there are adequate turnaround areas of vehicles and to ensure that vehicles will not be forced to back out into the public right-of-way.
- b. A privacy fence shall be required along the south and west property lines. The privacy fence shall not be a substitute for any of the standard Type E buffer yard plantings; rather it shall be in addition to the standard Type E buffer yard plantings.
- c. The landscape screening plan for the overhead doors that are proposed to face the new public street shall be subject to final review and approval of the Planning Department prior to the issuance of building permits.

**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.

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.

**SITE NOTES:**  
1. SOLID WASTE SERVICE WILL BE PROVIDED BY A PRIVATE HAULER.

| CURVE TABLE |           |         |         |         |             |
|-------------|-----------|---------|---------|---------|-------------|
| CURVE       | DELTA     | RADIUS  | ARC     | CHORD   | BEARING     |
| C9          | 25°35'53" | 254.99' | 113.92' | 112.98' | S19°39'18"W |

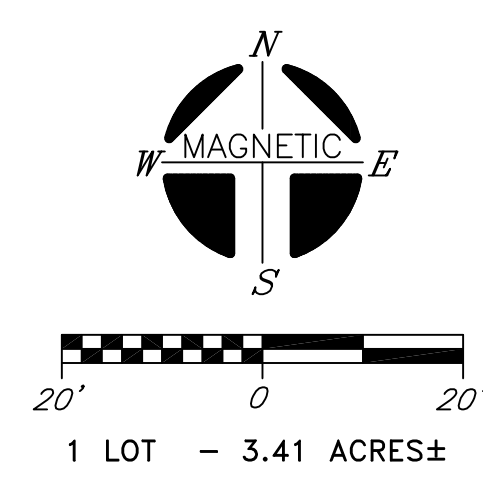
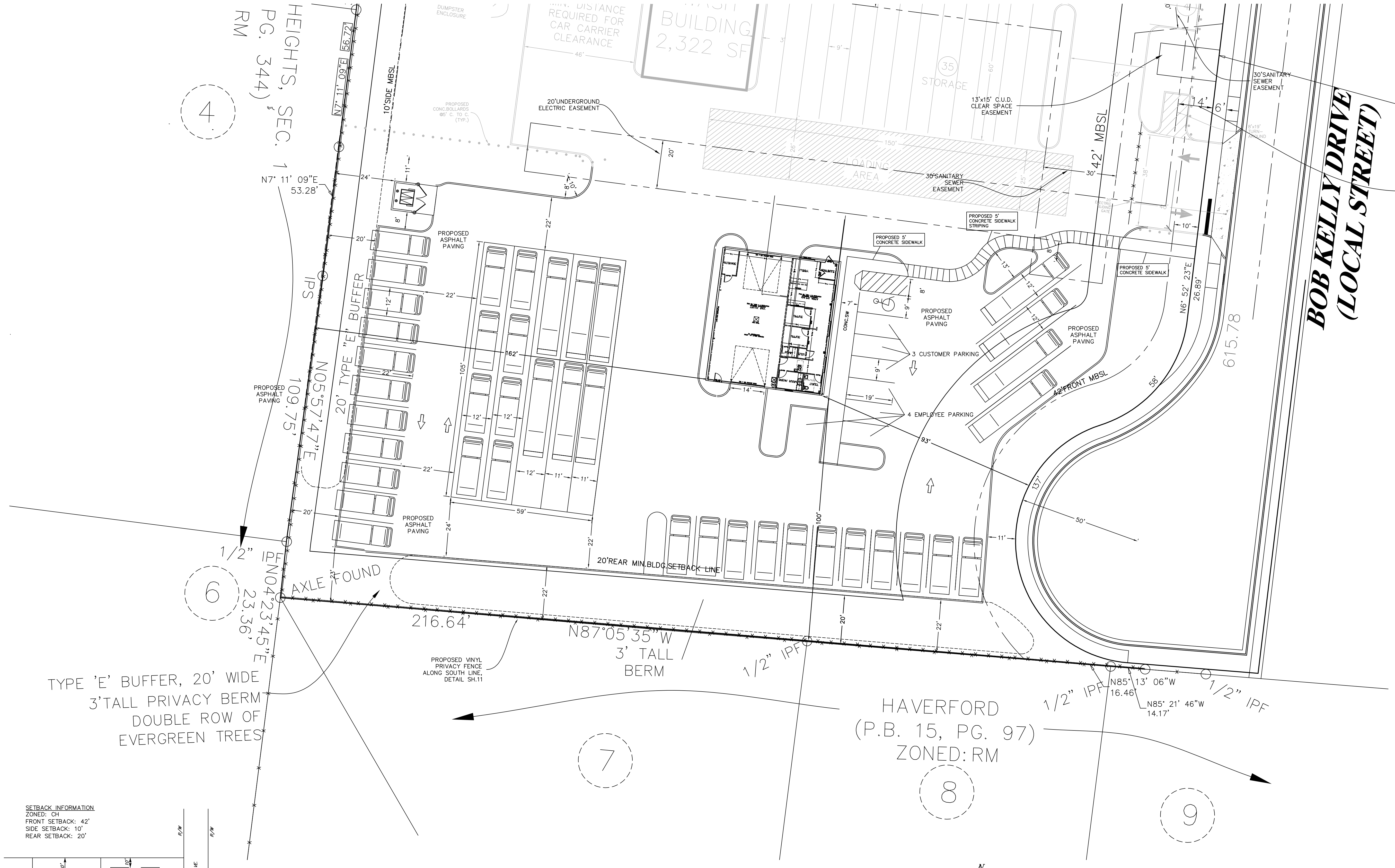
| REVISIONS |      |             |
|-----------|------|-------------|
| NO.       | DATE | DESCRIPTION |
|           |      |             |
|           |      |             |

**SITE LAYOUT PLAN  
TRUCK BUILDING**

**ENTERPRISE CAR SALES  
OLD FORT PARKWAY/FRANKLIN ROAD**

13TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN.

DATE: MAY, 2022      SCALE 1"=20'      BZA 1



DEVELOPER: ENTERPRISE HOLDINGS, INC.  
OWNER: BRUCE AND MARY WHITE  
ADDRESS: 600 CORPORATE PARK DRIVE  
ST. LOUIS, MO 63105  
TAX MAP 920, GROUP B, PARCEL 2.00  
WB: 41 PG. 801  
FLOOD MAP PANEL: 47149C0255H ZONE: X  
FLOOD MAP 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.

**FOR REVIEW ONLY.**

**NOT FOR CONSTRUCTION.**

**HSHUDDLESTON-STEEL**  
ENGINEERING & SURVEYING, INC.

2115 N.W. BRIND STREET, MURFREESBORO, TN 37129  
TELEPHONE: 615-893-4084 FAX: 615-893-0080

NOTE: THE MINIMUM SIDE YARD SHALL APPLY ONLY IF THE PROPERTY ADJUTS OR IS ADJACENT TO PROPERTY ZONED OR USED FOR RESIDENTIAL PURPOSES OR THE RESIDENTIAL PORTION OF AN APPROVED PLANNED DEVELOPMENT. OTHERWISE, NO SIDE YARD IS REQUIRED.



NOTE: ANY UTILITY STRUCTURE, LIGHT POLES, SIGN OR OTHER FEATURE MAY NOT BE ADDED TO ANY REQUIRED LANDSCAPE ISLAND IN SUCH A MANNER THAT WOULD DISPLACE THE REQUIRED LANDSCAPE ELEMENT(S) (TREES, SHRUBS, ETC.)

- LEGEND**
- ⊗ Power Pole
  - ⊕ Existing Fire Hydrant
  - ⊖ Proposed Fire Hydrant
  - ⊘ Reducer
  - ⊙ Proposed Gate Valve & Box
  - ⊚ Concrete Thrust Block
  - Existing Water Line
  - Proposed Water Line
  - Existing Sanitary Sewer Line
  - Proposed Sanitary Sewer Line
  - ⊙ Existing Manhole
  - ⊚ Proposed Manhole
  - Sewer Line Check Dam
  - Existing Contours
  - 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
  - Existing Telephone & Electric Line
  - UGE Existing Underground Electric Line
  - CMP Corrugated Metal Pipe
  - RCP Reinforced Concrete Pipe
- LEGEND FOR MONUMENTS**
- IPF O IRON PIN SET
  - IPF O IRON PIN END
  - RAILROAD SPIKE
  - FENCE
  - SURVEY POINT
  - △ NAIL
  - CONC. MARKER FIND.
- LIGHT POLE**
- Property Lines
  - Easement Lines
  - Existing Items

**Board of Zoning Appeals (BZA) Conditions of Approval:**

- a. The design of the gates will be subject to final review and approval of the Planning Department to ensure that there are adequate turnaround areas of vehicles and to ensure that vehicles will not be forced to back out into the public right-of-way.
- b. A privacy fence shall be required along the south and west property lines. The privacy fence shall not be a substitute for any of the standard Type E buffer yard plantings; rather it shall be in addition to the standard Type E buffer yard plantings.
- c. The landscape screening plan for the overhead doors that are proposed to face the new public street shall be subject to final review and approval of the Planning Department prior to the issuance of building permits.

