

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, December 19, 2022, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order
2. Determination of a quorum
3. Approval of minutes: November 21, 2022
4. New Business:

Special Use Permit Amendment Request

- a. **Application Z-22-028 by Lesley Hurst**, requesting a special use permit to establish a home-based business for a hair salon on property in a Single Family Residential (RS-12) zone district for property located at 2319 Amber Glen Drive. All interested parties are invited to attend.
 - b. **Application Z-22-029 by Ann Thomas**, requesting a special use permit to establish an accessory apartment in a Single Family Residential (RS-15) zone district for property located at 1802 Oxford Drive. All interested parties are invited to attend.
 - c. **Application Z-22-030 by Gordon Bradberry**, requesting a special use permit to operate a Temporary Vending Establishment (shaved ice sales) in a Commercial Highway (CH) zone district for property located at 1911-2053 Old Fort Parkway. All interested parties are invited to attend.
5. Staff Reports and Other Business
 6. Adjourn

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

November 21, 2022 1:00PM

Members Present:

Davis Young, Chair

Ken Halliburton, Vice Chair

Misty Foy

Julie King

Tim Tipps

Members Absent:

None

Staff Present:

Greg McKnight, Planning Director

Matthew Blomeley, Assistant Planning Director

Joel Aguilera, Planner

Roman Hankins, Assistant City Attorney

Ashley Fulghum, Recording Assistant

1. Call to Order:

Chair Young called the meeting to order.

2. Determination of a quorum:

Chair Young determined that a quorum was present.

3. Consideration of Minutes:

- a. Ms. Julie King motioned to approve the minutes of the October 26, 2022 BZA meeting, with a correction to the date on page two; the motion was seconded by Vice-Chair Halliburton and carried by the following vote.

Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

MURFREESBORO BOARD OF ZONING APPEALS MINUTES NOVEMBER 21, 2022

b. With there being no objection by any of the Board members, the minutes of the July 27, 2022, BZA meeting were approved as submitted.

4. Old Business

Application [Z-22-024] by Larry and Betty Oliver to 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.

Mr. Tim Tipps abstained from voting and discussion due to being employed by the lean holder on the property, Wilson Bank and Trust.

The Board and Staff discussed amending the conditions of approval.

Vice-Chair Halliburton motioned to approve the reconsideration of the special use permit subject to all staff comments and to remove the condition that the permit would lapse upon transfer of the property; the motion was seconded by Ms. Misty Foy and carried by the following vote:

Aye: Misty Foy

Julie King

Vice-Chair Ken Halliburton

Chair Davis Young

Nay: None

Abstain: Tim Tipps

5. New Business

Zoning Application [Z-22-025] for Enterprise Holdings, Inc. represented by Clyde Roundtree of Huddleston-Steele Engineering, 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

MURFREESBORO BOARD OF ZONING APPEALS MINUTES

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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.

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 minutes by reference.

Chair Young inquired about what had changed since the special use permit was approved in 2020. Mr. Blomeley responded that the layout had changed.

Mr. Tim Tipps inquired about feedback from the neighbors. Mr. Blomeley responded he had not personally spoken with any neighbors and that notices had been sent out.

Chair Young opened the public hearing

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

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

Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

6. Staff Reports and Other Business

None.

7. Adjourn

There being no further business, Chair Young adjourned the meeting at 1:23pm.

CHAIRMAN

SECRETARY

**MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
DECEMBER 19, 2022**

Application: Z-22-028

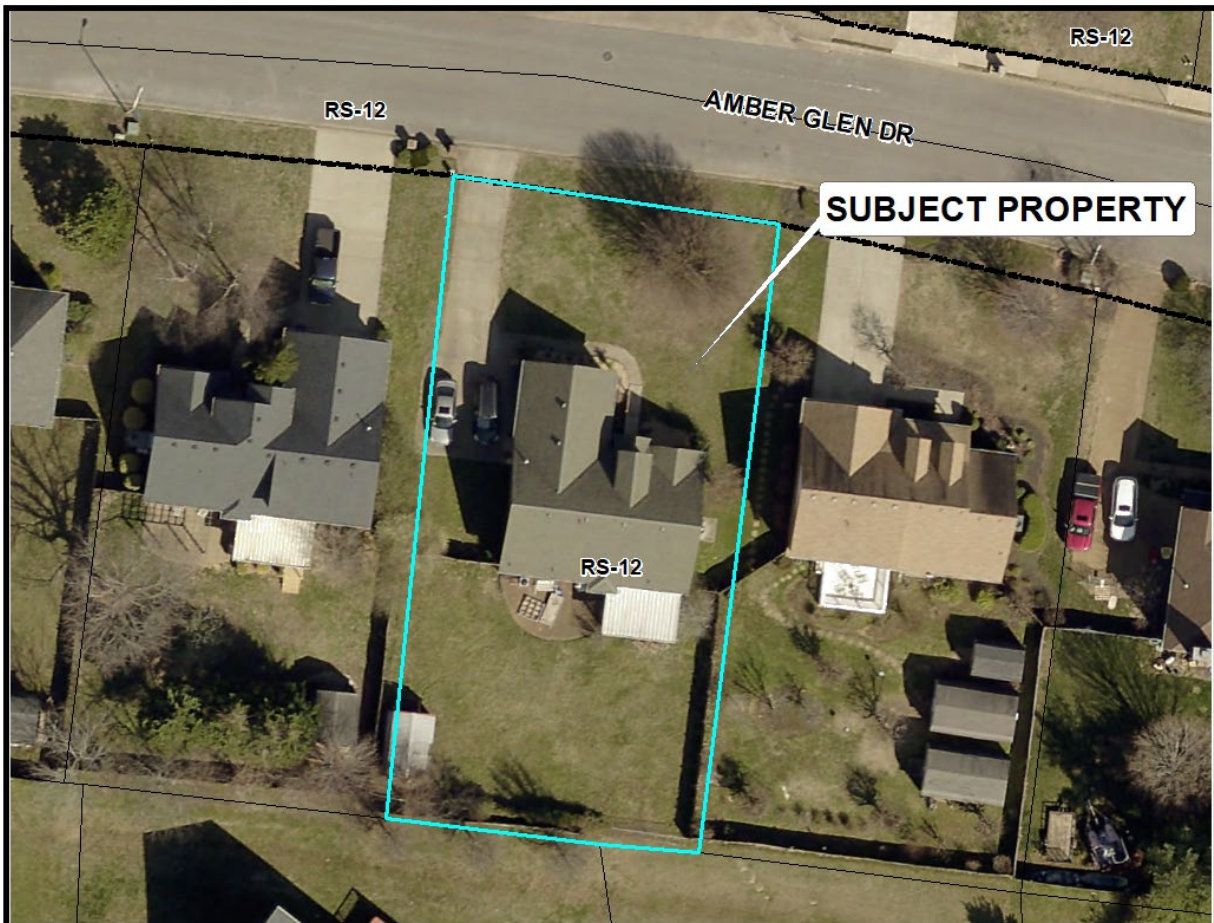
Location: 2319 Amber Glen Drive

Applicant: Lesley Hurst

Owner: Lesley Hurst and Jameson Lyoyd

Zoning: RS-12 (Single-Family Residential)

Requests: A special use permit to establish a home-based business for a hair salon



Special Use Permit Request Overview

The applicant, Lesley Hurst, is requesting a Special Use Permit to establish a one-chair hair salon inside of her residence located at 2319 Amber Glen Drive. The subject property is located in a Single Family Residential (RS-12) zoning district. Because her business will generate customer traffic, a special use permit is required.

The applicant will remodel the garage for the proposed home-based business to add a sink and salon chair. The applicant states in her attached letter that she will have one customer at a time, there will be no employees besides herself, the hours of operation will be from 8:00am until 7:00pm Monday through Friday by appointment only, and the customers will park in the existing driveway and not on the street.

Relevant Zoning Ordinance Section

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

Staff Comments

After reviewing the criteria for the special use permit requirements for home occupations, this project appears to meet the criteria.

Standards of General Applicability with Staff analysis.

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

Staff has reviewed the application and associated documents and believe that this standard has been met because no adverse impact on the above-mentioned list will be associated with the proposed 1-chair hair salon use because the salon will be located within the existing structure, all parking will be on site and located in the existing driveway, hours of operation will be limited to 8 AM to 7 PM Mondays through Fridays, and there will be no additional employees.

(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:

Staff has reviewed the application and associated documents and believe that this standard has been met because the applicant has expressed that there will be no more than one customer at a time, there would be no employees besides herself at the business and the customers will be required to park in the driveway.

(3) The proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal,

fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:

Staff has reviewed the application and associated documents and believe that this standard has been met because existing services are provided to the property already, parking will be on the driveway, and one customer at a time will not generate any significant traffic in the neighborhood.

(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 has reviewed the application and associated documents and believe that this standard has been met because no features of significant natural, scenic, or historic importance have been identified on the subject property or in this general area.

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

Staff has reviewed the application and associated documents and believe that this standard has been met because all Additional Standards for Home Occupations below have been satisfied.

Additional Standards for Home Occupations with Staff Analysis.

(1) No person who is not a resident of the dwelling unit may be employed in connection with the home occupation at the dwelling unit or on the property;

- a. Staff has reviewed the application and associated documents and believe that this standard has been met because the applicant has stated in the application that she will be the only person working in the salon and will not have any additional employees.

(2) One attached business sign, not exceeding three square feet, may be permitted subject to approval by the BZA. Such signs shall not be permitted by right;

- a. Staff has reviewed the application. Ms. Hurst requests permission to place one window cling/sticker – type sign on the salon door located on the left side of the home. This sign may not exceed three square feet in size.

(3) There shall be no alteration of the residential building which changes the character as a dwelling. No display of products shall be visible from the street;

- a. Staff has reviewed the application and associated documents and believe that this standard has been met because no modifications will be visible from the public right of way. She will convert the interior of the existing garage door located on the west side of the home to a solid wall. The already existing man door will be used to enter/exit the salon.

(4) The home occupation shall be incidental and subordinate to the residential use of the dwelling unit. No more than twenty-five percent (25%) of the area of a residential dwelling unit and accessory structure, if used as part of the home occupation, shall be devoted to the home occupation. In the event the home occupation is to be conducted totally from within an accessory structure, no more than five hundred square feet of area may be devoted to such

home occupation. No more than one home occupation shall be permitted per residential dwelling unit and any related accessory structure;

- a. Staff has reviewed the application and associated documents and believe that this standard has been met because the structure is 2330 square feet in area according to the applicant. The salon itself is only 480 square feet according to the applicant, or approximately 20% of the area.

(5) No mechanical or electrical equipment may be used in a residential dwelling unit or accessory structure in connection with a home occupation except such types as are customary for domestic, household, or hobby purposes; personal computers and facsimile machines may be used. Machinery that causes noise likely to be heard by neighbors or interference with radio or television reception shall be prohibited;

- a. Staff has reviewed the application and associated documents and believe that this standard has been met because the applicant has indicated that only common household equipment will be used and that a blow dryer is the loudest equipment that will be used in the salon.

(6) There shall be no storage outside a principal building or accessory structure of equipment or materials used in connection with the home occupation;

- a. Staff has reviewed the application and associated documents and believe that this standard has been met because the applicant will not store any items outside of the principal building or accessory structure that are related to this business.

(7) There shall be adequate provision for any traffic generated by such home occupation including off-street parking if required by the BZA;

- a. Staff has reviewed the application and associated documents and believe that this standard has been met because there will be adequate parking on site for the 1 car per appointment to park on site at the rear of the property.

(8) Group instruction in connection with the home occupation may be permitted subject to approval by the BZA. For the purposes of this subsection, instruction shall be group instruction if it involves more than two students at any time. The BZA may place a maximum number of students that may be on-site at any time and may establish limitations on the frequency of such group instruction.

