RUTHERFORD COUNTY BOARD OF ZONING APPEALS

Regular Meeting April 13, 2016

Location Commission Chambers, 2nd Floor, Historic Courthouse

AGENDA

I. Call to Order: 4:30 PM

II. Pledge of Allegiance

III. Roll Call & Determine Quorum

IV. Approval of March 9, 2016 Meeting Minutes

V. New Business

A. **Surefire Fireworks – BZA 2016-016**
Location: 2712 Lacassas Pike, Map No.:68, Parcel: 105, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Services zone.

B. **Surefire Fireworks – BZA 2016-017**
Location: 6044 Lebanon Pike, Map No.:46, Parcel: 2.04, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CN, Commercial Neighborhood zone.

C. **Surefire Fireworks – BZA 2016-018**
Location: 5855 Shelbyville Highway, Map No.:158P, Group: A, Parcel: 4 and 5, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CN, Commercial Neighborhood zone.

D. **Surefire Fireworks – BZA 2016-019**
Location: At the intersection of HWY 99 and Clearidge Drive, Map No.:123G, Group: A, Parcel: 1.02, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Services zone.

E. **TNT Fireworks – BZA 2016-020**
Location: 6137 Epps Mill Road, Map No.:156, Parcel: 26, Request for temporary special exception approval allowing the sale of fireworks on a property located in the EAC, Employment Activity Center zoning district.

F. **Absolute Fireworks – BZA 2016-023**
Location: 5975 Lebanon Pike, Map No.:47D, Group: B, Parcel: 1, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Services zoning district.

G. **Absolute Fireworks – BZA 2016-024**
Location: 2706 Lascassas Pike, Map No.:68, Parcel: 106, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Services zoning district.

H. **Absolute Fireworks – BZA 2016-025**
Location: 6121 Highway 99, Map No.:123G, Group: A, Parcel: 1.03, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Neighborhood zoning district.

I. **Absolute Fireworks – BZA 2016-026**
Location: 9243 Old Nashville Highway, Map No.:49, Parcel: 124, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CN, Commercial Neighborhood zoning district.

J. **Absolute Fireworks – BZA 2016-027**
Location: 3892 Shelbyville Pike, Map No.:136, Parcel: 42.02, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Services zoning district.

K. **Leanna Church of Christ – BZA 2016-021**
Location: 4198 Sulphur Springs Road, Map No.:57D, Group: A, Parcel: 1, Request for variance relief to allow an internally illuminated sign located within the RM, Medium Density Residential zone.

L. **Jason Roller – BZA 2016-022**
Location: 1051 Laramie Court, Map No.:148 F, Group: E, Parcel: 19, Request for special exception approval allowing the establishment of a major home based business involving a music studio upon a property located in the RM, Medium Density Residential zoning district.

VI. Board Business

VII. Adjournment

Minutes of the
Rutherford County Board of Zoning Appeals
Wednesday, March 9, 2016

Board Members Present:

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

Staff Members Present:
Danielle Glouner, Assistant Director
Shauntae Sherril, Administrative Support
Blake Garner, County Attorney
Mike Hughes, County Engineer

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

The Minutes of the February 10, 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 February 10, 2016 meeting were Approved.

BZA 2016-009 Wanda S. Hall
The Applicant requested a temporary special exception approval for a produce stand located in CN, Commercial Neighborhood zone. Danielle Glouner presented staff findings. There were no phone calls or complaints opposing the request. However, there were several informational calls. The site meets the general requirements for special exception approval and the specific standards for a temporary produce stand. Ms. Wanda Hall spoke regarding the request. Zane Cantrell opened and closed the public hearing.
Board Member Meshotto moved, seconded by Board Member Sartain, to Approve the request as presented by Staff.
Motion Carried (5 For, 0 Against)
Request was Approved