**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.

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.

**SITE NOTES:**  
1. SOLID WASTE SERVICE WILL BE PROVIDED BY A PRIVATE HAULER.

| CURVE TABLE |           |         |         |         |             |
|-------------|-----------|---------|---------|---------|-------------|
| CURVE       | DELTA     | RADIUS  | ARC     | CHORD   | BEARING     |
| C9          | 25°35'53" | 254.99' | 113.92' | 112.98' | S19°39'18"W |

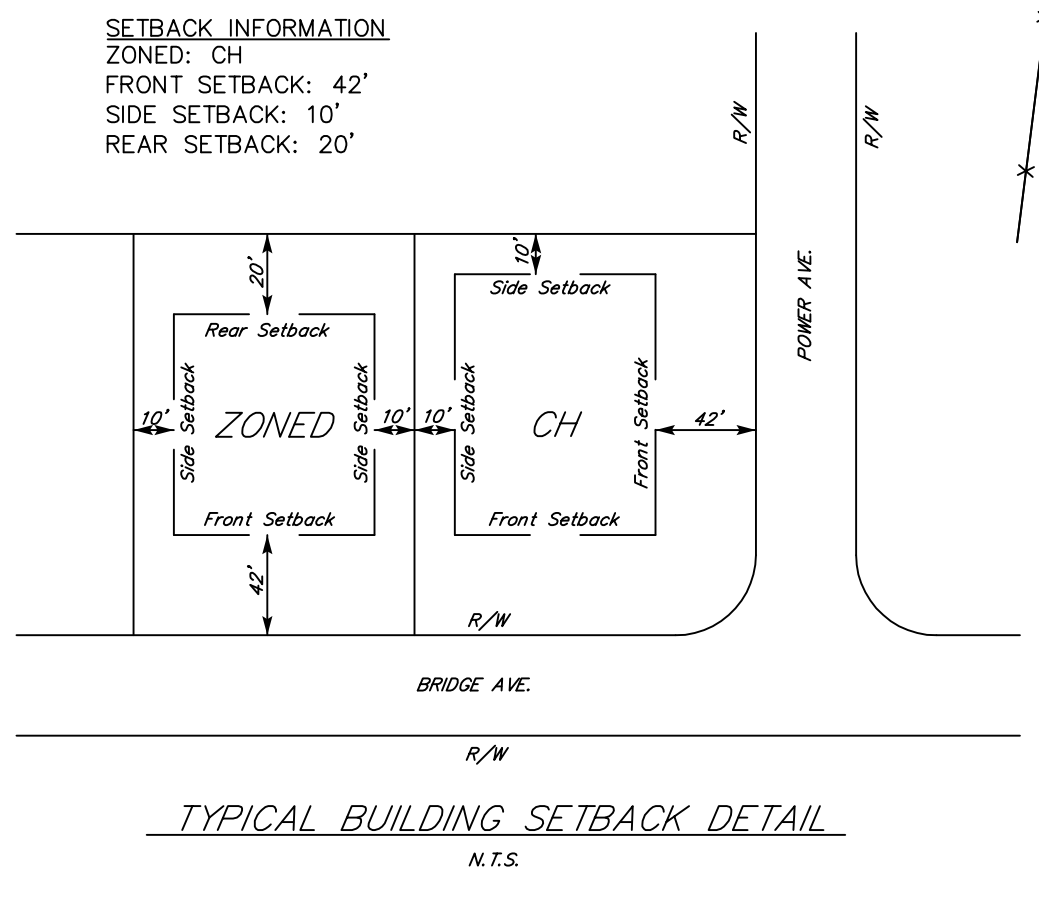
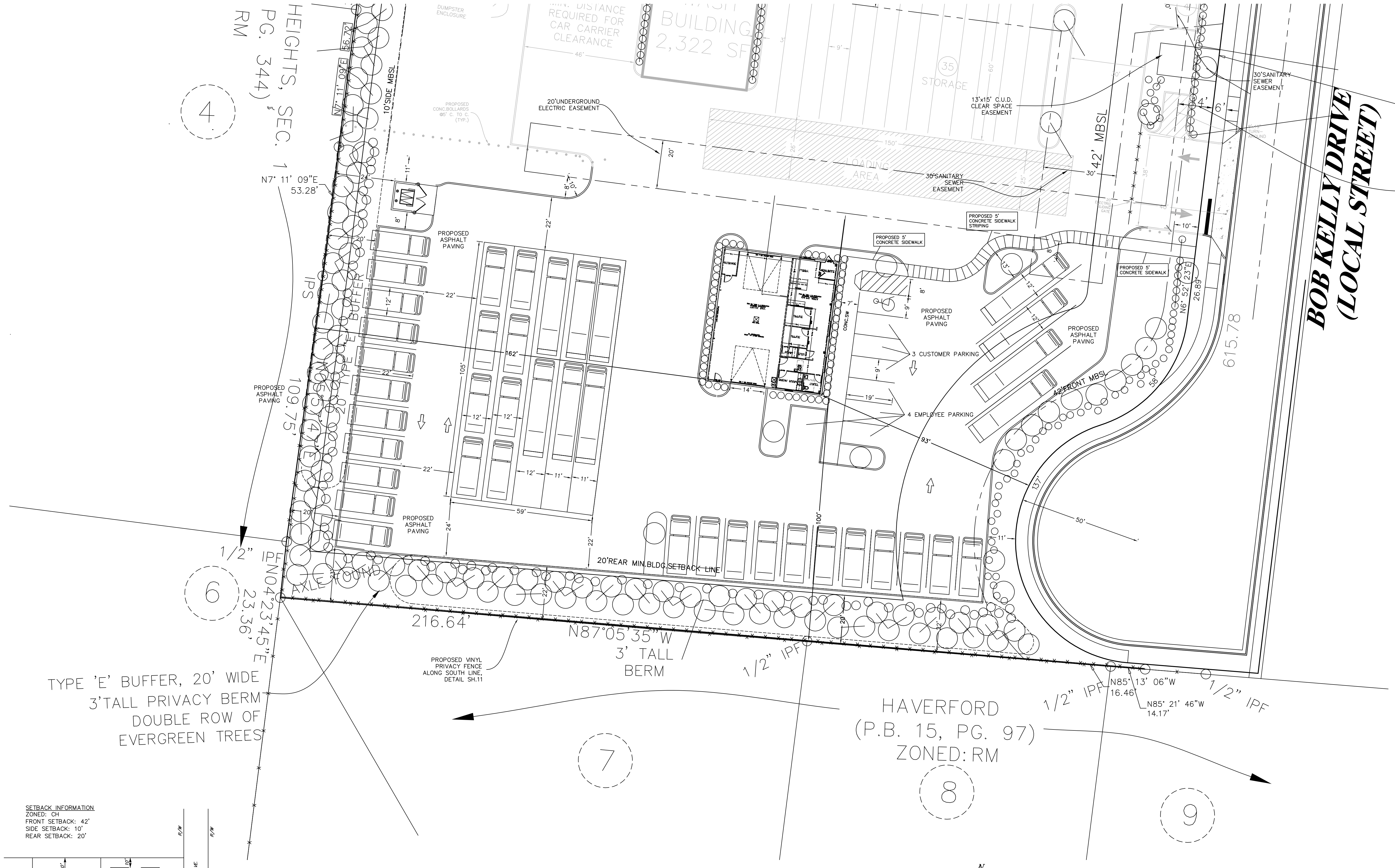
| REVISIONS |      |             |
|-----------|------|-------------|
| NO.       | DATE | DESCRIPTION |
|           |      |             |
|           |      |             |

**LANDSCAPE PLAN  
TRUCK BUILDING  
BZA EXHIBIT**

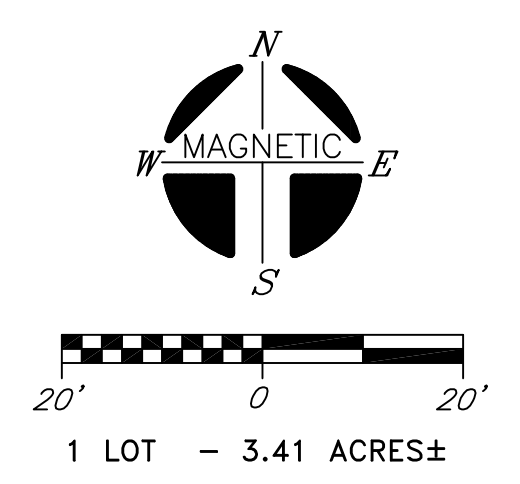
**ENTERPRISE CAR SALES  
OLD FORT PARKWAY/FRANKLIN ROAD**

13TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN.