- a. Staff has reviewed the application and associated documents and believe that this standard has been met because no group instruction is included as a part of this application.

(9) The following activities and land uses shall not be permitted as home occupations: automotive repair (body or mechanical), upholstery or painting; kennels; taxi service; gun dealers; or, charter bus service;

- a. Staff has reviewed the application and associated documents and believe that this standard has been met because none of these activities or land uses are a part of this application.

(10) The BZA may require additional standards in order to assure the compatibility of the home occupation with other property in the vicinity of the home occupation and to assure the residential character of the neighborhood is maintained.

- a. Staff included with this report recommended conditions of approval to ensure the residential character of the neighborhood will be maintained.

Staff Comments:

- 1) Staff recommends approval of the requested Special Use Permit to operate a home-based business for a one-chair hair salon consistent with the requirements of the Zoning Ordinance and meets the General Standards of Applicability and additional standards for Home Occupations. If approved, staff recommends that the special use permit include the following recommended Conditions of Approval:

Recommended Conditions of Approval:

- 1) Customer visits shall be by appointment only.
- 2) No more than one customer at a time shall visit the home-based business.
- 3) Any proposed signage shall comply with the Zoning and Sign Ordinances, shall not exceed 3 square-feet, shall be attached to the principal structure only, and shall be subject to any applicable permitting requirements.
- 4) The business shall open no earlier than 8:00 AM and shall close no later than 7:00 PM and shall not operate on Saturdays or Sundays.
- 5) All parking will occur on site and in the existing driveway.

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

Attached Exhibits

- A. Site aerial and photos
- B. Letter of explanation from applicant
- C. Application



(Aerial photograph of property)



(Front of Property)



(Side of Property. Garage bay door will be converted/walled in. Existing garage entry door will be used for salon entrance.)

Lesley Hurst
2319 Amber Glen Dr
Murfreesboro, TN 37129
615-801-2281

To Whom It May Concern:

I am applying for a special use permit for my residence at 2319 Amber Glen Drive in Murfreesboro.

The details of this request are as follows:

- One-Chair Hair Salon. One client at a time.
- Maximum Work Hours would be Monday through Friday 8a-7p.
- Plenty of parking available in driveway to hold the one client car at a time.
- Salon will operate on appointment-only business model. No walk-in.
- No employees will be working at this salon. I will be the only professional.
- Noise will not be an issue. Loudest equipment is a blow dryer for hair.

I have operated this business in the county for the last 6 years with zero complaints. I can provide references from previous neighbors, if necessary.

Thank you for your time.

Lesley Hurst

**Special Use Permit for Home Based Business for Hair Salon
Lesley Hurst, located at 2319 Amber Glen Drive**

I, Mrs. Lesley A Hurst, am requesting approval to operate a one chair hair salon inside of my home. The location of the property is 2319 Amber Glen Drive, which is in a Single Family Residential (RS-15) zoning district. Because my business will generate customer traffic, a special use permit is required. There will be no more than one customer at a time, there will be no employees besides myself at the business, and the customers will park in the driveway. The hours of operation will be from 8am through 7pm Monday through Friday, by appointment only.

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:**
 - There will be no substantial or undue adverse effect upon adjacent property, the neighborhood, traffic, or utilities. The salon will be operated inside the residence, there is plenty of parking available in the driveway for the one client car, only one client at a time, the loudest equipment used is a blow dryer for hair, and no additional utility work is necessary.
- (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:**
 - There will be no more than one customer at a time, there will be no employees besides me at the business, and the customers will park in the driveway. Customers will both park and enter the salon on the side of the home.
- (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:**
 - No additional or undue stress will be placed on public facilities or resources due to only one customer at a time visiting the property, by appointment only.
- (4) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance:**
 - No features of significant natural, scenic, or historic importance are known to be on the subject property or in this general area.
- (5) The proposed building or use complies with all additional standards imposed on it by**

the particular provision of this section authorizing such use:

- I will comply with all the standards stated and operate the business in a responsible manner.

Additional Standards for Home Occupations

- (1) **No person who is not a resident of the dwelling unit may be employed in connection with the home occupation at the dwelling unit or on the property;**
 - a. I will be the only person working in this salon and will not employ anyone else.
- (2) **One attached business sign, not exceeding three square feet, may be permitted subject to approval by the BZA. Such signs shall not be permitted by right;**
 - a. The only sign I would place would be a window cling/sticker-type sign on the entrance door to salon.
- (3) **There shall be no alteration of the residential building which changes the character as a dwelling. No display of products shall be visible from the street;**
 - a. No modifications will change the character of the dwelling. The existing garage bay door will be converted and framed in. The existing garage entry door will be used as the entrance to the salon.
- (4) **The home occupation shall be incidental and subordinate to the residential use of the dwelling unit. No more than ¹⁰ twenty-five percent (25%) of the area of a residential dwelling unit and accessory structure, if used as part of the home occupation, shall be devoted to the home occupation. In the event the home occupation is to be conducted totally from within an accessory structure, no more than five hundred square feet of area may be devoted to such home occupation. No more than one home occupation shall be permitted per residential dwelling unit and any related accessory structure;**
 - a. The structure is 2330 square feet in area. The salon itself is only 480 square feet, or approximately 20% of the floor area.
- (5) **No mechanical or electrical equipment may be used in a residential dwelling unit or accessory structure in connection with a home occupation except such types as are customary for domestic, household, or hobby purposes; personal computers and facsimile machines may be used. Machinery that causes noise likely to be**

heard by neighbors or interference with radio or television reception shall be prohibited;

a. All equipment used will be standard household equipment. A blow dryer for hair would be the loudest equipment used.

(6) There shall be no storage outside a principal building or accessory structure of equipment or materials used in connection with the home occupation;

a. I will not store any items outside of the principal building or accessory structure that are related to this business.

(7) There shall be adequate provision for any traffic generated by such home occupation including off-street parking if required by the BZA;

a. There will be adequate parking on site for the 1 car per appointment to park on site on the side of the property.

(8) Group instruction in connection with the home occupation may be permitted subject to approval by the BZA. For the purposes of this subsection, instruction shall be group instruction if it involves more than two students at any time. The BZA may place a maximum number of students that may be on-site at any time and may establish limitations on the frequency of such group instruction.

a. No group instruction is included as a part of this application.

(9) The following activities and land uses shall not be permitted as home occupations: automotive repair (body or mechanical), upholstery or painting; kennels; taxi service; gun dealers; or, charter bus service;

a. None of these activities or land uses are a part of this application.

(10) The BZA may require additional standards in order to assure the compatibility of the home occupation with other property in the vicinity of the home occupation and to assure the residential character of the neighborhood is maintained.

a. The residential character of the neighborhood will be maintained. Any recommended conditions of approval will be followed.

(11) □

City of Murfreesboro

BOARD OF ZONING APPEALS

**HEARING REQUEST
APPLICATION**

Location/Street Address: 2319 Amber Glen Dr. Murfreesboro, TN 37128

Tax Map: 101N Group: D Parcel: 16 Zoning District: RS-12

Applicant: LESLEY HURST E-Mail: lhurst616@aol.com

Address: 2319 Amber Glen Dr. Phone: 615-801-2281

City: Murfreesboro State: TN Zip: 37128

Property Owner: LESLEY and JAMISON HURST

Address: 2319 Amber Glen Dr. Phone: 615-801-2281
615-971-8679

City: Murfreesboro State: TN Zip: 37128

Request: Special use permit for a one chair hair salon

out of my converted going to be's garage.

Zoning District: RS-12

Applicant Signature: *Lesley Hurst* Date: 11/28/22

Received By: *LH* Receipt #: 530144

Application #: 2-22-028 Date: 11/29/22

**Murfreesboro
Board of
Zoning Appeals**



T E N N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

December 19, 2022

PROJECT PLANNER: JOEL AGUILERA

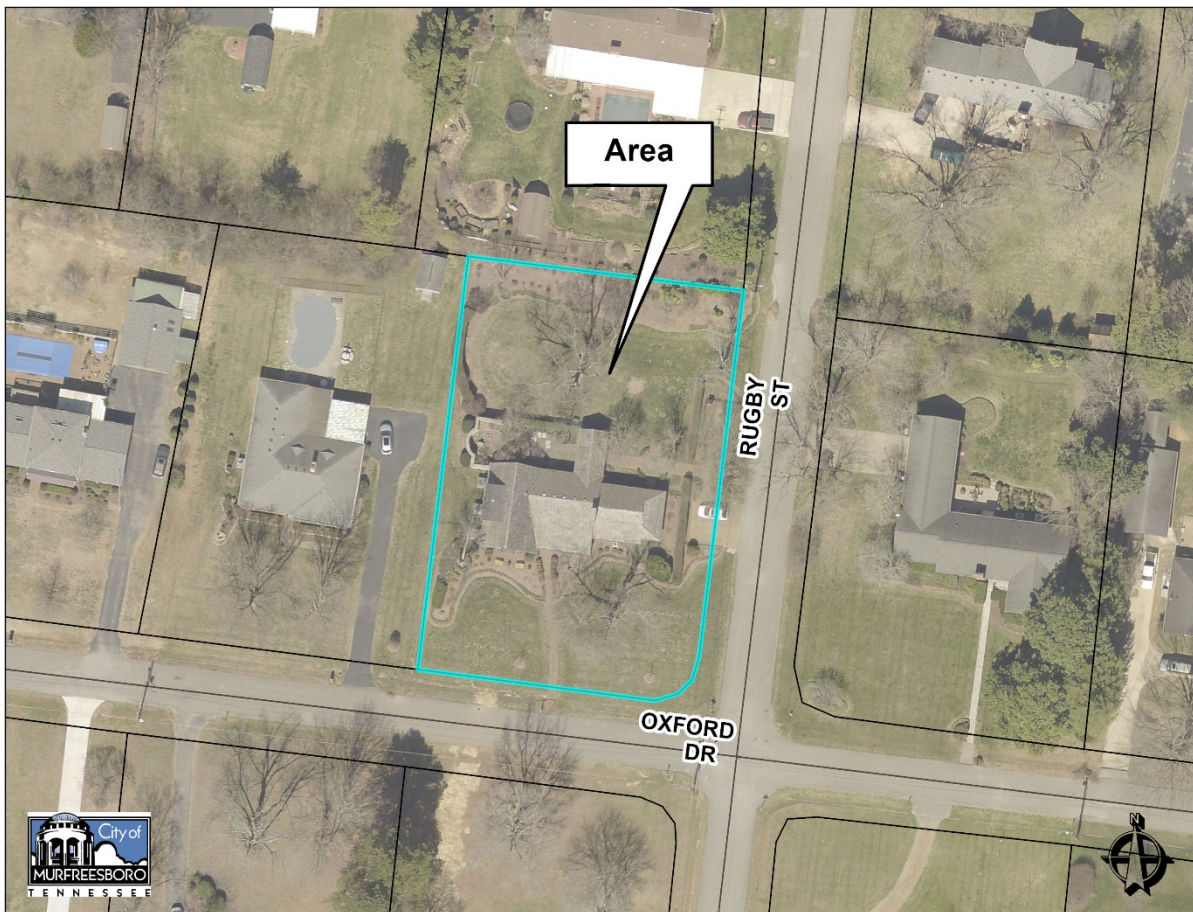
Application: Z-22-029

Location: 1802 Oxford Drive

Applicant: Ann Thomas, represented by Charles Brackin

Zoning: RS-15 (Residential Single-Family – 15,000 square feet minimum lot size)

Requests: A special use permit to establish an accessory apartment



Overview

Special Use Permit Request

The applicant, Ann Thomas, represented by Charles Brackin, is requesting a Special Use Permit (SUP) to establish an accessory apartment at 1802 Oxford Drive for the applicant's adult son to reside in. The new structure will be two-stories and the requested accessory apartment would 645 square feet, located on the second floor above a 3-car garage. The property is zoned RS-15 and is in the Riverview residential subdivision.

