

# RUTHERFORD COUNTY BOARD OF ZONING APPEALS

Regular Meeting March 9, 2016

Location Commission Chambers, 2<sup>nd</sup> Floor, Historic Courthouse



## AGENDA

- I. Call to Order: 4:30 PM
- II. Pledge of Allegiance
- III. Roll Call & Determine Quorum
- IV. Approval of February 10, 2016 Meeting Minutes
- V. New Business
  - A. **Wanda S. Hall – BZA 2016-009**  
Location: 6044 Lebanon Pike, Map No.:46, Parcel: 2.04, Request for temporary special exception approval for a produce stand located in the CN-Commercial Neighborhood zoning district.
  - B. **Cynthia and Savatore Palazzolo – BZA 2016-010**  
Location: 7452 Magnolia Valley Drive, Map No.:143F, Group: A, Parcel: 32, Request for variance relief to reduce the rear yard setback requirement of 20' to 12' for a property located in the RL, Low Density Residential zoning district.
  - C. **Phillip Vaught – BZA 2016-011**  
Location: McElroy Road, Map No.:110, Parcel: 14.09, Request for temporary special exception approval allowing a borrow pit in the RL-Residential Low Density zone.
  - D. **Richard and Beth Scicolone – BZA 2016-012**  
Location: 10994 Rockvale Road, Map No.:146, Parcel: 38, Request for special exception approval for the establishment of an accessory structure before the principal structure for a property located in the RM, Medium Density Residential zoning district.
  - E. **Jeana Lewis – BZA 2016-013**  
Location: 133 Copper Hollow Drive, Map No.:103D, Group: B, Parcel: 6, Request for special exception approval for the establishment of a group child care home upon a property located in the RM, Medium Density Residential zoning district.
  - F. **Stan Vaught – BZA 2016-014**  
Location: 6854 Lascassas Pike, Map No.:61, Parcel: 29.03, Request for special exception approval for the establishment of a mini-storage business upon a property located in the CS, Commercial Services zoning district.
  - G. **Barfield Baptist Church – BZA 2016-015**  
Location: 550 Veterans Parkway, Map No.:125H, Group: C, Parcels: 6.01 and 6.02, Request for special exception approval allowing the establishment of a community assembly facility with a maximum occupancy of 150 to 500 persons on a property located in the RM, Medium Density Residential District.
- VI. Board Business
- VII. Adjournment



**Minutes of the  
Rutherford County Board of Zoning Appeals  
Wednesday, February 10, 2016**

**Board Members Present:**

Jared Barrett	Zane Cantrell	Joe Meshotto	Michael Wrather
Veronica Buchanan	Gary Farley	Jerry Sartain	

**Staff Members Present:**

Danielle Glouner, Assistant Director  
Shauntae Sherril, Administrative Support  
Blake Garner, County Attorney

**Called to order at 4:30 pm. Quorum met. All voting members present.**

The Minutes of the January 13, 2016 meeting were presented. Chairman Cantrell asked for any corrections or additions. There being none, Chairman Cantrell called for a motion to accept the Minutes.

**Joe Meshotto moved, seconded by Gary Farley, to approve the Minutes as presented by Staff.**

**Motion Carried (Unanimous Voice)**

**The Minutes of the January 13, 2016 meeting were Approved.**

**BZA 2016-007 Glenn Mitchell**

The Applicant requested special exception approval allowing the establishment of a community assembly facility with a maximum occupancy of 150 to 500 persons on a property located in RM zone. Danielle Glouner presented staff findings. There were several phone calls, but none opposing the request. If the site is approved it would need to go through a technical review by County Staff including Engineering, Consolidated Utilities, and any other entities that would have an input during site plan review. The site meets the general requirements for special exception approval and the specific standards for Community Assemblies. Mr. Glenn Mitchell spoke regarding request. Zane Cantrell opened and closed the public hearing.

**Board Member Farley moved, seconded by Board Member Sartain, to Approve the request as presented by Staff.**

**Motion Carried ( 5 For, 0 Against)**

**Request was Approved**

**BZA 2016-008 Baker, Donelson, Bearman, Caldwell & Berkowitz, PC on behalf of Verizon Wireless**

The Applicant requested special exception approval for the establishment of a monopole communications tower measuring 155' in height located in RM zone. Danielle Glouner presented staff findings. Staff requires a 3<sup>rd</sup> party report for reviewing communications towers. A qualified reviewer takes in consideration the adopted regulations and reviews the application for compliance with these regulations. The consultant, Mr. Larry Perry indicated that the site was in compliance with all items that could be verified at the time. There was an outstanding item that the Applicant would have to submit prior to site plan approval. The Applicant would need to provide the FAA approval as commented in the original summary that took into account the location of tower on site. The existing fence line shown on the survey was mistaken for a property line. The original recommendation was to move tower 11 feet to meet setback requirements. The tower should be an equal distance of 155 feet in height from all property lines. This requirement was met as originally proposed and the Consultant sent a letter correcting the original recommendations. Staff finds request meets all requirements for

communications tower as recommended by 3<sup>rd</sup> party reviewer. There were several phone calls regarding the request, but none in opposition. However, there were concerns about the conditions of Redfield Drive.

Mr. Matt Harris, Attorney, spoke on behalf of the applicant regarding the request. Mr. Meshotto wanted to know if there was enough natural screening to hide the tower in the neighborhood. Zane Cantrell opened public hearing. **Michael Yarber of 7631 Chadwick Drive** spoke against request due to concerns of the access road and increased traffic. Resident wants the tower to be located in a different area. **Linda Wise of 5115 Redfield Drive** opposes the request because the tower is directly behind her home. Resident is concerned with the blasting, and the location of the tower. Zane Cantrell closed the public hearing. Mr. Cantrell explained to the residents how the process works for approving the applications. He stated that the Applicant meets the requirements and the Board has to vote according to the law. Mr. Farley stated that blasting is regulated by the State of Tennessee and if there are any issues the neighbors can contact the State Fire Marshall Office.

**Board Member Sartain moved, seconded by Board Member Meshotto, to Approve the request as presented by Staff .**

**Motion Carried ( 5 For, 0 Against)**

**Request was Approved**

**There being no further business, the meeting was adjourned at 5:05 p.m.**

\_\_\_\_\_  
Zane Cantrell, Chairman

\_\_\_\_\_  
Danielle Glouner, Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

# APPLICATION BZA 2016-009

## STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL FOR A PRODUCE STAND LOCATED IN THE CN-COMMERCIAL NEIGHBORHOOD ZONING DISTRICT.

### OWNER AND APPLICANT DATA

Owner Name: Jaffer Nazimor and Ruby Nazim  
Applicant Name: Wanda S. Hall

### SITE DATA

Location Address:	6044 Lebanon Pike	Site Acreage:	1.6
Tax Map:	46	Parcel Number:	2.04
Zoning District:	CN- Commercial Neighborhood	Commission District:	Steve Pearcy

### APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 6, Section(s) 601, 602 A. and 604
- Chapter 11 Section 1101 M. 2.

### AREA DESCRIPTION

The subject property is developed as a convenience store/gas station and is located at the intersection of West Jefferson Pike and Lebanon Pike. The surrounding area includes Walter Hill Elementary School (Institutional), retail commercial businesses (CN- Commercial Neighborhood and CS- Commercial Services), single-family residential homes (RM-Medium Density Residential) and agricultural properties (RM-Medium Density Residential).

### DESCRIPTION OF REQUEST

The Applicant is seeking temporary special exception approval to operate a produce stand from the subject 1.60-acre property developed as a convenience store. The Applicant is seeking approval to operate the stand beginning in April through continuing through November. The produce stand will be open Monday – Saturday, 7 AM to 7 PM. Since 2006, a produce stand has been located at this site. Historically, the stand was permitted through the Type I Conditional Use Permit approved administratively by the Planning Department. This request has been approved annually since 2013.

### GENERAL REQUIREMENTS FOR SPECIAL EXCEPTION

Section 14.08 C. of the Rutherford County Zoning Ordinance list the “General Requirements” that should be considered when special exceptions are requested. They are:

1. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

*The proposed produce stand has operated at this location since 2006. There is no record of any issues that is considered detrimental to public health, safety and welfare.*

2. Will not adversely affect other property in the area in which it is located;

*The subject site is located where E. Jefferson Pike and Lebanon Pike intersect and is developed and being used as convenience store/gas station. Since the use is temporary, long-term adverse effects are not expected to occur.*

3. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

*The location of the stand is compliant with the setback requirements. Section 1101 M. 2. of the Rutherford County Zoning Ordinance states that adequate parking and traffic circulation shall not be disrupted by the temporary use. Historically, the stand has utilized existing parking located on the site and has not affected the parking or traffic circulation associated with the principal use. The Applicant is seeking approval to operate during the months of April – November and exceeds the maximum time limits for produce stands established in Section 1101 M. A condition limiting the operation of the produce stand to a maximum six (6) month period can ensure compliance. The Applicant shall also be required to adhere to the signage regulations found in Chapter 12 of the Rutherford County Zoning Ordinance.*

4. Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

*Staff finds that the proposed use is compatible with the surrounding area that includes a variety of commercial, non-residential and residential uses. The site is accessed via E. Jefferson Pike and Lebanon Pike, both are two-lane state highways. Existing parking areas on the site can accommodate the proposed use.*

## **STAFF FINDINGS**

In conclusion, Staff finds that the request in Application 2016-009 meets the “General Requirements For Special Exception” approval and the specific standards for a temporary produce stand located in the CN-Commercial Neighborhood zoning district. Staff recommends APPROVAL of the special exception if the use remains in compliance with the following provisions found in the Rutherford County Zoning Ordinance:

- Section 1101 M. 2. limiting the temporary use permit to a maximum of six (6) months, and
- Continued compliance with Chapter 12 regarding signage.

## **LIST OF ATTACHMENTS**

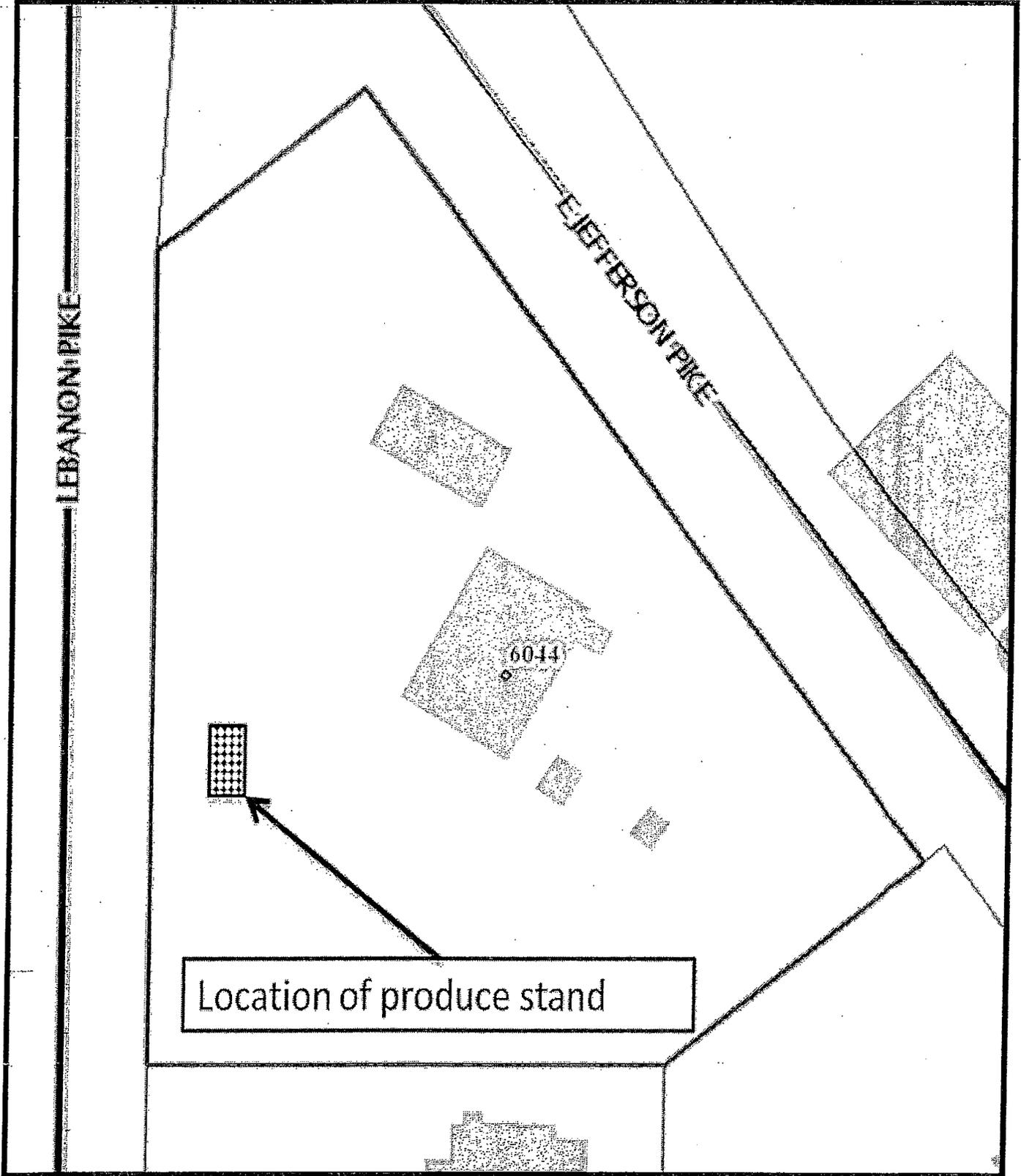
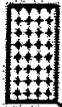
1. Site Plan
2. Zoning Map
3. Aerial Map

