CITY OF MURFREESBORO BOARD OF ZONING APPEALS

Public Hearing, October 25, 2023, at 1:00 p.m. City Hall, 111 West Vine Street, Council Chambers, 1st Floor

AGENDA

- 1. Call to order.
- 2. Determination of a quorum.
- 3. Public Comments.
- 4. Approval of minutes for the September 27, 2023, Board of Zoning Appeals.
- 5. New Business:

Special Use Permits

- a. Application Z-23-033 by Mr. Lyle Lynch on behalf of Murfreesboro City Schools, requesting a special use permit to install a new playground to an existing institutional group assembly use at Mitchell-Neilson School in Single-Family Residential (RS-10) zoning district, located at 711 West Clark Boulevard. (Project Planner: Brad Barbee).
- b. Application Z-23-034 by Christopher Helstern, requesting a special use permit to establish a home occupation (nail salon) on property in the Single-Family Residential (RS-15) zoning district, located at 1430 Arrowhead Place. (Project Planner: Joel Aguilera).
- 6. Staff Reports and Other Business
 - a. Board of Zoning Appeals 2024 Calendar
- 7. Adjourn

MINUTES

OF THE CITY OF MURFREESBORO

BOARD OF ZONING APPEALS

City Hall, 111 W. Vine Street, Council Chambers

September 27, 2023 1:00PM

Members Present:	Staff Present:
Davis Young, Chair	Greg McKnight, Exec. Director Dev. Services
Ken Halliburton, Vice-Chair	Matthew Blomeley, Assistant Planning Director
Misty Foy	Marina Rush, Principal Planner
Julie King	Brad Barbee, Planner
Tim Tipps	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. Nominations and Elections:

Vice-Chair Ken Halliburton motioned to nominate Mr. Davis Young as Chair; 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

Nay: None

MURFREESBORO BOARD OF ZONING APPEALS MINUTES September 27, 2023

Abstain: Chair Davis Young

4. Consideration of Minutes:

With there being no objection by any of the Board members, the minutes of the June 28, 2023, BZA meeting were approved as submitted.

5. New Business:

a. Application [Z-23-032] by Matt Taylor of SEC, Inc. on behalf of Brenda Jarman, is requesting a special use permit to expand an institutional group assembly (Providence Christian Academy) to incorporate an existing building into the school campus for property located in the Single Family Residential (RS-15) district at 378 Dejarnette Lane.

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. Matt Taylor of SEC, Inc was present to answer questions.

Chair Young opened the public hearing.

There being no one 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; 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

b. Application [Z-23-030] by Ms. Angela Range, is requesting a special use permit to establish a home occupation (hair salon) on property in the Residential Single Family (RS-15) district located at 1303 Halifax Court.

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.

The Board and Staff discussed restrictive covenants and the Zoning Ordinance. Covenants and zoning are separate entities and operate in different fields.

MURFREESBORO BOARD OF ZONING APPEALS MINUTES September 27, 2023

Chair Young inquired about the hours of operation. Mr. Aguilera responded that previous Special Use Permits approved have varied time limits. Generally, prior approvals allowed these types of uses to begin no earlier than 8:00am and end no later than 7:00pm.

Ms. Angela Range spoke about her application.

Chair Young opened the public hearing.

Mr. Roy Thompson of 2102 Windsor Street spoke in opposition to the application.

Ms. Katharine Bond of 1015 Glasgow Drive spoke in opposition to the application.

Mr. Sean Gilliland of 1011 Whitehall Road spoke in opposition to the application.

Mr. Jimmy Fox of 1118 Glasgow Drive spoke in opposition to the application.

Mr. Sumner Bouldin of 1911 Windsor Street spoke in opposition to the application.

Mr. Dicken Kidwell of 1310 Halifax Court spoke in opposition to the application.

Ms. Margery Thompson of 1305 Halifax Court spoke in opposition to the application.

Mr. Thomas Wakefield of 1202 Scottland Drive spoke in opposition to the application.

Ms. Maria Gregory of 1122 Glasgow Drive spoke in favor of the application.

Ms. Shannon Fox of 1118 Glasgow Drive spoke in opposition to the application.

Ms. Katelyn Burns of 1303 Halifax Court spoke in favor of the application.

Ms. Janice Rozell of 1910 Windsor Street spoke in opposition to the application.

Ms. Karen Clarke of 1006 Glasgow Drive spoke in opposition to the application.

Ms. Sondra Wilcox of 1211 Raleigh Court spoke in opposition to the application.

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

Mr. Roman Hankins addressed comments made regarding statements by City Officials. He stated that unless they were made directly by the official or there is documentation in the record, those statements are hearsay and should be considered accordingly in the deliberations of the body.

Mr. Hankins spoke about the jurisdiction of the Board of Zoning Appeals.

Ms. King inquired if there is anything that defines character of the neighborhood. Mr. Hankins responded that there is none that he has found. He stated that it is best to consider and deliberate on the factual elements that have been provided.

Vice-Chair Ken Halliburton stated that he will abstain from voting and deliberation due to residing in the neighborhood. Mr. Hankins stated that with Mr. Tipps' absence and Vice-Chair Halliburton's abstention there will be a quorum of three.

MURFREESBORO BOARD OF ZONING APPEALS MINUTES September 27, 2023

The Board and Staff further discussed character of the neighborhood and permitted uses in Residential Zones.

Ms. King inquired about Special Use Permits in this neighborhood. Mr. Aguilera explained the difference between administrative home occupations and Special Use Permits for home occupations. He stated that Staff found four active administrative home occupations and no Special Use Permits for home occupations in this neighborhood.

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

Julie King

Nay: Chair Davis Young

Abstain: Vice-Chair Ken Halliburton

6. Staff Reports and Other Business:

None

7. Adjourn:

There being no further business, Chair Young adjourned the meeting at 2:29pm.

CHAIRMAN

SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS STAFF REPORT OCTOBER 25, 2023 PROJECT PLANNER: BRAD BARBEE

Application: Z-23-033

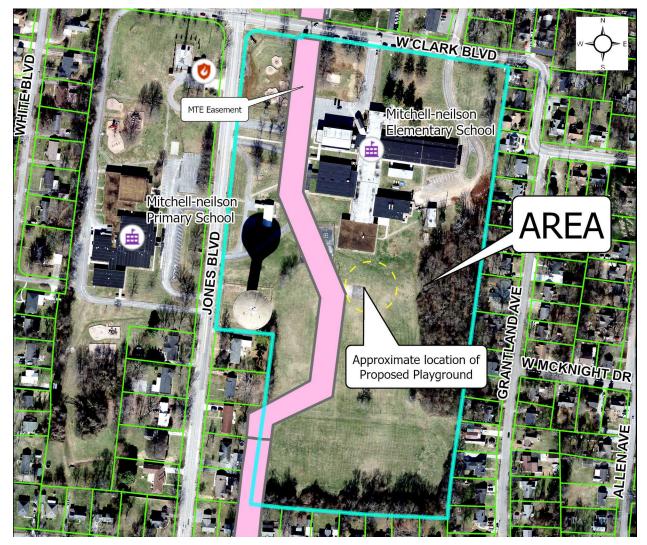
Location: 711 West Clark Boulevard

Applicant:Lyle Lynch of Johnson and Bailey Architects on behalf of Murfreesboro City
Schools

Owner: Murfreesboro City Schools

Zoning: RS-10 (Single-Family Residential District)

Request: A special use permit to install playground equipment to an existing institutional group assembly use (Mitchell-Neilson Elementary School).



Overview of Request

Mitchell-Neilson Elementary School is located at 711 West Clark Boulevard and is zoned RS-10 (Single-Family Residential District). Murfreesboro City Schools requests a Special Use Permit for the expansion of their existing public-school facility for adding a new playground to replace the existing playground that is located at the intersection of West Clark Boulevard and Jones Boulevard. Public Schools (K-12) are classified as institutional group assembly uses, which are allowed only after the issuance of a Special Use Permit in the RS-10 zone.

The existing school is located at the intersection of West Clark Boulevard and Jones Boulevard, and the area in question is located to the south of the principal structure and is circled in yellow on the above map. It is bordered by property that is also zoned RS-10 to the south. The properties across West Clark Boulevard (north) and Jones Boulevard (west) are also zoned RS-10. The bordering property to the east is zoned RS-8 (Single-Family Residential District).

This requested addition to the campus includes new play equipment, shade structures, concrete paving, drainage improvements, seating areas, fencing, and landscaping. Additional landscaping is proposed to the south of the proposed playground as shown on the attached civil plans.

Relevant Zoning Ordinance Sections

Chart 2 of the City of Murfreesboro Zoning Ordinance allows school uses as a special use in the RS-10 district. City of Murfreesboro Zoning Ordinance Section 9(D)(zz) sets forth standards for institutional group assembly uses, such as schools, 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 standards of general applicability as well as the specific standards for institutional group assembly 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, and utility facilitates, and other matters affecting the public health, safety, and general welfare.

The proposed expansion and construction of a new playground area and associated work should not have any substantial adverse effect on the adjacent property or neighborhood. The expansion area is currently a part of the school campus and will be used substantially in the same way.

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 expansion should be compatible with the neighborhood and will not interfere with the development and use of the adjacent property.

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 sewer; or persons or agencies responsible would provide such services.