As depicted in the application site plan, the structure will be located behind the existing residence and sited 32.5 feet from the north property line and 45.2 feet from the east property line. The structure front would face Rugby Street and connect to the house via the existing breezeway. The proposed floor area is 645 square feet and includes a kitchen, living/dining area, two bedrooms rooms, and one bath, and includes a balcony facing the Rugby Street right-of-way. The access to the second story accessory apartment will be via a stairway within the structure, no external stairs are proposed.

As proposed, the accessory apartment complies with Zoning Ordinance development standards apply:

	Zoning Ordinance	Proposed Accessory Apartment
Maximum Floor Area for accessory apartment	700 square feet	645 square feet
Maximum Building Height	35 feet	28 feet
Minimum Building Setbacks	Front = 40 feet Side = 12.5 feet	Front = 45 feet Side = 32.5 feet
Minimum Parking (driveway)	4 spaces	4 spaces
Residence	Owner must reside on property. Family member or guest may occupy unit (no renters), located in the rear or side of the house,	Accessory Apartment complies with these standards

Staff Analysis

As demonstrated in the table above, the proposed accessory apartment complies with the minimum development standards in accordance with the Zoning Ordinance. The structure includes a 3-car garage that faces out to the right-of-way and a second story accessory apartment.

In addition, it is required that 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. 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.

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-15 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 25, Temporary and Accessory Structures, Subsection E:

(2): in all residential districts, attached accessory structures and uses shall maintain the same setbacks as required for the principal structures;

(4): no accessory structure shall exceed the height limitations of the district in which such structure is located

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:

- As currently proposed, the plans for the accessory apartment complies with the minimum development standards for accessory structure and accessory apartments. The structure will have adequate parking 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:**
- Staff believes this standard has been met. As depicted on the proposed plans, the proposed garage and accessory comply with minimum development standards. The apartment is not a rental and is to be used for one family member and would not interfere with adjacent properties or generate traffic.
- (3) **The proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**
- Staff believes this standard has been met. The proposed garage and 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 1802 Oxford Drive.
- 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 Miss Ann Thomas will continue to reside on the property and that the accessory apartment unit will be used for her son, Murphy Thomas 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 on the current plans, the design is compliant with the minimum development standards for an accessory structure, per Section 25 Temporary and Accessory Structure and Uses. The structure is 28 feet high and has a 45-foot front setback and 32-foot side setback. The proposed structure will have a rear entry door to access the garage and apartment with the 3 garage doors will facing Rugby Street.

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 garage and accessory apartment will be designed to connect to the existing breezeway.

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

- As it is currently depicted, the accessory apartment will be 645 square feet and if approved, the applicant is required to obtain all necessary building permits to construct the two-story garage and accessory 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 32 feet from the side property line, 45 feet front property line, and will not exceed 35 feet in height, which is compliant with standards for temporary and accessory structures.

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

- The accessory apartment will be 645 square feet and will not exceed 700 square feet of floor area.

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

- Standard 7 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.

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, based on the current plans meeting the minim development standards of the ordinance, to allow a 645 square foot accessory apartment structure, as presented in the application documents and as noted above with the following conditions in accordance with Section 9, Subsection (conditions on special uses).

Recommended Conditions of Approval:

1. The special use permit approval is for a 645 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.
3. The proposed garage, of the attached accessory structure, shall only be used as a garage, for vehicles, 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. Prior to applying for building permits, 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 floor plan and colored elevations to the Planning Department for review and approval.

Attached Exhibits

- A. Site plan
- B. Elevations
- C. Applicant correspondence
- D. Application
- E. Photos



SITE ENGINEERING CONSULTANTS

ENGINEERING · SURVEYING · LAND PLANNING
LANDSCAPE ARCHITECTURE

WWW.SEC-CIVIL.COM

850 MIDDLE TENNESSEE BLVD · MURFREESBORO, TENNESSEE 37129
PHONE: (615) 890-7901 · FAX: (615) 895-2587

GARAGE & BREEZEWAY DIMENSIONS
ARE THE SAME AS THOSE ON A
FOUNDATION PLAN PROVIDED BY
CHICK BRACKIN.

LEGEND

- EXISTING IRON PIN
- SET IRON PIN
- SAN. SEWER CLEANOUT
- ⊞ WATER METER
- ⊞ TELEPHONE BOX
- ⊞ ELECTRIC TRANSFORMER PAD
- ⊞ HVAC UNIT
- OHL — OVERHEAD UTIL. LINE

OWNER:

A C THOMAS TRUST
ANN COGBURN THOMAS, TRUSTEE
1802 OXFORD DRIVE
MURFREESBORO, TN 37128

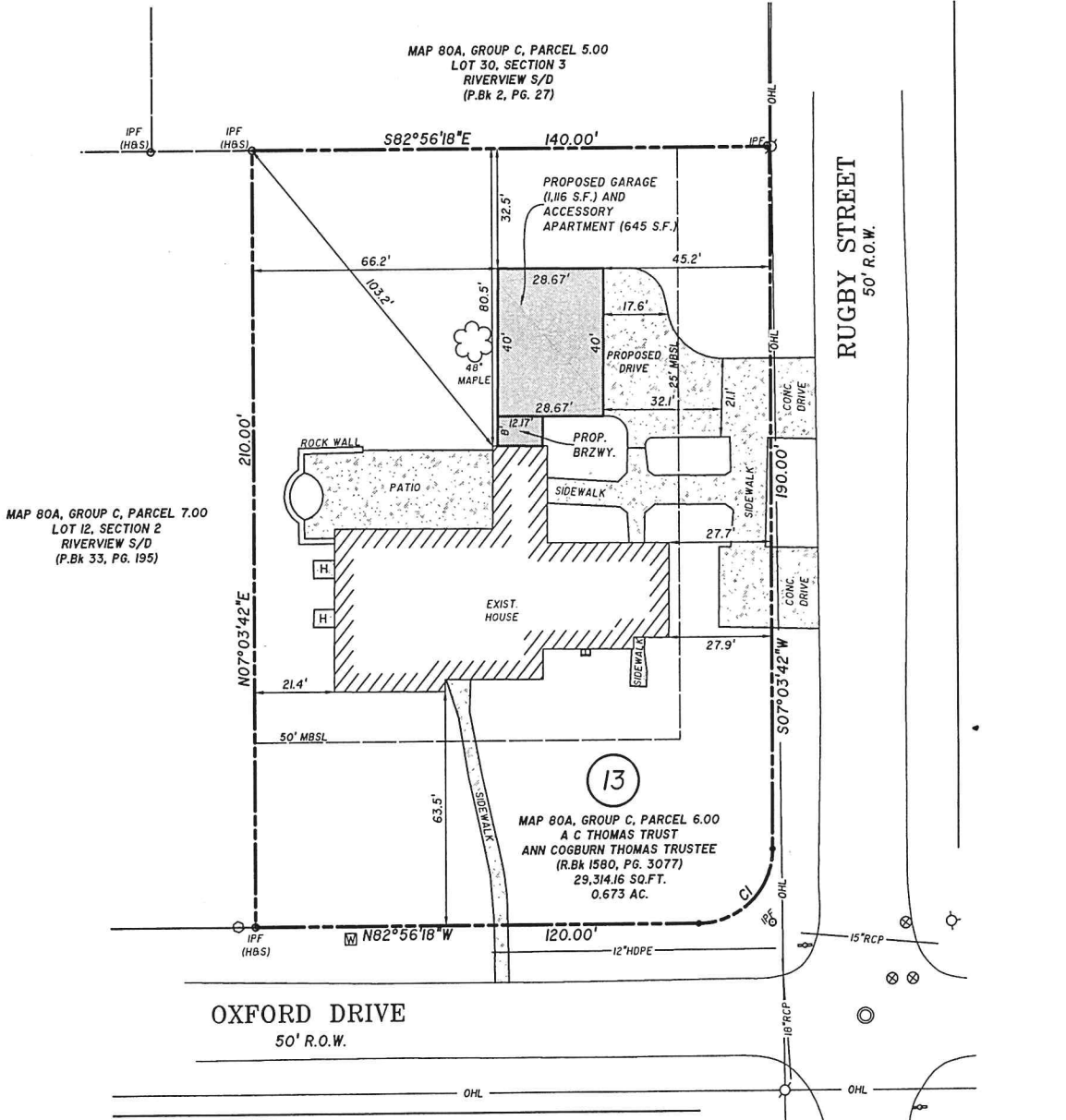
SITE DATA:

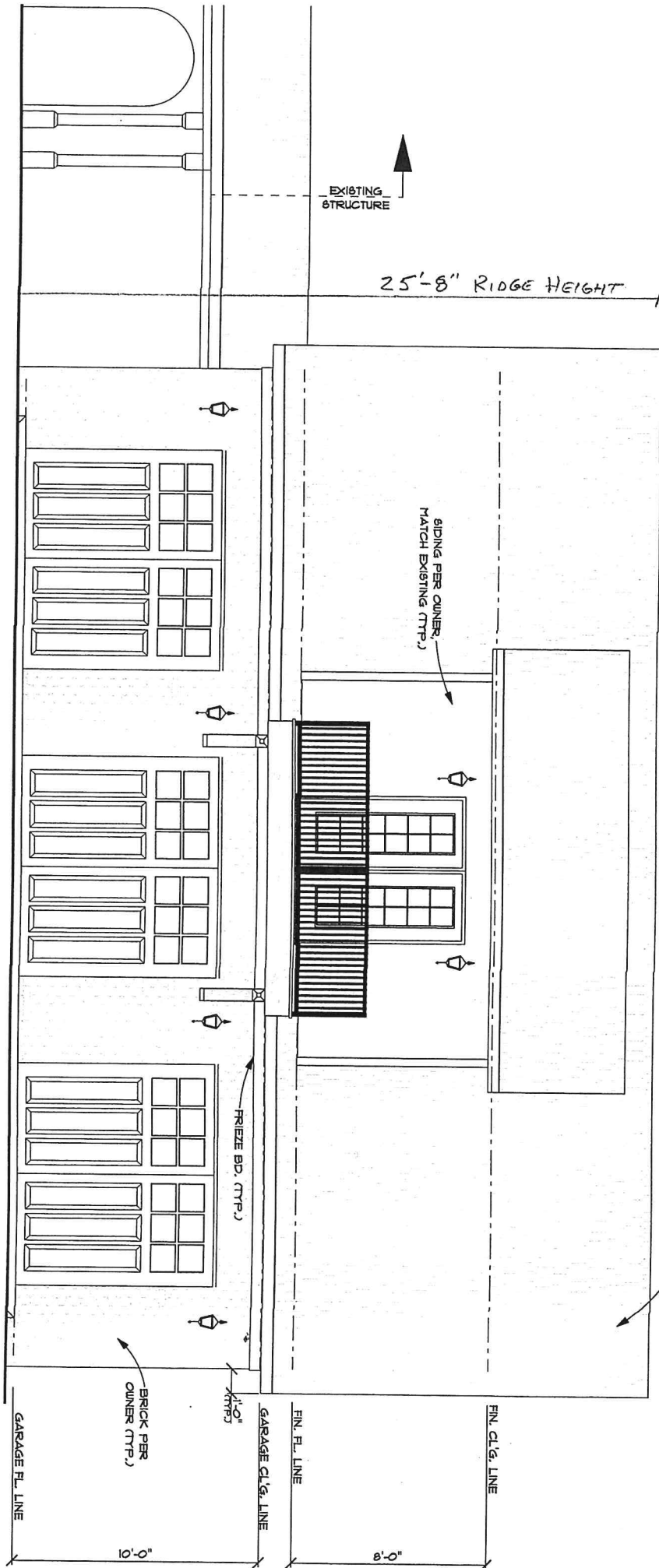
MAP 80A, GROUP C, PARCEL 6.00
R.BK. 1580, PG. 3077 R.O.R.C., TN
P.BK. 1, PG. 106 R.O.R.C., TN
LOT 13 AREA = 0.673 ± ACRES

BUILDER CONTACT: CHUCK BRACKIN
PH #: 615-604-9307
EMAIL: cbrackin@yahoo.com

CURVE DATA

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
CI	20.00'	90°00'00"	31.42'	S52°03'42"W	28.28'





RIGHT SIDE ELEVATION

SCALE 1/4" = 1'-0"

EXISTING STRUCTURE

25'-8" RIDGE HEIGHT

SIDING PER OWNER MATCH EXISTING (TYP.)

