

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, April 24, 2024, 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. Public Comments
4. Consideration of minutes for the regular meeting on March 21, 2024
5. New Business

Special Use Permit Requests

- a. **Application Z-24-005 by Mr. Michael Sandifer, representing Vogue Towers II, LLC**, is requesting a special use permit in order to construct a 125-foot-tall wireless telecommunications tower in a Highway Commercial (CH) zone on property located at 710 Memorial Boulevard. All interested parties are invited to attend. (Project Planner: Brad Barbee)
- b. **Application Z-24-006 by Mr. Bradley Chambers**, is requesting a special use permit in order to conduct a home occupation (a real estate and construction office) in a Single-Family Residential (RS-10) zone on property located at 2123 Middle Tennessee Boulevard. All interested parties are invited to attend. (Project Planner: Joel Aguilera)
- c. **Application Z-24-007 by Mr. Percy L. Jenkins, Jr., representing Mr. Percy L. Jenkins, III**, is requesting a special use permit in order to construct and establish an accessory apartment in a Single-Family Residential (RS-15) zone on property located at 2729 Jim Houston Court. All interested parties are invited to attend. (Project Planner: Joel Aguilera)
- d. **Application Z-24-008 by Mr. Brian Vaughn**, is requesting a special use permit in order to construct and establish an accessory apartment in a Single-Family Residential (RS-8) zone on property located at 133 January Street. All interested parties are invited to attend. (Project Planner: Joel Aguilera)

- e. **Application Z-24-009 by Mr. Marc McAlpine, representing Belle Aire Baptist Church**, is requesting a special use permit in order to expand an institutional group assembly use (a church) in Single-Family Residential (RS-15) and Multi-Family Residential (RM-12) zones on property located at 1307 North Rutherford Boulevard. All interested parties are invited to attend. (Project Planner: Richard Donovan)
6. Staff Reports and Other Business
 7. Adjourn

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

March 21, 2024; 1:00 PM

Members Present:

Ken Halliburton, Vice-Chair

Misty Foy

Tim Tipps

Staff Present:

Matthew Blomeley, Assistant Planning Director

Richard Donovan, Principal Planner

Roman Hankins, Assistant City Attorney

Ashley Fulghum, Recording Assistant

Members Absent:

Davis Young, Chair

Julie King

1. Call to Order:

Vice-Chairman Halliburton called the meeting to order.

2. Determination of a quorum:

Vice-Chairman Halliburton determined that a quorum was present.

3. Public Comments:

None

4. Consideration of Minutes:

Mr. Tim Tipps motioned to approve the minutes of the February 28, 2024 BZA meeting; the motion was seconded by Ms. Misty Foy and carried by the following vote:

Aye: Misty Foy
 Vice-Chairman Ken Halliburton
 Tim Tipps

Nay: None

MURFREESBORO BOARD OF ZONING APPEALS MINUTES

March 21, 2024

5. New Business:

a. Application [Z-24-004] by Ms. Davina Ikponmwosa is requesting a special use permit in order to operate a family daycare home in a Duplex Residential (RD) zone on property located at 2537 Summit Court.

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

Ms. Davina Ikponmwosa was present to answer questions.

Vice-Chairman Halliburton inquired about both the current and proposed use of the property. Ms. Ikponmwosa confirmed that she is requesting to care for seven children and stated that she does not currently have any type of childcare service there on the property.

There was further discussion about the number of children that would be cared for at this location.

Mr. Tipps asked if there was a limit on the number of employees for a family daycare home. Mr. Blomeley replied that there is not a maximum and that it would be at the Board's discretion to limit the number of employees, if it so chooses.

Mr. Tipps inquired about the screening process for tenants in the adjacent unit at 2539 Summit Court. Ms. Ikponmwosa responded that she does background checks on tenants for safety.

Vice-Chairman Halliburton opened the public hearing.

There being no one to speak for or against the request, Vice-Chairman Halliburton closed the public hearing.

Mr. Tipps motioned to approve the special use permit subject to all recommended conditions listed in the staff report; the motion was seconded by Ms. Foy and carried by the following vote:

Aye: Misty Foy
 Vice-Chairman Ken Halliburton
 Tim Tipps

Nay: None

6. Staff Reports and Other Business:

Mr. Blomeley spoke about continuing education opportunities for the Board members.

MURFREESBORO BOARD OF ZONING APPEALS MINUTES
March 21, 2024

7. Adjourn:

There being no further business, Chair Young adjourned the meeting at 1:19pm.

CHAIRMAN

SECRETARY

DRAFT

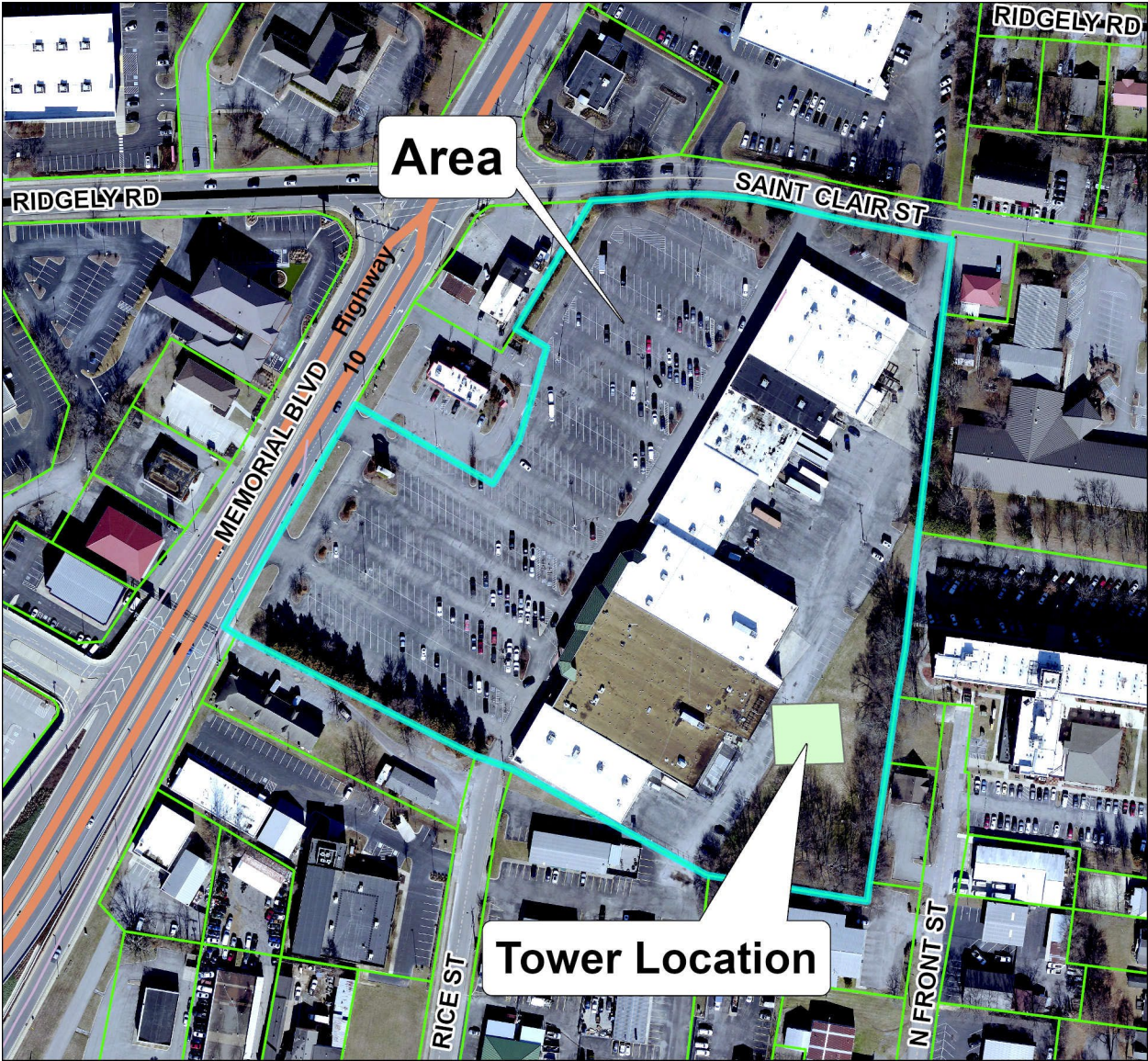
MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

APRIL 24, 2024

PROJECT PLANNER: BRAD BARBEE

- Application:** Z-24-005
- Location:** 710 Memorial Boulevard
- Applicant:** Michael Sandifer, Representing Vogue Tower Partners VII, LLC.
- Zoning:** Commercial Highway (CH) District
- Requests:** A special use permit to allow a 125-ft tall wireless telecommunications tower



The applicant is requesting a special use permit to construct a telecommunication facility located in the southeastern corner of the property. They propose to build a 120-foot monopole tower with an additional 5ft tall lighting rod (125ft total height) that will allow for co-location of three telecommunication carriers. Associated ground equipment, an equipment fence enclosure (8-foot height fence), dense shrubbery for screening, and driveway access with one parking stall are also proposed. Any extensions of height for future equipment above 125 feet would have to be approved by the BZA with a new special use permit.

The property is an irregularly shaped lot located along the eastern side of Memorial Boulevard and south of Saint Clair Street. The adjacent property to the east is owned by the City of Murfreesboro and is developed with the Saint Clair Street Senior Center and is zoned Office General-Residential (OG-R) along with the Murfreesboro Housing Authority's Westbrook residential towers. Also on the eastern side of the subject property are several small businesses that are located in the Commercial Highway (CH) zone along with the properties to the south which includes the Rutherford County Archives. Across Saint Clair Street to the north is Nissan of Murfreesboro and across Memorial Boulevard to the west are multiple businesses including First Bank on the corner of Memorial Boulevard and Ridgely Road which are also zoned Commercial Highway.

Relevant Zoning Ordinance Section

The following are the relevant sections from the Murfreesboro Zoning Ordinance that apply to wireless telecommunications towers:

Section 9(C): General Standards of Applicability

Section 9(D)(ccc): Additional Standards for Wireless communication towers and antennas

Section 31 Wireless: Telecommunications Towers and Antennas

The Standards of General Applicability relating to Special Use Permits, Standards for Telecommunication Towers, and the Standards set forth in Section 31, are listed below with analysis from staff on how the proposed use meets the standards.

Standards of General Applicability with Staff analysis.

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

Staff has reviewed the application and associated documents and believes that this standard has been met because the site is unmanned and will provide parking on the site for regular monitoring and maintenance personnel. The required utilities are already present on the property. In addition, the site is located between the rear of an existing shopping center and a mature tree line. Additional fencing and screening are also proposed to further buffer any potential negative effects of the project from the neighboring properties.

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

Staff has reviewed the application and associated documents and believes that this standard has been met because the City Engineer has reviewed the engineering data submitted for the monopole design and approved a reduced fall zone area based on the data provided. This facility should not interfere with the development or use of adjacent property. The facility is unmanned and is only visited occasionally for maintenance and upkeep. It will be screened on all four sides and no lighting is proposed or required.

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

Staff has reviewed the application and associated documents and believes that this standard has been met because existing services are provided to the property already, parking will be provided as a part of the required site plan or are already in place for a technician to visit the location every 4 to 6 weeks, and the development will be unmanned and will not significantly impact City and other services.

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

Staff has reviewed the application and associated documents and believes that this standard has been met because no features of significant natural, scenic, or historic importance have been identified on the subject property or in the immediate vicinity.

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

Staff has reviewed the application and believes that it complies with the additional standards of the Zoning Ordinance listed below.

Additional Standards for Wireless Communications Towers and Antennas with Staff Analysis.

(1) Towers shall not be located in the approach or landing zone of an airport or heliport;

Staff has reviewed the application materials and believe that this standard has been met as the applicant has provided a FAA “Determination of No Hazard to Air Navigation” (2024-ASO-1804-OE) for approval from FAA.

(2) The application for a special use permit shall be accompanied by the written recommendations of appropriate state and federal agencies;

Staff has reviewed the application materials and believes this standard has been met as the FAA has provided its approval for the height of 125ft.

(3) In the event any tower is to be equipped with hazard lights, the use of white strobe lights shall be restricted to daylight hours;

Staff believes that this standard has been met as the FAA has not required any lighting on the tower and the applicant has indicated that none will be installed.

(4) The BZA may place restrictions on the manner (and color) in which the tower can be painted, within the parameters of applicable state and federal regulations;

Staff believes that this standard has been met as the applicant has indicated that they do not intend to paint the tower and it will be galvanized metal.

(5) The BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties, subject to T.C.A. §13-24-301 et seq.

Staff believe that this standard has been met as the applicant indicates that they will comply with any additional standards required by the BZA.

(6) The applicant must demonstrate compliance with Section 31(E).

Staff believes that the application complies with Section 31(E). See below.

Section 31(E) Standards

- (1) Antenna-supporting structures must be set back a distance equal to its height from any property line. The City Engineer may modify the setback requirement if the applicant demonstrates that the antenna-supporting structure can withstand the wind load for the design storm event applicable to Murfreesboro as provided in the most recent version of ANSI/TIA/EIA-222, Structural Standards for Steel Antenna Towers and Antenna Support Structures, which document is hereby incorporated by reference, or if the applicant demonstrates that the fall zone of the tower is less than the tower's height.**

Staff believes that this standard has been met because the City Engineer has reviewed the engineering data submitted for the monopole design and approved a reduced fall zone area based on the data provided. The tower is proposed to be setback no less than the radius of the fall zone from any property line.

- (2) A fence not less than eight (8) feet in height from finished grade must be installed so as to enclose the base of the antenna-supporting structure and associated equipment enclosures. Access to the antenna-supporting structure must be controlled by a locked gate.**

Staff believes that this standard has been met as an 8ft tall vinyl coated, double slatted, chain link fence is proposed to enclose the base of the antenna-supporting structure and associated equipment enclosures.

- (3) A landscaping and vegetative buffer shall be installed to reduce visibility from the public ROW and the surrounding properties. A natural vegetative buffer may be substituted for the buffering and landscaping requirements subject to the approval of the Development Services Division and the BZA to ensure that it is sufficient to provide the required screening.**

Staff believe that this standard has been met as a landscape plan that proposes the installation of a vegetative buffer a row of 6ft tall Green Giant Arborvitae, in addition to the existing vegetation along the eastern property line and the existing showing center to the west that will provide adequate screening.

- (4) The application shall show that the FAA has approved the height of the tower and has issued any license necessary to operate the tower.**

Staff believes that this standard has been met as the applicant has received FAA approval (2024-ASO-1804-OE).

- (5) No lights, signals, or other illumination are permitted on any antenna-supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the FAA or the FCC.**

Staff believe that this standard has been met as no such items are required by the FAA per their letter referenced in standard 4 and in addition the applicant has indicated that they will comply with this standard if needed.

- (6) Antenna-supporting structures must be designed to accommodate future collocation for at least three (3) antennae. As a condition of approval under this Section, the applicant must submit a shared use plan.**

Staff believes that this standard has been met because the antenna support structure is designed to support a minimum of three (3) antennae. In addition, the business model for Vogue towers is to provide structures for shared use by multiple providers.

- (7) The maximum height of respective antenna-supporting structures shall be as determined by the Board of Zoning Appeals as a part of the special use permit process. However, no special use permit shall grant authority for such a structure to exceed the maximum height requirements denoted in the Airport Overlay District regulations.**

Staff believes that this standard has been met as the applicant has received FAA approval (2024-ASO-1804-OE).

Staff Comments

Based on the application materials and plans submitted, the 125-foot-tall telecommunications facility meets the requirements outlined in the general standards of applicability for a special use permit, the additional standards for a telecommunication tower, and the standards required by the Murfreesboro Zoning Ordinance, Wireless Telecommunications Towers and Antennas Section 31(E).

If the Board wishes to approve the requested SUP, staff recommends the following conditions of approval be required:

RECOMMENDED CONDITIONS OF APPROVAL:

1. Fence shall be vinyl clad, double slatted to minimize views of the equipment from rights-of-way and adjacent properties.
2. Applicant shall obtain all necessary permits and inspections for the proposed tower and associated structures.
3. Prior to applying for building permit, applicant shall obtain approval of a Site Plan for the proposed development to the Murfreesboro Planning Department. Improvements depicted on the approved site plan shall be constructed simultaneously with the tower, including but not limited to required fencing and landscaping.
4. The maximum height of the monopole and telecommunication antenna structures and all appurtenances or accessory equipment shall not exceed a total of 125 feet.
5. Discontinuance: In the event of discontinuance of the Telecommunication Facility, the facility owner shall comply with the requirements of City of Murfreesboro Zoning Ordinance, Chapter 31 for notification, declaration, and removal of the wireless facility.

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

Attached Exhibits:

- Photo simulation of tower from right-of-way viewpoints
- Site Plan and Elevations
- Applicant letter
- Structural Design Fall Zone Report
- FAA No Hazard to Air Navigation
- Application

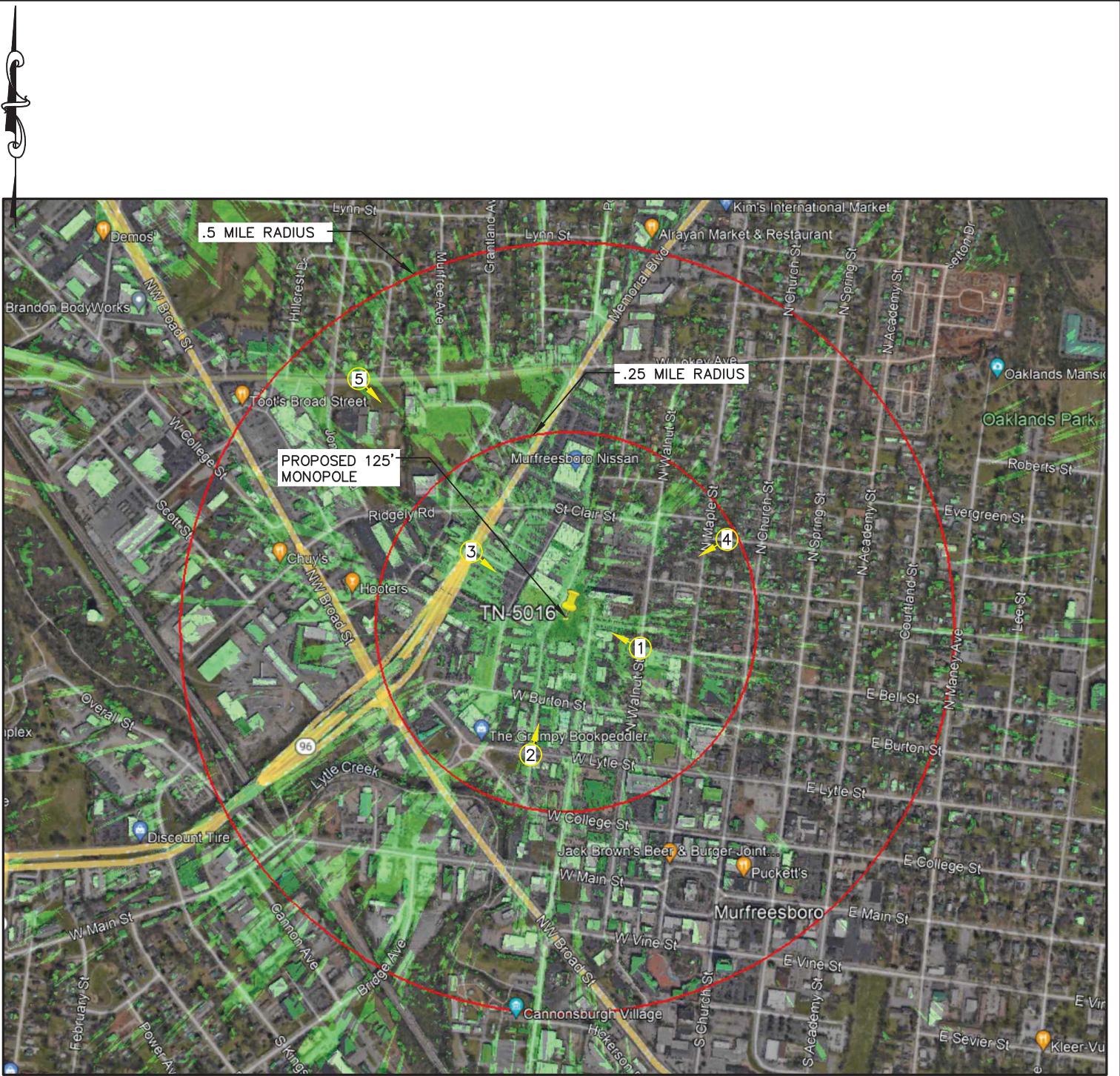



PHOTO LOCATION PLAN
NO TO SCALE

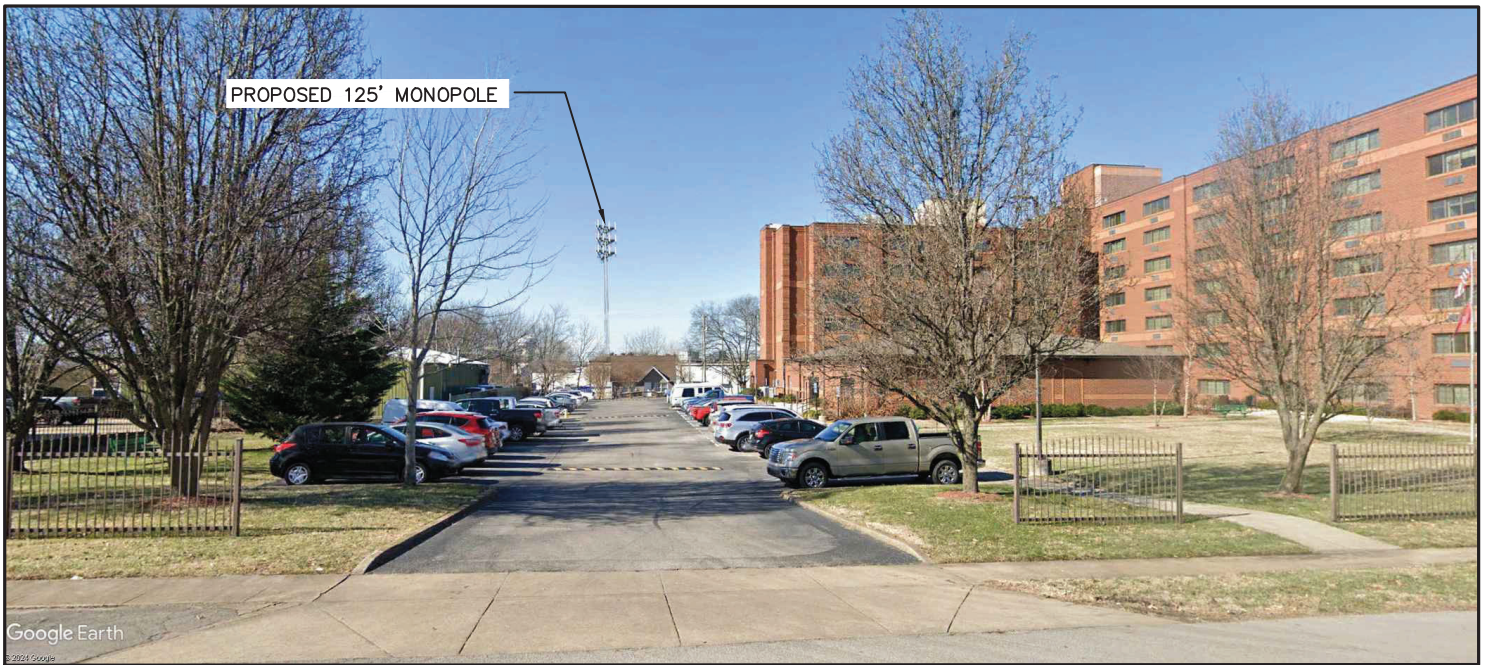
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DRAWN BY: T.J.A.	CHECKED BY: M.S.	SCALE: AS SHOWN	DATE: 03/13/24	JOB NO.: 15228.134	DRAWING NO.: PHOTO SHEET 1	



Google Earth
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EXISTING PHOTO LOCATION #1



Google Earth
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PROPOSED PHOTO LOCATION #1



PROJECT:

PHOTOSIMS
SITE NAME: MAPLE ST
710 MEMORIAL BLVD
MURFREESBORO, TN 37133

DRAWING TITLE:

PHOTO LOCATION #1

DRAWN BY:
T.J.A.

CHECKED BY:
M.S.

SCALE:
AS SHOWN

DATE:
03/13/24

JOB NO.:
15228.134

DRAWING NO.:
PHOTO SHEET 2



EXISTING PHOTO LOCATION #2



PROPOSED PHOTO LOCATION #2



PROJECT:

PHOTOSIMS
 SITE NAME: MAPLE ST
 710 MEMORIAL BLVD
 MURFREESBORO, TN 37133

DRAWING TITLE:

PHOTO LOCATION #2

DRAWN BY:
 T.J.A.

CHECKED BY:
 M.S.

SCALE:
 AS SHOWN

DATE:
 03/13/24

JOB NO.:
 15228.134

DRAWING NO.:
 PHOTO SHEET 3




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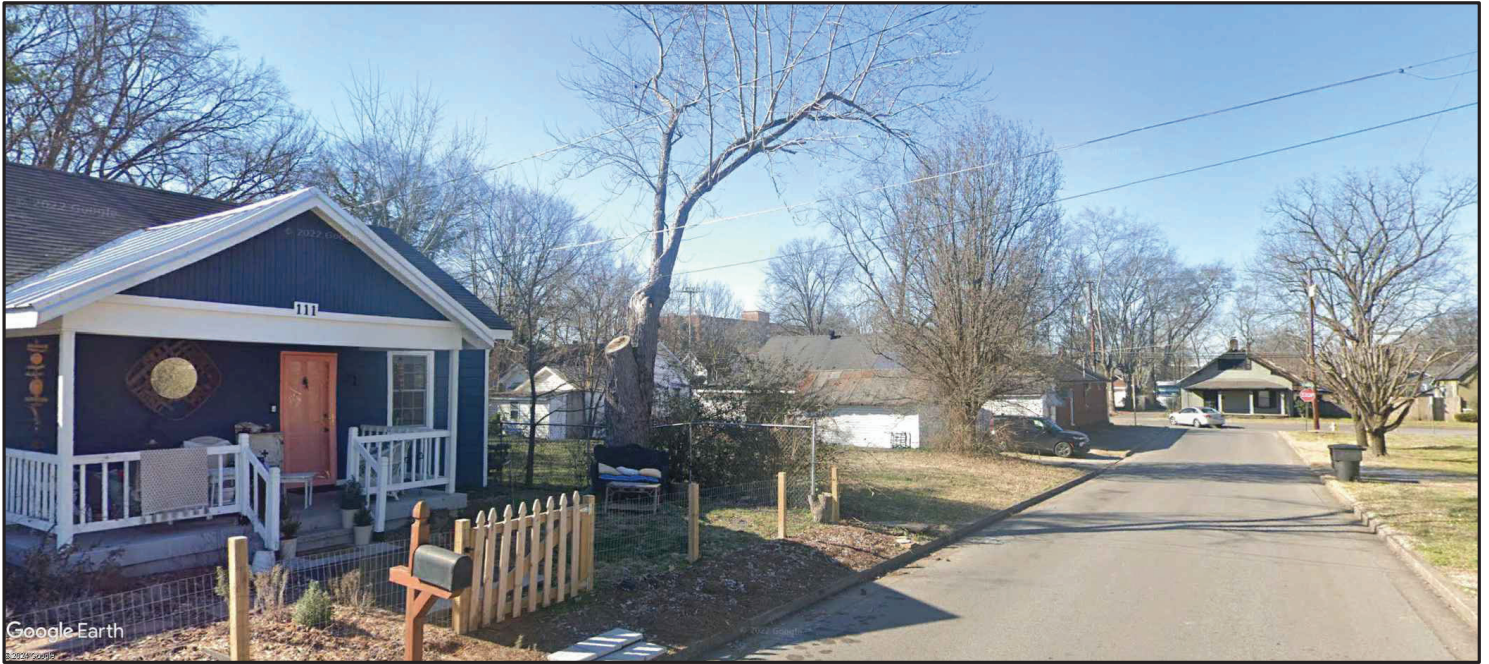
EXISTING PHOTO LOCATION #3



Google Earth
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PROPOSED PHOTO LOCATION #3

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	DRAWN BY: T.J.A.	CHECKED BY: M.S.	SCALE: AS SHOWN	DATE: 03/13/24	JOB NO.: 15228.134



EXISTING PHOTO LOCATION #4



PROPOSED PHOTO LOCATION #4



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PHOTOSIMS
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 710 MEMORIAL BLVD
 MURFREESBORO, TN 37133

DRAWING TITLE:

PHOTO LOCATION #4

DRAWN BY:
T.J.A.

CHECKED BY:
M.S.

SCALE:
AS SHOWN

DATE:
03/13/24

JOB NO.:
15228.134

DRAWING NO.:
PHOTO SHEET 5




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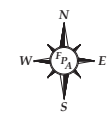
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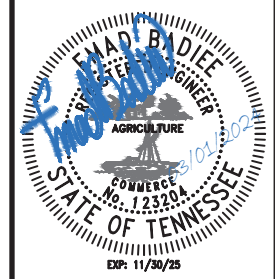
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DRAWN BY: T.J.A.	CHECKED BY: M.S.	SCALE: AS SHOWN	DATE: 03/13/24	JOB NO.: 15228.134	DRAWING NO.: PHOTO SHEET 6



VOGUE TOWERS
 430 CHESTNUT STREET
 SUITE 101-B
 CHATTANOOGA, TN 37402



REV.	DATE	REVISION	BY
0	02/09/2024	ISSUED FOR ZONING	JTV
1	03/01/2024	ISSUED FOR ZONING	JTV



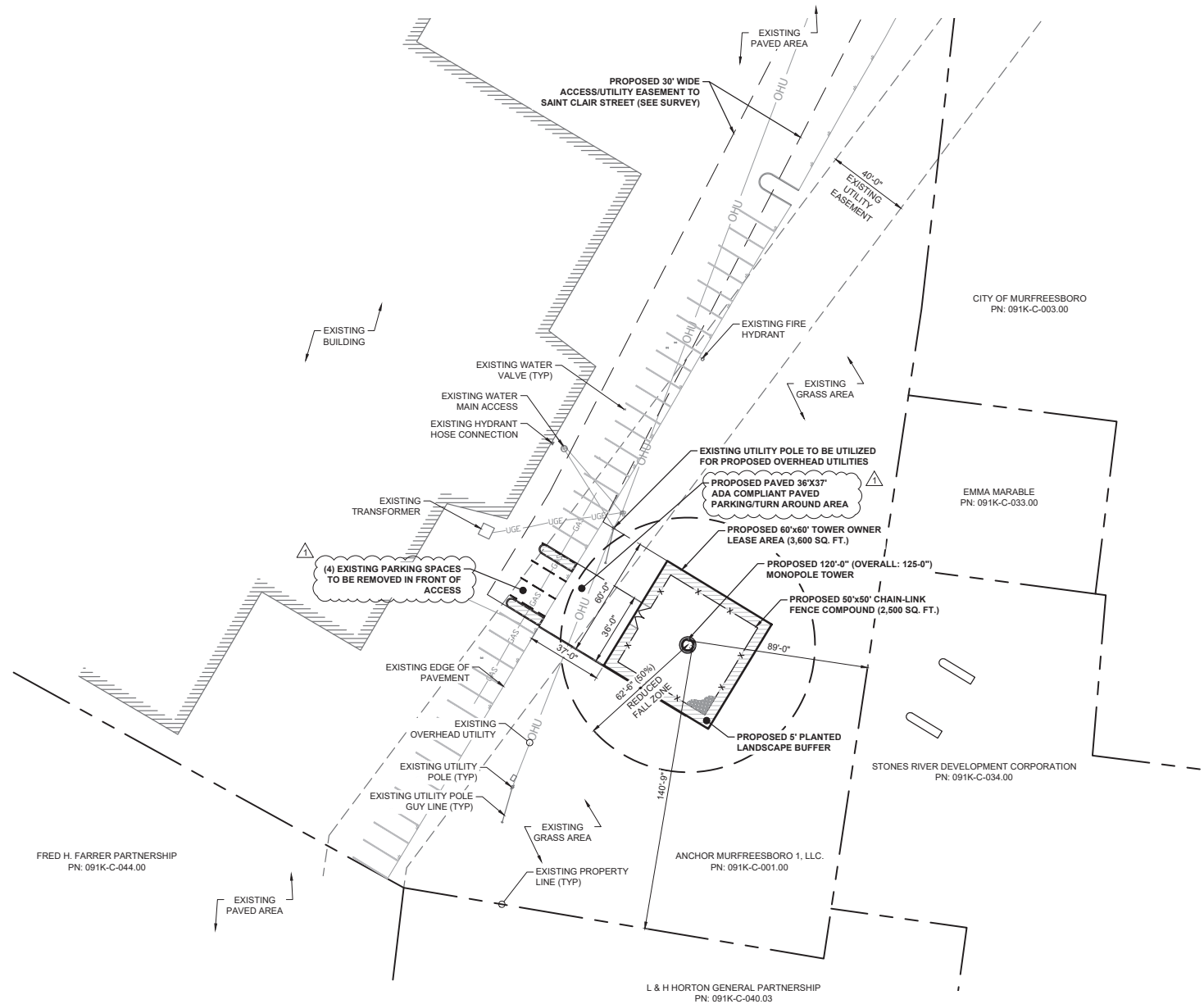
NOT VALID FOR CONSTRUCTION
 UNLESS SIGNED AND STAMPED

DRAWN BY: T. VIEHE
 CHECKED BY: E. BADIE
 PROJECT MGR: M. SANDIFER
 FPA PROJECT NO: 15228.134

VOGUE SITE NAME:
ANCHOR
 VOGUE SITE ID:
TN-5016
 VERIZON WIRELESS SITE NAME:
MAPLE ST
 SITE ADDRESS:
710 MEMORIAL BLVD
MURFREESBORO, TN 37133
(CITY OF MURFREESBORO)

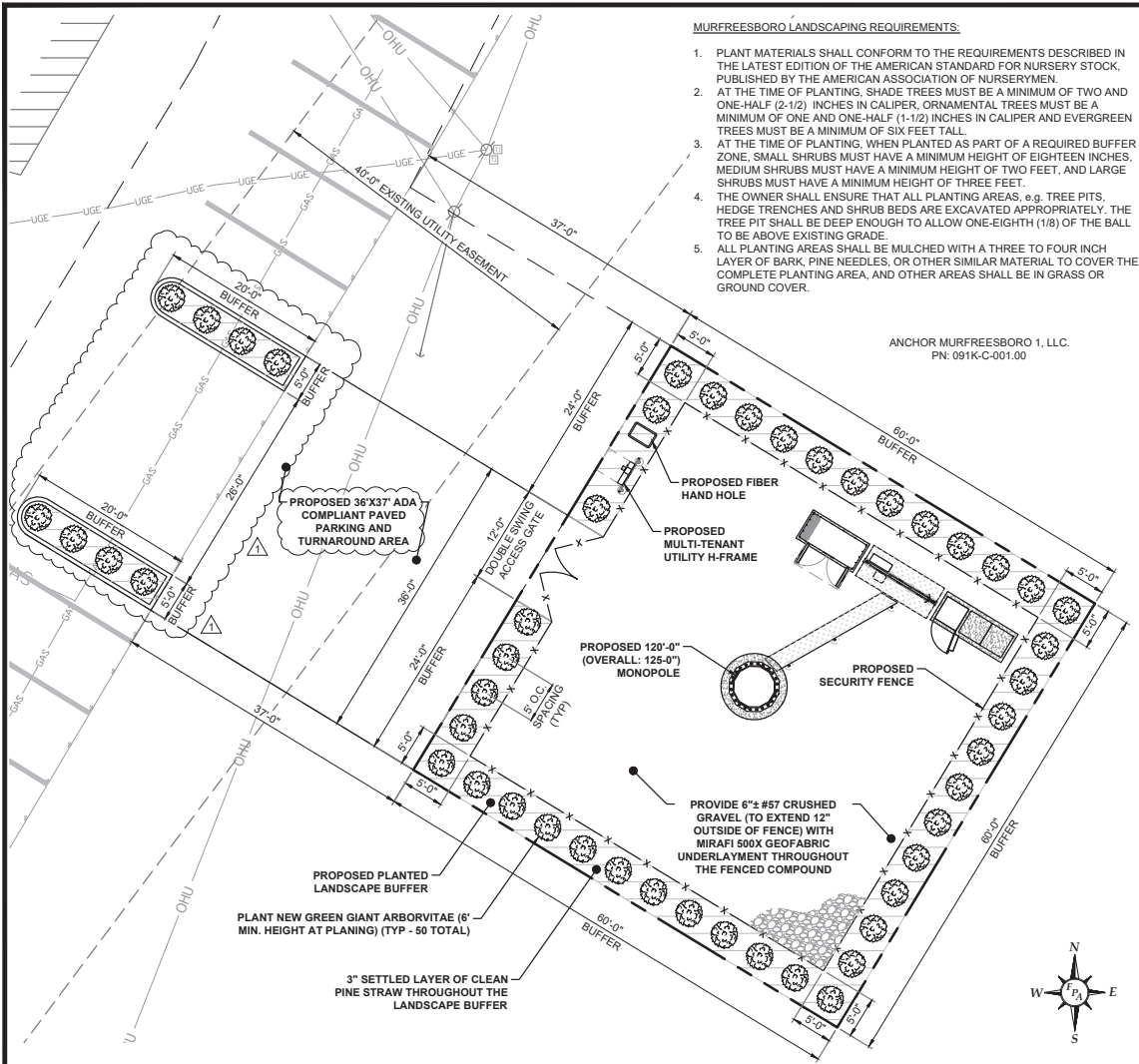
OVERALL SITE PLAN

C-1



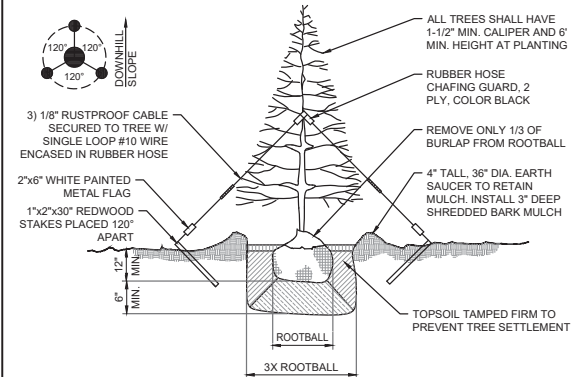
OVERALL SITE PLAN

SCALE: 1" = 50' 1



- MURFREESBORO LANDSCAPING REQUIREMENTS:**
1. PLANT MATERIALS SHALL CONFORM TO THE REQUIREMENTS DESCRIBED IN THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
 2. AT THE TIME OF PLANTING, SHADE TREES MUST BE A MINIMUM OF TWO AND ONE-HALF (2-1/2) INCHES IN CALIPER, ORNAMENTAL TREES MUST BE A MINIMUM OF ONE AND ONE-HALF (1-1/2) INCHES IN CALIPER AND EVERGREEN TREES MUST BE A MINIMUM OF SIX FEET TALL.
 3. AT THE TIME OF PLANTING, WHEN PLANTED AS PART OF A REQUIRED BUFFER ZONE, SMALL SHRUBS MUST HAVE A MINIMUM HEIGHT OF EIGHTEEN INCHES, MEDIUM SHRUBS MUST HAVE A MINIMUM HEIGHT OF TWO FEET, AND LARGE SHRUBS MUST HAVE A MINIMUM HEIGHT OF THREE FEET.
 4. THE OWNER SHALL ENSURE THAT ALL PLANTING AREAS, e.g. TREE PITS, HEDGE TRENCHES AND SHRUB BEDS ARE EXCAVATED APPROPRIATELY. THE TREE PIT SHALL BE DEEP ENOUGH TO ALLOW ONE-EIGHTH (1/8) OF THE BALL TO BE ABOVE EXISTING GRADE.
 5. ALL PLANTING AREAS SHALL BE MULCHED WITH A THREE TO FOUR INCH LAYER OF BARK, PINE NEEDLES, OR OTHER SIMILAR MATERIAL TO COVER THE COMPLETE PLANTING AREA, AND OTHER AREAS SHALL BE IN GRASS OR GROUND COVER.

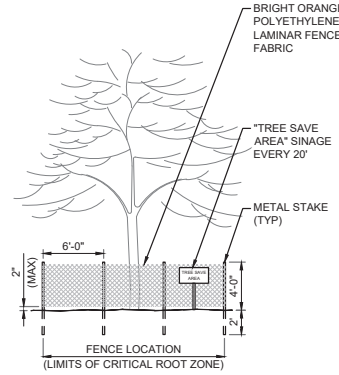
ANCHOR MURFREESBORO 1, LLC.
PN: 091K-C-001.00



- PLANTING NOTES:**
1. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL, FREE OF PEST AND DISEASE.
 2. ALL PLANTS MUST BE CONTAINER-GROWN OR BALLED AND BURLAPPED AS SPECIFIED.
 3. ALL TREES MUST BE STRAIGHT TRUNKED, FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
 4. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE OWNER'S REPRESENTATIVE BEFORE, DURING, AND AFTER INSTALLATION.
 5. ALL TREES MUST BE GUIED OR STAKED.
 6. ALL PLANTS AND PLANTING AREAS MUST BE COMPLETELY MULCHED AS SPECIFIED.
 7. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING COURSE OF WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ALL DAMAGE TO UTILITIES.
 8. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING AREAS (INCLUDING, BUT NOT LIMITED TO, WATERING, SPRAYING, MULCHING, FERTILIZATION, ETC.) UNTIL THE WORK IS FULLY ACCEPTED.
 9. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF (1) ONE YEAR BEGINNING AT THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY MAKE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
 10. THE OWNER'S REPRESENTATIVE WILL APPROVE THE STAKED LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
 11. AFTER BEING DUG AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCUMULATED FOR TWO (2) WEEKS UNDER A MIST SYSTEM PRIOR TO INSTALLATION.
 12. ANY PLANT MATERIAL THAT DIES, TURNS BROWN OR DEFOLIATES (PRIOR TO TOTAL ACCEPTANCE OF THE WORK) SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, QUANTITY, SIZE AND MEETING ALL SPECIFICATIONS.
 13. STANDARDS SET FORTH IN 'AMERICAN STANDARD FOR NURSERY STOCK', LATEST EDITION, REPRESENTS GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
 14. ALL REQUIRED TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR EXCAVATING.
 15. UNDISTURBED BUFFERS SHALL BE REPLANTED TO BUFFER STANDARDS WHERE SPARSELY VEGETATED OR WHERE DISTURBED AT APPROVED UTILITY CROSSINGS. REPLANTING IS SUBJECT TO COUNTY ARBORIST APPROVAL.
 16. TREES TO BE A MINIMUM OF 5' IN HEIGHT AT TIME OF PLANTING.

PLANTING NOTES AND DETAIL NO SCALE 1

- NOTES:**
1. BARRIERS SHALL BE INSTALLED ALONG THE OUTER EDGE OF AND COMPLETELY AROUND THE CRITICAL ROOT ZONES OF ALL SPECIMEN TREES, OR OTHERWISE DESIGNATED TREE PROTECTIVE ZONES.
 2. ALL BUFFERS AND TREE SAVE AREAS ARE TO BE CLEARLY IDENTIFIED WITH FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.
 3. ALL TREE FENCING SHALL BE MAINTAINED THROUGHOUT THE LAND DISTURBANCE AND BUILDING CONSTRUCTION AND SHOULD NOT BE REMOVED UNTIL ALL CONSTRUCTION AND LANDSCAPING IS COMPLETE. CRZ IS APPROXIMATELY 1' OF RADIAL DISTANCE FOR EVERY 1" OF TREE'S DBH (8" MIN).
 4. THERE WILL BE NO BURNING OR BURIAL OF DEBRIS ON SITE.



TREE PROTECTION DETAIL (AS NEEDED) NO SCALE 2

SITE LANDSCAPE SCREENING - PLANTING CHART					
SYM.	QTY	BOTANICAL NAME	COMMON NAME	PLANT SIZE	REMARKS
N	50	THUJA OCCIDENTALIS 'TECHNY'	GREEN GIANT ARBORVITAE	6' MIN. @ PLANTING	B & B, EVERGREEN

PINESTRAW MULCH - 3" SETTLED LAYERS OF CLEAN STRAW

SYMBOL KEY:
N = NATIVE PLANT OF NORTH AMERICA

LANDSCAPING PLAN SCALE: 1" = 15' 3



REV.	DATE	REVISION	BY
0	02/09/2024	ISSUED FOR ZONING	JTV
1	03/01/2024	ISSUED FOR ZONING	JTV

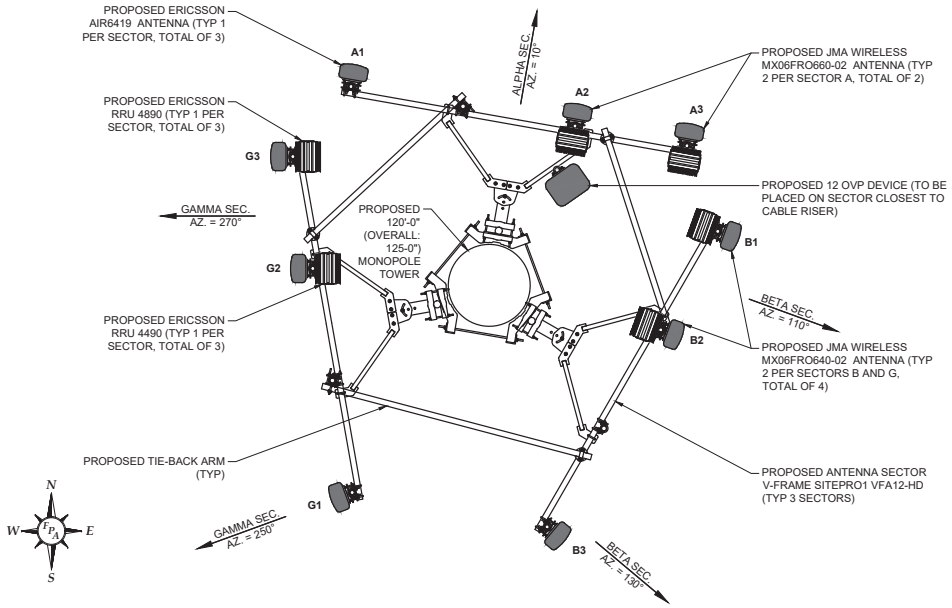
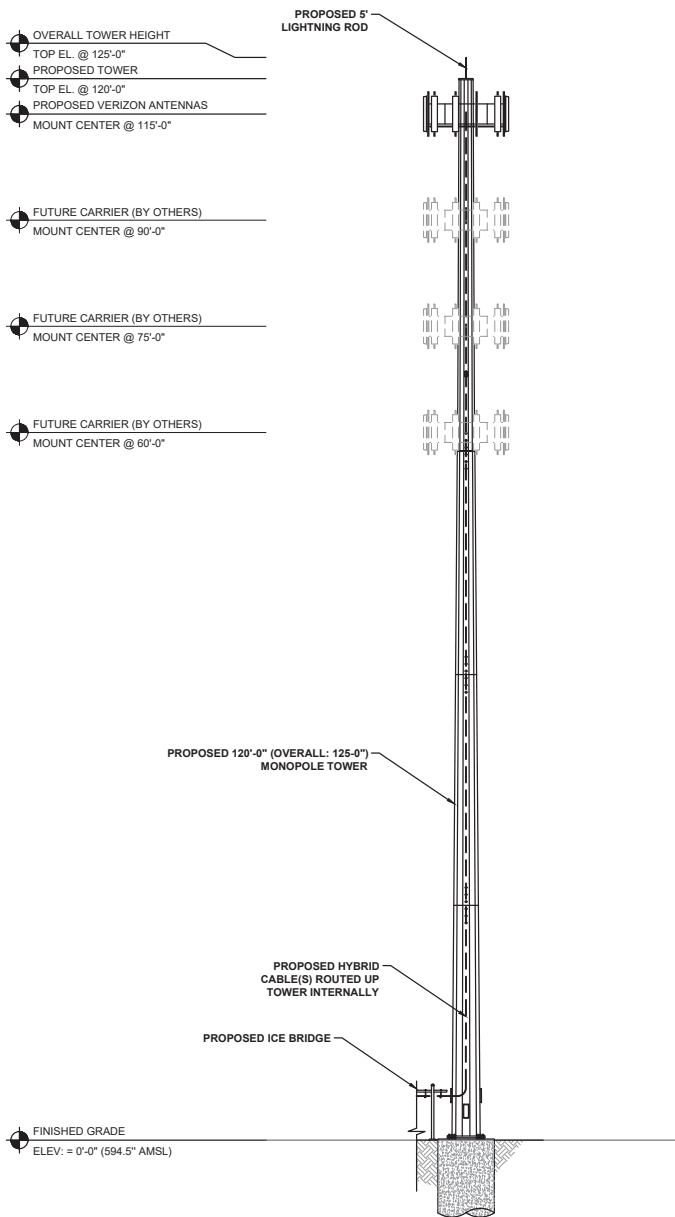


NOT VALID FOR CONSTRUCTION UNLESS SIGNED AND STAMPED
DRAWN BY: T. VIEHE
CHECKED BY: E. BADIIE
PROJECT MGR: M. SANDIFER
FPA PROJECT NO: 15228.134

VOGUE SITE NAME:
ANCHOR
VOGUE SITE ID:
TN-5016
VERIZON WIRELESS SITE NAME:
MAPLE ST
SITE ADDRESS:
710 MEMORIAL BLVD
MURFREESBORO, TN 37133
(CITY OF MURFREESBORO)

LANDSCAPING PLAN

L-1



ANTENNA ORIENTATION PLAN

NO SCALE

1

*SEE LATEST RFDS FOR AZIMUTH INFORMATION AT TIME OF BUILD

SECTOR POS.	ANTENNA							RRH	OVP	CABLE
	EXISTING OR PROPOSED	MANUFACTURER MODEL NUMBER	AZIMUTH	RAD CENTER	MECH. TILT	ELEC. TILT	MANUFACTURER MODEL NUMBER			
A1	PROPOSED	ERICSSON - AIR6419	10°	115'-0"	0°	3°	--	(1) 12 OVP DEVICE	2) 6X12 HYBRIDFLEX CABLES	
A2	PROPOSED	JMA WIRELESS - MX06FRO660-02	10°	115'-0"	3°	2°	ERICSSON - RRU 4490			
A3	PROPOSED	JMA WIRELESS - MX06FRO660-02	10°	115'-0"	3°	0°	ERICSSON - RRU 4890			
B1	PROPOSED	JMA WIRELESS - MX06FRO640-02	110°	115'-0"	1°	2°	ERICSSON - RRU 4490	SHARED WITH APHA	SHARED WITH APHA	
B2	PROPOSED	JMA WIRELESS - MX06FRO640-02	110°	115'-0"	1°	1°	ERICSSON - RRU 4890			
B3	PROPOSED	ERICSSON - AIR6419	130°	115'-0"	0°	2°	--	SHARED WITH APHA	SHARED WITH APHA	
G1	PROPOSED	ERICSSON - AIR6419	250°	115'-0"	0°	3°	--			
G2	PROPOSED	JMA WIRELESS - MX06FRO640-02	270°	115'-0"	2°	2°	ERICSSON - RRU 4490			
G3	PROPOSED	JMA WIRELESS - MX06FRO640-02	270°	115'-0"	2°	1°	ERICSSON - RRU 4890			

- NOTES**
- CONTRACTOR TO REFER TO FINAL CONSTRUCTION RFDS FOR ALL RF DETAILS.
 - ANTENNA AND RRH MODELS MAY CHANGE DUE TO EQUIPMENT AVAILABILITY. ALL EQUIPMENT CHANGES MUST BE APPROVED AND REMAIN IN COMPLIANCE WITH THE PROPOSED DESIGN AND STRUCTURAL ANALYSES.

TOWER ELEVATION

NO SCALE

3

ANTENNA SCHEDULE

NO SCALE

2



430 CHESTNUT STREET
SUITE 101-B
CHATTANOOGA, TN 37402



REV.	DATE	REVISION	BY
0	02/09/2024	ISSUED FOR ZONING	JTV
1	03/01/2024	ISSUED FOR ZONING	JTV



NOT VALID FOR CONSTRUCTION UNLESS SIGNED AND STAMPED

DRAWN BY: T. VIEHE
CHECKED BY: E. BADIIE
PROJECT MGR: M. SANDIFER
FPA PROJECT NO: 15228.134

VOGUE SITE NAME: ANCHOR
VOGUE SITE ID: TN-5016
VERIZON WIRELESS SITE NAME: MAPLE ST
SITE ADDRESS: 710 MEMORIAL BLVD MURFREESBORO, TN 37133 (CITY OF MURFREESBORO)

TOWER ELEVATION & ANTENNA ORIENTATION PLAN

S-1



VOGUE TOWERS

430 CHESTNUT STREET
 SUITE 101-B
 CHATTANOOGA, TN 37402



REV.	DATE	REVISION	BY
0	02/09/2024	ISSUED FOR ZONING	JTV
1	03/01/2024	ISSUED FOR ZONING	JTV



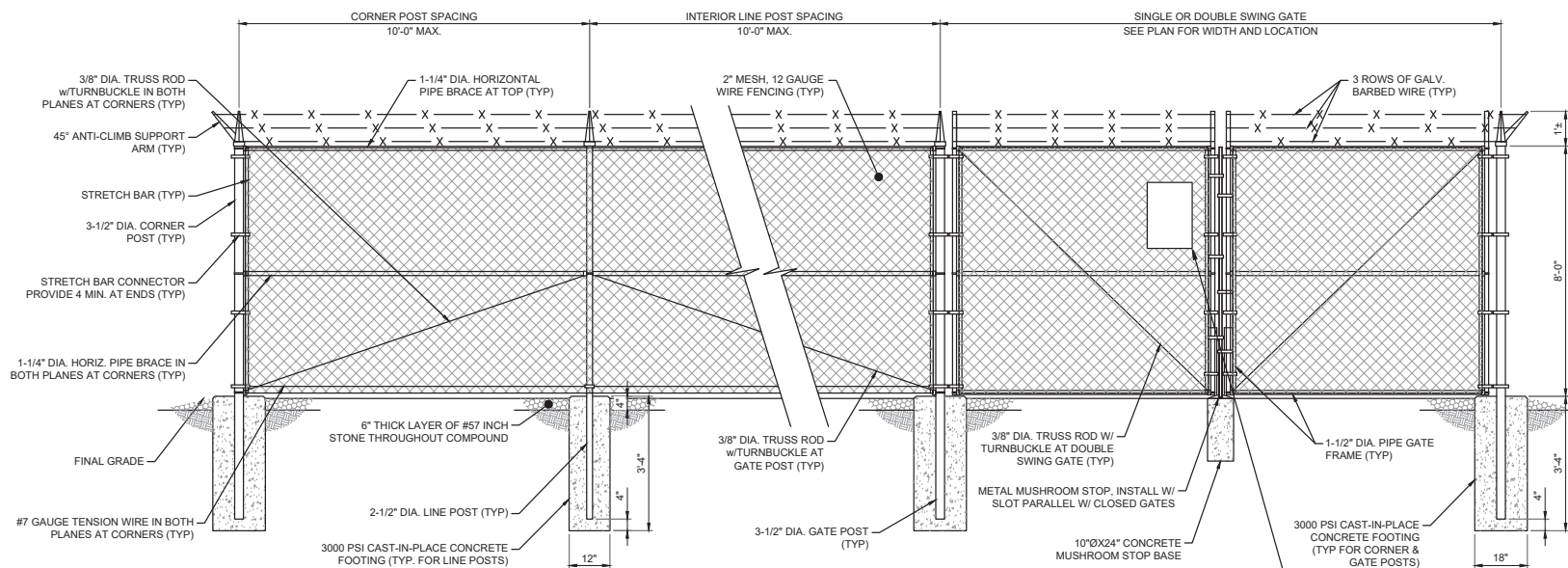
NOT VALID FOR CONSTRUCTION
 UNLESS SIGNED AND STAMPED

DRAWN BY: T. VIEHE
 CHECKED BY: E. BADIE
 PROJECT MGR: M. SANDIFER
 FPA PROJECT NO: 15228.134

VOGUE SITE NAME:
ANCHOR
 VOGUE SITE ID:
TN-5016
 VERIZON WIRELESS SITE NAME:
MAPLE ST
 SITE ADDRESS:
**710 MEMORIAL BLVD
 MURFREESBORO, TN 37133
 (CITY OF MURFREESBORO)**

FENCE DETAILS

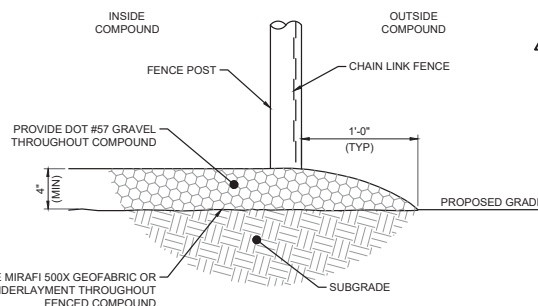
S-2



FENCE DETAILS

FENCE NOTES:

- FENCING MATERIALS AND BARBED WIRE SHALL BE GALVANIZED STEEL.
- POSTS, BRACES, AND GATE FRAMES SHALL BE SCHEDULE 40 PIPE. SIZES SPECIFIED ARE NOMINAL DIAMETER.
- DOUBLE SWING GATE SHALL BE PROVIDED WITH TUBULAR PLUNGER BARS, 1 LOCK KEEPER, 1 LOCK KEEPER GUIDE, 2 LATCH FORKS, 2 FORK CATCHES, 1 CATCH FOR THE PLUNGER BAR, AND GATE STOPS PROVIDED FOR THE OPEN AND CLOSED POSITIONS LOCATED AS DIRECTED BY THE CONSTRUCTION MANAGER. COORDINATE LOCK TYPE AND KEY/COMBINATION WITH THE CONSTRUCTION MANAGER.
- ALL POSTS, CAPS, AND OTHER NECESSARY FENCE FITTINGS AND HARDWARE SHALL BE AS MANUFACTURED BY THE FENCE MANUFACTURER OR EQUAL. HINGES SHALL BE GALVANIZED STEEL.
- LINE POSTS SHALL BE SPACED EQUIDISTANT, BUT NOT MORE THAN 10'-0" ON CENTER.
- FOUNDATIONS ARE DESIGNED TO EMBED INTO COMPACTED COARSE SAND, MEDIUM STIFF CLAY, OR HARD DENSE CLAY. THE SOIL TYPE SHALL BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. IF UNUSUAL CONDITIONS ARE FOUND, THE ENGINEER SHALL BE NOTIFIED PRIOR TO CONSTRUCTION.
- FENCE DETAILS SHOWN ABOVE ARE TYPICAL AND SHALL APPLY TO SIMILAR CONSTRUCTION APPLICATIONS WHETHER SPECIFICALLY STATED OR NOT.



NOTES:

- INSTALL MIRAFI GEOFABRIC WITH 18" MIN. LAP JOINTS ON FLAT, HORIZONTAL SURFACES OR PER THE MANUFACTURER'S SPECIFICATIONS FOR SLOPED SURFACES.
- LEVEL AND COMPACT GRAVEL TO PREVENT SHIFTING.

COMPOUND EDGE DETAIL

NOTE:
 PROPOSED CHAIN LINK FENCE WILL BE BLACK VINYL CLAD, DOUBLE SLATTED PER ZONING CODE.

SITE NAME: _____
 SITE #: _____
 ADDRESS: _____
 POC APP: _____
 CONTACT: _____

NOTICE

Unauthorized entry into this area is strictly prohibited. Penalties may apply. Contact the site manager for more information.

NOTICE

HARD HAT & SAFETY GLASSES REQUIRED IN THIS AREA

NO UNAUTHORIZED ENTRY

FENCE DETAILS

NO SCALE

1



**APPLICATION FOR APPROVAL BY VOGUE TOWERS II, LLC, AND
CELLCO PARTNERSHIP, d/b/a VERIZON WIRELESS FOR THE CONSTRUCTION
OF A WIRELESS COMMUNICATION FACILITY**

Application: For City of Murfreesboro approval by Vogue Towers II, LLC (“Vogue Towers”) and Cellco Partnership, d/b/a Verizon Wireless (“Verizon”), together “Applicant” for a Special Use Permit and 50’ Height Variance for a proposed multi-provider wireless telecommunications facility.

Site Name: Anchor, #TN-5016

Project Description: Vogue Towers proposes to construct a multi-provider 120’ monopole tower structure with 5’ lightning rod (overall height 125’) within a fenced compound area (see attached design drawings for details). This facility will have provisions for multiple carriers, satisfying the Purpose of the City’s ordinance to reduce the need for new towers.

Parcel Address: 710 Memorial Blvd, Murfreesboro, TN

Property Owner: Anchor Murfreesboro 1, LLC

Narrative:

The wireless industry is continually improving networks to best meet the needs of the community. In the present case, the increase in usage at existing locations requires a new tower. The purpose of this proposed wireless facility will be to provide improved wireless service quality and safety to the area, specifically to customers and residents in and around this area of Murfreesboro.

As the demand for wireless continues to increase with the use of “smart phones” (24.3% increase in voice, 19.6% increase in data in 2020, per CTIA), there is an increased need for wireless telecommunications infrastructure to keep up with the demand. As network traffic increases on a given wireless network, additional facilities are needed to provide consumers with quality, high-speed mobile broadband. Each wireless telecommunications facility can handle only a fixed amount of demand and/or cover so far, and this tower is needed to provide additional coverage and capacity for this portion of the community. Greater signal strength is needed to adequately penetrate the buildings and provide reliable voice and improved data throughput rates for wireless subscribers.

This proposal is to construct a multi-provider wireless telecommunications facility. Applicant will lease the use of space and access as shown on the site plan. Within that area, there will be an approx. 2,500 sq/ft fenced compound providing room for Verizon Wireless and other wireless providers such as AT&T, T-Mobile, and DISH to place equipment cabinets/buildings within the compound of the new tower. In addition, Vogue Towers makes space available to local E911 and first responders at no cost, whenever possible.

Consideration of this application should not, however, be limited to examining how successfully Vogue Towers has mitigated any negative impact through design and location. The positive impact of the site should be given full weight as well. We live in a society where our wireless devices have become an essential tool for daily living, a necessity with approximately 80% of E911 calls (est. 240 million) being made from wireless devices each year and more than 7 out of 10 adults living in wireless-only households, 72.6% as of 2022 (*National Center for Health Statistics*). Statistics are similar for “wireless-only adults” (71.7% or 183 million), or an adult who personally had a wireless telephone and lived in a household that did not have a landline. These figures peak among younger demographic ranges for wireless only adults, the next generation of homebuyers and entrepreneurs, with 25-29 (87.6%) and 30-34 (88.4%). Furthermore, the benefits of this site to the community go beyond just convenience for residents and businesses where 80% of consumers now consider wireless service indispensable (*CTIA*). Quality wireless service is part of the critical infrastructure necessary for public safety and first responders in emergency situations such as accidents, crimes, health incidents and storms. Given the design, location and benefits provided by this proposed site, and lack of significant impacts, approval of this application is respectfully requested.

Section 9. Standards for General Applicability.

(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; Applicant’s use will not have adverse effect on character of neighborhood or contribute to material traffic, parking, or utility facilities. Once constructed, the wireless telecommunications facility is unmanned, will not increase congestion in the area, and will provide parking on site for regular monitoring and maintenance personnel. Additionally, the addition of this facility will improve the wireless service in this area for residents as well as EMS and first responders. As noted above, 80+% of E911 calls are now made from wireless devices.*
- (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 wireless communications facility is located at the rear of an existing commercial/retail property, un-manned and self-contained once operational, and will not interfere with the development or use of adjacent properties. The monopole fall zone is within the perimeter of the site and will not fall onto adjacent property or adjacent building(s).*
- (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; Existing services are already provided to the property and parking will be provided as a part of the site design. As unmanned facility, Applicant’s development will not create increased need for resources noted above, using only commercial power and fiber connectivity, with technician visits every 4-6 weeks.*

(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, **Applicant will comply, siting the proposed facility in the rear of an existing and developed commercial/retail property. In addition, Applicant is also required to have the development approved by State Historical Preservation Office (SHPO), Tribal Historical Preservation Office (THPO), and US Fish & Wildlife (USFWS) as a portion of the federal "NEPA" approvals required by the FCC.**

(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. **Applicant will comply with additional standards applicable to the development and operation of the wireless communications facility.**

(cccc) *Wireless communication towers and antennas (altogether "towers") shall be subject to the following additional standards:*

(1) [1] *towers shall not be located in the approach or landing zone of an airport or heliport; Applicant has received approval from the FAA (2024-ASO-1804-OE).*

[2] *the application for a special use permit shall be accompanied by the written recommendations of appropriate state and federal agencies; As noted above, Applicant has received FAA approval for the height of 120' (125' overall). Federal approvals including National Environmental Policy Act (NEPA), consisting of State Historical Preservation Office (SHPO), Tribal Historical Preservation Office (THPO), US Fish & Wildlife Service (USFWS), and other agencies will be conducted upon zoning approval and Applicant will comply with all local, state and federal agencies.*

[3] *in the event any tower is to be equipped with hazard lights, the use of white strobe lights shall be restricted to daylight hours; N/A.*

[4] *the BZA may place restrictions on the manner (and color) in which the tower can be painted, within the parameters of applicable state and federal regulations; and, Tower does not require painting for FAA compliance, with color to be natural galvanized steel as typical with this use.*

[5] *the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties, subject to T.C.A. §13-24-301 et seq. Applicant will comply.*

[6] *the applicant must demonstrate compliance with Section 31(E). As noted within this submittal, Applicant complies requires a height variance but otherwise complies with this Section.*

Section 10. Variances

(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; Applicant's request for a height variance pertains to the air vs. the land on which the proposed wireless telecommunications facility is to be located. The height is consistent with the nature of this use and conflicts with the established height limits for this zoning district, not of Applicant's making.*

(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; Applicant's request for a height variance pertains to the air vs. the land on which the proposed wireless telecommunications facility is to be located. The height is consistent with the nature of this use and conflicts with the established height limits for this zoning district, not of Applicant's making. This wireless telecommunications facility will provide a needed service for the area.*

(3) *That the specifically identified characteristics or hardship were not created by any action or inaction of the owner or the owner's agent; The height is consistent with the nature of this use and conflicts with the established height limits for this zoning district, not of Applicant's making.*

- (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; and The height variance is requested in order for Applicant, and other wireless providers, to accomplish their respective network and RF coverage objectives to provide quality wireless services to the area. The nature of the proposed structure is unique in order to meet RF coverage objectives. Limiting the height to the zoning ordinance standard (75') is not consistent with the Federal Telecommunications Act and Tennessee statute.*
- (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. Once constructed, the wireless telecommunications facility is unmanned, will not increase congestion in the area and not impair light or create shadows on adjacent properties. Additionally, the addition of this facility will improve the wireless service in this area for residents as well as EMS and first responders. As previously noted, 80+% of E911 calls are made from wireless devices.*

Section 31 Wireless Telecommunications Towers And Antennas.

(A) *Purpose. The purpose and intent of this section is to promote the health, safety and general welfare of the public by regulating the siting of wireless communications facilities. Additionally this section will minimize the visual impacts of wireless communications facilities on surrounding areas; accommodate the need and demand for wireless communications services; encourage coordination between providers of wireless communications services in Murfreesboro; respond to the policies embodied in the Telecommunications Act of 1996 in such a manner as not to unreasonably discriminate between providers of functionally equivalent personal wireless service or to prohibit or have the effect of prohibiting personal wireless service in Murfreesboro; and establish predictable and balanced regulations governing wireless communications facilities.*

(B) *Definitions. Intentionally omitted.*

(D) *Applicability. Intentionally omitted.*

(E) *Special Use Permit Required.*

- (1) *No wireless communications facility is permitted except in accordance with a Special Use Permit issued by the Board of Zoning Appeals. The applicant must comply with all applicable submittal, procedural, and substantive provisions of the Murfreesboro Zoning Ordinance. In addition to the Special Use Permit request, Applicant is also requesting a Height Variance of 50', to increase the height from the current maximum height of 75' in the "CH" district to 125' to allow for the tower to be constructed. Other than the above noted height variance request, the proposed site complies with the ordinance and standards for a Special Use Permit.*

Upon receipt of an application for a Special Use Permit for a wireless communications facility, the Planning Director shall determine if the application is complete. If not, the Planning Director shall return the application for such additional data or information as may be required.

(2) *Application Requirements.*

- (a) *In addition to the submittals required for an issuance of a building permit, the following must be provided with an application for any wireless communications facility submitted pursuant to this Section 31. The application must be signed by the property owner, applicant, and a provider who will place antennas on the proposed wireless communications facility. Application is signed by the applicant in the space provided. In addition, please see attached Option and Easement Agreement*

and Restrictive Covenants by and between Applicant and property owner as indication of their approval of the use and attached letter from Verizon Wireless (wireless provider).

- (b) *The Planning Director may modify the submittal requirements set forth above where it is determined that certain information is not required or useful in determining compliance with the provisions of the zoning ordinance. A decision to modify certain submittal requirements must be in writing and made a part of the application file.*
- (c) *If the property owner is not a provider, the application must include the verified statement of the property owner giving the applicant permission to act on behalf of the property owner and to apply to construct a wireless communications facility. **Per (a) above, see attached Option and Easement Agreement and Restrictive Covenants of existing relationship between Applicant and property owner as confirmation of their approval of the request and intended use.***

(3) *Shared Use Plans.*

(a) *Shared use plans are encouraged, even when not specifically required by this section, a shared use plan must include the following:*

[1] *A signed statement from the antenna-supporting structure owner agreeing to allow future collocations (including combined antennas) on the facility, where reasonable and structurally feasible, including those initiated by providers other than the applicant or provider signing the application. **See attached letter.***

[2] *A written evaluation of the feasibility of accommodating future collocations, which evaluation must address the following, as appropriate:*

[aa] *Structural capacity of the proposed antenna-supporting structure; **The proposed monopole will be design to hold a minimum of three wireless providers.***

[bb] *Radio frequency limitations impacting the ability to accommodate collocations; **Wireless providers accept the antenna centerline spacing as illustrated in the attached design drawings as industry standard, providing for separation between differing RF broadcasts.***

[cc] *Geographical search area requirements; **The addition of this wireless communications facility will serve the community and wireless providers for the surrounding area without the need for a new tower.***

[dd] *Mechanical or electrical compatibility; **Site will be designed with sufficient power for a minimum of three wireless providers.***

[ee] *Any restrictions imposed upon the facility by the FCC that would preclude future collocations; **N/A and***

[ff] *Additional relevant information as required by the City of Murfreesboro.*

[3] *This section does not require a shared use plan to accept collocations at below market lease rates.*

(4) *Proliferation minimized. No antenna-supporting structure is permitted unless the applicant demonstrates that the proposed antenna cannot be accommodated on an existing building or structure. **As depicted in the attached nearby tower map and table, there are several existing structures in the geographic area but no adequate structures to support the RF coverage objective. There is an existing tower approx. 872' southeast, located on the housing authority property that includes an AT&T FCC registration, however, the tower has a minimal footprint and appears to not have the structural capacity to support additional wireless provider equipment loading. AT&T is physically located on the rooftop of nearby Westbrooks Towers (vs. the FCC filing noted above). Verizon proposed a similar use, but the discussions were halted by the building owner when plans were made to renovate/upgrade the facility. The nearby Murfreesboro Electric Department also has a small monopole, also not likely to capable of supporting Applicant's equipment loading as it currently supports existing antennae on the pole. Verizon previously proposed a pole replacement at this location, but the project was halted after identifying liens and underground utilities preventing the use of surrounding ground space. There is also a 5-6 story building nearby but the***

building is the new Rutherford County Courthouse building which is typically not an option for wireless installation on the rooftops and the building does not meet the height requirement needed for the provider.

(5) *Signage.*

(a) *No signs may be placed on antenna-supporting structures, ancillary appurtenances, equipment enclosures, or on any fence or wall except as required by this section. Applicant will comply, only posting signage for site identification, safety and/or federal requirements.*

(b) *If high voltage is necessary for the operation of proposed wireless communications facilities, "High-Voltage-Danger" and "No Trespass" warning signs not greater than one (1) square foot in area must be permanently attached to the fence or wall at intervals of not less than forty (40) feet and upon the access gate.*

(c) *A sign not greater than one (1) square foot in area must be attached to the access gate that indicates the following information:*

[1] Federal registration number, if applicable; [2] Name of owner or contact person; and [3] An emergency contact number.

(6) *Expert Review.*

(a) *Where the complexity of the methodology or analysis required to review an application for a wireless communications facility requires expertise beyond that possessed by City staff, the Planning Director may require a technical review by a third party expert at the applicant's expense.*

(b) *The expert review may address the following:*

[1] The accuracy and completeness of submittals;

[2] The applicability of analysis techniques and methodologies;

[3] The validity of conclusions reached;

[4] Whether the proposed wireless communications facility complies with the applicable approval criteria set forth in this section; and

[5] Other matters deemed by the Director to be relevant in determining whether a proposed wireless communications facility complies with the provisions of this section.

(c) *Based on the results of the expert review, the Planning Director may require changes to the applicant's application or required submittals.*

(d) *Upon determination by the Planning Director that the application is complete, the application will be scheduled for review by the Board of Zoning Appeals for consideration in accord with this Appendix A – Zoning Ordinance. A decision by the BZA to reject or deny an application shall be in writing and supported by substantial evidence contained in a written record.*

(F) *Standards. The standards for the establishment of all proposed wireless communications facilities are stated below. The Board of Zoning Appeals shall assure that all requirements have been met prior to the issuance of the Special Use Permit.*

(1) *Antenna-supporting structures must be setback a distance equal to its height from any property line. The City Engineer may modify the setback requirement if the applicant demonstrates that the antenna-supporting structure can withstand the wind load for the design storm event applicable to Murfreesboro as provided in the most recent version of ANSI/TIA/EIA-222, Structural Standards for Steel Antenna Towers and Antenna Support Structures, which document is hereby incorporated by reference, or if the applicant demonstrates that the fall zone of the tower is less than the tower's height. Per the attached and sealed "Fall Zone" letter, the Tower will be designed such that the top 50% will collapse over onto itself in the event of a catastrophic failure, reducing the impacted area via a reduced "fall zone" that will be contained within the boundaries of the property owner's parcel for meeting setbacks. This is accomplished by overdesigning the bottom portion of the structure. Specifically, the tower base and its foundation are designed to carry the entire force applied to the tower (Force X); however, when the top 50% of the*

tower collapses, only the maximum of 25% of Force X will be applied to the tower base and foundation that are designed for 100% of Force X. In layman's terms, the tower base and its foundation are almost 4 times stronger (100%/25%) than the maximum force that can be applied to them when the top 50% of the tower collapses. As the design drawings depict, incorporating this engineering into the design, the fall zone is greatly reduced and contained within the parent parcel, complying with the setback requirement.

- (2) A fence not less than eight (8) feet in height from finished grade must be installed so as to enclose the base of the antenna-supporting structure and associated equipment enclosures. Access to the antenna-supporting structure must be controlled by a locked gate. **Applicant complies. In addition, applicant is agreeable should additional fence screening be required.**
 - (3) A landscaping and vegetative buffer shall be installed to reduce visibility from the public ROW and the surrounding properties. A natural vegetative buffer may be substituted for the buffering and landscaping requirements subject to the approval of the Development Services Division and the BZA to ensure that it is sufficient to provide the required screening. **A detailed landscaping plan is included in the attached design drawings.**
 - (4) The application shall show that the FAA has approved the height of the tower and has issued any license necessary to operate the tower. **Applicant has received approval from the FAA (2024-ASO-1804-OE.**
 - (5) No lights, signals, or other illumination are permitted on any antenna-supporting structure or ancillary appurtenances unless the applicant demonstrates that lighting is required by the FAA or the FCC. **Applicant will comply.**
 - (6) Antenna-supporting structures must be designed to accommodate future collocation for at least three (3) antennae. As a condition of approval under this Section, the applicant must submit a shared use plan. **As depicted in the attached design drawings, Applicant's monopole structure will be capable of supporting a minimum of three wireless providers. As noted in Applicant's collocation LOI, Applicant is not a broadcast provider and shared use is Applicant's business model. All of Applicant's facilities are designed with shared use and multi-providers in mind.**
- (G) *Discontinuance.*
- (1) *Notice of discontinuance.* In the event all legally approved use of an antenna supporting structure or antenna has been discontinued for a period of one hundred and eighty (180) days, the Planning Director may make a preliminary determination of discontinuance. In making such a determination, the Planning Director may request documentation and/or affidavits from the property owner regarding the structure's usage, including evidence that use of the structure is imminent. At such time as the Planning Director reasonably determines that an antenna-supporting structure or antenna has been discontinued, the Planning Director will provide the property owner with a written notice of discontinuance by certified mail.
 - (2) *Declaration of discontinuance.* Failure on the part of the property owner to respond to the notice of discontinuance within ninety (90) days, or to adequately demonstrate that the structure is not discontinued, will be evidence of discontinuance. Based on the foregoing, or on any other relevant evidence before the Planning Director, the Planning Director may make a final determination of discontinuance, whereupon a declaration of discontinuance will be issued to the property owner by certified mail.
 - (3) *Removal of facility.* Within one-hundred and twenty (120) days of a declaration of discontinuance, the property owner must either (i) reactivate the use of the structure as a wireless communications facility, (ii) transfer ownership of the structure to another owner who will make such use of the facility, or (iii) dismantle and remove the facility. If the property owner fails to comply: **Applicant will comply.**
 - (a) The property owner shall be subject to a civil penalty of \$50 per day that the violation continues; and
 - (b) In order to settle any actual enforcement proceeding, or an impending enforcement proceeding of which the property owner is notified, the property owner may provide an estimate of the costs to dismantle the facility and shall remit funds or a binding performance guarantee to cover such costs to the City.

As provided for in this application package, Vogue Towers is requesting approval of a Special Use Permit and 50' Height Variance as identified above per the conditions and specifications of the City's Zoning Ordinance, Sections 9(C) General Standards of Applicability; 9(D)(cccc) Standards for Wireless Communication Towers and Antennas; 10(E) Standards for Variance; and 31, Wireless Telecommunications Towers and Antennas. Wireless service is increasingly being considered a public necessity as it is often the only means citizens have to emergency services. The location and character of the use, if developed according to the plan submitted and recommended, will be in harmony with the area in which it is to be located. The proposed wireless telecommunications facility will meet the infrastructure needs of this area of the area and will provide additional access to emergency services, if needed.

Respectfully submitted,

Pat Troxell-Tant

Pat Troxell-Tant
Chief Executive Officer
Vogue Tower Partners VII, LLC



100 North Point Center East, Suite 125
Alpharetta, Georgia 30022
T: 470.318.6119
F: 732.312.9801
fpaengineers.com

April 5, 2024

VOGUE TOWERS II, LLC
430 Chestnut St., Suite 101B
Chattanooga, TN 37402

RE: Fall Zone Letter for Proposed 120' Monopole

Site Name: Anchor
Site Address: 710 Memorial Blvd., Murfreesboro, TN 37133
Building Code: IBC 2018
Design Standard: ANSI/TIA-222-H

Dear Vogue Towers II, LLC:

French & Parrello Associates (FPA) has reviewed the proposed Vogue Tower communications tower installation at the above referenced site. The project will contain a monopole-type antenna support tower with a height of 120' above ground level (AGL). The monopole structure is made up of hot dipped galvanized high strength steel tubing that is typically 48-60" diameter at its base and tapering to 18" diameter at the top.

The antenna cables will be routed from the ground-based equipment up the inside of the pole to the proposed antenna rad center. The tower manufacturer shall supply structural design drawings prepared by a licensed Structural Engineer in the State of Tennessee at the time of Building Permit submission for review by the County before construction can commence.

The tower will be designed in accordance with the Tennessee State Building Code and International Building Code (IBC). Both of these codes have adopted the Telecommunications Industry Association/Electronics Industry Association Standards (ANSI/TIA-222-H). These standards dictate the design of all communications towers and take into consideration the following parameters:

1. Structure Risk Category/Class
Category/Class is chosen based upon the function of risk to human life, potential damage to property in the event of failure and the type of services that the tower will provide (i.e. essential communications vs. services that are optional)
2. Environmental Loading
Includes wind, ice, and seismic loads based upon local county-based data
3. Site Exposure Category
Category is chosen based upon "surface roughness" of local surrounding vegetation, structures and natural topography. This also impacts wind loading calculations
4. Topographic Category
Category is chosen based upon wind "speed-up" effects from surrounding topography, such as towers being located within gently rolling terrain or at the top of a hill or ridge



The design of the tower shall be such that in the unlikely event of structural failure, the monopole will collapse onto itself and not onto a street or a building. In other words, structural failure would be typical of that of a straw bending onto itself, rather than a bowling pin being knocked over. **Vogue Partners shall stipulate to the tower manufacturer/designer that the area of probable failure be located in the 50% height (60'-0" AGL) of the tower so that only the top 50% of the tower (top 60'-0") would collapse onto itself. This is done by over-designing the tower sections below the failure point as necessary.**

In regard to the possibility of any future corrosion of the structure, the monopole shall be constructed with hot dipped galvanized steel, similar to that of highway signs and traffic signal poles. The ANSI/TIA-222-H standards have been based in part on the American Association of State Highway and Transportation Officials (AASHTO) standards which govern the construction and design standards for those structures (which have an extremely rare rate of corrosion related failures). Furthermore, the tower owner will be required to inspect the structure at intervals stipulated by ANSI/TIA-222-H standards or as may be stipulated by the underlying municipal authority, whichever is more stringent.

A geotechnical evaluation will be conducted that will explore the subsurface conditions in the vicinity of the proposed tower and develop geotechnical engineering recommendations to facilitate the design of the tower foundation. A report will be generated that shall be utilized by the tower manufacturer/designer to prepare foundation design drawings to be submitted at the time of Building Permit submission for review by the County before construction can commence. The geotechnical report and design drawings shall all be prepared by licensed Geotechnical Engineers in the State of Tennessee.

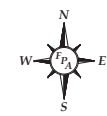
In summary, monopole-type antenna support structures are designed for extreme wind conditions with factors of safety that result in a design that is extremely conservative. The occurrence of monopole failure is exceptionally rare and historically these structures have survived after experiencing wind speeds considerably higher than their design speeds.

Should you have any questions, please do not hesitate to contact me.

Respectfully Submitted,
FRENCH & PARRELLO ASSOCIATES, P.A.

Emad Badiee, P.E.
Project Manager
TN PE # 123204 (Exp: 11/30/2025)

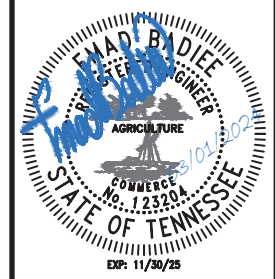




VOGUE TOWERS
 430 CHESTNUT STREET
 SUITE 101-B
 CHATTANOOGA, TN 37402



REV.	DATE	REVISION	BY
0	02/09/2024	ISSUED FOR ZONING	JTV
1	03/01/2024	ISSUED FOR ZONING	JTV



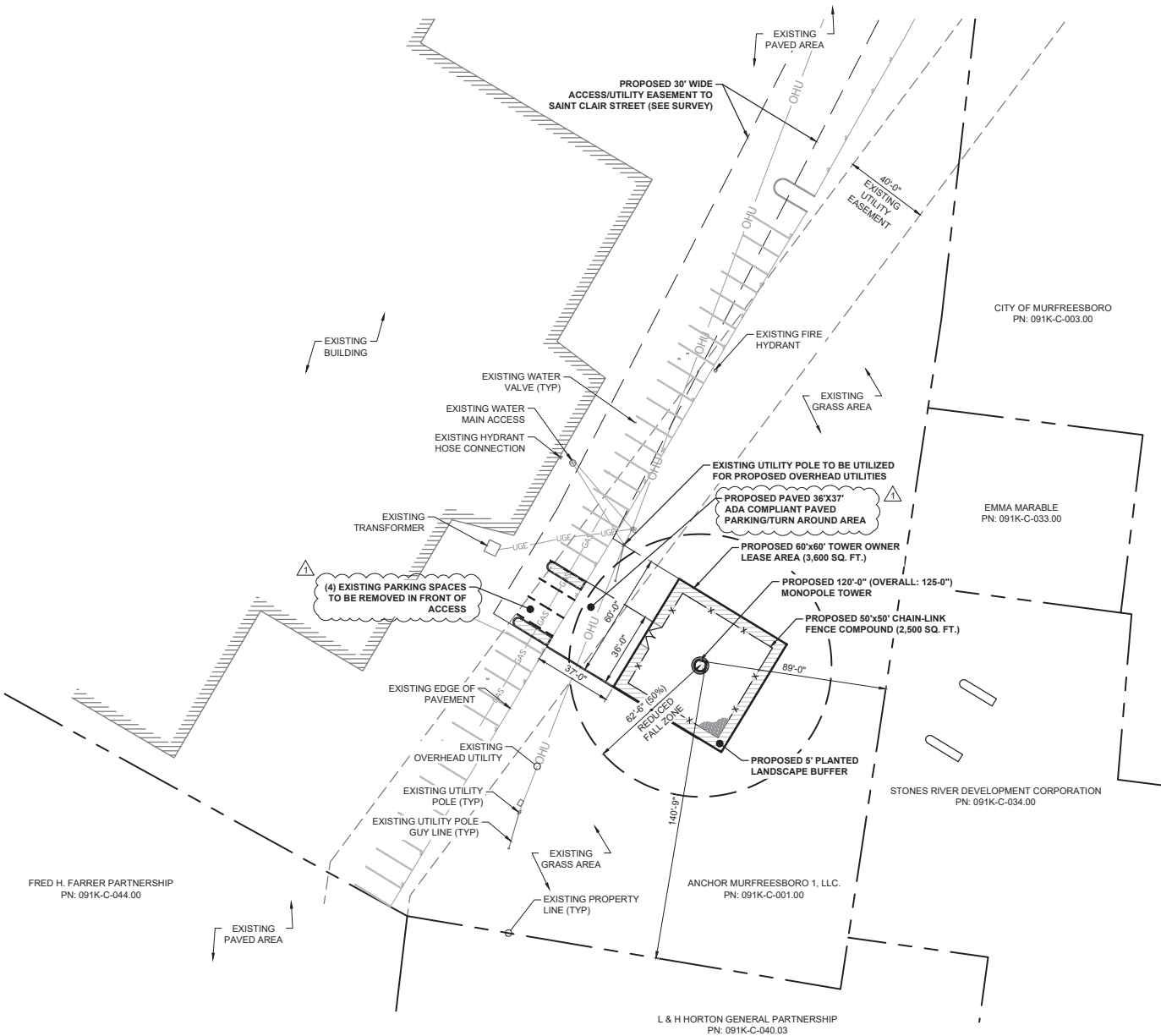
NOT VALID FOR CONSTRUCTION
 UNLESS SIGNED AND STAMPED

DRAWN BY: T. VIEHE
 CHECKED BY: E. BADIE
 PROJECT MGR: M. SANDIFER
 FPA PROJECT NO: 15228.134

VOGUE SITE NAME:
ANCHOR
 VOGUE SITE ID:
TN-5016
 VERIZON WIRELESS SITE NAME:
MAPLE ST
 SITE ADDRESS:
710 MEMORIAL BLVD
MURFREESBORO, TN 37133
(CITY OF MURFREESBORO)

OVERALL SITE PLAN

C-1



OVERALL SITE PLAN

SCALE: 1" = 50' 1



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2024-ASO-1804-OE

Issued Date: 03/14/2024

Michael Sandifer
 Vogue Towers II, LLC
 100 North Point Center East, Suite
 Alpharetta, GA 30022

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole TN-5016
 Location: Murfreesboro, TN
 Latitude: 35-51-03.79N NAD 83
 Longitude: 86-23-41.71W
 Heights: 594 feet site elevation (SE)
 125 feet above ground level (AGL)
 719 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Emissions from this site must be in compliance with the parameters set by collaboration between the FAA and telecommunications companies and reflected in the FAA 5G C band compatibility evaluation process (such as power, frequencies, and tilt angle). Operational use of this frequency band is not objectionable provided the Wireless Providers (WP) obtain and adhere to the parameters established by the FAA 5G C band compatibility evaluation process. **Failure to comply with this condition will void this determination of no hazard.**

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 09/14/2025 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact Christopher Grote, at (817) 222-5924, or Christopher.Grote@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2024-ASO-1804-OE.

Signature Control No: 610662998-615664213

(DNE)

Eric F Johnston
Manager, Obstruction Evaluation Group

Attachment(s)
Additional Information
Frequency Data

Map(s)

cc: FCC

<i>City of Murfreesboro</i> BOARD OF ZONING APPEALS	HEARING REQUEST APPLICATION
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Location/Street Address: 710 Memorial Blvd, Murfreesboro			
Tax Map: 091k	Group: C	Parcel: 001.00	Zoning District: CH

Applicant: Vogue Towers II, LLC		E-Mail: Pat@voguetowers.net	
Address: 430 Chestnut St, Suite 101-B		Phone: 423-702-0313	
City: Chattanooga	State: TN	Zip: 37402	

Property Owner: Anchor Murfreesboro 1, llc			
Address: 3035 Rhea County Hwy, Suite 150		Phone: 423-421-8887	
City: Dayton	State: TN	Zip: 37218	

Request: Development and construction of multi-provider wireless communications facility, including height variance of 50' (75' to 125').	
Zoning District: CH	
Applicant Signature: <i>Michael A. Sandifer</i>	Date: March 18, 2024

Received By:	Receipt #:
Application #:	Date:

Murfreesboro
Board of
Zoning Appeals



MURFREESBORO
T E N N E S S E E

**HEARING APPLICATION
AND
GENERAL INFORMATION**

**MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
APRIL 24, 2024
PROJECT PLANNER: JOEL AGUILERA**

Application: Z-24-006

Location: 2123 Middle Tennessee Boulevard

Applicant: Brad Chambers

Owner: Brad Chambers

Zoning: RS-10 (Single-Family Residential- 10,000 square feet minimum lot size) & (CCO) City Core Overlay District

Requests: A special use permit to establish a home-based business for a real estate and construction office.



Overview of Request

Background

The applicant, Brad Chambers, is requesting a special use permit (SUP) to establish a real estate and construction office inside the residence located at 2123 Middle Tennessee Boulevard. The subject property is zoned Single Family Residential (RS-10) and located in the City Core Overlay (CCO) District. Because the proposed real estate and construction office will generate customer traffic and require a sign attached to the house, 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 has purchased the home at 2123 Middle Tennessee Boulevard and will be remodeling the existing home to be his primary residence and for the proposed home-based business. Per the applicant's written statement, the proposed office will be used by Mr. Chambers, will be used for receiving mail, reviewing plans/contracts, and meeting clients. The office will serve an average of 1 to 2 clients per day. However, per the applicant's letter, the business will have no more than 5 clients per day. Additionally, there will be no other employees working from the home besides Mr. Chambers. The days and hours of operation will be Monday through Friday, 9am to 4pm, by appointment only, which is consistent with other home occupations previously approved by the BZA. Per the applicant's letter, there will no construction equipment stored on-site, and the equipment associated with the home occupation will be the typical office equipment furniture and supplies, computer, desk, etc.

The approximate square footage of the house is 2,322 and the proposed office will occupy 324 square feet, which equates to 14% of the home's floor area. Per the applicant's written summary and attached photos, there will be exterior and interior improvements made to the home and for the proposed office. The applicant has stated that the existing driveway will be improved, to be extended to the side of the house, and will be designed in a way for customers to pull in front of house and be able to turn around and exit, without having to back out onto Middle Tennessee Boulevard. The applicant has already pulled permits to make the necessary improvements, so the existing house be salvaged and continue to be utilized. The applicant has stated that one exterior sign will be posted and confirmed that the sign will not exceed the maximum 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 believes that the proposed use is compliant with all such standards.

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 his 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.

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 believes that the proposed use will have no adverse impact on the above-mentioned elements. The proposed office will be operated within the residence, the customers will park on the new driveway, in front of the house, and customer visits to the residence will be made by appointment only. Middle Tennessee Boulevard is categorized as a major arterial, and with the proposed office and maximum number of clients, staff believes there would be no major impact to the existing traffic patterns. Additionally, staff believes that the proposed use will not have any adverse effect to the character of the neighborhood as there are several existing commercial uses along the street such as a convenience market located north of the property, and several restaurants uses across the street.

- 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 believes that the proposed use will have no adverse impact on the above-mentioned elements. The existing house for the proposed office use will remain a residence for the property owner, and the exterior and interior improvements will help continue the life of the house. The driveway will allow for customer parking in the front of house and will be designed to prevent customers from backing out onto Middle Tennessee Boulevard. Customers will be allowed by 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 office will be operated in a manner that will be compatible with the immediate vicinity and not interfere with the use of the adjacent properties.

- 3. That the proposed building 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, that will be improved with the remodeling of the house, and the use will not generate significant traffic impacts in the neighborhood because it will be one customer at a time.
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; therefore, 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 office 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 he will be the only employee working at the proposed office.
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 office and attached to the house, as required per the regulations set forth by the Tennessee Real Estate Commission.
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 the exterior improvements being made will ensure the residence retains the appearance of a single-family home and will continue to be used as such. There will be no display of products from the street.
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;

- Per the attached floor plan with the application materials, the applicant has demonstrated that the proposed use will occupy 324 square feet, which equates to 14% 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 office will only use typical office supplies and equipment. No construction equipment will be stored on the property. 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 the existing driveway will be improved, which will allow for sufficient parking on the property. No additional parking on site is needed by the applicant and there will be no 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;

- This requirement is not applicable to this application. This request is for a proposed real estate and construction office 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 at this location upon sale or transfer of the property or if the applicant ceases to live there. The applicant understands this requirement.

Staff Recommendation:

Because the proposed home-based business to operate a real estate and construction office 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 9:00am to 4:00pm Monday through Friday. The business shall be closed on Saturday and Sunday and shall not be in operation before 9:00 AM or after 4:00 PM on any other day of the week.
5. The home-based business shall not begin operation until the applicant physically resides on the property and it is his primary residence.
6. All parking associated with the in-home office shall only be on the driveway on the subject property.
7. The applicant shall obtain all required permits and pass all required inspections with the Building and Codes Department prior to the opening of the business at this location.
8. Applicant shall include a signed copy of the BZA approval letter with the business license application materials.
9. The special use permit shall lapse upon sale or transfer of the property or when the applicant ceases to reside there.

Attached Exhibits

1. Application
2. Procedure form
3. Floor plan
4. Business summary
5. Photos

City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: 2123 middle TN Blvd

Tax Map: Group: Parcel: ⁰⁹⁰⁰⁻~~11-005-~~₀₀₋₂₀₀ Zoning District: RS-10

Applicant: Bradley Chambers E-Mail: Bradley@CCRTN.NET

Address: 2123 middle TN Blvd Phone: 615-785-1511

City: Murfreesboro State: TN Zip: 37130

Property Owner: Bradley Chambers

Address: ~~11111~~ ~~to~~ ~~change~~ ~~to~~ 2123 middle TN Blvd Phone: 615-785-1511

City: Murfreesboro State: TN Zip: 37130

Request: home occupation

Zoning District: RS-10

Applicant Signature: Bradley Chambers

Date: 4/1/24

Received By: AF

Receipt #: 530196

Application #: Z-24-056

Date: 4/1/24

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION



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: 4/1/24

Applicant name & title: Brad Chambers /owner

Planner name: Joel Aguilera

Application request: Special Use permit for home Based Business

Purpose of request: office space for Chambers construction and Real Estate,

Section 8 – Procedure for Uses Requiring Special Use Permits

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

Bradley Chambers
2123 Middle TN Blvd Murfreesboro TN 37130
615-785-1511

b) Nature and extent of applicant’s ownership interest in subject property

Own the property located at 2123 Middle TN Blvd

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

I have included the site plan along with Request Letter

d) Address of the site of the proposed special use

2123 Middle TN Blvd

e) Vicinity map showing the property of the proposed special use and all parcels within a five-hundred-foot radius

I have included map with request letter



f) Zoning classification the property of the proposed special use

RS-10

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

1) Hours and days of operation

Monday - Friday 9am to 4pm appointment only

2) Duration of the proposed special use

5 days a week

3) Number of expected patrons that will be expected to utilize the property of the proposed special use

No more than 5 per day, typically 1-2 clients per day.

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

1 to 5 extra cars per day

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

NA

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:

- 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;

There will be no negative effects on property or neighborhood.



- 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;
Customers will park in the driveway, no more than one customer at a time. Customers will enter through the front door.

- 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;
No additional stress will be placed on facilities or resources.

- 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 Building doesn't feature any of those things.

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

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;

I am owner and thus ~~be~~ will serve as my office



[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;

Sign will be no more than 3 sq ft

[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;

This will remain as a single family home

[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;

The space to be used for office area is approximately 324 sq. ft. The house is about 2,322 sq. ft.

[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;

All equipment used will be standard house hold equipment, such as a laptop and printer.



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

No items will be stored outside or on the property.

[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 adequate parking on site for clients. No street parking will be necessary.

[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.

N/a

[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;

N/a

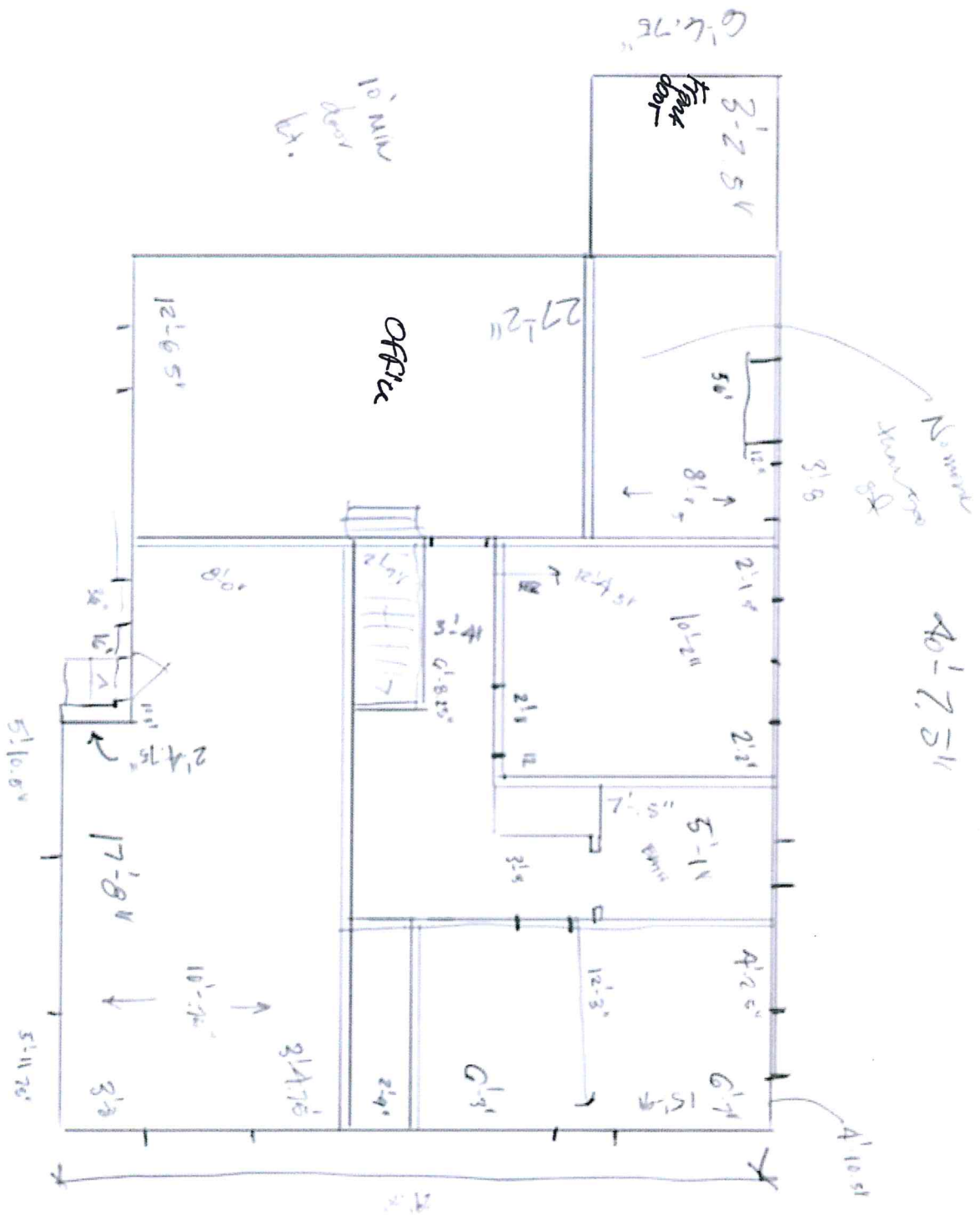


[10] the BZA may require additional standards in order to assure the compatibility of the home occupation with other property in the vicinity of the home occupation and to assure the residential character of the neighborhood is maintained.

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

Date: 4/1/24

Applicant signature: Brew Chambers



Brad Chambers

2123 Middle Tn Blvd.

Murfreesboro, TN 37130

Dear BZA,

I am requesting a special use permit for a home occupation for my residence at 2123 Middle Tn Blvd. The details are listed below.

- I am a residential and commercial contractor and broker.
- My business is Chambers Construction and Real Estate LLC.
- My business operates as a sole proprietorship.
- This office will mainly serve as a place for receiving mail/emails, reviewing plans/contracts, and brainstorming.
- Hours of operation will be Monday-Friday 9am to 4pm by appointment only. Traffic count will vary from 0 to 5 clients, but typically will not meet more than 1 or 2 clients per day.
- The space to be used for office area is approximately 324 Sq Ft. The house is approximately 2,322 Sq Ft.
- There will be no need for street parking, as plenty of parking spaces will be available on site.
- Entrance to the office will be through the front door.
- House is currently being remodeled but will flow as a typical single-family dwelling, similar to existing layout.
- Exterior sign not to exceed 3 Sq Ft.
- Other than office essentials no equipment will be on site.
- We plan to add a nice wide driveway, with a pull-in spot in the front of the house. A vehicle will be able to turn into the drive and cut the wheel left to pull into the parking spot, also turn the wheel right backing up and be able to exit the driveway pulling forward.



The entrance and exit to the office space will be in and out of the front door.

3:21



Google Maps

Open in the Google Maps app

OPEN



Google Maps

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03/05/2021

**MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
APRIL 24, 2024
PROJECT PLANNER: JOEL AGUILERA**

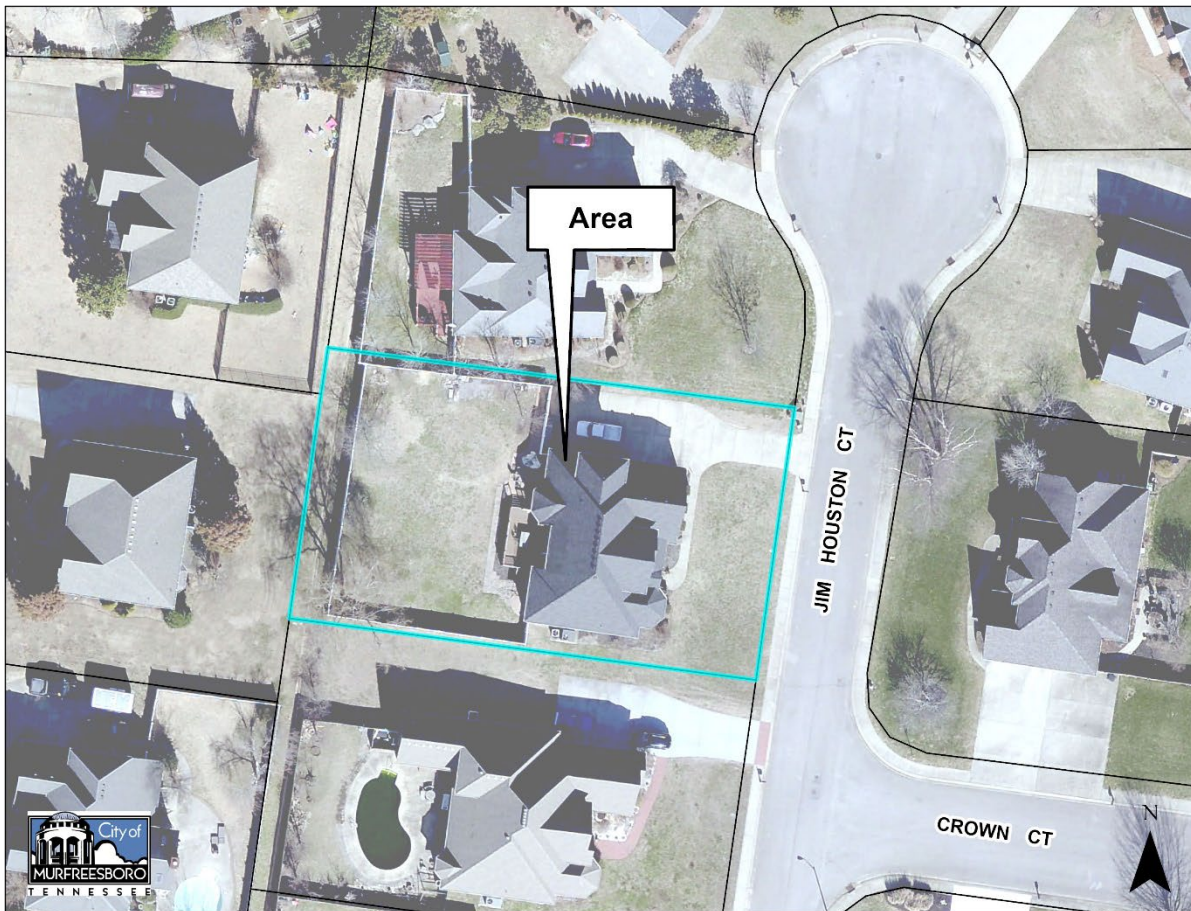
Application: Z-24-007

Location: 2729 Jim Houston Court

Applicant: Percy L. Jenkins III, represented by Percy L Jenkins, Jr.

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

Requests: A special use permit to construct and establish an accessory apartment.



Overview

Special Use Permit Request

The applicant, Percy L. Jenkins III, represented by Percy L. Jenkins, Jr., is requesting a special use permit (SUP) to construct and establish an accessory apartment at 2729 Jim Houston Court for the applicant's in-laws to reside in when they visit and stay with the family. The new structure will be single-story, approximately 15 feet in height, and the accessory apartment would 650 square feet in area. The property is zoned RS-15 and is in the Jamison Place single-family residential subdivision.

As depicted in the application site plan, the structure will be located 93.8 feet behind the front property line and 31 feet from the rear property line. The structure would face Jim Houston Court. The proposed floor area of the accessory apartment is 650 square feet and includes a kitchen, living area, one bath, and garage space. The applicant understands that the garage space cannot be converted at any time to be a part of the accessory apartment, as it would exceed the maximum 700 square feet floor area. The proposed structure will utilize brick material, which is consistent with the existing home and the adjacent residential properties.

As proposed, the accessory apartment complies with the applicable bulk development standards:

	Zoning Ordinance	Proposed Accessory Apartment
Maximum Floor Area for accessory apartment	700 square feet	650 square feet
Maximum Building Height	35 feet	15 feet
Minimum Building Setbacks	<ul style="list-style-type: none">- 60 feet from front property line- 10 feet behind front façade of house- 5 feet away from house- 5 feet away from side and rear property line	<ul style="list-style-type: none">- 93.8 feet from front property line- 58 feet behind front façade of house- 8 feet away from house- 7 feet away from side property line- 31 feet away from rear property line

In addition, it is recommended that the applicant be required to complete and record the standard Restriction on Use of Land document prepared by the City Attorney. This document states that the accessory apartment can only be occupied by a family member or an invited guest and cannot in any circumstances be used as rental unit. Recording it memorializes the restriction to put future buyers or owners on notice.

Relevant Zoning Ordinance Section

Chart 1 of the City of Murfreesboro Zoning Ordinance allows accessory apartments with approval of a Special Use Permit the RS-15 district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(a) sets forth Standards for Accessory Apartments in addition to the Standards of General Applicability Section 9(C). The following are also the relevant sections from the Zoning Ordinance that apply to accessory apartments:

Section 25, Temporary and Accessory Structures, Subsection E:

(1)(a): for interior lots in residential districts, detached accessory structures and uses, except fences, walls, and hedges, shall be located not less than sixty feet from the front lot line and in no event shall be closer to the front lot line than ten feet behind the front of the principal structure and not less than five feet from any side and rear lot lines. Detached accessory structures on residential lots that are closer than five feet to a principal structure shall be treated as attached structures for setback purposes whether physically attached or not;

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

Section 2, Definitions:

Accessory Apartment: A secondary dwelling unit either in or added to an existing single family detached dwelling, or in a separate accessory structure on the same lot of record with its own separate exterior entry door, with provisions for cooking and food preparation (including sink and electrical outlets to accommodate kitchen appliances such as refrigerator, oven, or stove), sanitation (including toilet, sink, and shower or bathtub), and sleeping. Such a dwelling shall be accessory to the main dwelling.

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

Standards of General Applicability with Staff Analysis:

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

- As currently proposed, the plan for the accessory apartment complies with the minimum bulk development standards for accessory structure and accessory apartments. The structure will have adequate parking on site, and no changes to utility facilities are needed. The traffic conditions would remain the same and the proposed use would not affect the safety and general welfare of the neighborhood. Additionally, staff believes that the proposed accessory apartment will not have any adverse effect to the character of the neighborhood as the structure will be constructed with brick material and will mimic the existing style of homes in the neighborhood.

- (2) The proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations:**
- Staff believes this standard has been met. As depicted on the proposed plans, the proposed garage and accessory comply with minimum bulk development standards. The proposed accessory apartment is not a rental and is to be used for family members and would not interfere with adjacent properties or generate traffic.
- (3) The proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**
- Staff believes this standard has been met. The proposed accessory apartment will be served adequately by essential public facilities because they are currently existing and already serve the property.
- (4) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance:**
- Staff is not aware of any such features on-site that will be impacted by this use.
- (5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:**
- Additional standards for Accessory Apartment uses are listed below.

Additional Standards for Accessory Apartment Uses with Staff Analysis:

- 1.) Only one accessory apartment shall be allowed upon a lot zoned for single family purposes;**
 - The applicant has confirmed that only one accessory apartment will be on the lot at 2729 Jim Houston Court.
- 2.) Except for bona fide temporary absences, the owner(s) of the residence or lot upon or in which the accessory unit is created shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members;**
 - The applicant has confirmed that the owner, Percy L. Jenkins III, will reside on the property in the principal structure and the accessory apartment unit will only be used for family. He has agreed to record a Restriction on Use of Land, as recommended by the Planning Department for all accessory apartments.
- 3.) The accessory apartment shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general,**

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

- As depicted on the current plans, the design is compliant with the minimum bulk development standards for an accessory structure, per Section 25 Temporary and Accessory Structure and Uses. The structure is 15 feet high and has a 93.8-foot front setback and 31-foot rear setback, and 7 feet away from the property line. The proposed structure will utilize brick material, which is consistent with the house and neighborhood. The entrance for the proposed accessory apartment will be on the side of the structure, and with the accessory apartment structure being located behind the fence.

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

- This standard is not applicable to this application, as the proposed structure is detached from the principal structure.

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

- As it is currently depicted, the accessory apartment will be 650 square feet and if approved, the applicant is required to obtain all necessary building permits to construct the accessory apartment. The applicant has confirmed that the design and construction will conform to all applicable standards in the health, building, and other codes. The structure complies with the setback requirements for detached accessory structure and will not exceed 35 feet in height.

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

- The accessory apartment will be 650 square feet and will not exceed 700 square feet of floor area.

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

- Staff recommends that, rather than the above, the BZA instead condition approval on the recording of a Restriction on Use of Land, prepared by the City Attorney, which requires that the accessory apartment only be occupied by a family member or an invited guest and cannot in any circumstances be used as rental unit.

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

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

Staff Recommendation:

Staff recommends approval of the special use permit, based on the request meeting the minimum development standards of the ordinance, to allow a 650 square foot accessory apartment structure, as presented in the application documents, and with the following conditions.

Recommended Conditions of Approval:

1. The owner(s) of the property for this accessory apartment unit shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members.
2. The garage portion of the proposed accessory structure shall not be converted to be or be used as part of the accessory apartment.
3. Prior to applying for building permits, the applicant shall complete and record the “Restriction on Use of Land” document prepared by the City Attorney, which shall limit the use of the accessory apartment to only what is allowed by the Zoning Ordinance.
4. The applicant shall obtain all necessary permits with the Building and Codes Department and shall comply with all code requirements.

Attached Exhibits

- A. Application
- B. Procedure form
- C. Site plan
- D. Elevations
- E. Floor plan

City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address:

Tax Map: 69K Group: K Parcel: 7.00 Zoning District: RS-15

Applicant: Percy L. Jenkins, JR. E-Mail: lancejenks@gmail.com

Address: 2729 Jim Houston Court Phone: 615-330-5142

City: Murfreesboro State: TN Zip: 37129

Property Owner: Percy L. Jenkins, III

Address: 2729 Jim Houston Court Phone: 615-308-3550

City: Murfreesboro State: TN Zip: 37129

Request: Detached Garage with 650 Square Foot of living Area
for the purpose of in laws visits from out of town on weekends.

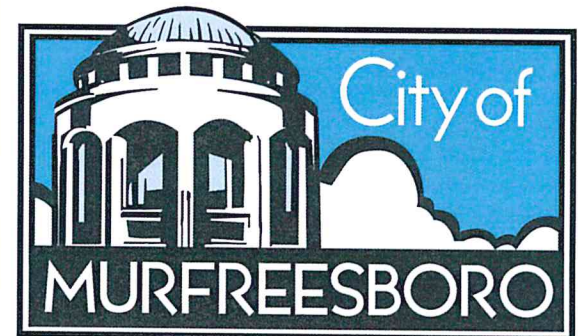
Zoning District: RS-15

Applicant Signature:  Date: 3/18/2024

Received By: AF Receipt #: 530197

Application #: 2-24-007 Date: 4/5/24

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION
AND
GENERAL INFORMATION



Board of Zoning Appeals Procedure Form

Request for Accessory Apartment

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: 3/18/2024

Applicant name & title: Percy L. Jenkins III Planner name: Joel Aguilera

Application request: Adding Detached Garage with 650 sq. foot living Area.

Purpose of request: Allow for inlaws when visiting from out of town on weekends.

Section 8 – Procedure for Uses Requiring Special Use Permits

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

Percy L. Jenkins, III
2729 Jim Houston Court
Murfreesboro, TN 37129
615-330-5142 - Father's Number 615-302-3550

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

Sole Owner

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

2729 Jim Houston Court, Murfreesboro, TN 37129

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

RS-15

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

1) Hours and days of operation

Residence

2) Duration of the proposed special use

For Duration of ownership.

3) Number of expected patrons that will be expected to utilize the property of the proposed special use

The structure is intended for the use of in-laws when visiting.

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

The applicant does not anticipate any changes as there is plenty of parking available in drive way and only usually one weekend per month.

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

None presented.

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:

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 accessory structure will not have a substantial or undue adverse affect upon any adjacent properties as it will be used only by family and in-laws when they are visiting. Existing electric, water and sewer services will be used. Traffic conditions will remain the same and the proposed use would not affect the safety and general welfare of the neighborhood.



- 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 new structure will be used in a manner that is compatible with the immediate vicinity and will not interfere with surrounding properties. Structure will have same design as existing home.

- 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;

The proposed new structure will be served adequately by essential public facilities that are currently existing and serve the property now.

- 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,

The proposed structure will not make any impact on natural, scenic, or historic features.

- 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.

Additional standards are listed below.

Standards for (a) Accessory Apartments

Please explain how you will comply with the following standards:

[1] only one accessory apartment shall be allowed upon a lot zoned for single family purposes;

There are no other accessory apartments or buildings on the property.



[2] except for bona fide temporary absences, the owner(s) of the residence or lot upon or in which the accessory unit is created shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members;

Owner intends to stay on property full time and use
will be by current family members and in laws when they
are in town.