LEBANON PIKE

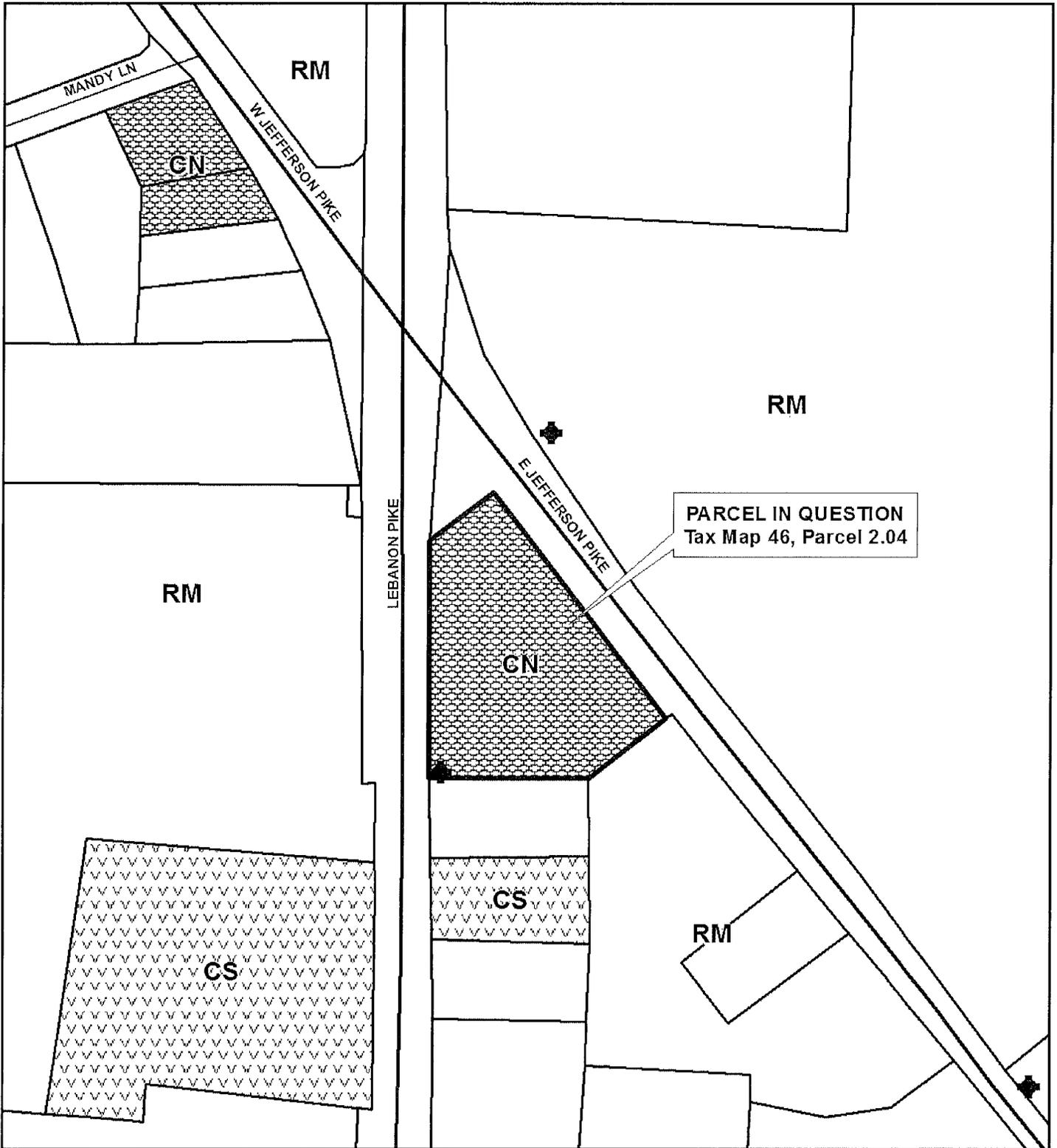
E. JEFFERSON PIKE

6044

Location of produce stand



# 2016-009



0 50 100 200 300 400 Feet



RM - Medium Density Residential



CS - Commercial Service



CN - Commercial Neighborhood

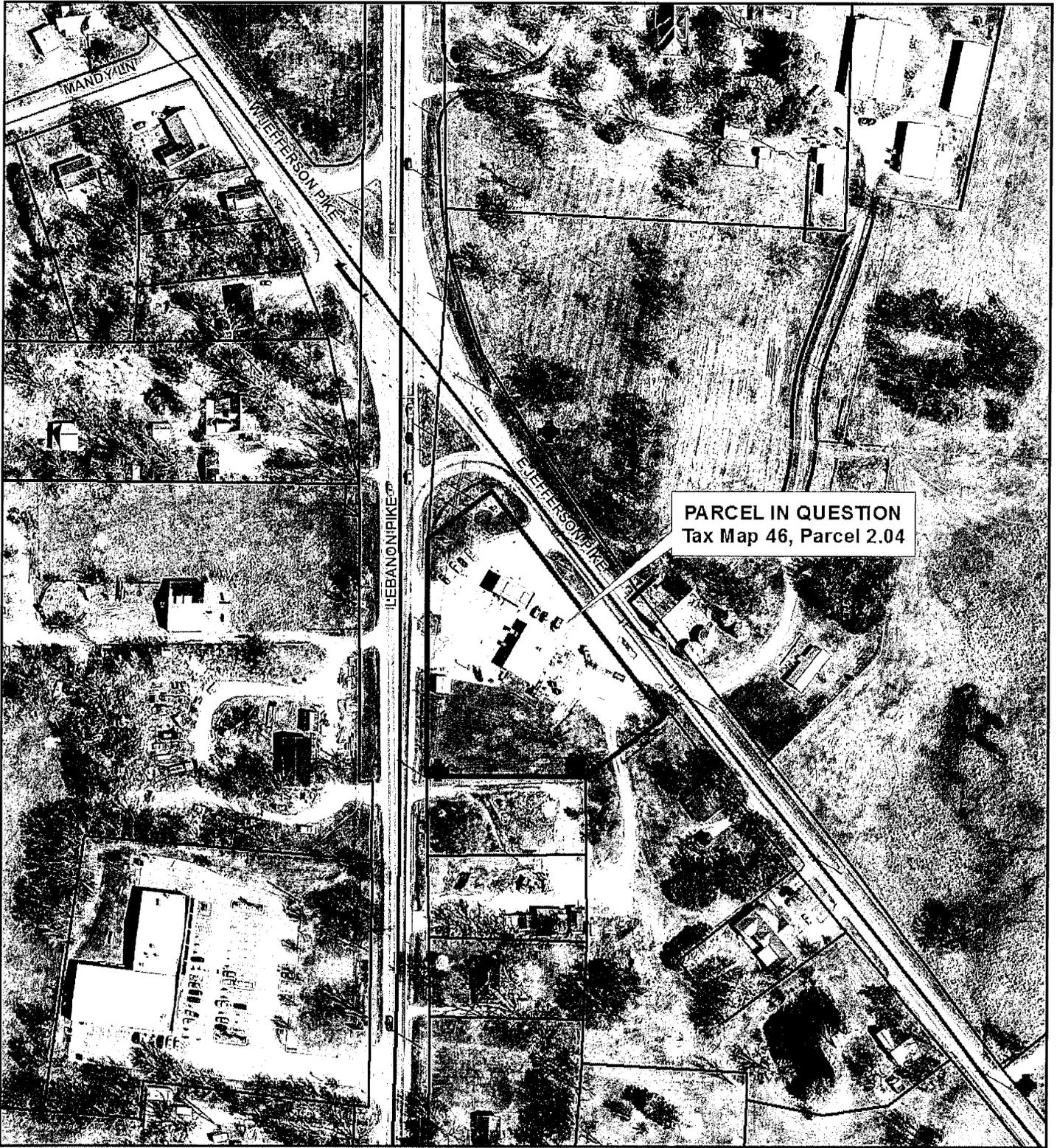


Property In Question



Hydrants

# 2016-009



**PARCEL IN QUESTION**  
Tax Map 46, Parcel 2.04



0 50 100 200 300 400  
Feet

 Property In Question

 Hydrants



**APPLICATION BZA 2016-010**

**STAFF REPORT**

**REQUEST FOR VARIANCE RELIEF TO REDUCE THE REAR YARD SETBACK REQUIREMENT OF 20' TO 12' FOR A PROPERTY LOCATED IN THE RL, LOW DENSITY RESIDENTIAL ZONING DISTRICT.**

**OWNER AND APPLICANT DATA**

Owner/Applicant Name: Cynthia and Salvatore Palazzolo

**SITE DATA**

Location Address:	7452 Magnolia Valley Drive	Site Acreage:	1.94
Tax Map:	143F Group: A	Parcel Number:	32.00
Zoning District:	RL-Low Density Residential	Commission District:	Pettus Read

**APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE**

- Chapter 4, Section(s) 402. C. and 404
- Chapter 11, Section 1101 F. and I.
- Chapter 14, Section 1407
- Appendix A, Definitions

**AREA DESCRIPTION**

The subject property lies along Magnolia Valley Drive and is located in Magnolia Valley Subdivision. It is developed as a single-family residences and is zoned RL, Low Density Residential. Surrounding properties include single-family homes and farms (zoned RL, Low Density Residential).

**DESCRIPTION OF REQUEST**

The Applicant is seeking a variance to reduce the rear yard setback requirement from 20' to 12' feet for an existing home. According to the Applicant, the encroachment into the rear yard existed at the completion of the home, as the home was located towards the rear of the property in order to remain off the septic lines. However, the encroachment was not discovered until the completion of recent permitted improvements that included the enclosure of the porch pad.

**GENERAL REQUIREMENTS FOR VARIANCE REQUESTS**

Section 1407 B. of the Rutherford County Zoning Ordinance list the "General Requirements" that should be considered when variances are requested. They are:

1. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out must be stated;

*The subject property, in its current state, does not exhibit any physical conditions that would prevent the compliant placement of principal structures. Staff finds this criterion is not met.*

2. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

*The conditions upon which the variance is being requested would be applicable, generally, to other properties within the same district.*

3. The variance will not authorize activities in a zone district other than those permitted by this ordinance;

*The requested variance, if approved, will not authorize activities that are not permitted in the RL, Residential Low Density zoning district.*

4. Financial returns only shall not be considered as a basis for granting a variance;

*This criterion does not appear to be applicable to the proposed request.*

5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this ordinance;

*According to the Applicant, the structure was placed in a manner that encroached into the rear yard prior to completion. The Applicant adds, "We relied on the knowledge of the contractor and the County for the permits pulled." Since the Applicant is not the contractor, it does not appear that the encroachment was a result of the Applicant's actions.*

6. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

*The variance request to reduce the rear yard setback to 12' demonstrates that it is the minimum variance that will make possible the reasonable use of the structure.*

7. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located; and

*In consideration of the existing development pattern surrounding the subject property, it does not appear that granting the variance will be injurious to other property or other improvements. Staff finds that this criterion is met.*

8. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

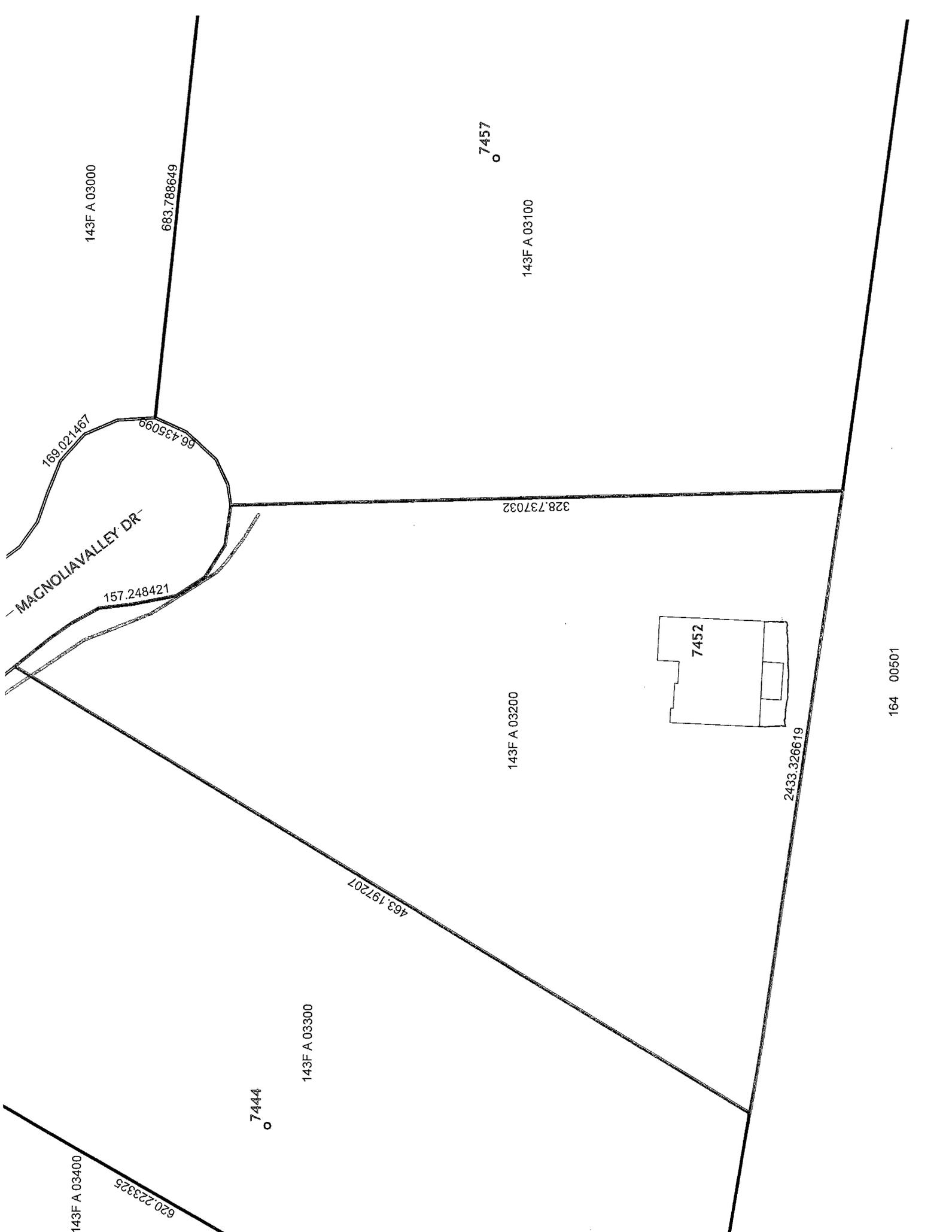
*Staff finds that granting the proposed variance will not result in any of the following conditions mentioned in this criterion.*

#### **STAFF FINDINGS**

Application 2016-010, requesting variance relief to reduce the 20' rear yard setback to 12' for a property located in the RL, Low Density Residential zoning district meets most of the variance criteria as stated above. Staff recommends APPROVAL.