BZA 2016-010 Cynthia and Savatore Palazzolo
The Applicant requested variance relief to reduce rear yard setback requirements of 20' to 12" for a property located in the RL- Low Density Residential zone. Danielle Glouner presented staff findings. A permit was obtained in 2015 to enclose and extend an existing concrete pad with an enclosed porch area. The actual work was permitted, inspected, and closed out. However, the encroachment was recently discovered as a result of a complaint. The Applicant then filed an application to remedy the non-conformity. There was one informational phone call regarding the request. Staff found that the request meets most of the standards prescribed for variances. Mrs. Palazzolo spoke regarding the

request and was asked several questions. Mr. Meshotto asked if they were the original owners and if they knew the setbacks. Mrs. Palazzolo stated they relied on the contractor to make sure all permits were obtained. Mr. Farley stated that the homeowner should not be held hostage because of the due diligence of the contractor. Zane Cantrell opened the public hearing. Mr. Paul Dyer spoke on behalf of his brother Dr. David Dyer, who owns the adjacent vacant tract. Mr. Dyer wanted to know how this error happened regarding the encroachment on the adjacent property. He stated that the zoning should not have been approved because it was in violation of the setback. He stated there were 2 errors made and that was issuing the zoning compliance and the building permit. Danielle Glouner explained the zoning compliance form. She stated the zoning compliance only list the setbacks and we do not require a plot plan that demonstrates it is in compliance. The zoning compliance is not a confirmation as you would see in a site plan approval. Mr. Dyer asked for a written report from whoever is responsible for this error. In the report he wants to know how this problem happened and see specific actions that have been taken so it does not happen again. He stated this problem has caused conflict with him and the neighbor. Mr. Dyer opposes the variance relief request. Zane Cantrell stated that Mr. Dyer would need to check with the developer who developed the subdivision if he had additional concerns. Zane Cantrell closed the public hearing. Mr. Wrather stated this problem was not created by the county. He commented that the contractors due diligence was the problem. The contractor has experience building in the county and would have known to make sure all setbacks were met.

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 2016-011 Phillip Vaught

The Applicant requested special exception approval allowing a borrow pit in property located in RL, Low Density Residential zone. Danielle Glouner presented staff findings. There were several information phone calls, but none opposing the request. Mike Hughes, County Engineer spoke regarding the request. Mr. Hughes asked that the Applicant to work with Staff to establish erosion prevention measures, obtain a new land disturbance permit, sign an updated resource extraction performance agreement and maintain the stream buffer. Mr. Phillip Vaught spoke regarding the request. Zane Cantrell opened and closed the public hearing.

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

BZA 2016-012 Richard and Beth Sciocolone

The Applicant requested special exception approval for the establishment of an accessory structure before the principal structure property located in RM, Medium Density Residential zone. Danielle Glouner presented staff findings. The site meets all standards for a subdivision plat to obtain approval with exception of the existing structure that is no longer under the agriculture exemption because it is less than 5 acres. There were phone calls inquiring about the signs post, but none in opposition of the

request. Mr. Sciocolone spoke regarding the request. Zane Cantrell opened and closed the public hearing.

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

Motion Carried (5 For, 0 Against)

Request was Approved

BZA 2016-013 Jeana Lewis

The Applicant requested special exception approval for the establishment of a group child care home upon a property located in RM, Medium Density Residential zone. Danielle Glouner presented staff findings. This is a use approval and the Applicant will need to obtain all approvals that are required through the State of TN to operate a childcare facility. There were several phone calls, but none opposing the request. Ms. Lewis spoke regarding request. Zane Cantrell opened and closed the public hearing. Mrs. Buchanan asked if the property sold does the special exception stay with the property. Ms. Glouner responded the special exception is a permanent approval for the site, unless use is terminated.

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 2016-014 Stan Vaught

The Applicant requested a special exception approval for the establishment of a mini-storage business upon a property located in the CS, Commercial Services zone. Danielle Glouner presented staff findings. The property was rezoned a couple of years ago with the intent of developing mini-storage facility. There were no phone calls in opposition of the request; however there were several informational phone calls. If approved the Applicant is required to undergo site plan review. All specific standards that apply to mini-storages will be verified and they will obtain Planning Commission approval for the approved engineering plans. At this time the Applicant is seeking approval for use, however a conceptual plan has been submitted by Applicant. Mr. Vaught spoke regarding request. Zane Cantrell opened and closed the public hearing.

