

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, May 24, 2023, 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: April 26, 2023
4. New Business:

Variance

- a. **Application Z-23-009 by Elijah Montgomery**, requesting two variances from the Zoning Ordinance, Chart 2 from the required 35-foot front setback to 25 feet and from the required 25 rear setback to 21 feet in order to construct a single-family home on an approximately 5,487 square foot lot zoned RM-16 located along West Street. (Project Planner: Joel Aguilera).
- b. **Application Z-23-010 by Elijah Montgomery**, requesting two variances from the Zoning Ordinance, Chart 2 from the required 35-foot front setback to 25 feet and from the required 25 rear setback to 21 feet in order to construct a single-family home on an approximately 5,481 square foot lot zoned RM-16 located at 701 East Street. (Project Planner: Joel Aguilera).

Special Use Permit

- c. **Application Z-23-012 by Joey Rouse of TNT Fireworks**, requesting a special use permit to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in the parking lot of an existing shopping center, zoned Commercial Highway (CH) located at 2946 South Church Street. (Project Planner: Brad Barbee).
- d. **Application Z-23-013 by Joey Rouse of TNT Fireworks**, requesting a special use permit to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in the parking lot of an existing shopping center, zoned Commercial Highway (CH) located at 2449 Old Fort Parkway. (Project Planner: Brad Barbee).

- e. **Application Z-23-011 by Joey Rouse of TNT Fireworks**, requesting a special use permit to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in the parking lot of an existing shopping center, on a Commercial Highway (CH) zone located at 2325 Memorial Blvd. (Project Planner: Joel Aguilera).
 - f. **Application Z-23-017 by Joey Rouse of TNT Fireworks**, requesting a special use permit to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in the parking lot of an existing shopping center, on a Commercial Highway (CH) zone located at 2050 Lascassas Pike. (Project Planner: Joel Aguilera).
- 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

April 26, 2023 1:00PM

Members Present:

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

Staff Present:

Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Brad Barbee, Planner
Joel Aguilera, Planner
Roman Hankins, Assistant City Attorney
Ashley Fulghum, Recording Assistant

Members Absent:

None

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 January 25, 2023, BZA meeting were approved as submitted.

4. New Business:

a. Application [Z-23-008] by Patricia Troxell-Tant of Vogue Tower Partners VII, LLC, requesting a 115-foot height variance from Chart 2 of the City of Murfreesboro Zoning Ordinance, which allows a maximum height of 35 feet to allow a new telecommunication pole and antenna height of 150 feet, and a special use permit for a wireless telecommunication facility on property in the Residential Single Family (RS-15) district located at 591 Fortress Boulevard.

MURFREESBORO BOARD OF ZONING APPEALS MINUTES

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Mr. Brad Barbee 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. Michael Sandifer, representative of Vogue Tower Partners VII, LLC, was present to answer questions.

Ms. Misty Foy inquired if other telecommunications poles would be proposed in the future for the area. Mr. Sandifer responded that future requests would be dictated by growth.

Ms. Julie King asked staff about the height of existing emergency towers as compared to the proposed telecommunications tower. Mr. Matthew Blomeley responded that the emergency tower is taller.

Mr. Tim Tipps inquired about moving telecommunications to other structures. Mr. Blomeley responded that there are more requests for small cell towers and fewer for macro towers.

Mr. Tipps asked if tall towers are a necessity. Mr. Sandifer confirmed that macro towers are a necessity and explained that they provide coverage for larger geographic areas.

Ms. Foy inquired about the look of the pole as more providers are added to it. Mr. Sandifer responded that the look would change as more antennas are added. Ms. Foy asked if there is a maximum number of carriers that can be on the pole. Mr. Sandifer replied that it depends on what the pole is designed to accommodate.

The Board, Staff, and Mr. Sandifer discussed the aesthetics of monopoles.

Chair Young opened the public hearing.

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

Ms. Julie King moved to approve the special use permit subject to all Staff comments; the motion was seconded by Ms. Misty Foy and was carried by the following vote:

Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

Vice-Chair Ken Halliburton moved to approve the height variance subject to all Staff comments; the motion was seconded by Mr. Tim Tipps and was carried by the following vote:

MURFREESBORO BOARD OF ZONING APPEALS MINUTES

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Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

b. Application [Z-23-007] by Lennae Frantz, requesting a special use permit to establish a home occupation (hair salon) on property in the Residential Single Family (RS-15) district located at 1711 Bridget Drive.

Mr. Brad Barbee 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. Barbee presented the Board with three comments of opposition from neighbors. Mr. Barbee explained that opposing neighbors are concerned about traffic, the affect it will have on property values, and how it might encourage additional commercial uses in the area.

Ms. Lennae Frantz was present to answer questions.

Vice-Chair Ken Halliburton inquired about the limitations of operation. Mr. Barbee responded that only one customer at a time shall visit the home. The hours of operation are Tuesday- Saturday 9:00 AM- 7:00PM. All the parking will be in the driveway.

Vice-Chair Halliburton inquired about signage. Ms. Frantz responded that per the Cosmetology Board, she is required to put a small sign up.

Mr. Tipps asked if the hours of operation are typical. Ms. Marina Rush confirmed that it is standard. Mr. Barbee reviewed the recommended conditions of approval.

Chair Davis Young inquired if there is a limit to how much space in the home can be used for the business. Mr. Barbee replied that 25% of the floor area can be used for the business.

Mr. Tipps inquired about the special use permit in relation to the potential transfer of property. Ms. Rush responded that the Board could add a condition to make the special use permit invalid when the home is sold. Chair Young asked if the next owner of the property would be bound to the conditions of approval if the board does not add that condition. Ms. Rush confirmed that the conditions of approval would apply to the next owner.

Chair Young opened the public hearing.

Ms. Terri Broich of 1830 Bridget Drive voiced her opposition to the special use permit.

Ms. Tricia Pohlman of 3305 Houk Court voiced her support for the special use permit.

MURFREESBORO BOARD OF ZONING APPEALS MINUTES

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Mr. Douglas Cottingham of 1614 Lewis Circle voiced his support for the special use permit.

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

Mr. Tim Tipps moved to approve the special use permit subject to all Staff comments and the addition of a seventh condition to have the special use permit lapse upon transfer of the property; the motion was seconded by Vice-Chair Ken Halliburton and was carried by the following vote:

Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

c. Application [Z-23-006] by Margaret Greeson, requesting a special use permit to establish an accessory apartment on property in the Residential Single Family (RS-15) district located at 2103 Patriot Drive.

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

Ms. Margaret Greeson and Mr. Philip Kilpatrick were present to answer questions.

Mr. Tipps inquired if the structure complies with the setbacks. Mr. Aguilera responded that it does not comply with setbacks because it is a non-conforming structure.

Chair Young opened the public hearing.

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

Ms. Misty Foy moved to approve the special use permit subject to all Staff comments; the motion was seconded by Mr. Tim Tipps and was carried by the following vote:

Aye: Misty Foy

Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

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Nay: None

5. Staff Reports and Other Business:

None.

6. Adjourn:

There being no further business, Chair Young adjourned the meeting at 1:51pm.

CHAIRMAN

SECRETARY

DRAFT

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

May 24, 2023

PROJECT PLANNER: JOEL AGUILERA

Application: Z-23- 009

Location: 701 East Street Lot 30

Applicant: Elijah Montgomery

Owner: Anthony & Fred Adams

Zoning: Residential Multi-Family (RM-16)

Requests: Two variances from the Zoning Ordinance: Chart 2 Minimum Lot Requirements, front setback requiring 35 feet to allow 25 feet, and rear setback requiring 25-feet to allow 22 feet



Overview of Request

The applicant, Elijah Montgomery, is requesting two variances from the required setbacks of the RM-16 zoning district, to construct a 1,203 square-foot, single-family detached residence on a 5,481 square foot parcel, located at 701 East Street. The property is zoned RM-16, which requires, 6,000 square feet minimum lot size for Single-Family detached dwellings. The two variances requested are:

1. Front setback: 10-foot variance from the required 35-foot front setback, as set forth by Chart 2 for single-family detached dwellings in the RM-16 zoning district.
2. Rear setback: 3-foot variance from the required 25-foot rear setback, as set forth by Chart 2 for single-family detached dwellings in the RM-16 zoning district.

Below is a table of the minimum lot and setback standards for single-family detached dwelling in a RM-16 zoning district, with the variance request in red. As demonstrated in the table, due to the required front and rear setbacks for the RM-16 district, the building pad would only allow for a house that is up to 20-feet deep as measured from the front setback to the rear setback.

Minimum lot standards	RM-16 zone district	Existing lot & Variance request
Lot area	6,000 sq ft	5,481
Width	50 ft	69.9 ft
Setback(s)	35' front; 5' side; and 25' rear	Variance #1 = 25' front Variance #2 = 22' rear
Building pad depth	20-feet	33- feet

Existing neighborhood & lot conditions

The original parcel was subdivided into two lots, Lot 29 and Lot 30, by deed on October 24, 1946. A house was constructed over both Lots 29 and 30 at some time later, and the Rutherford County Assessor records state the house on the subject property was sold in 1968. In November 1985, the Lots 29 and 30 along with the neighborhood were zoned by the City of Murfreesboro as RML, Residential Multiple Family Dwellings Low Density (subsequently zoned RM-16). This neighborhood is in close proximity and other

neighborhoods in the vicinity of MTSU also have multi-family zoning districts on single family subdivisions. Recently, in 2021, the 1968 house was demolished and Lots 29 and 30 are now vacant.

Based on aerial views available in the City's GIS maps, the original house was located approximately 33 feet from the front property line, and 10 feet from the side property line to the north. Additionally, from the GIS aerial views, the original house constructed in the center of the lot, occupying both Lots 29 and 30, despite it being two lots of records. In reviewing the deed from 1946 of the subdivision, Lots 29 and 30 are consistent in size to the contiguous properties to the north and south, which also falls under the minimum 6,000 square foot lot size. From the City's GIS, Lot 27 to the north is approximately 5,700 square feet in lot size, and Lot 28 is approximately 5,533 square feet. In further review of the neighborhood, the adjacent properties to the north and south show several detached homes encroaching into front, rear, and side setback area. In addition, an approved variance in 2020 (File: Z-20-005) was found for 627 East Street, located south of the subject property, and was approved for 19-foot relief from the rear setback requirement.

Proposed use

If the BZA grants approval of the variance, the applicant is proposing to construct a 1,203 square-foot single-family detached home on the subject property, Lot 30. The applicant has provided concept elevations of the proposed single-family home and those have been included in the agenda materials. The home is consistent with other houses in the neighborhood for size and placement on the property. The proposed detached home will utilize primarily Hardie-plank siding on all facades and will have an asphalt shingle roof. The home will be under the minimum 35-foot maximum height requirement, and as shown the attached surveyed plot plan, the driveway space will have sufficient parking for four cars.

Staff's recommendation

Because setback standards for single-family detached dwelling in an RM-16 zoning district results in a narrow depth on the subject property, the property was subdivided by other in 1946 and zoned by the City in 1985, this property has unusual hardships not created by the property owner. Additionally, other properties in this general area do not meet the minimum lot size of the RM-16 district either and were developed several decades ago with similar setbacks as requested today. Staff believes the applicant's request to be compliant with the required standards for a variance and has proposed a single-family home product that is compliant with minimum standards for height, and parking, and will be consistent with the existing neighborhood.

Relevant Zoning Ordinance Section

Chart 2 – Minimum Yard Setback Requirements:

RM-16 District Setbacks:	Front - 35 feet Side 5 feet Rear 25 feet
RM-16 Minimum Lot Width:	50 feet
RS-16 Minimum Lot Area (Single Family Detached):	6,000 sq. ft.

Standards For Variances from Section 10 of the Zoning Ordinance:

The Zoning Ordinance requires that no bulk variance or other variance be granted unless the applicant establishes that the bulk or other regulations generally applicable in the zoning classification for the property for which a variance is requested impose practical difficulties which are unusual to the property and are not self-created. In addition, the applicant must also show that the bulk or other variance requested will not be unduly detrimental to other property in the vicinity of the property for which the variance is requested. To satisfy the requirements, applicant must submit written justification that the variance requested meets all of the standards contained the Zoning Ordinance. The applicant's letter is included in the staff report attachments.

The following is staff's analysis for each of the Standards for Variances:

- (1) The requested variance(s) are due to specifically identified characteristics of the land, such as the narrowness, shallowness, shape, topography or other condition of the land, are such that compliance with one or more applicable zoning regulations would be extraordinarily and peculiarly difficult or would result in an undue hardship for the applicant:*

Staff analysis: This standard is met.

The subject property was deeded in October of 1946. From the 1985 zoning book, the subject property was zoned RML, Residential Multiple Family Dwellings Low Density. Staff has speculated that the neighborhood was zoned RML because of the proximity to MTSU to encourage multi-family development and then updated to be RM-16. As such, the current setback standards make it difficult to construct a house within the required front- 35 feet, Side - 5 feet, and rear - 25 feet setbacks. The property is 5,481 square feet in area, which is smaller than minimum lot size of 6,000 square feet for single-family detached dwellings in the RM-16 zoning district.

Due to the parcel size and shallowness, created by the current RM-16 zone district, staff believes these reasons are considered undue hardship and that the property meets this standard.

- (2) *The requested variance(s) are due to specifically identified characteristics that are unusual to the subject land as compared to other land in the same zoning classification and in the same area:*

Staff analysis: This standard is met.

As stated previously, the property was created in October of 1946. The adjoining properties to the north and south are also less than 6,000 square feet in area, with one property having already been approved by the BZA due to the smallness of the parcel sizes for houses to be constructed. Because of the unique hardship of the parcel size and shallowness of the land, staff believes the property meets this standard.

- (3) *That the requested variance(s) are due to specifically identified characteristics or hardship were not created by any action or inaction of the owner or the owner's agent, not self-created:*

Staff analysis: This standard is met.

Because setback standards for single-family detached dwelling in an RM-16 zoning district results in a narrow depth on the subject property, the property was subdivided by other in 1946 and zoned by the City in 1985, this property has unusual hardships resulting in a narrow depth and not created by the property owner. This hardship is unique and not self-created, staff believes the property meets this standard.

- (4) *That granting the requested variance will not be unduly detrimental to other land in the vicinity of the land for which the variance is requested:*

Staff analysis: This standard is met.

Granting of the variances would not be detrimental to other land in the area. The properties in the general area of and along East vary in size and shape. Other houses on lots that are less than 6,000 square feet in area do not meet the required setbacks for the RM-16 zoning district, as described in this staff report. The construction of the house will comply with the side setbacks, on-site parking, and all other City standards and regulations. Additionally, the home would be constructed with setbacks consistent with several homes in the neighborhood. Staff believes the property meets this standard.

- (5) *That granting the requested variance will not impair an adequate supply of light and air to adjacent properties, unreasonably increase the congestion in public streets, increase the danger of fire or otherwise endanger the public health, safety,*

comfort, or morals, or substantially impair the intent and purpose of the Zoning Ordinance or of the general plan for the area:

Staff analysis: This standard is met.

Granting of the variances would not impair light or create shadows on adjacent properties, will not affect air, increase congestion, danger of fire or otherwise endanger public health, safety, comfort or impair the general area in any way. The construction of the house will comply with all other setbacks and development requirements. Staff believes the property meets this standard.

Staff Comments:

A variance may be approved if it meets all five standards, as required by the Zoning Ordinance. Whether the variance is approved or denied, the BZA must make specific findings of fact on each of the variance standards. If in the judgment of the BZA that if any of the above standards have not been met by a preponderance of the evidence, the variance must be denied, and written findings provided stating the evidence for why the standard(s) are not met. If the BZA believes that all of the standards have been met by a preponderance of the evidence, then the variance can be approved, and written findings provided stating the evidence for why the standards are met. For the requested variances, staff recommends approval because the five variance standards appear to have been met.