#### **LIST OF ATTACHMENTS**

1. Site Plan
2. Letter from Allen Jones
3. Zoning Map
4. Aerial Map



143F A 03000

683.788649

7457

143F A 03100

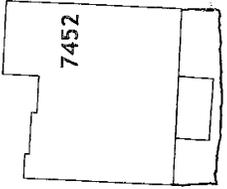
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MAGNOLIA VALLEY DR

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7452

143F A 03200

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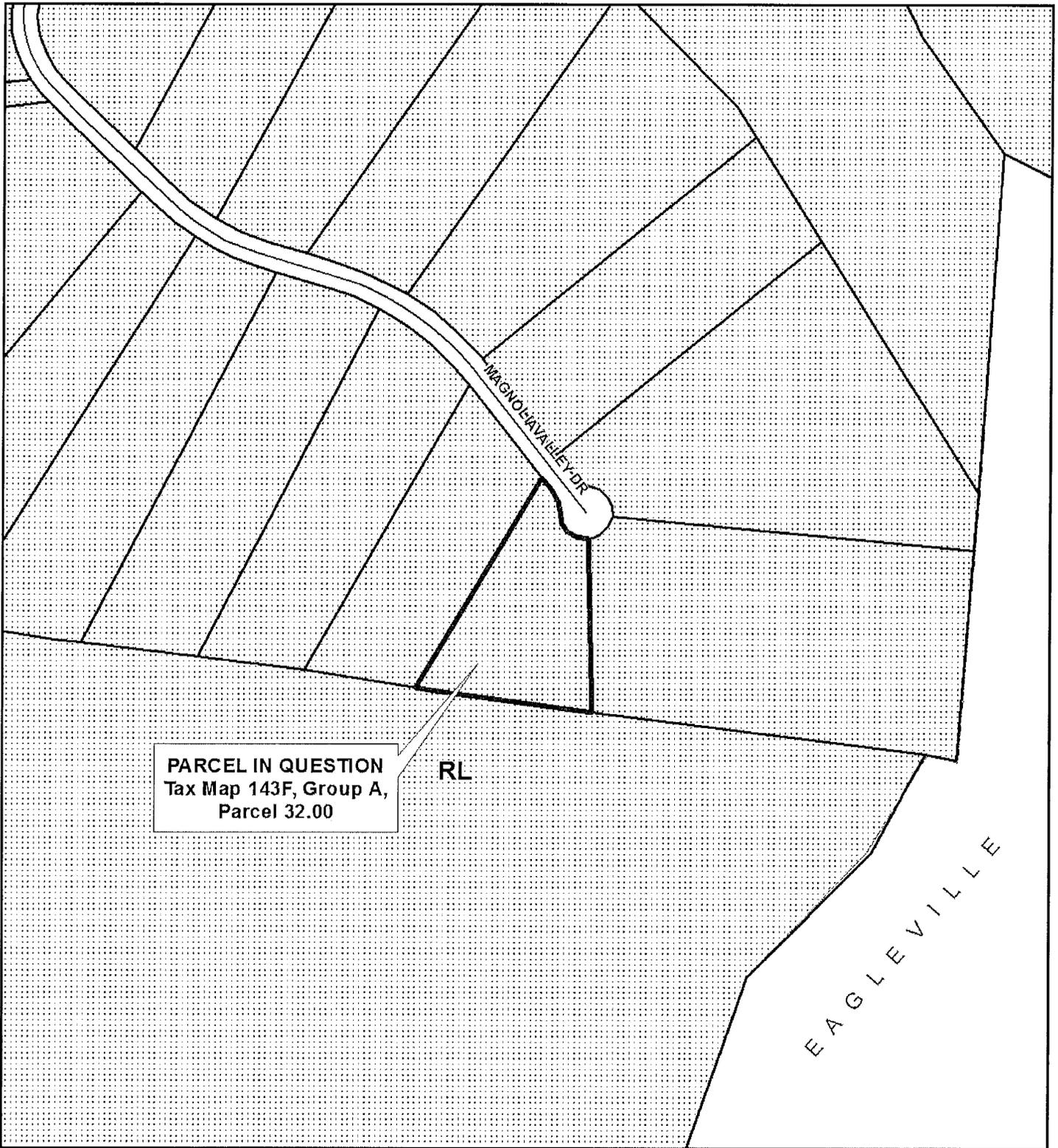
143F A 03300

7444

143F A 03400

620.223325

# 2016-010



**PARCEL IN QUESTION**  
Tax Map 143F, Group A,  
Parcel 32.00

RL

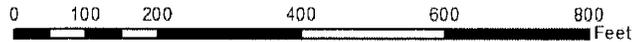
EAGLEVILLE



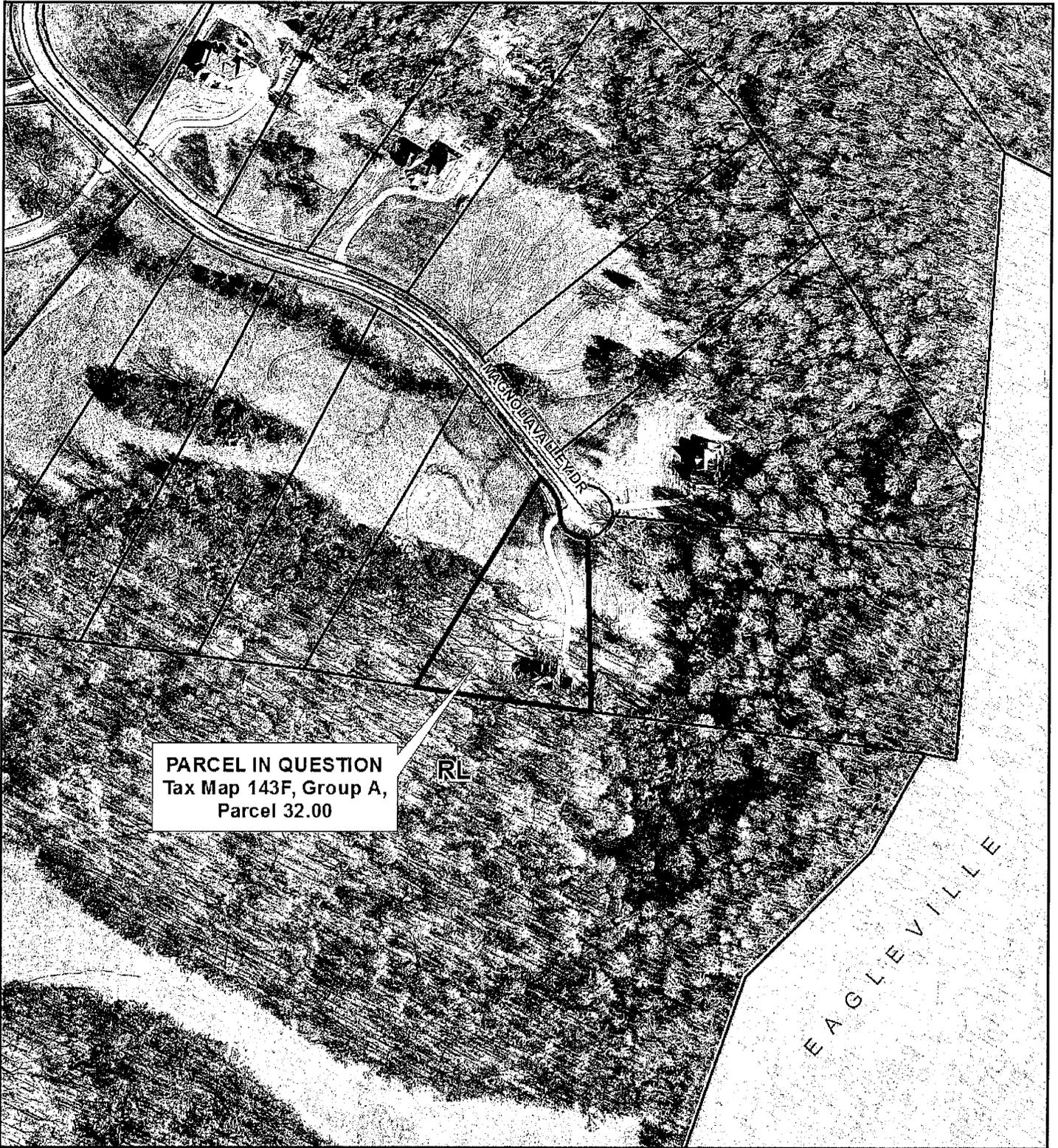
 RL - Low Density Residential

 Property In Question

 Hydrants



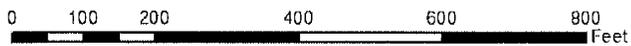
# 2016-010



**PARCEL IN QUESTION**  
Tax Map 143F, Group A,  
Parcel 32.00

RL

EAGLEVILLE



-  Property In Question
-  Hydrants



# APPLICATION BZA 2016-011

## STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING A BORROW PIT IN THE RL-RESIDENTIAL LOW DENSITY ZONE.

### OWNER AND APPLICANT DATA

Owner/Applicant Name: Phillip Vaught

### SITE DATA

Location Address:	McElroy Road	Site Acreage:	11.66
Tax Map:	110	Parcel Number:	14.09
Zoning District:	RL-Low Density Residential	Commission District:	Joe Frank Jernigan

### APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 11, Section 1101 M. 7.
- Appendix A, Definition of borrow pit
- Chapter 4, Section 402 C.

### AREA DESCRIPTION

The subject property is vacant and is located in the RL- Low Density Residential District. The site is surrounded by single-family homes and agricultural properties.

### DESCRIPTION OF REQUEST

Application 2016-011 seeks renewal of a special exception approval that would permit temporary borrow pit activities on the 11.66 acre property. The Applicant plans to extract less than one (1) acre of soil from the property. Once the proposed area is excavated, the disturbed area will be re-stabilized with vegetation. The applicant proposes that there will be no slopes measuring greater than 3' to 1' and that the Rutherford County required buffer of 30' from streams will be maintained during the proposed work. The Applicant does not plan to expand the area of excavation beyond the limits that were approved in BZA application 2014-002 AND 2015-013.

### GENERAL REQUIREMENTS FOR SPECIAL EXCEPTION

Section 14.08 C. of the Rutherford County Zoning Ordinance list the "General Requirements" that should be considered when special exceptions are requested. They are:

1. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

*The Applicant states that the proposed resource extraction will meet all the requirements that are applicable set forth by Rutherford County. No more than four (4) trucks will be used for hauling the soil at any given time for the duration of the permit. The site is accessed via private driveway off McElroy Road, a two-lane county road.*

2. Will not adversely affect other property in the area in which it is located;

*The Applicant states that the property will be left in a natural condition. The conditions*

*regulating borrow pits requiring the Applicant to submit plans for dust control, a reclamation plan, drainage plan and limits activity associated with the use to certain hours of operation should act to prevent the proposed use from negatively influencing adjacent properties.*

3. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

*The proposed borrow pit will be required to comply with the specific standards regulating temporary borrow pits listed in the following section of this report.*

4. Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

*No permanent structures are proposed in Application 2016-011. Since the proposed use is temporary, the proposed activity should not interfere with the development and use of adjacent properties.*

### **SPECIFIC STANDARDS FOR TEMPORARY BORROW PITS**

***Section 1101 M. 7. of the Rutherford County Zoning Ordinance outlines the following provisions regulating temporary borrow pits:***

- a. A boundary survey of the subject property, together with the proposed location of the limits of excavation shall be submitted at the time of application.

*Application 2016-011 meets this criterion.*

- b. Borrow pits shall be set back a minimum of 50 feet from all property lines and 150 feet from any residential property line.

*Application 2016-011 meets this criterion.*

- c. Borrow pits shall not occupy or cover more than 25 percent of any lot area where the lot is under 10 acres. Borrow pits on property where the lot area is 10 acres or larger may not occupy or cover more than 10 percent of any lot area or 2.5 acres, whichever is greater.

*The proposed pond measures 8.58% of the 11.66-acre site. Application 2016-011 meets this criterion.*

- d. A drainage and erosion control plan must be submitted and approved by the County Engineer prior to commencement of excavation activities.

*Application 2016-011 will be required to meet this criterion.*

- e. A road bond for an amount to be determined by the County Engineer along with a maintenance plan for the road shall be submitted prior to the commencement of extraction activities.

*If it is determined by the County Engineer a road bond and maintenance plan is needed, the Applicant will be required to submit the necessary information to fulfill this requirement.*

- f. A reclamation plan shall be submitted to and approved by the County Engineer prior to commencement of excavation activities.

*The activities proposed in Application 2016-011 will be required to meet this criterion.*

- g. Prior to excavation, the owner and/or operator must obtain all federal, state and local permits, including but not limited to a Land Disturbance Permit required by the Rutherford County Storm Water Management Regulations.

*The activities proposed in Application 2016-011 will be required to meet this criterion.*

- h. Unless otherwise specified in the temporary use permit, permits for a borrow pit shall be valid for six (6) months with a one time, three-month extension that may be approved by the Planning Director.

*The activities proposed in Application 2016-011 will be required to meet this criterion.*

- i. No blasting in association with borrow pit operations shall take place on any property except between the following hours:

August 1 – May 31 – 8:00 AM to 5:00 PM

June 1 – July 31 – 7:00 AM to 6:00 PM

*The activities proposed in Application 2016-011 will be required to meet this criterion.*

- j. Excavation (excluding blasting) and hauling of material is limited to the hours between sunrise and sunset.

*The activities proposed in Application 2016-011 will be required to meet this criterion.*

- k. Dust control and erosion control measures shall be implemented on a continuing basis, for the duration of the activities permitted, to mitigate air pollution and prevent the deposit of mud, dust, and debris, on public roads.

*The activities proposed in Application 2016-011 will be required to meet this criterion.*

- l. The owner and operator of the borrow pit shall be jointly responsible for compliance with the requirements of this Section. Required licenses shall be issued to the operator of the respective borrow pit. Owners of the land shall receive a copy of the required license issued to the operator.

*The activities proposed in Application 2016-011 will be required to meet this criterion.*

- m. Within nine (9) months after completion of mineral extraction or after termination of the extraction/excavation permit, all equipment, vehicles, machinery, materials and debris shall

be removed from the subject property.

*The proposed borrow pit, if approved will be required to meet this standard at the appropriate time.*

- n. Within six (6) months after completion of mineral extraction or after termination of the permit, the restoration plan shall be completed by the property owner/operator and the extraction/excavation permit shall be void.

*The proposed borrow pit, if approved will be required to meet this standard at the appropriate time.*

- o. Any material extraction that is for the sole purpose of approved agricultural activities where the extracted material will not be sold, traded, bartered, etc. to another party or person are exempt from these provisions.

