

**CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

Regular Meeting, April 23, 2025, at 1:00 p.m.  
City Hall, 111 West Vine Street, Council Chambers, 1<sup>st</sup> Floor

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**A G E N D A**

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1. Call to order
2. Determination of a quorum
3. Public Comments
4. Consideration of minutes for the regular meeting on March 26, 2025
5. New Business

*Special Use Permit Requests*

- a. **Application Z-25-005 by Brigitte Hill**, is requesting a special use permit in order to establish a home occupation (pediatric occupational therapy) in a Single-Family Residential (RS-15) zone on property located at 1648 Earl Court. (Project Planner: Richard Donovan)
  - b. **Application Z-25-006 by John and Alice Duva**, 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 3251 Park Hill Road. (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**

March 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  
Sloane Lewis, 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.

**3. Public Comments:**

None

**4. Consideration of Minutes:**

With there being no objection by any of the Board members, the minutes of the February 26, 2025 BZA meeting were approved as submitted.

**5. New Business:**

a. Application [Z-25-004] by Mr. Frank Russell, requesting a 15-foot variance from the required 35-foot front setback along Mill Street in order to construct a single-family home in a Commercial Local (CL) zone on property located at 608 Old Salem Road.

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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 inquired about the size of the variance requested. Mr. Donovan clarified the size of the variance and explained the reasoning behind it.

Chair Young asked if the previous structure had burned down. Mr. Donovan confirmed that it did.

Mr. Brandon Russell was present to answer questions.

Chair Young opened the public hearing.

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

Mr. Robert Batcheller moved to approve the variance subject to all recommended conditions of approval; the motion was seconded by Vice-Chair Ken Halliburton and carried by the following vote:

Aye: Robert Batcheller

Misty Lavender

Tim Tipps

Vice-Chair Ken Halliburton

Chair Davis Young

Nay: None

**b. Application [Z-25-003] by Ms. Dana Moser, 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.**

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

Mr. Tim Tipps inquired about any covenants that would prohibit a privacy fence. Ms. Lewis stated that a privacy fence would be allowed in the neighborhood.

Mr. Tipps asked if there were any additional first aid and AED requirements related to this request. Mr. Donovan stated that there is nothing within the Zoning Ordinance that would require that.

Mr. Robert Batcheller inquired about any other regulations that would impact this request. Mr. Donovan stated that he is not aware of any.

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Chair Young asked if a home occupation was already operating from this location. Mr. Donovan explained that this application derived from a zoning violation from last summer.

Mr. Batcheller inquired about the opposition staff has received. Mr. Donovan stated that he received one phone call and one letter regarding it.

Ms. Dana Moser spoke about her experience and why she wants to operate this home occupation.

Chair Young asked Ms. Moser if she anticipated going past 6:00pm or having that many participants. Ms. Moser explained that the times offered may not always be booked out. She also stated that parents that work like that time.

Ms. Misty Lavender inquired if there would be any additional employees. Ms. Moser stated that she would be the only one.

Chair Young opened the public hearing.

Ms. Annie Stack of 2621 Anthem Way spoke about safety concerns, parking and traffic. She also presented an objection letter with the signatures of eight other neighbors, who could not be present, to the Board.

Ms. Moser presented letters of support from clients to the Board.

Mr. Austin Stack of 2621 Anthem Way spoke about concerns over parking, traffic and safety.

Mr. Doug Moser, Ms. Dana Moser's husband, spoke in favor of the request. He also stated that you cannot see into the backyard due to the neighbor's privacy fence.

Ms. Jenna Schuette of 2096 Longview Road spoke in favor of the request.

Ms. Xenia of 2622 Anthem Way spoke about concerns regarding the overlap of clients arriving/leaving lessons.

Ms. Moser stated that one of her clients prefers her saltwater pool over pools with chlorine. She also added that she was unaware of anything happening between her clients and the neighbors.

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

Mr. Tipps stated that he believes that the application will address the neighbors' concerns.

Vice-Chair Halliburton asked what will be done if parking continues to be an issue. Mr. Donovan and Mr. Matthew Blomeley explained the enforcement measures that would be taken.

The Board members discussed concerns over parking and safety. Vice-Chair Halliburton told Ms. Moser that she will need to instruct her clients to park in the



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driveway. Ms. Lavender added that the safety of the children in the neighborhood needs to be a priority. Mr. Tipps added that the applicant needs to know what is going on and needs to make sure there will be no street parking. Mr. Batcheller cautioned Ms. Moser to take heed so as not to have her special use permit revoked.

Mr. Tim Tipps moved to approve the special use permit subject to all recommended conditions of approval; the motion was seconded by Vice-Chair Ken Halliburton and carried by the following vote:

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

Nay: None

## **6. Staff Reports and Other Business:**

None

## **7. Adjourn:**

There being no further business, Chair Young adjourned the meeting at 2:06pm.

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CHAIRMAN

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SECRETARY

**MURFREESBORO BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**APRIL 23, 2025**  
**PROJECT PLANNER: RICHARD DONOVAN**

**Application:** Z-25-005

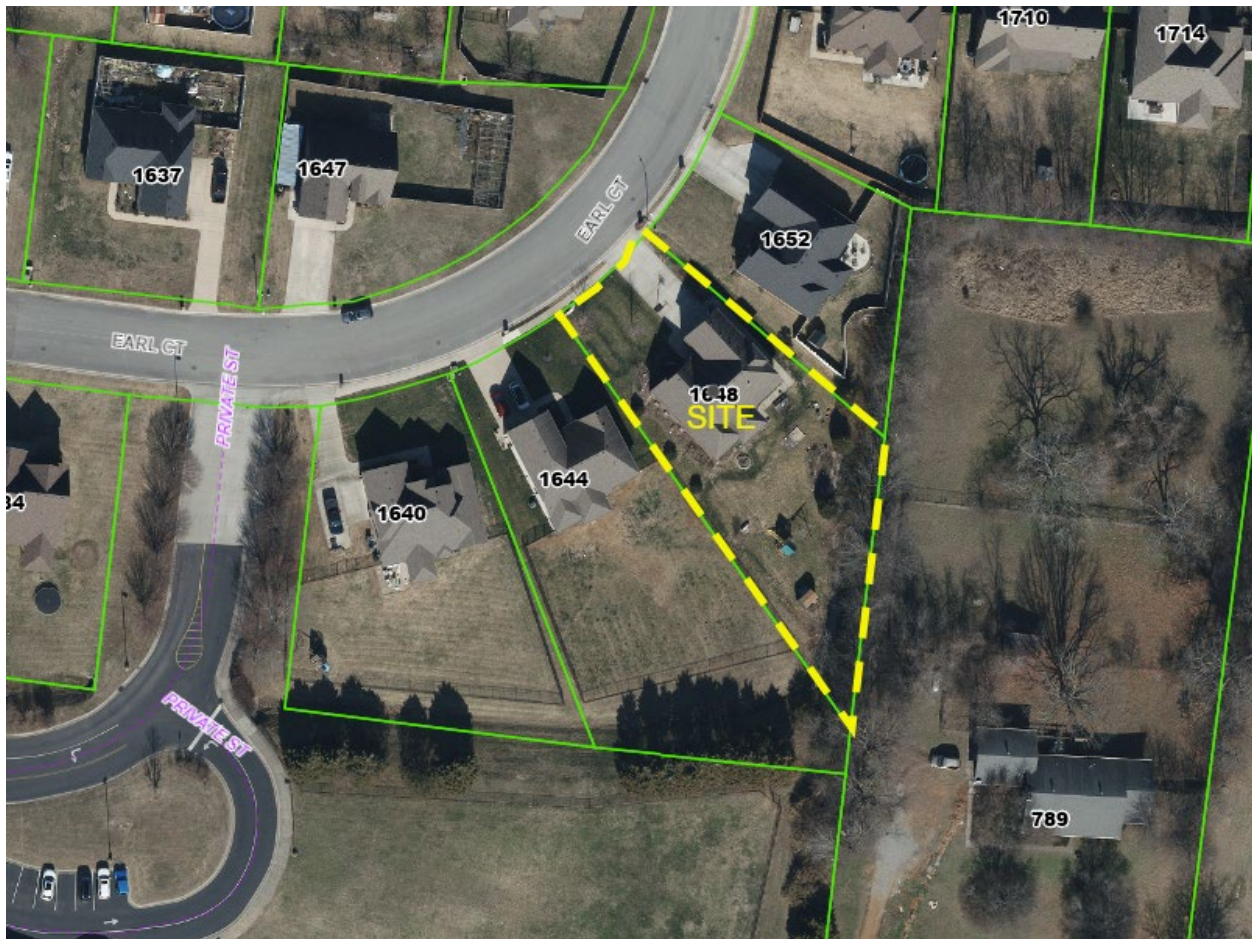
**Location:** 1648 Earl Court

**Applicant:** Brigitte Hill

**Owner:** Luke and Brigitte Hill

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

**Requests:** A special use permit to establish a home occupation to provide pediatric occupational therapy service.



## **Overview of Request**

### **Background**

The applicant, Brigitte Hill, is requesting a special use permit (SUP) to establish a home-based business providing pediatric occupational therapy located at 1648 Earl Court, which is located north of Dejarnette Lane behind John Pittard Elementary School. The subject property is zoned Single Family Residential (RS-15). Since the proposed pediatric occupational therapy 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 pediatric occupational therapy appointments at her residence primarily utilizing the backyard for therapy sessions but also conducting therapy sessions in a 132 square foot area of the residence during inclement weather. The applicant plans to run her business indefinitely at the residence. The proposed hours of operation are Monday through Friday from 9am to 5pm. All clients are by appointment only, which is consistent with other home occupations previously approved by the BZA. The applicant expects to have no more than four (4) clients per day, with each therapy session lasting between 30 and 90 minutes. The applicant, patient, and parent or guardian will be present during each session and all sessions will be one on one. The driveway is approximately 20 ft by 42ft and spacious enough to accommodate two additional vehicles in addition to the personal vehicles of the residences. The applicant has stated that three parking spaces will be available for client usage if one client does arrive as another completes their appointment.

The business will be run utilizing the backyard of the applicant's residence, which is not visible from the street. The applicant also intends to utilize a small area, 11 feet by 12 feet, within the residence's dining room for therapy sessions during inclement weather. The residence is approximately 2,400 square feet with the business area in the residence being 132 square foot area. The therapy session will occupy about 5.5% of the residence. No changes are being made to the exterior or interior of the residence or property. Additionally, there will be no other employees working from the home besides Mrs. Hill.

### **Relevant Zoning Ordinance Section(s)**

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

The applicable standards are listed below with information from Staff on how the applicant intends to address them.

### **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. 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. No changes are 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 the proposed use. For this property, existing services are already provided for this property, 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 no more than four clients scheduled per day.
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 of the home occupation.
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 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 applicant has indicated that most of the therapy will be conducted in the backyard of the residence. A small area, 11 feet by 12 feet, within the residence will be utilized for therapy sessions during inclement weather. The 132 square foot area is less than 6% of the 2,400 square foot residence. 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 within the dwelling unit or accessory structure. Equipment that will be used includes a computer, printer, swing set, sandbox, and picnic table among other children's toys which would be typical for a household with children.
- 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 equipment used in relation to the therapy session will be stored within the home or an existing shed.
- 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 driveway is approximately 20 ft by 42ft and spacious enough to accommodate two additional vehicles in addition to the personal vehicles of the residents. The applicant has stated that three parking spaces will be available for client usage if one client does arrive as another completes their appointment. 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 does not intend to offer group instruction. All occupational therapy sessions are one on one with the therapist, patient, and parent or guardian.
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 does not apply to this application as this request is for pediatric occupational therapy.
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 the 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 and 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. No more than one customer at a time shall visit the home-based business, and there shall be no overlapping of customer appointments.
3. The home-based business hours of operation shall be from Monday through Friday from 9am to 5pm.
4. All parking associated with the home-based business shall only be on the driveway on the subject property.
5. Applicant shall include a signed copy of the BZA approval letter with the business license application materials.
6. 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 and Floor Plan

City of Murfreesboro  
BOARD OF ZONING APPEALS

HEARING REQUEST  
APPLICATION

Location/Street Address: 1648 Earl Ct

Tax Map: Group: Parcel: Zoning District:

Applicant: Brigitte Hill E-Mail: [REDACTED]

Address: 1648 Earl Ct Phone: 615-962-5392

City: Murfreesboro State: TN Zip: 37130

Property Owner: Brigitte Hill

Address: 1648 Earl Ct Phone: 615-962-5392

City: Murfreesboro State: TN Zip: 37130

Request: To be able to do pediatric

Occupational Therapy on my property

Zoning District:

Applicant Signature: Brigitte Hill Date: 3/7/25

Received By: AF Receipt #: 376248

Application #: 2-25-005 Date: 3/26/25

Murfreesboro  
Board of  
Zoning Appeals



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: 3/26/25

Applicant name & title: Brigette Hill OTR/L Planner name: Richard T. Donovan

Application request: Special Use Permit

Purpose of request: To be able to provide pediatric occupational therapy services at my home, in my backyard. This will be for children with autism, cerebral palsy, Down's Syndrome, sensory processing disorder, and developmental delay.

#### Section 8 – Procedure for Uses Requiring Special Use Permits

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

Brigette Hill  
1648 Earl Ct  
Murfreesboro TN 37130  
615-962-5392

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

My husband and I own our home

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

d) Address of the site of the proposed special use 1648 Earl Ct  
Murfreesboro TN 37130

- 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

Monday to Friday, 9 am to 5 pm ; Part-time

2) Duration of the proposed special use

Continuing throughout the year as long as I have my business.

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

I plan to see up to 4 clients per day, For sessions 30 minutes to 90 minutes. I will have 1 parent and 1 child present at a time.

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

I plan on seeing a maximum of 3 clients per day for 30 to 90 minutes.

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

The home occupation will be for the therapist working with children for treatment. No changes to the structure will be made, and there will be no potential harmful characteristics.

#### 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;

My husband and I have 2 cars. One car is in my garage, and the other in my drive way. My client load will be so I never would need more than 2 parking spaces. My drive way holds 4 cars.



- 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;  
I will be using the existing structure for my office. I will be doing the majority of the therapy in the backyard. When weather is inclement, I will do therapy inside. I will use the site as is,
- 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;  
I will be using my existing house and don't need to add utilities. Parking in my driveway will be utilized as mentioned,
- 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,  
No feature will be affected,
- 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 information is provided below and will comply with the 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;

I am the only person working and I live here,



[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;

I will not be using a sign.

[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;

No alterations are anticipated. Outdoor space in backyard will be primarily used. A small space indoors will be used when weather is inclement.

[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;

Most of the therapy will be done outside in my backyard, when weather is inclement, I will use an 11x12 area (132 square feet) inside my house. This space is 5.5% of the square feet of my house, which is 2,400 square feet.

[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;

I will use a computer and printer inside. ~~on the~~ <sup>error B4</sup> on the yard there is an existing swingset, sandbox, and picnic table. The children will use buckets, trowels, watering cans, balls, and a crawling tunnel (that is collapsible). Craft supplies will be stored inside and brought outside for treatment.





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

Supplies will be stored in the garage house, and  
shed. These are all existing structures.

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

There are 3 parking spots available in my  
drive way. I only expect 1 client at a  
time,

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

No group instruction will be provided.  
All sessions will be the therapist, 1 child  
and the parent,

[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.

I will do what is needed. to  
comply.