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

Attached Exhibits

1. BZA Application and survey map with proposed house footprint
2. Applicant Letter
3. Elevations and floor plan

City of Murfreesboro

BOARD OF ZONING APPEALS

HEARING REQUEST APPLICATION

Location/Street Address: West Street Lot 29 Parks & Holden
Tax Map: 90 I Group: B Parcel: 12 Zoning District: RM 16

Applicant: Elijah Montgomery E-Mail: eljahmont@ gmail.com
Address: 1423 Sulphur Springs Rd Phone: 615-969-4944
City: Murfreesboro State: TN Zip: 37130

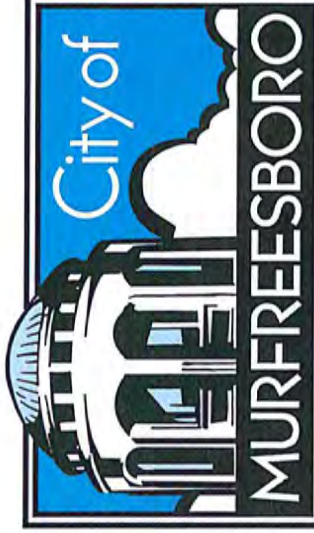
Property Owner: Anthony Adams & Fred Adams
Address: 2347 Bivens Hill Rd Phone: 615-394-5238
City: Readyville State: TN Zip: 37149

Request: Change Front, Rear and side set backs
35f - 25f (10ft variance request) 25R - 21R (4ft variance request)
Zoning District: RM 16

Applicant Signature: [Signature] Date: 5/11/2023

Received By: AF Receipt #: S30163
Application #: 2-23-010 Date: 5/5/23

Murfreesboro
Board of
Zoning Appeals



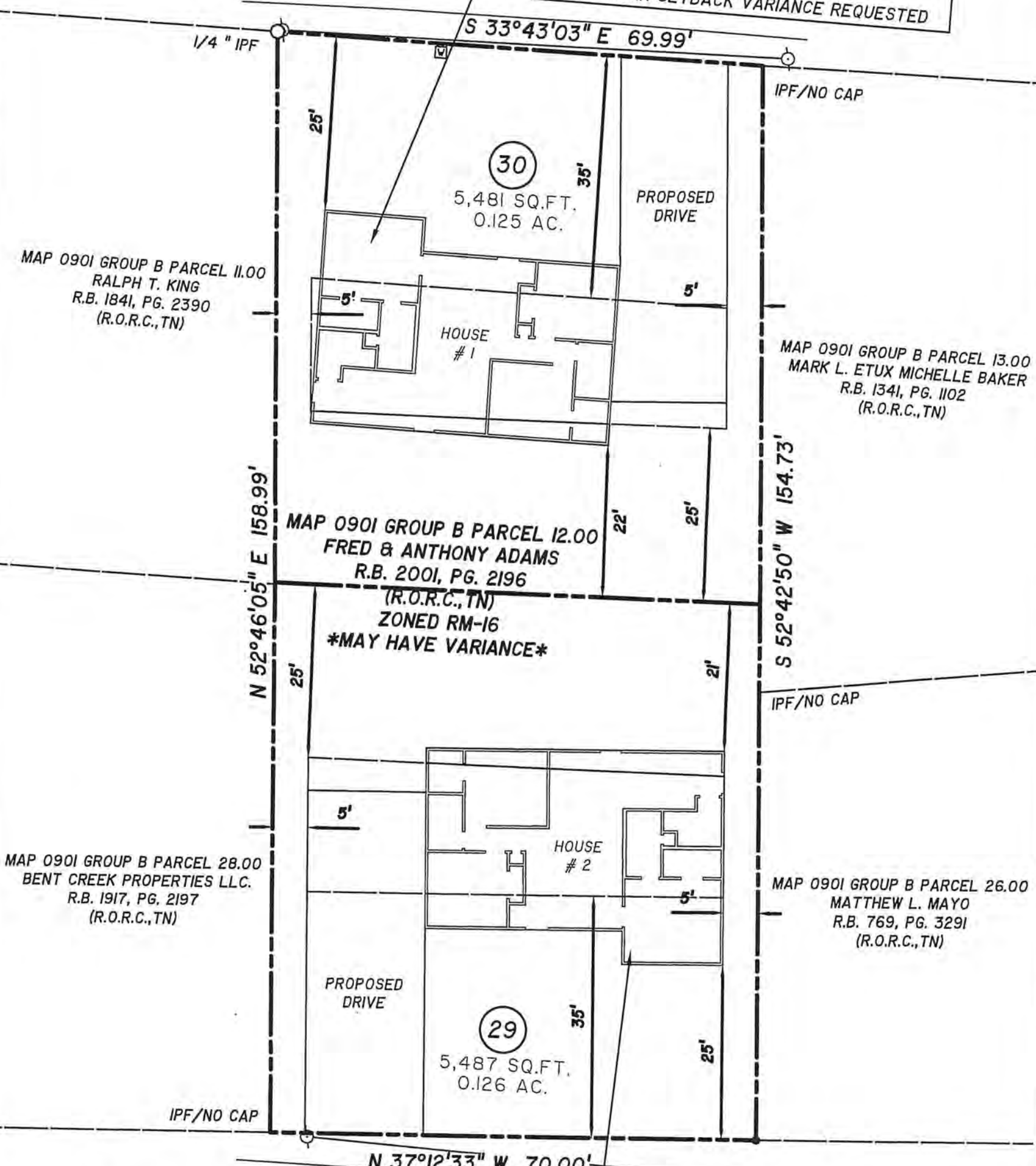
T E N N E S S E E

HEARING APPLICATION
AND
GENERAL INFORMATION

CONTACT: Carl & Elijah Montgomery
East Street
Murfreesboro, TN 37129
PH #: 615-895-0078
EMAIL: elljahmonti@gmail.com

EAST ST.

VARIANCE #1
REQUIRED: 35 FEET(FRONT SETBACK)
REQUESTED: 25 FEET(FRONT SETBACK)
10 FEET FRONT SETBACK VARIANCE REQUESTED
REQUIRED: 25 FEET(REAR SETBACK)
REQUESTED: 22 FEET(REAR SETBACK)
3 FEET REAR SETBACK VARIANCE REQUESTED



MAP 0901 GROUP B PARCEL 11.00
RALPH T. KING
R.B. 1841, PG. 2390
(R.O.R.C., TN)

MAP 0901 GROUP B PARCEL 12.00
FRED & ANTHONY ADAMS
R.B. 2001, PG. 2196
(R.O.R.C., TN)

MAP 0901 GROUP B PARCEL 13.00
MARK L. ETUX MICHELLE BAKER
R.B. 1341, PG. 1102
(R.O.R.C., TN)

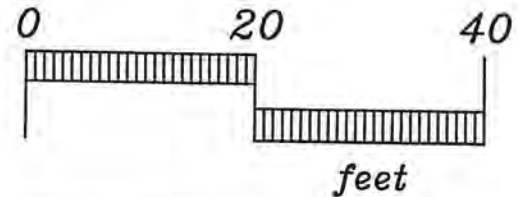
MAP 0901 GROUP B PARCEL 28.00
BENT CREEK PROPERTIES LLC.
R.B. 1917, PG. 2197
(R.O.R.C., TN)

MAP 0901 GROUP B PARCEL 26.00
MATTHEW L. MAYO
R.B. 769, PG. 3291
(R.O.R.C., TN)

PLOT PLAN
Parks & Holden Addition
SUBDIVISION

Lots 29 & 30
701 East St.
MAP 0901, GROUP B, PARCEL 12.01
D.BK. 2001, PG. 2196 R.O.R.C. TN

VARIANCE #2
REQUIRED: 35 FEET(FRONT SETBACK)
REQUESTED: 25 FEET(FRONT SETBACK)
10 FEET FRONT SETBACK VARIANCE REQUESTED
REQUIRED: 25 FEET(REAR SETBACK)
REQUESTED: 21 FEET(REAR SETBACK)
4 FEET REAR SETBACK VARIANCE REQUESTED



DATE: 5/4/2023
REV:

DRAWN BY: TF
S.E.C. # 21064



COMAS MONTGOMERY REALTY & AUCTION CO., INC.

May 3, 2023

Murfreesboro Board of Zoning Appeals

City of Murfreesboro Planning Department

111 W. Vine Street

Murfreesboro, TN 37130

RE: Lot 29 & 30 of the Parks & Holden Addition Set Back Variance Request

The following is a variance request for a building setback change to lot 29 & 30 of the Parks & Holden addition. I am requesting the front setbacks on both East and West St. (Lot's 29 & 30) to be reduced from 35' to 25' resulting in a 10' variance request. I am also requesting the rear setback on East St. (lot 30) to be reduced from 25' to 22' resulting in a 3' variance request. My final request is that the rear setback on West St. (lot 29) be reduced from 25' to 21' resulting in a 4' variance request. In Appendix A (A303), Chart 2, of the City of Murfreesboro Zoning Ordinance (Updated May 19, 2022) RM-16 Zoning requires 35' front setbacks as well as 25' rear setbacks.

(E) Standards for Variance.

To be entitled to a variance an Applicant must be shown by substantial material evidence: (1) That the specifically identified characteristics of the land, such as the narrowness, shallowness, shape, topography or other condition of the land, are such that compliance with one or more applicable zoning regulations would be extraordinarily and peculiarly difficult or would result in an undue hardship for the Applicant.

The subject lots are only 70' wide and 79' deep. The current RM-16 setback requirements will not allow a single family house to fit on each lot, rendering the lots useless for the area.

(2) That the specifically identified characteristics are unusual to the subject land as compared to other land in the same zoning classification and in the same area;

The subject lots are surrounded almost entirely by single family houses that do not comply with the RM-16 setback requirements.

(3) That the specifically identified characteristics or hardship were not created by any action or inaction of the owner or the owner's agent;

817 S. CHURCH STREET, SUITE A, MURFREESBORO, TN 37130 • PHONE: 615-895-0078 • 800-825-5523 • FAX: 615-895-0436



WWW.COMASMONTGOMERY.COM



DESIGN NOTE:
 THIS PLAN IS DESIGNED PER THE OWNER'S SPECIFIC INSTRUCTIONS IN REGARD TO EXACT LAYOUT, DIMENSIONS, COMPONENT LOCATIONS & DESIGN CRITERIA FOR SAID PLAN. CONTRACTOR TO VERIFY CODE COMPLIANCE & ALL CONSTRUCTION METHODS PRIOR TO BEGINNING OF ANY CONSTRUCTION. REFER TO TITLEBLOCK NOTES.

BEAM NOTE:
 EXACT TYPE & SIZE OF BEAMS NOTED ON PLANS T.B.D. BY SUPPLIER PER MFG'S SPECIFICATIONS. IF ENGINEERED LUMBER IS UNABLE TO MEET REQUIREMENTS OF LOAD CALCULATIONS USED BY SUPPLIER/MFG., THEN STEEL BEAMS ARE TO BE INSTALLED AS DESIGNED BY A REGISTERED STRUCTURAL ENGINEER. ADJUST ANY & ALL CONSTRUCTION METHODS AS REQ'D. IN ACCORDANCE W/ STRUCTURAL ENGINEER'S SPECIFICATIONS WHERE STEEL BEAMS WERE DEEMED NECESSARY. CONTRACTOR TO VERIFY PRIOR TO ANY CONSTRUCTION.

POINT LOAD NOTE:
 PROVIDE SOLID SUPPORT AT ALL BEAM ENDS & POINT LOADS THROUGH STRUCTURE TO FOOTING.
 -CONTRACTOR VERIFY-

BRACING NOTE:
 ALL TEMPORARY & PERMANENT BRACING TO CONFORM TO INDUSTRY STANDARDS & TO BE VERIFIED BY CONTRACTOR THROUGHOUT CONSTRUCTION.

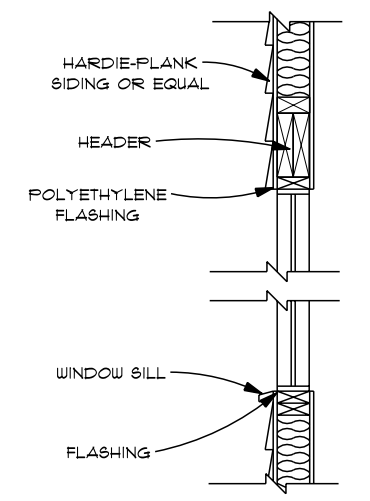
ATTIC NOTE:
 PROVIDE ACCESS & LIGHTING TO ALL ATTIC AREAS PER OWNER SPECS. & LOCAL BLD'G CODE COMPLIANCE.
 -CONTRACTOR VERIFY-

HVAC NOTE:
 COORDINATE RETURN AIR LOCATION W/ H.V.A.C. SUPPLIER RECOMMENDATION & OWNER APPROVAL.
 -CONTRACTOR VERIFY-

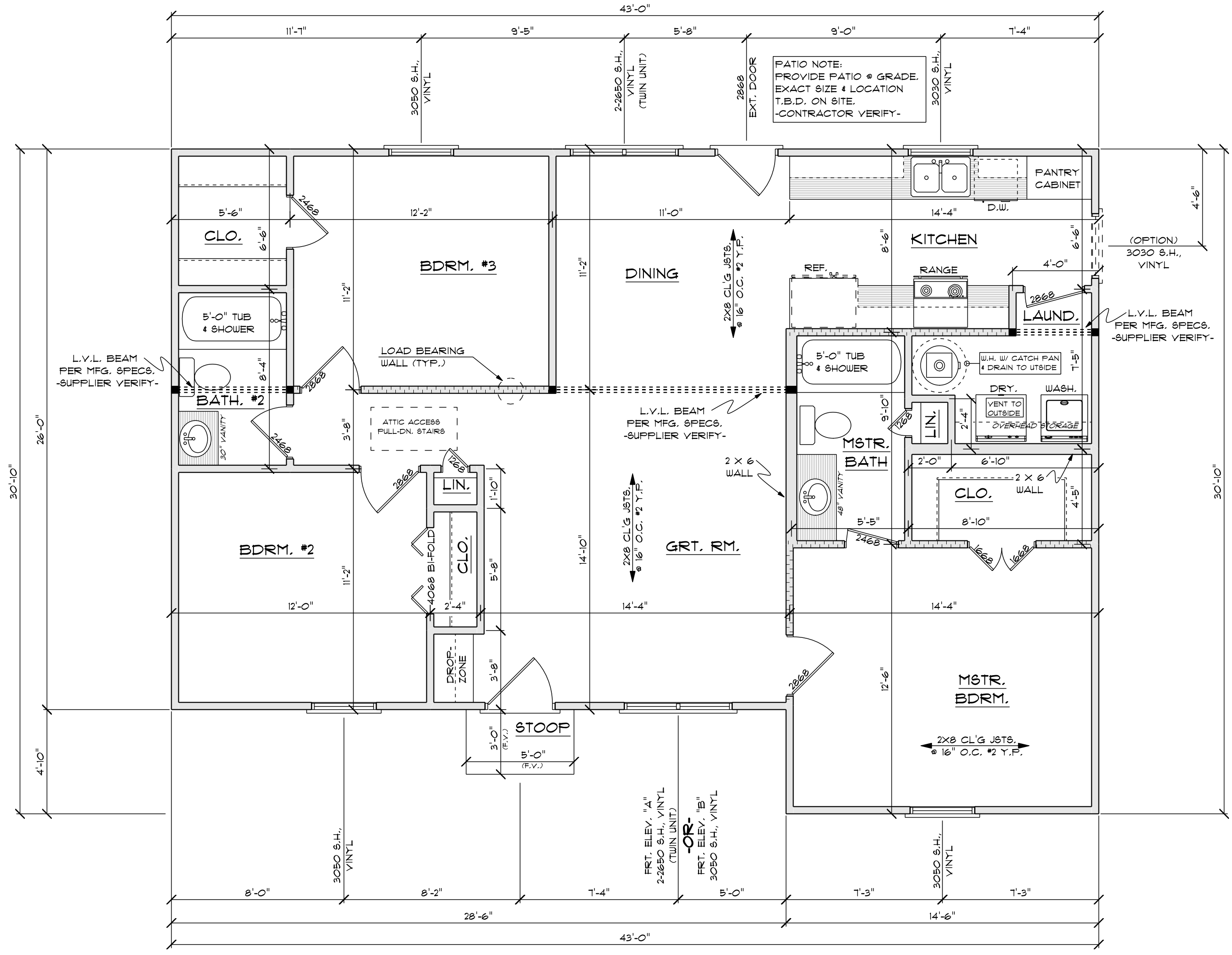
HOSE BIBB NOTE:
 LOCATE & INSTALL FROST-PROOF HOSE BIBBS PER OWNER SPECS.
 -CONTRACTOR VERIFY-

FINISHED GRADE NOTE:
 ALL GRADE LINES & EXTERIOR STEPS SHOWN FOR ILLUSTRATION PURPOSE ONLY. EXACT FINAL GRADE T.B.D. ON SITE. MIN. 5% SLOPE AWAY FROM HOUSE IN ALL DIRECTIONS. -CONTRACTOR VERIFY-

CROSS-SECTION NOTE:
 SOME ELEMENTS OF CONSTRUCTION, COSMETICS, DETAIL(S), ETC. ARE PURPOSELY NOT SHOWN FOR CLARITY IN RELAYING DESIGN ASPECTS OF STRUCTURAL COMPONENTS.
 -CONTRACTOR VERIFY-

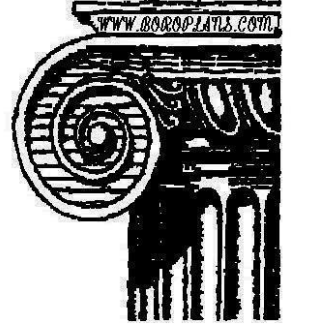


**WINDOW SECTION
 W/ SIDING**
 SCALE: NONE



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

APPROX. SQUARE FOOTAGE
1188 SQ. FT. LIVING AREA
15 SQ. FT. FRONT STOOP AREA
1203 SQ. FT. TOTAL DESIGN AREA



JAMES & ASSOCIATES
 RESIDENTIAL DESIGNERS, LLC
 119 South Walnut St.
 Murfreesboro, TN 37130
 (615) 893-0060
 boroplans@gmail.com

www.boroplans.com



Scan to view our Website!

JAMES & ASSOCIATES
 RESIDENTIAL DESIGNERS, LLC
 assumes no liability for any construction from this plan. While every attempt has been made in the preparation of this plan to avoid errors, omissions, and mistakes, the designer cannot guarantee against human error. It is the responsibility of the purchaser of this plan to perform the following before beginning actual construction, the designer will not be liable for human error after construction begins.
 1.) Builder or contractor must verify ALL DIMENSIONS AND CONSTRUCTION METHODS prior to the start of any construction.
 2.) All beams & engineered lumber as shown on plan must be verified by supplier & contractor prior to the start of any construction.
 3.) Builder or contractor must verify compliance with all local building codes in the area where the home is to be constructed.
 4.) Plans indicate location only, engineering aspects should incorporate actual site conditions.