ROOFING PER OWNER MATCH EXISTING (TYP.)

FRIEZE BD. (TYP.)

BRICK PER OWNER (TYP.)

GARAGE FL. LINE

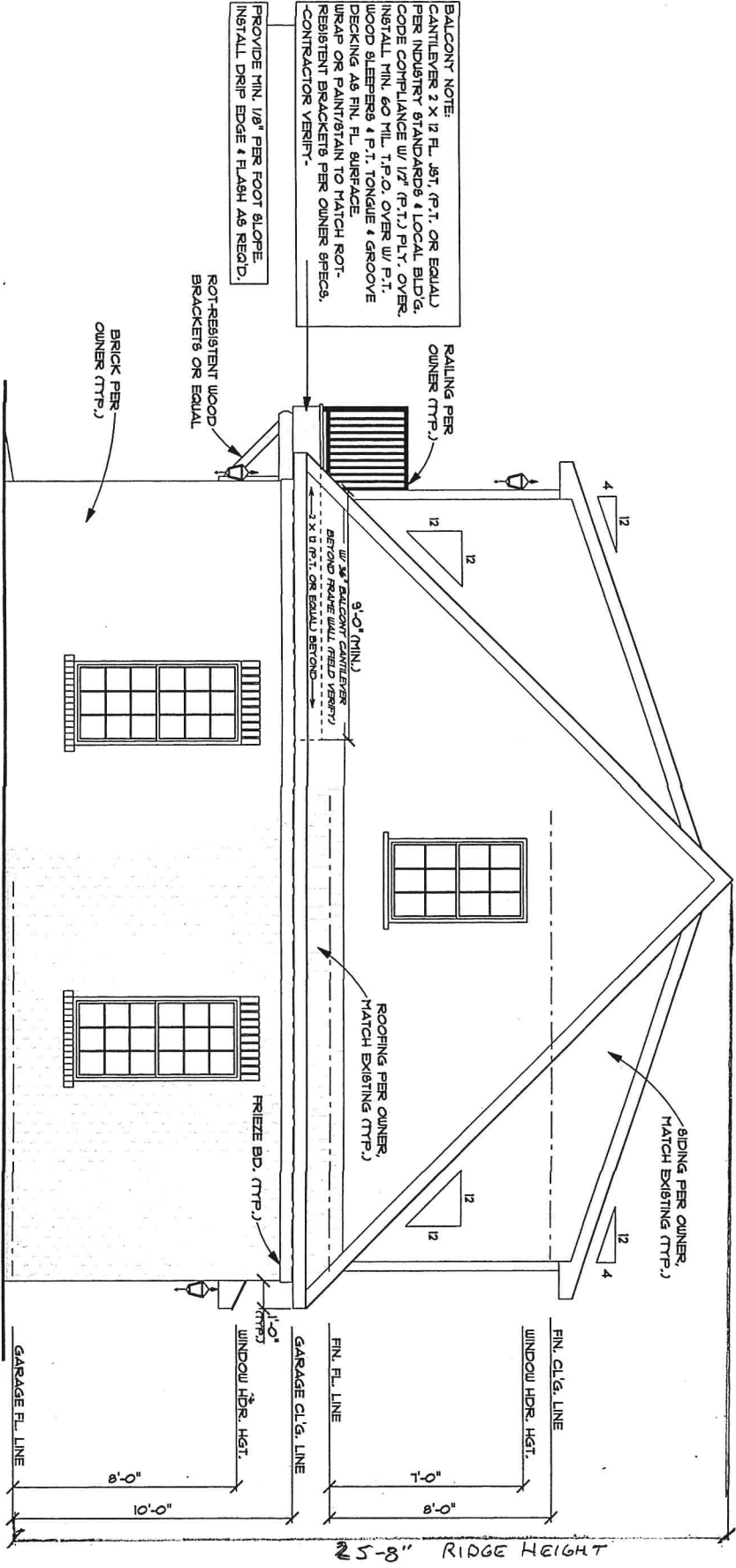
GARAGE CL.G. LINE

FIN. FL. LINE

FIN. CL.G. LINE

10'-0"

6'-0"



BALCONY NOTE:
 CANTILEVER 2 X 12 FL. JST. (P.T. OR EQUAL)
 PER INDUSTRY STANDARDS & LOCAL BLDG.
 CODE COMPLIANCE W/ 1/2" (P.T.) PLY. OVER.
 INSTALL MIN. 60 MIL. T.P.O. OVER W/ P.T.
 WOOD SLEEPERS & P.T. TONGUE & GROOVE
 DECKING AS FIN. FL. SURFACE
 UPRIP OR PAINT/STAIN TO MATCH ROT-
 RESISTENT BRACKETS PER OWNER SPECS,
 CONTRACTOR VERIFY.

PROVIDE MIN. 1/8" PER FOOT SLOPE.
 INSTALL DRIP EDGE & FLASH AS REQ'D.

ROT-RESISTENT WOOD
 BRACKETS OR EQUAL

BRICK PER
 OWNER (TYP.)

RAILING PER
 OWNER (TYP.)

9'-0" (MIN.)
 W/ 2" BALCONY CANTILEVER
 BEYOND FRAME WALL (FIELD VERIFY)
 3" X 6" (P.T. OR EQUAL) BEGINS

ROOFING PER OWNER,
 MATCH EXISTING (TYP.)

FRIZE BD. (TYP.)

SIDING PER OWNER,
 MATCH EXISTING (TYP.)

GARAGE FL. LINE

WINDOW HDR. HGT.

GARAGE CL.G. LINE

FIN. FL. LINE

FIN. CL.G. LINE

WINDOW HDR. HGT.

8'-0"

10'-0"

7'-0"

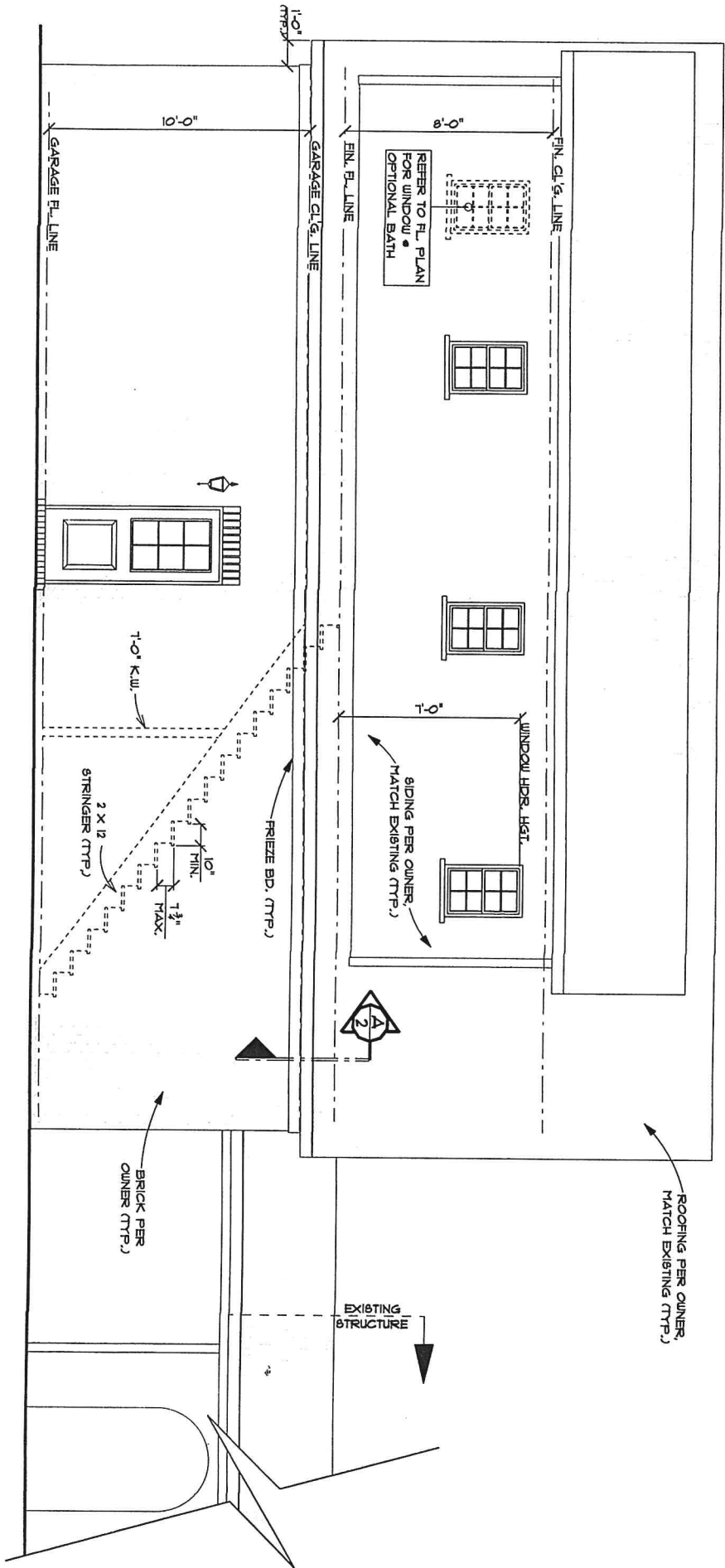
8'-0"

25'-8" RIDGE HEIGHT

REAR ELEVATION

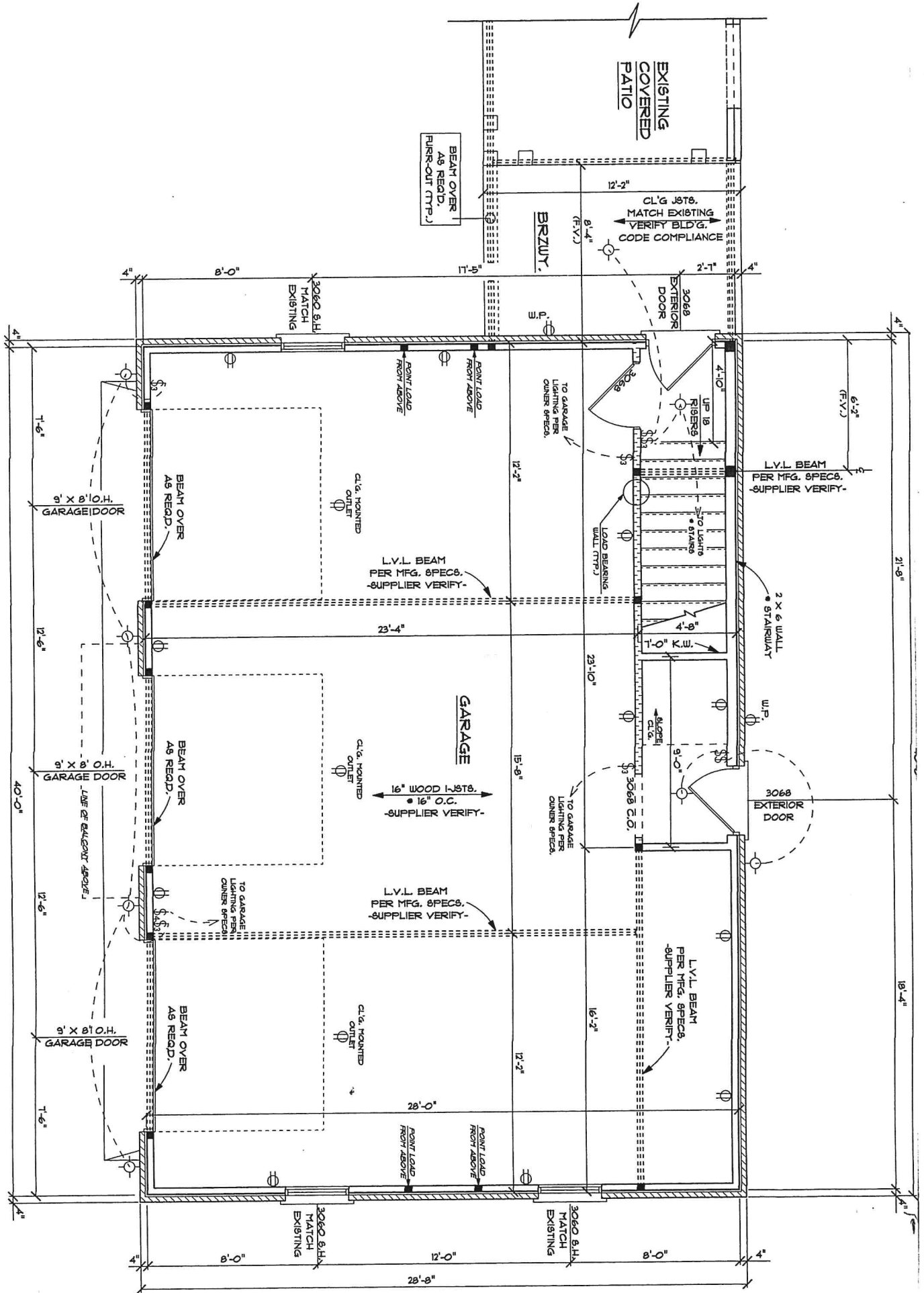
SCALE 1/4" = 1'-0"