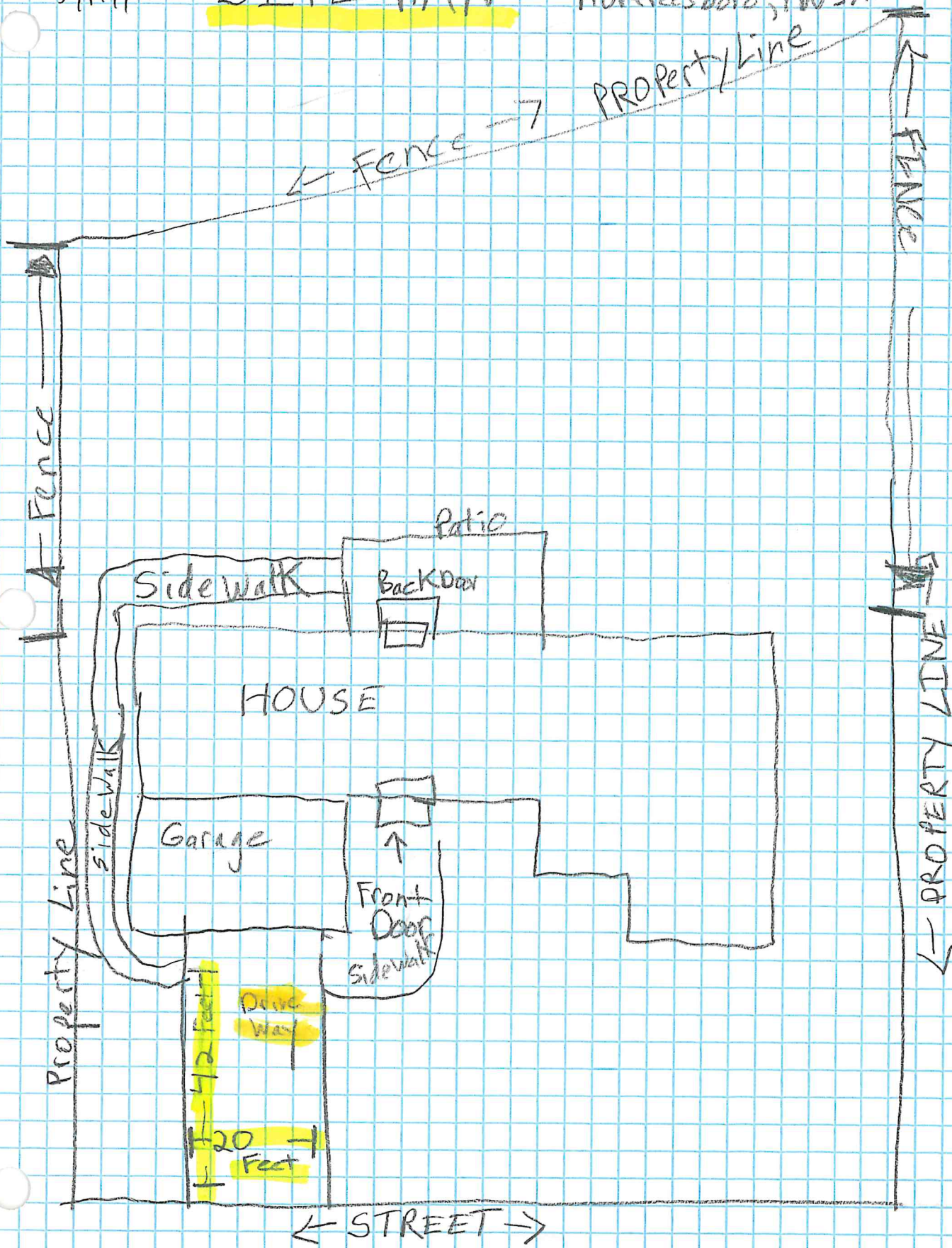
Date: 3/26/25

Applicant signature: Brigitte Hill

Brigette Hill

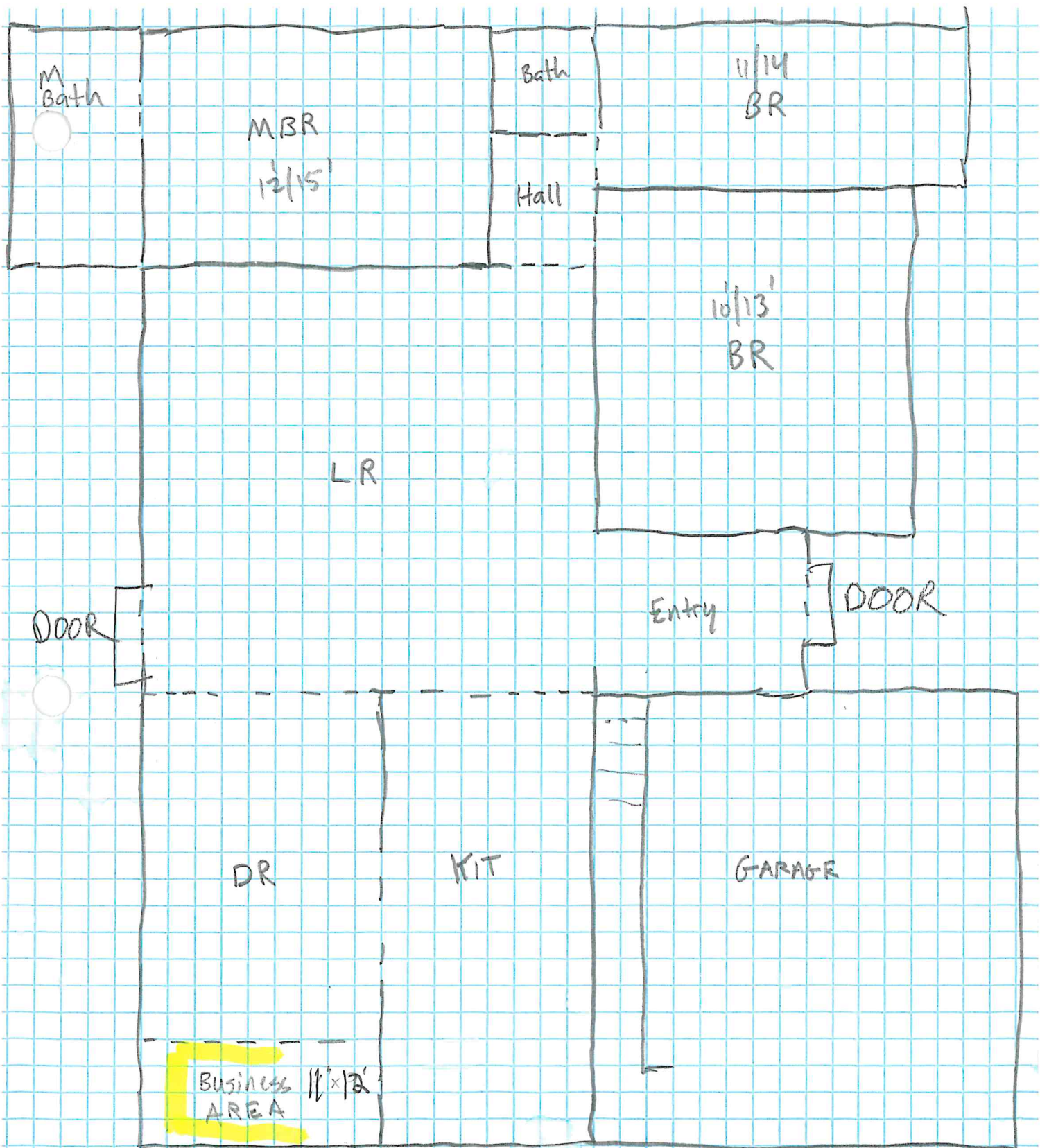
# SITE PLAN

1648 Earle  
Memphis, TN 37130



4 car parking spots in the driveway





# FLOOR PLAN

1648

Earl Ct.

Brigette Hill

□ = 1' x 1'

2,400 Square feet total  
 $11 \times 12 = 132$  square feet used,  
 5.5% square feet of the  
 house will be used.

**MURFREESBORO BOARD OF ZONING APPEALS  
STAFF REPORT  
APRIL 23, 2025  
PROJECT PLANNER: SLOANE LEWIS**

**Application:** Z-25-006

**Location:** 3251 Park Hill Road

**Applicant:** John Duva & Alice Duva

**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 applicants, John and Alice Duva are requesting a special use permit (SUP) to construct and establish an accessory apartment at 3251 Park Hill Road for the applicants to age in place in their in the accessory apartment while allowing their son's family to reside in the primary dwelling unit. The accessory apartment is 690.3 square feet and is located on the basement level within the principal structure. The property is zoned RS-15 and is in the Windsor Green single-family residential subdivision.

As depicted in the application site plan, the structure will be located on the basement level of the principal structure. The proposed floor area of the accessory apartment is 690.3 square feet and includes a kitchen, living area, one bath, one bedroom, and a walk-in closet. The accessory apartment has two exterior entrances on the back side of the house, entry access from the garage, and access from the stairs up to the first floor of the principal structure. The proposed accessory apartment is integrated into the principal structure and will not be noticeable from the outside.