**AMERICAN INSTITUTE of
 BUILDING DESIGN**
 MEMBER SINCE 1989

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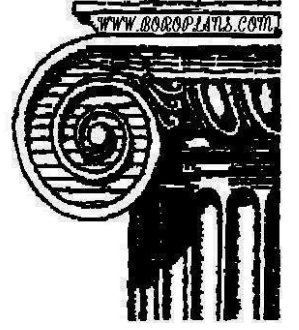
DRAWN BY: BRENT JAMES

DATE: 4-4-23

SCALE: AS NOTED

PLAN NO. 1-1188-1451

SHEET
2
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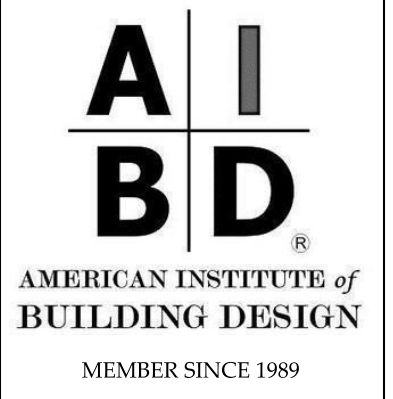
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1
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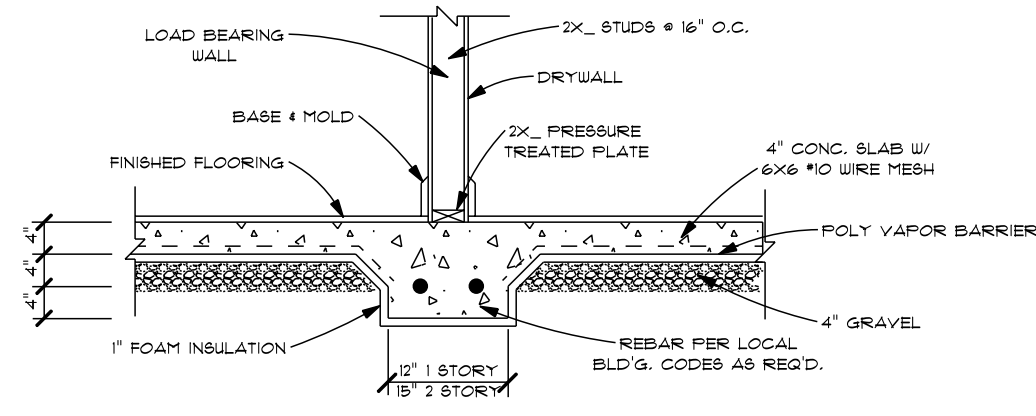
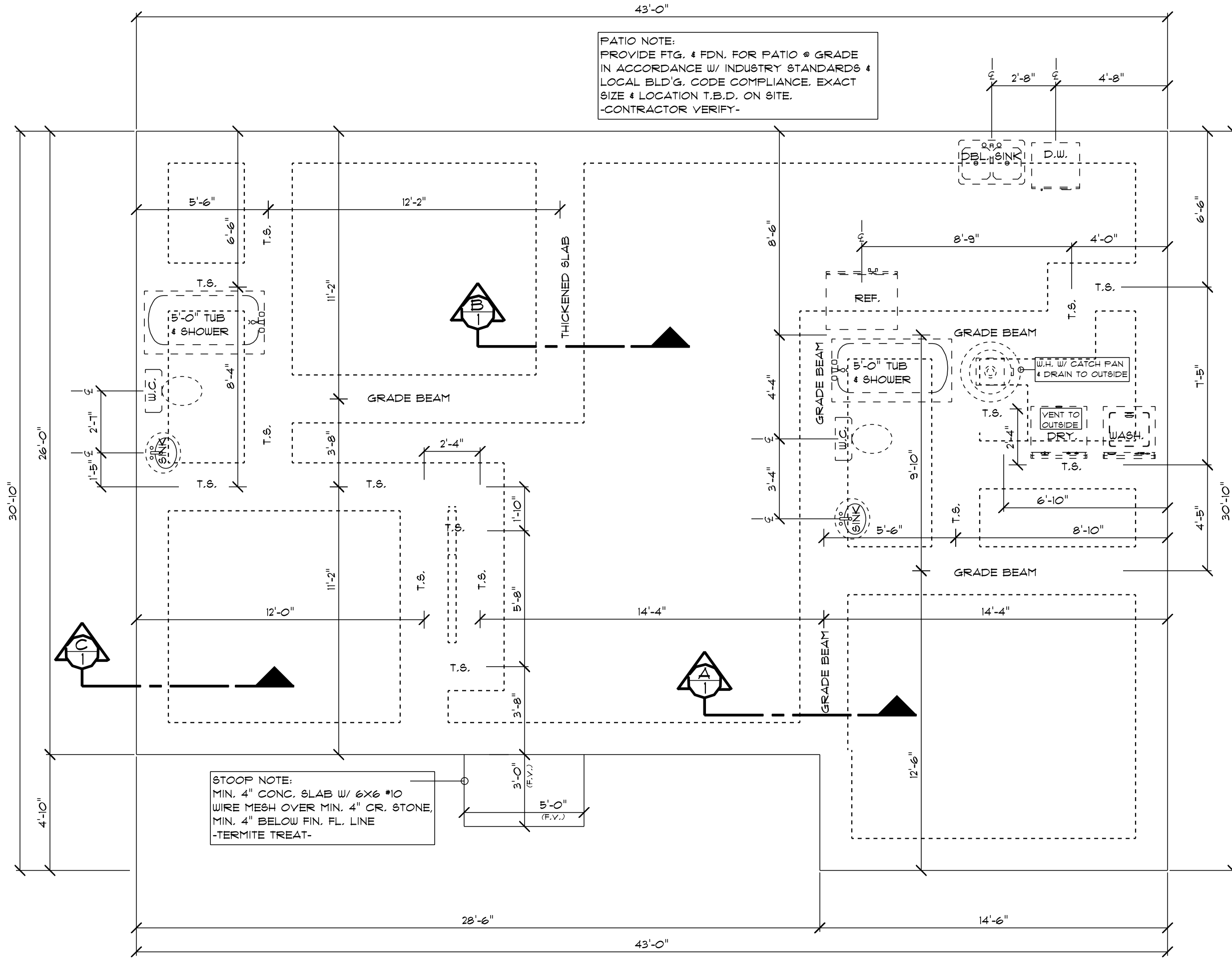
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REFER TO NOTES ON FLOOR PLAN, SHT. 2 OF 6.

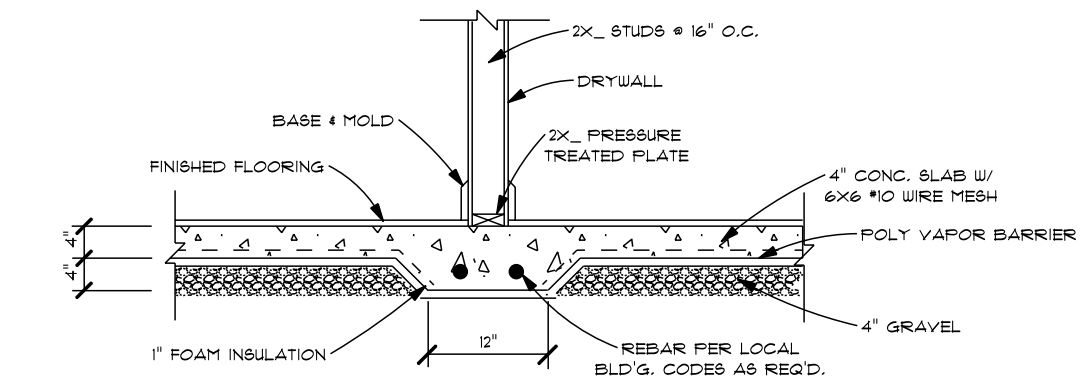
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-CONTRACTOR VERIFY-

PATIO NOTE:
PROVIDE FTG. & FDN. FOR PATIO @ GRADE IN ACCORDANCE W/ INDUSTRY STANDARDS & LOCAL BLD'G. CODE COMPLIANCE. EXACT SIZE & LOCATION T.B.D. ON SITE.
-CONTRACTOR VERIFY-

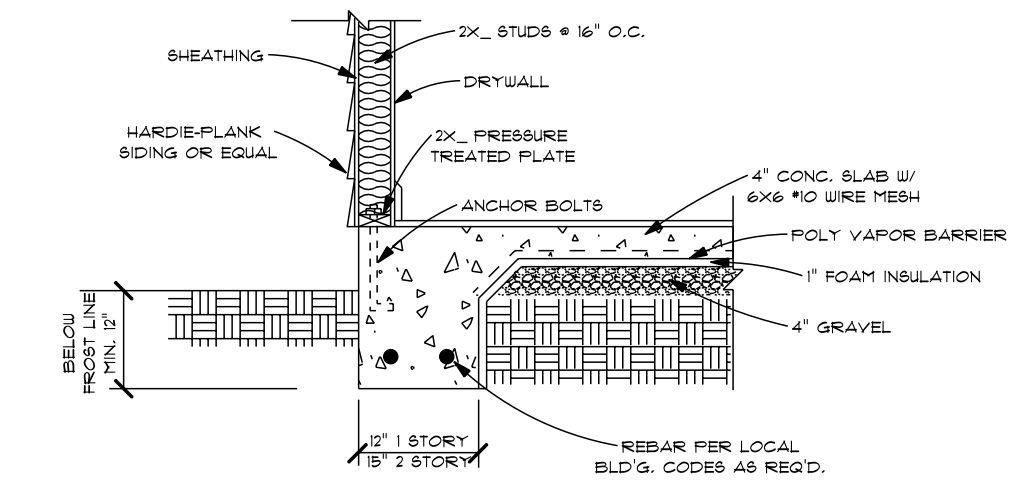
STOOP NOTE:
MIN. 4" CONC. SLAB W/ 6X6 #10 WIRE MESH OVER MIN. 4" CR. STONE, MIN. 4" BELOW FIN. FL. LINE
-TERMITE TREAT-



GRADE BEAM (TYP.)
SCALE: NONE



THICKENED SLAB (TYP.)
SCALE: NONE



MONOLITHIC SLAB (TYP.)
SCALE: NONE

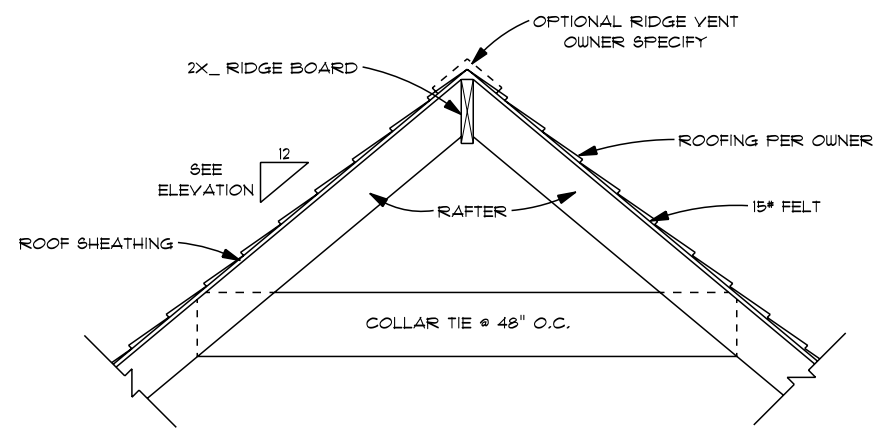
FOUNDATION PLAN
SCALE: 1/4" = 1'-0"

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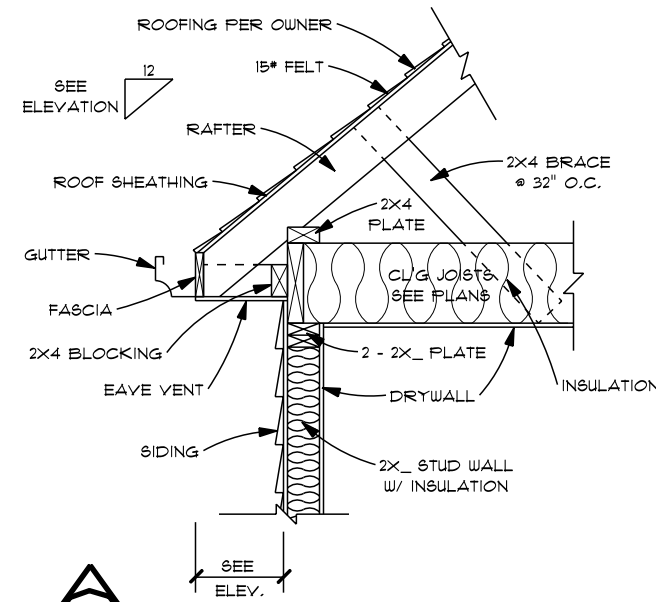
REFER TO NOTES
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ROOF NOTES:
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2.) PROVIDE ROOF & ATTIC VENTILATION AS REQ'D.
3.) FLASH ALL AREAS AS REQ'D.

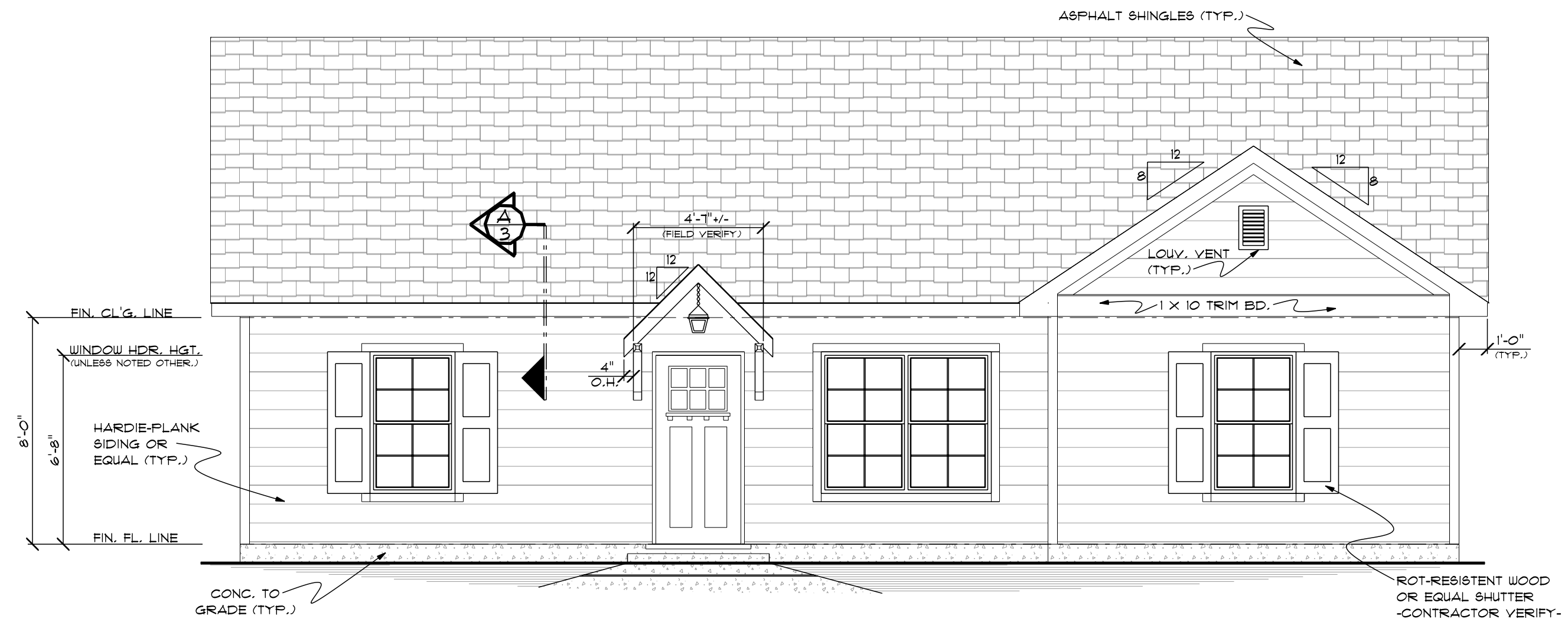
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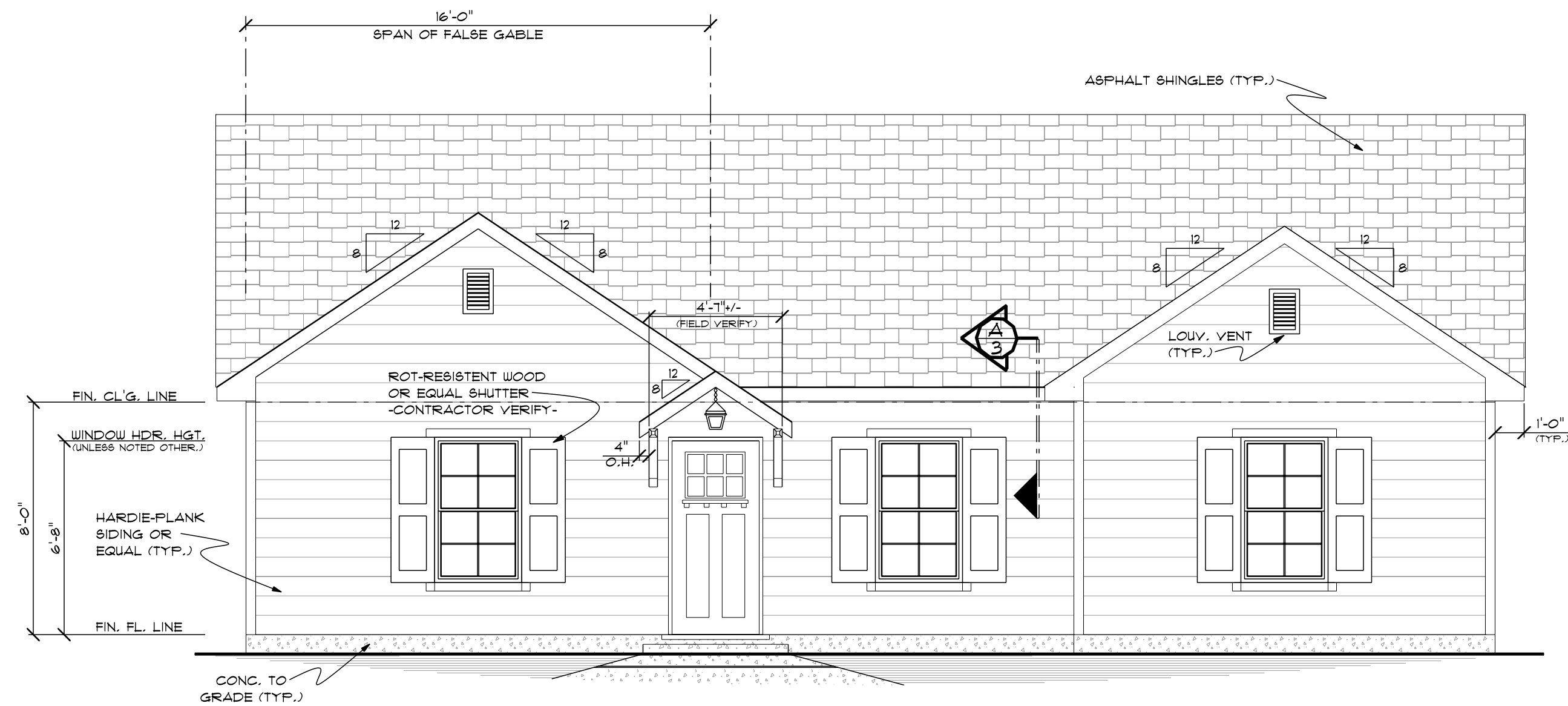
RIDGE DETAIL (TYP.)
SCALE: NONE



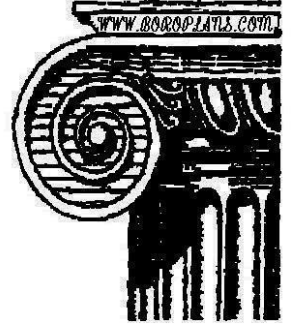
RAISED PLT. (TYP.)
SCALE: NONE



FRONT ELEVATION PLAN "A"
SCALE: 1/4" = 1'-0"



FRONT ELEVATION "B"
SCALE: 1/4" = 1'-0"



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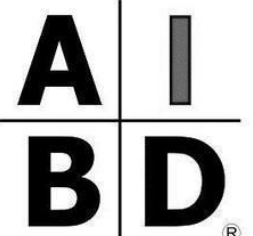
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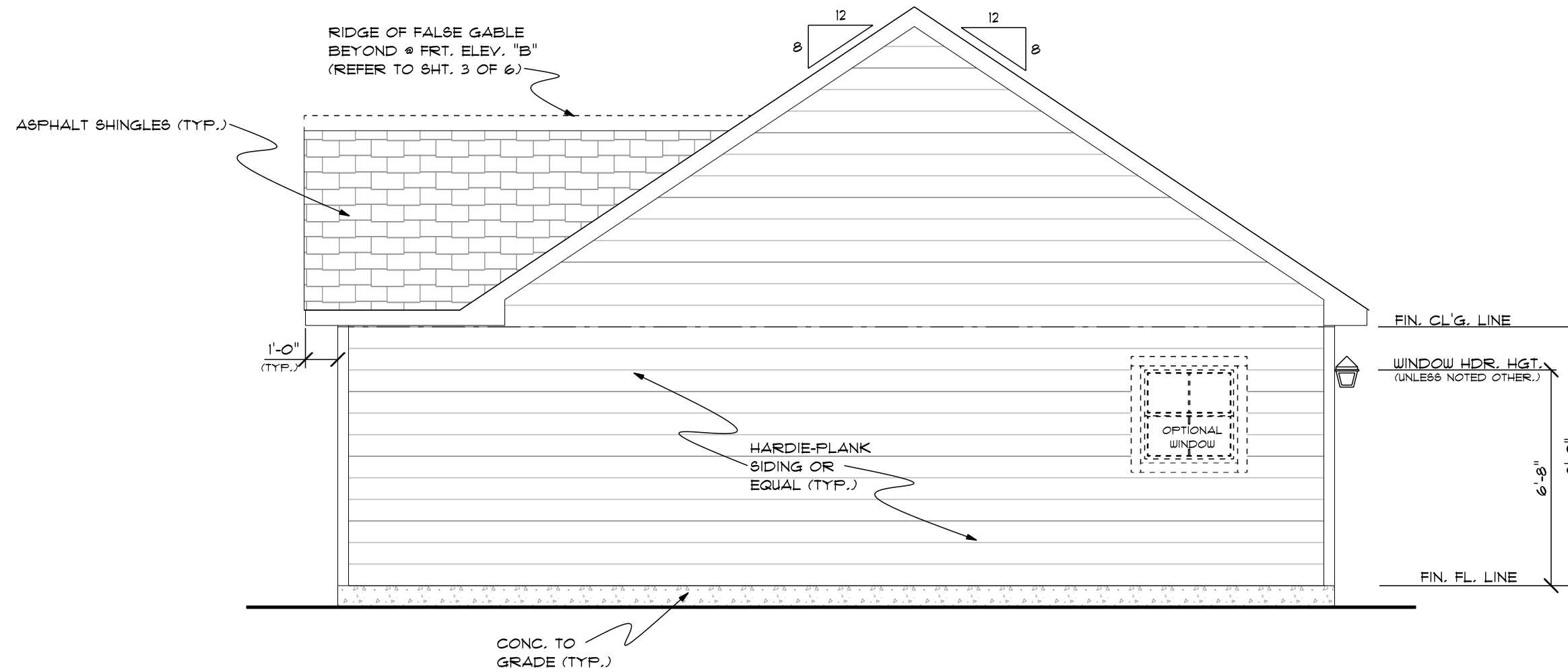
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SHEET
3
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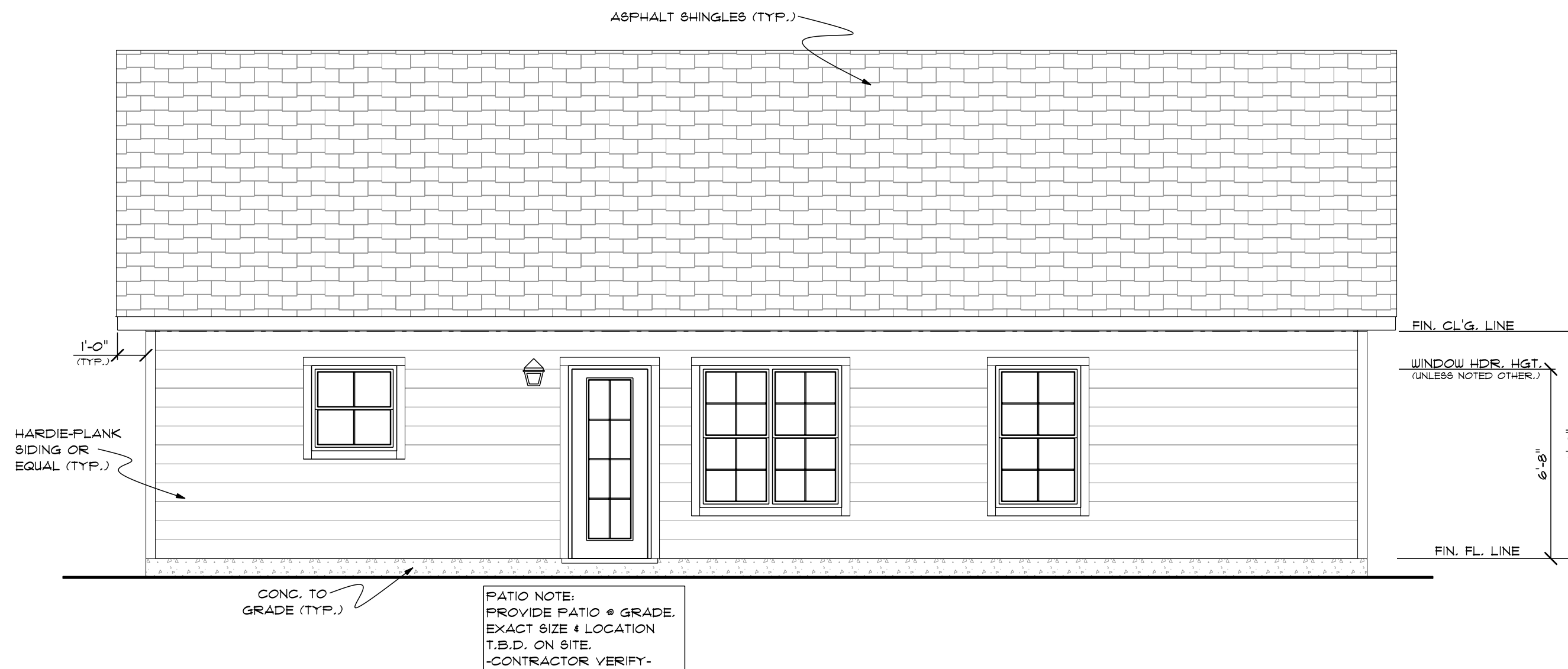
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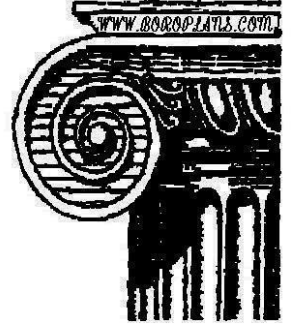
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RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"



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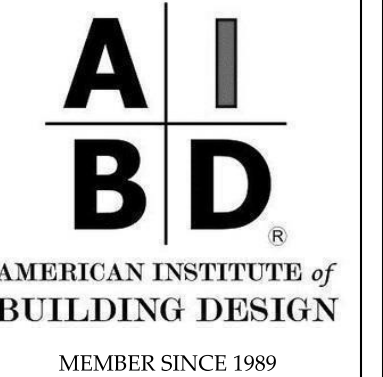
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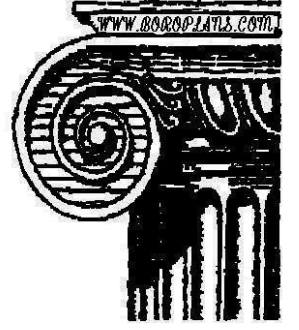
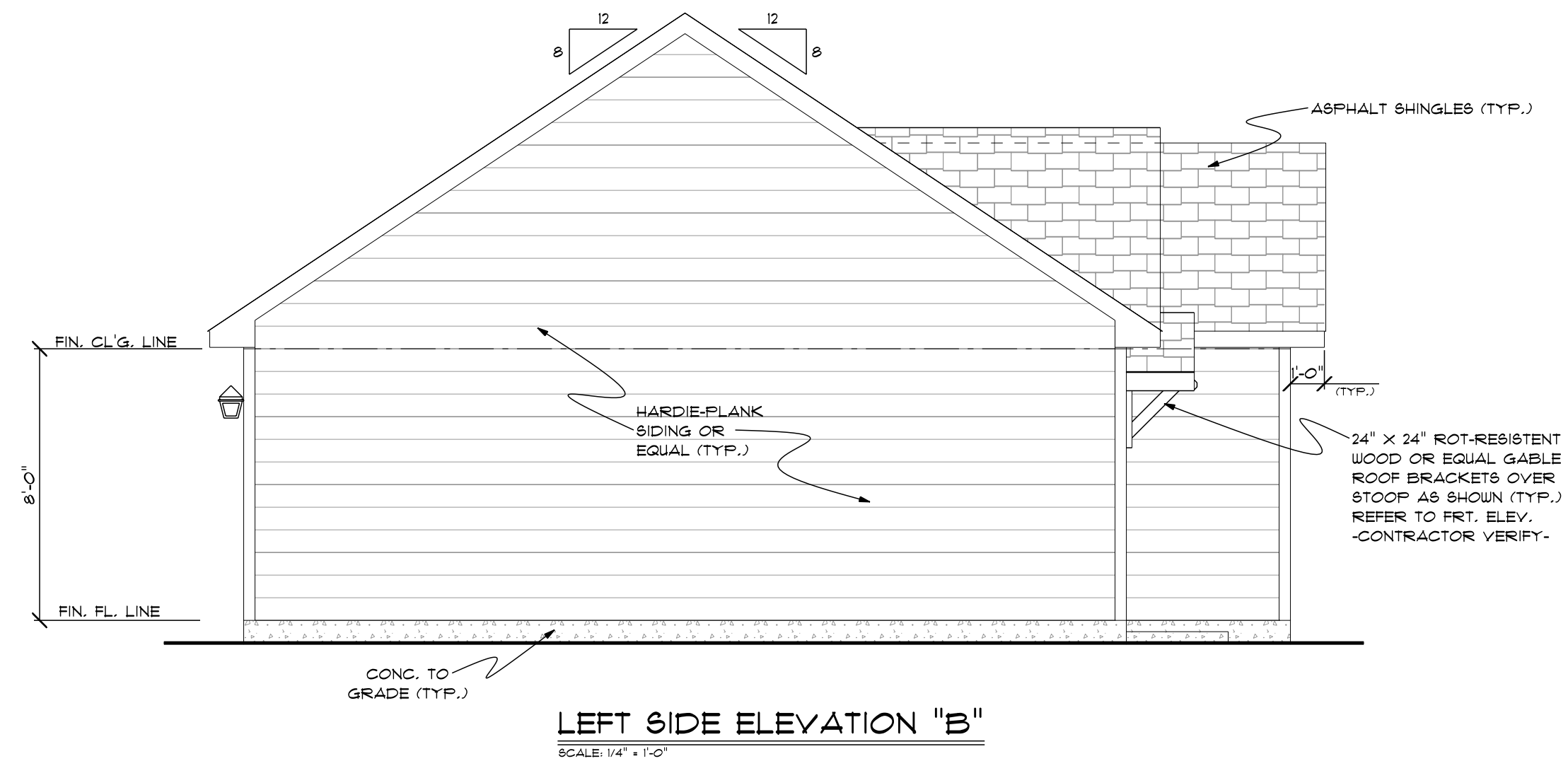
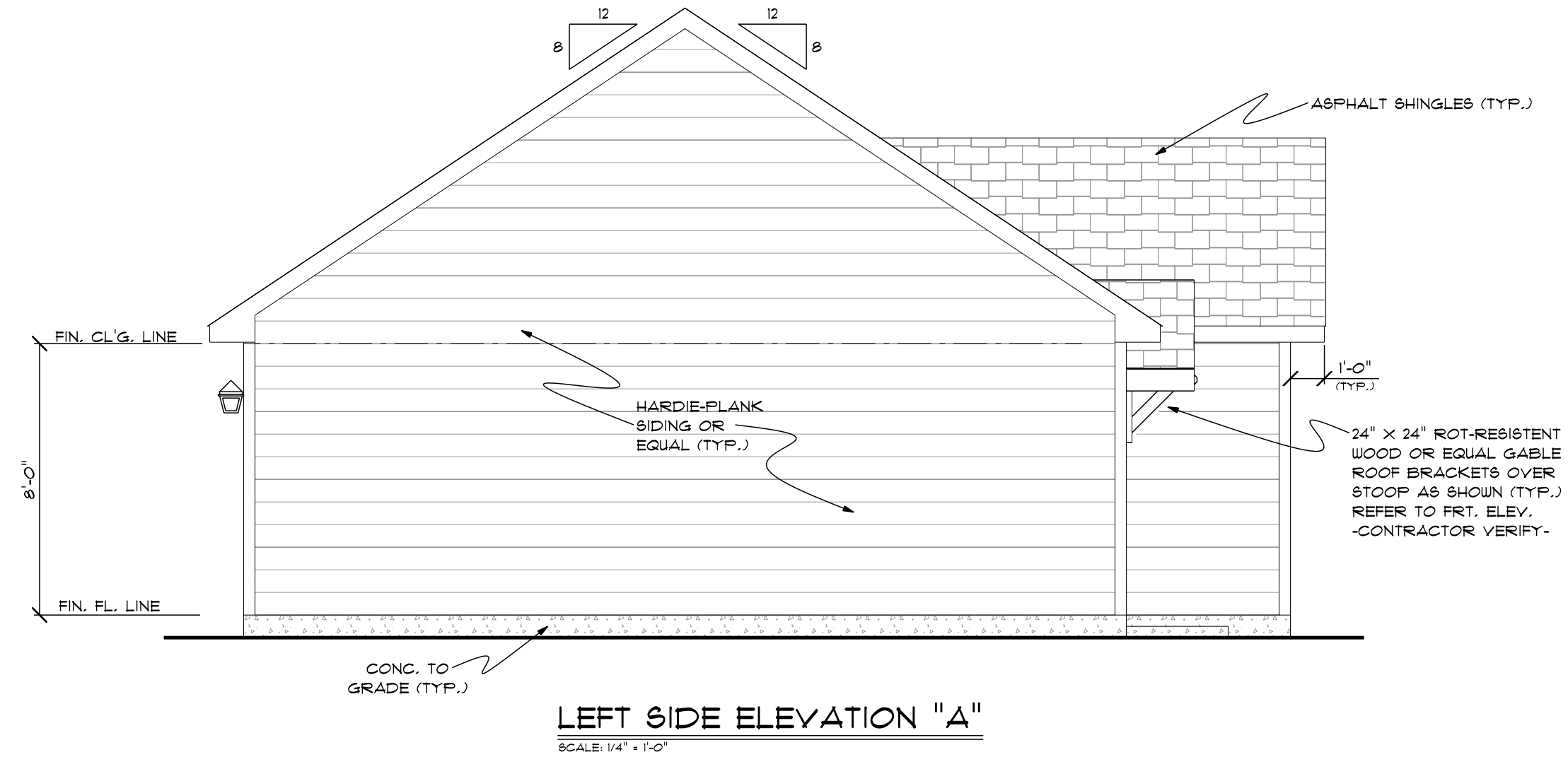
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REFER TO NOTES
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5
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MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

May 24, 2023

PROJECT PLANNER: JOEL AGUILERA

Application: Z-23- 010

Location: West Street Lot 29

Applicant: Elijah Montgomery

Owner: Anthony & Fred Adams

Zoning: Residential Multi-Family (RM-16)

Requests: Two variances from the Zoning Ordinance: Chart 2 Minimum Lot Requirements, front setback requiring 35 feet to allow 25 feet, and rear setback requiring 25-feet to allow 21 feet.