*This criterion is not applicable to the request in Application 2016-011.*

**STAFF FINDINGS**

In conclusion, Staff finds that the request in Application 2016-011 meets the “General Requirements For Special Exception” approval. In addition, Application 2016-011 meets the specific standards for borrow pits that can be demonstrated prior to the completion of the proposed activities. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section(s) 1101 M. 7. of the Rutherford County Zoning Ordinance **including but not limited to:**

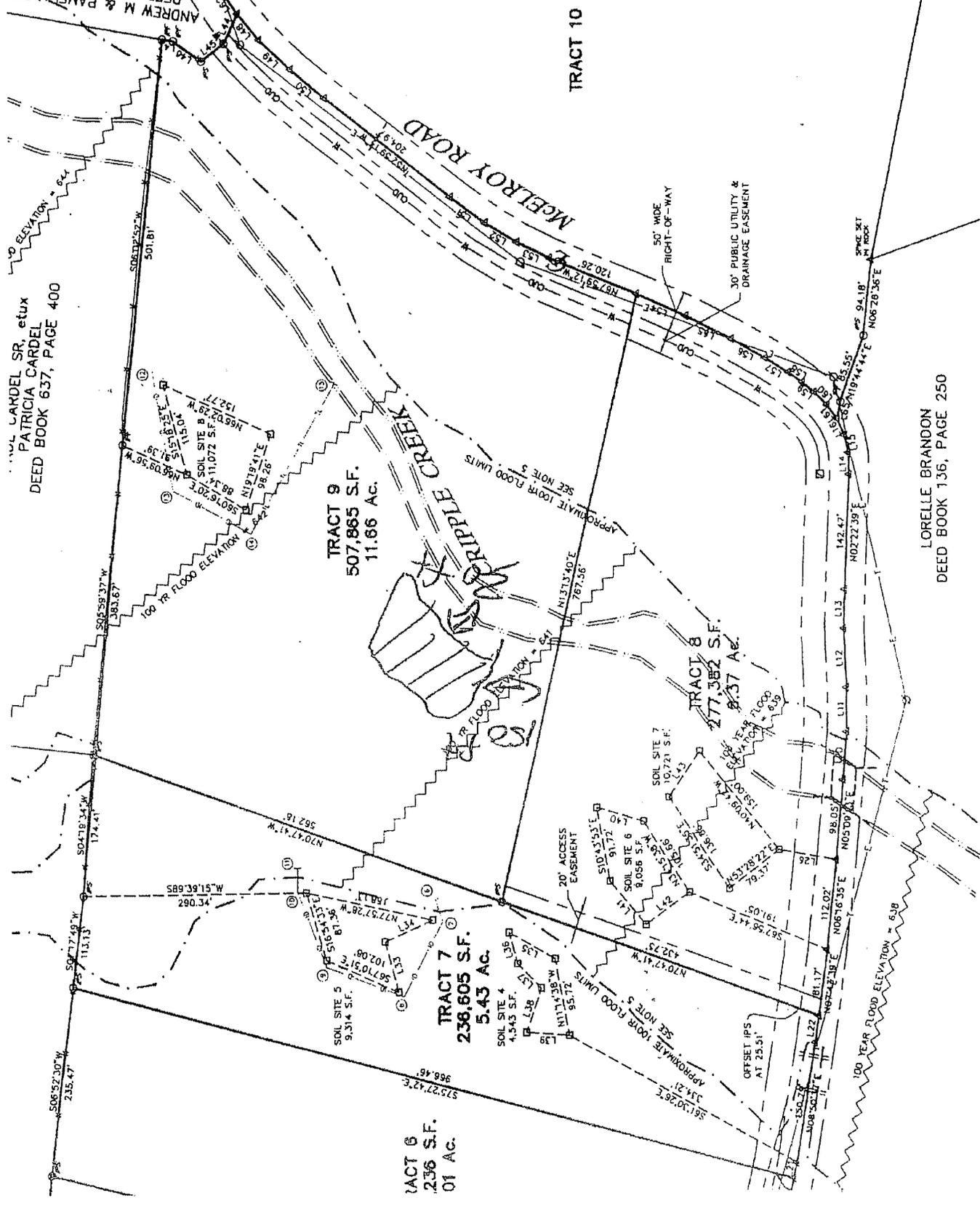
- The Applicant must obtain a Land Disturbance Permit from Rutherford County Engineering Department, and:
- The Applicant shall sign an updated Resource Extraction Performance Agreement.

**LIST OF ATTACHMENTS**

- 1. Site Plan
- 2. Zoning Map
- 3. Aerial Map

ANDREW M & PAMELA SHE  
DEED BOOK 489, PAGE 1

LORELLE BRANDON SR et ux  
PATRICIA CARDEL  
DEED BOOK 637, PAGE 400



TRACT 10

TRACT 9  
507,865 S.F.  
11.66 AC.

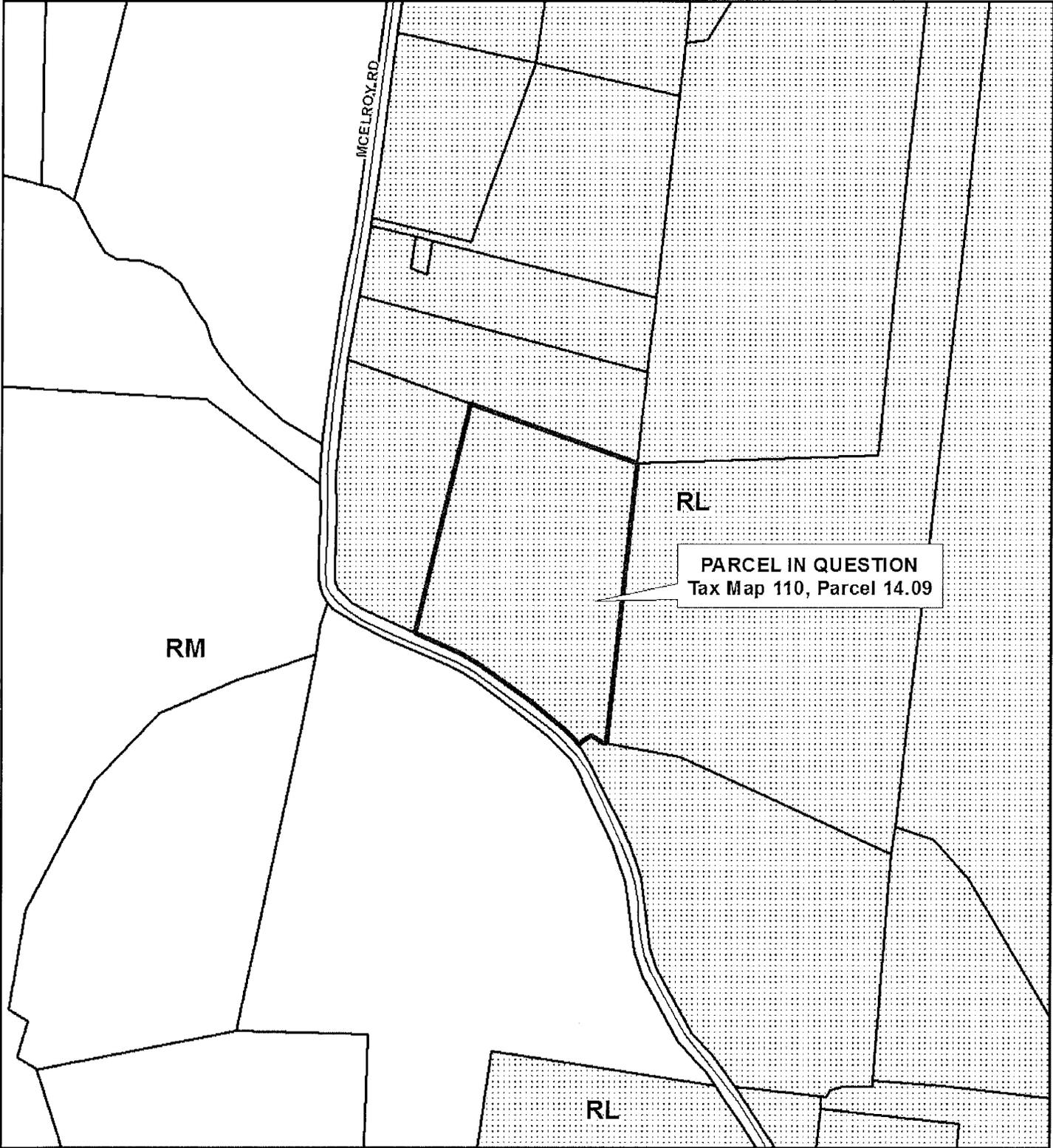
TRACT 8  
277,382 S.F.  
6.37 AC.

TRACT 7  
238,605 S.F.  
5.43 AC.

TRACT 6  
236 S.F.  
0.1 AC.

LORELLE BRANDON  
DEED BOOK 136, PAGE 250

# 2016-011



0 100 200 400 600 800 Feet

 N

 RL - Low Density Residential

 RM - Medium Density Residential

 Property In Question

 Hydrants

# 2016-011



0 100 200 400 600 800  
Feet

 Property In Question

 Hydrants



# APPLICATION BZA 2016-012

## STAFF REPORT

REQUEST FOR SPECIAL EXCEPTION APPROVAL FOR THE ESTABLISHMENT OF AN ACCESSORY STRUCTURE BEFORE THE PRINCIPAL STRUCTURE FOR A PROPERTY LOCATED IN THE RM, MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT.

### OWNER AND APPLICANT DATA

Owner/Applicant Name: Richard and Beth Scicolone

### SITE DATA

Location Address:	10994 Rockvale Road	Site Acreage:	3.18
Tax Map:	146	Parcel Number:	38.00
Zoning District:	RM- Medium Density Residential	Commission District:	Pettus Read

### APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 4, Residential District Regulations
- Chapter 11, Section 1101 D.

### AREA DESCRIPTION

The subject property is a 3.18 acre parcel (once plat is recorded) and is zoned RM, Medium Density Residential. Surrounding properties, zoned RM, Medium Density Residential and RL, Low Density Residential, are developed as single-family homes and agricultural uses on large tracts.

### DESCRIPTION OF REQUEST

Application 2016-012 requests special exception approval to establish an accessory structure prior to the principal structure. The Applicant has submitted a final subdivision plat for review that will portion off a 3.18-acre parcel from an existing parcel containing a single family home as well as detached accessory structures. Once the plat is recorded, the 3.18-acre parcel will contain an accessory structure absent a principal structure. In order for the structure to remain and not render the site non-compliant, approval of a special exception is needed. The structure measures 4,137 +/- square feet in area and is used as a barn. The Applicant plans to establish the primary residence within the structure in the near future but a period for establishment has yet to be determined.

### GENERAL REQUIREMENTS FOR SPECIAL EXCEPTION

Section 14.08 C. of the Rutherford County Zoning Ordinance list the "General Requirements" that should be considered when special exceptions are requested. They are:

1. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

*The proposed structure will be utilized as private storage/barn only and not be associated with the operations of a business. With this in mind, the proposed use should have a negligible impact on the traffic conditions and will not affect public health, safety and general welfare.*

2. Will not adversely affect other property in the area in which it is located;  
*The existing accessory structure will not have a substantial or adverse effect upon adjacent properties if the use of the structure remains in compliance with the provisions of Section 1101 D. 6. D. of the Rutherford County Zoning Ordinance.*

3. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

*The proposed structure is located approximately 20' from the nearest side property line, more than 390' from front property lines and more than 350' from the rear property boundary. It is placed in compliance with setbacks required for detached accessory structures, which requires a minimum 5' from side and rear property lines.*

4. Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

*The subject property will be accessed via private driveway located off Rockvale Road. If approved, the proposed building will be required to meet the setback regulations for detached accessory structures and use of the structure must continually comply with the specific standards addressed below. With this in mind, the proposed building should be compatible with the development and use of adjacent properties.*

**SPECIFIC STANDARDS FOR NON-COMMERCIAL STORAGE FACILITY, WORKSHOP, OR OTHER STRUCTURE FOR THE PRIVATE USE OF THE LANDOWNER**

Section 1101 D. 6.

a. The size of the accessory structure must conform to the size limitations of Subsection 1101 D.4.

*The proposed structure measuring approximately 4,137 square feet in area meets this requirement (6,926 sq. feet permitted by code).*

b. The structure must meet all applicable setback, height and lot coverage regulations.

*The Applicant indicates on a site plan and within the application materials that setback, height and lot coverage requirements will be met.*

c. Only one (1) structure will be permitted per parcel, excluding approved agricultural structures.

*Only one structure is proposed.*

d. The structure must not be used for any of the following activities:

- Living quarters
- Commercial activities

- Storage for businesses that occur off of the property, including home-based businesses

*The use of the proposed structure must continually comply with this requirement. According to the Applicant, the garage will be used for the storage of personal items.*

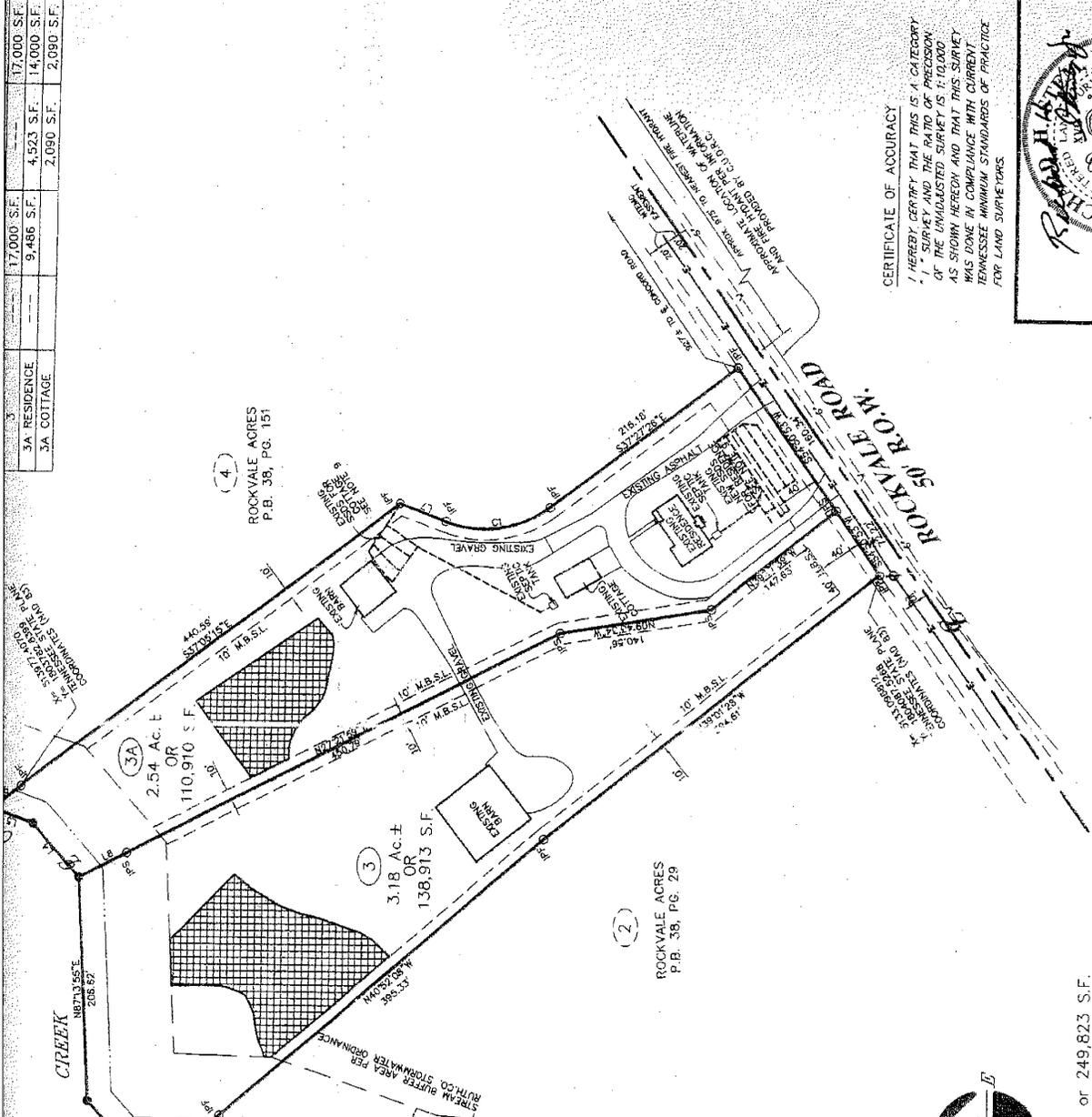
**STAFF FINDINGS**

In conclusion, Staff finds that the request in Application 2016-012 meets the “General Requirements For Special Exception” approval and the specific standards for the construction of an accessory structure prior to the establishment of a principal structure with the condition that the use continually comply with the standards for non-commercial storage facility, garage, workshop, or other structure for the private use of the landowner established in Section 1101 D. 6. Staff recommends APPROVAL.