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

Motion Carried (5 For, 0 Against)

Request was Approved

BZA 2016-015 Barfield Baptist Church

The Applicant requested a 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, Medium Density Residential zone. Danielle Glouner presented staff findings. If the requested special

exception is approved the site will require site plan approval from the Rutherford County Planning Commission. There was one informational phone call regarding the request. A concept plan for the proposed site has been submitted. Staff finds that the request meets the specific standards for Community Assemblies. Mr. Darron Shatley, a representative for the church spoke regarding the request. Zane Cantrell opened the public hearing. Mrs. Cindy Long of 107 Couples Court had some concerns about the property behind the church. She wanted to make sure the tree line would remain. Mike Hughes commented the site has to have a vegetative screen and landscape buffer, so the existing trees will have to remain to meet general requirements. Mrs. Long stated the property backs up to her fence line and in between her fence line and the tree line is a hazardous ditch. She asked who is responsible for keeping the ditch clean. Mike Hughes responded that it was the homeowner/property owner's responsibility. Mr. Cantrell suggested that Mrs. Long meet with the church to have these concerns addressed. Mrs. Diane Cummings of 4016 Southridge Blvd had questions regarding the proposed site. She stated that her property backs up the site and has questions regarding the traffic, the uses of the site, and parking. Mrs. Cummings was not in opposition of the site, but needs additional information. Mr. Cantrell suggested to Mrs. Cummings as well to meet with the church to have these concerns addressed. Zane Cantrell 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

There being no further business, the meeting was adjourned at 5:25 p.m.

Zane Cantrell, Chairman	**Danielle Glouner, Secretary**
Date	**Date**

APPLICATION BZA 2016-016

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE CS, COMMERCIAL SERVICES ZONE.

OWNER AND APPLICANT DATA

Owner Name: Sid Patel
Applicant Name: Surefire Fireworks

SITE DATA

Location Address:	2712 Lacassas Pike	Site Acreage:	0.68
Tax Map:	68	Parcel Number:	105.00
Zoning District:	CS- Commercial Services	Commission District:	Robert Peay, Jr.

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

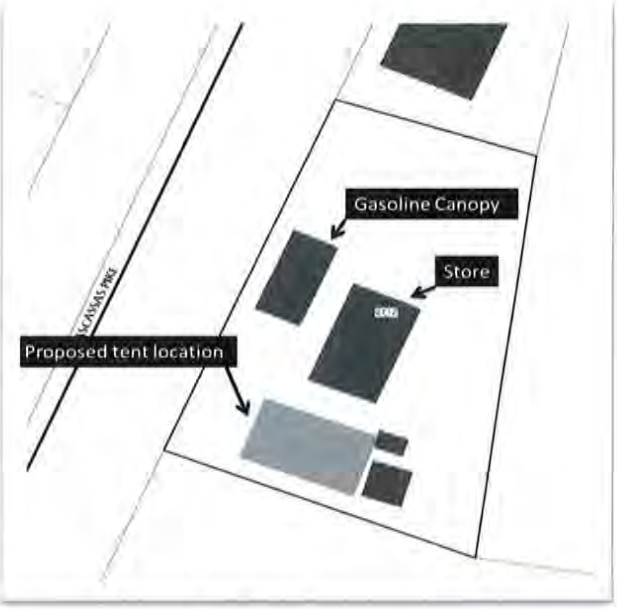
- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject site is located off Lascassas Pike. It is one of three properties in this area zoned Commercial Services and is developed as convenience store/gas station. Adjacent properties to the east and west direction include the Gateway Mechanical, LLC and Dollar General retail store. Residential uses are located to the north and south directions of the subject site.

DESCRIPTION OF REQUEST

The Applicant is seeking temporary special exception approval for the sale of fireworks from June 20 to July 5, 2016. The applicant is requesting a 30' x 60' tent to be located in the Lascassas Market parking lot. The proposed hours of operation will be 9:00 a.m. to 11 p.m. The Applicant is proposing to install two banners measuring 32 square feet advertising the sales. Since the proposed use is temporary, the Rutherford County Zoning Regulations limits temporary signage to two per lot and the cumulative total of temporary signage is limited to 32 square feet. There will be two to three employees on site during the proposed sale.