The proposed expansion should have minimal impact on the above items as the intensity of the use will remain the same and no utilities are necessary for the playground.

4. That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance.

Existing trees on the property will remain in place to serve as a landscape buffer. Neither staff nor the applicant are aware of any other significant features associated with this property.

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

The proposed use will comply with the additional standards for institutional group assembly uses. (See below for additional detail.)

Additional Standards for Institutional Group Assembly with Staff Analysis

[1] Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;

No additional parking areas are proposed or required with the addition of this playground.

[2] In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size;

The existing school property is 23.18 acres according to the Rutherford County Property Assessor's Office, which is zoned RS-10, which is about ~1,009,721 square-feet. The minimum lot size required in the RS-10 district is 10,000 square-feet, so the minimum lot size for an institutional group assembly use in an RS-10 zone is 30,000 square-feet. The subject property exceeds this requirement.

[3] On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes;

According to the applicant, no new lighting is proposed as a part of this project.

[4] Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize adverse effects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property;

Existing garbage facilities are currently located along the eastern side of the principal structure. No new garbage facilities are proposed as a part of this application.

[5] Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA;

An existing buffer exists along the eastern and southern property lines. The new playground area is approximately 300ft away from the adjacent, residential single-family properties to the west.

[6] The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the institutional group assembly use by bus, bicycle, walking, or by carpooling or that offstreet parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area;

No additional parking is proposed or required as a part of this application. As this is an elementary school, all expected users of the playground will arrive by bus, bicycle, walking, or by carpooling.

[7] an application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;

The new area will be used as a playground and should have no detrimental impacts.

[8] the BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit;

According to the applicant, no such uses are being requested with this application.

[9] the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short-term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use; and

According to the applicant, no temporary or short-term uses are proposed at this time. The applicant is not requesting any variances associated with such uses.

[10] the application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring properties especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise. The applicant attests that the use will comply with this standard.

According to the applicant, no public announcement systems are included with this application.

Recommended Conditions of Approval:

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

1) A site plan shall be submitted to the Planning Department for review and approval prior to the issuance of a building permit. The site plan submittal shall be substantially consistent with the concept site plan submitted to the BZA and shall include civil plans, landscape plan, photometric lighting plan, and building elevations and any other plans necessary to demonstrate compliance with the Zoning Ordinance and Design Guidelines.

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

Attached Exhibits

- 1) BZA Application
- 2) Applicant Letter
- 3) Site Photos
- 4) Site Plan and Detail Pages

City of Murfreesboro BOARD OF ZONING APPEALS	H	HEARING REQUEST APPLICATION					
Location/Street Address: 711 West Clark Blvd.Tax Map: 91CGroup: AParcel: 2.00Zoning District: RS-10							
Applicant:R. Lyle LynchE-Mail:rlynch@jbarchitects.comAddress:100 East Vine St., Suite 700Phone:615-893-4560City:MurfreesboroState:TNZip:37130							
Property Owner: Murfreesboro City Address: 2552 South Church Street City: Murfreesboro	Phone: 615-893-2313 State: TN Zip: 37127						
Request: Special Use Permit for construction of a playground on an existing school site Zoning District: RS-10 Applicant Signature: h. half. June Date: 9-28-23							
Received By: Application #:	Rece Date	ipt #:					





Johnson + Bailey Architects P.C.

September 28, 2023 Mr. Brad Barbee City of Murfreesboro Board of Zoning Appeals 111 West Vine Street Murfreesboro, TN 37130

Re: Playground Replacement at Mitchell-Neilson Elementary School Murfreesboro City Schools J+B No. 2222

Dear Mr. Barbee:

In accordance with Section 8 - Procedure for Uses Requiring Special Use Permits and Section 9 - Standards for Special Permit Uses of the City of Murfreesboro Tennessee 2022 Zoning Ordinance in regards to the existing **Mitchell-Neilson Elementary School** (Tax Map 91C, Group A, Parcel 2.00), please accept the following information as our submittal package for the official Board of Zoning Appeals - Hearing Request Application.

Section 8 - Procedure for Uses Requiring Special Permits

(A) Name, address, and telephone number of applicant

Johnson + Bailey Architects on behalf of Murfreesboro City Schools c/o R. Lyle Lynch, Architect 100 East Vine Street, Suite 700 Murfreesboro, Tennessee 37130 Telephone: 615-890-4560 E-Mail: <u>rlynch@jbarchitects.com</u>

(B) Nature and extent of applicant's ownership interest in subject property

Murfreesboro City Schools (MCS) plans to construct a new playground south of the existing school building, which is off of an existing Middle Tennessee Electric easement and further away from public roads than the existing playground. After construction of the new playground, the existing playground will be removed.

(C) Site plan to be submitted for review by City Staff and the Board of Zoning Appeals

Site plan drawings are being submitted with this application fo review.

(D) Address of the site of the proposed special use

711 West Clark Blvd. Murfreesboro, Tennessee 37129

(E) Vicinity Map showing the property of the proposed special use and all parcels within a five-hundred foot radius.

The site is City of Murfreesboro owned property located at the corner of Jones Blvd. and Clark Blvd. Proposed locations on site is shown on Existing Conditions & Demo Plan on Drawing C1.0.

(F) Zoning Classification of property of the proposed special use

The property is currently zoned RS-10, and has previously been granted a special use permit.

Mr. Brad Barbee September 28, 2023 Page 2 of 5

(G) The property of the proposed special use shall have the following characteristics:

1.) Hours and days of operation School 8:35 A.M. until 3:35 P.M. Extended School Program 6:00 A.M. until 6:00 P.M.

Mondays thru Fridays

2.) Duration of the proposed special use Permanent

3.) Number of expected patrons that will be expected to be generated by the proposed special use

The school enrollment is around 450 students. The proposed playground replacement project will not impact the student enrollment.

4.) Projected traffic that will be expected to be generated by the proposed special use

The proposed playground replacement project will not generate additional traffic flow.

(H) Potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposes to eliminate or minimize them

The proposed playground replacement project does not have harmful characteristics for the zoning district in which it is proposed.

Section 9 - Standards for Special Use Permits

(C) Standards for general applicability. An applicant for a special use 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.

The proposed playground replacement project will not impact the surrounding neighborhoods, traffic, utilities, or public health.

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 playground will be compatible with the school building, and will not interfere with the development of adjacent property.

Mr. Brad Barbee September 28, 2023 Page 3 of 5

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

> The proposed playground replacement project will not impact public services, highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, or sewers.

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 historical importance

Existing trees in the area will remain in place to maintain the effectiveness of the landscape buffer. No other structures or features are known to be of significant importance to remain at this time

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 Institutional Assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, churches, and other places of worship, shall be subject to the following additional standards

1.) Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passangers. Parking areas shall not be permitted in the required front yard.

The proposed playground replacement project will not impact existing parking facilities at the school.

2.) In all residential districts, an institutional use group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly is proposed to be located The lot size of the RS-10 zone requires 10,000 square feet lots. The school site is well over 30,000 square feet.

3.) On-site lighting for parking areas, fields for athletics, scoreboards and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes The proposed playground replacement project does not include additional site lighting. Mr. Brad Barbee September 28, 2023 Page 4 of 5

> 4.) Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize adverse affects upon neighboring properties and aesthetics from the public right-of-way. The proposed playground replacement project does nit include the construction of new garbage facilities, or the demolition of existing garbage facilities.

5.) Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. The location of the proposed new playground is buffered from adjacent uses, and includes an enclosure fence.

6.) The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article The proposed playground replacement project does not modify the existing parking facilities at the school.

7.) An application for a special use permit for an institutional group assembly shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use The proposed playground replacement project will replace an existing playground of similar use, and will not have detrimental impacts upon adjacent properties,

8.) The BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers recreational vehicles (RV's)

No such uses are being requested at this time.

9. The BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes

No temporary or short term uses are proposed at this time, therefore the applicant is not requesting any variances associated with such use. Mr. Brad Barbee September 28, 2023 Page 5 of 5

> 10.) The application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds The applicant does not intend to have any outdoor speakers associated with this project.

Your consideration of the requested special use permit is appreciated. If you have any questions concerning these responses, please do not hesitate to call.

Sincerely,

JOHNSON + BAILEY ARCHITECTS P.C.

Just Jour

R. Lyle Lynch, Architect

View from the school facing South:

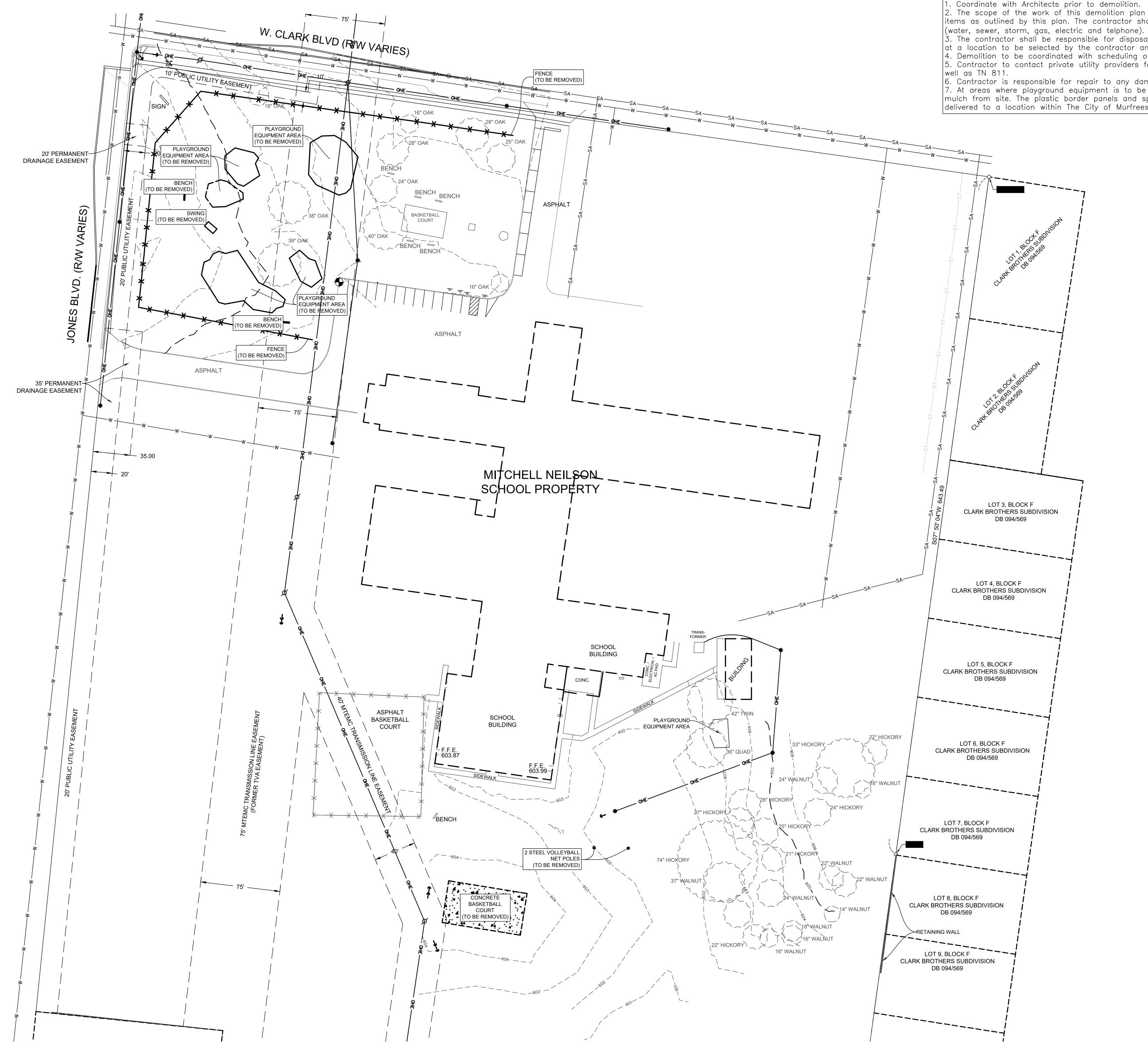


View from the school facing Southwest:



View from the school facing Southeast:





	LEGEND
Ø	Power Pole
- <u></u>	Existing Fire Hydrant
-	Proposed Fire Hydrant
Δ	Reducer
8	Water Valve
\boxtimes	Water Meter
A	Concrete Thrust Block
— <i>W</i> —	—Existing Water Line
	-Proposed Water Line
s-	-Existing Sanitary Sewer Line
<u> </u>	Proposed Sanitary Sewer Line
-SD-	—Existing Stormwater
CB	Existing Catch Basin
S	Existing Manhole
	Proposed Manhole
	-Sewer Line Check Dam
— — — 00— ·	-Existing Contours
	-Proposed Contours
00.0	Existing Spot Elevations
<u>00.0</u>	Proposed Spot Elevations - Siltation Fence
<i>SF</i>	
	(to be installed before grading and left in place until
	a good stand of grass is
	established over all disturbed
	areas.)
INIT. MEAS.	· · · ·
ONCE CONST.	Sindhon i ence (Unce Constructed)
	Turf Reinforcement Mat
allow	Stone Check Dam

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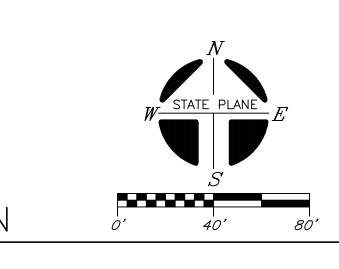
- 1. In Tennessee, it is a requirement per "The Underground Utility Damage Prevention Act" that anyone who engages in Excavation must notify all known underground utility owners, no less than three nor more than ten working days of their intent to excavate. A list of these utilities may be obtained from the County Register of Deeds. Those utilities that participate in the Tennessee One Call system can be notified by calling toll free 1-800-351-1111. 2. Underground utilities shown were located using available aboveground
- evidence, as well as from information obtained from the respective utility companies. The existence or nonexistence of the utilities shown and any other utilities which may be present on this site or adjacent sites should be confirmed with the utility owner prior to commencing any work.
- 3. This property may be subject to additional easements, and/or restrictions, by record or prescription, that a complete title search may reveal.

DEMOLITION NOTES

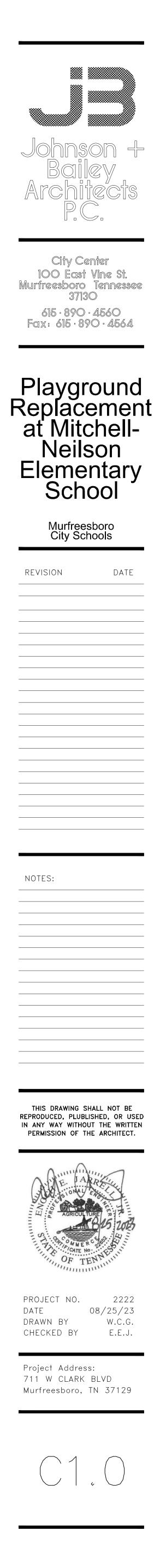
2. The scope of the work of this demolition plan shall include the removal of all items as outlined by this plan. The contractor shall locate all existing utilities

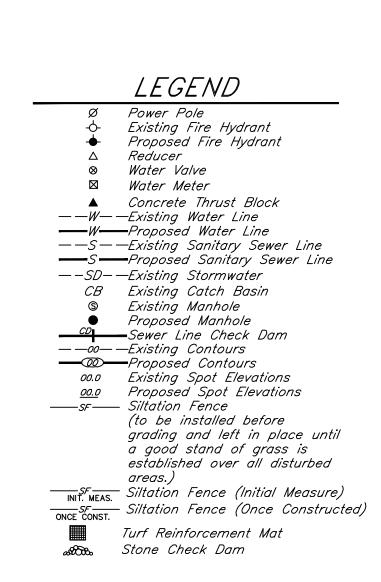
3. The contractor shall be responsible for disposal of demolition materials off-site at a location to be selected by the contractor and approved by the architect. 4. Demolition to be coordinated with scheduling of work. 5. Contractor to contact private utility providers for on site underground utilities as

6. Contractor is responsible for repair to any damage of existing utilities. 7. At areas where playground equipment is to be removed, remove existing wood mulch from site. The plastic border panels and spikes are to be removed and delivered to a location within The City of Murfreesboro as directed by Owner.