NOTE:
 EXISTING STRUCTURE BEYOND
 NOT SHOWN FOR CLARITY.



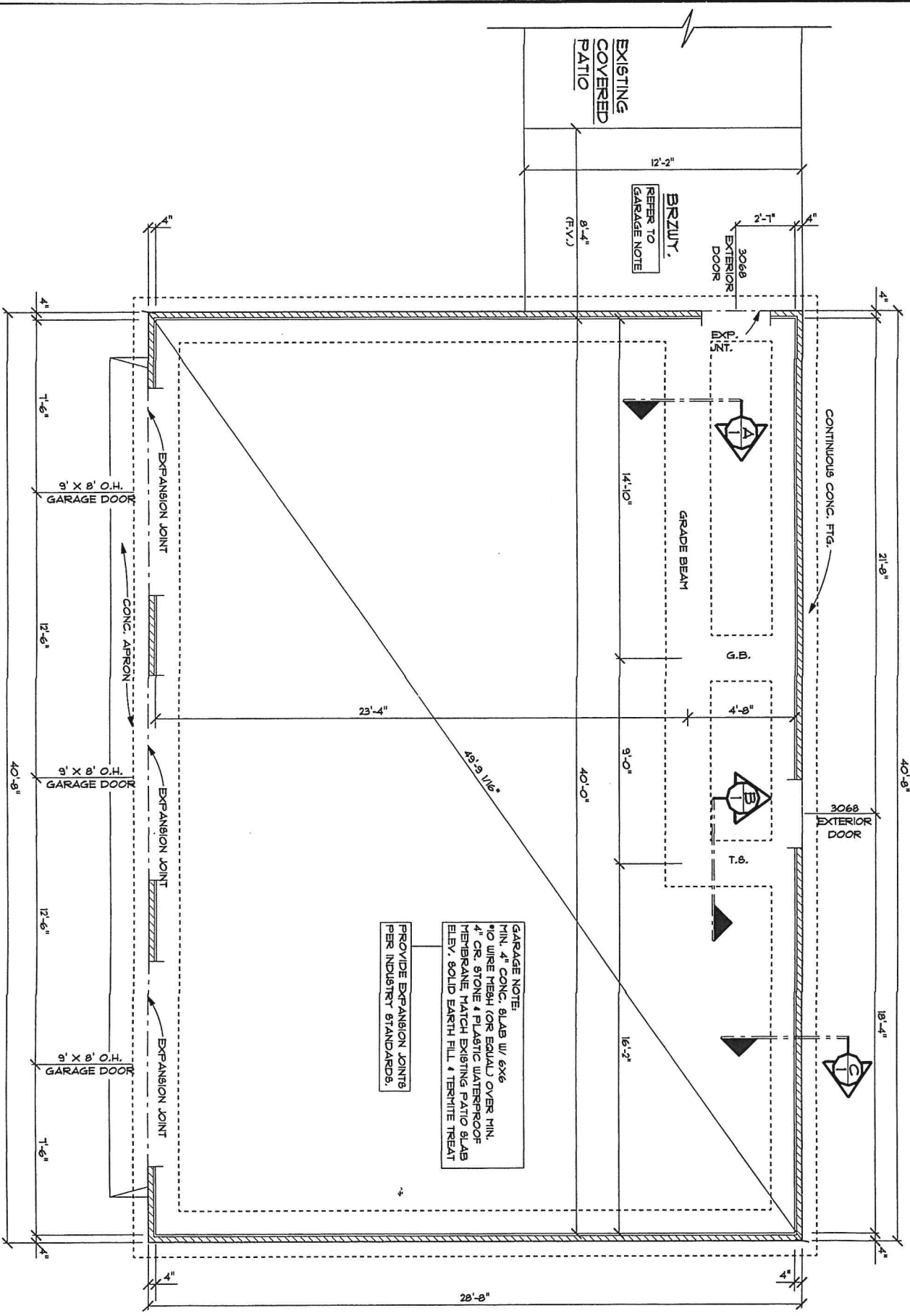
LEFT SIDE ELEVATION

SCALE 1/4" = 1'-0"



FIRST FL. PLAN
SCALE 1/4" = 1'-0"

THICKENED SLAB (TYP.)
SCALE: NONE

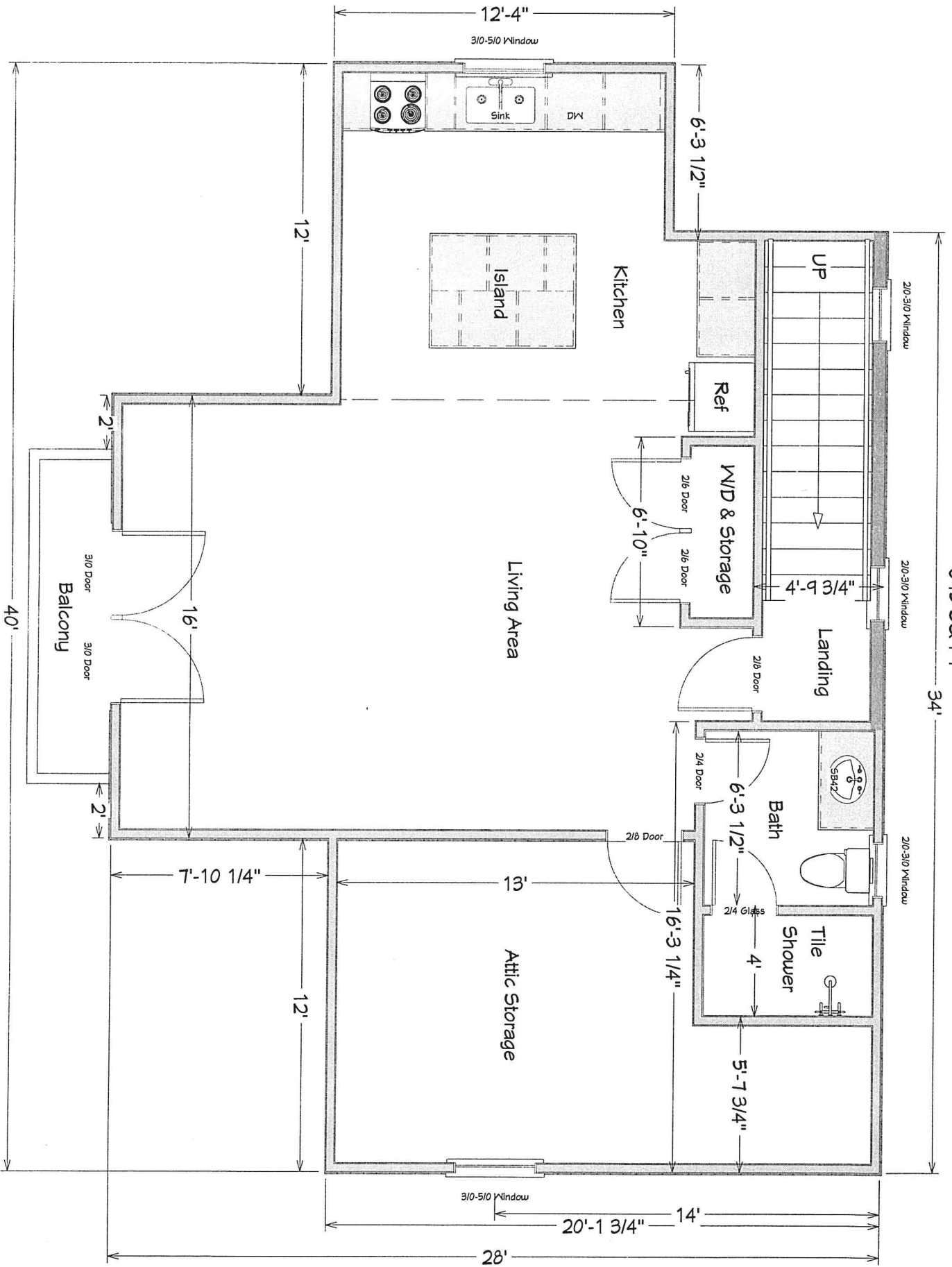


GARAGE NOTE:
 MIN. 4" CONC. SLAB W/ 6x6
 #10 WIRE MESH (OR EQUAL) OVER MIN.
 4" CR. STONE & PLASTIC WATERPROOF
 MEMBRANE MATCH EXISTING PATIO SLAB
 ELEV. SOLID EARTH FILL & TERMITIC TREAT

**PROVIDE EXPANSION JOINTS
 PER INDUSTRY STANDARDS.**

FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

LIVING AREA 645 SQ FT



MURFREESBORO BOARD OF ZONING APPEALS

- Location:** 1802 Oxford Drive
Applicant: Ann Thomas
Zoning: RS-15 (Residential Single-Family – 15,000 square feet minimum lot size)
Requests: A Special Use Permit to construct a 645 square foot accessory apartment for a family member.

Below you will find context and documentation to support our request to be granted a Special Use Permit for property improvements located in the Riverview subdivision at 1802 Oxford Drive, Murfreesboro, TN 37129

All information below and attached are respectively submitted to the Board of Zoning Appeals to provide the details of the accessory apartment, to be built on the property known as 1802 Oxford Drive.

Since this will be for the current resident parking and living purposes, there will be no impact to current traffic conditions. Parking will be in front of the structure.

The structure will be attached to the existing home by extending the existing breezeway 8'. The new structure will be constructed with materials (brick, soffit, windows, etc.) to match the existing home.

Exterior Dimensions = 40'-8" x 28'-8"

Accessory Apartment = 645 sq/ft

2nd floor Attic Space = 196 sq/ft

2nd floor Balcony = 36 sq/ft

Garage = 1,116 sq/ft

Breezeway = 97 sq/ft

This accessory apartment above will be used for family members only, and not rented to a third party.

Respectfully Submitted for your consideration and approval.

Ann Thomas – Owner 1802 Oxford Drive, Murfreesboro, TN 37129

Overview

Special Use Permit Request

The applicant, Ann Thomas, is requesting a Special Use Permit (SUP) to add a 645-square foot accessory apartment, at 1802 Oxford Drive. 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-15 and is located in the Riverview single-family residential subdivision.