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

	<b>Zoning Ordinance</b>	<b>Proposed Accessory Apartment</b>
Maximum Floor Area for accessory apartment	700 square feet	690.3 square feet
Maximum Building Height	35 feet	Within home that meets the 35'
Minimum Building Setbacks	<ul style="list-style-type: none"><li>- 40 feet from front property line</li><li>- 12.5 feet from side property lines</li><li>- 30 feet from rear property line</li></ul>	<ul style="list-style-type: none"><li>- 42 feet from front property line</li><li>- 43 feet from left side (southeast) property line</li><li>- 25 feet from right side (northwest) property line</li><li>- 115 feet away from rear property line</li></ul>

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 a 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:

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

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

Section 2, Definitions:

*Accessory Apartment:* *A 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 structures 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 on the character of the neighborhood as the structure will be integrated into the overall design of the principal structure.

**(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 principal structure and accessory apartment 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 currently exist 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 3251 Park Hill Road.
- 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 owners, John and Alice Duva, will reside on the property in the accessory apartment located within the principal structure and the rest of the principal structure will be used by family members. The applicants have 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 a principal structure, Minimum Yard Requirements and Land Use Intensity Ratios. The structure has a 42.0-foot front setback and 115.0-foot rear setback, a 43.0-foot left side (southeast) setback, and a 25.0-foot right side (northwest) setback. The exterior entrances to the accessory apartment are located at the rear of the house and are already existing.

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

- The proposed accessory apartment is located within the principal structure. If the accessory apartment use was discontinued or the special use permit lapses the accessory apartment could be utilized as part of 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 690.3 square feet. 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 the principal 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 690.3 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 690.3 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. 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.
3. 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. Floor plan
- E. Interior Photos

City of Murfreesboro BOARD OF ZONING APPEALS	HEARING REQUEST APPLICATION
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Location/Street Address: 3251 Park Hill Rd, Murfreesboro			
Tax Map:	Group:	Parcel:	Zoning District:

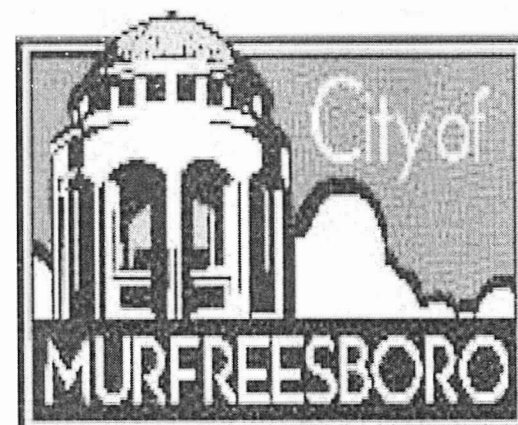
Applicant: John Duva		E-Mail: [REDACTED]	
Address: 3251 Park Hill Rd		Phone: 615 310 4048	
City: Murfreesboro	State: TN	Zip: 37129	

Property Owner: John and Alice Duva			
Address: 3251 Park Hill Rd		Phone: 615 310 4048	
City: Murfreesboro	State: TN	Zip: 37129	

Request: Remodel for ADU	
Zoning District:	
Applicant Signature: <i>John P. Duva</i> <i>Alice Duva</i>	Date: 3-5-25

Received By:	Receipt #:
Application #:	Date:

## 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: \_\_\_\_\_

Applicant name & title: John and Alice Duva Planner name: \_\_\_\_\_

Application request: Remodel finished great room to include a kitchen.

Purpose of request: I bought this house to include our son and his family, This allows my wife and I to age in place. Wife and I want our own kitchen area in finished walk out basement with zero entry elevation.

#### Section 8 – Procedure for Uses Requiring Special Use Permits

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

John Duva - Alice Duva  
3251 Park Hill Rd, Murfreesboro TN 37129

John Duva 615 310 4048 Alice Duva 615 310 3773

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

Sole ownership, remodel is for owners use.

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

- d) Address of the site of the proposed special use

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



- f) Zoning classification the property of the proposed special use

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

Duration of ownership

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

2) The remodel is intended for use by John/Alice Duwa.

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

No change

- 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;

No exterior changes. Utilizing existing 4 doors of downstairs walk-out.

No affected change to neighborhood.

No affected change to traffic or parking.

Existing utilities will be utilized with electric, water, sewer. Safety and general welfare of our neighborhood will not be impacted.





- 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;

This will have no adverse affect or interfere with adjacent property. upgrading interior only.

- 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;

Proposed remodel will be served adequately by essential public utilities that currently exist and currently serve the house / property.

- 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 remodel will not have 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 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;

As owners, we intend to reside on this property full time  
and it will be used only by us and our family.

[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;

No new entrances will be made or added to existing  
structure. Utilizing existing rear ground level doors.

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

The proposed remodel will remain part of the principal  
structure. No changes to whole house access.

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

The remodel is located within the existing  
690.3 square feet of finished walk out  
basement.

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

Floor area currently finished:  
Large room is 630 sq. ft - Proposed kitchen location.  
Bath 48.3 sq. ft  
closet 12.0 sq. ft.  
Total Square Feet = 690.3



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

We understand the BZA may rescind all rights to this use if property/residence is sold to new owners,

[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.

We understand BZA may require additional standards be met in order to ensure compatibility.

Date: 3-5-2025

Applicant signature:

John P. Nisha  
Alice M. Duwa



3251 Park Hill Rd

addition

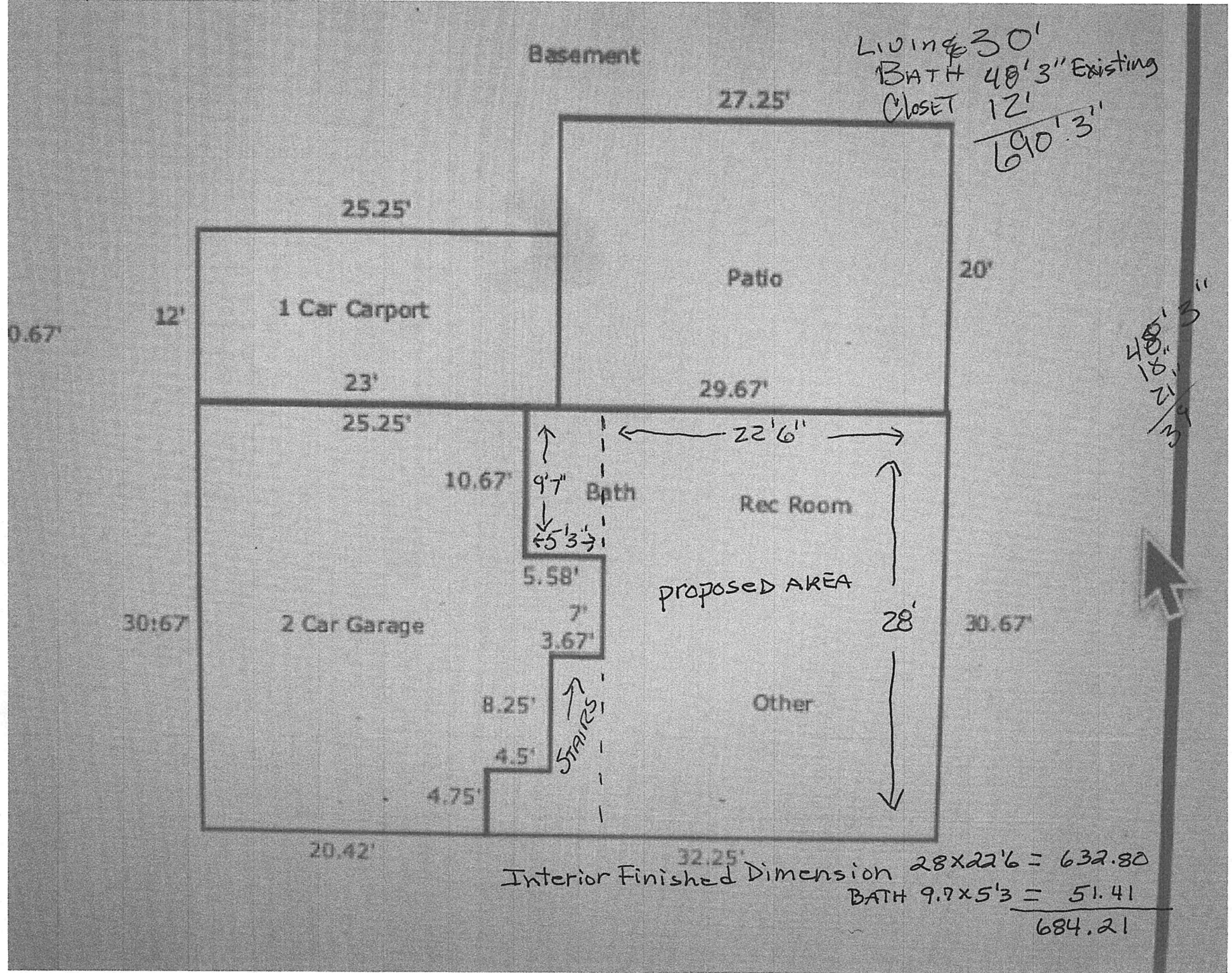
DUVA



12/06/2023



DOWN

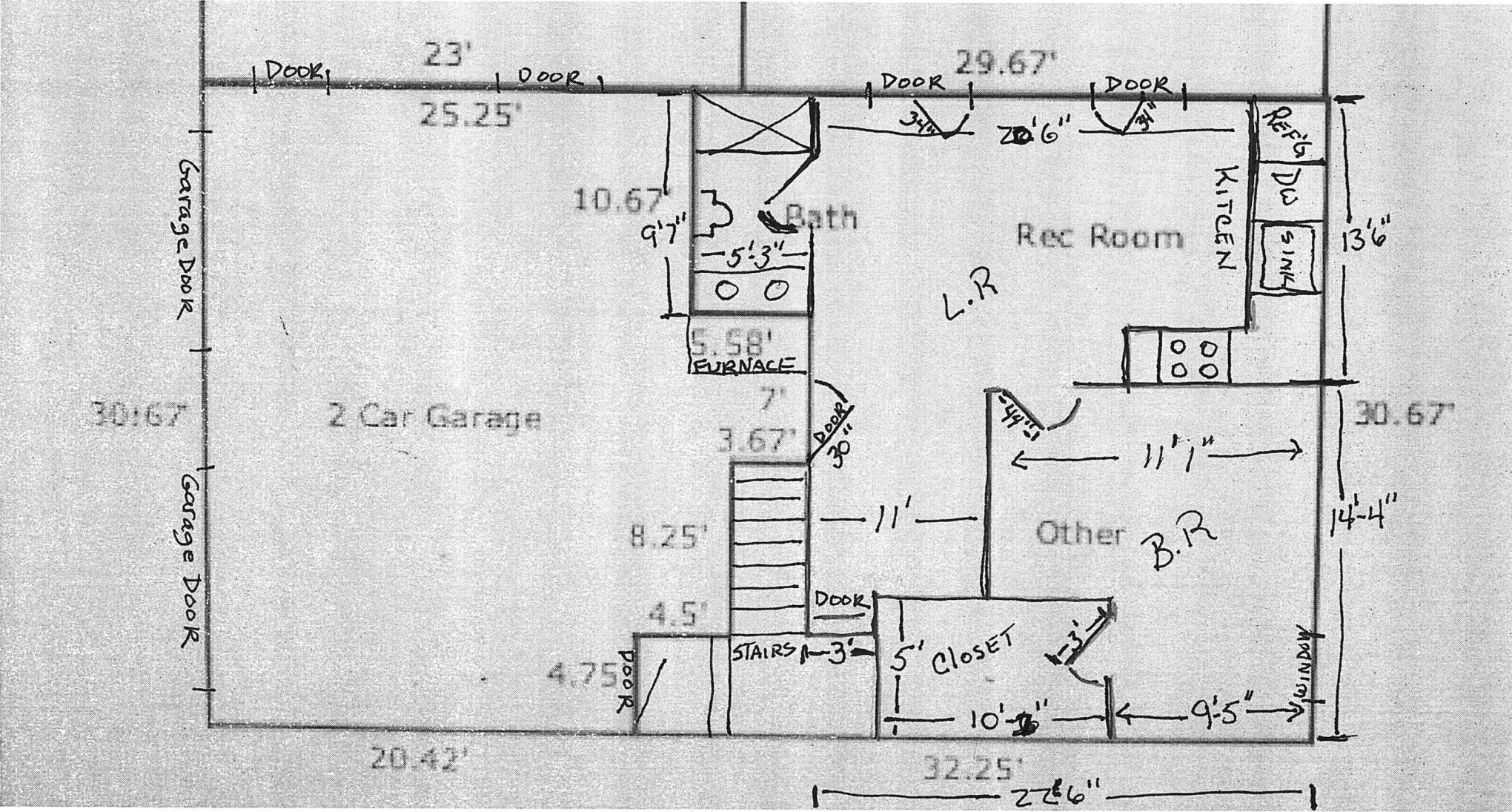


3251 Park Hill Rd

3251 Park Hill Rd

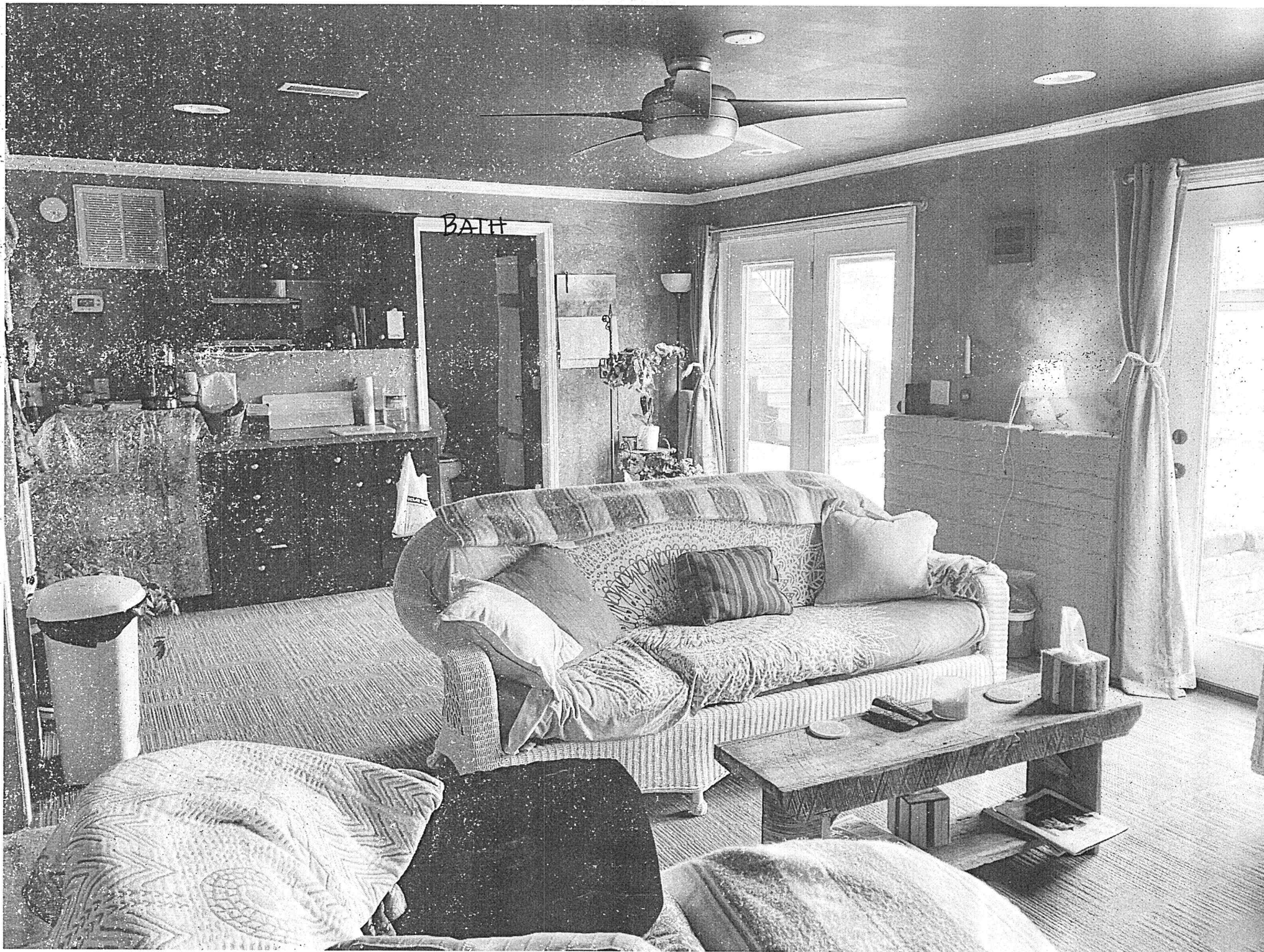
WALK OUT BASEMENT

DUVA



3251 Park Hill Rd