**LIST OF ATTACHMENTS**

1. Site Plan
2. Zoning Map
3. Aerial Map

3A RESIDENCE	17,000 S.F.	4,523 S.F.	14,000 S.F.
3A COTTAGE	9,486 S.F.	2,090 S.F.	2,090 S.F.



CERTIFICATE OF ACCURACY  
 I HEREBY CERTIFY THAT THIS IS A CATEGORICAL SURVEY AND THE RATIO OF PRECISION OF THE UNREGISTERED SURVEY IS 1:10,000 AS SHOWN HEREBY AND THAT THIS SURVEY WAS DONE IN COMPLIANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYORS.



OWNER: RICHARD WILLIAM SCICOLONE  
 ET UX BETH ANN  
 ADDRESS: 10005 ROCKVALE ROAD

...containing restriction lines, and dedicate all streets, alleys, walks, parks and other open spaces to public or private use as noted.

Part of Record Book 1063, Page 2973

12-17-2015  
 Date  
 Richard William Scicolone  
 Beth Ann Scicolone

CERTIFICATE OF ACCURACY  
 I hereby certify that the plan shown and described hereon is true and correct survey to the accuracy required by the Rutherford County, Tennessee, Planning Commission and that the monuments have been placed as shown hereon to the specifications of the County Engineer.

12-16-2015  
 Date  
 Richard H. Stem, Jr.  
 Tenn. RLS No. 1637

CERTIFICATE FOR APPROVAL OF WATER SYSTEMS  
 I hereby certify that the subdivision plat entitled Minor Plat Lots 3 & 4, Rockvale Acres, Two Lot Subdivision has been approved by the engineers of Consolidated Utility District of Rutherford County for water service, provided however, that the lines, valves, and fittings must be installed in accordance with C.U.D. specifications as determined by its engineers. No water service will be provided until that certification has been made in writing.

12-17-15  
 Date  
 B. B. [Signature]  
 Consolidated Utility District Official  
 of Rutherford County

CERTIFICATE FOR APPROVAL FOR ELECTRIC POWER  
 Middle Tennessee Electric Corporation (MTEMC) will provide electric service to the subject property according to the normal operating practice of MTEMC as defined in the rules and regulations, bylaws, policy bulletins and other publications of MTEMC, and in accordance with the plat approval checklist, tree planting guidelines and other regulations contained on the MTEMC website at www.mtemc.com (collectively the "Requirements"). No electric service will be provided until MTEMC's Requirements have been met and approved in writing by an authorized representative of MTEMC. Any approval is, at all times, contingent upon continuing compliance with MTEMC's requirements.

12-17-15  
 Date  
 [Signature]  
 Middle Tennessee Electric  
 Membership Corporation

CERTIFICATE OF APPROVAL FOR RECORDING  
 I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision regulations for Rutherford County, Tennessee with the exception of such variances, if any, as are noted in the minutes of the planning commission and that it has been approved for recording in the office of the County Registrar.

Date \_\_\_\_\_ Secretary, Planning Commission  
 DATE OF RECORDING: \_\_\_\_\_  
 TIME OF RECORDING: \_\_\_\_\_  
 PLAT BOOK: \_\_\_\_\_, PAGE: \_\_\_\_\_

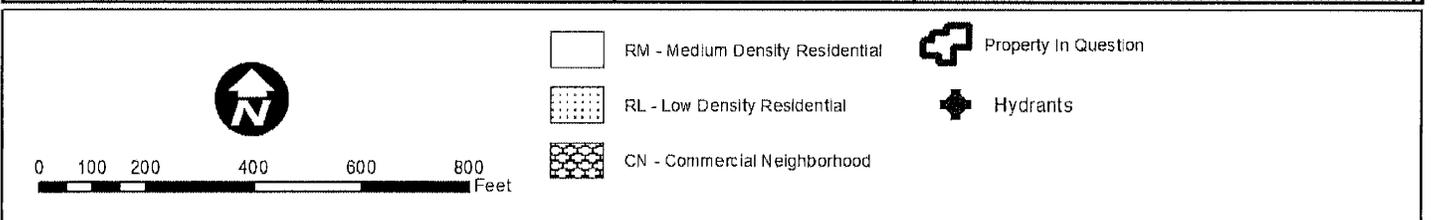
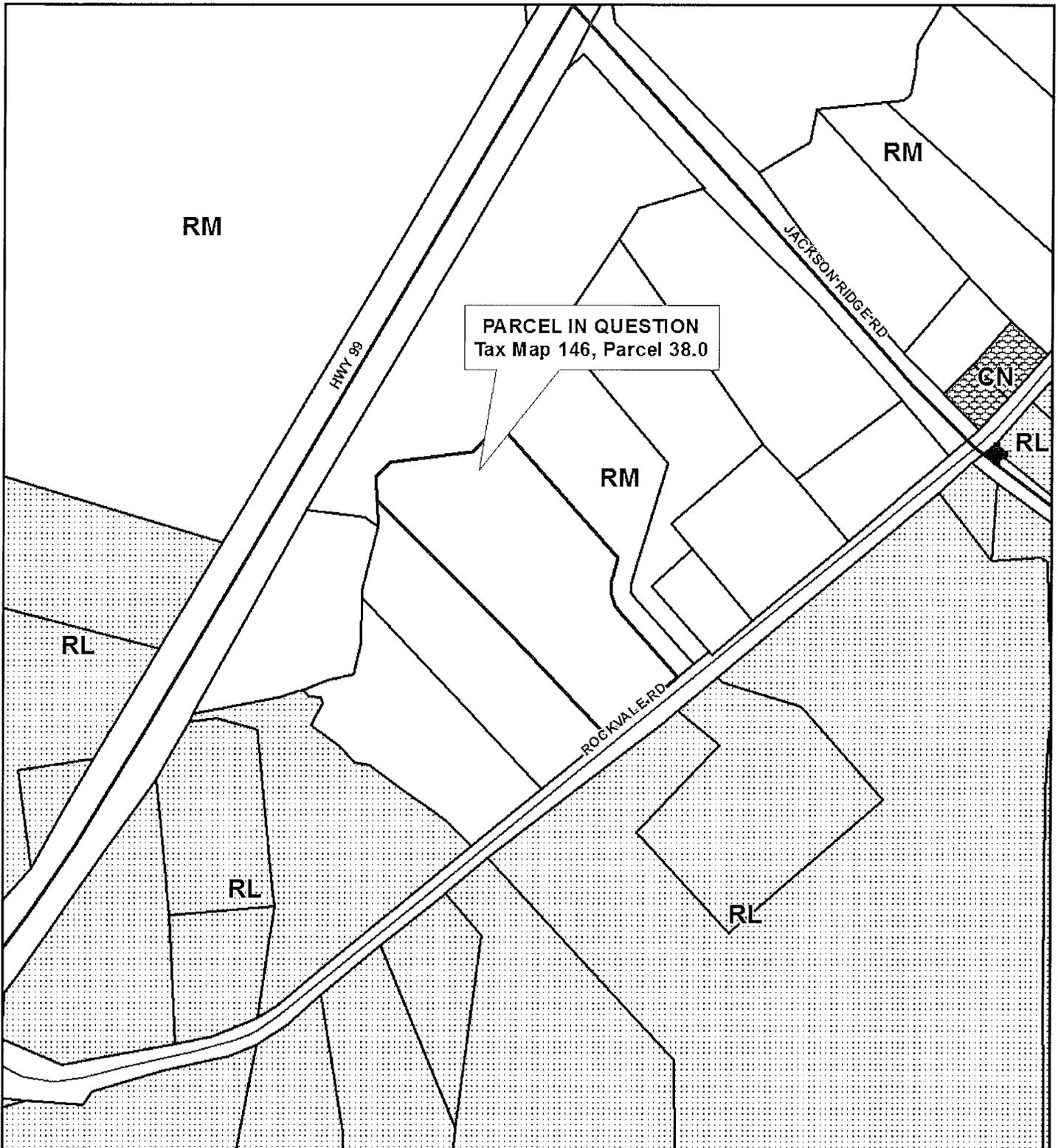
MINOR PLAT  
**LOTS 3 & 3A**  
**ROCKVALE ACRES**

or 249,823 S.F.

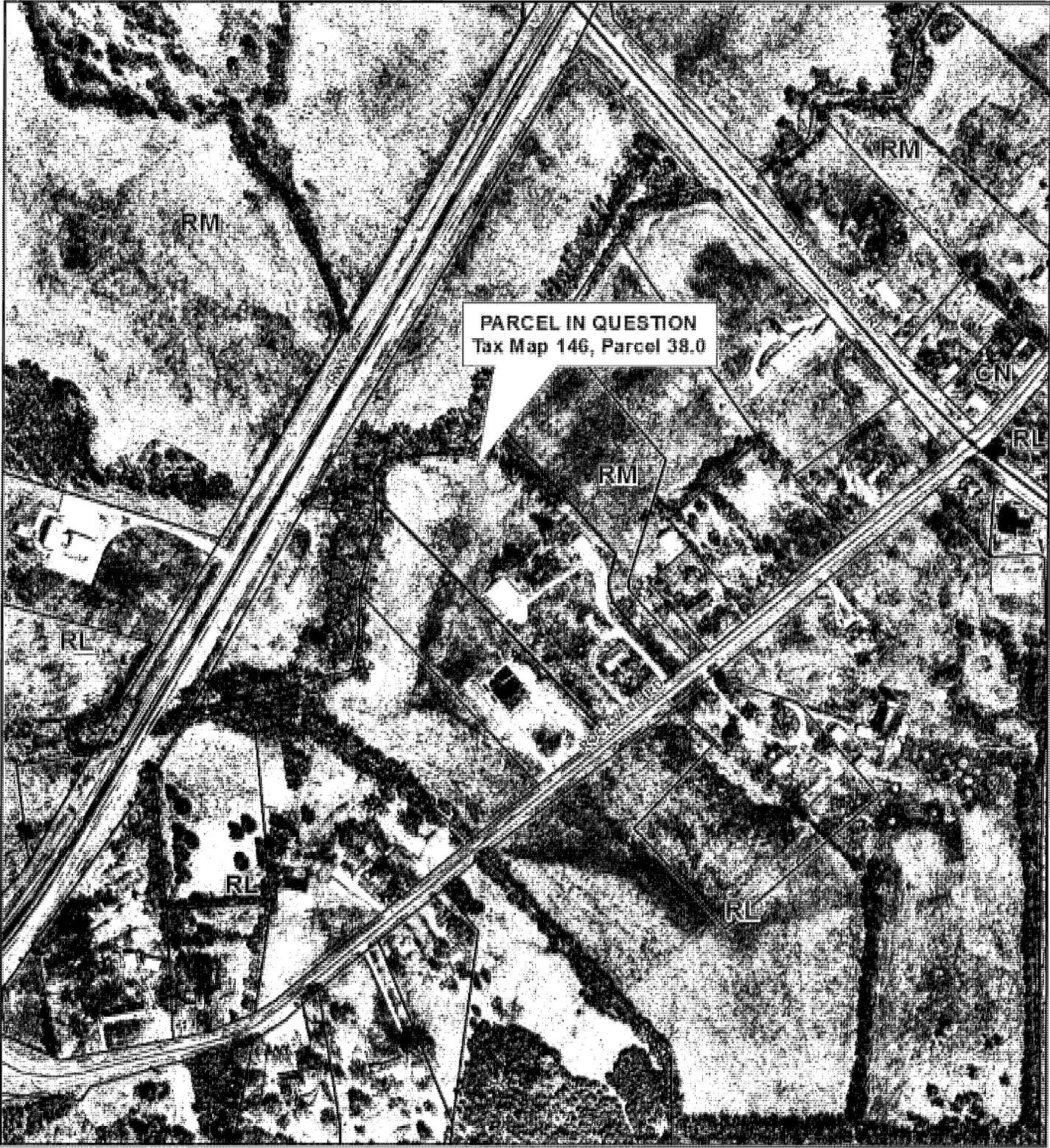


1 1/2" REBAR

# 2016-012



# 2016-012



0 100 200 400 600 800 Feet

-  Property in Question
-  Hydrants

# APPLICATION BZA 2016-013

## STAFF REPORT

REQUEST FOR SPECIAL EXCEPTION APPROVAL FOR THE ESTABLISHMENT OF A GROUP CHILD CARE HOME UPON A PROPERTY LOCATED IN THE RM, MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT.

### OWNER AND APPLICANT DATA

Owner/Applicant Name: Jeana Lewis

### SITE DATA

Location Address:	133 Copper Hollow Drive	Site Acreage:	1.7
Tax Map:	103D Group: B	Parcel Number:	6.00
Zoning District:	RM- Medium Density Residential	Commission District:	Robert Peay Jr.

### APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 4, Residential District Regulations
- Appendix A and Appendix B

### AREA DESCRIPTION

The subject property is 1.7-acre lot located in Copper Hollow Subdivision. It is developed as a single-family residence and is surrounded by single-family homes in all directions. The subject property and surrounding area is zoned RM, Medium Density Residential.