DATE: SEPTEMBER, 2022      SCALE 1"=20'      BZA 2



NOTE: THE MINIMUM SIDE YARD SHALL APPLY ONLY IF THE PROPERTY ADJUTS OR IS ADJACENT TO PROPERTY ZONED OR USED FOR RESIDENTIAL PURPOSES OR THE RESIDENTIAL PORTION OF AN APPROVED PLANNED DEVELOPMENT. OTHERWISE, NO SIDE YARD IS REQUIRED.



DEVELOPER: ENTERPRISE HOLDINGS, INC.  
OWNER: BRUCE AND MARY WHITE  
ADDRESS: 600 CORPORATE PARK DRIVE  
ST. LOUIS, MO 63105  
TAX MAP 920, GROUP B, PARCEL 2.00  
WB: 41 PG. 801  
FLOOD MAP PANEL: 47149C0255H ZONE: X  
FLOOD MAP 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.**

**HSHUDDLESTON-STEEL**  
ENGINEERING & SURVEYING, INC.

2115 N.W. BRIND STREET, MURFREESBORO, TN 37129  
TELEPHONE: 615-893-4084 FAX: 615-893-0080



NOTE: ANY UTILITY STRUCTURE, LIGHT POLES, SIGN OR OTHER FEATURE MAY NOT BE ADDED TO ANY REQUIRED LANDSCAPE ISLAND IN SUCH A MANNER THAT WOULD DISPLACE THE REQUIRED LANDSCAPE ELEMENT(S) (TREES, SHRUBS, ETC.)

- LEGEND**
- ⊕ Power Pole
  - ⊕ Existing Fire Hydrant
  - ⊕ Proposed Fire Hydrant
  - ⊕ Reducer
  - ⊕ Proposed Gate Valve & Box
  - ⊕ Concrete Thrust Block
  - Existing Water Line
  - Proposed Water Line
  - Existing Sanitary Sewer Line
  - Proposed Sanitary Sewer Line
  - ⊕ Existing Manhole
  - ⊕ Proposed Manhole
  - Sewer Line Check Dam
  - Existing Contours
  - 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
  - Existing Telephone & Electric Line
  - UGE - Existing Underground Electric Line
  - CMP - Corrugated Metal Pipe
  - RCP - Reinforced Concrete Pipe
- LEGEND FOR MONUMENTS**
- ⊕ IRON PIN SET
  - ⊕ IRON PIN FND.
  - ⊕ RAILROAD SPIKE
  - ⊕ FENCE
  - ⊕ SURVEY POINT
  - ⊕ NAIL
  - ⊕ CONC. MARKER FND.
- LIGHT POLE**
- Property Lines
  - Easement Lines
  - Existing Items

**Board of Zoning Appeals (BZA) Conditions of Approval:**

- The design of the gates will be subject to final review and approval of the Planning Department to ensure that there are adequate turnaround areas of vehicles and to ensure that vehicles will not be forced to back out into the public right-of-way.
- A privacy fence shall be required along the south and west property lines. The privacy fence shall not be a substitute for any of the standard Type E buffer yard plantings; rather it shall be in addition to the standard Type E buffer yard plantings.
- The landscape screening plan for the overhead doors that are proposed to face the new public street shall be subject to final review and approval of the Planning Department prior to the issuance of building permits.

**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.

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.

**SITE NOTES:**  
1. SOLID WASTE SERVICE WILL BE PROVIDED BY A PRIVATE HAULER.

**CURVE TABLE**

| CURVE | DELTA     | RADIUS  | ARC     | CHORD   | BEARING     |
|-------|-----------|---------|---------|---------|-------------|
| C9    | 25°35'53" | 254.99' | 113.92' | 112.98' | S19°39'18"W |

**REVISIONS**

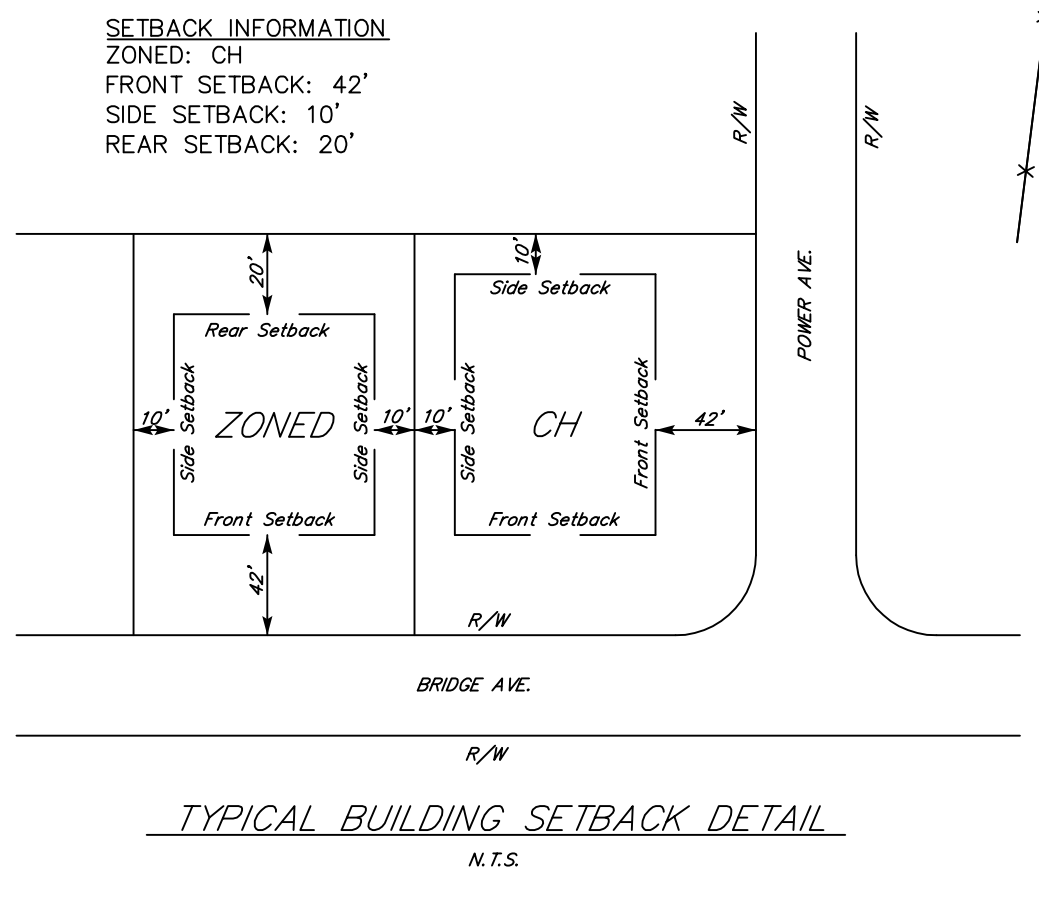
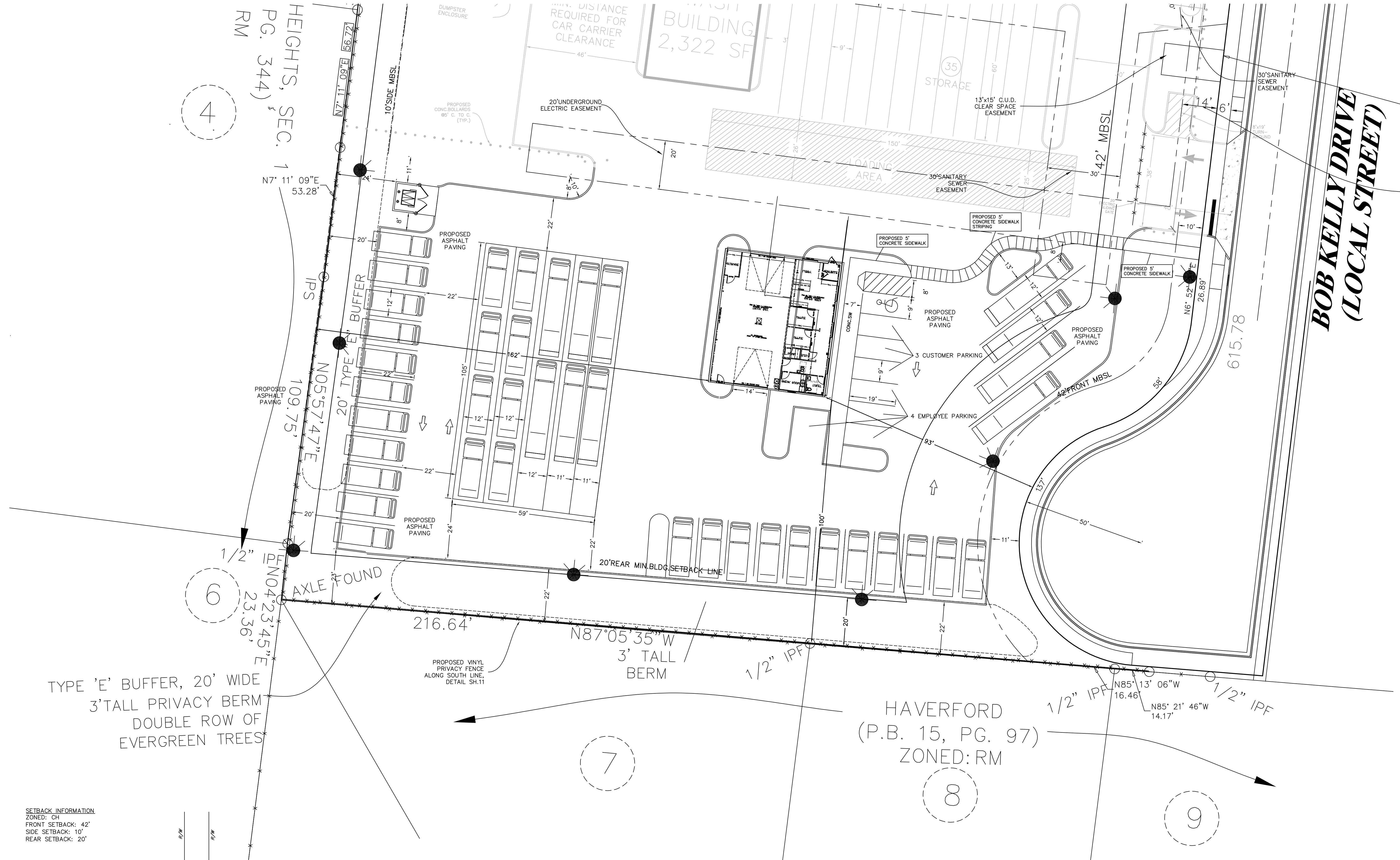
| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
|     |      |             |