The apartment is Murphy Thomas, so he can take care of for an elderly parent (Ann Thomas) that he can provide support and assistance to that will allow the parent to age in place on their property. An extension of the existing breezeway will connect the apartment to the existing house

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, Additional underground electrical service will be added per Murfreesboro Electric Codes. The existing water and sewer connections will be used. 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 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:**
- (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 1802 Oxford Drive
- 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 Murphy Thomas. 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 an accessory apartment.
- 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;**
 - 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 645 square feet and if approved, the applicant is required to obtain all necessary building permits to construct the structure. The applicant has confirmed that the design and construction will conform to all applicable standards in the health, building, and other codes. Building exterior brick dimensions are 28'-8" wide, 40' long, height is 25'8" to the top of the roof ridge.
- 6.) The accessory apartment shall not exceed seven hundred square feet of floor area;**
 - The accessory apartment will be 645 square feet and will not exceed 700 square feet.
 - The 3-car garage on the first floor will be used for camper and vehicle parking only.

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.

City of Murfreesboro

BOARD OF ZONING APPEALS

HEARING REQUEST APPLICATION

Location/Street Address: 1802 OXFORD DRIVE

Tax Map: 80A Group: C Parcel: 6.00 Zoning District: RS-15

Applicant: CHARLES BRAKEN E-Mail: CLBRAKEN@YAHOO.COM

Address: PO Box 11561 Phone: 615-604-9307

City: MURFREESBORO, TN State: TN Zip: 37129

Property Owner: ANN THOMAS

Address: 1802 OXFORD DRIVE Phone:

City: MURFREESBORO State: TN Zip: 37128

Request: SPECIAL USE PERMIT FOR AN ACCESSORY APARTMENT

Zoning District: RS-15

Applicant Signature: 

Date: 12-1-22

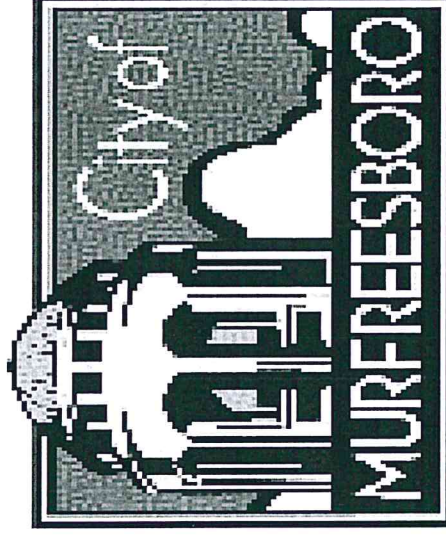
Received By: AF

Receipt #: 530145

Application #: Z-22-029

Date: 12/1/22

Murfreesboro Board of Zoning Appeals



T E N N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION

12/5/22 *

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

DECEMBER 19, 2022

PROJECT PLANNER: JOEL AGUILERA

Application: Z-22-030

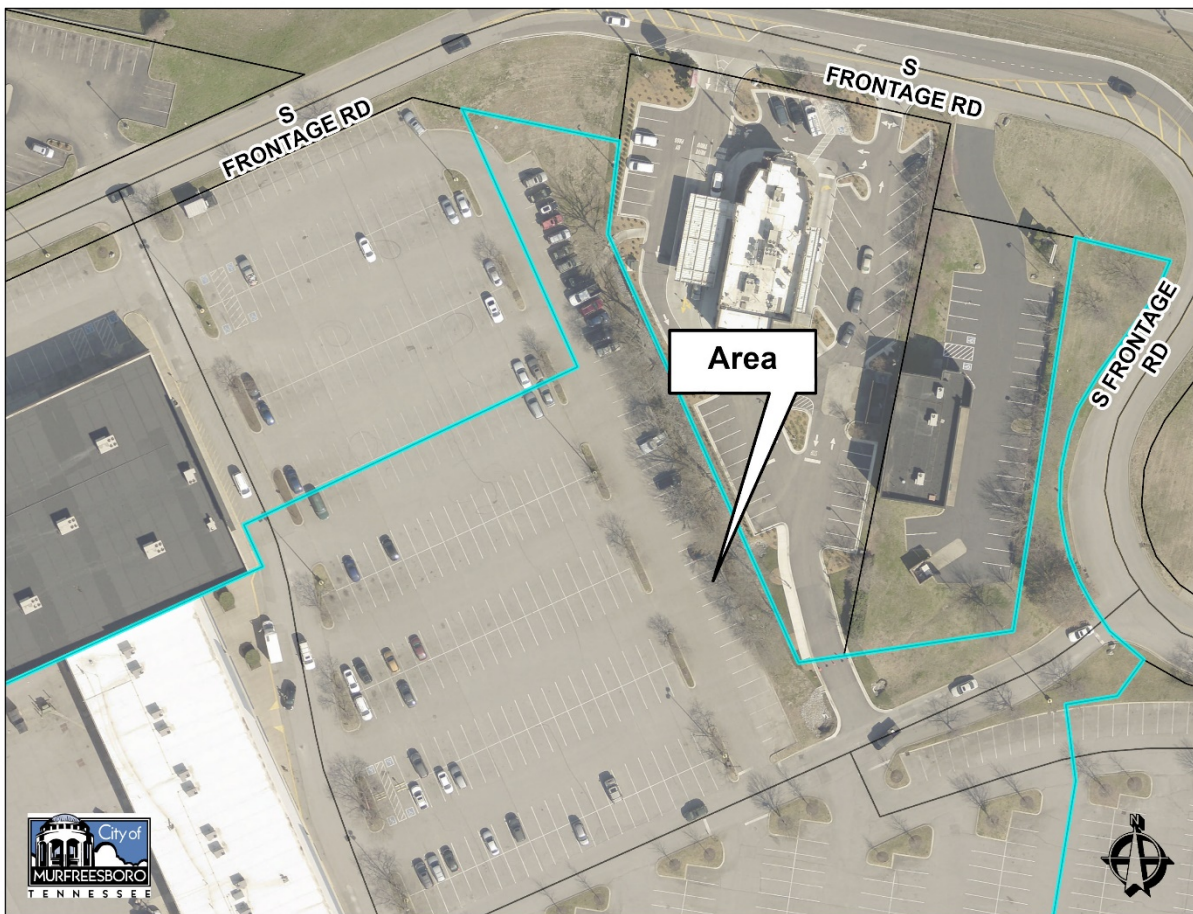
Location: 1911 – 2053 Old Fort Parkway

Applicant: Gordon Bradberry

Owner: Integris Ventures, LLC

Zoning: Commercial Highway (CH)

Requests: A special use permit to operate a temporary vending establishment (shaved ice sales)



Overview of Request

The applicant, Gordon Bradberry, is requesting a Special Use Permit to operate a concession trailer to sell shaved ice for a period of 70 days, from May 20, 2023, to July 30, 2023, with no operation on July 3rd and 4th. The trailer would be parked in the parking lot along the northeast property line, located at 1911 Old Fort Parkway, Murfreesboro Town Centre. City of Murfreesboro Zoning Ordinance, Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance identifies temporary outdoor vendor as a use allowed with approval of a Special Use Permit in the CH district. The site is surrounded by existing commercial development that is zoned Commercial Highway (CH)

The shaved ice concession trailer has operated during the summer months for several years under the previous ownership. Because the current applicant, Mr. Bradberry is a different owner of the business the zoning ordinance requires a Special Use Permit subject to review and approval by the BZA. Other than the ownership, there are no other proposed changes to the on-site elements, including the trailer location, actual sales concession trailer, and operating timeframe. The shaved ice concession sales include the following:

- Concession trailer is 6 feet by 14 feet and would be sited along the eastern portion of the parking section, behind the Chick Fil'A property.
- Hours of operation will be from Monday – Thursday 11:00am to 6:00pm, Friday and Saturday 11:00am to 8:00pm, and Sunday 12:00pm to 6:00pm.
- Public restrooms are available to the customers and concession stand operator at the Christian Publishers Outlet store.
- There will be no outdoor sound amplification.
- Any trash generated will be removed daily.
- Concession trailer has a drive-thru window and uses orange cones to help direct traffic.

The applicant provided a letter and site plan demonstrating their compliance with the Special Use Permit standards on temporary vendors. The letter has been signed by the property owner, Integris Ventures, LLC, granting the applicant permission to operate the concession trailer.

Relevant Zoning Ordinance Section

City of Murfreesboro Zoning Ordinance Section 25(D)(5) sets forth the requirement for obtaining a special use permit to operate temporary outdoor sales of food, Section 9(C) sets forth the standards of general applicability for a special use permit, and Section 9(D)(2)(eeee) sets forth additional standards for temporary sales vendors. The applicant has affirmed in his letter that the shaved ice sales will operate in compliance with the zoning ordinance requirements.

Staff Comments

After reviewing the criteria for the special use requirements for temporary vending uses, this project appears to meet the criteria.

Standards of General Applicability with Staff Analysis:

- 1. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;**
 - Staff has reviewed the application materials and believes this standard has been met. The location of concession trailer will be sited in parking lot where there is are typically vacant parking spaces, will not impede circulation or traffic flow onsite, or impact the operation of any other businesses on site. Equipment will not impact the character, traffic conditions, or parking of the site. BZA site shows that the trailer will be in the north-eastern section of the parking lot, outside the main drive aisles of the parking lot.

- 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 materials and believes this standard has been met. The concession trailer would not interfere with the regular operations of Town Centre shopping area and its tenants because it is situated in an area of the parking lot that complies with the required setbacks of the CH district and does not have any sound amplification devices.

- 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;**
 - Staff has reviewed the application materials and believes this standard has been met. Where the concession trailer will be sited, it will not hinder the above services. Parking on-site is ample and would not conflict with the required parking spaces.

- 4. That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance;**
 - Staff has reviewed the application materials and believes this standard has been met. In reviewing the use and application details, there are no known features on-site or nearby that will be negatively impacted.

- 5. The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:**
 - Additional standards for temporary vendors are discussed below.

Temporary Vendor – Additional Standards:

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

- Staff has reviewed the application materials and believes this standard has been met. The property owner has issued authorization of this requested operation and the document is included in the application (see attachments included in staff report).
2. **The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site.**
 - Staff has reviewed the application materials and believes this standard has been met. Murfreesboro Town Centre has ample parking on-site and has never had conflicts while operating in the previous years. The applicant will be in the rear portion of the parking lot, away from the stores where most customer traffic is located for the tenants.
 3. **Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.**
 - Staff has reviewed the application materials and believes this standard has been met. The applicant is aware that additional traffic control measures could be required by the BZA. There is ample space on site for parking and the temporary site is located outside the main drive aisles of the parking lot.
 4. **Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.**
 - The applicant has confirmed that the concession trailer will be placed on site with be compliance with all applicable codes. The applicant has stated that the trailer will be placed on the lot, then driven home each night. This request is permitted with city and zoning regulations, and is a request that is consistent with other temporary vendor applications.
 5. **Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.**

- The site is within 500 feet from an operable fire hydrant.
- 6. A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.**
 - The applicant is aware of the deposit and the requirement to clean up the site after their approval expires.
 - 7. Adequate provision shall be made for restroom facilities on the property. Restroom facilities must be located on-site for all temporary vendor locations that include on-site overnight security. Portable toilets, if used, shall be located on the site and may not be located in any required front setback or in any required side yard. The BZA may approve the use of off-site restroom facilities provided they will be available during all business hours and provided that the applicant provides the written permission of the owner or manager of the off-site facilities.**
 - The applicant has confirmed that Christian Publishers Outlet, a neighboring retail outlet, has given permission to use their restroom facilities for the 70-day. The correspondence is attached in the staff report.
 - 8. The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.**
 - The applicant has confirmed that they will comply with this requirement.
 - 9. No special use permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Special Use Permit and same are not cured within 24 hours after notice, the Special Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.**
 - The applicant states that they understand these requirements. Upon inspection of the site there were no outstanding violations. Photos for viewing of the site have also been attached.
 - 10. Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires.**

- The applicant states that they will be using their own generator for the temporary site.
- 11. Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventories are outside of any easements for electric power transmission or distribution.**
- The applicant's tent will not be installed within any easements located on-site.
- 12. Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.**
- The applicant has confirmed that a small trash can will be placed beside the trailer for customers and that trash will be carried off daily to ensure no trash is left behind on-site.
- 13. Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.**
- The applicant understands this requirement and will complete a sign permit application and pay the fees associated with the application for any signs posted on site.
- 14. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound shall not be permitted.**
- The applicant will not use any noise amplification devices. Additionally, the applicant has stated that the generator will not disturb the peace of any neighbors or businesses.
- 15. A site may be used for temporary vending for no more than 70 days during any 12-month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on November 14, 2017, whichever shall first occur.**
- The applicant has stated that the site will be used 70 days in total. The applicant has confirmed that the period will be from May 20, 2023 through July 30, 2023, with no operation on July 3rd or 4th. The hours of operation will be from 8am to 10pm which is consistent with other temporary vendor applications.