[3] the accessory apartment shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances in an existing structure shall be located on the side or in the rear of the building;

As depicted in the attached exhibits, the new structure
will be consistent with the neighborhood. The proposed
building will be brick veneer and architectural shingles
same as the primary residence.

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

This standard would not apply as the structure
is detached.

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

The accessory structure will have 650 square feet of living area
and 436 square feet of garage area. All necessary building permits
will be applied for. The design and construction will conform to all
applicable health, building and other codes.

[6] the accessory apartment shall not exceed seven hundred square feet of floor area;

The exterior dimensions are 27x44 = 1188 sq feet total.
27 feet wide and 44 feet deep.



[7] the BZA may condition approval upon the special use permit lapsing at such time as the ownership of the property is transferred; and,

The applicant is willing to allow the rescinding of the
special use permit if the property is sold to a
new owner.

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

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

Date: 3/18/2024

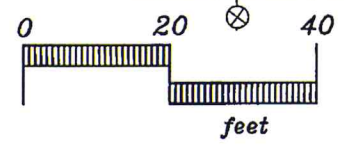
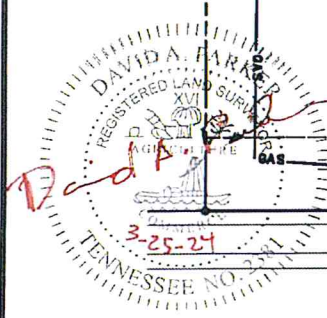
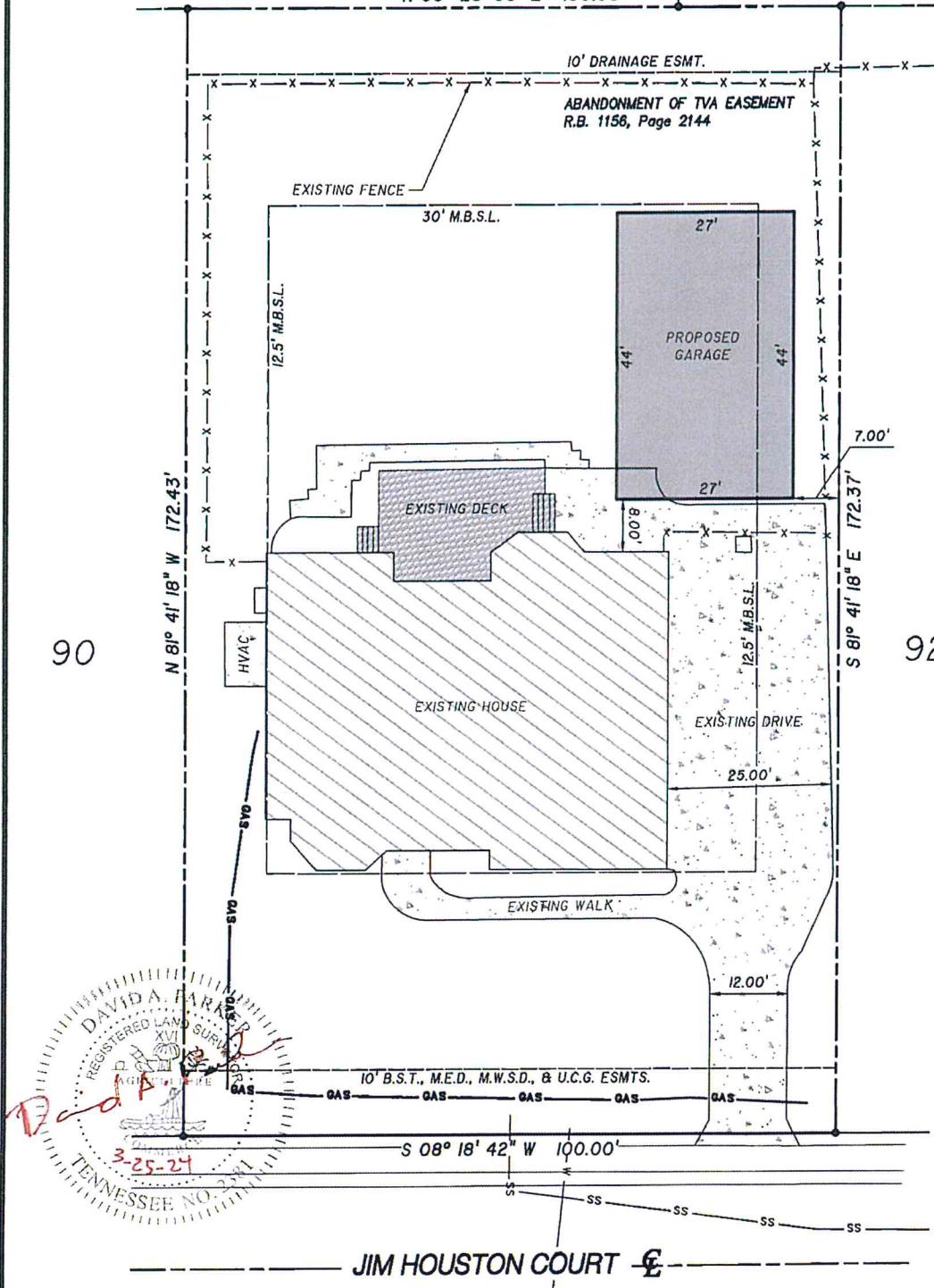
Applicant signature:

A handwritten signature in black ink, appearing to read "D. J. [unclear]", written over a horizontal line.

CONTACT: PERCY L. JENKINS, JR.
2729 JIM HOUSTON CT.
MURFREESBORO, TN 37129
PH #: 615-330-5142
EMAIL: LanceJenks@gmail.com

JAMISON PLACE, SEC. III - LOT 65
N 08° 20' 38" E 100.00'

JAMISON PLACE, SEC. III - LOT 64

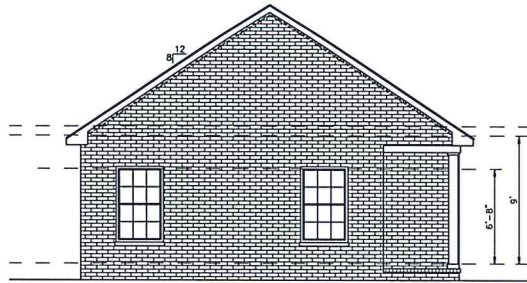


PLOT PLAN
JAMISON PLACE
SUBDIVISION
SEC. 5, LOT 91
2729 JIM HOUSTON COURT
MAP 69K, GROUP K, PARCEL 7.00
P.BK. 28, PG. 126 R.O.R.C., TN

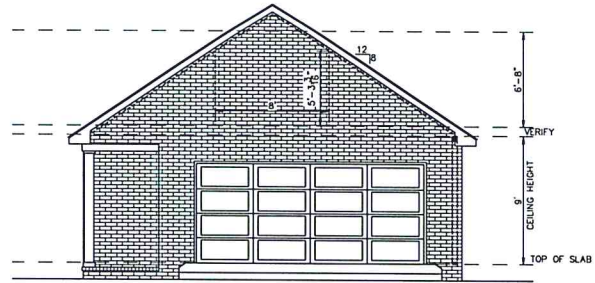


DATE: 3/15/2024
REV: 3/25/2024

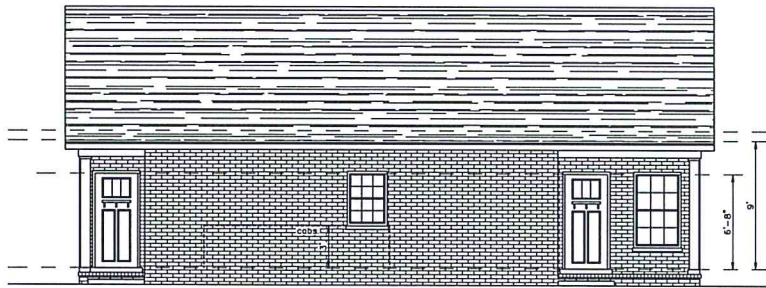
DRAWN BY: WCC
S.E.C. # 24008



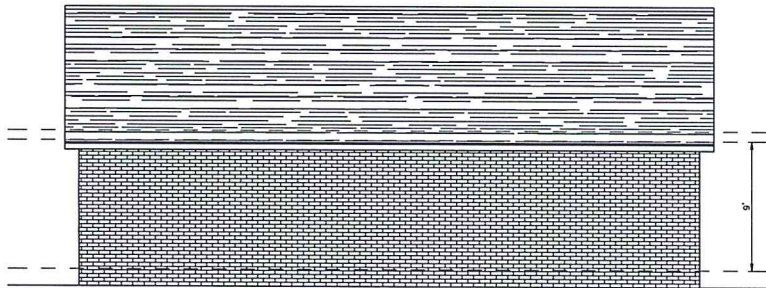
REAR ELEV.



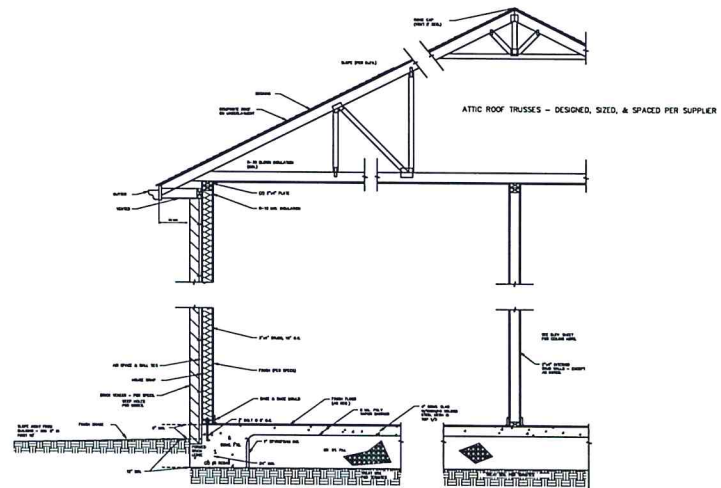
FRONT ELEV.



LEFT ELEV.



RIGHT ELEV.



General Notes

ALL DIMENSIONS MUST BE VERIFIED BY BUILDER/CONTRACTOR PRIOR TO CONSTRUCTION.

BUILDER/CONTRACTOR MUST VERIFY COMPLIANCE WITH ALL LOCAL BUILDING CODES.

XX	XX/XX	XX/XX
NO.	REVISION/ISSUE	DATE

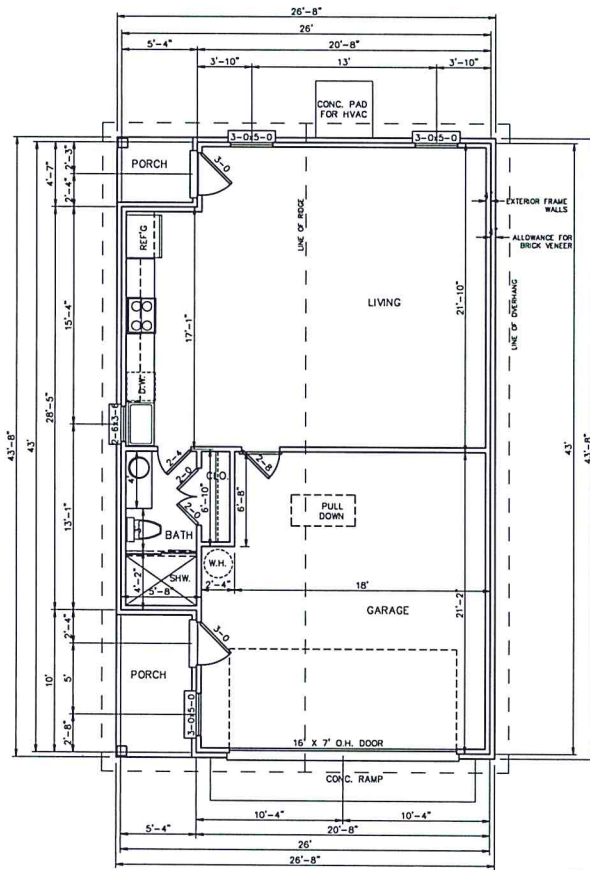
PERRY DESIGN & DRAFTING
1966 HOLLOW SPRINGS RD.
WOODBOURY, TN 37190

perrydrafting@gmail.com

LANCE JENKINS

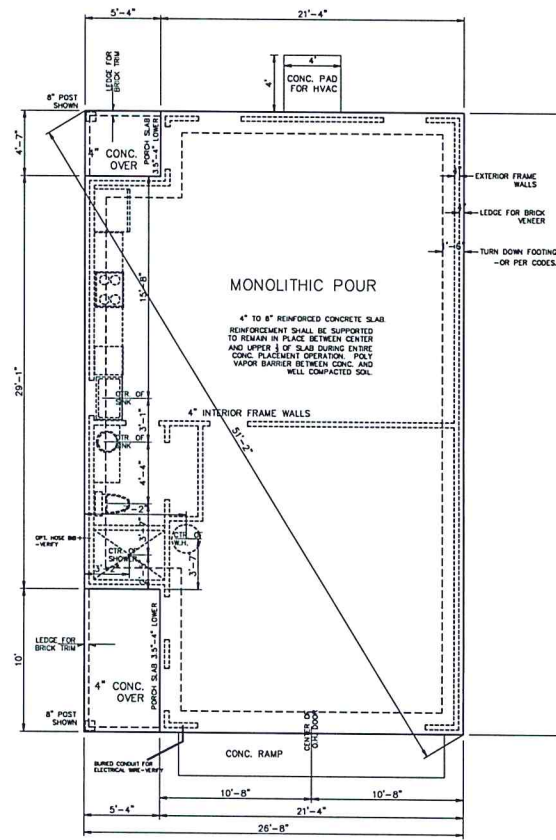
PROJECT NUMBER:
24-108
DATE:
02-05-2024
SCALE:
1/4" = 1'

02



FLOOR PLAN

SQUARE FOOTAGE:
 HEATED 650
 GARAGE 436
 PORCHES 78



FOUNDATION PLAN

General Notes

ALL DIMENSIONS MUST BE VERIFIED BY BUILDER/CONTRACTOR PRIOR TO CONSTRUCTION.

BUILDER/CONTRACTOR MUST VERIFY COMPLIANCE WITH ALL LOCAL BUILDING CODES.

XX	XX/XX	XX.XX
NO.	REVISION/ISSUE	DATE

PERRY DESIGN & DRAFTING
 1966 HOLLOW SPRINGS RD.
 WOODBURY, TN 37190

perrydrafting@gmail.com

LANCE JENKINS

PROJECT NUMBER:
 24-108
 DATE:
 02-05-2024
 SCALE:
 1/4" = 1'

01

**MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
APRIL 24, 2024
PROJECT PLANNER: JOEL AGUILERA**

Application: Z-24-008

Location: 133 January Street

Applicant: Brian Vaughan

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

Requests: A special use permit to construct and establish an accessory apartment.



Overview

Special Use Permit Request

The applicant, Brian Vaughan, is requesting a special use permit (SUP) to establish an accessory apartment at 133 January Street for his mother to reside in. The applicant will be demolishing the existing home at 133 January Street and will be constructing a new single-family dwelling, in addition to the accessory apartment. The new single-family dwelling does not require review and approval from the Board of Zoning Appeals, but staff has requested that the applicant show the footprint and location of the new single-family dwelling so he can utilize the same plot plan for the permitting process. The new accessory apartment structure will be single-story, approximately 17 feet in height, and the accessory apartment would 626 square feet in area. The property is zoned RS-8 and is surrounded by single-family residential zoning and land uses.

As depicted in the application site plan, the structure in question will be located 109 feet behind the front property line and 23 feet from the rear property line. The structure would face January Street. The accessory apartment includes a kitchen, living area, laundry room, bedroom, 1.5 bathrooms, and garage space. The applicant understands that the garage space cannot be converted at any time to be a part of the accessory apartment, as it would exceed the maximum 700 square feet floor area. The proposed structure will utilize hardie plank material, which is consistent with the proposed single-family dwelling.

As proposed, the accessory structure complies with the applicable bulk development standards:

	Zoning Ordinance	Proposed Accessory Apartment
Maximum Floor Area for accessory apartment	700 square feet	626 square feet
Maximum Building Height	35 feet	17 feet
Minimum Building Setbacks	<ul style="list-style-type: none">- 60 feet from front property line- 10 feet behind front façade of house- 5 feet away from house- 5 feet away from side and rear property line	<ul style="list-style-type: none">- 109 feet from front property line- 73 feet behind front façade of house- 26 feet away from house- 8 feet away from side property line- 23 feet away from rear property line

In addition, it is recommended that the applicant be required to complete and record the standard Restriction on Use of Land document prepared by the City Attorney. This document states that the accessory apartment can only be occupied by a family member or an invited guest and cannot in any circumstances be used as rental unit. Recording it memorializes the restriction to put future buyers or owners on notice.

Relevant Zoning Ordinance Section

Chart 1 of the City of Murfreesboro Zoning Ordinance allows accessory apartments with approval of a Special Use Permit the RS-8 district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(a) sets forth Standards for Accessory Apartments in addition to the Standards of General Applicability Section 9(C). The following are also the relevant sections from the Zoning Ordinance that apply to accessory apartments:

Section 25, Temporary and Accessory Structures, Subsection E:

(1)(a): for interior lots in residential districts, detached accessory structures and uses, except fences, walls, and hedges, shall be located not less than sixty feet from the front lot line and in no event shall be closer to the front lot line than ten feet behind the front of the principal structure and not less than five feet from any side and rear lot lines. Detached accessory structures on residential lots that are closer than five feet to a principal structure shall be treated as attached structures for setback purposes whether physically attached or not;

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

Section 2, Definitions:

Accessory Apartment: A secondary dwelling unit either in or added to an existing single family detached dwelling, or in a separate accessory structure on the same lot of record with its own separate exterior entry door, with provisions for cooking and food preparation (including sink and electrical outlets to accommodate kitchen appliances such as refrigerator, oven, or stove), sanitation (including toilet, sink, and shower or bathtub), and sleeping. Such a dwelling shall be accessory to the main dwelling.

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

Standards of General Applicability with Staff Analysis:

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

- As currently proposed, the plan for the accessory apartment complies with the minimum development standards for accessory structure and accessory apartments. The structure will have adequate parking on site, and no changes to utility facilities are needed. The traffic conditions would remain the same and the proposed use would not affect the safety and general welfare of the neighborhood. Additionally, staff believes that the proposed accessory apartment will not have any adverse effect to the character of the neighborhood as the structure will be constructed with hardie plank material and will mimic the existing cottage style homes along January Street.

- (2) The proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations:**
- Staff believes this standard has been met. As depicted on the proposed plans, the proposed accessory apartment complies with minimum development standards for temporary and accessory structures. The proposed accessory apartment is not a rental and is to be used for family members and would not interfere with adjacent properties or generate traffic. The accessory apartment will utilize hardie plank siding for exterior materials.
- (3) The proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**
- Staff believes this standard has been met. The proposed accessory apartment will be served adequately by essential public facilities because they are currently existing and already serve the property.
- (4) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance:**
- Staff is not aware of any such features on-site that will be impacted by this use.
- (5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:**
- Additional standards for Accessory Apartment uses are listed below.

Additional Standards for Accessory Apartment Uses with Staff Analysis:

- 1.) Only one accessory apartment shall be allowed upon a lot zoned for single family purposes;**
- The applicant has confirmed that only one accessory apartment will be on the lot at 133 January Street. The new single-family dwelling unit in front of the accessory apartment will be the applicant's residence.
- 2.) Except for bona fide temporary absences, the owner(s) of the residence or lot upon or in which the accessory unit is created shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members;**
- The applicant, Mr. Brian Vaughan, will reside on the property in the principal structure and the accessory apartment unit will only be used for family. He has agreed to record a Restriction on Use of Land, as recommended by the Planning Department for all accessory apartments.

- 3.) The accessory apartment shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances in an existing structure shall be located on the side or in the rear of the building;**
- As depicted on the current plans, the design is compliant with the minimum development standards for an accessory structure, per Section 25 Temporary and Accessory Structure and Uses. The structure is 17 feet high and has a 109-foot front setback and 23-foot rear setback, and 8 feet away from the property line. The proposed structure will utilize hardie plank materials. The entrance for the proposed accessory apartment will be at the front of the structure but will be hidden behind the main residence.
- 4.) If attached to or located within the principal structure, the accessory apartment shall be designed and constructed to allow it to be part of the principal structure at such time as the use of the accessory apartment discontinues or approval of the special permit lapses;**
- Per the attached site plan, the proposed accessory apartment is in a detached accessory structure. This standard does not apply.
- 5.) The design and size of the accessory apartment shall conform to all applicable standards in the health, building and other codes;**
- As it is currently depicted, the accessory apartment will be 626 square feet and if approved, the applicant is required to obtain all necessary building permits to construct the accessory apartment. The applicant has confirmed that the design and construction will conform to all applicable standards in the health, building, and other codes. The structure complies with the setback requirements for detached accessory structure and will not exceed 35 feet in height.
- 6.) The accessory apartment shall not exceed seven hundred square feet of floor area;**
- The accessory apartment will be 626 square feet and will not exceed 700 square feet of floor area.
- 7.) The BZA may condition approval upon the special use permit lapsing at such time as the ownership of the property is transferred; and:**
- Staff recommends that, rather than the above, the BZA instead condition approval on the recording of a Restriction on Use of Land, prepared by the City Attorney, which requires that the accessory apartment only be occupied by a family member or an invited guest and cannot in any circumstances be used as rental unit.
- 8.) The BZA may require additional standards may be met in order to assure compatibility of the proposed use with adjoining properties and to maintain the integrity of the single-family zoning district;**
- The applicant understands that the BZA may require additional standards may be met in order to ensure compatibility.

Staff Recommendation:

Staff recommends approval of the Special Use Permit, based on the current plans meeting the standards of the ordinance, to allow a 626 square foot accessory apartment structure, as presented in the application documents, and with the following conditions.

Recommended Conditions of Approval:

1. The owner(s) of the property for this accessory apartment unit shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members.
2. The garage portion of the proposed accessory structure shall not be converted to be or be used as part of the accessory apartment.
3. Prior to applying for building permits, the applicant shall complete and record the “Restriction on Use of Land” document prepared by the City Attorney, which shall limit the use of the accessory apartment to only what is allowed by the Zoning Ordinance.
4. The applicant shall obtain all necessary permits with the Building and Codes Department and shall comply with all code requirements.

Attached Exhibits

- A. Site plan
- B. Elevations
- C. Procedure form
- D. Application
- E. Photos

City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address:

Tax Map: Group: Parcel: Zoning District:

Applicant: Brian Vaughan E-Mail: brianvaughan12@gmail.com

Address: 133 January Street Phone: 615-598-4357

City: Murfreesboro State: TN Zip: 37129

Property Owner: Brian Vaughan

Address: 133 January Street Phone: 615-598-4357

City: Murfreesboro State: TN Zip: 37129

Request: Add small 700 Sq. Ft. heated home behind the primary residence for mom.

Zoning District:

Applicant Signature: *Brian Vaughan* Date: 3/20/2024

Received By: *AF* Receipt #: *530198*

Application #: *2-24-008* Date: *4/5/24*

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION

AND

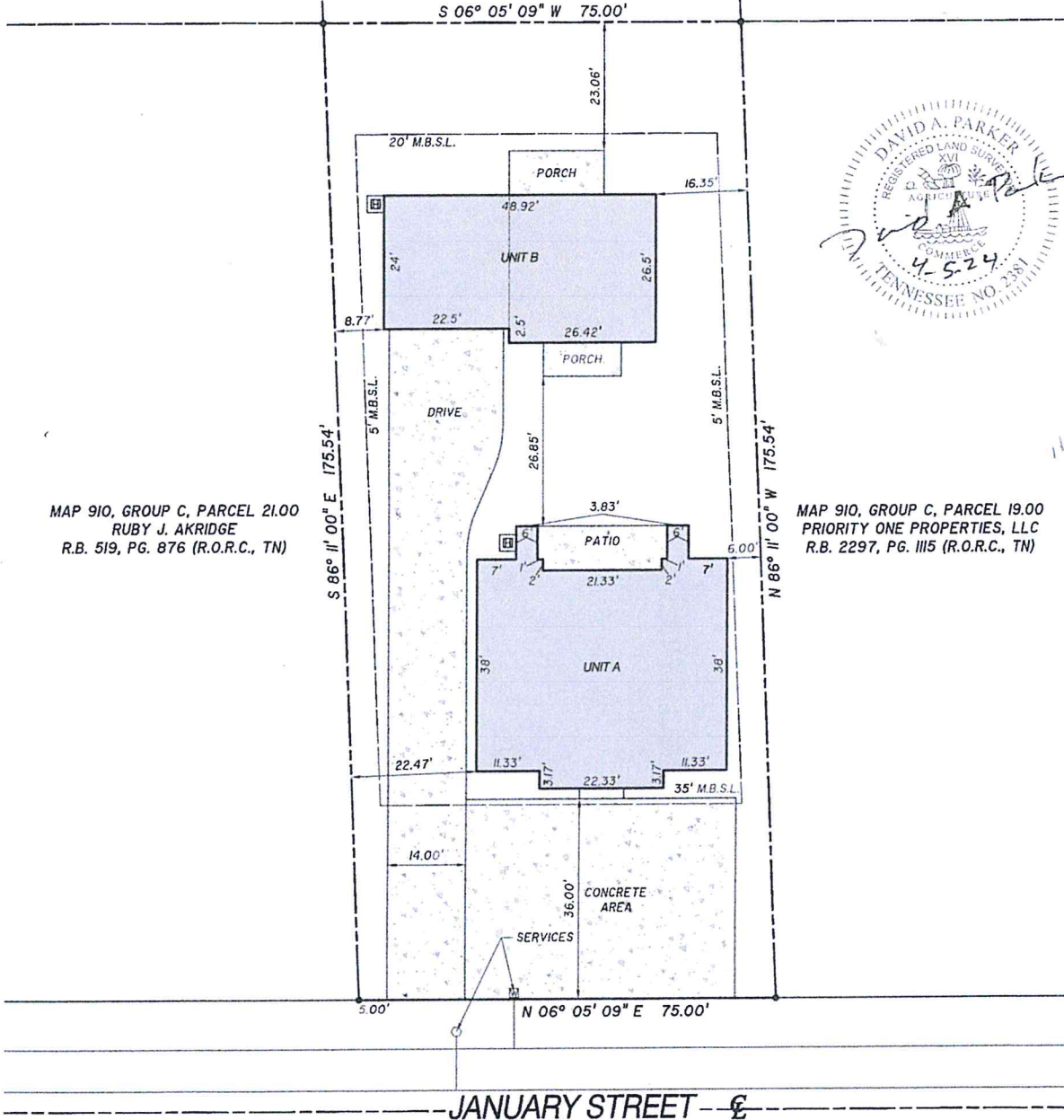
GENERAL INFORMATION

CONTACT: BRIAN VAUGHAN
 EMAIL: brian@crealityinvestments.com

MAP 910, GROUP C, PARCEL 7.00
 JORDON CARSON SENDECKE
 R.B. 2225, PG. 3427 (R.O.R.C., TN)

MAP 910, GROUP C, PARCEL 8.00
 KARYN R. BEATY
 R.B. 1193, PG. 2342 (R.O.R.C., TN)

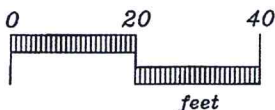
MAP 910, GROUP C, PARCEL 9.00
 JOSE HIRAM VEGA & MISTAN H. SANTIAGO
 R.B. 1708 PG. 2543 (R.O.R.C., TN)



MAP 910, GROUP C, PARCEL 21.00
 RUBY J. AKRIDGE
 R.B. 519, PG. 876 (R.O.R.C., TN)

MAP 910, GROUP C, PARCEL 19.00
 PRIORITY ONE PROPERTIES, LLC
 R.B. 2297, PG. 1115 (R.O.R.C., TN)

SITE DATA
 LOT AREA = 13,155 SQ. FT.
 PROPOSED BUILDING AREA = 3,024 SQ. FT.
 BUILDING COVERAGE RATIO:
 3,024/13,155 = 22.99%



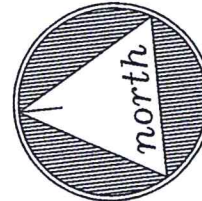
PRINT ON 11X17 PAPER TO MAINTAIN SCALE

DATE: 3/12/2024
 REV: 4/5/2024

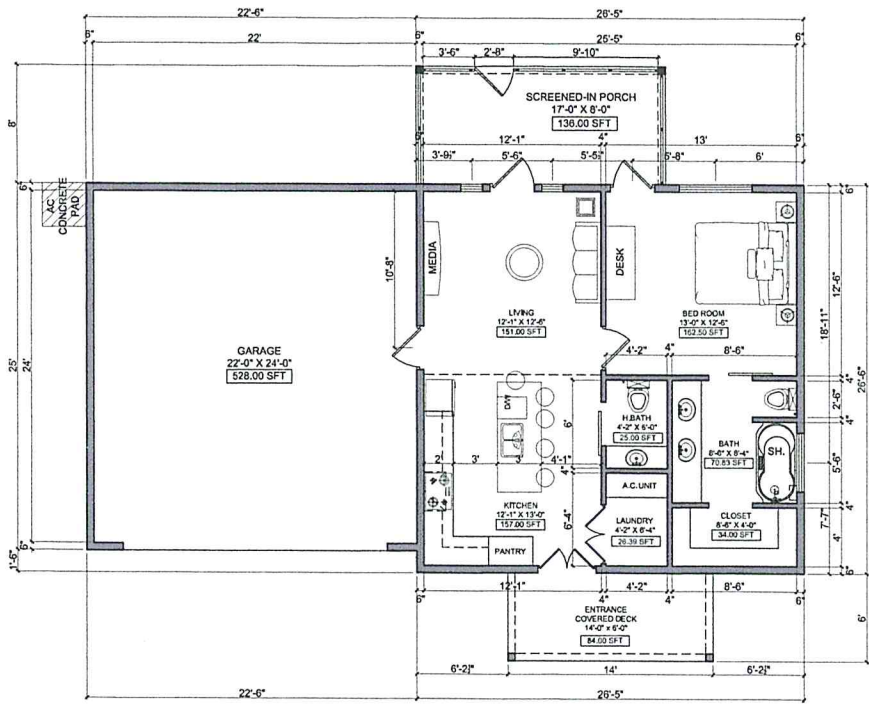
PLOT PLAN
PATTERSON OF LYTLE HEIRS
SUBDIVISION

LOT 25
 133 JANUARY STREET

MAP 910, GROUP C, PARCEL 20.00
 D.B.K. 93, PG. 1 R.O.R.C., TN

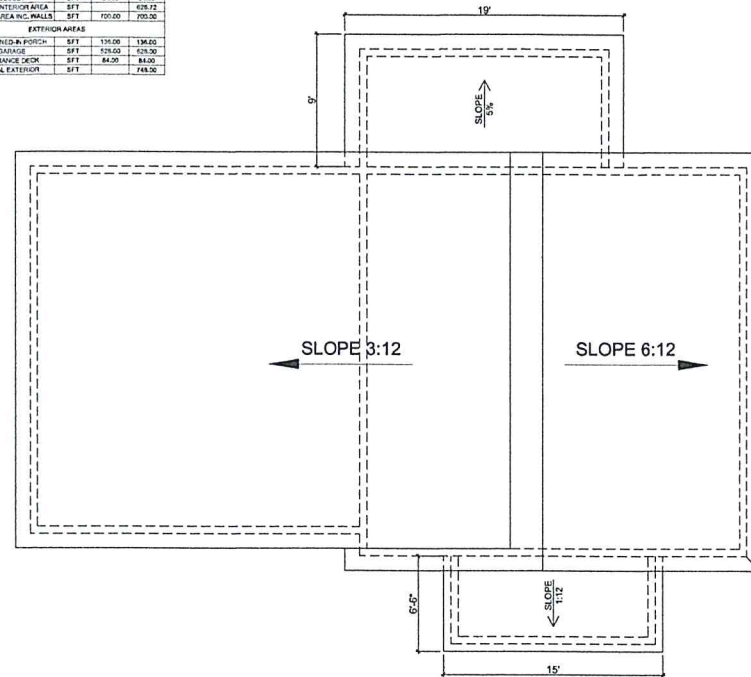


DRAWN BY: WCC
 S.E.C. # 24100



1 MAIN LEVEL FLOOR PLAN
Scale: 1/4" = 1'-0"

AREA TABLE				
HOUSE INTERIOR AREAS				
S.N.	NAME	UNIT	QTY.	TOTAL
1	LIVING	SFT	151.00	151.00
2	BED ROOM	SFT	122.50	122.50
3	KITCHEN/DINING	SFT	157.00	157.00
4	HALL BATHROOM	SFT	25.00	25.00
5	LAUNDRY	SFT	20.39	20.39
6	BATHROOM	SFT	23.00	23.00
7	CLOSET	SFT	34.50	34.50
TOTAL INTERIOR AREA			SFT	698.32
COVER AREA INC. WALLS			SFT	700.00
EXTERIOR AREAS				
1	SCREENED-IN PORCH	SFT	138.00	138.00
2	GARAGE	SFT	528.00	528.00
3	ENTRANCE DECK	SFT	84.00	84.00
TOTAL EXTERIOR			SFT	750.00



2 ROOF PLAN
Scale: 1/4" = 1'-0"

GENERAL NOTE:
ANY CONTRACTOR OR PERSON USING THIS DRAWING SHOULD VERIFY ALL DIMENSIONS, QUANTITIES AND SPECIFICATIONS AND INFORM THE ENGINEER OF ANY ERRORS AND / OR OMISSIONS BEFORE IMPLEMENTATION.
INFORMATION CONTAINED HEREIN SHALL BE TREATED AS CONFIDENTIAL. NO REPRODUCTION OF THIS DRAWING OR ANY PART OF THIS DRAWING SHALL BE MADE WITHOUT WRITTEN CONSENT.
CONTRACTORS ARE TO JUST USE. VERIFY DETAILS INFORMATION PRIOR TO SUBMITTING TENDER/ BID PRICE. IT IS THE CONTRACTORS RESPONSIBILITY TO OBTAIN ALL NECESSARY / COST ETC. SHALL BE AT CONTRACTORS COST.

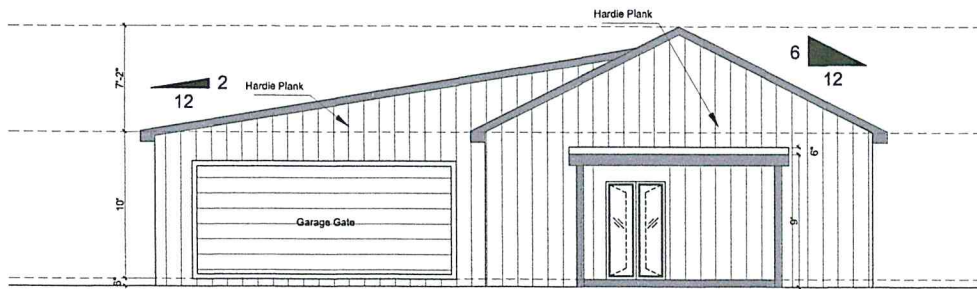
ADDRESS

PROJECT NAME

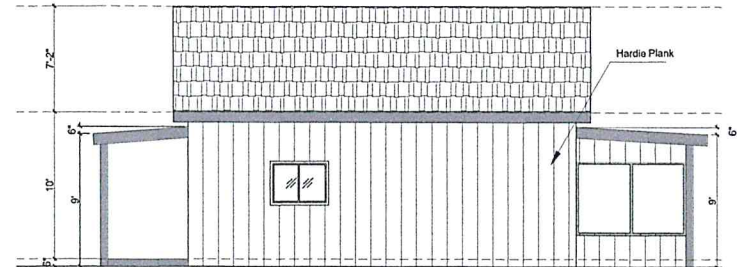
UNIT A, UNIT B
HOUSE DESIGN

SHEET TITLE -
UNIT B
FLOOR PLANS

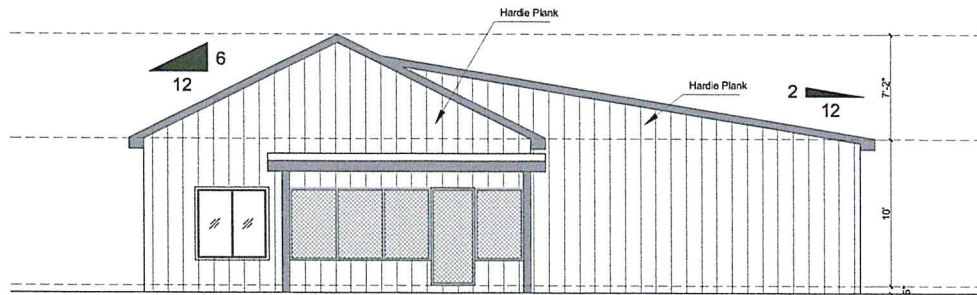
Date:	04/04/2024
Project No:	
Client Name:	
Drawn By:	AJL
Checked By:	
Approved By:	
Scale:	1/4" = 1'-0"
Sheet No:	A100
Paper Size:	ARCH D (36" x 24")



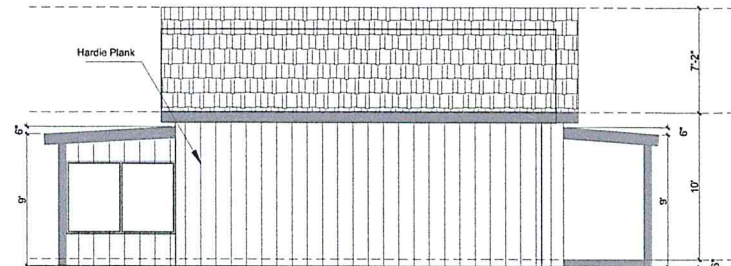
1 FRONT ELEVATION
Scale: 1/4" = 1'-0"



2 RIGHT ELEVATION
Scale: 1/4" = 1'-0"



3 BACK ELEVATION
Scale: 1/4" = 1'-0"



4 LEFT ELEVATION
Scale: 1/4" = 1'-0"

GENERAL NOTE:
ANY CONTRACTOR OR PERSON USING THIS DRAWING SHOULD VERIFY ALL DIMENSIONS, QUANTITIES AND SPECIFICATIONS AND INFORM THE DESIGNER OF ANY ERRORS AND / OR OMISSIONS BEFORE MANUFACTURING.
INFORMATION CONTAINED SHALL BE TREATED AS CONFIDENTIAL. NO REPRODUCTION OF ANY PART OF THIS DRAWING SHALL BE MADE WITHOUT WRITTEN CONSENT.
CONTRACTORS ARE TO VISIT SITE VERIFY DETAILS INFORMATION PRIOR TO SUBMITTING TENDER/ BID PRICE IT IS THE CONTRACTORS RESPONSIBILITY TO BRING FORWARD ANY DISCREPANCIES / COST ETC. SHALL BE AT CONTRACTORS COST.

ADDRESS

PROJECT NAME

UNIT A, UNIT B
HOUSE DESIGN

SHEET TITLE -
UNIT B
ELEVATIONS

Date: 04/24/2024
Project No:
Client Name:
Drawn By: AJJ
Checked By:
Approved By:
Scale: 1/4" = 1'-0"
Sheet No: A200
Paper Size: ARCH D (30" x 36")



Board of Zoning Appeals Procedure Form

Request for Accessory Apartment

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: 3/20/2024

Applicant name & title: Brian Vaughan Planner name: _____

Application request: Build under 700 sq. ft. heated home for mom.

Purpose of request: Family housing for my elderly mother

Section 8 – Procedure for Uses Requiring Special Use Permits

- a) Name, address, and telephone number of the *applicant*
Brian Vaughan, 133 January Street, Murfreesboro, TN 37129

- b) Nature and extent of applicant's ownership interest in subject property
I am the owner of 133 January Street. I reside there.

- 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 133 January St., Murfreesboro, TN 37129
- 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

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

1) Hours and days of operation

Living quarters 24 hours a day, 7 days a week

2) Duration of the proposed special use

Full time dwelling

3) Number of expected patrons that will be expected to utilize the property of the proposed special use

2

4) Projected traffic that will be expected to be generated by the proposed special use up to 2 people, plus non overnight guests.

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

n/a. This is for housing only and there will be nothing added to harm or distract from the current use of the land. It will bring positive characteristics only.

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:

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;

Adding this property will increase the value of the neighborhood. It will be new. My old

house is already the nicest house on the street. Making a newer version will not add traffic and will increase the aesthetics of the neighborhood.



- 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;
It is simply a home. The home is already in a simple
neighborhood. This will only increase the value and not interfere
with anyone in the area nor their privacy and will follow 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;
The house will have engineering aspects and the electric and water will be received on new
lines and new hookups making the house much safer and efficient than others in the area.
- 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,
there is nothing I am aware of that could have historic value
or take away from the aesthetics of the area. Any debris
such as overgrown and unsafe trees will be trimmed for better appearance.
- 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.
All standards will be met or exceeded to build this addition. All aspects
necessary will be permitted as required by the city and county.

Standards for (a) Accessory Apartments

Please explain how you will comply with the following standards:

[1] only one accessory apartment shall be allowed upon a lot zoned for single family purposes;

Agreed. I am only asking for one and that is all that will be built.



[2] except for bona fide temporary absences, the owner(s) of the residence or lot upon or in which the accessory unit is created shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members;

Agreed to. This home is for my family and extended family members that are growing in age.

[3] the accessory apartment shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances in an existing structure shall be located on the side or in the rear of the building;

~~This property already has a driveway on each side. One will be partially removed on the south side. The one on the north will stay and go to the new addition. The front of the primary house will be concreted for parking out front using existing driveways and adding new concrete.~~

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

This will not be attached and this question does not apply. However, it will have similarities to match the primary structure of the property.

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

agreed

New construction using permits authorized by the city will ensure that all aspects of the build conform with health, building and other codes.

[6] the accessory apartment shall not exceed seven hundred square feet of floor area; agreed. Under 700 sq. ft heated

This accessory has under 700 sq. feet of heated space and once built will maintain those conditions by completion.



[7] the BZA may condition approval upon the special use permit lapsing at such time as the ownership of the property is transferred; and,

This conditional approval is agreed as long as it does not create undue hardship to the owner or his family years down the road when it is being sold. However, this accessory is not being built to sell to someone else.

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

This accessory will only enhance the people and the neighborhood. There will be no concerns considering integrity.

Date: 3/20/2024

Applicant signature: Brian Vaughan

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

APRIL 24, 2024

PROJECT PLANNER: RICHARD DONOVAN

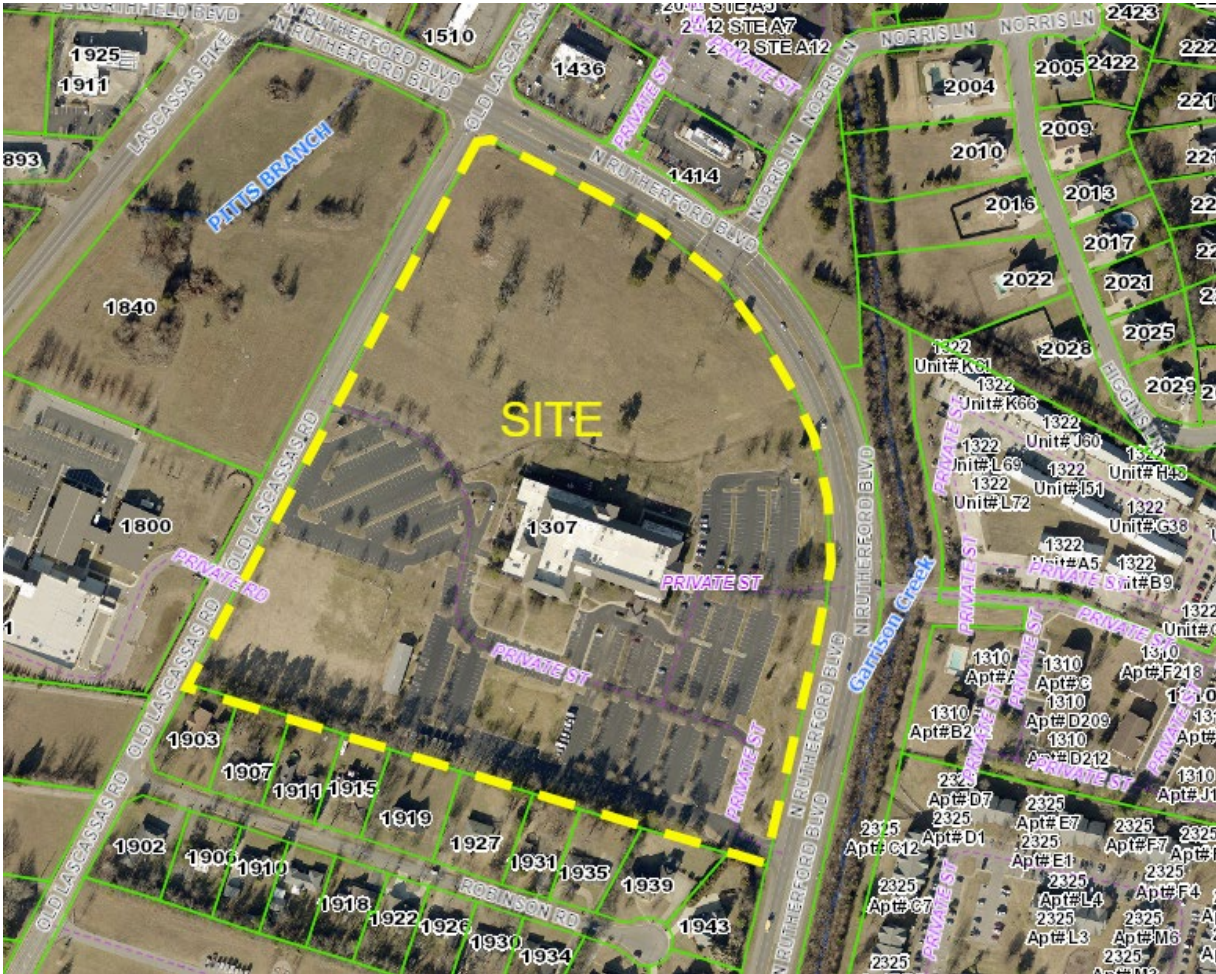
Application: Z-24-009

Location: 1307 North Rutherford Boulevard

Applicant: Belle Aire Baptist Church, represented by Marc McAlpine

Zoning: CF (Commercial Fringe – No minimum lot size)
RM-12 (Residential Multi-family – 7,500 square feet minimum lot size)
RS-15 (Single-Family Residential – 15,000 square feet minimum lot size)

Requests: Special use permit for an expansion of an existing institutional group assembly use (Belle Aire Baptist Church)



Overview of Request

Belle Aire Baptist Church, represented by Marc McAlpine, Executive Pastor, is requesting a special use permit (SUP) to add a dumpster and freezer enclosure. The addition is being made on the Old Lascassas Road side of the building, near an existing loading dock. The addition will consist of an approximately 39' by 38' enclosure for the dumpster and a freezer that is attached at the corner of the building. The existing dumpster is situated near the loading dock and is not screened by an enclosure. It will be moved into the enclosure and screened along with a separate area for the freezer.

The property is split zoned single-family residential, 15,000 square feet minimum lot size (RS-15), Commercial Fringe (CF), and multi-family residential, 7,500 square feet minimum lot size (RM-12). The surrounding properties are zoned CH to the north, RM-12 to the east, RS-15 to the south, and RM-16 and CF to the west. The surrounding existing land uses include quick-service restaurants to the north, Victoria Place Townhomes and Rutherford Woodlands Apartments to the east, single-family residential to the south, and Centerpoint Apostolic Church and vacant land to the west.

Enclosure

The dumpster and freezer enclosure will include two separate areas. The dumpster will be placed in an 11' by 11' enclosure, moving it from its current unscreened location near the loading dock. The freezer will be placed in a 39' by 27' enclosure. The enclosure will be placed adjacent to an existing loading dock, but it will not affect the functionality of the loading dock. The enclosure will be attached to the southwest corner of the existing building. The screening wall of the enclosure will be bricked with a metal cap to match the existing building.

Relevant Zoning Ordinance Section

Chart 2 of the City of Murfreesboro Zoning Ordinance allows institutional group assembly uses, such as churches and expansions thereto, as a special use in the RS-15 district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(zz) sets forth standards for institutional group assembly uses 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 institutional group assembly 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 proposed dumpster and freezer enclosure is internal to the site and should have minimal impact on the surrounding properties. Traffic circulation on the site will not

be affected as the proposed enclosure is located next to an existing loading dock and near the current dumpster location. No new parking, lighting, or utilities are being proposed or required for the proposed enclosure.

- (2) The proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations:**
 - The proposed dumpster and freezer enclosure is internal to the site and should have minimal impact on the surrounding area. The proposed enclosure will have a brick facade matching the existing structure, which it will be attached to. The site circulation will be unchanged as the enclosure is located near the existing loading dock and the current unscreened dumpster.
- (3) The proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**
 - The property has existing services and access to public facilities. The essential public facilities servicing the existing building will adequately serve the proposed enclosure.
- (4) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance:**
 - Staff is not aware of any such features on-site that will be impacted by this use.
- (5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:**
 - Additional standards for institutional group assembly uses are listed below.

Additional Standards for Institutional Group Assembly Uses 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 onsite 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 new parking is being proposed with the addition of the enclosure, and the existing parking does not require backing into the right-of-way. The enclosure is being added adjacent to an existing loading dock for easy access and will not interfere with its functionality.
- 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;**

- A portion of the site, including the location of the proposed enclosure, is zoned RS-15. The RS-15 district requires a minimum of 15,000 square feet of lot; thus, the minimum lot size for an Institutional Group Assembly use is 45,000 square feet or 1.033 acres. The proposed site is approximately 27.04 acres for the entire site, and approximately 12.2 acres is zoned RS-15.
- 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;**
- No new lighting is being proposed with this special use permit application.
- 4.) Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These 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;**
- An existing dumpster is located in the general vicinity of the loading dock and proposed enclosure. It is not screened in any manner. The proposed enclosure moves the dumpster to a permanent location with the masonry screen as prescribed in the Zoning Ordinance and Design Guidelines. A landscape plan needs to be provided, and it should include the supplemental evergreen landscape material around the enclosure walls, as prescribed by the Design Guidelines. Additionally, the enclosure will screen an outdoor freezer. The dumpster and freezer enclosure should have minimal impact on adjacent properties.
- 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;**
- No new recreational areas are proposed with this special use permit application.
- 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 off-street 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;

- The total number of parking spaces for the site is currently 823, which exceeds the required 113 spaces as outlined in Chart 4 of the Zoning Ordinance. The applicant has indicated that only 2-3 people will access the freezer enclosure during the week.

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 proposed use for this project will be for a dumpster/freezer enclosure addition to support a partnership between the church and a ministry that will utilize the church kitchen to prepare meals twice a week to be distributed off-site. The applicant has stated that no new lighting, or traffic patterns are anticipated and that only 2-3 people should access the freezer two days a week.

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;

- No such uses are being requested with this special use permit 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;

- No temporary or short-term uses are being proposed at this time; therefore, the applicant is not requesting any variances associated with any 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;

- No sound system or speakers are being proposed with this special use permit application.

Staff Analysis and Recommendation:

The proposed addition will be consistent with the existing church building's architecture and exterior building materials. The proposed enclosure will screen the proposed freezer and the existing dumpster in accordance with the requirements of the Zoning Ordinance and Design Guidelines. The dumpster and freezer enclosure will be placed in the rear of the building near the loading dock servicing the facility. Additionally, the enclosure will screen the currently unscreened dumpster.

Staff recommends approval of the special use permit due to the applicant meeting the general standards of general applicability and institutional group assembly use specific standards, as noted above. If approved, staff recommends the special use permit include the following conditions.

Recommended Conditions of Approval:

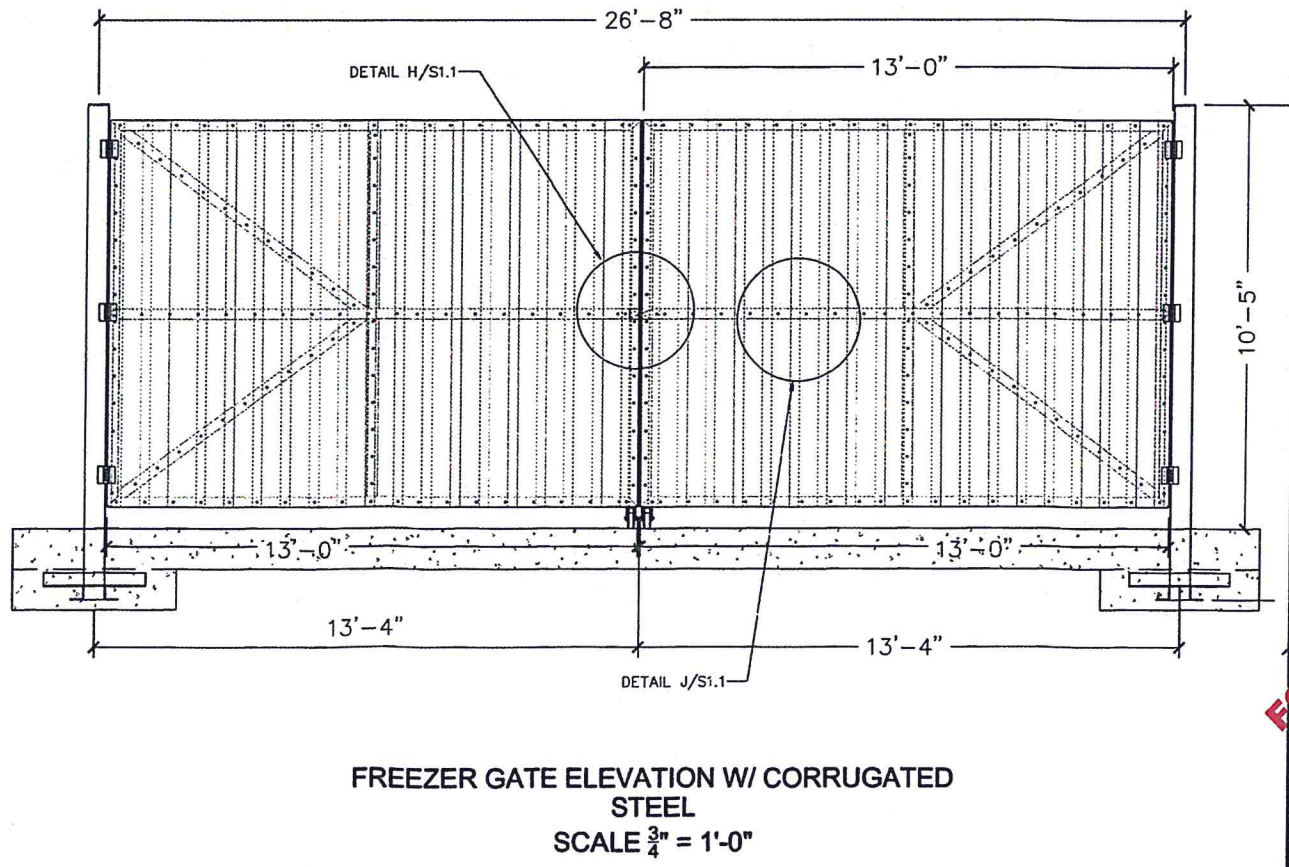
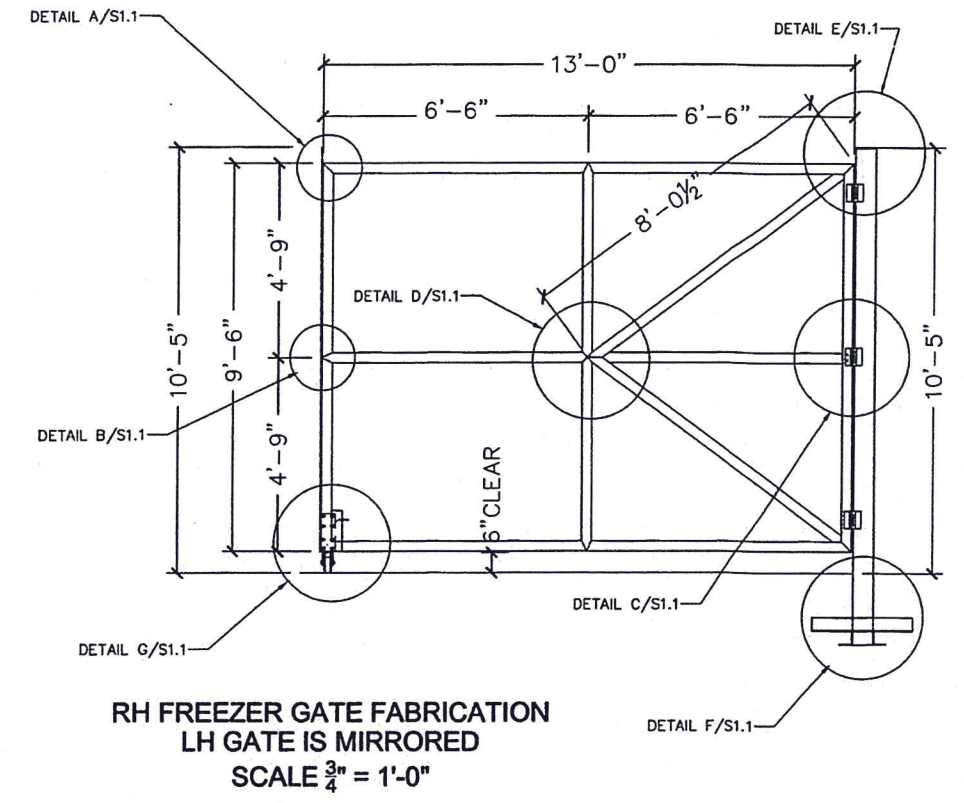
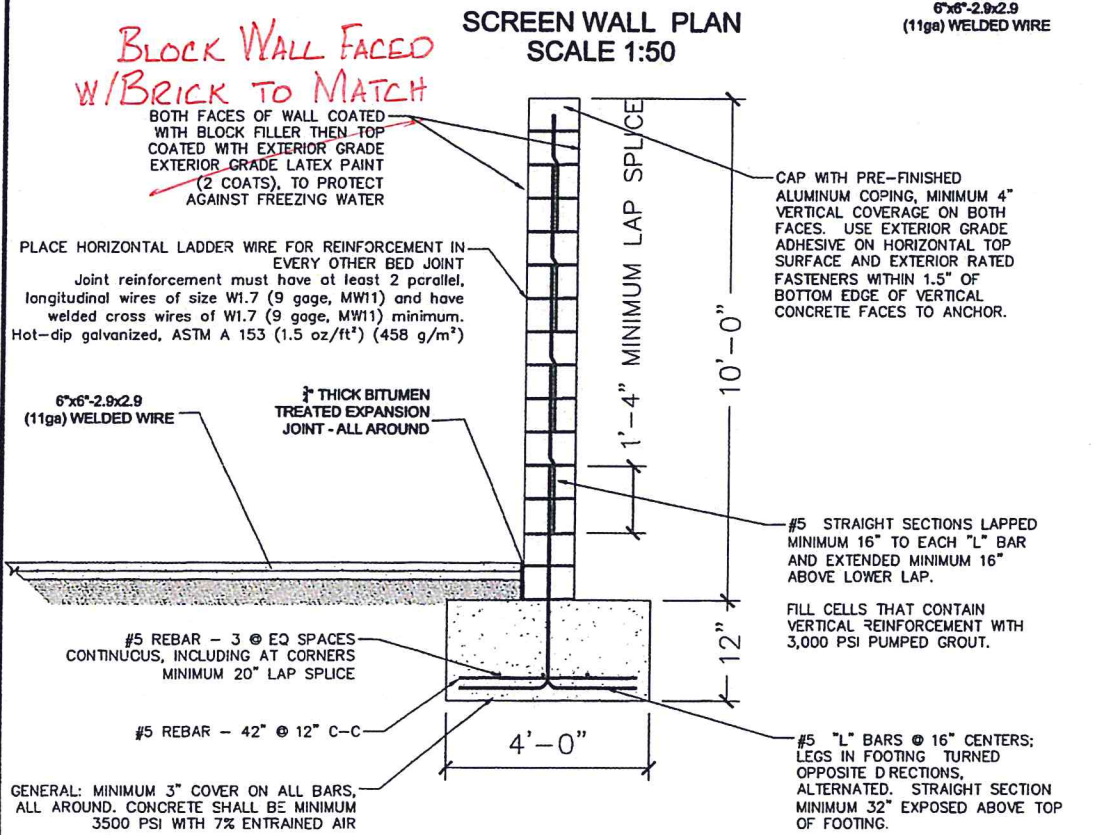
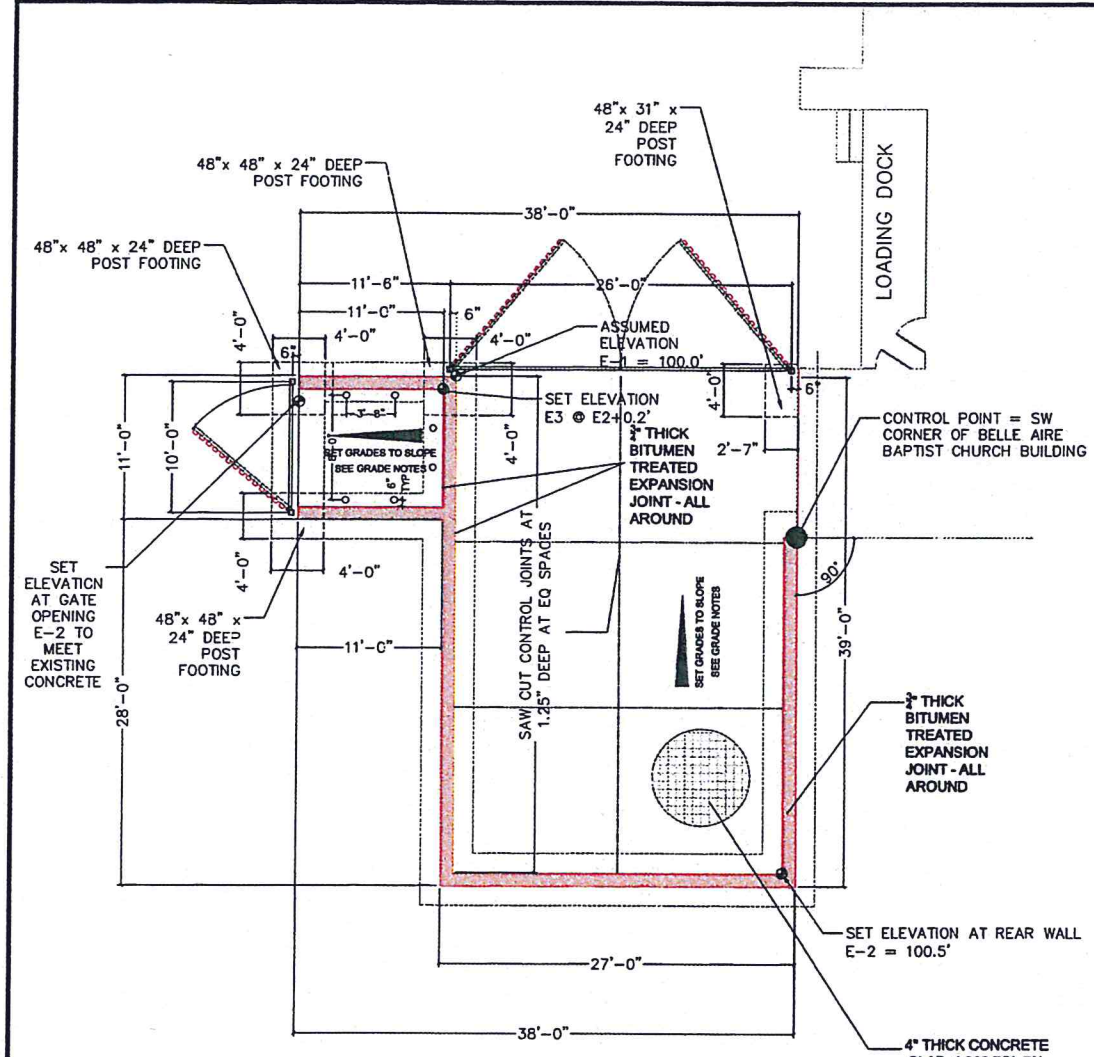
1. BZA approval does not imply approval of the Site Plan. A site plan shall be submitted for review and approval, subject to the Murfreesboro Zoning Ordinance and Design Guidelines.
2. A landscaping plan shall be submitted for review and approval for landscaping surrounding the enclosure.

Attached Exhibits

- A. Site plan and elevations
- B. Application
- C. Procedure Form



BELLE AIRE BAPTIST CHURCH
 1307 NORTH RUTHERFORD BOULEVARD
STRUCTURAL PLANS AND DETAILS
FREEZER/COOLER/DUMPS/TER SCREEN INSTALLATION



REVISIONS	
DATE	DESCRIPTION

OUR FILE NUMBER:
02-24017

DATE:
03/07/2024

SHEET NO.
S-1.0

City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: 1307 N. Rutherford Blvd, Murfreesboro, TN

Tax Map: 061 | Group: | Parcel: 079.02 | Zoning District: CF, RM-12, RS-15

Applicant: Belle Aire Baptist Church E-Mail: maven@belleairebc.com

Address: 1307 N Rutherford Blvd | Phone: 615-890-6977

City: Murfreesboro | State: TN | Zip: 37130

Property Owner: Same as above

Address: | Phone:

City: | State: | Zip:

Request: Installation of a freestanding freezer

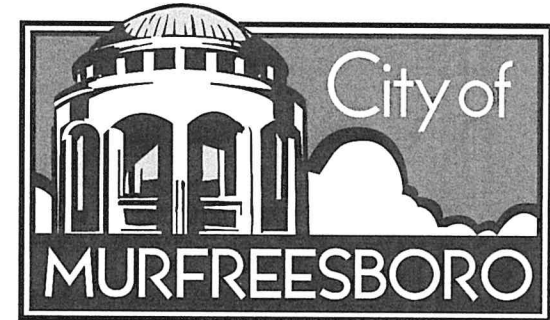
Zoning District:

Applicant Signature: *MAMc* | Date: 3/26/24

Received By: AF | Receipt #: 530199

Application #: 2-24-009 | Date: 4/8/24

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION
AND
GENERAL INFORMATION



Board of Zoning Appeals Procedure Form

Request for Institutional Group Assembly Use

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: April 3, 2024

Applicant name & title: Marc McAlpine, Executive Pastor Planner name: Richard Donovan

Application request: Installation of a free-standing freezer and brick enclosure

Purpose of request: Belle Aire Baptist Church and Last Call 4 Grace Ministries have
partnered to feed the homeless of Murfreesboro. The installation of this freezer will
give us the food storage area needed to grow this critical ministry.

Section 8 – Procedure for Uses Requiring Special Use Permits

- a) Name, address, and telephone number of the *applicant*
Belle Aire Baptist Church
1307 N Rutherford Blvd
Murfreesboro, TN 37130
615-890-6977

- b) Nature and extent of applicant's ownership interest in subject property
Belle Aire Baptist Church (501c3) is the sole owner of the subject property.

- 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
Same as above

- 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
CF, RM-12, RS-15



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

1) Hours and days of operation

Tuesday and Friday for cooking only; 11:00 am – 3:00 pm

2) Duration of the proposed special use

The freezer will be used for an indefinite period of time.

3) Number of expected patrons that will be expected to utilize the property of the proposed special use

2-3

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

There will be no increase in traffic. Only 2-3 people will be using the freezer.

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

No onsite lighting will change. The landscaping that will be removed for the construction of the freezer will be returned to its current state. We will be adding an enclosure for our one trash bin.

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:

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 freezer will only be used by a limited number of people (2-3) and will have no impact on the character of the neighborhood (the freezer will be several hundred feet from our nearest neighbor), traffic conditions, parking, utility facilities, or other matters affecting public health, safety, or general welfare. The freezer will be completely enclosed by a brick enclosure wall closely matching the brick on the existing building.



- 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;
Because the proposed freezer will be located behind a brick enclosure wall matching the existing building it will be compatible with the area.

- 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;
The proposed freezer will only be used by a very few people who are already on our campus. Essential public facilities will not be adversely impacted.

- 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,
Any landscaping removed for the construction of the freezer and enclosure walls will be replaced. No other structures or features are known to be of significant importance to remain at this time, however, if the BZA identifies any such features the applicant will work to preserve those as well.

- 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.
We will be in compliance with all City standards.

Standards for (zz) Institutional group assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, clubs, churches, and other places of worship

Please explain how you will comply with the following 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 passengers. Parking areas shall not be permitted in the required front yard;



There will be no change to the existing parking on the property. No parking is proposed to back onto a public street or right-of-way. There will remain space for delivery vehicles to use the existing loading dock. No additional parking will be provided as existing parking will be utilized. The proposed improvements do not add additional seats or floor space to the existing use.

[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;

In the RS-15 zone, the minimum lot size is 15,000 sq.ft. Our site is approximately 28 acres.

[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; We are not requesting any change to the existing lighting on-site.

[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 use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property; There will be the installation of a dumpster location as shown on the plans. The enclosure will be clad with brick to match the existing building.



[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; Screening will be provided by a brick enclosure so that the freezer is not visible from the surrounding area.

[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 car pooling or that off-street 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; Our site has more than 700 parking spaces in place. Because of the limited number of people using the freezer (2-3), we believe we have ample parking readily available.

[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 freezer will be used for food storage only.

[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;



No such uses are being requested at this time.

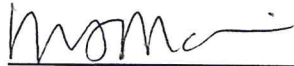
[9] the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land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

No temporary short-term uses are proposed at this time, therefore 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 does not intend to have permanent speakers attached to the freezer.

Date: 4/8/24

Applicant signature: 

Respectfully,

Marc McAlpine, Executive Pastor

Belle Aire Baptist Church