**LIGHTING PLAN  
TRUCK BUILDING**

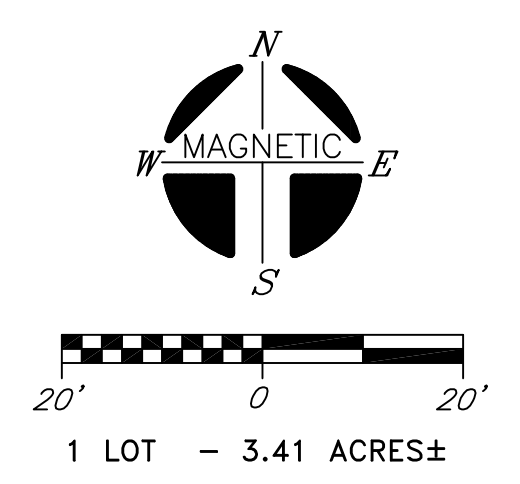
**ENTERPRISE CAR SALES  
OLD FORT PARKWAY/FRANKLIN ROAD**

13TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN.

DATE: MAY, 2022      SCALE 1"=20'      BZA 3



NOTE: THE MINIMUM SIDE YARD SHALL APPLY ONLY IF THE PROPERTY ADJUTS OR IS ADJACENT TO PROPERTY ZONED OR USED FOR RESIDENTIAL PURPOSES OR THE RESIDENTIAL PORTION OF AN APPROVED PLANNED DEVELOPMENT. OTHERWISE, NO SIDE YARD IS REQUIRED.



DEVELOPER: ENTERPRISE HOLDINGS, INC.  
OWNER: BRUCE AND MARY WHITE  
ADDRESS: 600 CORPORATE PARK DRIVE  
ST. LOUIS, MO 63105  
TAX MAP 920, GROUP B, PARCEL 2.00  
WB: 41 PG. 801  
FLOOD MAP PANEL: 47149C0255H ZONE: X  
FLOOD MAP 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.**

**HSHUDDLESTON-STEEL**  
ENGINEERING & SURVEYING, INC.

2115 N.W. BRIND STREET, MURFREESBORO, TN 37129  
TELEPHONE: 615-893-4084 FAX: 615-893-0080



**SITE DATA**  
 AREA: 3.41±ACRES OR 148,663±S.F.

PROPOSED USE: AUTOMOTIVE RENTAL AND  
 AUTOMOTIVE SALES

**PARKING DATA:**  
**PARKING SPACES REQUIRED:**  
 2 FOR EACH INDOOR SERVICE STALL  
 PROVIDED ON THE PREMISES OR 1 FOR  
 EACH 500 SQUARE FEET OF F.A.,  
 WHICHEVER IS GREATER

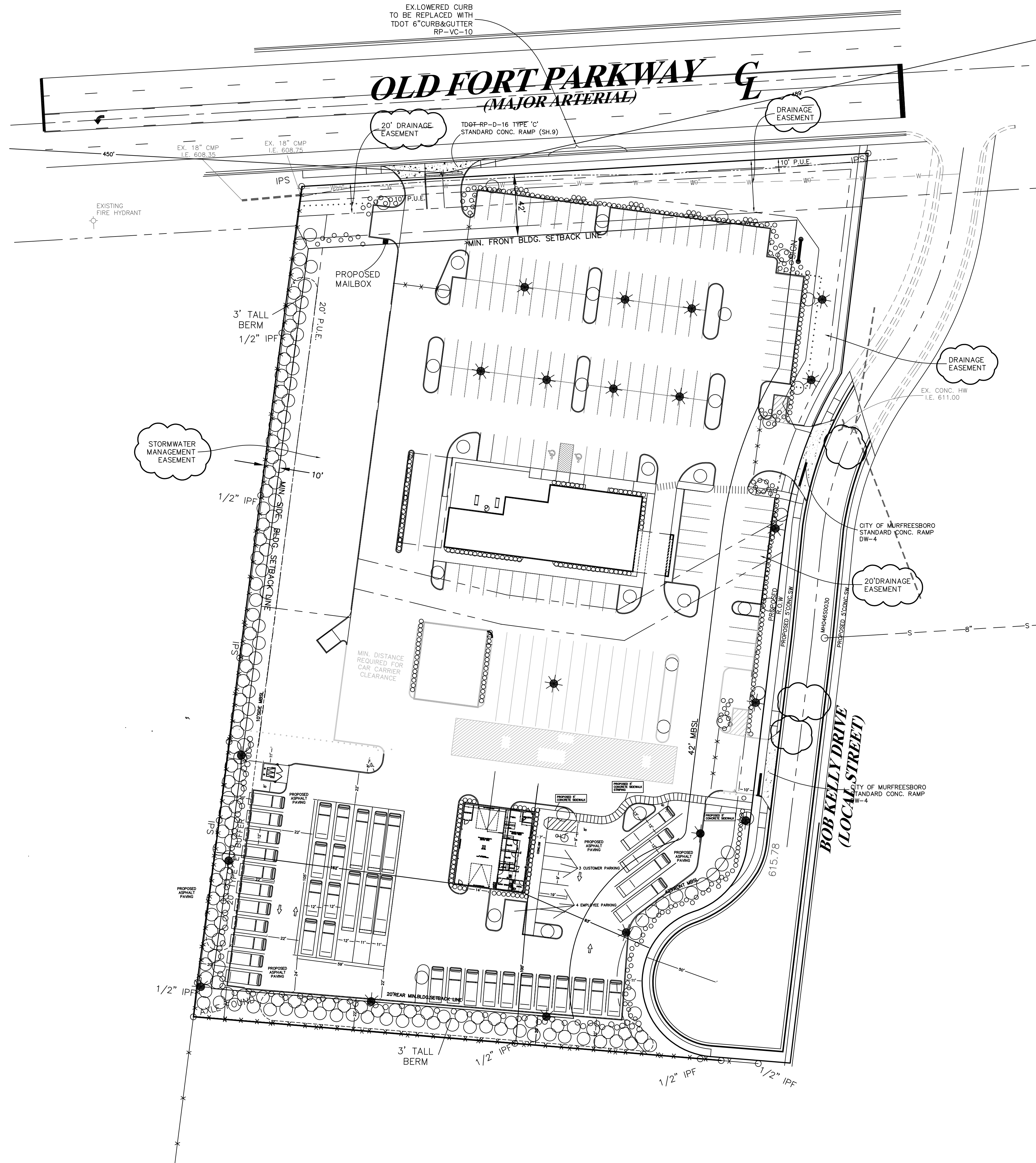
5,245/500 = 10.49 SPACES  
 TOTAL PARKING REQUIRED = 11 SPACES

**PARKING SPACES PROVIDED:**  
 210 SPACES PROVIDED  
 2 H.C. SPACES PROVIDED

CAR SALES INVENTORY - 106 SPACES  
 CAR RENTAL - 27 SPACES  
 CAR RETURN - 8 SPACES  
 CAR STORAGE - 35 SPACES  
 VISITOR/TRADE - 18 SPACES  
 EMPLOYEE - 18 SPACES