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

- The applicant will adhere to any additional requirements if any are imposed by the BZA.

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

- The parking lot consists of paved asphalt, not gravel.

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

- The applicant has confirmed that no furniture will be located on-site to help with the flow of traffic after receiving their product.

Staff Comments:

Staff recommends approval of the requested Special Use Permit to operate a temporary outdoor vending at the subject property, as proposed due to the evidence provided that the vendor will operate consistent with the requirements of the Zoning Ordinance and meets the General Standards of Applicability and additional standards for Temporary Vending. If approved, staff recommends that the special use permit include the following recommended Conditions of Approval:

Recommended Conditions of Approval:

1. The special use permit approval is for a special use permit to operate a temporary outdoor concession trailer, for the sale of shaved ice, from May 20, 2023, through July 30, 2023, with no sales or operation on July 3rd, 2023, and July 4th, 2023.
2. Hours of operation are from Monday – Thursday 11:00am to 6:00pm, Friday and Saturday 11:00am to 8:00pm, and Sunday 12:00pm to 6:00pm.
3. The concession trailer shall be located on the subject property in accordance with the site plan submitted with the application materials.
4. The concession trailer shall be removed from the property daily.
5. All trash shall be removed daily and leave the site in a neat and orderly appearance.
6. The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
7. Applicant shall post a Cleaning Deposit with the Building and Codes Department prior to permit issuance.

8. Applicant shall post the Certificate to Operate, issued by the Planning Department after passing all required inspections to operate a temporary vending operation.

Attached Exhibits

1. Letter from applicant
2. Site photos
3. Concession trailer site plan
4. BZA Application

Additional Standards

Temporary outdoor sales of food or retail merchandise not accessory to the principal use of a property shall be subject to the following additional standards:

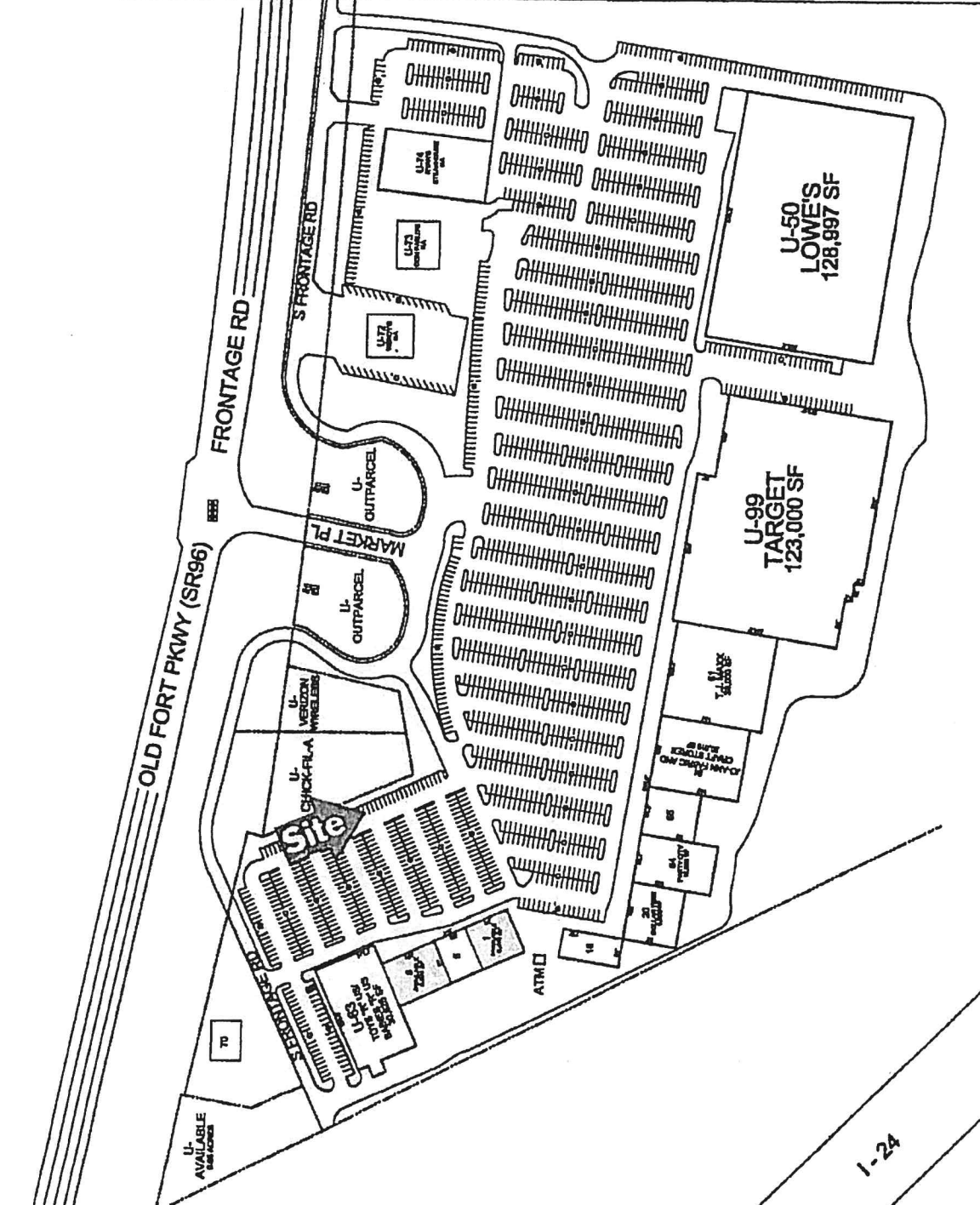
1. The application for temporary outdoor sales of food or retail merchandise shall include the signature of the owner of the subject property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use. ***A copy of the lease agreement with the owner of the parking lot (Integris Ventures) is included with the application.***

2. The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor will not total more than 25% of the total parking available on the site. ***The concession trailer will be located in the parking lot of an existing shopping center so backing onto a street will not be necessary. The entire parking lot is concrete. Even with the addition of the concession trailer the entire site will still meet the minimum parking requirements.***

3. Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation. ***Directing traffic will not be necessary since the trailer is located in an existing parking lot.***

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

TENANT INDEX	
1	AVAILABLE 6,400
5	MATTRESS FIRM 4,800
8	AVAILABLE 6,000
18	HIBBETT SPORTING GOODS 5,244
20	DOLLAR TREE 9,600
51	T.J. MAXX 30,000
54	JC-ANN FABRIC AND CRAFT STORES 20,011
55	PIER 1 IMPORTS 8,000
64	PARTY CITY 12,000
70	STEAK 'N SHAKE 3,888
U-60	LOWE'S 128,997
U-63	TOYS "R" US/ BABIES "R" US 30,622
U-72	WENDY'S NA
U-73	DON PABLO'S NA
U-74	RYAN'S STEAKHOUSE NA
U-88	TARGET 123,000



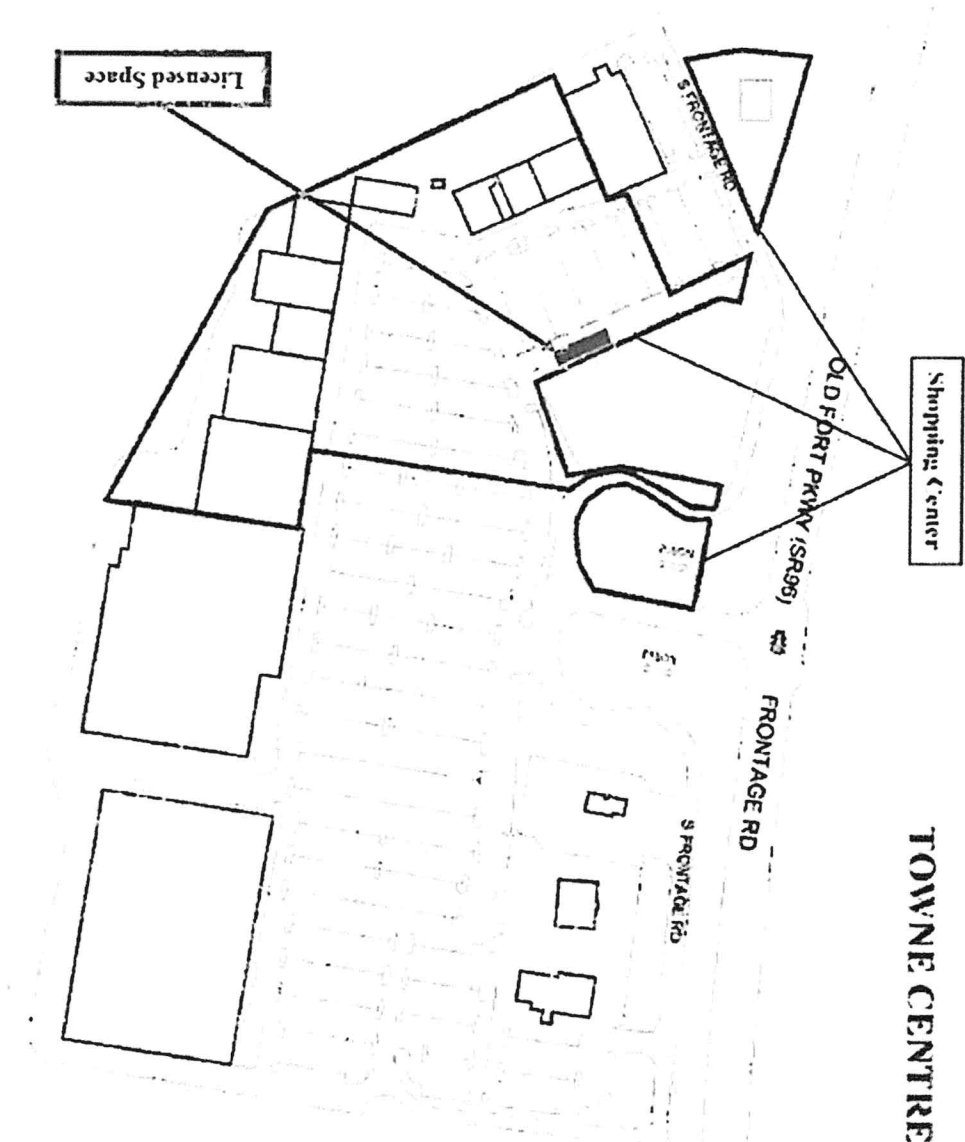
ddr

THE COMPANY IS NOT PROVIDING ANY WARRANTIES, REPRESENTATIONS OR OPINIONS. ALL INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. ANY AND ALL FUTURE DEVELOPMENTS AND/OR CHANGES TO THE PROJECT ARE SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT. THE COMPANY IS NOT PROVIDING ANY WARRANTIES, REPRESENTATIONS OR OPINIONS. ALL INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. ANY AND ALL FUTURE DEVELOPMENTS AND/OR CHANGES TO THE PROJECT ARE SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT. THE COMPANY IS NOT PROVIDING ANY WARRANTIES, REPRESENTATIONS OR OPINIONS. ALL INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY. ANY AND ALL FUTURE DEVELOPMENTS AND/OR CHANGES TO THE PROJECT ARE SUBJECT TO APPROVAL BY THE LOCAL GOVERNMENT.