Overview of Request

The applicant, Elijah Montgomery, is requesting two variances from the required setbacks of the RM-16 zoning district, to construct a 1,203 square-foot, single-family detached residence on a 5,487 square foot parcel, located along West Street. The property is zoned RM-16, which requires, 6,000 square feet minimum lot size for Single-Family detached dwellings. The two variances requested are:

1. Front setback: 10-foot variance from the required 35-foot front setback, as set forth by Chart 2 for single-family detached dwellings in the RM-16 zoning district.
2. Rear setback: 3-foot variance from the required 25-foot rear setback, as set forth by Chart 2 for single-family detached dwellings in the RM-16 zoning district.

Below is a table of the minimum lot and setback standards for single-family detached dwelling in a RM-16 zoning district, with the variance request in red. As demonstrated in the table, due to the required front and rear setbacks for the RM-16 district, the building pad would only allow for a house that is up to 20-feet deep as measured from the front setback to the rear setback.

Minimum lot standards	RM-16 zone district	Existing lot & Variance request
Lot area	6,000 sq ft	5,487
Width	50 ft	69.9 ft
Setback(s)	35' front; 5' side; and 25' rear	Variance #1 = 25' front Variance #2 = 21' rear
Building pad depth	20-feet	33- feet

Existing neighborhood & lot conditions

The original parcel was subdivided into two lots, Lot 29 and Lot 30, by deed on October 24, 1946. A house was constructed over both Lots 29 and 30 at some time later, and the Rutherford County Assessor records state the house on the subject property was sold in 1968. In November 1985, the Lots 29 and 30 along with the neighborhood were zoned by the City of Murfreesboro as RML, Residential Multiple Family Dwellings Low Density (subsequently zoned RM-16). This neighborhood is in close proximity and other

neighborhoods in the vicinity of MTSU also have multi-family zoning districts on single family subdivisions. Recently, in 2021, the 1968 house was demolished and Lots 29 and 30 are now vacant.

Based on aerial views available in the City's GIS maps, the original house was located approximately 33 feet from the front property line, and 10 feet from the side property line to the north. Additionally, from the GIS aerial views, the original house constructed in the center of the lot, occupying both Lots 29 and 30, despite it being two lots of records. In reviewing the deed from 1946 of the subdivision, Lots 29 and 30 are consistent in size to the contiguous properties to the north and south, which also falls under the minimum 6,000 square foot lot size. From the City's GIS, Lot 27 to the north is approximately 5,700 square feet in lot size, and Lot 28 is approximately 5,533 square feet. In further review of the neighborhood, the adjacent properties to the north and south show several detached homes encroaching into front, rear, and side setback area. In addition, an approved variance in 2020 (File: Z-20-005) was found for 627 East Street, located south of the subject property, and was approved for 19-foot relief from the rear setback requirement.

Proposed use

If the BZA grants approval of the variance, the applicant is proposing to construct a 1,203 square-foot single-family detached home on the subject property, Lot 29. The applicant has provided concept elevations of the proposed single-family home and those have been included in the agenda materials. The home is consistent with other houses in the neighborhood for size and placement on the property. The proposed detached home will utilize primarily Hardie-plank siding on all facades and will have an asphalt shingle roof. The home will be under the minimum 35-foot maximum height requirement, and as shown the attached surveyed plot plan, the driveway space will have sufficient parking for four cars.

Staff's recommendation

Because setback standards for single-family detached dwelling in an RM-16 zoning district results in a narrow depth on the subject property, the property was subdivided by other in 1946 and zoned by the City in 1985, this property has unusual hardships not created by the property owner. Additionally, other properties in this general area do not meet the minimum lot size of the RM-16 district either and were developed several decades ago with similar setbacks as requested today. Staff believes the applicant's request to be compliant with the required standards for a variance and has proposed a single-family home product that is compliant with minimum standards for height, and parking, and will be consistent with the existing neighborhood.

Relevant Zoning Ordinance Section

Chart 2 – Minimum Yard Setback Requirements:

RM-16 District Setbacks:	Front - 35 feet Side 5 feet Rear 25 feet
RM-16 Minimum Lot Width:	50 feet
RS-16 Minimum Lot Area (Single Family Detached):	6,000 sq. ft.

Standards For Variances from Section 10 of the Zoning Ordinance:

The Zoning Ordinance requires that no bulk variance or other variance be granted unless the applicant establishes that the bulk or other regulations generally applicable in the zoning classification for the property for which a variance is requested impose practical difficulties which are unusual to the property and are not self-created. In addition, the applicant must also show that the bulk or other variance requested will not be unduly detrimental to other property in the vicinity of the property for which the variance is requested. To satisfy the requirements, applicant must submit written justification that the variance requested meets all of the standards contained the Zoning Ordinance. The applicant's letter is included in the staff report attachments.

The following is staff's analysis for each of the Standards for Variances:

- (1) The requested variance(s) are due to specifically identified characteristics of the land, such as the narrowness, shallowness, shape, topography or other condition of the land, are such that compliance with one or more applicable zoning regulations would be extraordinarily and peculiarly difficult or would result in an undue hardship for the applicant:*

Staff analysis: This standard is met.

The subject property was deeded in October of 1946. From the 1985 zoning book, the subject property was zoned RML, Residential Multiple Family Dwellings Low Density. Staff has speculated that the neighborhood was zoned RML because of the proximity to MTSU to encourage multi-family development and then updated to be RM-16. As such, the current setback standards make it difficult to construct a house within the required front- 35 feet, Side - 5 feet, and rear - 25 feet setbacks. The property is 5,487 square feet in area, which is smaller than minimum lot size of 6,000 square feet for single-family detached dwellings in the RM-16 zoning district.

Due to the parcel size and shallowness, created by the current RM-16 zone district, staff believes these reasons are considered undue hardship and that the property meets this standard.

- (2) *The requested variance(s) are due to specifically identified characteristics that are unusual to the subject land as compared to other land in the same zoning classification and in the same area:*

Staff analysis: This standard is met.

As stated previously, the property was created in October of 1946. The adjoining properties to the north and south are also less than 6,000 square feet in area, with one property having already been approved by the BZA due to the smallness of the parcel sizes for houses to be constructed. Because of the unique hardship of the parcel size and shallowness of the land, staff believes the property meets this standard.

- (3) *That the requested variance(s) are due to specifically identified characteristics or hardship were not created by any action or inaction of the owner or the owner's agent, not self-created:*

Staff analysis: This standard is met.

Because setback standards for single-family detached dwelling in an RM-16 zoning district results in a narrow depth on the subject property, the property was subdivided by other in 1946 and zoned by the City in 1985, this property has unusual hardships resulting in a narrow depth and not created by the property owner. This hardship is unique and not self-created, staff believes the property meets this standard.

- (4) *That granting the requested variance will not be unduly detrimental to other land in the vicinity of the land for which the variance is requested:*

Staff analysis: This standard is met.

Granting of the variances would not be detrimental to other land in the area. The properties in the general area of and along East vary in size and shape. Other houses on lots that are less than 6,000 square feet in area do not meet the required setbacks for the RM-16 zoning district, as described in this staff report. The construction of the house will comply with the side setbacks, on-site parking, and all other City standards and regulations. Additionally, the home would be constructed with setbacks consistent with several homes in the neighborhood. Staff believes the property meets this standard.

- (5) *That granting the requested variance will not impair an adequate supply of light and air to adjacent properties, unreasonably increase the congestion in public streets, increase the danger of fire or otherwise endanger the public health, safety,*

comfort, or morals, or substantially impair the intent and purpose of the Zoning Ordinance or of the general plan for the area:

Staff analysis: This standard is met.

Granting of the variances would not impair light or create shadows on adjacent properties, will not affect air, increase congestion, danger of fire or otherwise endanger public health, safety, comfort or impair the general area in any way. The construction of the house will comply with all other setbacks and development requirements. Staff believes the property meets this standard.

Staff Comments:

A variance may be approved if it meets all five standards, as required by the Zoning Ordinance. Whether the variance is approved or denied, the BZA must make specific findings of fact on each of the variance standards. If in the judgment of the BZA that if any of the above standards have not been met by a preponderance of the evidence, the variance must be denied, and written findings provided stating the evidence for why the standard(s) are not met. If the BZA believes that all of the standards have been met by a preponderance of the evidence, then the variance can be approved, and written findings provided stating the evidence for why the standards are met. For the requested variances, staff recommends approval because the five variance standards appear to have been met.

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

Attached Exhibits

1. BZA Application and survey map with proposed house footprint
2. Applicant Letter
3. Elevations and floor plan

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

MAY 24, 2023

PROJECT PLANNER: BRAD BARBEE

Application: Z-23-012

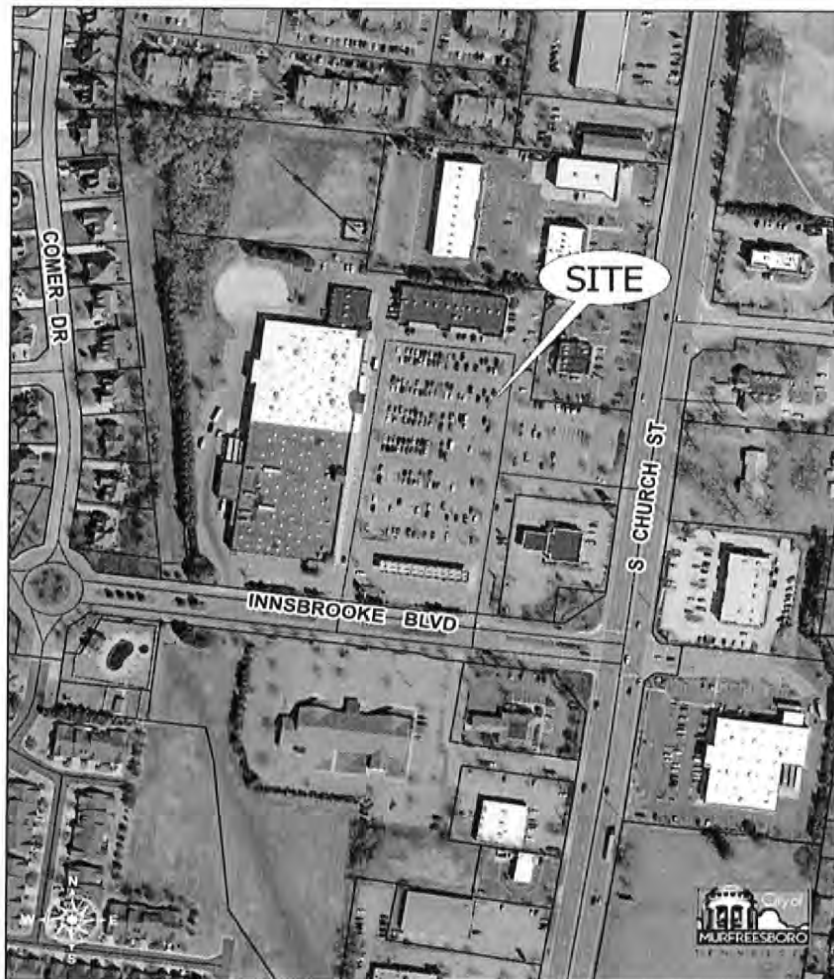
Location: 2946 South Church Street

Applicant: Joey Rouse, for TNT Fireworks East

Owner: Kroger Limited Partnership

Zoning: Commercial Highway (CH)

Requests: A Special Use Permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer)



Overview of Request

The applicant, Joey Rouse, representing TNT Fireworks East, wishes to operate a fireworks tent for the Fourth of July selling season from June 28, 2023 to July 5, 2023. The property is located at 2946 S Church St and is currently developed with a Kroger based shopping center. City of Murfreesboro Zoning Ordinance, Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent. The proposed tent is 30 feet by 50 feet and would be situated near the end of a row of parking remote from the building. The applicant has provided documentation from the property owner granting the applicant permission to operate the fireworks tent. The site is surrounded by existing commercial development also zoned CH.

Relevant Zoning Ordinance Sections

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

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

Standards of General Applicability with Staff analysis:

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

The use is temporary, as proposed, it will have no adverse impact on the above-mentioned list.

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

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

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

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

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

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

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

Additional standards for temporary vendors are listed below.

Additional Standards for Institutional Group Assembly Uses with Staff Analysis:

Temporary vendors shall be subject to the following additional standards:

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

Included in the lease location summary letter.

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

There will be ample asphalt parking on site. The tent only blocks 12 spaces and does not impede any travel lane. The Transportation Department has been consulted and will not require additional traffic measures.

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

The applicant is aware that additional traffic control measures could be required by the BZA. The Transportation Department has been consulted previously and has not required additional traffic measures

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

The applicant will have a vehicle that remains overnight for security reasons. This is not inconsistent with other fireworks applications. The applicant will need to identify the make and model of this vehicle.

- (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 320 feet from an operable fire hydrant.

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

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

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

A portable toilet will be provided at the location.

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

The applicant will comply with this requirement.

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

The applicant stated he understands these requirements.

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

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

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

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

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

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

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

The applicant understands this requirement.

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

The applicant will not use any noise amplification devices.

- (15) **A site may be used for temporary vending for no more than 70 days during any 12-month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on May 24 2024, whichever shall first occur.**

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

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

The applicant will adhere to any additional requirements.

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

The parking lot consists of asphalt, not gravel.

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

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

The site is 262 ft from the nearest fuel source.

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

There is no restaurant, bar or other place of business located within 250 feet of the temporary fireworks tent where onsite consumption of alcohol, beer or wine can occur.

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

The applicant is aware of this requirement and is seeking to operate from June 28th until July 5th. The proposed hours are 8am to 10pm. This is consistent with the city ordinance regarding temporary firework sales.

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

The applicant will comply with this requirement.

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

The applicant is aware of this requirement. The request is only for the 4th of July selling season 2023.

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

The applicant is aware of this requirement.

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

The applicant will comply with this requirement.

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

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

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

The applicant will comply with this requirement.

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

The applicant will comply with this requirement.

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

The applicant will comply with this requirement.

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

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

Recommended Conditions of Approval:

- 1) This SUP is to allow TNT to operate a fireworks tent, 30 feet by 50 feet size, for the Fourth of July selling season from June 28, 2023 to July 5, 2023, hours are 8am to 10pm.
- 2) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 3) The applicant shall keep and maintain a fire extinguisher on-site at all times.
- 4) The applicant shall keep the City's fireworks ordinance posted on-site at all times.
- 5) Fireworks shall not be set-off on site.

- 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) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district and temporary firework vending standards. In addition, a tent permit must be purchased from the Building and Codes Department.