**BUILDING HEIGHT:**  
 1 STORY, (22' FEET)

ALL PROPOSED GATES ARE TO HAVE YELP MODE



**LEGEND**

- ⊗ Power Pole
- ⊕ Existing Fire Hydrant
- ⊕ Proposed Fire Hydrant
- ⊕ Reducer
- ⊕ Proposed Gate Valve & Box
- ⊕ Concrete Thrust Block
- Existing Water Line
- Proposed Water Line
- Existing Sanitary Sewer Line
- Proposed Sanitary Sewer Line
- ⊕ Existing Manhole
- ⊕ Proposed Manhole
- ⊕ Sewer Line Check Dam
- Existing Contours
- Proposed Contours
- ⊕ Existing Spot Elevations
- ⊕ 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
- Existing Telephone & Electric Line
- Existing Underground Electric Line
- Existing Corrugated Metal Pipe
- Existing Reinforced Concrete Pipe

**LEGEND FOR MONUMENTS**

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

**LIGHT POLE**

- Property Lines
- Easement Lines
- Existing Items

NOTE: ANY UTILITY STRUCTURE, LIGHT POLES, SIGN OR OTHER FEATURE MAY NOT BE ADDED TO ANY REQUIRED LANDSCAPE ISLAND IN SUCH A MANNER THAT WOULD DISPLACE THE REQUIRED LANDSCAPE ELEMENT(S) (TREES, SHRUBS, ETC.)

**NOTES:**

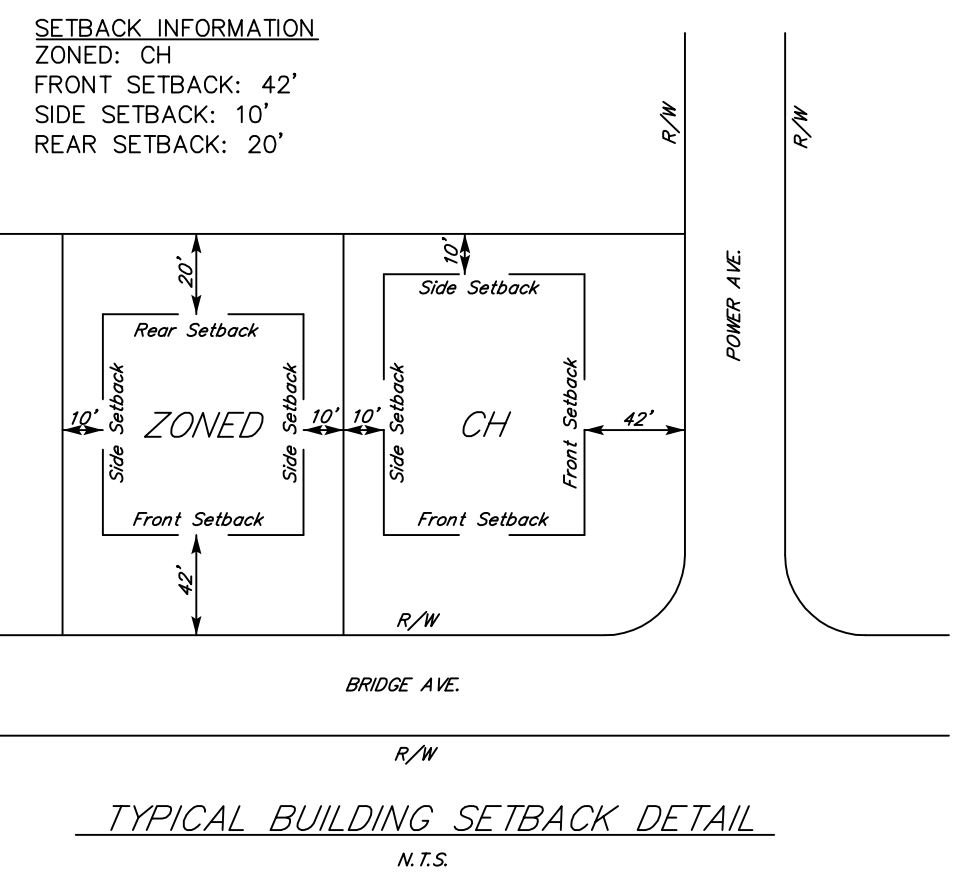
- IN TENNESSEE, IT IS A REQUIREMENT PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS. NO LESS THAN THREE NOR MORE THAN TEN WORKING DAYS OF THEIR INTENT TO EXCAVATE. A LIST OF THESE UTILITIES MAY BE OBTAINED FROM THE 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.

**Board of Zoning Appeals (BZA) Conditions of Approval:**

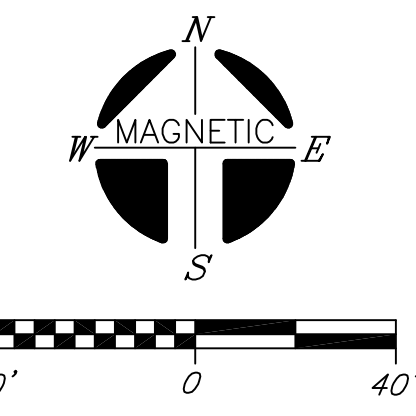
- The design of the gates will be subject to final review and approval of the Planning Department to ensure that there are adequate turnaround areas of vehicles and to ensure that vehicles will not be forced to back out into the public right-of-way.
- A privacy fence shall be required along the south and west property lines. The privacy fence shall not be a substitute for any of the standard Type E buffer yard plantings; rather it shall be in addition to the standard Type E buffer yard plantings.
- The landscape screening plan for the overhead doors that are proposed to face the new public street shall be subject to final review and approval of the Planning Department prior to the issuance of building permits.

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.

**SITE NOTES:**  
 1. SOLID WASTE SERVICE WILL BE PROVIDED BY A PRIVATE HAULER.



| CURVE | DELTA     | RADIUS  | ARC     | CHORD   | BEARING     |
|-------|-----------|---------|---------|---------|-------------|
| C1    | 25°35'53" | 254.99' | 113.92' | 112.98' | S19°39'18"W |



1 LOT - 3.41 ACRES±  
 This survey is a TOPOGRAPHIC SURVEY FOR INFORMATION ONLY and is NOT A GENERAL PROPERTY SURVEY as defined under RULE 0820-3-.07

| CURVE TABLE |           |         |         |         |             |
|-------------|-----------|---------|---------|---------|-------------|
| CURVE       | DELTA     | RADIUS  | ARC     | CHORD   | BEARING     |
| C9          | 25°35'53" | 254.99' | 113.92' | 112.98' | S19°39'18"W |

| REVISIONS |          |                                           |
|-----------|----------|-------------------------------------------|
| NO.       | DATE     | DESCRIPTION                               |
| 1         | 06/15/21 | ORIGINAL ISSUE                            |
| 2         | 10/28/21 | ADDRESSED PERMIT REVIEW COMMENTS          |
| 3         | 01/27/22 | ADDRESSED CITY ENGINEER AND MWRD COMMENTS |

DEVELOPER: ENTERPRISE HOLDINGS, INC.  
 OWNER: BRUCE AND MARY WHITE  
 ADDRESS: 600 CORPORATE PARK DRIVE  
 ST. LOUIS, MO 63105  
 TAX MAP 920, GROUP B, PARCEL 2.00  
 WB: 41 PG. 801  
 FLOOD MAP DATED: JANUARY 5, 2007  
 NOTE: THIS SURVEY 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.