TOWNE CENTRE
 Old Fort Pkwy @ Market Pl
 MURFREESBORO, TN 37129

1-24

AVAILABLE



TOWNE CENTRE

EXHIBIT A

***or restrictive covenant preventing parking the trailer at my home each night
The concession trailer is in excellent condition and is well taken care of.
The concession trailer will not, at any time, remain on site overnight.***

5. Any site used for temporary vendor must be located so that all parts of all structures and inventory on the site are no more than five hundred feet from an operable fire hydrant. ***There is a fire hydrant located within 500 feet of where the trailer will be located.***
6. A deposit in the amount of five hundred dollars (\$500.00) per site shall be made with the Building and Codes Department. In the event the sales site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six months for the first offense, twelve months for the second offense and eighteen months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection 10, all sites must be cleared and cleaned within five days after the expiration of the Special Use Permit. ***Upon approval, I will submit a refundable deposit in the amount of \$500. I understand that I will not be eligible for another permit for this location nor will my deposit be refunded if I do not completely remove all structures and merchandise within the time specified above.***
7. Adequate provision shall be made for restroom facilities on the property. In the event the applicant expects to utilize the restroom facilities of another existing business on-site or adjacent to the site, the applicant must submit a written agreement from the affected business owner. ***Christian Publishers Outlet, a neighboring retail store, has given permission to use their restroom facilities during the 70 day period that I will occupy the space. A letter of agreement from Christian Publishers Outlet is being submitted with the application.***
8. The applicant shall provide that the documentation shall be displayed and posted prominently for ease of inspection and may be required to post a sign or symbol provided by the City. ***Any documentation that is required by the City will be posted as requested by the City.***
9. No special use permit shall be granted to any applicant who occupies or proposed to occupy premises for the temporary outdoor sales of food or retail merchandise where conditions exist in the area to be used for the temporary outdoor sales which are in violation of the sign, building, fire, electrical, or other ordinances of the City. Any subsequent violation of these ordinances or the special use permit may subject the permit to suspension or revocation and termination of temporary electric service. The area which must be in compliance with the City's sign, building, fire, electrical, and other ordinances is the area where the temporary use

is to be located and not the entire property or the principal use. ***The concession trailer will not be in violation of any of the City's ordinances. The concession trailer is fully contained with fresh water and waste water tanks and will be powered by a Honda Super Quiet generator for electricity. The trailer will be located with 500 feet of an operable fire hydrant and a fire extinguisher will be located inside the trailer as well.***

10. Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires. ***I will not be using a temporary pole for power. The concession trailer will be powered by a Honda Super Quiet generator for electricity.***
11. Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record. ***A small trash can will be placed beside the trailer each day for the disposal of trash by the customers and will be checked on a regular basis throughout the day to ensure that no trash is being left in the parking lot or on adjoining properties. The trash can will not have a negative impact on adjoining properties or businesses.***
12. Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit. ***My business does not require signage.***
13. The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound shall not be permitted. ***My concession trailer does not play music or do anything that would disturb the peace.***
14. The site may be used for temporary vending for no more than 70 days during any 12 month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a

temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on November 14, 2017, whichever shall first occur. ***My application falls in the 70 day timeframe. I will be operating from May 20, 2022 through July 30, 2022 with no operation on July 3rd or July 4th and will not be in operation the following six months of the year.***

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

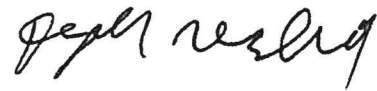
16. The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site. ***There will be no furniture located on-site as we encourage customers to immediately leave the site after receiving their product.***

Christian

Publishers Outlet

To whom it may concern,

Christian Publishers Outlet gives permission to Sno-Ball Express to use the restrooms in the store for summer 2023.



Dylan MacDonald
Manager
(615) 203-3052

COMMON AREA LICENSE AND INDEMNITY AGREEMENT

THIS AGREEMENT made as of 23 Nov 2022, by and between Integris Ventures – TC, LLC, (herein "Licensor") with a mailing address at c/o Integris Ventures, LLC, 655 Craig Road, Suite 100, Creve Coeur, Missouri 63141, and Gordon Bradberry, an individual d/b/a Sno-Ball Express (herein "Licensee"), having a mailing address at 3004 Dusenburg Drive, Christiana, Tennessee 3707.

RECITALS

- A. Licensor is the owner of a certain shopping center known as the Towne Centre Shopping Center located at Murfreesboro, Tennessee (the "Shopping Center").
- B. Licensee desires to use three (3) parking spots within the common area of the Shopping Center, as such space is more particularly shown in Exhibit A attached hereto (the "Licensed Space"), for the sole purpose of operating a shaved ice stand for the periods from May 20, 2023 to July 30, 2023 from 11:00 am to 9:00 pm (the "LicensePeriod").

AGREEMENT

In consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

- 1. Licensee shall have a temporary right and license to enter upon the Licensed Space during the License Period and solely for such purpose as specified above. Notwithstanding the foregoing, the license granted herein is expressly subject to such terms, conditions, rules and regulations as shall be established by Licensor.
- 2. Licensee shall be responsible for payment of (a) License Fee (as hereinafter defined); and (b) all taxes and governmental impositions of whatever kind or nature imposed with respect to all personal property in or on the Licensed Space, and (c) a one (1) time non-refundable security deposit in the amount of one hundred dollars (\$100.00). "License Fee" as used herein, shall mean the sum of seven hundred eighty two and 51/100 dollars (\$782.51) per month payable in advance on the first day of each month of the License Period and pro-rated for the period beginning on May 20, 2023 through and including, July 30, 2023.
- 3. Licensee shall indemnify and hold Licensor, its parents, subsidiaries and affiliates, as well as any and all of the agents, servants, employees, officers, directors and trustees of any of them (collectively, the "Indemnified Parties"), harmless against any and all actions, petitions, orders, claims or demands made, brought or instituted by any and all private parties and/or public agencies or authorities, together with any and all expenses, costs, losses, damages, liabilities or penalties assessed against or incurred by any of the Indemnified Parties (including attorney's fees), arising out of or in connection with this License Agreement, Licensee's use of the Licensed Space and any act or omission,

negligent or otherwise, on the part of the Licensee or any of its agents, servants, employees or invitees.

4. In connection with Licensee's indemnifications set forth in paragraph 3 above: (i) Licensee shall defend any claim or demand brought, or any action, petition, or order filed, against the Indemnified Parties, or in which any of the same may be impleaded, at the Licensee's sole cost and expense, whether any such claim or action is rightfully or wrongfully brought or filed; and (ii) Licensee shall pay, satisfy and discharge any judgments, orders or decrees which may be recovered against the Indemnified Parties, arising out of any such claim, demand, action, petition or order.
5. Licensee shall procure and maintain Commercial General Liability Insurance against all claims for personal injury, bodily injury, death and property damage occurring in, on or about the Licensed Space or related to this Agreement in any way whatsoever in amounts not less than \$1,000,000.00 per occurrence and \$2,000,000.00 in that aggregate.

At least five (5) days' prior to the commencement of the License Period, Licensee shall furnish to Licensor certificates evidencing such insurance, naming Licensor and Integris Ventures, LLC as agent (and any other party at interest it may designate) as additional insureds, and stipulating that such insurance will not be materially reduced, canceled or allowed to lapse unless thirty (30) days' prior written notice of such change or termination is given to Licensor at c/o Integris Ventures LLC, 655 Craig Road, Suite 100, Creve Coeur, Missouri 63141.

6. Licensee shall (i) maintain the Licensed Space in good order during the License Period, (ii) provide its own utilities to the Licensed Space, if necessary for the operation of same, (iii) make no improvements or alterations to the Licensed Space, (iv) relinquish use of the Licensed Space upon expiration of the License Period, (v) remove all litter, trash and other refuse from the Licensed Space promptly upon expiration of the License Period; (vi) leave the Licensed Space in the same condition they were in at the commencement of this License and (vii) use the Licensed Space only as provided above in this License Agreement and in accordance with all laws, rules, regulations and ordinances of all governmental authorities applicable thereto.
7. Licensee understands that (a) this License shall be revocable at will by Licensor, and shall in no event be assignable by Licensee, and (b) the location of the Licensed Space may be changed by Licensor from time to time upon ten (10) days' prior notice to Licensee.
8. Licensee covenants that it has the authority to enter into this Agreement and to perform all of its obligations hereunder.
9. Licensee agrees that any of its property stored or located at the Licensed Space is so stored or located at Licensee's sole risk, and that Licensor shall have no obligation to protect such property against fire, theft or any other occurrence.
10. Licensee hereby covenants to Licensor that at any time and from time to time after the

date hereof, upon written request from Licensor, it will promptly do, execute, acknowledge and deliver, or will cause to be done, executed, acknowledged and delivered, all such further

documents, acts and assurances as Licensor may reasonably request in order to facilitate the performance of and/or effectuate the intent of this Agreement and to carry out the terms hereof.

11. This Agreement may be signed in multiple counterparts, each of which shall be deemed an original copy hereof.

[Signature Page
Follows]

WITNESS the execution of this Agreement under seal as of the date first set forth above.

LICENSOR:

Integris Ventures – TC, LLC, a Delaware limited liability company

By: _____

Name: _____

Its: _____

LICENSEE:

Gordon Bradberry



City of Murfreesboro

BOARD OF ZONING APPEALS

**HEARING REQUEST
APPLICATION**

Location/Street Address: <i>Old Fort Pkwy (Exhibit A)</i>		
Tax Map:	Group:	Parcel:
		Zoning District: <i>CH</i>

Applicant: <i>Gordon Broadberry</i>	E-Mail: <i>gbroadberry329@gmail.com</i>
Address: <i>3004 Dusen burg Dr</i>	Phone: <i>615-504-9322</i>
City: <i>Christiana, TN</i>	State: <i>TN</i> Zip: <i>37037</i>

Property Owner: <i>[Redacted]</i>	- <i>Integris Ventures, LLC</i>
Address: <i>655 Craig Road suite 100</i>	Phone:
City: <i>Creve Coeur</i>	State: <i>MO</i> Zip: <i>63141</i>

Request: *Special use permit to sell shaved ice.*

May 20 - July 30

Zoning District: *CH*

Applicant Signature: *Gordon Broadberry* Date: *01 DEC 22*

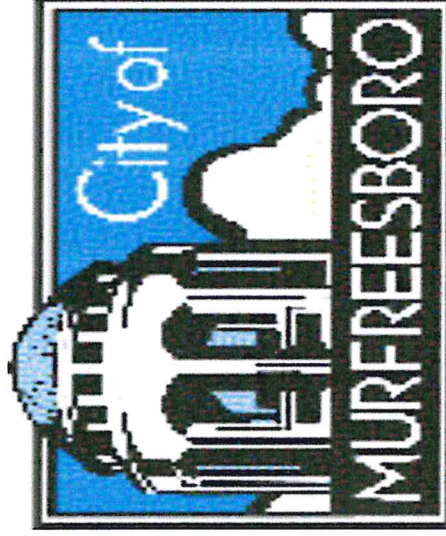
Received By: *MF*

Receipt #: *530146*

Application #: *2-22-30*

Date: *12/1/22*

**Murfreesboro
Board of
Zoning Appeals**



T E N N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION