

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, March 26, 2025, 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 February 26, 2025
5. New Business

Variance Request

- a. **Application Z-25-004 by Frank Russell**, is requesting a 15-foot variance from the Zoning Ordinance, Chart 2 from the required 35-foot front setback along Mill Street to 20 feet in order to construct a single-family home on an approximately 7,197 square foot lot zoned Commercial Local (CL) located at 608 Old Salem Road. (Project Planner: Richard Donovan)

Special Use Permit Requests

- b. **Application Z-25-003 by Dana Moser**, is requesting a special use permit in order to establish a home occupation (swimming lessons) in a Single-Family Residential (RS-12) zone on property located at 2626 Anthem Way. (Project Planner: Sloane Lewis)

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

February 26, 2025, 1:00 PM

Members Present:

Davis Young, Chair
Ken Halliburton, Vice-Chair
Robert Batcheller
Misty Lavender
Tim Tipps

Staff Present:

Ben Newman, Dir. Of Land Mgmt. & Planning
Matthew Blomeley, Asst. Planning Director
Richard Donovan, Principal Planner
John Tully, Assistant City Attorney
Ashley Fulghum, Recording Assistant

Members Absent:

None

1. Call to Order:

Chair Young called the meeting to order.

2. Determination of a quorum:

Chair Young determined that a quorum was present.

Mr. Richard Donovan stated that staff would like to request an order change to the agenda.

Mr. Tim Tipps moved to approve the reordering of the agenda; the motion was seconded by Ms. Misty Lavender and carried by the following vote:

Aye: Robert Batcheller
 Misty Lavender
 Tim Tipps
 Vice-Chair Ken Halliburton
 Chair Davis Young

Nay: None

MURFREESBORO BOARD OF ZONING APPEALS MINUTES

February 26, 2025

3. Public Comments:

None

4. Consideration of Minutes:

With there being no objection by any of the Board members, the minutes of the January 22, 2025 BZA meeting were approved as submitted.

5. New Business:

a. Application [Z-25-002] by Mr. David Bentley, representing AutoZone, Inc., requesting a special use permit in order to establish an Automobile Parts Retail Hybrid/Retail Hub in a Commercial Highway (CH) zone on property located at 810 NW Broad Street.

Mr. Richard Donovan 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.

Vice-Chair Ken Halliburton asked if the Zoning Ordinance limited the applicant being able to deliver to other AutoZone stores in the area. Mr. Donovan stated that the use does permit it, but what would restrict them from that is the application request. Vice-Chair Halliburton asked the applicant if they understood that. Mr. David Bentley confirmed that he did.

Mr. Robert Batcheller raised concerns about the buffer area and the ingress/egress of the site. Mr. Donovan and Mr. John Tully responded that the Board could add additional requirements to address those concerns.

Chair Young inquired if parking would be added to the rear of the property. Mr. Donovan stated that there is no proposed parking. The parking shown already exists.

Chair Young asked about the loading dock. Mr. Donovan stated that the applicant would have control over much of the loading dock.

Mr. Tipps asked for clarification of the ingress/egress for semi-trucks and the parking area behind the building in relation to the other tenant spaces. Mr. Donovan explained how the proposed use would operate in relation to those spaces.

Vice-Chair Halliburton asked if there was still a cabinet shop operating out of one of the tenant spaces. Mr. Charlie Cooke of Cooke Properties stated that there is a dance studio operating out of that space currently.

Ms. Lavender inquired if the Board could add a condition restricting the ingress/egress of truck traffic. Mr. Donovan confirmed that they could. Mr. Tully added that the Board could restrict the truck traffic or request "no left turn" signs.

Mr. Tipps asked how the non-raised curb cuts would be marked. Mr. Bentley replied that they are willing to stripe that area.

MURFREESBORO BOARD OF ZONING APPEALS MINUTES

February 26, 2025

Mr. Batcheller raised concerns over the amount of space in the battery testing parking area. Mr. Bentley responded that wheel stops could be added to keep vehicles farther apart.

Chair Young opened the public hearing.

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

Vice-Chair Ken Halliburton moved to approve the special use permit subject to all recommended conditions of approval and an additional condition to address limiting truck traffic to Jones Boulevard, improving existing access driveways on to Medical Center Parkway, improving the safety and ensuring adequate room in the battery testing parking area and restriping the crosswalks shown on the site plan ; the motion was seconded by Mr. Tim Tipps and carried by the following vote:

Aye: Robert Batcheller
 Misty Lavender
 Tim Tipps
 Vice-Chair Ken Halliburton
 Chair Davis Young

Nay: None

6. Administrative Appeals:

a. Application [Z-24-024] by Shawn Henry representing AutoZone Inc., is appealing the decision of the Zoning Administrator regarding whether a proposed use in a Commercial Highway (CH) zone on property located at 810 NW Broad Street constitutes Distribution of Automobile Parts and Components/Warehousing, Transportation/Distributing.

Mr. Shawn Henry stated that the applicant would like to withdraw the application.

7. Staff Reports and Other Business:

Mr. Richard Donovan announced that staff has received an application for next month's meeting.

Mr. Matthew Blomeley reminded the Board of training opportunities.

8. Adjourn:

There being no further business, Chair Young adjourned the meeting at 1:43pm.

MURFREESBORO BOARD OF ZONING APPEALS MINUTES
February 26, 2025

CHAIRMAN

SECRETARY

DRAFT

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

MARCH 26, 2025

PROJECT PLANNER: RICHARD DONOVAN

Application: Z-25- 004

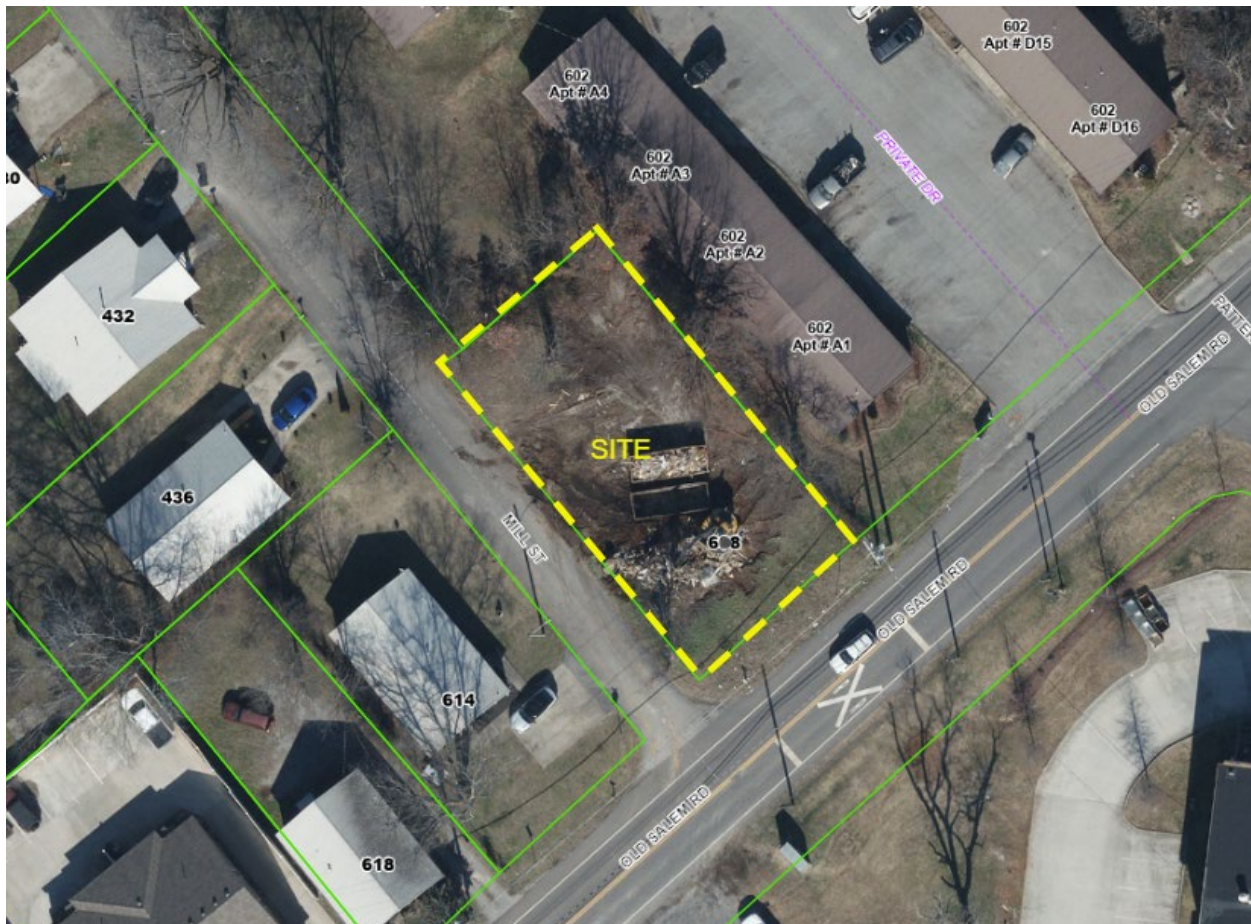
Location: 608 Old Salem Road

Applicant: Frank Russell

Owner: Music City Holdings, LLC.

Zoning: Commercial Local (CL)

Requests: A variance from the Zoning Ordinance: Chart 2 Minimum Lot Requirements, from the required 35-foot front setback along Mill Street to 20 feet.



Overview of Request

The applicant, Frank Russell, is requesting a variance from the required setbacks of the Commercial Local (CL) zoning district, to construct a 1,300 square-foot, single-family detached residence on a 7,197 square-foot parcel, located at the intersection of Old Salem Road and Mill Street. The property is zoned CL, which requires a 7,500 square feet-minimum lot size for Single-Family detached dwellings. The variance being requested is for the following:

1. Front setback: 15-foot variance from the required 35-foot front setback along Mill Street, as set forth by Chart 2 for single-family detached dwellings in the CL zoning district.

Below is a table of the minimum lot and setback standards for single-family detached dwellings in a CL zoning district, with the variance request in red. As demonstrated in the table, due to the required front setback for the CL district, the building pad would only allow for a house up to 20 feet wide as measured from the Mill Street front setback to the side setback.

Minimum lot standards	CL zone district	Existing lot & Variance request
Lot area	7,500 sq ft	7,197 sq ft
Width	50 ft	60 ft
Setback(s)	Front = 35' Side = 5' Rear = 25'	Front (Old Salem Rd.) = 35' Front (Mill St.) = 20' Side = 5' Note: The zoning ordinances permits double frontage lots to have 2 side setbacks.
Building pad depth	90-feet	20- feet

Existing neighborhood & lot conditions

The original parcels was subdivided as part of a 56-lot subdivision. On the original plat, the property is identified as Lot 25 and part of Lot 26. The ten (10) foot portion of Lot 26 was added to Lot 25 in or before 1983. The neighboring properties along Old Salem Road are zoned Commercial Local (CL) and used in a variety of manners including other single-family homes, a duplex, a business, and a church. The neighborhood to the northwest is zoned Residential Multifamily (RM-12) and developed mainly as single-family residential with one 12-unit apartment complex.

Based on aerial views available in the City’s GIS maps, the original house was located approximately 16 feet from the front property line along Old Salem Road, 3 feet from the front property line along Mill Street, 20 feet from the northeast property line, and 60 feet from the northwest property line. In reviewing records available from the Register of Deeds the single-family residences at 614 and 618 Old Salem Road also fall under the 7,500 square feet lot size

requirement. From the City’s GIS, 614 Old Salem Road to the west is approximately 6,872 square feet in lot size, and 618 Old Salem Road is approximately 4,721 square feet. In further review of the neighborhood, the single-family home located at 614 Old Salem Road, built in 1987, encroaches into the front setback from Mill Street, and 618 Old Salem Road, built in 1930, encroaches into the front setback from Old Salem Road.

Proposed use

If the BZA grants approval of the variance, the applicant is proposing to construct a 1,300 square-foot single-family detached home on the subject property, Lot 25, and part of Lot 26. The applicant has provided elevations of the proposed single-family home and those have been included in the agenda materials. The home is consistent with other houses in the neighborhood in size and placement on the property. The home will be under the minimum 35-foot maximum height requirement, and as shown in attached surveyed plot plan, the driveway space will have sufficient parking for four cars.

Staff’s analysis

Setback standards for single-family detached dwellings in a CL zoning district and the lot being a corner lot result in a narrow building envelope depth along Mill Street, 20 feet, on the subject property. Additionally, the right-of-way of Mill Street is substandard and will need additional dedication of seven (7) feet, in addition to the applicant's request for 8 feet for a total of 15 feet. The requested 15-foot setback variance will reduce the front setback along Mill Street to 20 feet, increasing the current building envelope width from 20 feet to 35 feet. The property was subdivided in 1923, this property has unusual hardships not created by the property owner. Additionally, other properties in this general area used for single-family residential do not meet the minimum lot size of the CL district either and were developed several decades ago with different setbacks than those required today. Staff believes the applicant’s request to be compliant with the required standards for a variance and has proposed a single-family home product that is compliant with minimum standards for height, and parking, and will be consistent with the existing neighborhood.

Relevant Zoning Ordinance Section

Chart 2 – Minimum Yard Setback Requirements:

CL District Setbacks:	Front - 35 feet
	Side - 5 feet
	Rear - 25 feet
CL Minimum Lot Width:	50 feet
CL Minimum Lot Area	
(Single Family Detached):	7,500 sq. ft.

Chart 2 Endnotes

5. A corner lot used for single-family purposes shall have two front yards and two side yards (no rear yard). A corner lot used for non-single-family purposes shall have two front yards, one side yard, and one rear yard.

Standards For Variances from Section 10 of the Zoning Ordinance:

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

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

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

Staff analysis: This standard is met.

The subject property was platted in June of 1923 with an additional ten (10) feet being added before 1985. The lot is zoned CL which requires a lot that is intended for development as a single-family house to be at least 50 feet wide and 7,500 square feet in size. While the existing lot is greater than 50 the lot size is 7,197 square feet, two additional elements are further restraining this lot. Both the frontage of Mill Street and Old Salem Road are required by the zoning ordinance to have front yard setbacks of 35 feet. On a corner lot that is 60 foot wide the 35-foot front setback in conjunction with the five (5) foot side setback reduces the building envelope along Mill Street to 20 feet, and thus creates a narrow lot for development. Additionally, the northeast side of Mill Street has insufficient right-of-way and needs to add seven (7) feet of right-of-way to Mill Street further narrowing the usable lot. The double frontage setback requirement along with the under sized lot in the CL zoning district create a shallow lot that is difficult to develop, staff believes these reasons are considered undue hardship and that the property meets this standard.

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

Staff analysis: This standard is met.

As stated previously, the property was created in June of 1923. Several nearby parcels, which have not yet been redeveloped, are also under 7,500 square feet in size and feature reduced setbacks due to their non-conforming status. The subject property was burnt and demolished leading to its need to conform with the zoning ordinance. Because of the unique hardship of the parcel size and shallowness of the land, staff believes the property meets this standard.

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

Staff analysis: This standard is met.

Due to the setback requirements for single-family detached dwellings in the CL zoning district, the subject property has a limited buildable depth along Mill Street. Originally subdivided in 1923, with an additional 10 feet added in 1983, the property faces unique hardships related to its narrow depth condition that were not created by the current owner. This hardship is furthered by the City requirement for an additional seven (7) feet of right-of-way along Mill Street. Thus, creating an even narrower building envelope on the site. Additionally, this property is less than the 7,500 square feet required to be created in the CL zoning district. This hardship is unique and not self-created, staff believes the property meets this standard.

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

Staff analysis: This standard is met.

Granting the variance would not be detrimental to other land in the area. The properties in the general area of and along Old Salem Road vary in size and shape. Other houses on lots that are less than 7,500 square feet in area do not meet the required setbacks for the CL zoning district, as described in this staff report. The construction of the house will comply with the side setbacks, front setback along Old Salem Road, on-site parking, and all other City standards and regulations. Staff believes the property meets this standard.

- (5) *That granting the requested variance will not impair an adequate supply of light and air to adjacent properties, unreasonably increase the congestion in public streets, increase the danger of fire or otherwise endanger the public health, safety, comfort, or morals, or substantially impair the intent and purpose of the Zoning Ordinance or of the general plan for the area:*

Staff analysis: This standard is met.

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

Staff Comments:

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

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

Staff Recommendation:

Staff recommends approval of the variance based on the shallowness of the lot along the Mill Street frontage, the need for additional right-of-way along Mill Street, and meeting all five standards set forth by the Zoning Ordinance. If approved staff recommends the variance be approved with the following conditions:

Recommended Conditions of Approval:

1. That a resubdivision plat, including the additional right-of-way dedication, be record prior to issuance of a building permit.

Attached Exhibits

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

City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: 608 OLD SALEM RD

Tax Map: 102C Group: D Parcel: 3.00 Zoning District:

Applicant: FRANK Russell E-Mail: [REDACTED]

Address: 5517 Roy Pitt RD. Phone: 615 653.1811

City: SPRINGFIELD State: TN Zip: 37172

Property Owner: FRANK Russell

Address: Phone:

City: State: Zip:

Request: Variance of 7.06' for front setback

facing Mill St.

Zoning District:

Applicant Signature: Frank Russell

Date: 3.4.25
~~2/25~~

Received By: AF

Receipt #: 375247

Application #: 2-25-004

Date: 3/10/25

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION

PLAT CONTAINS 0.165 ACRES (7,197 SQ.FT.)

NOTE:
THIS SURVEY WAS PREPARED FROM CURRENT DEEDS OF RECORD AND DOES NOT REPRESENT A TITLE SEARCH OR A GUARANTEE OF TITLE. THIS SURVEY IS SUBJECT TO ANY STATE OF FACTS A CURRENT AND ACCURATE TITLE SEARCH MAY OR WILL REVEAL.

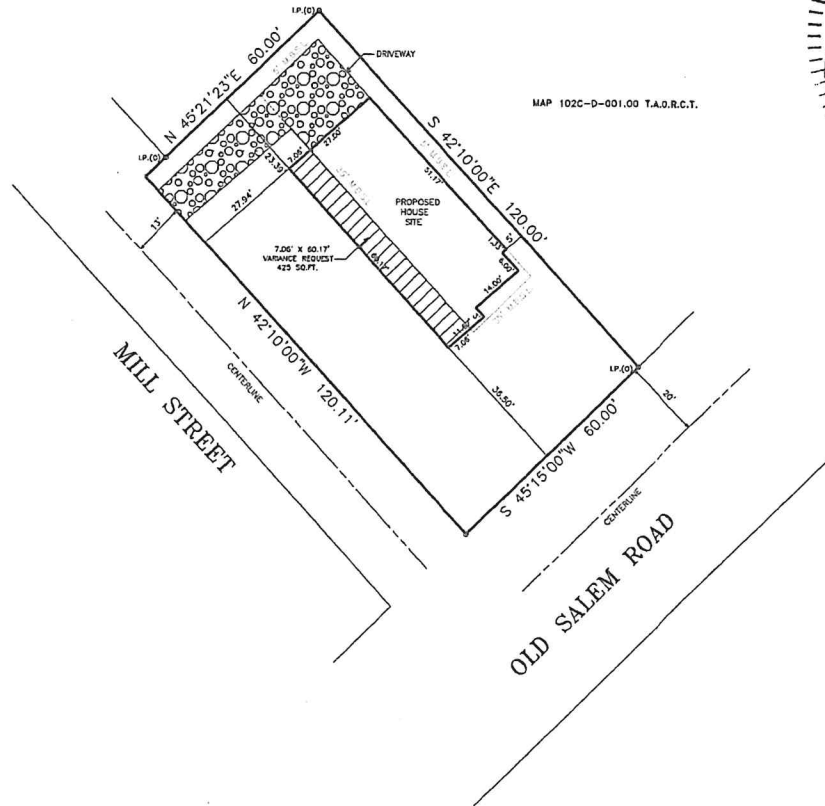
NOTE:
THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UTILITIES. UTILITIES, IF SHOWN HEREON, ARE AS PER INFORMATION FURNISHED BY THE ASSOCIATED UTILITY AUTHORITY AND ARE APPROXIMATE. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES, IF SHOWN, COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES, IF SHOWN, HEREON ARE IN THE EXACT LOCATION INDICATED. THEREFORE, THE SIZE, TYPE, AVAILABILITY AND ACTUAL LOCATION OF ANY AND ALL UTILITIES SHOULD BE VERIFIED PRIOR TO MAKING ANY DECISION RELATIVE TO THIS PROPERTY.

IN TENNESSEE IT IS A REQUIREMENT OF THE "UNDERGROUND UTILITY DAMAGE PREVENT ACT", THAT ANYONE WHO ENGAGES IN EXCAVATION OF ANY TYPE MUST NOTIFY ALL KNOWN UTILITY OWNER(S), NO LESS THAN (3) NOR MORE THAN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY HAZARD OR CONFLICT. TENNESSEE ONE CALL "811".

NOTE:
ALL LOT LINE AND FOUNDATION DIMENSIONS SHOWN ARE AS PER INFORMATION SUPPLIED BY THE OWNER AND/OR BUILDER. IT SHALL BE THE RESPONSIBILITY OF THE OWNER AND/OR BUILDER TO VERIFY ALL DIMENSIONS PRIOR TO BEGINNING ANY EXCAVATION OR CONSTRUCTION.

MAP 102C-D-001.00 T.A.O.R.C.T.

MAP 102C-D-001.00 T.A.O.R.C.T.



PROPERTY REFERENCE

MUSIC CITY HOLDINGS, LLC
MAP 102C-D-3.00-00 T.A.O.R.C.T.
PB 2407, PG 1656 R.O.R.C.T.
PB 11, PG 141 R.O.R.C.T.
ZONED CL

VARIANCE PLAT FOR

MUSIC CITY HOLDINGS, LLC
608 OLD SALEM ROAD

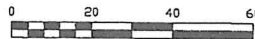
SCALE	DRAWN BY	APPROVED	DATE
1" = 20'	A.T.B.	A.T.B.	02/28/25

CITY OF MURFREESBORO
13TH CIVIL DISTRICT

RUTHERFORD COUNTY
TENNESSEE

DRAWING NO.
60305RD

ANTHONY T. BOLLINGER, R.L.S.
119 FISHER DRIVE
GREENBRIER, TENNESSEE 37073
615/218-0169



Variance Application Information

The lot located at 608 Old Salem Rd. being a corner lot requires both front setbacks facing Old Salem Rd. and Mill St. to have 35' setbacks. The lot currently does not have 35' setbacks facing Mill St. This makes the lot unbuildable based on the current zoning requirements. I am requesting a variance of 7.06' facing Mill St. to allow us to build a single family home. This will give the home a setback of 27.94' on Mill St. The construction of this new home will better the neighborhood in general by updating the look of the street and adding value to all neighbors.

A. Name, address, and telephone number of applicant:

Frank Russell

5517 Roy Pitt Rd. Springfield, TN 37172

615-653-1811

B. Frank Russell is the owner of this lot.

C. A plot plan has been included in this variance application packet.

D. Subject Property: 608 Old Salem Rd. Murfreesboro, TN 37129

Map Group Parcel: 102C D 3.00

E. Zoning Classification: CL (Local Commercial)

F. We are kindly requesting a variance to our lot as we are not able to meet the city's current setback requirement because of the shape of our lot. There was previously a home on this property that burnt down. None of the property lines have been moved making this a nonconforming lot of record. This is a corner lot making two frontage setback requirements, hence the issue we are having facing Mill St. Current zoning requirements of 35' front setbacks will not be an issue facing Old Salem Rd, but the narrowness of our lot does not allow for a 35' setback facing Mill St. The lot currently does not fit zoning requirements for 35' front setbacks on Mill St. due to the narrowness of the lot. This lot could not be re-created or platted differently to meet setback requirements. The placement of the home we would like to build would give a setback of 27.96' facing Mill St. The owner is seeking a variance of 7.06' for the front facing setback towards Mill St. as this is the only variance needed in order to rebuild a home on a lot where a home once stood.

G. This lot previously had a home that caught fire. That home was removed from its foundation, but all utilities remain in place with a driveway area ready for use. A variance is needed in order to meet the current front facing setback requirements 35'. The narrowness of the lot does not allow this setback facing Mill St. We can fit a home with setbacks of 27.96' meaning we are seeking a variance of 7.06' facing Mill St. I intend to rebuild a home on this lot where a home previously was built. The home will be a single family house that is 1,300 sq. ft.

H. The proposed single family home will fit the esthetics of the neighborhood and bring added value to all nearby neighbors. Other nearby homes on corner lots facing Old Salem Rd. do not currently meet the setback requirements since they are older homes, but our new home will allow us to be able to meet this setback facing Old Salem Rd. Should a home not be built on this lot, it would remain an empty lot with an old burnt house site and driveway in place. I believe a new home would be beneficial to the neighbors as well as the city.

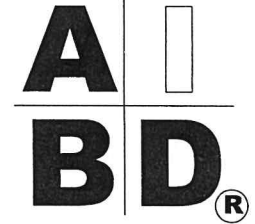


House Plan Zone, LLC.

www.HPZplans.com

Email: HPZplans@comcast.net

Fax: 1-800-574-1387



STANDARD ABBREVIATIONS

#	AY	#	POUNDS	LT	LIGHT
				LN	LINEN
APPROX. APPROXIMATELY				MANUF.	MANUFACTURER
BASE	BASEMENT	MAS.	MASONRY		
BT	BETWEEN	MAX.	MAXIMUM		
BLK	BLOCK	MTL.	METAL		
BLKG	BLOCKING	MIN.	MINIMUM		
BD	BOARD	N.I.C.	NOT IN CONTRACT		
BRD	BOARD				
BOE	BOTTOM	O.C.	ON CENTER		
BLDG.	BUILDING	O.C.	ON CENTER		
CAB.	CABINET	O.S.B.	ORIENTED STRAND BOARD		
CLF.	CILING	OTS	OWNER TO SELECT		
CLF.	CLEAR	O.T.S.	OWNER TO SELECT		
CLS.	CLOSET				
COL.	COLUMN	PG.	PAGE		
COLS.	COLUMNS	PAN.	PANTRY		
CONC.	CONCRETE	PL.	PLATE		
CMU	CONCRETE MASONRY UNIT	PLYWD	PLYWOOD		
CU	CUNDSOR UNIT	PLYWD	PLYWOOD		
CONN.	CONNECTION	POLY.	POLYETHYLENE		
CONT.	CONTINUOUS	PT	POUNDS PER SQUARE INCH		
COVERG.	COVERING	PRE-FAB	PREFABRICATED		
CS	CRAWL SPACE				
DECO.	DECORATIVE	REF.	REFERENCE		
DET.	DETAIL	REF.	REFRIGERATOR		
DIAM.	DIAMETER	REINF.	REINFORCED		
DW.	DISHWASHER	R.	RESISTANCE		
DBL.	DOUBLE	RET.	RETURN AIR		
DF	DOUGLAS FIR	R.A.G.	RETURN AIR GRILLE		
D	DAY	REVD	REQUIRED		
EA	EACH	SCR.	SCREEN		
ELEV.	ELEVATION	SHVRS.	SHOWER		
ENG.	ENGINEER	SHR.	SHOWER		
		SHR.	SHOWER		
FT.	FEET	SST.	SIMPSON STRONG TIE		
F.F.L.	FINISHED FLOOR LINE	SF	SOUTHERN PINE		
FIN.	FINISH	SPECS.	SPECIFICATIONS		
F.C.	FIRE CODE	SQ.	SQUARE		
F.L.	FLOOR	SQ.	SQUARE FOOTAGE		
FTG.	FOOTING	ST.	STEEL		
FOUND.	FOUNDATION	THK.	THICK		
FND.	FOUNDATION	THK.	THICKNESS		
FR.	FREEZER	TBD	TO BE DETERMINED		
GA.	GALVE	TR.	TRANSOM		
GALV.	GALVANIZED	TYP.	TYPICAL		
GYP.	GYPSPUM	U.L.C.	UNDER THE COUNTER		
HDR.	HEADER	UTIL.	UTILITY		
HVAC	HEATING VENTILATION & AIR CONDITIONING	VAN.	VANITY		
HT.	HEIGHT	VERT.	VERTICAL		
HTS.	HEIGHTS	WH	WATER HEATER		
HORIZ.	HORIZONTAL	W	WASHER		
IN.	INCHES	WT.	WEIGHT		
INCL.	INCLUDE	WN.	WINDOW		
INSUL.	INSULATION	WM.	WIRE MESH		
		W	WITH		
JT.	JOINT	WD.	WOOD		
JST.	JOIST	WFCM	WOOD FRAME CONSTRUCTION MANUAL		
JSTS.	JOISTS				



SHEET INDEX:

- 1 COVER SHEET
- 2 FOUNDATION PLAN
- 3 FLOOR PLAN & ELECTRICAL PLAN
- 4 EXTERIOR ELEVATIONS
- 5 ROOF PLANS
- 6 CROSS SECTION & CABINETS

CODE DISCLAIMER:

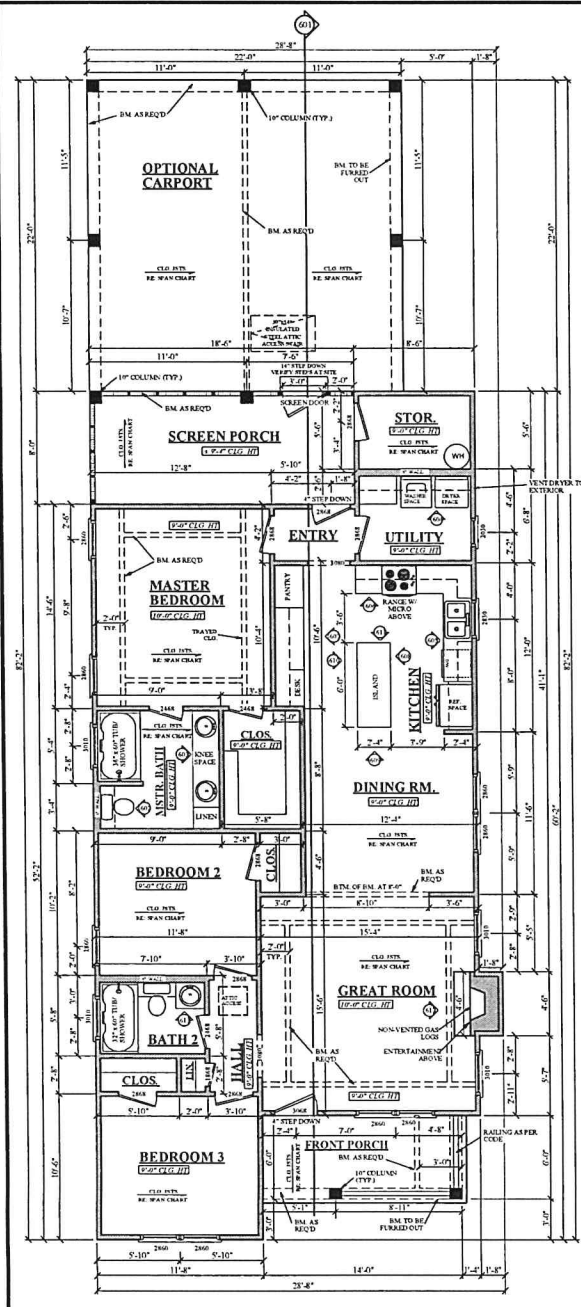
1. THESE PLANS WERE DESIGNED TO MEET IRC 2018 AT THE TIME OF THEIR CREATION AND MORE SPECIFICALLY THE MINIMAL LOCAL CODES OF THE SOUTH MISSISSIPPI AREA. IT IS HIGHLY RECOMMENDED THAT THESE PLANS BE REVIEWED BY A LOCAL STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.
 2. BEAMS AND FLOOR JOISTS ARE NOT SIZED DUE TO THE MANY GEOGRAPHIC LOCATIONS THESE PLANS ARE SOLD. THESE ITEMS SHALL BE SIZED BY A LOCAL ENGINEER OR MANUFACTURER.
 3. ALL CEILING & FLOOR JOISTS (IF CONVENTIONAL FRAMING) SHOULD BE SIZED USING THE LATEST VERSION OF THE IRC OR APPLICABLE CODES AT SITE TO MEET THE LOCAL REQUIREMENTS SUCH AS SNOW LOADS AND OTHER FACTORS. THE CEILING JOISTS SIZES LABELED (IF PRESENT) WERE SIZED USING THE 2018 IRC AT THE TIME OF THEIR CREATION. THEY MUST BE VERIFIED AND MODIFIED AS REQUIRED TO MEET THE LATEST EDITION OF THE (IRC) INTERNATIONAL RESIDENTIAL CODE.
 4. ALL FOUNDATIONS AND FOOTING DETAILS SHALL BE REVIEWED AND APPROVED BY A LOCAL ENGINEER.
 5. CONTRACTOR SHALL PROVIDE ALL HIGH WIND STRAPPING AND ANCHOR BOLTS AS REQUIRED BY THE LOCAL CODE REQUIREMENTS AND THE LATEST VERSION OF THE IRC.

BB-1300

Date: 08.10.12
 Drawn By: J.L.B.

SHEET NUMBER

1



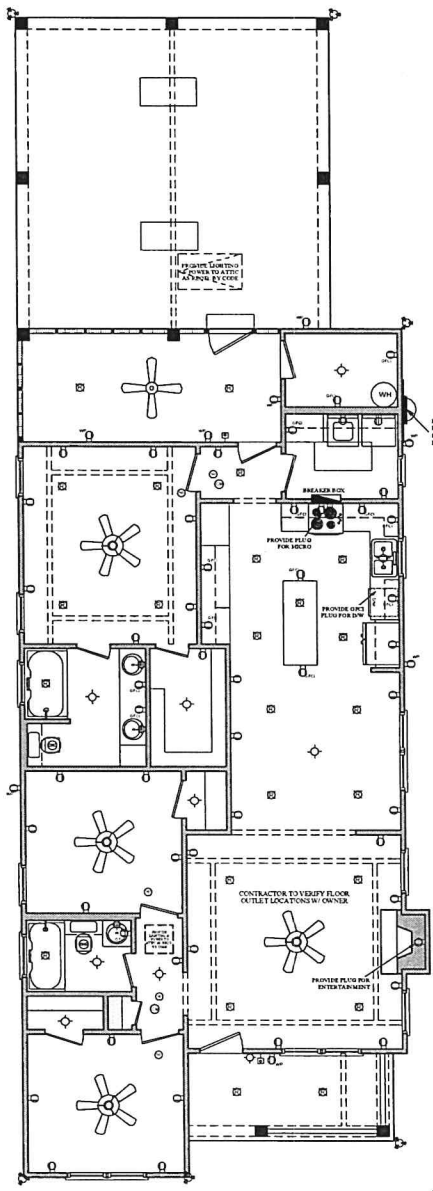
- NOTES:**
1. ALL DIMENSIONS & SITE CONDITIONS TO BE VERIFIED BY CONTRACTOR PRIOR TO CONSTRUCTION.
 2. ALL FINISHES (INTERIOR & EXTERIOR) TO BE VERIFIED WITH OWNER PRIOR TO CONSTRUCTION.
 3. VERIFY ALL DOOR AND WINDOW STYLES AND SIZES WITH OWNER PRIOR TO CONSTRUCTION. MANUFACTURER TO SUPPLY ALL ROUGH OPENING SIZES.
 4. CONTRACTOR TO VERIFY ALL CLEARANCES OF ALL DOORS, WINDOWS AND OTHER ITEMS THAT ARE CRITICAL PRIOR TO CONSTRUCTION.
 5. CONTRACTOR TO ADAPT PLANS AS REQUIRED TO MEET ALL APPLICABLE CODES AT SITE.
 6. ALL BEAMS TO BE SIZED BY A LICENSED STRUCTURAL ENGINEER.
 7. PORCHES, BALCONIES OR RAISED FLOOR SURFACES LOCATED MORE THAN 30 INCHES ABOVE THE FLOOR OR GRADE BELOW AT ANY POINT WITHIN 36 INCHES HORIZONTALLY SHALL HAVE GUARDS NOT LESS THAN 36 INCHES IN HEIGHT. OPEN SIDES OF STAIRS WITH A TOTAL RISE OF MORE THAN 30 INCHES ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 34 INCHES IN HEIGHT MEASURED VERTICALLY FROM THE NOSE OF THE TREADS. INSECT SCREENING SHALL NOT BE CONSIDERED AS A GUARD. IRC 2018, R310.1 & R312.1.
 8. MINOS 12 APPLIANCES IN ATTICS. ATTICS CONTAINING APPLIANCES SHALL BE PROVIDED WITH AN OPENING AND A CLEAR AND UNOBSTRUCTED PASSAGEWAY LARGE ENOUGH TO ALLOW REMOVAL OF THE LARGEST APPLIANCE, BUT NOT LESS THAN 30 INCHES HIGH AND 22 INCHES WIDE AND NOT MORE THAN 20 FEET LONG MEASURED ALONG THE CENTERLINE OF THE PASSAGEWAY FROM THE OPENING TO THE APPLIANCE. THE PASSAGEWAY SHALL HAVE CONTINUOUS SOLID FLOORING IN ACCORDANCE WITH CHAPTER 5 NOT LESS THAN 24 INCHES WIDE. A LEVEL SERVICE SPACE AT LEAST 30 INCHES DEEP AND 30 INCHES WIDE SHALL BE PRESENT ALONG ALL SIDES OF THE APPLIANCE WHERE ACCESS IS REQUIRED. THE CLEAR ACCESS OPENING DIMENSIONS SHALL BE A MINIMUM OF 20 INCHES BY 30 INCHES AND LARGE ENOUGH TO ALLOW REMOVAL OF THE LARGEST APPLIANCE EXCEPTORS.
 9. THE PASSAGEWAY AND LEVEL SERVICE SPACE ARE NOT REQUIRED WHERE THE APPLIANCE CAN BE SERVICED AND REMOVED THROUGH THE REQUIRED OPENING.
 10. WHERE THE PASSAGEWAY IS UNOBSTRUCTED AND NOT LESS THAN 6 FEET HIGH AND 22 INCHES WIDE FOR ITS ENTIRE LENGTH, THE PASSAGEWAY SHALL BE NOT MORE THAN 5 FEET LONG.
 11. APPLIANCE ACCESS FOR INSPECTION, SERVICE, REPAIR AND REPLACEMENT APPLIANCES SHALL BE ACCESSIBLE FOR INSPECTION, SERVICE, REPAIR AND REPLACEMENT WITHOUT REMOVING PERMANENT CONSTRUCTION, OTHER APPLIANCES OR ANY OTHER PIPES OR DUCTS NOT CONSISTENT TO THE APPLIANCE. PIPES INSPECTED, SERVICED, REPAIRED OR REPLACED A LEVEL WORKING SPACE AT LEAST 30 INCHES DEEP AND 10 INCHES WIDE SHALL BE PROVIDED IN FRONT OF THE CONTROL SIDE TO SERVICE AN APPLIANCE. M1919.1.1.
 12. EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL BE OPERATIONAL FROM THE INSIDE OF THE ROOM WITHOUT THE USE OF KEYS, TOOLS OR SPECIAL KNOWLEDGE. WINDOW OPENING CONTROL DEVICES COMPLYING WITH ASTM F 2090 SHALL BE PERMITTED FOR USE ON WINDOWS SERVING AS A REQUIRED EMERGENCY ESCAPE AND RESCUE OPENING. ALL SLEEPING ROOMS TO HAVE AN EXTERIOR ACCESS THROUGH A DOOR OR WINDOW WITH A MINIMUM OF 57 SQUARE FEET NET CLEAR OPENING AS PER IRC 2018 R310.2. EXCEPTION GRADE FLOOR OR BELOW GRADE FINISHES SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5 SQUARE FEET. MAXIMUM SILL HEIGHT TO BE 44 INCHES. MINIMUM NET CLEAR OPENING HEIGHT TO BE 24 INCHES. MINIMUM NET CLEAR OPENING WIDTH TO BE 20 INCHES.
 13. ALL RETURN AIR GRILLS ARE TO BE LOCATED TO COMPLY WITH SECTION 909 OF THE IRC 2018.
 14. ALL SQUARE FOOTAGE MEASUREMENTS ARE APPROXIMATE AND MAY DIFFER FROM ACTUAL. CONTRACTOR TO RESERVE FOR BUILDING.
 15. FIRE SPRINKLER SYSTEM TO BE DESIGNED AND INSTALLED IF REQUIRED BY LOCAL CODES AS PER THE IRC 2018 AND BY A LICENSED PROFESSIONAL IN THE AREA OF CONSTRUCTION.
 16. ALL BATHROOM EXHAUST VENTS SHALL BE VENTED DIRECTLY TO THE INTERIOR OF THE HOME AND NOT INTO THE ATTIC. IRC 2018, M1505.2.

NOTE: HVAC UNIT TO BE LOCATED IN ATTIC SPACE ABOVE.

FLOOR PLAN

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

AREAS	S.F.	HEATED
148	S.F.	UNHEATED - SCREEN PORCH
47	S.F.	UNHEATED - STORAGE
84	S.F.	UNHEATED - FRONT PORCH
279	S.F.	UNHEATED - TOTAL
1579	S.F.	TOTAL
484	S.F.	OPTIONAL CARPORT



ELECTRICAL SYMBOLS LEGEND	
SYMBOL	DESCRIPTION
[Symbol]	110 VOLT OUTLET
[Symbol]	GROUND FAULT PROTECTED OUTLET
[Symbol]	WEATHERPROOF OUTLET
[Symbol]	220 VOLT RECEPTACLE
[Symbol]	FLOOR OUTLET (OWNER TO LOCATE)
[Symbol]	CEILING HUNG FIXTURE
[Symbol]	OVERHUNG MOUNTED FLOODLIGHTS
[Symbol]	WALL MOUNTED FLOODLIGHTS
[Symbol]	RECESSED CEILING FIXTURE
[Symbol]	FLUORESCENT LIGHT
[Symbol]	CARBON MONOXIDE DETECTOR
[Symbol]	SMOKE DETECTOR
[Symbol]	SWITCH
[Symbol]	THREE WAY SWITCH
[Symbol]	FOUR WAY SWITCH
[Symbol]	DISMUR SWITCH (OWNER TO LOCATE)
[Symbol]	DOOR ACTIVATED SWITCH
[Symbol]	VOLUME CONTROL
[Symbol]	CATS NETWORKING JACK (OWNER TO LOCATE)
[Symbol]	TELEPHONE OUTLET (OWNER TO LOCATE)
[Symbol]	TELEVISION OUTLET (OWNER TO LOCATE)
[Symbol]	DOORBELL BUTTON (CONTRACTOR TO LOCATE)
[Symbol]	TERMINAL (CONTRACTOR TO LOCATE)
[Symbol]	CEILING EXHAUST FAN, VENT TO EXTERIOR
[Symbol]	TV SPEAKER
[Symbol]	RADIO SPEAKER
[Symbol]	CEILING FAN ONLY, NO LIGHT KIT
[Symbol]	CEILING FAN WITH LIGHT KIT
[Symbol]	TRACK LIGHTING (OWNER TO LOCATE)
[Symbol]	WALL SCONCE (OWNER TO LOCATE)
[Symbol]	CHANDLER 1 (0 T 5)
[Symbol]	CHANDLER 2 (0 T 5)
[Symbol]	UNDER COUNTER LIGHTING
[Symbol]	EMERGENCY LIGHTING/EXIT SIGN

ELECTRICAL NOTES

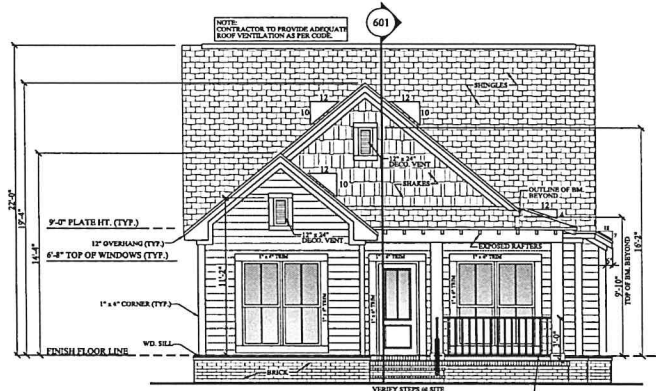
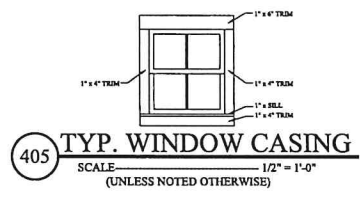
1. ALL WORK SHALL COMPLY WITH ALL CODES APPLICABLE AT SITE.
2. SMOKE ALARMS SHALL BE INSTALLED IN THE FOLLOWING LOCATIONS: EACH SLEEPING ROOM, OUTSIDE EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOM, ON EACH ADDITIONAL STORY OF THE DWELLING, INCLUDING BASEMENTS AND HABITABLE ATTICS. WHEN MORE THAN ONE SMOKE ALARM IS REQUIRED TO BE INSTALLED WITHIN A DWELLING THE ALARM DEVICES SHALL BE INTERCONNECTED IN SUCH A MANNER THAT THE ACTIVATION OF ONE ALARM WILL ACTIVATE ALL OF THE ALARMS IN THE UNIT. SMOKE ALARMS SHALL BE HARD WIRED WITH A BATTERY BACK UP.
3. CARBON MONOXIDE ALARMS SHALL BE INSTALLED OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOM. IN DWELLING UNITS WITHIN WHICH FUEL-FIRED APPLIANCES ARE INSTALLED AND IN DWELLING UNITS WITH ATTACHED GARAGES.
4. A 15 AMP, SINGLE PHASE, 15-20 AMPERE RATED RECEPTACLE OUTLET SHALL BE INSTALLED AT AN ACCESSIBLE LOCATION FOR THE SERVICING OF HEATING, AIR CONDITIONING AND REFRIGERATION EQUIPMENT. THE RECEPTACLE SHALL BE LOCATED ON THE SAME LEVEL AND WITHIN 25 FEET OF EQUIPMENT. THE RECEPTACLE OUTLET SHALL NOT BE CONNECTED TO THE LOAD SIDE OF THE HVAC EQUIPMENT DISCONNECTING MEANS.

ELECTRICAL PLAN

NOTE: SWITCHES AND CONNECTIONS NOT SHOWN. ELECTRICAL CONTRACTOR TO LOCATE THESE ITEMS DURING ROUGH-IN BASED ON OWNER'S PREFERENCE.



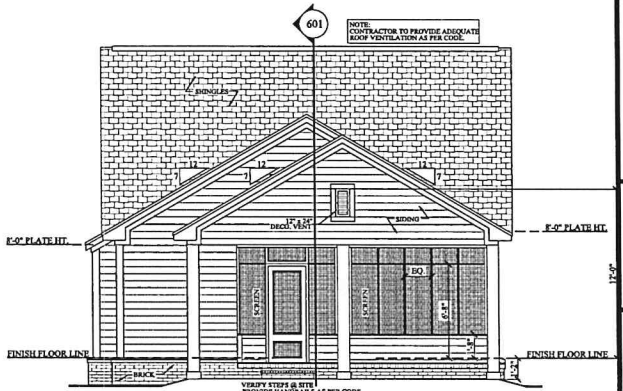
403 **RIGHT VIEW**
 SCALE 1/4" = 1'-0"



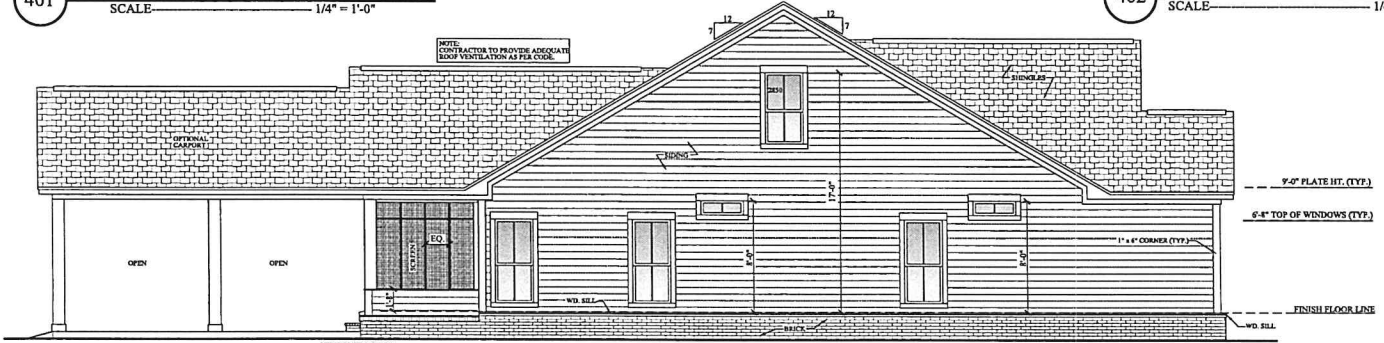
401 **FRONT VIEW**
 SCALE 1/4" = 1'-0"

EXTERIOR ELEVATION NOTES:

1. CONTRACTOR TO VERIFY ALL WINDOW AND DOOR STYLES AND SIZES WITH OWNER PRIOR TO CONSTRUCTION.
2. PROVIDE STEPS AND GUARD RAILS AS PER CODE BASED ON SITE CONDITIONS.
3. GROUND LINES SHOWN FOR REFERENCE ONLY AND VARY DEPENDING ON SITE CONDITIONS.
4. ALL FINISH MATERIALS TO BE VERIFIED WITH OWNER PRIOR TO CONSTRUCTION.
5. REFER TO TYPICAL WALL DETAIL FOR FRAMING METHODS AND OTHER MISC. INFORMATION.



402 **REAR VIEW**
 SCALE 1/4" = 1'-0"



404 **LEFT VIEW**
 SCALE 1/4" = 1'-0"

**MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
MARCH 26, 2025
PROJECT PLANNER: SLOANE LEWIS**

Application: Z-25-003

Location: 2626 Anthem Way

Applicant: Dana Moser

Owner: Doug Moser

Zoning: RS-12 (Single-Family Residential- 12,000 square feet minimum lot size)

Requests: A special use permit to establish a home-based business to provide swimming lessons in private backyard in-ground pool.



Overview of Request

Background

The applicant, Dana Moser, is requesting a special use permit (SUP) to establish a home occupation providing summer swimming lessons in the private backyard pool located at 2626 Anthem Way, which is located just southwest of the Saint Andrews Drive and New Salem Highway intersection. The subject property is zoned Single-Family Residential (RS-12). Since the proposed swimming lessons will generate customer traffic, a special use permit is required from the Board of Zoning Appeals pursuant to Section 9 of the Zoning Ordinance.

Summary of Proposed Use

The applicant would like to conduct swimming lessons in her private backyard pool. The applicant plans to run her business indefinitely, but seasonally, operating May through September each year. The proposed hours of operation are Monday and Wednesday from 9am to 11:30am and 12pm to 2pm. Tuesday and Thursday from 9am to 12pm and 3pm to 6pm. Friday will be used for make-up lessons. All clients are by appointment only, consistent with other home occupations previously approved by the BZA. The applicant expects to have a maximum of 9-12 sessions per day, each session being 30 minutes long. The applicant requires a parent to stay during the entire duration of the lesson. The applicant plans to offer group instruction only for up to 4 family members who will be arriving at the session in one vehicle. The driveway is spacious enough to accommodate two vehicles simultaneously. The applicant has stated that no more than two parking spaces will be required, as one client is expected to arrive as another completes their appointment.

The business will be run from the pool fenced in backyard of the applicant's house, which is not visible from the street. The rear section of the fence is an aluminum, wrought-iron-style design, allowing visibility into the backyard from adjacent properties. The BZA has previously required privacy fences for in-home daycares to ensure privacy for both the children and neighboring properties and it may be appropriate to require the same for this home occupation. The approximate square footage of the lot is approximately 12,600 square feet and the swim lessons will be using the existing pool, deck, and exterior bathroom/changing room, which all equates to approximately 2,200 square feet. The lessons will occupy about 17% of the area. The home has an existing changing area/restroom that is accessible from the exterior of the house, that clients may use. There will be no changes made to the exterior or interior of the residence or property. Additionally, there will be no other employees working from the home besides Mrs. Moser.

Relevant Zoning Ordinance Section(s)

City of Murfreesboro Zoning Ordinance Section 9(D)(2)(rr) sets forth Standards for Home Occupations in addition to the Standards of General Applicability Section 9(C). The applicant has affirmed in her special use permit application letter that the home occupation 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;**

Generally, the proposed use will have no adverse impact on the above-mentioned elements, however staff does have some concern that the existing fencing style does not provide adequate privacy to both the home occupation and neighbors. The rear section of the fence is an aluminum, wrought-iron-style design, allowing visibility into the backyard from adjacent properties. The BZA has previously required privacy fences for in-home daycares to ensure privacy for both the children and neighboring properties and it may be appropriate to require the same for this home occupation. The proposed swimming lessons will be operated within the fenced in backyard of the residence. The customers will park in the driveway, and customer visits to the residence will be made by appointment only, making staff believe that there will be no major impact on the existing traffic patterns. Any necessary utilities are already in place and being utilized. Additionally, staff believes that the proposed use will not have any adverse effect to the character of the neighborhood or the public health, safety, and general welfare of the surrounding area except for the concern mentioned above. There are no changes being made to the property so there will be no adverse effects on adjacent properties.

- 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. There will be no changes made to the property to cause any impact on the neighborhood or adjacent properties. The driveway will provide sufficient parking for the clients and 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. The business will be operated in a way that meets all of the conditions required.

- 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, parking will be on the existing driveway, and the use will not generate significant traffic impacts in the neighborhood because it will be one client at a time with a second arriving near the end of the prior client's appointment.

- 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 use 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 she will be the only employee working at the residence.

- 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 no signs at the residence.

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

The applicant has confirmed that no additional exterior improvements are being made to the residence, and it will retain 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;**

The interior of the residential dwelling unit will not be used for the business. Only the pool, deck, and exterior half bath/changing room will be used by the clients. The lot is about 12,600 square feet and the pool, deck, and bathroom that will be used are about 2,200 square feet. This equals only 17% of the area being used and this meets the standard of using less than 25% of the area in the home occupation.

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

There will be no mechanical or electrical equipment installed besides the pool filter and heating systems, which already exist and are customary for use in residential pools. There will be no noise from machinery or any interference with reception.

- 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 visible outside storage. All pool care equipment is stored in an existing exterior locked closet. All teaching aids are stored in an existing bench/chest.

- 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 personal vehicles will be parked in the garage and the driveway has sufficient space for at least 2 cars. 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.**

The applicant plans to only offer group instruction in the case of private family lessons. The applicant may provide instruction to up to 4 family members at a time that all arrive in the same car, to not increase traffic flow or parking needs.

- 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 private swimming lessons.

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 applicant understands this standard and will meet standards required by the BZA. In addition to having no structural changes that will affect the residential character of the neighborhood. No adverse effects on the neighborhood with the minimal traffic increase that is only seasonal. There will be no parking on the public street.

Staff Recommendation:

Staff recommend approval of the special use permit because it meets the general standards of applicability and specific use standards for a Home Occupation use, as noted above. If approved, staff recommends that the special use permit include the following conditions.

Recommended Conditions of Approval:

1. Customer visits shall be by appointment only.
2. Group instruction should only be provided for up to 4 family members that all arrive in one vehicle.
3. The home occupation hours of operation shall be from May to September Monday and Wednesday from 9am to 11:30am and 12pm to 2pm. Tuesday and Thursday from 9am to 12pm and 3pm to 6pm. Friday will be used for make-up lessons.
4. All parking associated with the home occupation shall only be on the driveway on the subject property.
5. The applicant shall replace the “wrought iron style” fence with a privacy fence and 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.
6. The applicant shall include a signed copy of the BZA approval letter with the business license application materials.
7. 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. Site Plan

City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: 2626 Anthem Way

Tax Map: Group: Parcel: Zoning District:

Applicant: Dana Moser

E-Mail: [REDACTED]

Address: 2626 Anthem Way

Phone: 503-880-7935

City: Murfreesboro

State: TN

Zip: 37128

Property Owner: Doug Moser

Address: 2626 Anthem Way

Phone: (423)797-0262

City: Murfreesboro

State: TN

Zip: 37128

Request: BZA special use permit to provide summer
swim lessons in my private backyard in-ground pool.

Zoning District:

Applicant Signature: Dana Moser

Date: 2-4-2025

Received By:

Receipt #:

Application #:

Date:

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E
HEARING APPLICATION
AND
GENERAL INFORMATION

- 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
Monday through Thursday 9 to 6pm and Saturdays 9 to noon

 - 2. Duration of the proposed special use
Indefinite but seasonal - May through September Only

 - 3. Number of expected patrons that will be expected to utilize the property of the proposed special use
I expect 6 to 16 per day

 - 4. Projected traffic that will be expected to be generated by the proposed special use
One client per half hour or about 16 per days of operation.

- 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 harmful characteristics. Pool is gated and not visible from the street. There is adequate parking in the driveway for three cars.

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;
No adverse effects on the character of the neighborhood. Traffic will not exceed 18 cars per operating day and not exceed 2 at a time. Parking will be on a personal driveway with room for 2 cars. Utilities are already in place, existing and already in use. Lessons will be in a private backyard.

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 pool is already constructed and is compatible with the existing neighborhood. It is in compliance with all HOA and city building codes. I would like to offer 30-minute private and family private swim lessons Monday through Thursday 9am to 6pm and Saturday mornings 9 to noon, May through September. There is an exterior changing room/half bath to service clients. There is bench and chair seating, umbrellas for shade as well as a covered pavilion for parents to watch the lessons from as I require them to watch.

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;

This will be served adequately as it is an already existing structure on the property with no structural changes to be performed. There are 2 parking spots on private driveway. No parking will be allowed in public right-of-way. There is an exterior bathroom. For safety, parents are required to watch lessons from the poolside. Safety rules are posted. Life-ring is on deck as well as a lifesaving hook. I am Red Cross Lifeguard trained and have taken the Certified Pool & Spa Operator training.

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 will be no destruction or loss or damage to anything as there will be no construction. All the features needed already exist on the property.

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

This business will comply with all additional standards.

Standards for (rr) Home occupations

Please explain how you will comply with the following standards:

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

The instruction will be offered and given only by myself, Dana Moser, who resides at this property.

[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;

No exterior signs will be posted so as to be in accordance to HOA laws.

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

There will be no alterations to the property inside or out and no products will be for sale.

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

Residential dwelling interior will not be used for the conducting of business. Only the pool, concrete decking and exterior half bathroom will be utilized.

Exterior Property = 12,600 sq ft

Pool, decking & bathroom = 2,200 sq ft.

Percent usage : $2200/12600 = 17\%$. Therefore lessons will occupy < 25%

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

There will be no mechanical or electrical equipment used except customary domestic pool filtration and heating systems already in place and utilized. There will be no noisy machinery or interference with reception.

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

There is no visible storage outside. All pool care equipment and chemicals are stored in an exterior locked closet. Teaching aids are stored in a bench/chest combo furniture piece. All this is in the private backyard and not visible to neighbors.

[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 a max of 18 cars per day. It will be one client per 30 minutes of lesson time or 2 per hour from 9am to 6pm Monday through Thursday and fewer on Saturdays with 6 max clients with cars. There will be no street parking as the driveway has adequate parking for 2 cars. Personal vehicles will park in the garage.

[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.

Group Instruction – I would like to offer Family Private lessons where siblings can learn together with up to 4 siblings at a time. This offering does not increase traffic flow or parking needs.

[9] the following activities and land uses shall not be permitted as home occupations:

[a] automotive repair (body or mechanical), upholstery or painting;

[b] kennels;

[c] taxi service;

[d] gun dealers; or,

[e] charter bus service;

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

Any additional standards will be met if required by BZA. There will be no structural changes made that would create problems with the residential character of the neighborhood. Traffic will increase somewhat but is minimal and temporary for the seasonal business. Parking will be off the public street. Children laughing and playing and some crying may be added to the noise of the neighborhood.

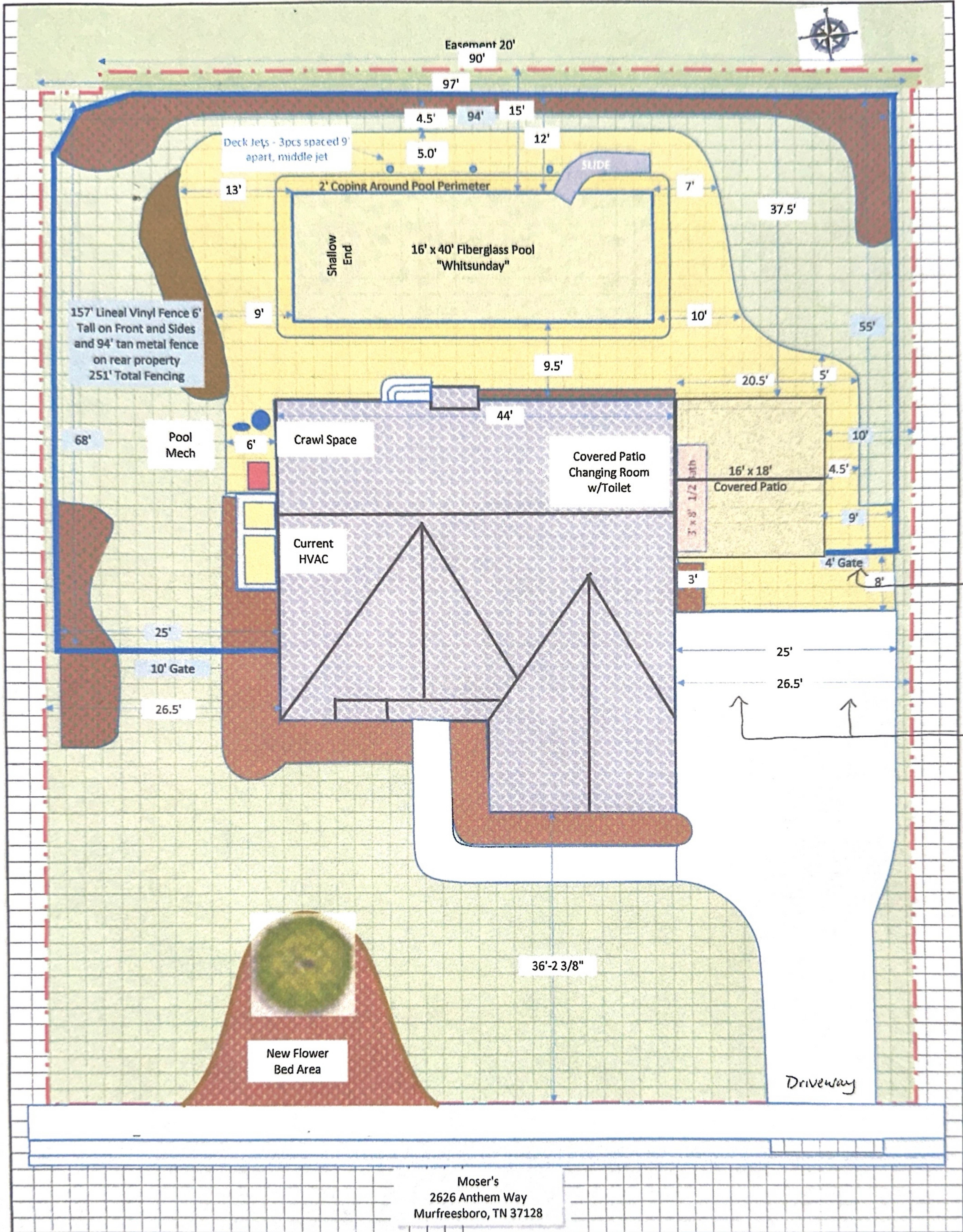
Date: February 4, 2025

Applicant signature: *Dana Moser*

SITE PLAN

Site Plan
2626 Anthem Way
Murfreesboro

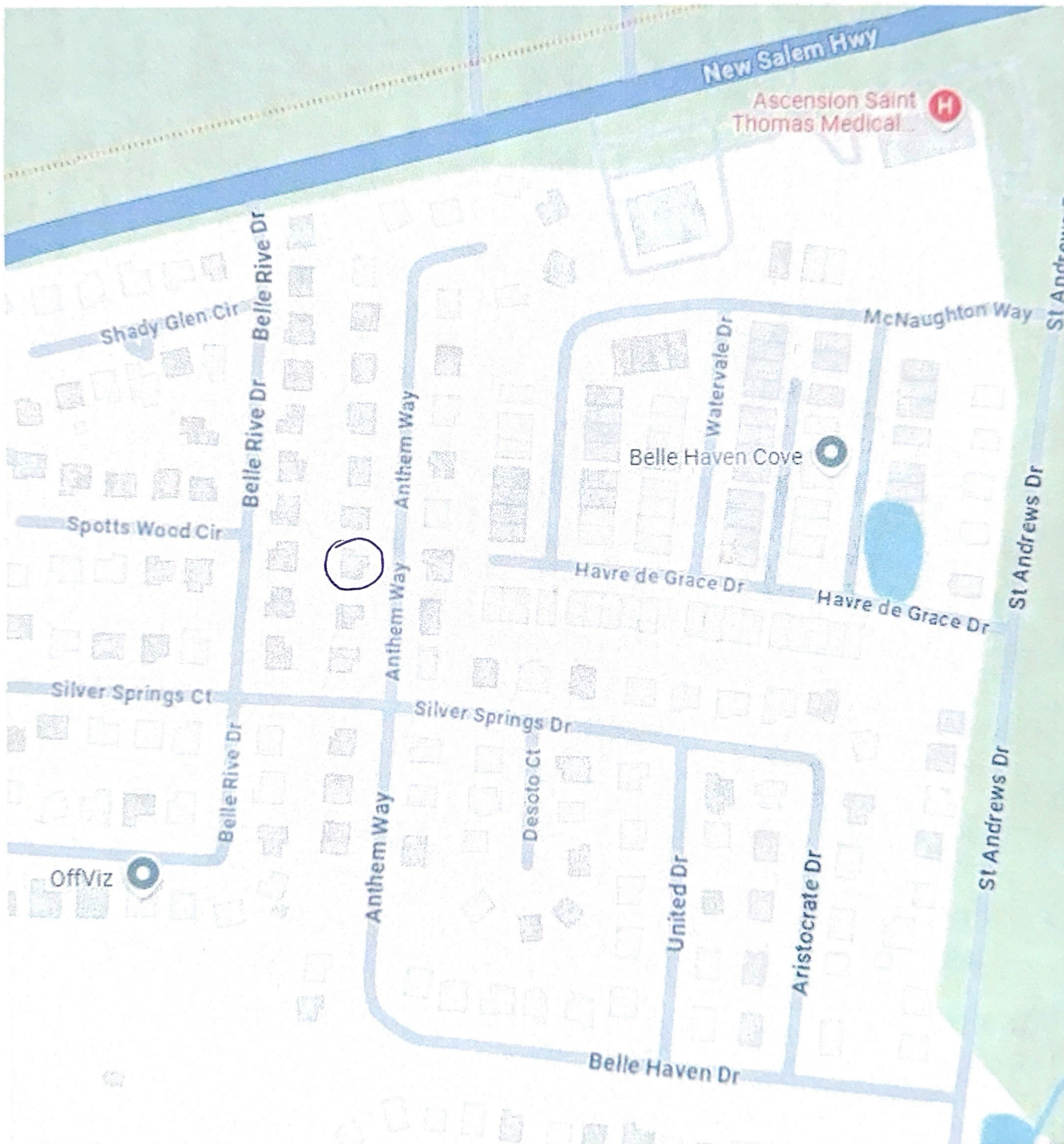
(C)



Moser's
2626 Anthem Way
Murfreesboro, TN 37128

Red Dotted - Property line
Dark Blue - Fence

Vicinity map showing the property of the proposed special use and all parcels within 500 feet radius for 2626 Anthem Way, Murfreesboro.





Swimming Pool
Safety Rules
No Running
No Diving
No Alcohol
No Glass
No Smoking
No Pets
No Firearms
No Weapons
No Drugs
No Profanity
No Intoxication
No Inappropriate Behavior
No Unsupervised Children
No Unsupervised Adults
No Unsupervised Pets
No Unsupervised Firearms
No Unsupervised Weapons
No Unsupervised Drugs
No Unsupervised Profanity
No Unsupervised Intoxication
No Unsupervised Inappropriate Behavior
No Unsupervised Unsupervised Children
No Unsupervised Unsupervised Adults
No Unsupervised Unsupervised Pets
No Unsupervised Unsupervised Firearms
No Unsupervised Unsupervised Weapons
No Unsupervised Unsupervised Drugs
No Unsupervised Unsupervised Profanity
No Unsupervised Unsupervised Intoxication
No Unsupervised Unsupervised Inappropriate Behavior

POOL RULES
No Running
No Diving
No Alcohol
No Glass
No Smoking
No Pets
No Firearms
No Weapons
No Drugs
No Profanity
No Intoxication
No Inappropriate Behavior
No Unsupervised Children
No Unsupervised Adults
No Unsupervised Pets
No Unsupervised Firearms
No Unsupervised Weapons
No Unsupervised Drugs
No Unsupervised Profanity
No Unsupervised Intoxication
No Unsupervised Inappropriate Behavior



Dana Moser <danamoser2020@gmail.com>

To: @ Sloane Lewis

Reply Reply all Forward

Tue 3/18/2025 6:06 PM

You don't often get email from danamoser2020@gmail.com. [Learn why this is important](#)

Hello Sloane,

Thank you for taking the time to keep me informed about my BZA application at 2626 Anthem Way.

May I preface my topic comments with some opening facts and thoughts that I feel should be considered.

There is a high demand for water safety and swimming skills education with limited locations that can accommodate the community's needs. Water space is scarce in Murfreesboro and many other cities across the country. Drowning is the number one cause of death for children in the USA. Parents want their kids to be water safe. This is why I do what I do. I ask that you please take this into consideration as the city of Murfreesboro leaders consider my case. Far more children drown than get hit by cars. Education and exposure to water are the only ways to combat this tragic statistic. I would like to be able to offer this very important community service. I have the time, the know-how, the experience, the skills, and the water.

Due to the seasonal nature of outdoor swim lessons, I can only offer classes from mid-May through mid-September due to weather. The first two weeks in May and first weeks in September are expected to be very light as school is still in session. The busier swim lesson season is between Memorial Day and Labor Day - June, July and August. So, although I offer lessons, enrollment will be very light until school is out. Please note, there will be no lessons offered for other times of the year. So please consider the temporary short term nature of my operations.

Now, may I please address each topic brought to my attention through your email.

- 1) Limit the number of lessons/clients per day – I am willing to cut to the following hours to address the staff's concerns.

To further limit traffic at my location, I propose to limit class times as follows:

- Mondays and Wednesdays: from 9:00a to 11:30a, and 12:00p to 2:00p.
- Tuesdays and Thursdays: 9:00a to 12:00p, and 3:00p to 6:00p.
- Fridays used only as "make up classes" due to lightning, which closes the outdoor pool and happens on occasion in the summer.

This would be a maximum of 9 clients on Mondays and Wednesdays, and 12 clients on Tuesdays and Thursdays.

- 2) 15 minute break between lessons – I do not see this as necessary to have a long delay between individual lessons. We have space for two cars to park in our driveway with easy entry and exit. Waiting around for 15 minutes wastes too much time and would extend hours of operation or further reduce the number of students that can benefit from water safety instruction. Also, please consider that I would be sitting around wet and unproductive and would rather use everybody's time more efficiently as I stay teaching in the water. Also, please consider that not everyone will drive as many people will walk, because they live in the neighborhood.

Sloane, thank you for your time and including my comments in your report. Please notify me if there is anything further I need to do to prepare for a successful BZA Public meeting.

I am confirming the meeting date on Wednesday, March 26 at 1:00p in the City Hall Council Chambers.

Sincerely,

Dana Moser