Attached Exhibits

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

Site Photo #1



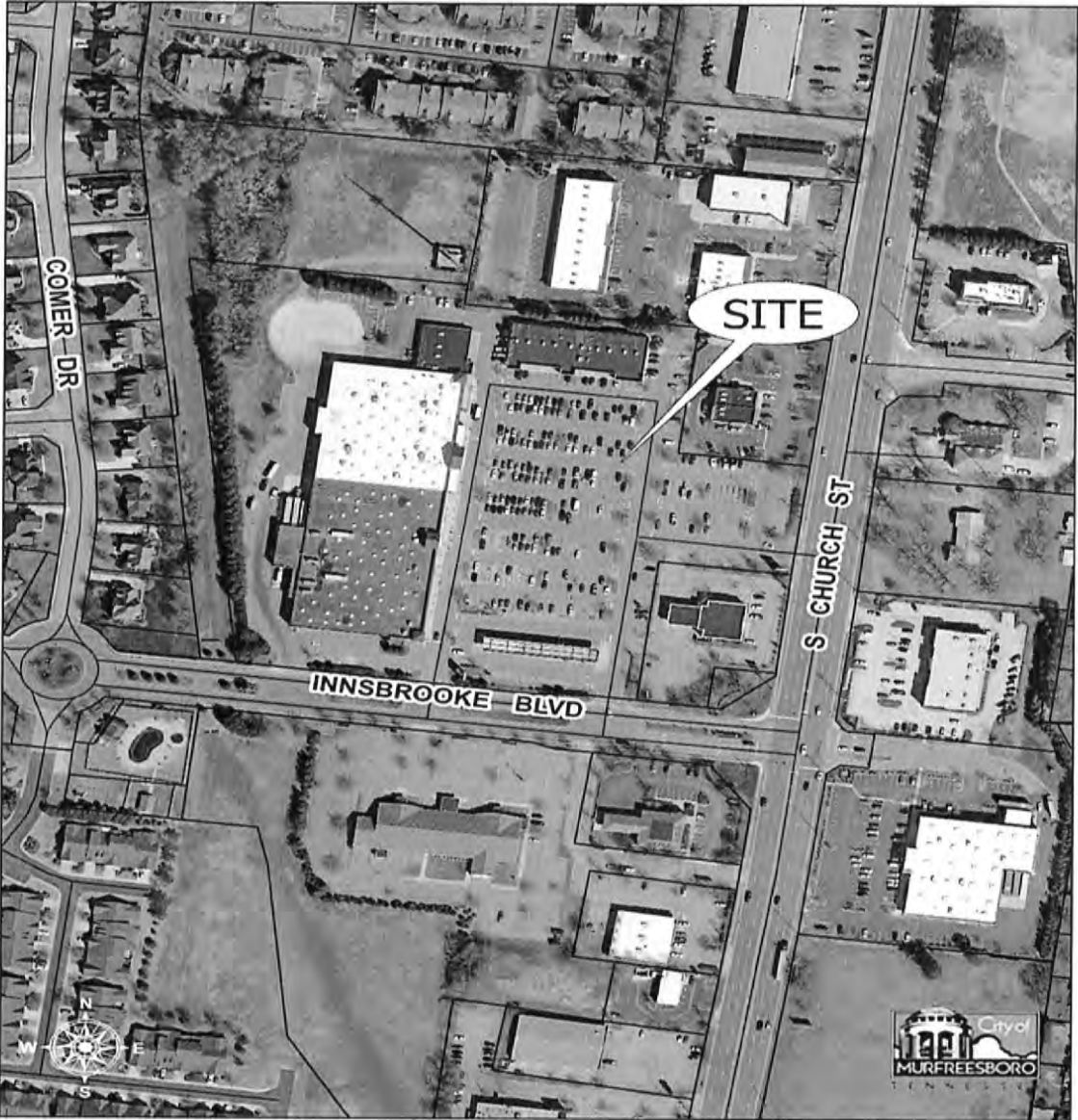
Site Photo #2



Site Photo #3



Site Photo #3





JOEY ROUSE / TNT FIREWORKS

P.O. Box 145
TN Ridge, TN 37178
931-249-3109
rousej@tntfireworks.com

May 5, 2023

Dear Marina Rush,

Please accept the attached application for a Special Use Permit request for temporary vendor fireworks sales, located at 2946 South Church St. (Kroger) for the following dates beginning June 28th and ending July 4th, 2023.

This is a new location for our operations this year.

We understand and will abide by the required standards of applicability and standards for fireworks sales as outlined on the attached documents for The City of Murfreesboro.

Thank you for your consideration.

Sincerely,

Joey Rouse, TNT Fireworks Regional Manager

City of Murfreesboro
BOARD OF ZONING APPEALS

**HEARING REQUEST
 APPLICATION**

Location/Street Address: 2946 S Church St

Tax Map: Group: Parcel: Zoning District:

Applicant: Joey Rouse E-Mail: rousej@tnfireworks.com

Address: PO - Box 145 Phone: 931-249-3109

City: Tennessee Ridge State: TN Zip: 37178

Property Owner: Kroger Co.

Address: 1014 Vine Street Phone:

City: Cincinnati, State: OH, Zip: 45202

Request: Class C Fireworks Sales (8AM - 10 PM)

June 28 - July 5, 2023

Zoning District: *CH*

Applicant Signature: *Joey Rouse*

Date: 5/1/2023

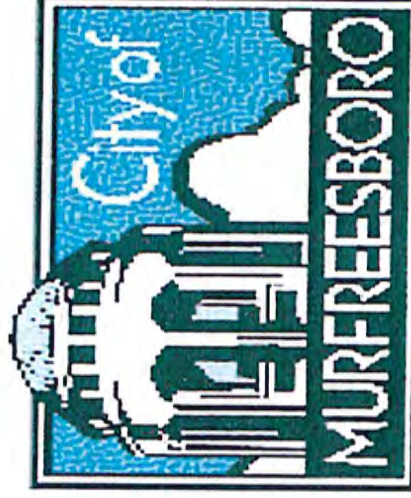
Received By: *AF*

Receipt #: *530166*

Application #: *2-23-012*

Date: *5/5/23*

Murfreesboro
 Board of
 Zoning Appeals



T E N N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION

TNT Fireworks
P.O. Box 145
TN Ridge, TN 37178
931-249-3109

Answer for BZA standards for: 2946 SOUTH CHURCH ST, Murfreesboro, TN 37127 (Kroger parking lot)

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

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

- (1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare. We affirm that the proposed site will not have a substantial or undue adverse effect on any conditions listed in this section. The site has sufficient shared parking with the retail (Kroger) store on this site. Traffic will be spread out over the course of the day's operational hours. The site will have lighting inside, parking lot has lighting and a Port a Jon for restroom facilities on site.
- (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 proposed site (tent) will be set up in an overflow parking area of the Kroger parking lot and will not interfere with the adjacent property or any district regulations.
- (3) that the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services; All essential public facilities and services listed in this section will be adequately provided for on this site.
- (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. This site will not result in any destruction, loss or damage listed in this section.
- (5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

Site plan submitted, traffic, parking etc. have been considered when setting up the proposed location. Location meets all requirements of the zoning ordinances.

eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.

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

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

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

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

Special use permit will be posted on site.

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

Understood

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

N/A (generators only)

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

Acknowledged

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

Acknowledged

- [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

or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

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

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

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

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

Acknowledged, will be posted

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

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

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

Acknowledged

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

Acknowledged



March 28, 2023

TNT Fireworks - Leasing Operations
4003 Helton Drive
Florence, AL 35630

RE: 2023 July TNT Fireworks Locations – Nashville Division

Subject to the terms of any applicable property lease agreement, any applicable RFA's or property management requirements and approvals, and to a fully executed License Agreement.

Division	Store #	Address	City	ST
26	503	1840 Decherd Blvd	Decherd	IN
26	509	711 Campbell Ln	Bowling Green	KY
26	532	2449 Old Fort Pkwy	Murfreesboro	TN
26	534	301 S Ellington Pkwy	Lewisburg	TN
26	535	350 West Us 31 Bypass	Bowling Green	KY
26	538	845 Nashville Hwy	Columbia	IN
26	539	2325 Memorial Blvd	Murfreesboro	TN
26	543	2946 S Church St	Murfreesboro	TN
26	544	1489 Madison St	Clarksville	TN
26	545	510 Highway 76	White House	TN
26	553	463 Sam Ridley Pkwy W	Smyrna	TN
26	559	1010 N Main St	Shelbyville	IN
26	564	2050 Lascassas Pike	Murfreesboro	IN
26	565	4432 Veterans Pkwy	Murfreesboro	TN
26	566	5145 Murfreesboro Rd	La Vergne	TN
26	569	2011 Nashville Pike	Gallatin	TN
26	578	401 S Mount Juliet Rd Ste 200	Mount Juliet	TN
26	582	110 Dover Crossing Rd	Clarksville	IN
26	585	2945 Scottsville Rd	Bowling Green	KY
26	590	4120 N Mount Juliet Rd	Mount Juliet	TN
26	628	1820 Roane State Hwy	Harriman	TN

Should you have any questions please feel free to contact me.

Sincerely,

Liz Harpole | Real Estate Development
1014 Vine Street | Cincinnati, OH 45202
Office: 513.562.4293
liz.harpole@kroger.com





TNT FIREWORKS FUNDRAISING

Placement Site Plan

TNT LOCATION #:
FTN0543

STORE:

ADDRESS:

KROGER #543



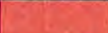




2946 S Church St, Murfreesboro Tn, 37127



TENT 30X50

ESTIMATED # OF SPACES:
#12

KEY

						
GENERATOR	STORAGE CONTAINER	TENT	DUMPSTER	PORTA-JOHN	BARRIER	DISTANCE

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

MAY 24, 2023

PROJECT PLANNER: BRAD BARBEE

Application: Z-23-013

Location: 2449 Old Fort Parkway

Applicant: Joey Rouse, for TNT Fireworks East

Owner: Kroger Limited Partnership

Zoning: Commercial Highway (CH)

Requests: A Special Use Permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer)



Overview of Request

The applicant, Joey Rouse, representing TNT Fireworks East, wishes to operate a fireworks tent for the Fourth of July selling season from June 28, 2023 to July 5, 2023. The property is located at 2449 Old Fort Parkway and is currently developed with a Kroger based shopping center. City of Murfreesboro Zoning Ordinance, Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent. The proposed tent is 20 feet by 60 feet and would be situated near the end of a row of parking remote from the building. The applicant has provided documentation from the property owner granting the applicant permission to operate the fireworks tent. The site is surrounded on all sides by existing commercial development also zoned CH.

Relevant Zoning Ordinance Sections

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

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

Standards of General Applicability with Staff analysis:

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

The use is temporary, as proposed, it will have no adverse impact on the above-mentioned list.

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

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

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

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

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

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

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

Additional standards for temporary vendors are listed below.

Additional Standards for Institutional Group Assembly Uses with Staff Analysis:

Temporary vendors shall be subject to the following additional standards:

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

Included in the lease location summary letter.

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

There will be ample asphalt parking on site. The tent only blocks 12 spaces and does not impede any travel lane. The Transportation Department has been consulted and will not require additional traffic measures.

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

The applicant is aware that additional traffic control measures could be required by the BZA. The Transportation Department has been consulted previously and has not required additional traffic measures.

- (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.

There is not an overnight vehicle associated with this application.

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

The site is approximately 50 feet from an operable fire hydrant.

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

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

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

A portable toilet will be provided at the location.

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

The applicant will comply with this requirement.

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

addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.

The applicant stated he understands these requirements.

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

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

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

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

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

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

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

The applicant understands this requirement.

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

The applicant will not use any noise amplification devices.

- (15) A site may be used for temporary vending for no more than 70 days during any 12-month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the

site was not given approval for use by a temporary vendor of food or retail merchandise, or on May 24, 2024, whichever shall first occur.

The applicant has stated that the site will be used 8 days in total. The applicant has confirmed that the firework sales tent will operate from June 28th until July 5th. The hours of operation will be from 9am to 10pm which is consistent with other firework 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 so required.

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

The parking lot consists of asphalt, not gravel.

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

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

The site is approximately 233 ft from the nearest fuel source.

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

There is no restaurant, bar or other place of business located within 250 feet of the temporary fireworks tent where onsite consumption of alcohol, beer or wine can occur.

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

The applicant is aware of this requirement and is seeking to operate from June 28th until July 5th. This is consistent with the city ordinance regarding temporary firework sales.

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

The applicant will comply with this requirement.

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

The applicant is aware of this requirement. The request is only for the 4th of July selling season 2023.

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

The applicant is aware of this requirement.

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

The applicant will comply with this requirement.

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

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

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

The applicant will comply with this requirement.

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

The applicant will comply with this requirement.

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

The applicant will comply with this requirement.

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

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

Recommended Conditions of Approval:

- 1) This SUP is to allow TNT to operate a fireworks tent, 20 feet by 60 feet size, for the Fourth of July selling season from June 28, 2023 to July 5, 2023, hours are 8am to 10pm.
- 2) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 3) The applicant shall keep and maintain a fire extinguisher on-site at all times.

- 4) The applicant shall keep the City's fireworks ordinance posted on-site at all times.
- 5) Fireworks shall not be set-off on site.
- 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) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district and temporary firework vending standards. In addition, a tent permit must be purchased from the Building and Codes Department.

Attached Exhibits

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

Site Photo #1



Site Photo #2



Site Photo #3





JOEY ROUSE / TNT FIREWORKS

P.O. Box 145
TN Ridge, TN 37178
931-249-3109
rousej@tntfireworks.com

May 5, 2023

Dear Marina Rush,

Please accept the attached application for a Special Use Permit request for temporary vendor fireworks sales, located at 2449 Old Fort Parkway (Kroger) for the following dates beginning June 28th and ending July 4th, 2023.

This is a new location for our operations this year.

We understand and will abide by the required standards of applicability and standards for fireworks sales as outlined on the attached documents for The City of Murfreesboro.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads 'Joey Rouse'.

Joey Rouse, TNT Fireworks Regional Manager

City of Murfreesboro

BOARD OF ZONING APPEALS

HEARING REQUEST APPLICATION

Location/Street Address: 2449 Old Fort Pkwy

Tax Map: Group: Parcel: Zoning District:

Applicant: Joey Rouse E-Mail: rousej@tnfireworks.com

Address: PO - Box 145 Phone: 931-249-3109

City: Tennessee Ridge State: TN Zip: 37178

Property Owner: Kroger Co.

Address: 1014 Vine Street Phone:

City: Cincinnati, State: OH, Zip: 45202

Request: Class C Fireworks Sales (8AM - 10 PM)

June 28 - July 5, 2023

Zoning District: CH

Applicant Signature: Joey Rouse Date: 5/1/2023

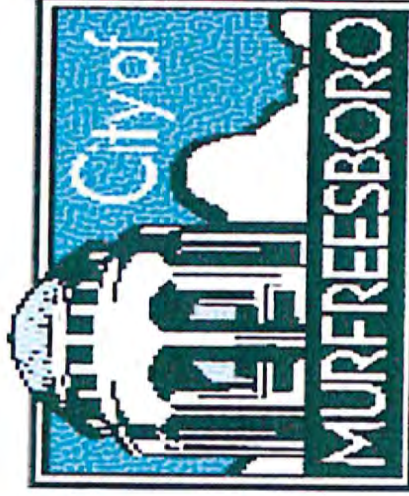
Received By: AF

Receipt #: 330167

Application #: 2-23-013

Date: 5/5/23

Murfreesboro Board of Zoning Appeals



T E N N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION

TNT Fireworks
P.O. Box 145
TN Ridge, TN 37178
931-249-3109

Answer for BZA standards for: 2449 OLD FORT PARKWAY, Murfreesboro, TN 37128 (Kroger parking lot)

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

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

- (1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare. We affirm that the proposed site will not have a substantial or undue adverse effect on any conditions listed in this section. The site has sufficient shared parking with the retail (Kroger) store on this site. Traffic will be spread out over the course of the day's operational hours. The site will have lighting inside, parking lot has lighting and a Port a Jon for restroom facilities on site.
- (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 proposed site (tent) will be set up in an overflow parking area of the Kroger parking lot and will not interfere with the adjacent property or any district regulations.
- (3) that the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services; All essential public facilities and services listed in this section will be adequately provided for on this site.
- (4) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance; and, This site will not result in any destruction, loss or damage listed in this section.
- (5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

Site plan submitted, traffic, parking etc. have been considered when setting up the proposed location. Location meets all requirements of the zoning ordinances.

eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.

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

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

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

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

Special use permit will be posted on site.

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

Understood

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

N/A (generators only)

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

Acknowledged

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

Acknowledged

- [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

or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

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

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

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

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

Acknowledged, will be posted

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

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

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

Acknowledged

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

Acknowledged



March 28, 2023

TNT Fireworks - Leasing Operations
4003 Helton Drive
Florence, AL 35630

RE: 2023 July TNT Fireworks Locations – Nashville Division

Subject to the terms of any applicable property lease agreement, any applicable RFA's or property management requirements and approvals, and to a fully executed License Agreement.

Division	Store #	Address	City	ST
26	503	1840 Decherd Blvd	Decherd	TN
26	509	711 Campbell Ln	Bowling Green	KY
26	532	2449 Old Fort Pkwy	Murfreesboro	TN
26	534	301 S Ellington Pkwy	Lewisburg	TN
26	535	350 West Us 31 Bypass	Bowling Green	KY
26	538	845 Nashville Hwy	Columbia	IN
26	539	2325 Memorial Blvd	Murfreesboro	TN
26	543	2946 S Church St	Murfreesboro	TN
26	544	1489 Madison St	Clarksville	TN
26	545	510 Highway 76	White House	TN
26	553	463 Sam Ridley Pkwy W	Smyrna	TN
26	559	1010 N Main St	Shelbyville	IN
26	564	2050 Lascassas Pike	Murfreesboro	IN
26	565	4432 Veterans Pkwy	Murfreesboro	TN
26	566	5145 Murfreesboro Rd	La Vergne	TN
26	569	2011 Nashville Pike	Gallatin	TN
26	578	401 S Mount Juliet Rd Ste 200	Mount Juliet	TN
26	582	110 Dover Crossing Rd	Clarksville	IN
26	585	2945 Scottsville Rd	Bowling Green	KY
26	590	4120 N Mount Juliet Rd	Mount Juliet	TN
26	628	1820 Roane State Hwy	Harriman	TN

Should you have any questions please feel free to contact me.

Sincerely,

Liz Harpole | Real Estate Development
1014 Vine Street | Cincinnati, OH 45202
Office: 513.562.4293
liz.harpole@kroger.com





TNT FIREWORKS FUNDRAISING

Placement Site Plan

TNT LOCATION #:
FTN0532

STORE:

ADDRESS:

KROGER #532

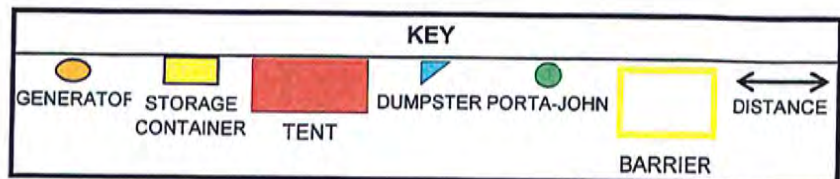
2449 Old Fort Pkwy, Murfreesboro Tn, 37128



TENT 20X60

ESTIMATED # OF SPACES:

#8



MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

May 24, 2023

PROJECT PLANNER: JOEL AGUILERA

Application: Z-22-011

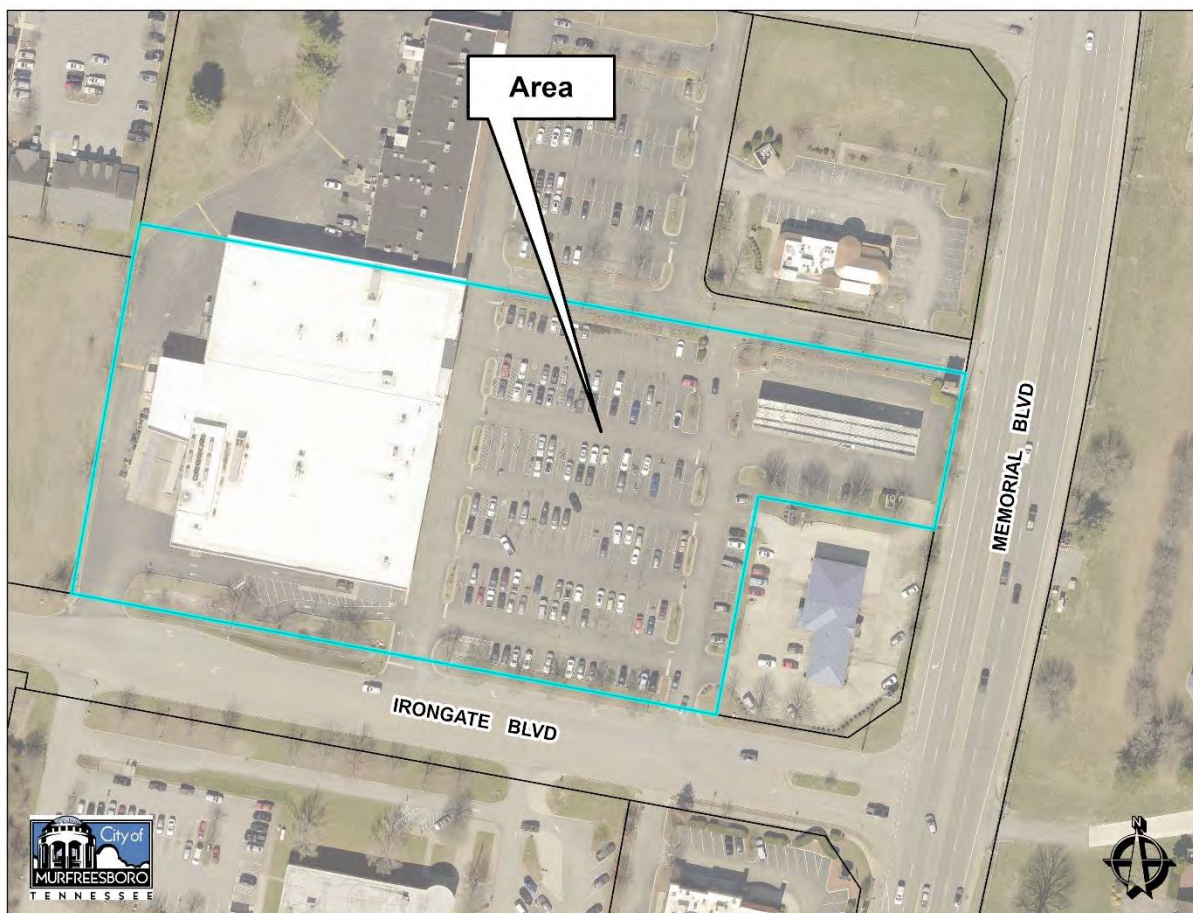
Location: 2325 Memorial Blvd

Applicant: Joey Rouse for TNT Fireworks

Owner: Kroger Co.

Zoning: Commercial Highway (CH)

Requests: Special Use Permit for temporary outdoor vending (seasonal fireworks) in the parking lot of an existing commercial shopping center.



Overview of Request

The applicant, Joey Rouse, representing TNT fireworks, wishes to operate a fireworks tent for the Fourth of July selling season from June 28, 2023, to July 5, 2023. The property is located at 2325 Memorial Blvd. City of Murfreesboro Zoning Ordinance, Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance identifies Fireworks Seasonal Retailer as a use allowed with approval of a Special Use Permit in the Commercial Highway district. Similar to the other application requests by Mr. Rouse, the applicant will utilize the same on-site components, such as a tent for temporary firework sales, generator, and a portable toilet for employees.

The site is surrounded by existing commercial development zoned CH. The tent will be situated along the southern portion of the parking lot, along Irongate Blvd, along the parking isle of the site. The hours of operation will be from 8am to 10pm which is consistent with other firework applications. The applicant has provided a letter and site plan demonstrating compliance with the Special Use Permit standards for temporary vendors. The tent used on-site will be a 20 x 60 tent. As specified in the applicant's letter, trash will be removed daily from the site. The tent will be approximately 102 feet from a public fire hydrant. The tent will be situated 242 feet from the closest fuel source and more than 250 feet from any establishment that offers on-site consumption of alcohol. The applicant will remove all trash, and equipment from the site on or before July 10, 2023. Additionally, a letter has been signed by the property owner, granting the applicant permission to operate the fireworks tent.

Relevant Zoning Ordinance Section

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

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

Standards of General Applicability with Staff Analysis:

- 1. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;**
 - Location of fireworks sale tent is situated in parking lot where tent will not impact the character, traffic conditions, or parking of the shopping center. The BZA site plan shows that the tent will be located along the southern portion of the parking lot, along the parking isle of the shopping center. Additionally, staff has confirmed that the tent location will not

impact the availability of parking during regular business hours and the temporary use does not exceed 25% of the parking spaces.

- 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 firework sales tent would not interfere with the regular operations of the shopping center or surrounding commercial areas and does not have any sound amplification devices. The firework sales tent will operate within the requirements of the temporary firework standards.

- 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;**
 - All services are provided to the site already. As such, staff believes this application will not hinder the above services. The shopping center has sufficient parking, and the tent will only be utilizing 8 spaces, which is less than 25% of the total 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;**
 - In reviewing the use and application details, there are no known significant, natural or historic 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.**
 - Included in the application (see attachment #1).

- 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 believes this application will not hinder the above services. Parking on this site is ample with the tent only utilizing 8 spaces and will not be exceeding 25% of the total parking available. Additionally, parking lot is a paved surface.

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

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

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

- The applicant has confirmed that the tent placed on site will be compliance with all applicable codes.

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 102 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 a portable toilet will be provided at the location.
- 8. The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.**
 - The applicant 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.
- 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 a portable generator for the 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 trash will be carried off daily to an off-site location.
- 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 of the 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 May 24, 2024, whichever shall first occur.

- The applicant has stated that the site will be used 8 days in total. The applicant has confirmed that the firework sales tent will operate from June 28th until July 5th. The hours of operation will be from 8am to 10pm which is consistent with other firework 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 May 24, 2024.

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

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

- (aa) **Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.**
 - The site is located 242 feet from the nearest fuel source.
- (bb) **No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent, or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.**
 - This site is not located within 250 feet of any licensed establishment that offers on-site consumption of alcoholic beverages.
- (cc) **The sales period for a fireworks seasonal retailer location shall not be approved for a period that begins before June 28 or ends after July 5 and/or begins before December 26 and ends after January 2 of any year. No activity associated with the fireworks seasonal retailer shall be located on the property before June 22 or before December 21 and all materials including sales offices, tents, garbage, trash, etc., shall be removed from the lot on or before July 10 or January 7.**
 - The applicant is aware of this requirement and is seeking to operate from June 28th until July 5th. The proposed hours are 8am to 10pm. The applicant is aware and will comply with the requirement that all trash, and equipment, shall be removed from the lot on or before July 10th, 2023.
- (dd) **Fireworks seasonal retailers must comply with all state and City laws and ordinances regarding the sale of fireworks, including but not necessarily limited to T.C.A. §68-104-101 and City Code §12.**
 - The applicant will comply with this requirement and will post a copy of the city ordinance at the tent site throughout the selling season.
- (ee) **A fireworks seasonal retailer shall not be approved for a period of more than one calendar year.**
 - The applicant is aware of this requirement. The request is only for the 4th of July selling season 2023.
- (ff) **The applicant must obtain a tent permit for the fireworks tent.**
 - The applicant is aware of this requirement.
- (gg) **A fireworks seasonal retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.**
 - The applicant will comply with this requirement and provide the required certified documentation.
- (hh) **A fire extinguisher shall be kept on-site at all times.**
 - The applicant is aware of this requirement and will keep a fire extinguisher at the tent.
- (ii) **The City's fireworks ordinance shall be posted on-site.**

- The applicant will comply with this requirement.
 - (jj) No fireworks are to be set off on-site.**
 - The applicant will comply with this requirement.
 - (kk) The site must pass an electrical safety inspection prior to opening for business. An electrical permit must be purchased from the Building and Codes Department in order to obtain this inspection.**
 - The applicant will comply with this requirement.
- 19. The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: [aa] Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site.**
- No vending of food or beverage is proposed in this application.

Staff Comments:

Staff recommends approval of the requested Special Use Permit to operate a temporary outdoor vending establishment (fireworks seasonal retailer) 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 Standards of General Applicability and additional standards for Temporary Vending – Seasonal Fireworks Sales. Staff recommends approval of the SUP subject to the following staff comments as Conditions of Approval:

Recommended Conditions of Approval:

1. This SUP is to allow TNT to operate a fireworks tent, 20 feet by 60 feet size, for the Fourth of July selling season from June 28, 2023 to July 5, 2023, hours are 8am to 10pm.
2. Sales period for fireworks is June 28th, 2023, through July 5th, 2023, and activity associated with fireworks seasonal retailer shall not be located on the property prior to June 22nd, 2023, and all materials, including the tent and any other equipment shall be removed from the lot on or before July 10th, 2023.
3. The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
4. The tent shall be located in the parking lot as shown on the aerial photo (site plan) submitted with this application.
5. The applicant shall keep and maintain a fire extinguisher on-site at all times.
6. The applicant shall keep the City’s fireworks ordinance posted on-site at all times and comply with the regulations contained therein.
7. Fireworks shall not be set off on-site.
8. 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.
9. The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
10. The applicant shall obtain a tent permit for the fireworks tent.
11. Applicant shall post the Certificate to Operate, issued by the Planning Department after passing all required inspections to operate a temporary firework vending operation.

Attached Exhibits

1. Letter from applicant
2. Firework tent site plan
3. BZA Application



JOEY ROUSE / TNT FIREWORKS

P.O. Box 145
TN Ridge, TN 37178
931-249-3109
rousej@tntfireworks.com

May 5, 2023

Dear Marina Rush,

Please accept the attached application for a Special Use Permit request for temporary vendor fireworks sales, located at 2325 Memorial Blvd (Kroger) for the following dates beginning June 28th and ending July 4th, 2023.

This is a new location for our operations this year.

We understand and will abide by the required standards of applicability and standards for fireworks sales as outlined on the attached documents for The City of Murfreesboro.

Thank you for your consideration.

Sincerely,

Joey Rouse

Joey Rouse, TNT Fireworks Regional Manager

TNT Fireworks
P.O. Box 145
TN Ridge, TN 37178
931-249-3109

Answer for BZA standards for: 2325 MEMORIAL BLVD., Murfreesboro, TN 37129 (Kroger parking lot)

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

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

- (1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare. We affirm that the proposed site will not have a substantial or undue adverse effect on any conditions listed in this section. The site has sufficient shared parking with the retail (Kroger) store on this site. Traffic will be spread out over the course of the day's operational hours. The site will have lighting inside, parking lot has lighting and a Port a Jon for restroom facilities on site.
- (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 proposed site (tent) will be set up in an overflow parking area of the Kroger parking lot and will not interfere with the adjacent property or any district regulations.
- (3) that the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services; All essential public facilities and services listed in this section will be adequately provided for on this site.
- (4) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance; and, This site will not result in any destruction, loss or damage listed in this section.
- (5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

Site plan submitted, traffic, parking etc. have been considered when setting up the proposed location. Location meets all requirements of the zoning ordinances.

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

- [1] The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use.
Copy of lease agreement with property owned will be supplied.
- [2] The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site. [3] Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.
Location site plans show that we will occupy no more than 25% of the parking area and have sufficient turn around capabilities and will not obstruct the flow of traffic.
- [4] Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.
Information for any vehicle on site after hours to provide overnight security will be identified on the application.
- [5] Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.
Tent is within 500' of a fire hydrant
- [6] A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be

eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.

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

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

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

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

Special use permit will be posted on site.

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

Understood

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

N/A (generators only)

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

Acknowledged

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

Acknowledged

- [13] Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of

applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.

Acknowledged

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

N/A

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

Acknowledged

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

Acknowledged

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

N/A

- [18] The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.
 - [aa] Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.

Acknowledged

- [bb] No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent,

or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

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

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

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

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

Acknowledged, will be posted

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

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

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

Acknowledged

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

Acknowledged



TNT FIREWORKS FUNDRAISING

Placement Site Plan

TNT LOCATION #:
FTN

STORE:

ADDRESS:

KROGER #539

2325 Memorial Blvd, Murfreesboro Tn, 37129










TENT 20X60

ESTIMATED # OF SPACES:

#8

KEY

						
GENERATOR	STORAGE CONTAINER	TENT	DUMPSTER	PORTA-JOHN	BARRIER	DISTANCE

City of Murfreesboro

BOARD OF ZONING APPEALS

**HEARING REQUEST
APPLICATION**

Location/Street Address: 2325 Memorial Blvd

Tax Map:

Group:

Parcel:

Zoning District:

Applicant: Joey Rouse

E-Mail: rousej@tnfireworks.com

Address: PO - Box 145

Phone: 931-249-3109

City: Tennessee Ridge

State: TN

Zip: 37178

Property Owner: Kroger Co.

Address: 1014 Vine Street

Phone:

City: Cincinnati,

State: OH,

Zip: 45202

Request: Class C Fireworks Sales (8AM - 10 PM)

June 28 - July 5, 2023

Zoning District:

CH

Applicant Signature: *Joey Rouse*

Date: 5/1/2023

Received By: AF

Receipt #: 530165

Application #: 2-23-011

Date: 5/5/23

**Murfreesboro
Board of
Zoning Appeals**



T E N 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

Certificate of Flame Resistance



ISSUED BY
NASHVILLE TENT & AWNING COMPANY
1301 HERMAN STREET NASHVILLE, TN 37208
MANUFACTURERS OF THE FINISHED
TENT PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described are inherently non-inflammable or have been flame-retardant treated and were supplied to:

NAME: TNT FIREWORKS EAST
CITY: CLARKSVILLE STATE: TN

Certification is hereby made that the articles described on this Certificate: (Check "a" or "b")

- (a) Have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with the State of California Fire Marshal Code equal to or exceeding specification(s):

Name/Reg. No. of Chemical Used: _____ Method of application: _____

- (b) Are made from flame-resistant fabric or material registered and approved by the State of California Fire Marshal Code equal to or exceeding specification(s):

NFPA 701 TEST METHOD 2 (LARGE SCALE)

Type of material: TOP: 61" 13-16 OZ. "HIGH GLOSS" VINYL ALL COLORS; SIDEWALL: 61" 10 OZ. VINYL ALL COLORS

Item(s) certified: PUSH POLE AND FRAME TENTS VARIOUS SIZES AND COLORS

Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric

SNYDER MANUFACTURING, INC. DOVER, OH 44622
HERCULITE PRODUCTS, INC. EMIGSVILLE, PA 17318
BURLAN CORP. GASTONIA, NC 28052

Manufacturer of Flame Resistant Fabric or Applicator of Flame Retardant Finish

Signed: Eddie Mae Husband
NASHVILLE TENT & AWNING CO.