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;

   If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

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

   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 site is accessed via Lascassas Highway, a two-lane state highway. Existing parking areas on the site can accommodate the proposed use. A fire hydrant is located directly in front of the subject property.

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

   Since the use is temporary and is located in a commercial area, the proposed use will not be incompatible with the surrounding area. For example in 2015, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks from this site as well as the adjacent property containing the Dollar General. The specific standards discussed below act ensure the safety of those using the facility.

Specific Standards For Temporary Use Activities Involving Fireworks Sales Tents

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents

   A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January 1st. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. The following shall apply:

a. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

b. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the installation of the tent upon the site. The site plan provided by the applicant indicates that the proposed tent will be located approximately 80' off the centerline of Lascassas Pike. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

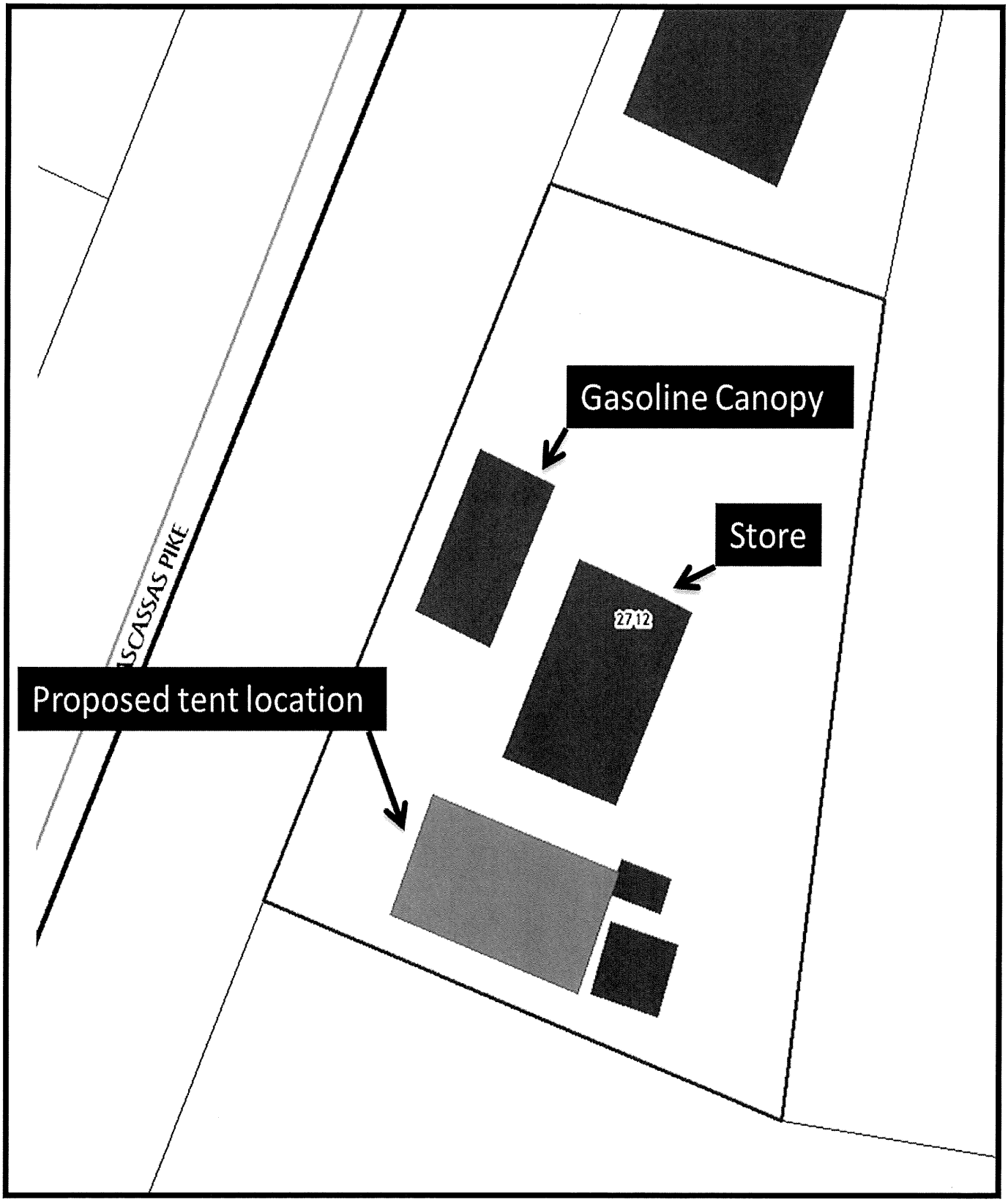
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-016 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