### DESCRIPTION OF REQUEST

Application 2016-013 seeks special exception approval to establish a group childcare facility providing childcare services at the residence located at 133 Copper Hollow Drive. There are no structural alterations to the residence planned to accommodate the proposed use. However, the Applicant plans to widen the driveway and add a fence in area to the back of the home. The Applicant states that a maximum of two employees may be on site at any given time. The Rutherford County Zoning Ordinance defines *Family/Group Child Care Home* as "...child care in an occupied residence of not more than twelve (12) children including children under the age of ten (10) living in the home; provided however, that child care for four (4) or fewer children does not require a special exception and may be approved administratively." Due to the Applicants desire to be able to provide services for up to 12 children, special exception approval is required from the Board of Zoning Appeals.

### GENERAL REQUIREMENTS FOR SPECIAL EXCEPTION

Section 14.08 C. of the Rutherford County Zoning Ordinance list the "General Requirements" that should be considered when special exceptions are requested. They are:

1. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;  
*Essential public facilities already serve the subject property. Consolidated Utility District of Rutherford County (CUDRC) supplies water to the subject property and wastewater is handled via septic system. A driveway will provide ingress and egress to the property.*

*Facilities for vehicular access to and from the site shall be arranged to permit vehicles to exit from the site without backing out onto any street. Upon review of the Application materials provided, the Applicant indicates that the driveway and carport area has ample room for parents to pick up/drop off children without having to back up onto the street. Prior to its establishment, the proposed facility must demonstrate having met the requirements of all applicable governing agencies for the operation of a childcare facility.*

2. Will not adversely affect other property in the area in which it is located;

*Since no exterior alterations to the existing residential building are proposed and the traffic generated by the use will be limited to morning and early evening hours, the character of the neighborhood should remain unchanged. Staff finds that the proposed use meets this criterion.*

3. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

*The existing residence and property complies with the standards established for the RM, Medium Density Residential zoning district. Below, in the following section of this report, the specific standards are addressed.*

4. Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

*As stated above, no additional buildings are proposed in Application 2016-013. The proposed daycare use will utilize a portion of the existing residence as well as a portion of the yard for outdoor play. Staff finds that the proposed use will remain compatible with the surrounding area and should not interfere with the development and use of adjacent properties.*

#### **SPECIFIC STANDARDS FOR PERSONAL AND GROUP CARE FACILITY ACTIVITIES**

7. Special Conditions for Personal and Group Care Facilities
  - a. Family/Group Care Home
    - i. The required lot size, yard, and bulk regulations of the district shall apply.

*The subject property meets the minimum lot size, yard, and bulk regulations for residentially developed properties in the RM, Medium Density Residential zoning district.*

- ii. All requirements of the State of Tennessee shall be met.

*Prior to establishment of the childcare, the Applicant shall demonstrate having met the requirements of the State of Tennessee for childcare facilities. A copy of the state license can be submitted by the Applicant to the Planning Department upon receipt.*

iii. Facilities for vehicular access to and from the site shall be arranged to permit vehicles to exit from the site without backing out into any street.

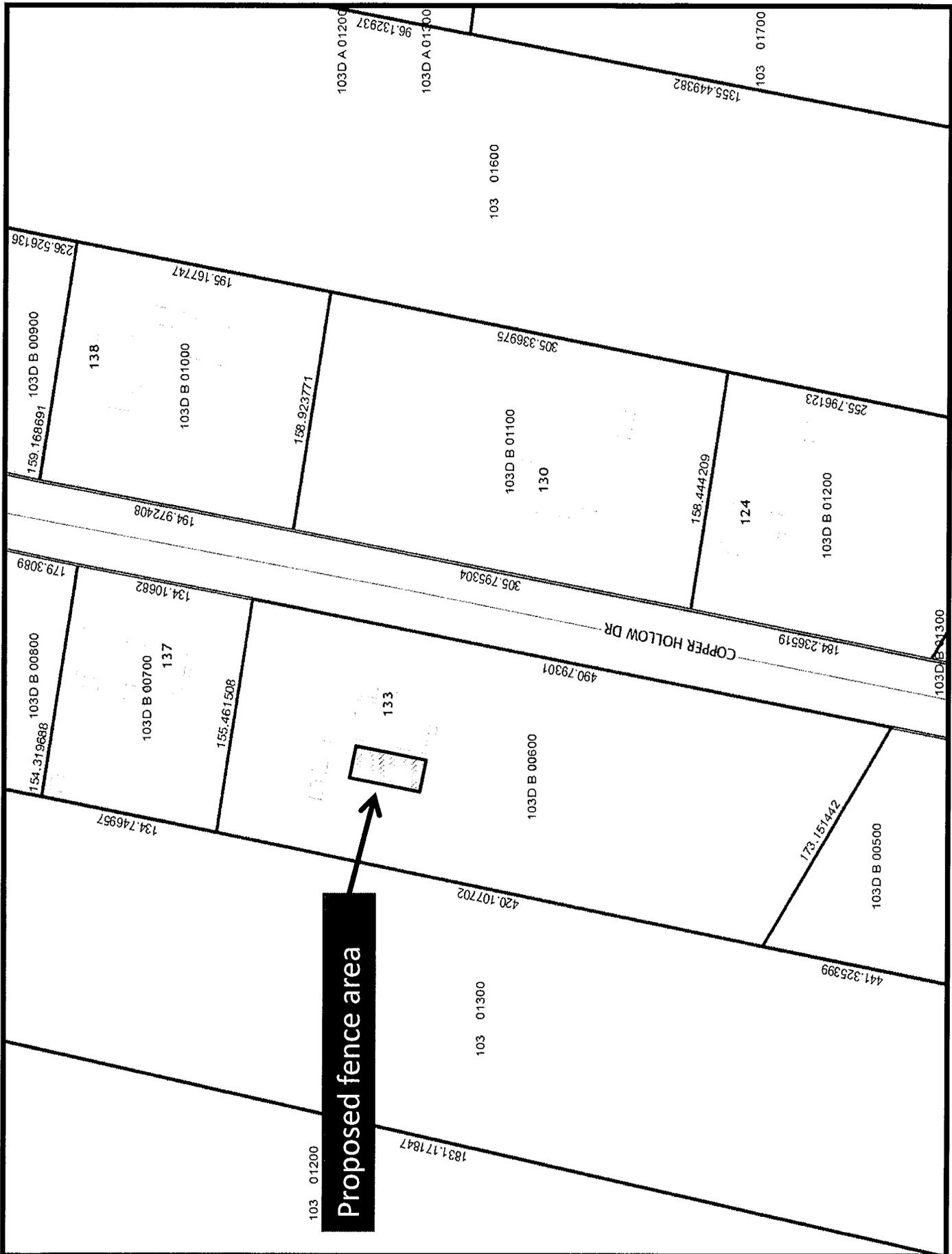
*The Applicant indicates that the driveway and carport area has ample room for parents to pick up/drop off children without having to back up onto the street.*

#### **STAFF FINDINGS**

Staff finds that Application 2016-013 meets the criteria for a Special Exception approval for the establishment of a group childcare home upon a property located in the RM, Medium Density Residential zoning district subject to the condition that the use must continually comply with specific standards for personal and group care facility activities. Staff recommends APPROVAL.

#### **LIST OF ATTACHMENTS**

1. Site Layout
2. Information supplied by the Applicant
3. Zoning Map
4. Aerial Map



**Proposed fence area**

133

103D B 00600

103D B 00700

137

138

103D B 01000

103D B 01100

130

124

103D B 01200

103D B 00500

103D B 01300

103 01300

103 01600

103 01700

103 01200

1831.171847

420.107702

134.746957

154.319688

179.3089

134.10682

155.461508

194.972408

305.795304

305.336975

158.923771

195.167747

236.526136

159.168691

103D B 00900

1355.449382

103D A 01200  
96.132937

103D A 01300

COPPER HOLLOW DR

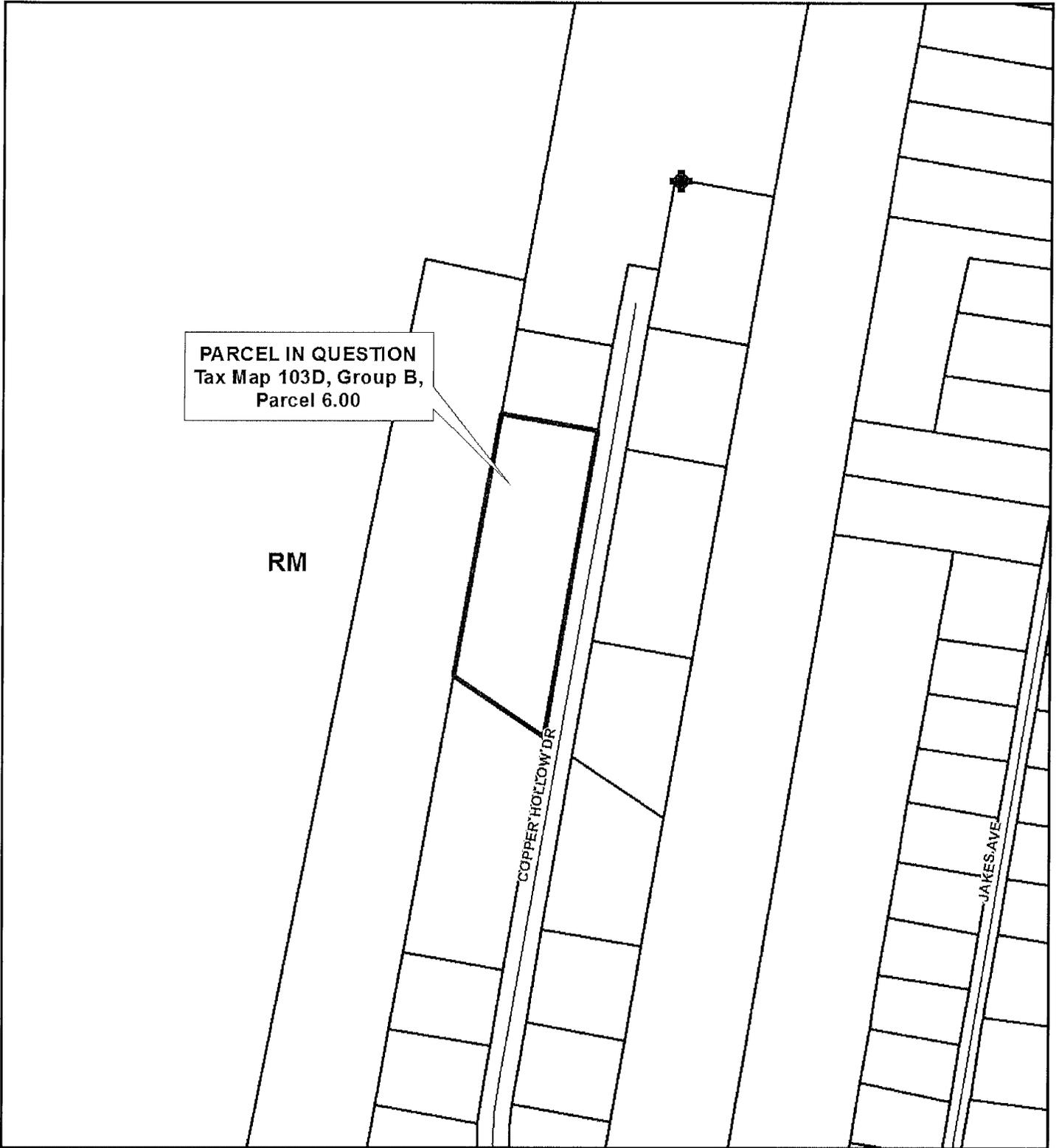
172.151422

184.236519

255.796123

441.325399

# 2016-013



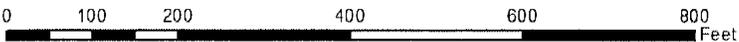
PARCEL IN QUESTION  
Tax Map 103D, Group B,  
Parcel 6.00

RM

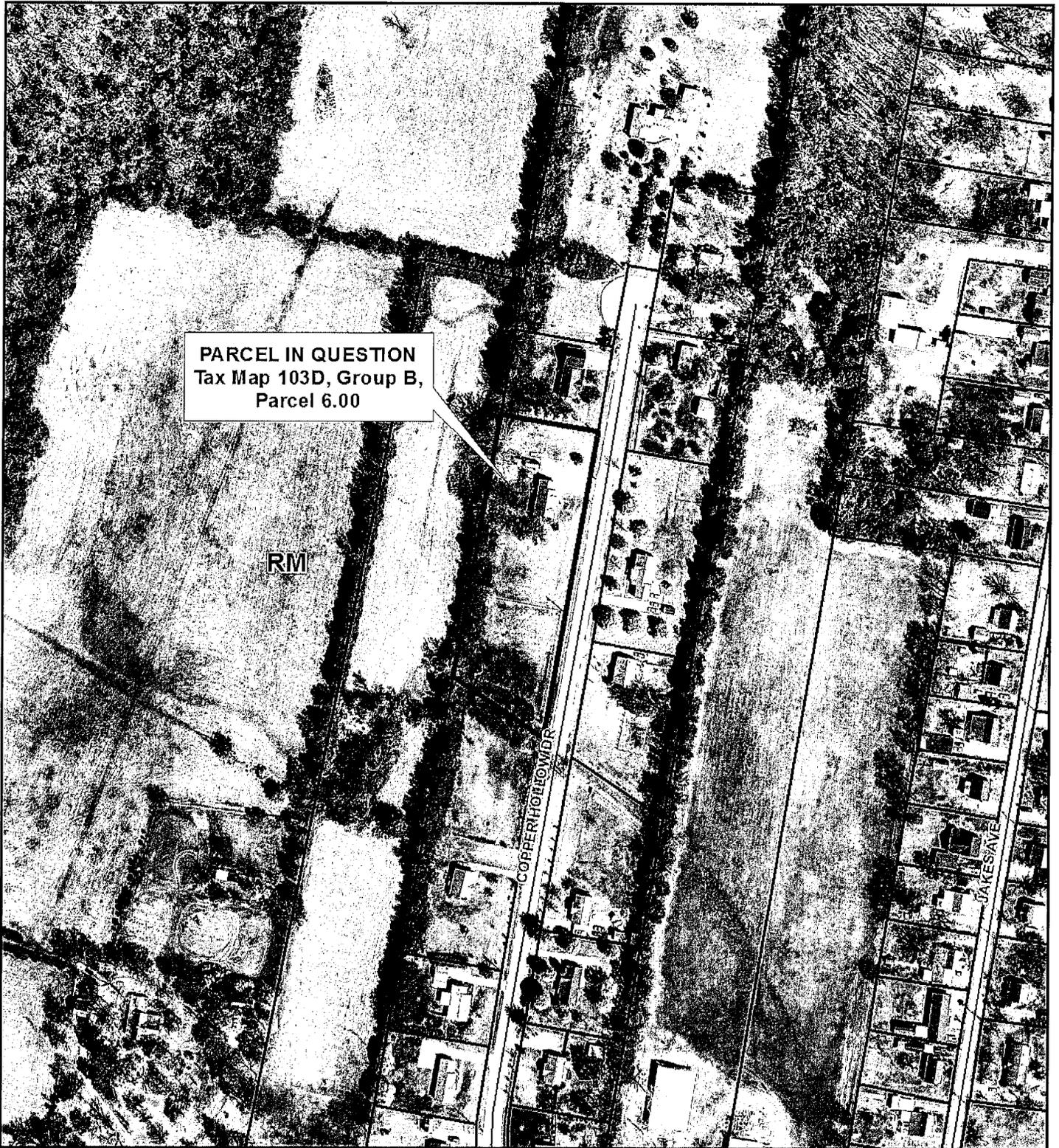
COPPER HOLLOW DR

JAMES AVE

-  RM - Medium Density Residential
-  Hydrants



# 2016-013



 Property In Question

 Hydrants



0 100 200 400 600 800 Feet

**APPLICATION BZA 2016-014**

**STAFF REPORT**

**REQUEST FOR SPECIAL EXCEPTION APPROVAL FOR THE ESTABLISHMENT OF A MINI-STORAGE BUSINESS UPON A PROPERTY  
LOCATED IN THE CS, COMMERCIAL SERVICES ZONING DISTRICT.**

**OWNER AND APPLICANT DATA**

Owner/ Applicant Stan Vaught  
Name:

**SITE DATA**

Location Address:	6854 Lascassas Pike	Site Acreage:	5
Tax Map:	61	Parcel Number:	29.03
Zoning District:	CS- Commercial Services	Commission District:	Stephen Pearcy

**APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE**

- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1103 Use Specific Standards
- Chapter 14, Section 1408

**AREA DESCRIPTION**

The subject property is zoned CS, Commercial Services and is surrounded by RM, Medium Density Residential zoned properties on all sides with exception of the property boundaries to the east and north directions, which is zoned CS. Existing uses in this area include residential single family uses, vacant parcels, a convenience center and a general retail business.