**FOR REVIEW ONLY.**  
**NOT FOR CONSTRUCTION.**

**HUDDLESTON-STEEL**  
 ENGINEERING & SURVEYING, INC.  
 2115 N.W. BRAD STREET, MURFREESBORO, TN 37129  
 TELEPHONE: 615-893-4084 FAX: 615-893-0080

**FULL SITE PLAN**

**ENTERPRISE CAR SALES**  
**OLD FORT PARKWAY/FRANKLIN ROAD**

13TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN.  
 DATE: JUNE, 2021 SCALE 1"=40' BZA 4





February 28, 2020

Huddleston-Steele Engineering, Inc.  
ATTN: Mr. Clyde Rountree  
2115 NW Broad St.  
Murfreesboro, TN 37129

Enterprise Holdings, Inc.  
600 Corporate Park Dr.  
St Louis, MO 63105

**RE: Z-20-001 – Enterprise Holdings, Inc.**

Dear Mr. Rountree:

Please be advised that at its regular meeting held on February 26, 2020, the Murfreesboro Board of Zoning Appeals (BZA) voted to approve your request for a special use permit in order to establish a motor vehicle sales and rental facility on property in the Commercial Highway (CH) district located along the south side of Franklin Road east of Franklin Heights Drive (the subject property is also identified as Tax Map 0920, Group B, Parcel 00200). Approval was made subject to the following conditions:

- 1) A site plan shall be submitted to the Planning Department for review and approval. The site plan set shall include architectural elevations and demonstrate compliance with all requirements of the Zoning Ordinance and Design Guidelines.
- 2) The design of the gates will be subject to the final review and approval of the Planning Department to ensure that there are adequate turnaround areas for vehicles and to ensure that vehicles will not be forced to back out into the public right-of-way.
- 3) A privacy fence and earthen berm shall be required along the south and west property lines. The privacy fence and berm shall not be a substitute for any of the standard Type E buffer yard plantings; rather, it shall be *in addition to* the standard Type E buffer yard plantings.

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 black ink, appearing to read "Matthew T. Blomeley". The signature is fluid and cursive, with the first name "Matthew" being the most prominent part.

Matthew T. Blomeley, AICP  
Assistant Planning Director

cc: Building and Codes Department

bd

**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

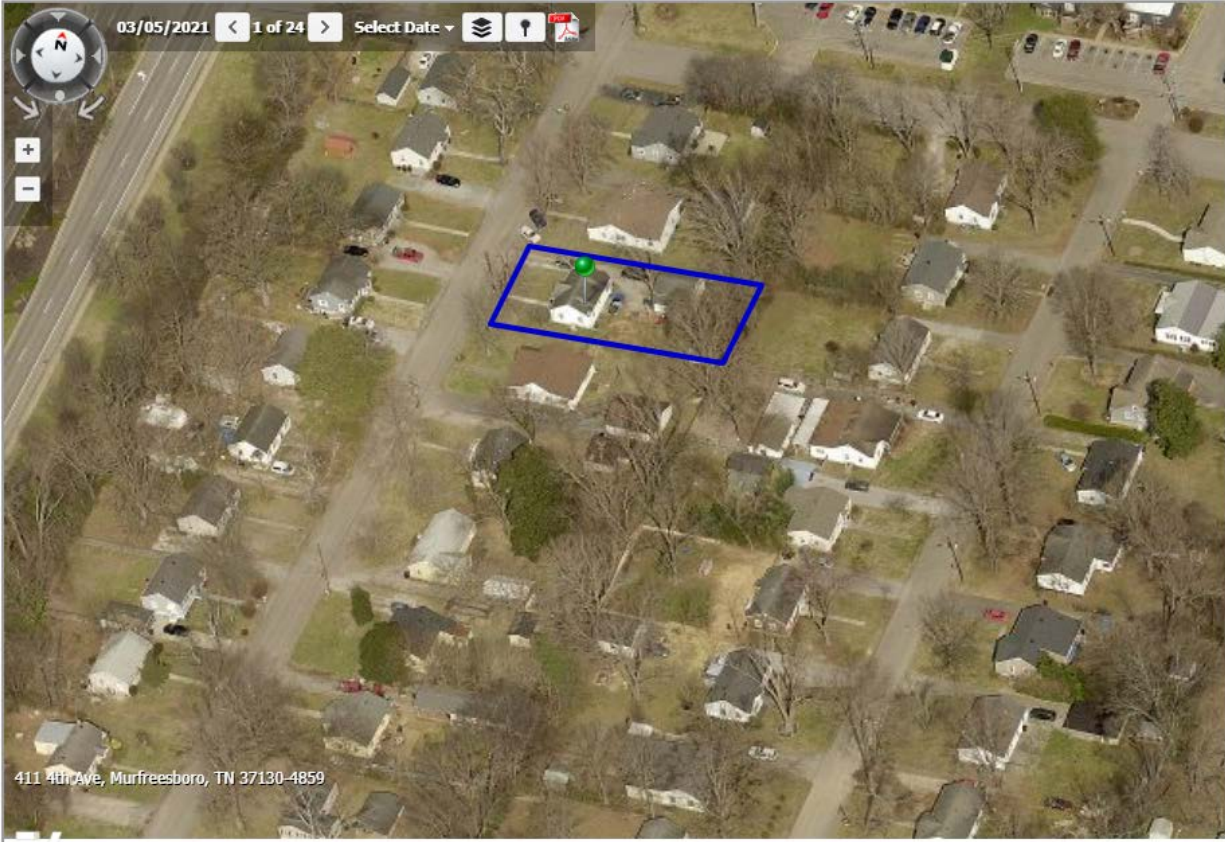
# Rutherford County Pictometry

[411 FOURTH AVE, 37130](#)



# Rutherford County Pictometry

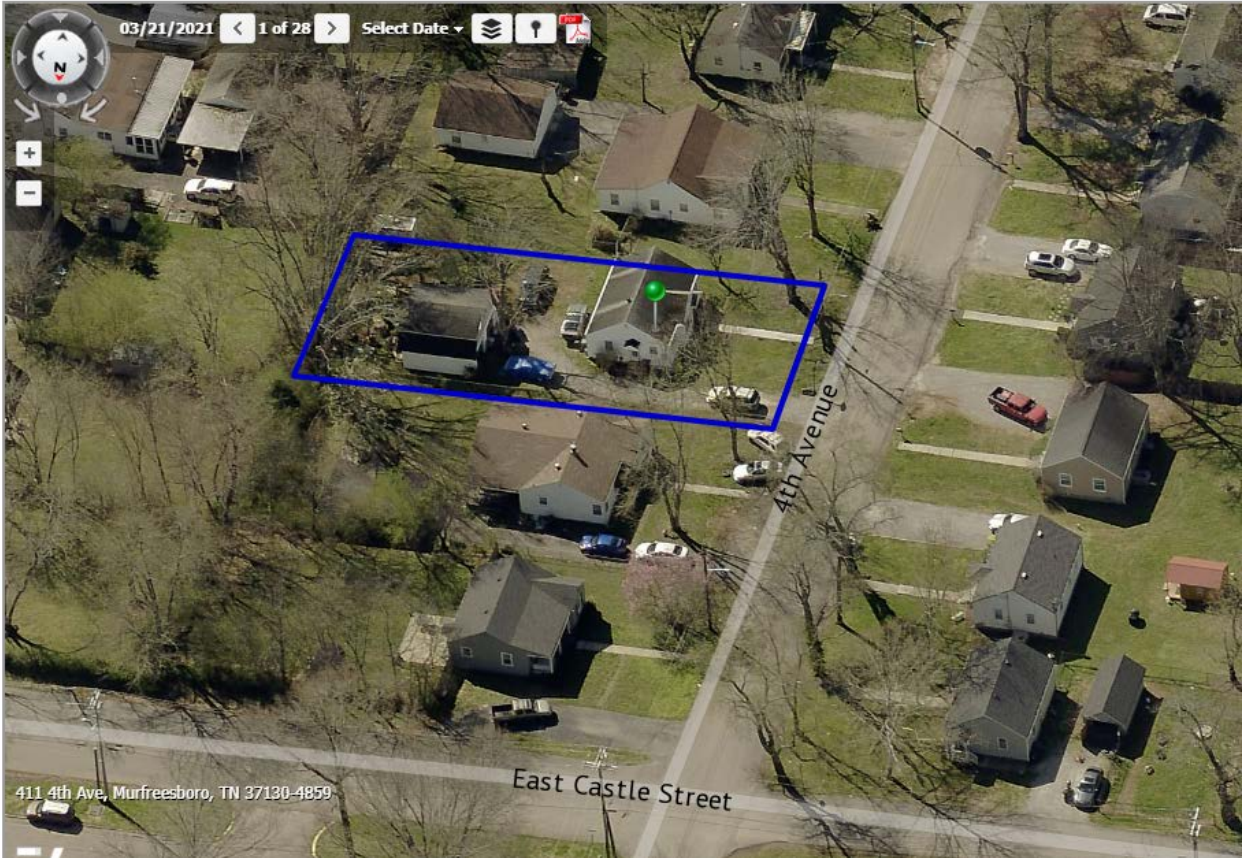
[411 FOURTH AVE, 37130](#)