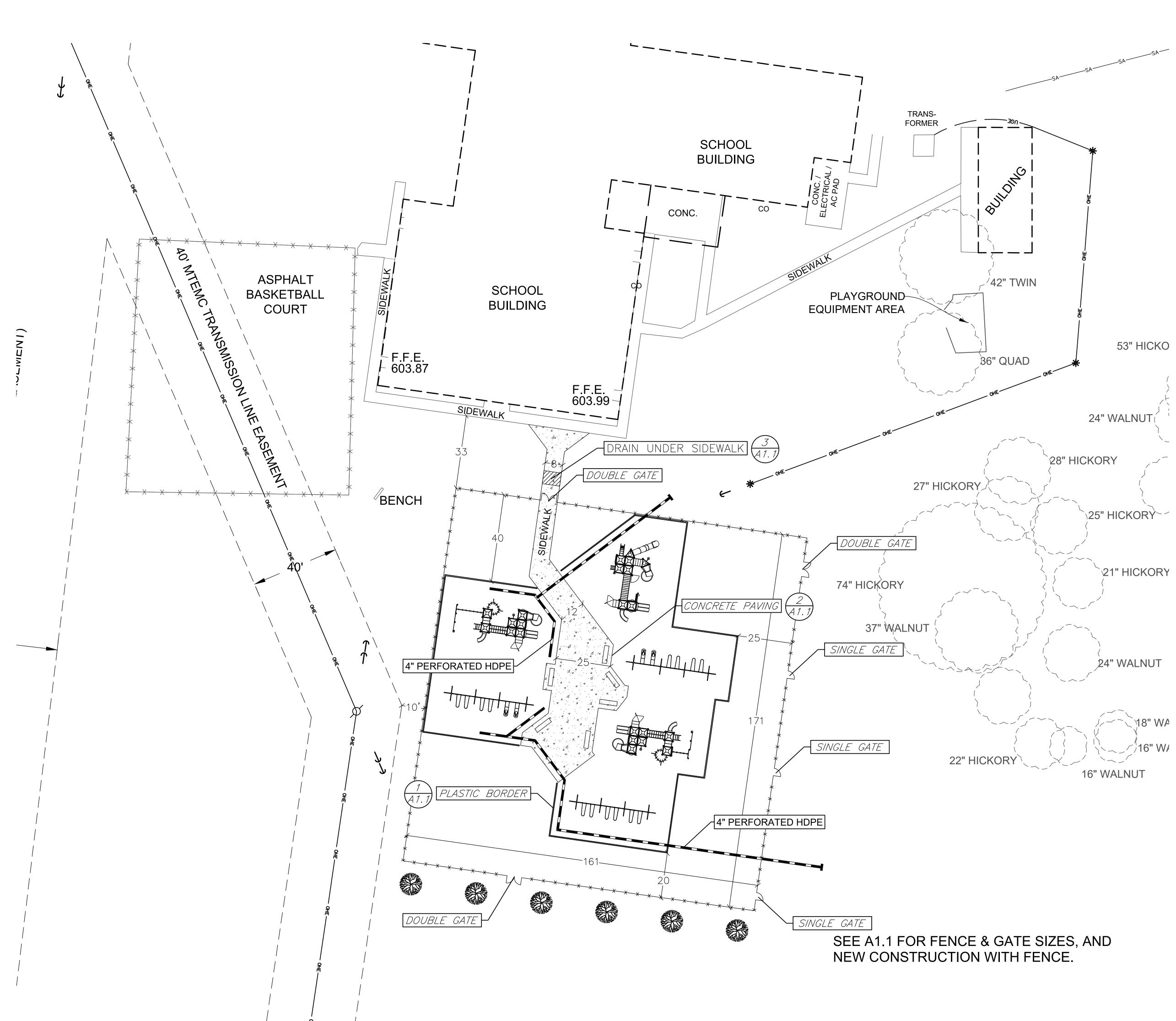




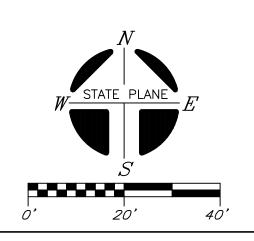


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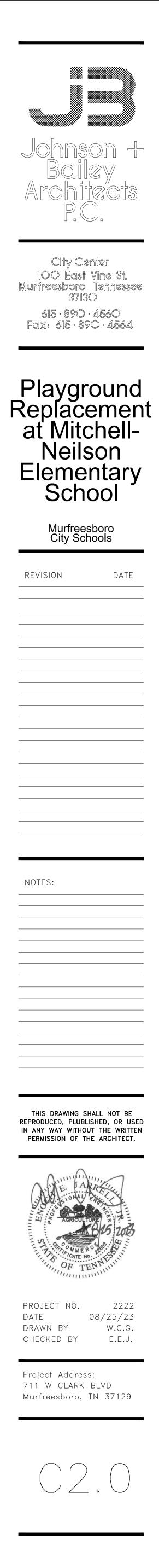
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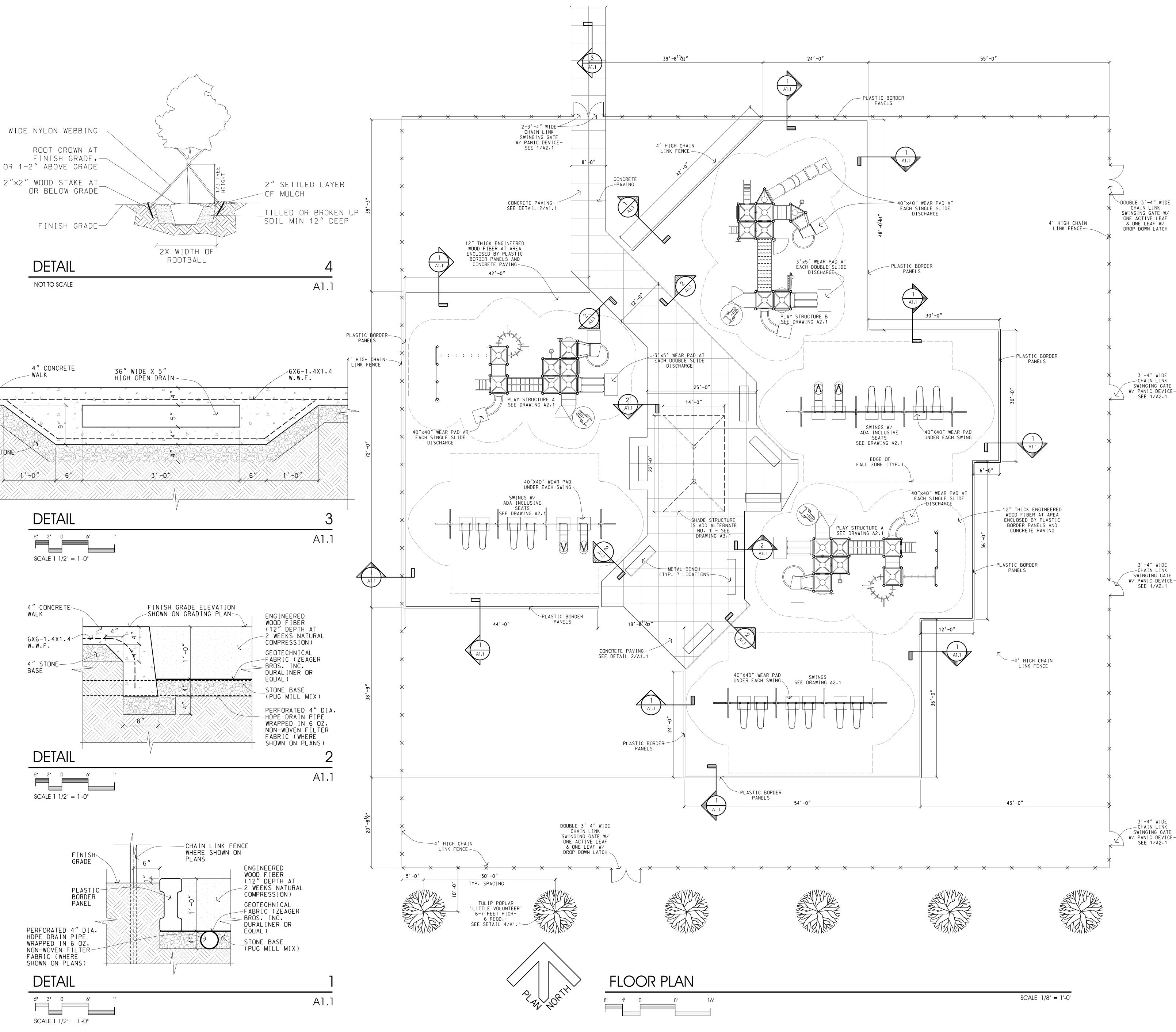