**DESCRIPTION OF REQUEST**

The subject property is located along Lascassas Pike. In February 2014, the Board of County Commissioners approved a request for an amendment rezoning the subject property from RM, Medium Density Residential to the CS, Commercial Services zoning district. The Applicants intentions to develop the subject property as mini-warehouses were considered as part of the zoning amendment request. According to Appendix B, Land Use Activity Table, of the Rutherford County Zoning Ordinance, mini-warehouses are permitted by special exception in the CS zoning district. The Applicant is proposing to build six buildings in two phases ranging in sizes from 20' x 330' to 300' x 280' for a total of 300 sf office space, 35,000 mini storage, and 5,280 square feet of boat/RV storage area on the 5± acre property.

**GENERAL REQUIREMENTS FOR SPECIAL EXCEPTION**

Section 14.08 C. of the Rutherford County Zoning Ordinance list the "General Requirements" that should be considered when special exceptions are requested. They are:

1. Is so designed, located, and proposed to be operated so that the public health, safety and welfare will be protected;

*The Applicant states, "By being on the normal travel pattern with the residents of this area, we will offer a service that is needed without adding traffic."*

*The development of the site as a mini-warehouse facility will undergo site plan review for a determination of compliance with the Rutherford County development regulations that were established to protect the public health, safety and welfare of those property owners surrounding the site as well as those using the facility.*

2. Will not adversely affect other property in the area in which it is located;

*The Applicant states, "This area has become a commercial node in the Lascassas area, therefore no adverse conditions apply."*

*There is an existing retail business located to the east of the subject property, a contracting business to the north of the subject property as well as a convenience center located to the north. It does not appear that adverse effects have resulted from the introduction of commercial uses in this area.*

3. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

*The development of the site as a mini-warehouse facility will undergo site plan review and demonstration of compliance with County standards will be verified during this time. Specific standards are addressed below.*

4. Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

*Staff finds the proposed use compatible with existing development patterns in the surrounding area.*

#### **SPECIFIC STANDARDS FOR MINI WAREHOUSES**

Section 1103 of the Rutherford County Zoning Ordinance outlines specific standards for mini warehouses. They are:

- a) There shall be provided along the entire site boundaries fencing, screening, and landscaping in accordance with Section 1104. When the outdoor storage of boats, campers and trailers is to be accommodated on the site, the fencing and screening heights shall be increased to completely screen from public view the boats, campers and trailers.

*The concept plan submitted by the Applicant does not indicate how screening and landscaping will be addressed though the Applicant indicated that development of the site will comply with established standards. Compliance with this criterion can be verified during the site plan review process.*

- b) The use of buildings in which the exterior facade is of one hundred (100) percent metal construction shall be prohibited with the buildings which face a street having a minimum of fifty (50) percent brick or stone;

*Though the Applicant does not specify how this standard will be addressed, this item can be demonstrated during the site plan review process.*

- c) No individual storage unit may be used for sleeping or housekeeping, any business operation or for music and band operations.

*The proposed use, if approved, must continually comply with this standard.*

- d) All buildings shall be separated by a minimum of twenty (20) feet;

*Based upon a review of the conceptual plan, twenty-five feet (25') will be provided between structures.*

- e) The setback for such activities (i.e. buildings and outdoor storage) shall be a minimum of sixty-five (65) feet, provided that if there is access on only one side of the building, the setbacks of the district can apply. The buildings may be used as part of the required buffer if the design and appearance is approved by the Board of Zoning Appeal or Planning Commission, as applicable, consistent with Section 1104 of this Ordinance:

*Based upon a review of the conceptual plan, this criterion appears to be met; however, a plan demonstrating compliance with this standard will be required during site plan review.*

- f) An apartment on site may be permitted for security purposes;

*It does not appear that an onsite apartment is planned at this time.*

- g) The maximum size of an individual storage unit shall be five hundred (500) square feet;  
*Though the Applicant does not specify the size of individual storage units, this item can be demonstrated during the site plan review process.*

- h) The facilities shall be designed to discourage the use by and generation of heavy or semi-truck vehicles.  
*Though the Applicant does not specify how this standard will be addressed, this item can be demonstrated during the site plan review process.*

**STAFF FINDINGS**

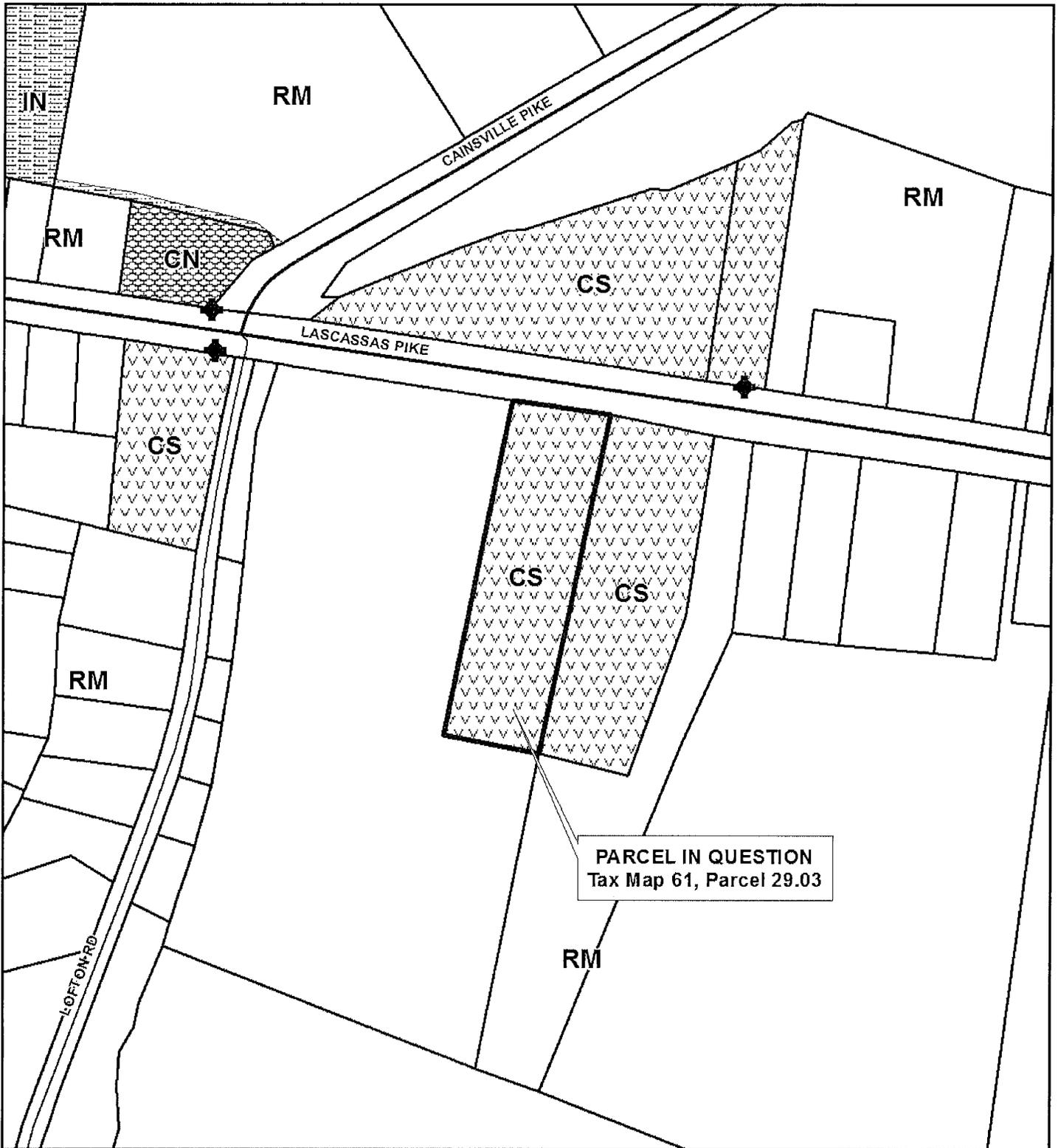
In conclusion, Staff finds that the request in Application 2016-014 for special exception approval for the establishment of a mini-warehouse facility meets the "General Requirements For Special Exception". Staff recommends APPROVAL.

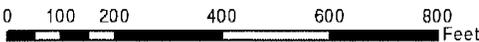
**LIST OF ATTACHMENTS**

1. Conceptual Plan
2. Zoning Map
3. Aerial Map

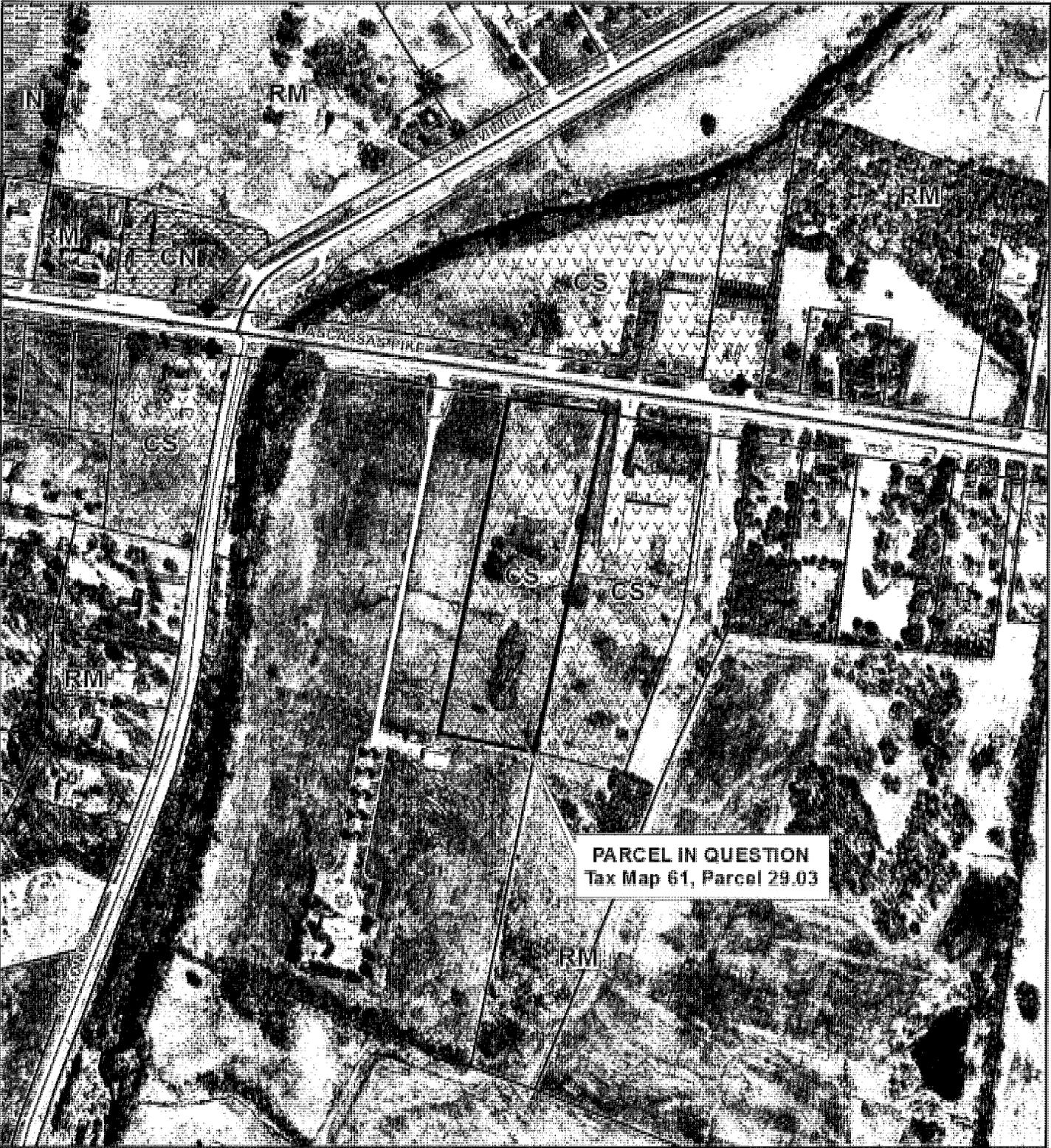


# 2016-014



 	 RM - Medium Density Residential	 Property In Question
	 CS - Commercial Service	 Hydrants
	 CN - Commercial Neighborhood	
	 IN - Institutional	

# 2016-014



**PARCEL IN QUESTION**  
Tax Map 61, Parcel 29.03



0 100 200 400 600 800 Feet

-  Property in Question
-  Hydrants



*As mentioned above, the site improvements for this project will be required to undergo site plan review where compliance with zoning and development regulations will be verified.*

2. Will not adversely affect other property in the area in which it is located;

*The project will undergo site plan review, which will consider issues relating to stormwater runoff, landscaping/buffering, parking and vehicular access areas. Approval of the related site engineering plans by the Planning Commission is dependent upon the project demonstrating compliance with the standards, which have been adopted to prevent adverse effects from occurring to an area development is proposed, found in the Zoning Ordinance of Rutherford County.*

3. Conforms to all applicable provisions of this ordinance for the district in which it is to be located and is necessary for public convenience in that location and if applicable, meets the specific standards below.