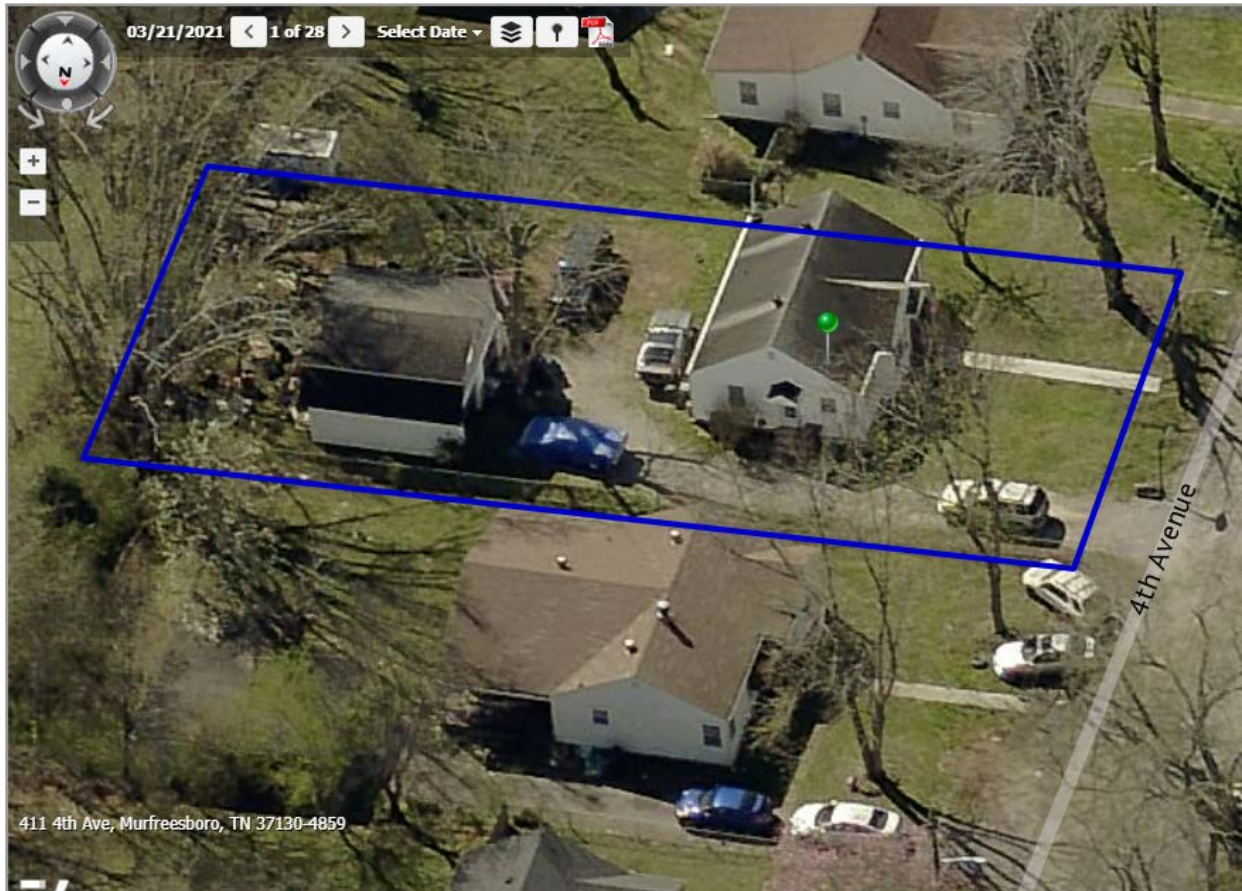
# Rutherford County Pictometry

[411 FOURTHAVE, 37130](#)



# Rutherford County Pictometry

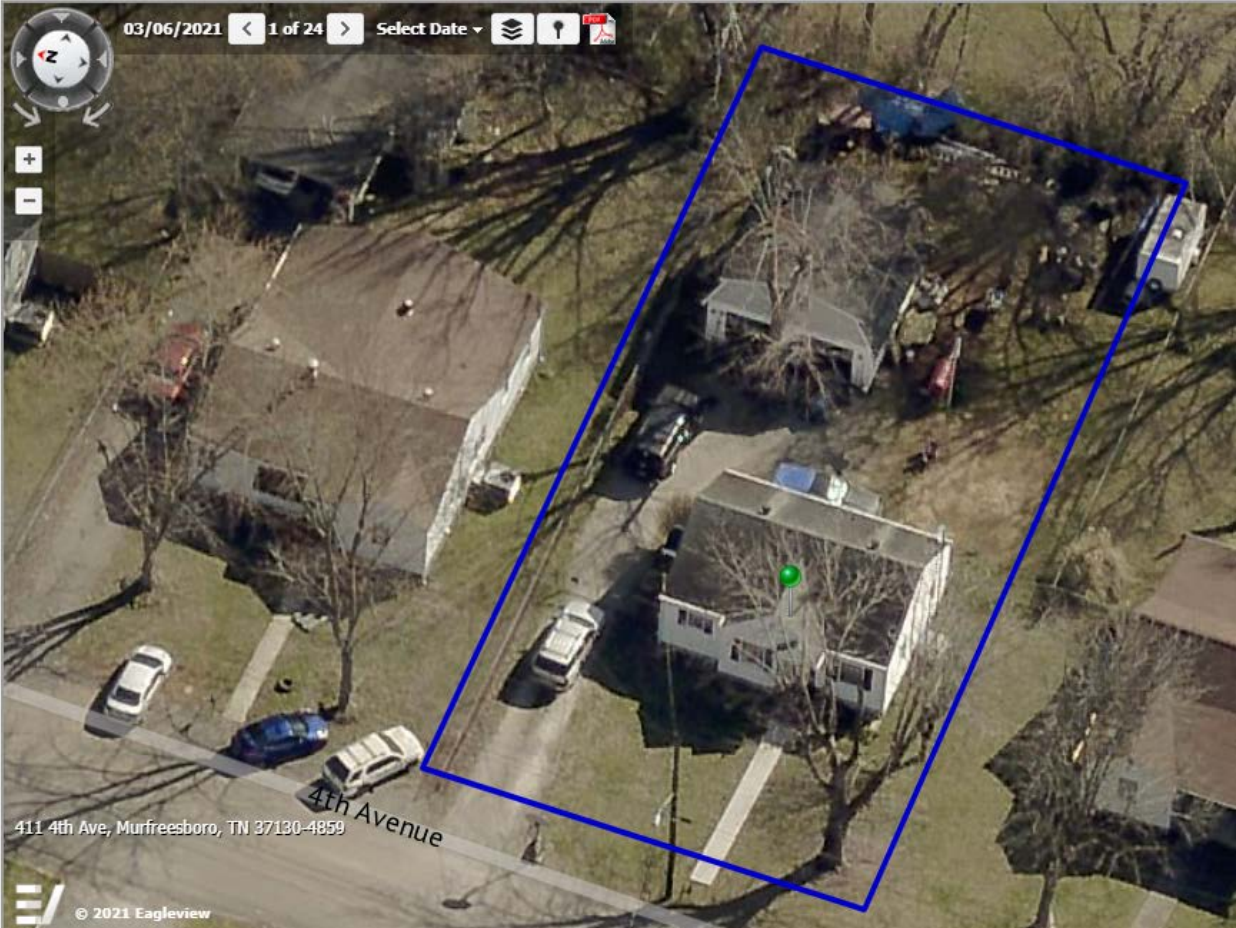
[411 FOURTH AVE, 37130](#)