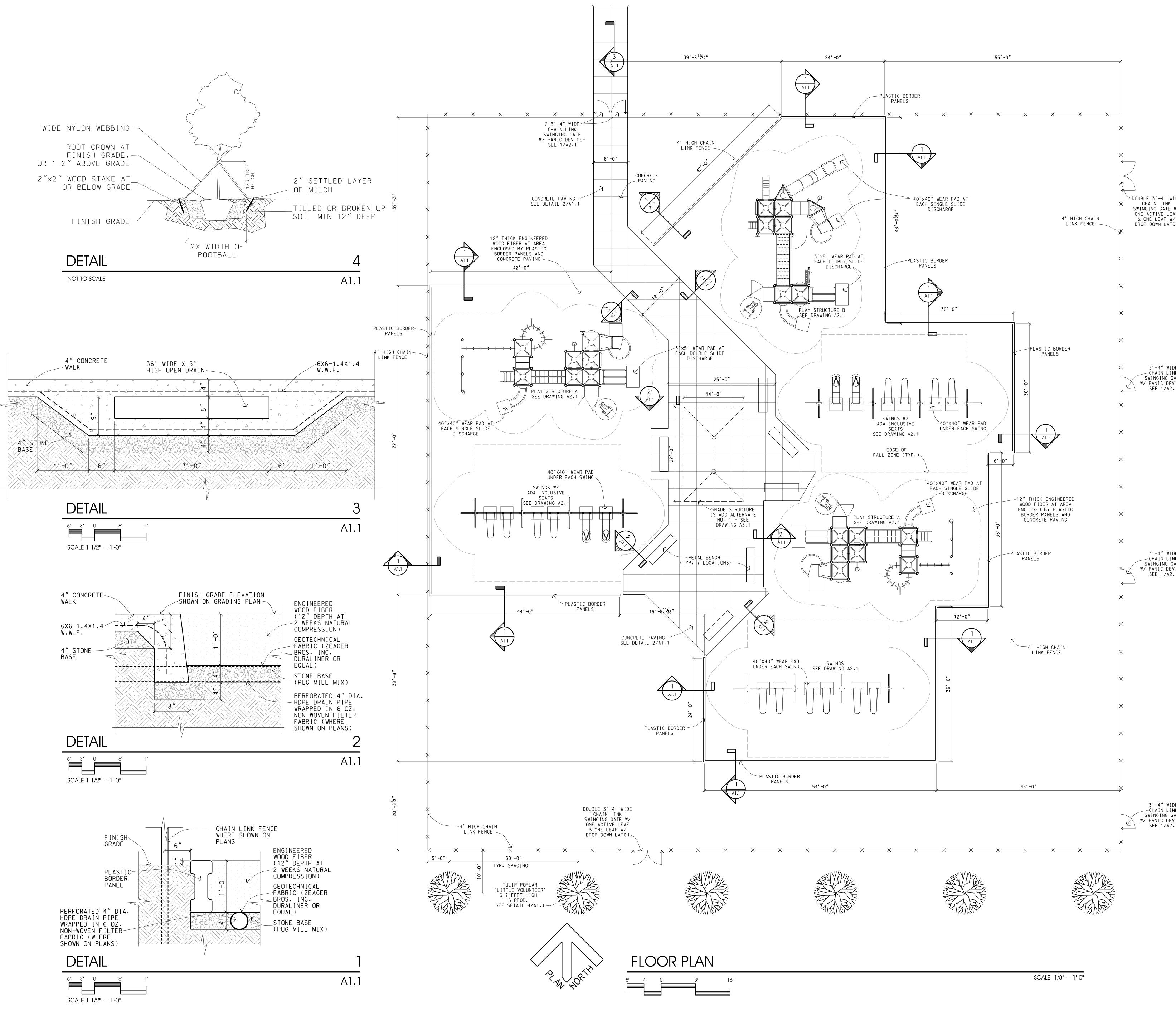
SITE PLAN

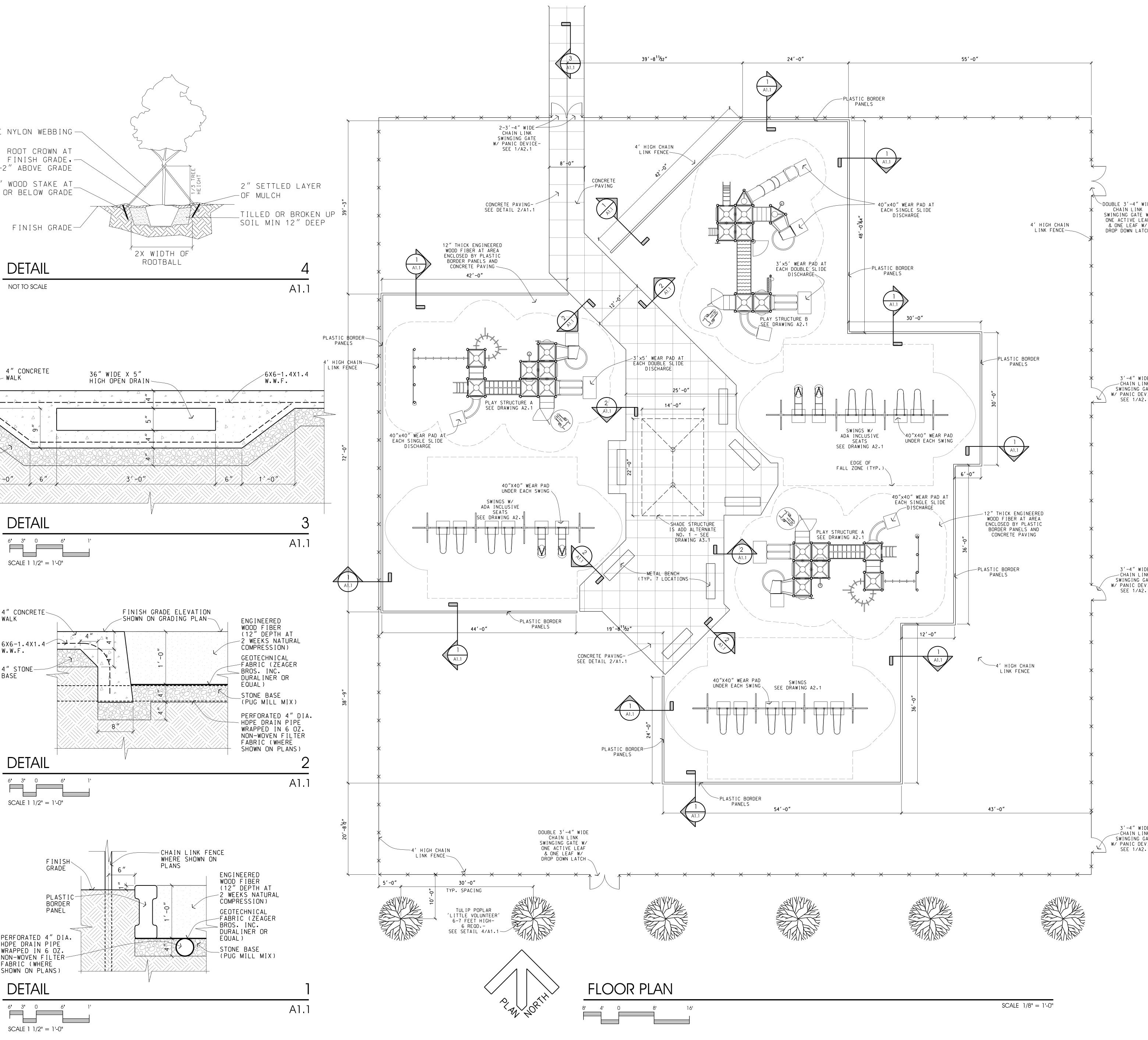


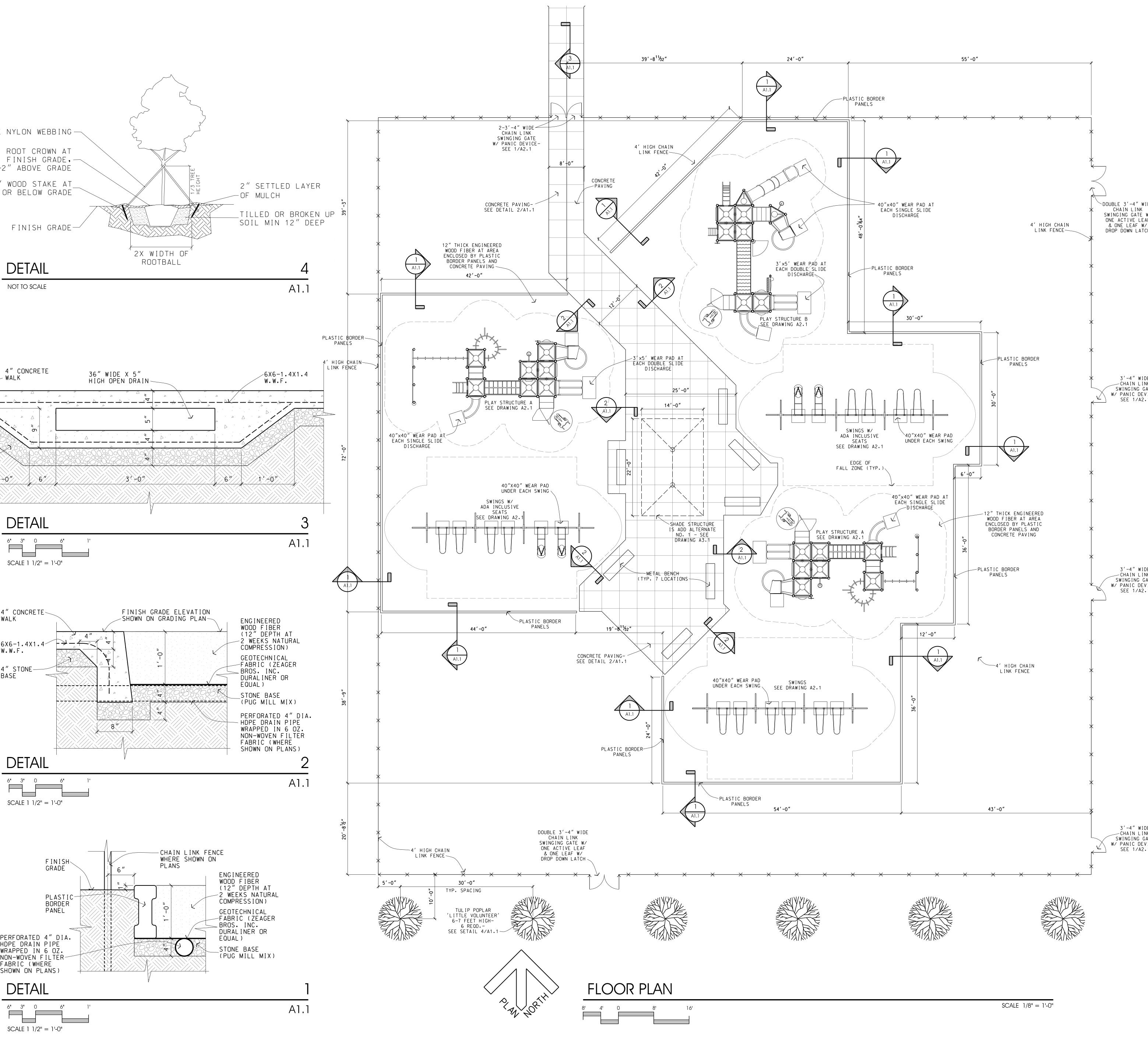












Johnson **vrchitect** P.C. City Center 100 East Vine St. Murfreesboro Tennessee 37130 615 · 890 · 4560 Fax: 615 · 890 · 4564 Playground Replacement at Mitchell-Neilson Elementary School Murfreesboro City Schools REVISION DATE **NOTES**: THIS DRAWING SHALL NOT BE REPRODUCED, PUBLISHED, OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. O LYLE PROJECT NO. 2222 08/25/23 DATE DRAWN BY R.L.L. CHECKED BY K.S.P. A1.1