*Upon initial review of a conceptual plan, it appears that the placement of all buildings/parking areas meets the setback requirements established for the RM, Medium Density Residential zoning district and the supplementary regulations for landscaping found in Section 1104 of the Rutherford County Zoning Ordinance. The site also complies with the minimum one acre requirement for nonresidential uses located in the RM zoning district as well as lot coverage limits.*

4. Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.

*The Applicants states, "a Church in this location would be an asset to the local community and would be a safe location for members of the community". In addition, the structure will be required to be constructed to meet current established building codes and be safe for those using the facility.*

## **SPECIFIC STANDARDS FOR COMMUNITY FACILITY ACTIVITIES**

### **1. *Special Conditions for Community Assembly***

- a. When located in a residential area, the design of such facilities to the extent practical shall reflect similar design elements of the area in which they are located. The element should consider building height, building materials, rooflines, setbacks and building coverage.

*A concept plan for the proposed church and related structures have been supplied by the Applicant that exhibits the layout of improvements on the site.*

- b. An application for a community assembly shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including by not necessarily limited to those uses which would require a special permit if not a part of the community assembly use.

*The description of the uses and activities proposed for the facility were included in Application 2016-015.*

- c. The BZA shall have authority to approve an on-site location with utility connections for accommodations for recreational vehicles for use by visiting or traveling speakers or guests associated with the community assembly use. Provided, however, such location for recreational vehicles shall not be permitted for use as a permanent residential dwelling unit.

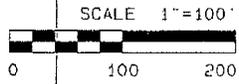
*At this time, the Applicant does not propose to provide accommodations for guests.*

### **STAFF FINDINGS**

In conclusion, Staff finds that the request in Application 2016-015 meets the “General Requirements For Special Exception” approval and the specific standards for Community Assemblies. Staff recommends APPROVAL of Application 2016-015.

### **LIST OF ATTACHMENTS**

1. Site Plan
2. Zoning Map
3. Aerial Map



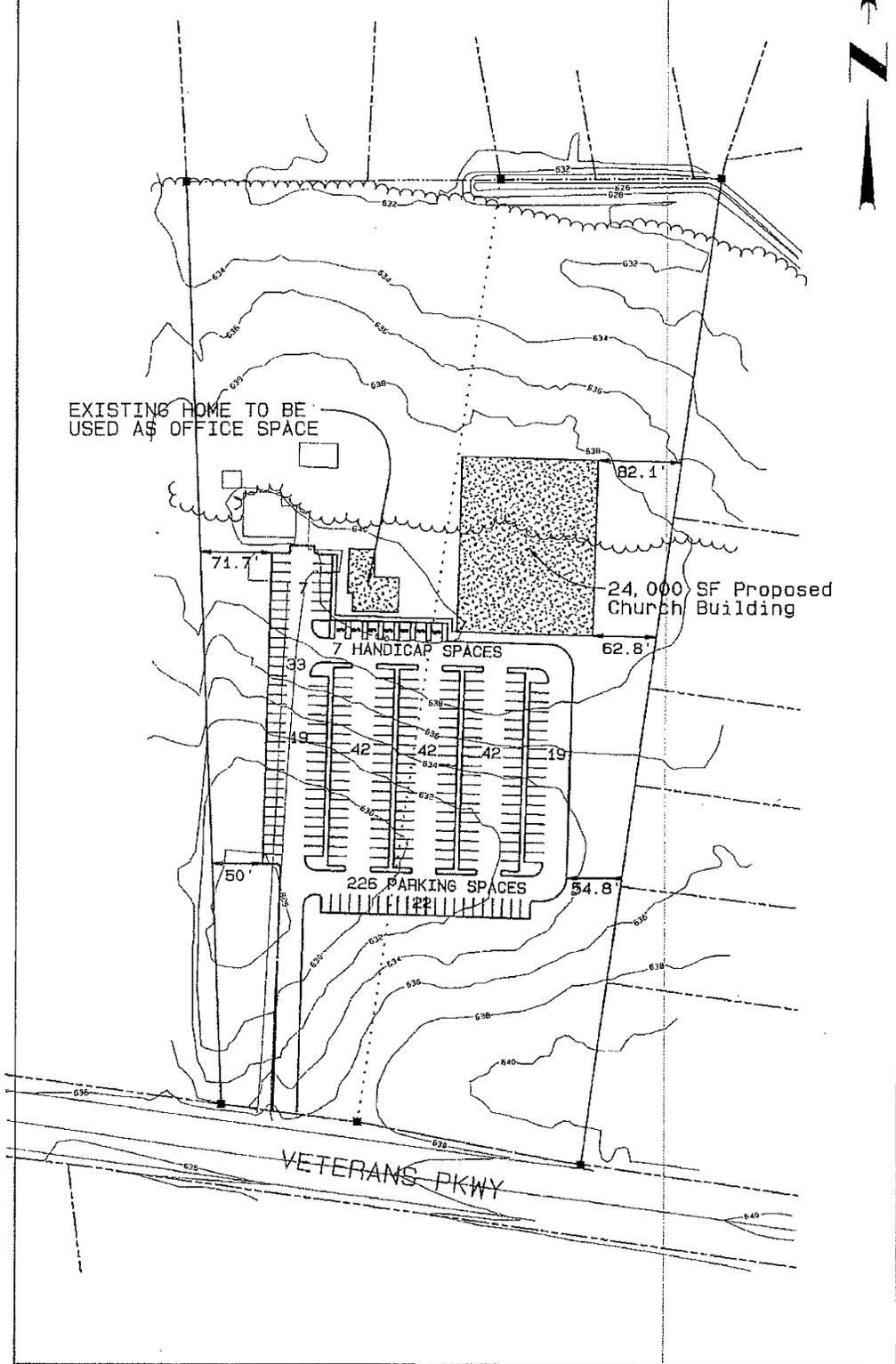
EXISTING HOME TO BE  
USED AS OFFICE SPACE

24,000 SF Proposed  
Church Building

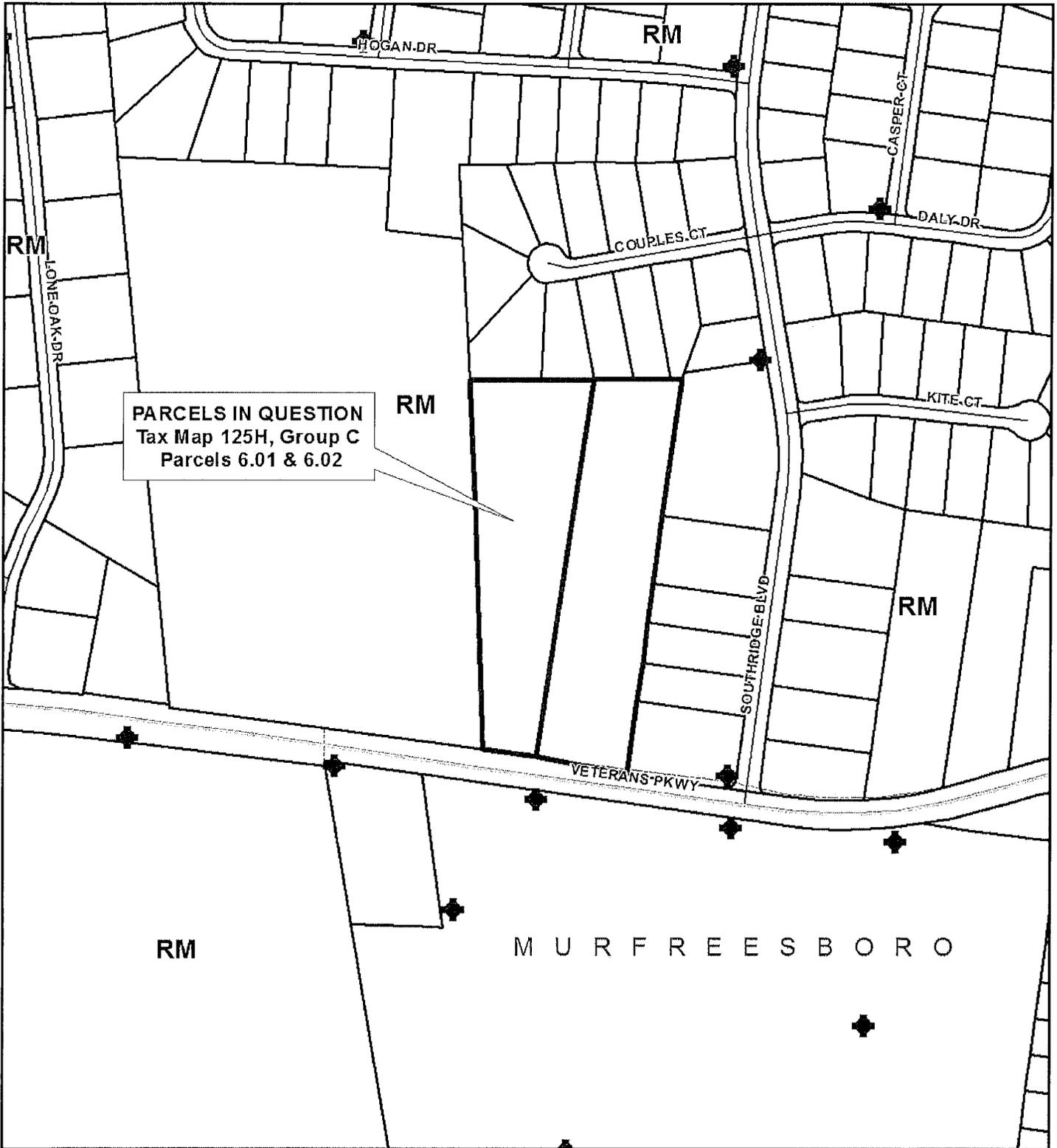
7 HANDICAP SPACES

226 PARKING SPACES

VETERANS PKWY



# 2016-015



**PARCELS IN QUESTION**  
Tax Map 125H, Group C  
Parcels 6.01 & 6.02

 RM - Medium Density Residential

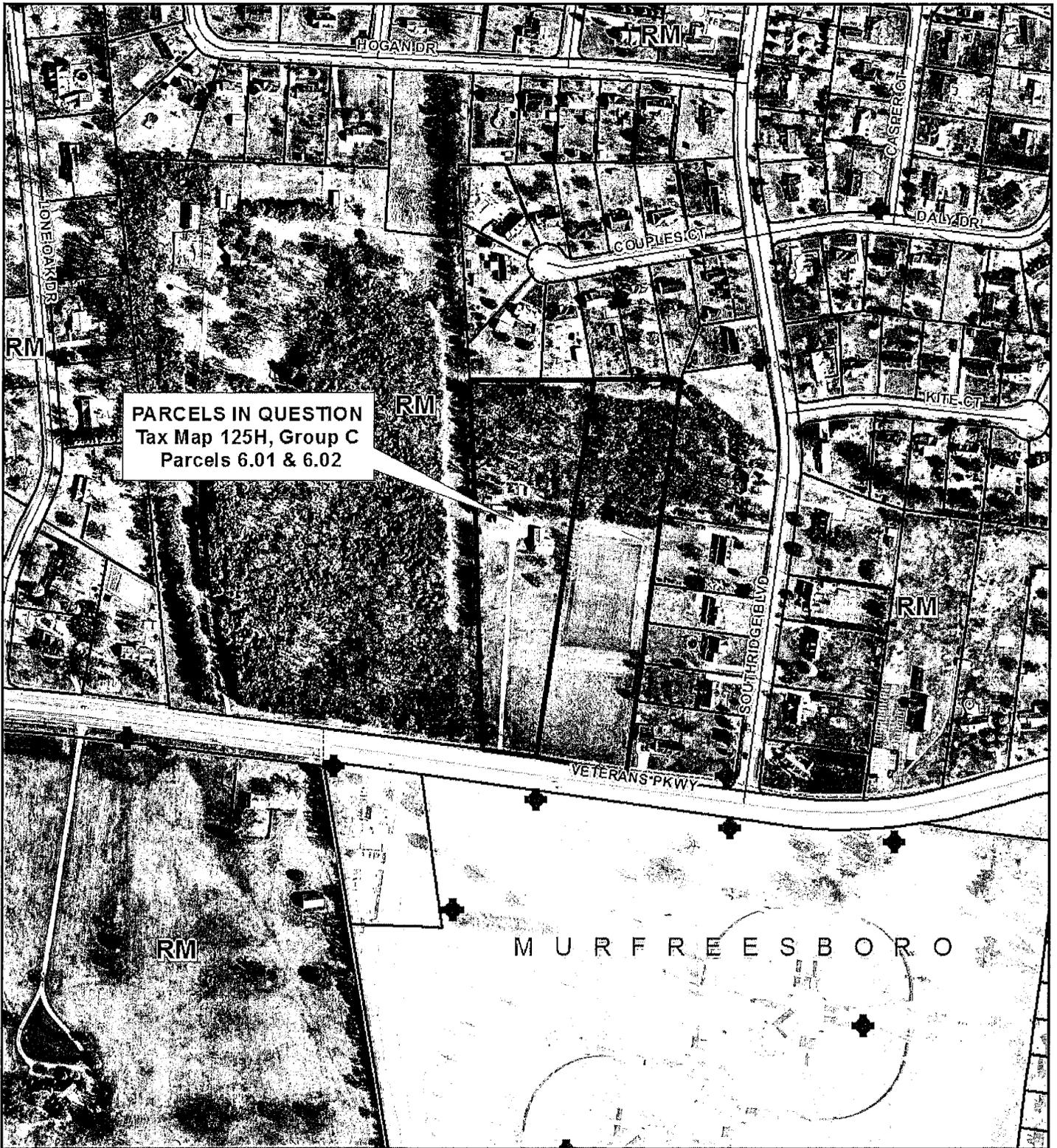
 Property In Question

 Hydrants

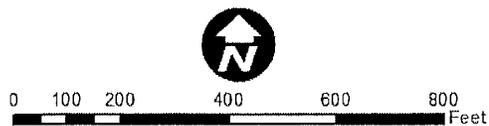


0 100 200 400 600 800 Feet

# 2016-015



PARCELS IN QUESTION  
Tax Map 125H, Group C  
Parcels 6.01 & 6.02



-  Property In Question
-  Hydrants