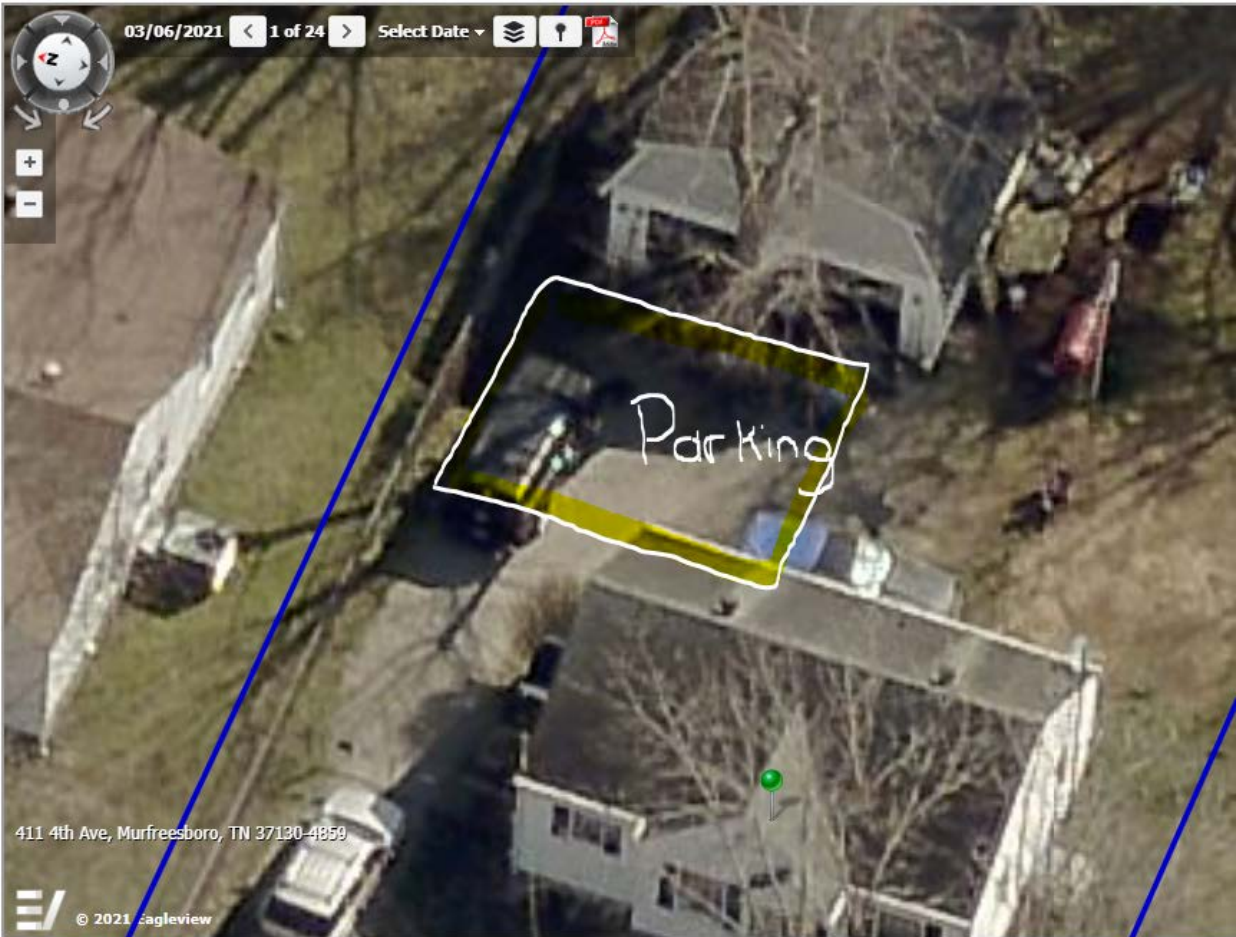
# Rutherford County Pictometry

[411 FOURTH AVE, 37130](#)



# Rutherford County Pictometry

[411 FOURTH AVE, 37130](#)



# Rutherford County Pictometry

[411 FOURTH AVE, 37130](#)

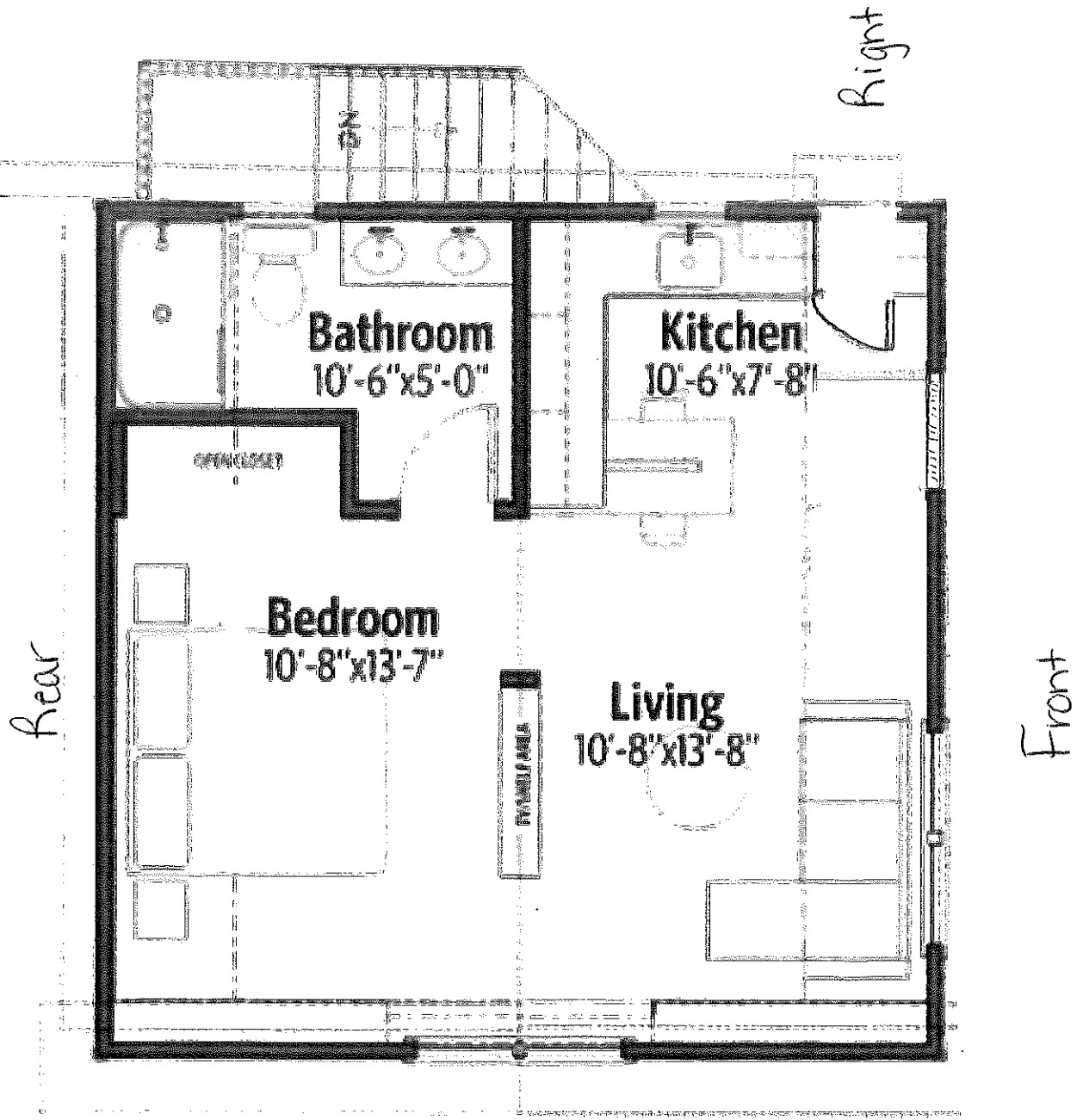


Two-Story Structure to existing structure maximum height of thirty feet.





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: olifam2st@aol.com

Address: 2319 Calderwood Ct Phone: (615) 255-7439 / 344-6885

City: Murfreesboro TN State: TN Zip: 37130

Property Owner: Larry : Betty Oliver

Address: 411 Fourth Avenue Phone: (615) 255-7439 / (615) 344-6885

City: Murfreesboro TN State: TN Zip: 37130

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

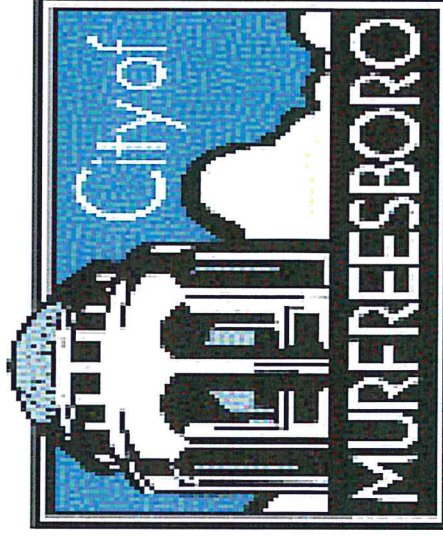
Zoning District:

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