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SHADE STRUCTURE ELEVATION A



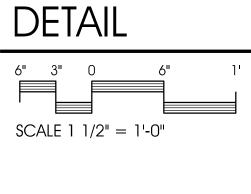
CONCRETE FOUNDATION -SEE DETAIL 1/A3.1~

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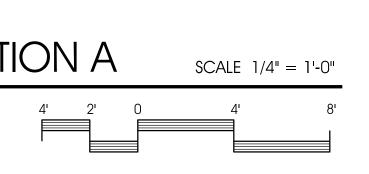
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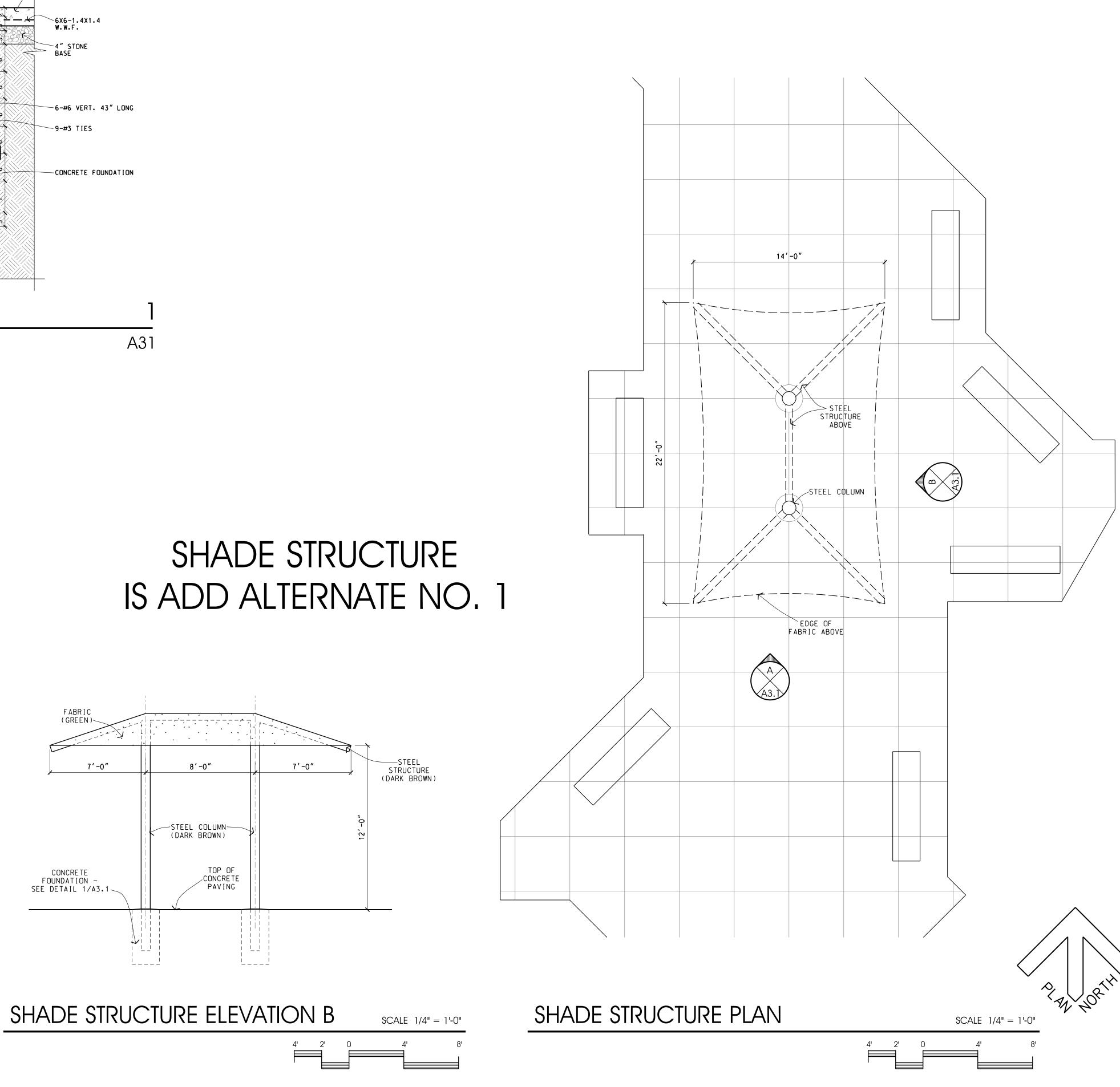
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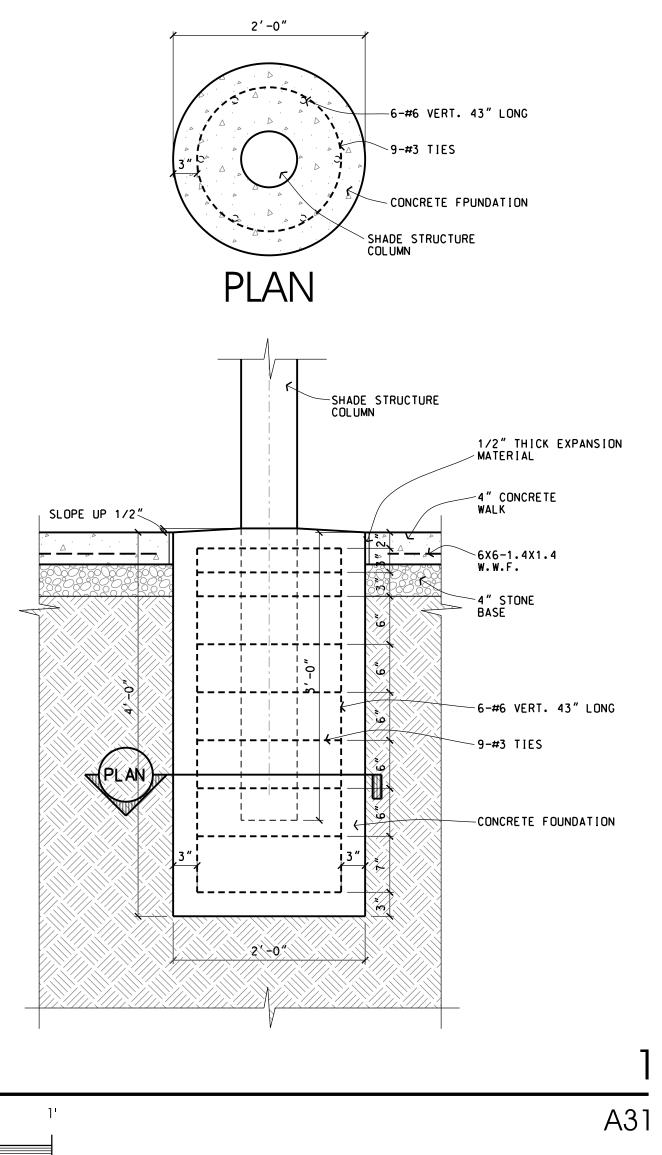


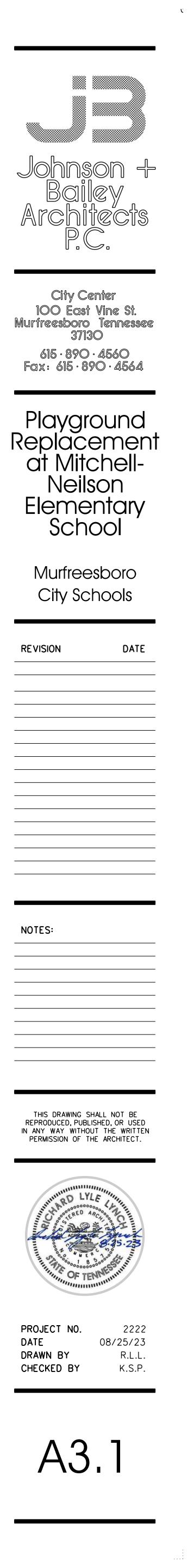
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STEEL STRUCTURE (DARK BROWN)







MURFREESBORO BOARD OF ZONING APPEALS STAFF REPORT October 25, 2023 PROJECT PLANNER: JOEL AGUILERA

Application: Z-23-034

- Location: 1430 Arrowhead Place
- Applicant: Christopher Helstern
- **Owner:** Christopher Helstern
- Zoning: RS-15 (Single-Family Residential- 15,000 square feet minimum lot size)
- **Requests:** A special use permit to establish a home-based business for a nail salon.



Overview of Request

Background

The applicant, Christopher Helstern, is requesting a Special Use Permit (SUP) to establish a nail salon, that will be operated and managed by his daughter, Aubrey Johnson, inside the residence of 1430 Arrowhead Place, located in the Indian Springs subdivision. The subject property is zoned Single Family Residential (RS-15). Because the proposed nail salon business will generate customer traffic, a Special Use Permit is required from the Board of Zoning Appeals pursuant to Section 9 of the Zoning Ordinance.

Summary of Proposed Use

The applicant will remodel the small existing sunroom for the proposed home-based business. Per the applicant's written statement, the proposed nail salon will have one nail technician, Aubrey Johnson, and that there will be no employees besides Ms. Johnson. The days and hours of operation will be from Tuesday through Saturday, 8am to 6pm. The business will operate by appointment only and will have one client at a time on the property. Per the applicant's letter, the business will have no more than 5 clients per day and appointments will be scheduled so that there will be no overlapping appointments. The applicant has stated that the driveway will be used by clients, and that it has adequate parking to accommodate clients so that there will be no parking on the street.