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

May 24, 2023

PROJECT PLANNER: JOEL AGUILERA

Application: Z-22-011

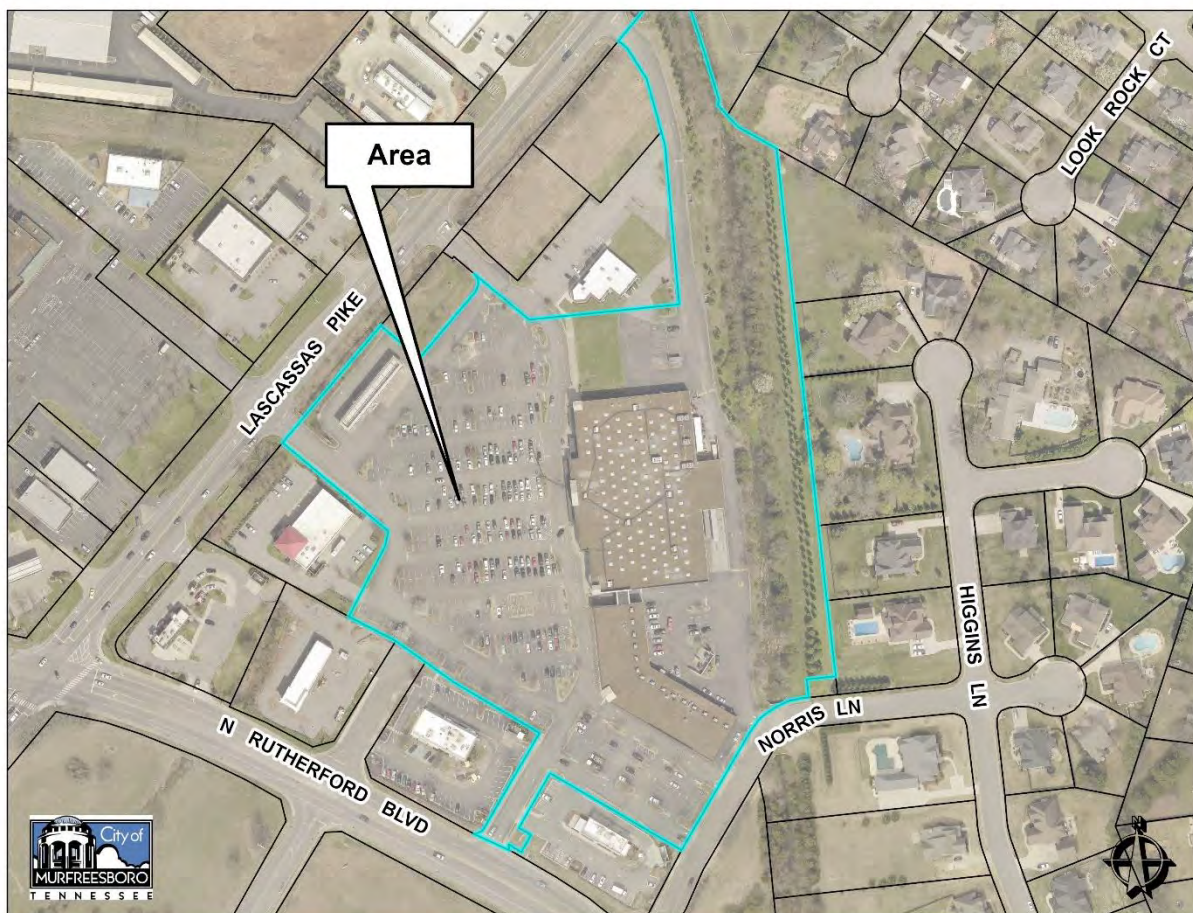
Location: 2050 Lascassas Pike

Applicant: Joey Rouse for TNT Fireworks

Owner: Kroger Co.

Zoning: Commercial Highway (CH)

Requests: Special Use Permit for temporary outdoor vending (seasonal fireworks) in the parking lot of an existing commercial shopping center.



Overview of Request

The applicant, Joey Rouse, representing TNT fireworks, wishes to operate a fireworks tent for the Fourth of July selling season from June 28, 2023, to July 5, 2023. The property is located at 2325 Memorial Blvd. City of Murfreesboro Zoning Ordinance, Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance identifies Fireworks Seasonal Retailer as a use allowed with approval of a Special Use Permit in the Commercial Highway district.

Although this application request had been previously approved by the BZA, for the 2020 selling season, no application was filed for the 2021 and 2022 selling season. As such the applicant is required to again come before the Board of Zoning Appeals and present the required materials to be approved by the BZA for the 2023 season. Similar to the other application requests by Mr. Rouse, the applicant will utilize the same on-site components, such as a tent for temporary firework sales, generator, and a portable toilet for employees.

The site is surrounded by existing commercial development zoned CH. The tent will be situated along the western portion of the parking lot, outside the main drive isle of the site. The hours of operation will be from 8am to 10pm which is consistent with other firework applications. The applicant has provided a letter and site plan demonstrating compliance with the Special Use Permit standards for temporary vendors. The tent that will be used on site will be a 30 x 50 tent. The letter has been signed by the property owner, granting the applicant permission to operate the fireworks tent. As specified in the applicant's letter, trash will be removed daily from the site. The tent will be approximately 102 feet from a public fire hydrant. The tent will be situated 242 feet from the closest fuel source and more than 250 feet from any establishment that offers on-site consumption of alcohol. The applicant will remove all trash, and equipment from the site on or before July 10, 2023.

Relevant Zoning Ordinance Section

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

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

Standards of General Applicability with Staff Analysis:

- 1. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;**
 - Location of fireworks sale tent is situated in parking lot where tent will not impact the character, traffic conditions, or parking of the shopping center. The BZA site plan shows that the tent will be located along the western portion of the parking lot, outside the main drive isle of the shopping center. Additionally, staff has confirmed that the tent location

will not impact the availability of parking during regular business hours and the temporary use does not exceed 25% of the parking spaces.

- 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 firework sales tent would not interfere with the regular operations of the shopping center or surrounding commercial areas and does not have any sound amplification devices. The firework sales tent will operate within the requirements of the temporary firework standards.
- 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;**
 - All services are provided to the site already. As such, staff believes this application will not hinder the above services. The shopping center has sufficient parking, and the tent will only be utilizing 10 spaces which is less than 25% of the total 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;**
 - In reviewing the use and application details, there are no known significant, natural or historic 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.**
 - Included in the application (see attachment #1).
- 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 believes this application will not hinder the above services. Parking on this site is ample with the tent only utilizing 10 spaces and will not be exceeding 25% of the total parking available. Additionally, parking lot is a paved surface.
3. **Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.**
 - The applicant is aware that additional traffic control measures could be required by the BZA.
 4. **Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.**
 - The applicant has confirmed that the tent placed on site will be in compliance with all applicable codes.
 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 423 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 a portable toilet will be provided at the location.

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

○ The applicant 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.

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 a portable generator for the 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 trash will be carried off daily to an off-site location.

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 of the 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 May 24, 2024, whichever shall first occur.**
- The applicant has stated that the site will be used 8 days in total. The applicant has confirmed that the firework sales tent will operate from June 28th until July 5th. The hours of operation will be from 8am to 10pm which is consistent with other firework 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 May 24, 2024.**
- The parking lot consists of paved asphalt, not gravel.
- 18. The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.**
- (aa) Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.**
- The site is located 253 feet away from the nearest fuel source.

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

 - This site is located 594 feet of any licensed establishment that offers on-site consumption of alcoholic beverages.
- (cc) The sales period for a fireworks seasonal retailer location shall not be approved for a period that begins before June 28 or ends after July 5 and/or begins before December 26 and ends after January 2 of any year. No activity associated with the fireworks seasonal retailer shall be located on the property before June 22 or before December 21 and all materials including sales offices, tents, garbage, trash, etc., shall be removed from the lot on or before July 10 or January 7.**

 - The applicant is aware of this requirement and is seeking to operate from June 28th until July 5th. The proposed hours are 8am to 10pm. The applicant is aware and will comply with the requirement that all trash, and equipment, shall be removed from the lot on or before July 10th, 2023.
- (dd) Fireworks seasonal retailers must comply with all state and City laws and ordinances regarding the sale of fireworks, including but not necessarily limited to T.C.A. §68-104-101 and City Code §12.**

 - The applicant will comply with this requirement and will post a copy of the city ordinance at the tent site throughout the selling season.
- (ee) A fireworks seasonal retailer shall not be approved for a period of more than one calendar year.**

 - The applicant is aware of this requirement. The request is only for the 4th of July selling season 2023.
- (ff) The applicant must obtain a tent permit for the fireworks tent.**

 - The applicant is aware of this requirement.
- (gg) A fireworks seasonal retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.**

 - The applicant will comply with this requirement and provide the required certified documentation.
- (hh) A fire extinguisher shall be kept on-site at all times.**

 - The applicant is aware of this requirement and will keep a fire extinguisher at the tent.
- (ii) The City's fireworks ordinance shall be posted on-site.**

 - The applicant will comply with this requirement.
- (jj) No fireworks are to be set off on-site.**

 - The applicant will comply with this requirement.

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

- The applicant will comply with this requirement.

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

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

Staff Comments:

Staff recommends approval of the requested Special Use Permit to operate a temporary outdoor vending establishment (fireworks seasonal retailer) 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 Standards of General Applicability and additional standards for Temporary Vending – Seasonal Fireworks Sales. Staff recommends approval of the SUP subject to the following staff comments as Conditions of Approval:

Recommended Conditions of Approval:

1. This SUP is to allow TNT to operate a fireworks tent, 30 feet by 50 feet size, for the Fourth of July selling season from June 28, 2023 to July 5, 2023, hours are 8am to 10pm.
2. Sales period for fireworks is June 28th, 2023, through July 5th, 2023, and activity associated with fireworks seasonal retailer shall not be located on the property prior to June 22nd, 2023, and all materials, including the tent and any other equipment shall be removed from the lot on or before July 10th, 2023.
3. The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
4. The tent shall be located in the parking lot as shown on the aerial photo (site plan) submitted with this application.
5. The applicant shall keep and maintain a fire extinguisher on-site at all times.
6. The applicant shall keep the City's fireworks ordinance posted on-site at all times and comply with the regulations contained therein.
7. Fireworks shall not be set off on-site.
8. 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.
9. The fireworks tent shall meet all minimum building setback requirements for the CH zoning district.
10. The applicant shall obtain a tent permit for the fireworks tent.
11. Applicant shall post the Certificate to Operate, issued by the Planning Department after passing all required inspections to operate a temporary firework vending operation.

Attached Exhibits

1. Letter from applicant
2. Firework tent site plan
3. BZA Application



JOEY ROUSE / TNT FIREWORKS

P.O. Box 145
TN Ridge, TN 37178
931-249-3109
rousej@tntfireworks.com

May 5, 2023

Dear Marina Rush,

Please accept the attached application for a Special Use Permit request for temporary vendor fireworks sales, located at 2050 Lascassas Pike (Kroger) for the following dates beginning June 28th and ending July 4th, 2023.

This is a new location for our operations this year.

We understand and will abide by the required standards of applicability and standards for fireworks sales as outlined on the attached documents for The City of Murfreesboro.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads 'Joey Rouse'. The signature is written in a cursive, flowing style.

Joey Rouse, TNT Fireworks Regional Manager

TNT Fireworks
P.O. Box 145
TN Ridge, TN 37178
931-249-3109

Answer for BZA standards for: 2050 LASCASSAS PIKE, MURFREESBORO, TN 37130 (KROGER #564)

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

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

- (1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare; **We affirm that the proposed site will not have a substantial or undue adverse effect on any conditions listed in this section. The site has sufficient shared parking with the retail (Kroger) store on this site. Traffic will be spread out over the course of the day's operational hours. The site will have lighting inside, parking lot has lighting and a Port a Jon for restroom facilities on site.**
- (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 proposed site (tent) will be set up in an overflow parking area of the Kroger parking lot and will not interfere with the adjacent property or any district regulations.**
- (3) that the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services; **All essential public facilities and services listed in this section will be adequately provided for on this site.**
- (4) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance; and, **This site will not result in any destruction, loss or damage listed in this section.**
- (5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

Site plan submitted, traffic, parking etc. have been considered when setting up the proposed location. Location meets all requirements of the zoning ordinances.

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

- [1] The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use.
Copy of lease agreement with property owned will be supplied.
- [2] The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site. [3] Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.
Location site plans show that we will occupy no more than 25% of the parking area and have sufficient turn around capabilities and will not obstruct the flow of traffic.
- [4] Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.
Information for any vehicle on site after hours to provide overnight security will be identified on the application.
- [5] Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.
Tent is within 500' of a fire hydrant
- [6] A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be

eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.

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

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

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

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

Special use permit will be posted on site.

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

Understood

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

N/A (generators only)

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

Acknowledged

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

Acknowledged

- [13] Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of

applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.

Acknowledged

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

N/A

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

Acknowledged

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

Acknowledged

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

N/A

- [18] The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.
 - [aa] Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.
- [bb] No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent,

or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

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

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

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

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

Acknowledged, will be posted

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

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

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

Acknowledged

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

Acknowledged



TNT FIREWORKS FUNDRAISING

Placement Site Plan

TNT LOCATION #:
FTN2050

STORE:

ADDRESS:

KROGER #564

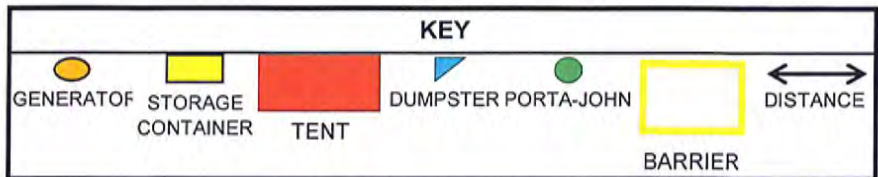
2050 Lascassas Pike, Murfreesboro Tn, 37130



TENT 30X50

ESTIMATED # OF SPACES:

#12



City of Murfreesboro

BOARD OF ZONING APPEALS

HEARING REQUEST APPLICATION

Location/Street Address: 2050 Lascassas Pike

Tax Map: Group: Parcel: Zoning District:

Applicant: Joey Rouse E-Mail: rousej@tnfireworks.com

Address: PO - Box 145 Phone: 931-249-3109

City: Tennessee Ridge State: TN Zip: 37178

Property Owner: Kroger Co.

Address: 1014 Vine Street Phone:

City: Cincinnati, State: OH, Zip: 45202

Request: Class C Fireworks Sales (8AM - 10 PM)

June 28 - July 5, 2023

Zoning District: CH

Applicant Signature: *Joey Rouse*

Date: 5/1/2023

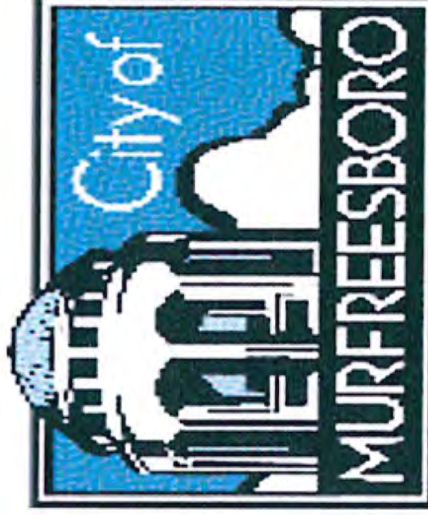
Received By: AF

Receipt #: 530170

Application #: 2-23-017

Date: 5/5/23

Murfreesboro Board of Zoning Appeals



T E N 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

Certificate of Flame Resistance



ISSUED BY

NASHVILLE TENT & AWNING COMPANY
1301 HERMAN STREET NASHVILLE, TN 37208
MANUFACTURERS OF THE FINISHED
TENT PRODUCTS DESCRIBED HEREIN

This is to certify that the materials described are inherently non-inflammable or have been flame-retardant treated and were supplied to:

NAME: TNT FIREWORKS EAST

CITY: CLARKSVILLE

STATE: TN

Certification is hereby made that the articles described on this Certificate: (Check "a" or "b")

(a) Have been treated with a flame-retardant approved chemical and that the application of said chemical was done in conformance with the State of California Fire Marshal Code equal to or exceeding specification(s):

Name/Reg. No. of Chemical Used: _____ Method of application: _____

(b) Are made from flame-resistant fabric or material registered and approved by the State of California Fire Marshal Code equal to or exceeding specification(s):

NFPA 701 TEST METHOD 2 (LARGE SCALE)

Type of material: TOP: 61" 13-16 OZ. "HIGH GLOSS" VINYL ALL COLORS; SIDEWALL: 61" 10 OZ. VINYL ALL COLORS

Item(s) certified: PUSH POLE AND FRAME TENTS VARIOUS SIZES AND COLORS

Flame Retardant Process Used Will Not Be Removed By Washing And Is Effective For The Life Of The Fabric

SNYDER MANUFACTURING, INC. DOVER, OH 44622
HERCULITE PRODUCTS, INC. EMIGSVILLE, PA 17318
BURLAN CORP. GASTONIA, NC 28052

Manufacturer of Flame Resistant Fabric or Applicator of Flame Retardant Finish

Signed: Eddie Mae Husband
NASHVILLE TENT & AWNING CO.