3251 Park Hill Rd

DIVA



Great Room/Kitchen

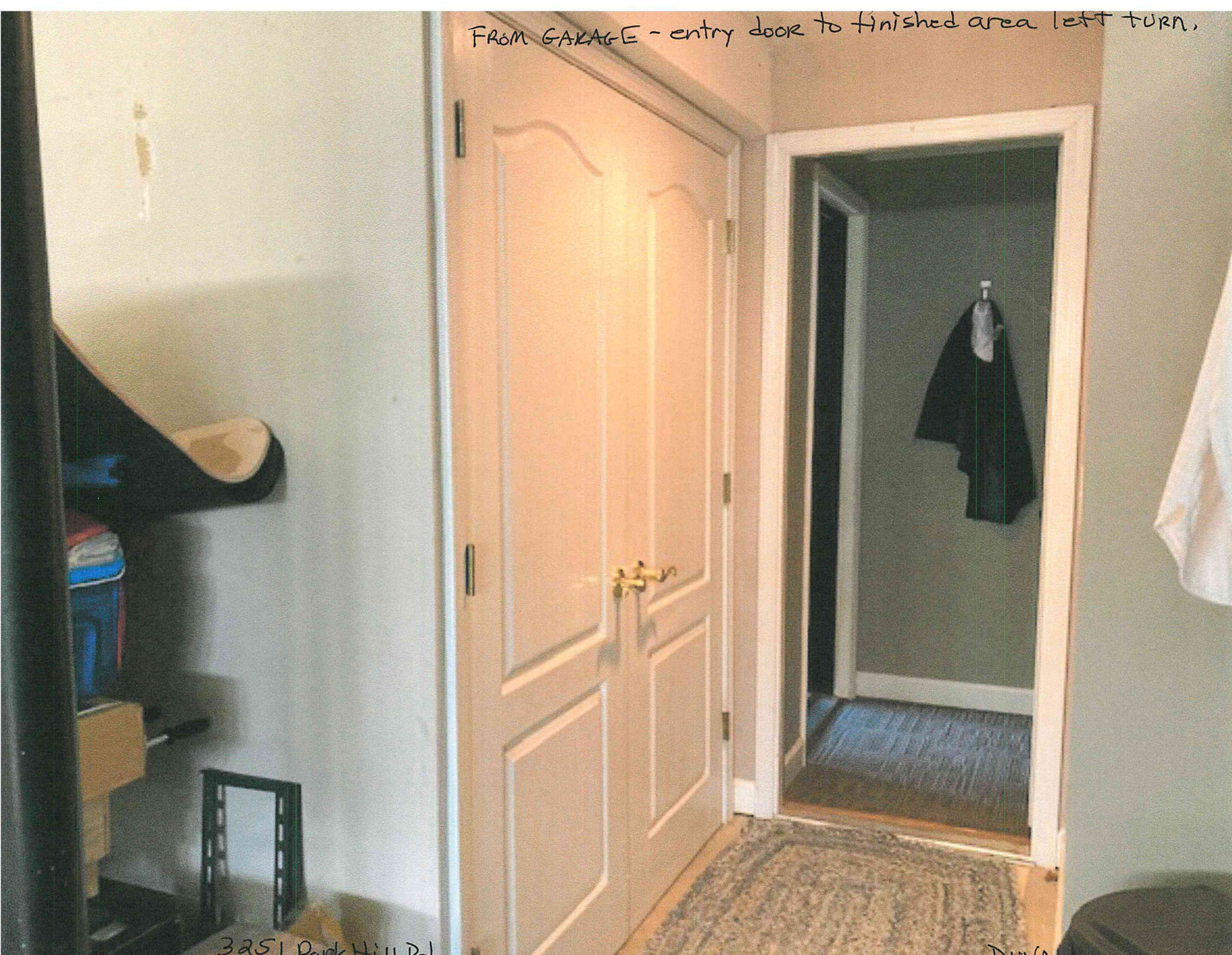
Great Room/LR

garage

garage



FROM GARAGE - entry door to finished area left turn,



3251 Park Hill Dr

DIVA

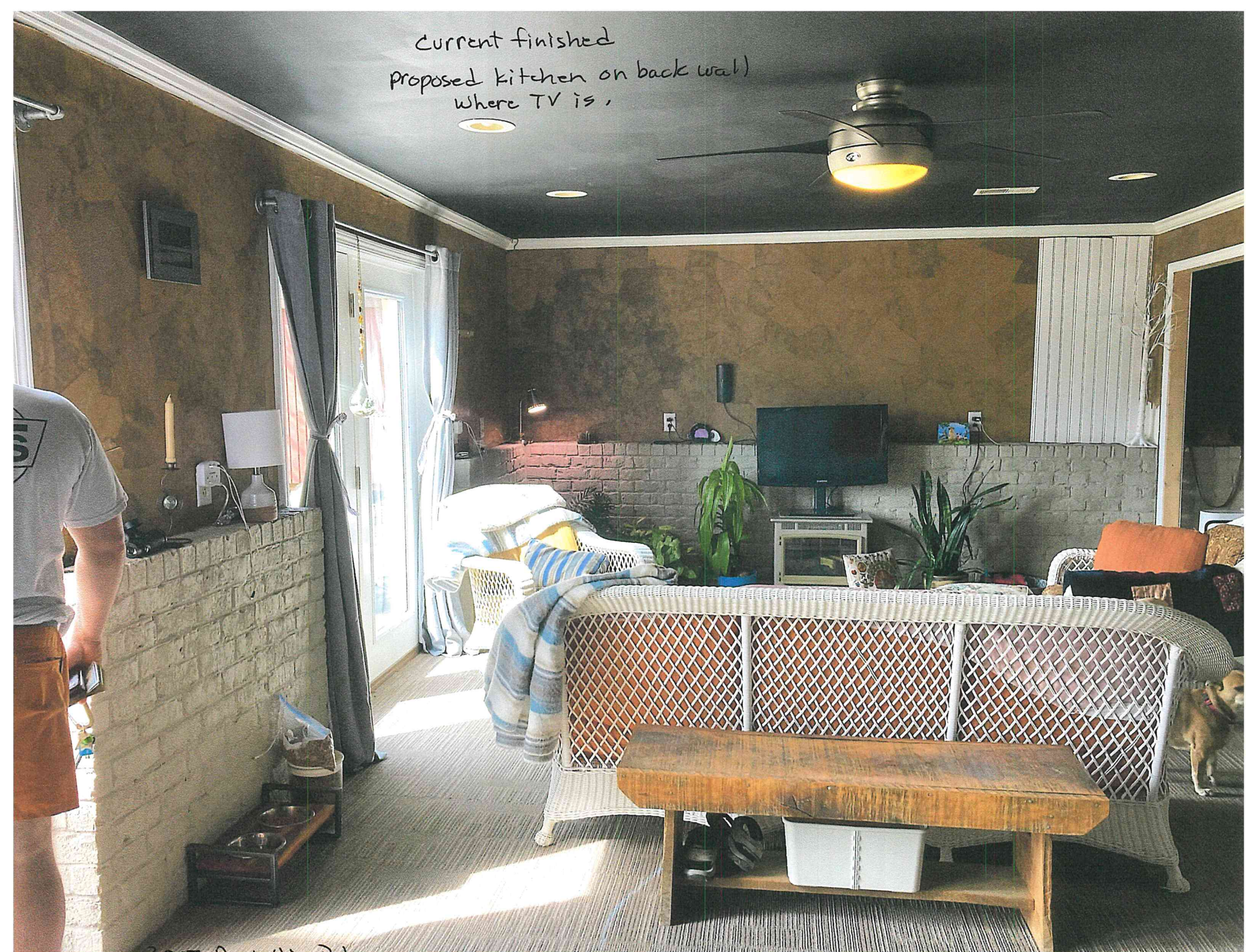


To  
upstairs

From garage entry  
door into  
finished area



Current finished  
proposed kitchen on back wall  
where TV is,





DWA 3251 Park Hill Rd - Existing (Temporary) Great Room







entry  
doors

3251 Park Hill Rd

DUNA





TO GARAGE

concrete car pads

3251 Park Hill

DIVA



TO GARAGE

TO  
GARAGE

3251 Park Hill Rd

DIVA