The approximate square footage of the house is 3,324 and the proposed salon will occupy 180 square feet, which equates to 5% of the home's floor area. Per the applicants written summary, no interior modifications will be performed for the proposed nail salon business. The applicant has stated that no plumbing work or electrical will be necessary as the current utilities will be sufficient for the nail salon equipment. No exterior structural modifications are proposed with this application, the sunroom, that will be remodeled for the proposed nail salon, has an existing exterior door for customers, where they will enter. The applicant has stated that one exterior sign will be posted and confirmed that the sign will not exceed the 3 square feet, in conformance with what the Zoning Ordinance allows for a home-based business.

Staff Analysis

Staff has reviewed the application for compliance with the Standards of General Applicability as well as the additional standards for home-based business and believe that the proposed use is compliant with all such standards. Should the BZA determine specific elements to be impactful, the BZA may impose specific conditions to mitigate any potential impacts and ensure the compatibility with the surrounding area.

Relevant Zoning Ordinance Section(s)

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

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

Standards of General Applicability, Section 9 (C), with Staff Analysis:

- 1. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare;
 - Staff has reviewed the application and associated documents, as such staff believes that the proposed use will have no adverse impact on the above-mentioned elements. The nail salon will be operated within the residence, the customers will park on the existing driveway, no exterior building changes are proposed, no noise will be generated, and there will only be one customer at a time at the residence. As proposed and with the recommended conditions of approval, the home-based salon will not have a substantial or undue adverse effect upon the adjacent properties, character of the neighborhood, traffic, conditions, parking, utilities or other matters affecting the public health, safety and general welfare.
- 2. That the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations;
 - Staff has reviewed the application and associated documents, and, as proposed, staff believes that the proposed use will have no adverse impact on the above-mentioned elements. The existing house proposed for the home-based business will remain a residence for the property owner, and no new structures or changes to the house are proposed or needed. The driveway can accommodate four or more vehicles and will be adequate to provide on-site parking for the proposed nail salon. Customers will be allowed by prior appointment only within the time frame specified in the Special Use Permit. Customers will not be permitted on-site except during the approved operating hours. As such, the nail salon will be operated in a manner that will be compatible with the immediate vicinity and not interfere with the development and use of the adjacent properties in accordance with the applicable single-family residential zoning district.

- 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 sewer; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;
 - As proposed, staff believes that there will be no adverse impact on the above-mentioned elements associated with proposed use. For this property, existing services are already provided for this property, parking will be on the existing driveway, the use will not generate significant traffic impacts in the neighborhood because it will be one customer at a time. This standard has been met.
- 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 review of the property, there are no known significant natural, scenic, or historic features existing on the subject property, this standard has been met.
- 5. The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:
 - The proposed nail salon will comply with the additional standards for home occupations discussed below.

Home Occupations – Additional Standards, Section 9(D)(2)(rr), with Staff Analysis

- 1. No person who is not a resident of the dwelling unit may be employed in connection with the home occupation at the dwelling unit or on the property;
 - The applicant has confirmed that the applicant's daughter, Ms. Johnson, will be the only nail technician working at the proposed nail salon.
- 2. One attached business sign, not exceeding three square feet, may be permitted subject to approval by the BZA. Such signs shall not be permitted by right;
 - The applicant has stated that there will be one exterior sign that will be posted for the proposed nail salon. Per the attached exhibit, the sign will not exceed three square feet.

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

- The applicant has confirmed that no exterior modifications to the house or new structures are proposed or needed for the proposed nail salon.
- 4. The home occupation shall be incidental and subordinate to the residential use of the dwelling unit. No more than twenty-five percent (25%) of the area of a residential dwelling unit and accessory structure, if used as part of the home occupation, shall be devoted to the home occupation. In the event the home occupation is to be conducted

totally from within an accessory structure, no more than five hundred square feet of area may be devoted to such home occupation. No more than one home occupation shall be permitted per residential dwelling unit and any related accessory structure;

- \circ Per the attached floor plan with the application materials, the applicant has demonstrated that the proposed use will occupy 180 square feet, which equates to 5% of the home's floor area. This standard has been met.
- 5. No mechanical or electrical equipment may be used in a residential dwelling unit or accessory structure in connection with a home occupation except such types as are customary for domestic, household, or hobby purposes; personal computers and facsimile machines may be used. Machinery that causes noise likely to be heard by neighbors or interference with radio or television reception shall be prohibited;
 - The proposed nail salon will use small, incidental nail salon equipment such as portable sink, manicure table, bowl, pedicure chair, and common salon accessories. No noise will be generated or audible outside of the residence.
- 6. There shall be no storage outside a principal building or accessory structure of equipment or materials used in connection with the home occupation;
 - The applicant has confirmed that there will be no outside storage of goods or materials in connection to the purposed use.
- 7. There shall be adequate provision for any traffic generated by such home occupation including off-street parking if required by the BZA;
 - Staff believes that this standard has been met as there will be adequate parking on the property. No additional parking on site is needed nor parking in the public right-of-way.
- 8. Group instruction in connection with the home occupation may be permitted subject to approval by the BZA. For the purposes of this subsection, instruction shall be group instruction if it involves more than two students at any time. The BZA may place a maximum number of students that may be on-site at any time and may establish limitations on the frequency of such group instruction.
 - This requirement is not applicable to this application as there will not be any students or group instruction involved for this use.
- 9. The following activities and land uses shall not be permitted as home occupations: automotive repair (body or mechanical), upholstery or painting, kennels, taxi service, gun dealers, or charter bus service;
 - \circ This requirement is not applicable to this application. This request is for a nail salon, and not any of the above uses.

- 10. The BZA may require additional standards in order to assure the compatibility of the home occupation with other property in the vicinity of the home occupation and to assure the residential character of the neighborhood is maintained.
 - Included with the staff report are recommended conditions of approval for the Special Use Permit to ensure the residential character of the neighborhood will be maintained. Staff recommends the condition of approval that the Special Use Permit, if approved, cease with the property upon sale or transfer of property ownership. The applicant understands this requirement.

Staff Comments:

Because the proposed home-based business to operate nail salon meets the Standards of General Applicability and the Additional Standards for Home Occupations, staff recommends approval of the Special Use Permit subject to the following conditions of approval.

Recommended Conditions of Approval:

- 1. Customer visits shall be by appointment only.
- 2. No more than one customer at a time shall visit the home-based business, and there shall be no overlapping of customer appointments.
- 3. Any proposed signage shall comply with the Zoning Ordinance, including that it must be attached and cannot exceed three square feet. Signage shall be subject to any applicable permitting requirements.
- 4. The home-based business hours of operation shall be from 8:00am to 6:00pm Tuesday, Wednesday, Thursday, Friday, and Saturday. The business shall be closed on Sunday and Monday and shall not be in operation before 8:00 AM or after 6:00 PM on any other day of the week. In addition, customers shall not arrive on any day before 8:00 AM and shall depart no later than the closing times listed above.
- 5. All parking associated with the in-home nail salon shall only be on the driveway on the subject property.
- 6. Should any electrical, plumbing, mechanical, etc., be required, the applicant shall apply for the required permits prior to commencing home-based business salon work and pass all required inspections with the Building and Codes Department prior to the opening of the business at this location.
- 7. Applicant shall include a signed copy of the BZA approval letter with the business license application materials.
- 8. The special use permit shall lapse upon sale or transfer of the property.

Attached Exhibits

- 1. BZA procedure form
- 2. Supporting evidence document
- 3. BZA Application



Board of Zoning Appeals Procedure Form

Request for Home Occupation

This form only pertains to *special use permit requests for the Board of Zoning Appeals*. The information contained in this document shall not be considered exhaustive and shall only serve to summarize the details of the special use permit request for the Board of Zoning Appeals and Planning Department staff. Additional information may be requested during the review process as determined by the zoning administrator.

Date: 10/5/2023

Applicant name & title: Christopher Helstern, PhD, CHP Planner name:

Application request: <u>Nail salon in residential home</u>

Purpose of request: <u>To establish a nail salon in residential home to provide nail services (i.e.,</u> manicures, pedicures, etc.) to customers.

Section 8 – Procedure for Uses Requiring Special Use Permits

a) Name, address, and telephone number of the *applicant*

Christopher Helstern
1430 Arrowhead Place Murfreesboro, TN 37129
(615) 601-5168

- b) Nature and extent of applicant's ownership interest in subject property Open nail salon in my home
- c) Site plan to be submitted for review by City Staff and Board of Zoning Appeals
- d) Address of the site of the proposed special use
- e) Vicinity map showing the property of the proposed special use and all parcels within a five-hundred-foot radius



- f) Zoning classification the property of the proposed special use
 <u>RS 15</u>
- g) The property of the proposed special use shall have the following characteristics:
 - Hours and days of operation
 <u>8 am 6 pm; Tuesday through Saturday</u>
 - 2) Duration of the proposed special use Indefinite
 - Number of expected patrons that will be expected to utilize the property of the proposed special use
 Maximum five clients per day
 - Projected traffic that will be expected to be generated by the proposed special use One client every couple hours
- h) Potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposes to eliminate or minimize them
 <u>No harmful characteristics. Room utilized for nail salon located at the back of the property and not visual from the street. Adequate parking on property, which will not result in obstruction of traffic.</u>

Section 9 – Standards for Special Use Permits

Standards for General Applicability.

An applicant for a special use permit shall present evidence at the public hearing on such special permit. Please explain how you will comply with the following standards:

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

No adverse effects. Nail salon will be in a small room on backside of the property and not visible from the street. Adequate parking on property with only one customer at a time.



- 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; <u>This salon will be compatible as it is located in an already existing room on the property.</u>
- 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; <u>This will be served adequately as it is an already existing room on the property with no structural changes (i.e., interior and exterior) to be performed.</u>
- 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, <u>No destruction, loss, or damage as this salon will be in an already existing room on the</u> property with no structural changes (i.e., interior or exterior) to be performed.
- 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. <u>This salon will comply with all additional standards as it is an existing room with no</u> <u>structural changes (i.e., interior or exterior) to be performed.</u>

Standards for (rr) Home occupations

Please explain how you will comply with the following standards:

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

The salon will be run by my daughter, Aubrey Johnson, who is a resident of the property. My daughter will be the only individual working in the salon.



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

Exterior sign will not exceed three square feet.

[3] there shall be no alteration of the residential building which changes the character as a dwelling. No display of products shall be visible from the street;

There will be no alterations (i.e., exterior) performed and no products will be for sale.

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

Residential dwelling unit and accessory structure = 3324.87 sq ft Proposed room for salon (i.e., sunroom) = 180.7 sq ft; Percent usage: 180.7/3324.87 =**5.43%**; Therefore the salon will occupy < 25%.

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

There will be no mechanical or electrical equipment used except customary domestic and household items (i.e., manicure table, pedicure chair) There will be no machinery that causes noise likely to be heard by neighbors or interferes with radio or television.



[6] there shall be no storage outside a principal building or accessory structure of equipment or materials used in connection with the home occupation;

There will be no storage outside of equipment for the home occupation. Minimal storage is required for nail salon supplies.

[7] there shall be adequate provision for any traffic generated by such home occupation including off-street parking if required by the BZA;

There will be minimal traffic generated as it will be one client per session. There will be no street parking as the property as adequate parking in the current driveway.

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

No group instruction will be performed.

- [9] the following activities and land uses shall not be permitted as home occupations:
- [a] automotive repair (body or mechanical), upholstery or painting;
- [b] kennels;
- [c] taxi service;
- [d] gun dealers; or,
- [e] charter bus service;



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

The additional standard will be met if required by BZA. There will be no structural changes (i.e., interior or exterior) that would cause the structures not to mee the residential character of the neighborhood.

Date: 10/5/2023

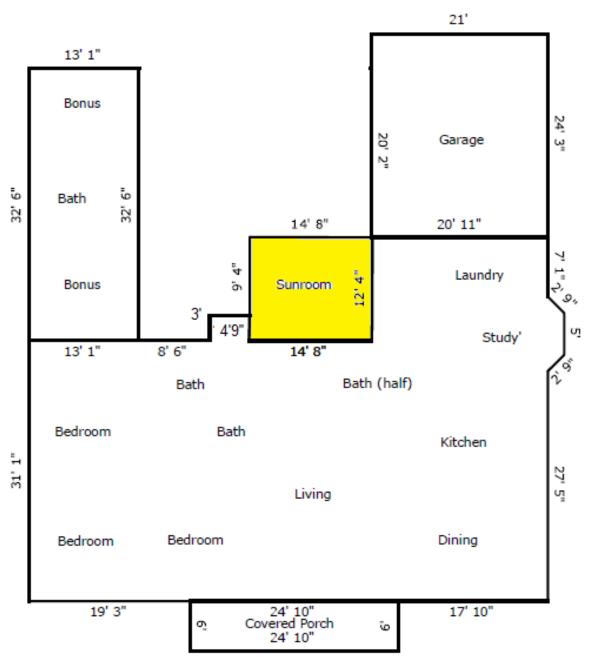
Applicant signature:

Nails by Aubrey J, LLC

Nails by Aubrey J, LLC is a planned home-based business that will provide nail services at 1430 Arrowhead Place, Murfreesboro TN 37129. Services will consist of manicures and pedicures and will not include sale of any products.

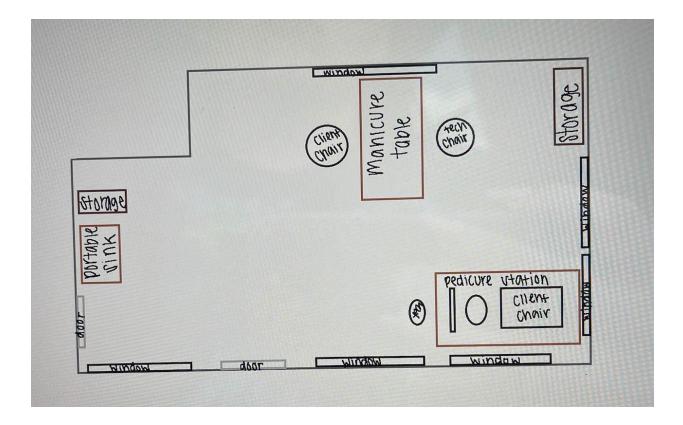
- Single Nail Technician Nail Salon; Aubrey Johnson, Resident of 1430 Arrowhead Place, Murfreesboro TN 37129, will be the only individual working in the nail salon.
- Hours of Operation will be Tuesday, Wednesday, Thursday, Friday, and Saturday 8am 6pm by appointment only. No walk-in clients, with up to 5 clients per day. Only one client appointment will be scheduled at a time with no overlap between clients.
- The residential dwelling unit and accessory structure has a total of 3324.87 ft² and a total of 180.7 sq ft² will be used for in-home nail salon area. This equates to 5.43 % of the total residential dwelling unit and accessory structure. Nail salon area will not exceed 25% of residential dwelling unit and accessory structure.
- Street parking will not be necessary as 1430 Arrowhead Place, Murfreesboro TN 37129 has ample parking to accommodate one client at a time. Front of the driveway (i.e., furthest from the street) will be designated for client parking.
- Clients will enter from an exterior door located on the backside of the unit dwelling directly into the nail salon area. Clients will not enter the residential dwelling and accessory structure from any other entrance.
- No exterior or interior remodeling to be performed. No plumbing work will be performed as a
 portable sink will be used. No electrical work will be performed as the nail salon room has
 adequate electrical outlets (i.e., 120V) to supply standard nail salon equipment (i.e., LED nail
 lamp, nail drill, UV sanitizer, etc.).
- One exterior sign will be posted not to exceed three square feet.
- Noise will not be an issue as the loudest equipment is a standard nail drill.
 - Equipment to be used:
 - Portable Sink
 - Manicure Table
 - Manicure Bowl
 - Nail Drill
 - Pedicure Bowl
 - Pedicure Chair
 - Nail Technician Chair
 - UV Sanitizer
 - LED Nail Lamp
 - Nail Implements (i.e., cuticle pusher, cuticle nipper, toenail clippers, cuticle scissors)
 - Barbicide Jar to sterilize nail implements
 - Blood exposure kit
 - Waste containers
 - Linen containers
 - Sharps container

by appointment only by anny f Qnailby aubreyi



1430 Arrowhead Place Murfreesboro, TN 37129

Proposed Space for Nail Salon









City of MurfreesboroHEARING REQUESTBOARD OF ZONING APPEALSAPPLICATION	Murfreesboro
Location/Street Address:1430Arroubeed PlaceTax Map:Group:Parcel:Zoning District:R (5-1)	Board of Zoning Appeals
Applicant: Christophie Helskin E-Mail: nails byachreyildsaulier Address: 1430 Accorded Place Phone: 615-601-5768 City: Mufreesborg State: TN Zip:37129	City
Property Owner: Christopher Helstern Address: 1430 Arro-hied Place Phone: 615-601-5168 City: Multicator o State: IN Zip:7712 a	MURFREESBORO
Request: Nail Salon in residential home	TENNESSEE
Zoning District: R 5-15 Applicant Signature: Date: 1016123	HEARING APPLICATION AND
Received By: AF Receipt #: \$30185 Application #: Z-23-034 Date: 10/6/23	GENERAL INFORMATION

DRAFT **BZA Dates & Deadlines**

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2024

BZA meeting dates are in boxes. Submittal deadlines are in circles.

Applications must be submitted no later than 3:00PM on the submittal deadline.

BZA meetings will start promptly at 1:00PM. The meetings are held at City Hall in Council Chambers located at 111 West Vine Street.

Meetings and submission dates are subject to change. Please contact the Murfreesboro Planning Department to confirm dates and submittal deadlines at 615-893-6441 or by email to planning@murfreesborotn.gov

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CITY OF MURFREESBORO 2024 BOARD OF ZONING APPEALS (BZA) CALENDAR				
Monthly Submittal Deadline (3:00 PM)	BZA Meeting Date (1:00 PM)			
January 5	January 24			
February 9	February 28			
March 4	March 21 (Thursday)			
April 8	April 24			
May 6	May 22			
June 10	June 26			
July 8	July 24			
August 12	August 28			
September 9	September 25			
October 7	October 23			
November 8	November 26 (Tuesday)			
December 2	December 19 (Thursday)			