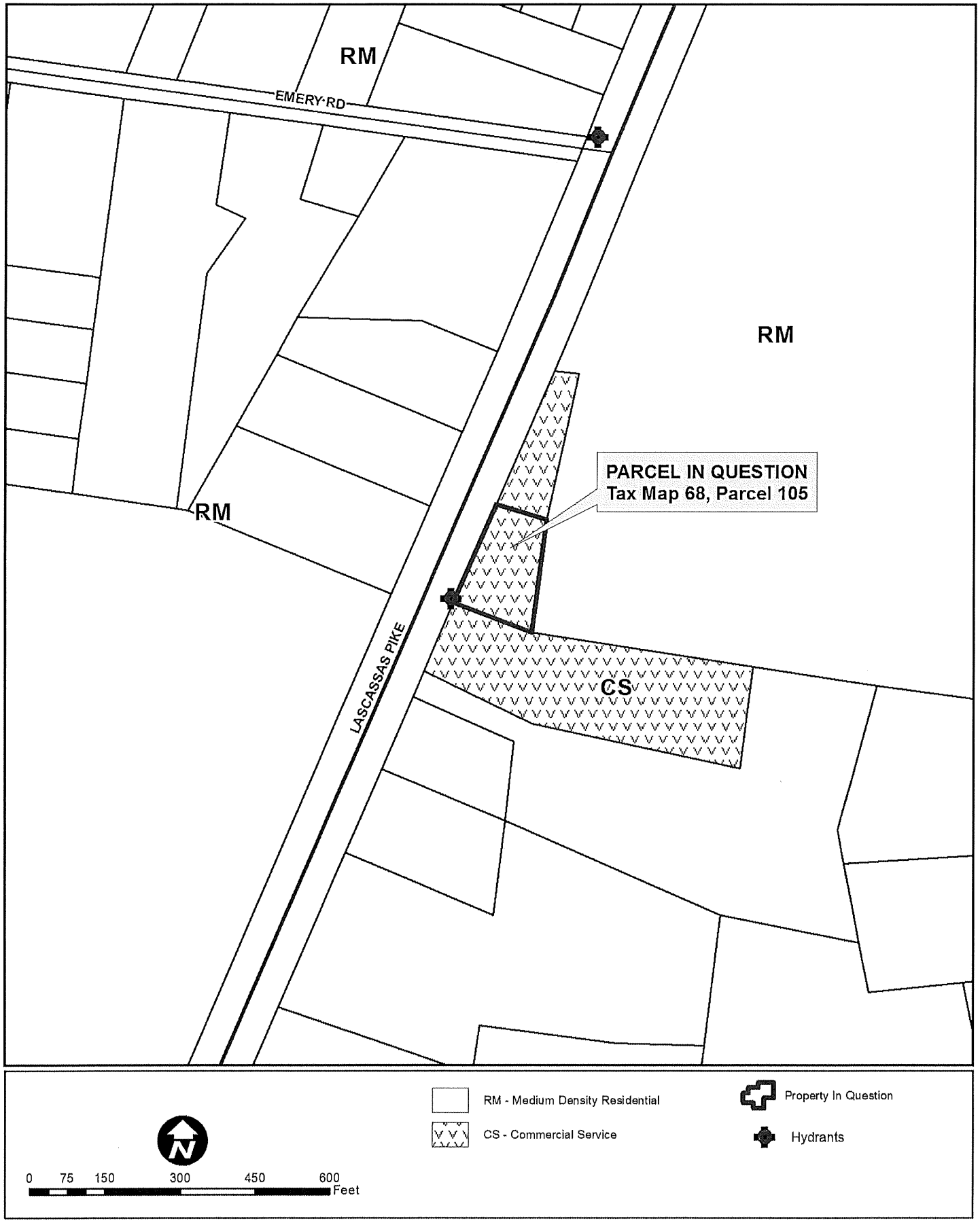
LIST OF ATTACHMENTS

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

2016-016


Gasoline Canopy
Store
27.12
Proposed tent location
SCASSAS PIKE

2016-016


RM
EMERY RD
RM
RM
PARCEL IN QUESTION
Tax Map 68, Parcel 105
CS
LASCASSAS PIKE
RM - Medium Density Residential
CS - Commercial Service
Property In Question
Hydrants
N
0 75 150 300 450 600
Feet

2016-016

Property In Question

Hydrants

0 75 150 300 450 600 Feet

APPLICATION BZA 2016-017

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE CN, COMMERCIAL NEIGHBORHOOD ZONE.

OWNER AND APPLICANT DATA

Owner Name: Jaffer Nazimor and Ruby Nazim
Applicant Name: Surefire Fireworks

SITE DATA

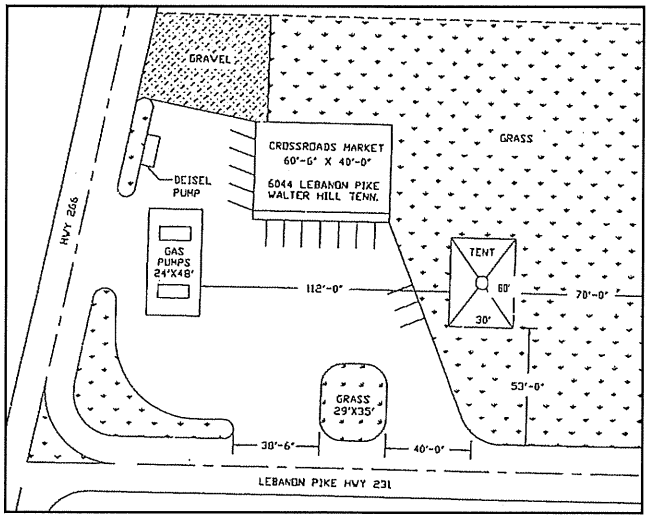
Location Address:	6044 Lebanon Pike	Site Acreage:	1.60
Tax Map:	46	Parcel Number:	2.04
Zoning District:	CN- Commercial Neighborhood	Commission District:	Steven Pearcy

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

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 that will allow the temporary sale of fireworks in the commercial neighborhood zone from June 20 through July 5, 2016. The Applicant is proposing to erect a 40' x 30' tent. The proposed hours of operation will be 9:00 a.m. to 11 p.m., 7-days a week. There will be two employees on site. This request is identical to multiple requests approved from 2008 to 2015 by the Board of Zoning Appeals. The Applicant is proposing to install two banners measuring 32 square feet advertising the sales. Since the proposed use is temporary, the Rutherford County Zoning Regulations limits temporary signage to two per lot and the cumulative total of temporary signage is limited to 32 square feet. There will be two to three employees on site during the proposed sale.

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;

   If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

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

   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 site is accessed via Lebanon Pike and Jefferson Pike, two-lane state highways. Existing parking areas on the site can accommodate the proposed use. A fire hydrant is located directly in front of the subject property.

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

   Since the use is temporary and is located in a commercial area, the proposed use will not be incompatible to the surrounding area. For example in 2015, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks from this property in Application 2015-009. The specific standards discussed below act ensure the safety of those using the facility.

Specific Standards For Temporary Use Activities Involving Fireworks Sales Tents

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents

   A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January 1st. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. The following shall apply:

   A. All stands and tents must comply with all state and local codes prior to issuing a

temporary use permit.

B. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the installation of the tent upon the site. The site plan provided by the Applicant indicates that the proposed tent will be located approximately 53' from the front property line along Lebanon pike and approximately 135' +/- from the property boundary along Jefferson Pike. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

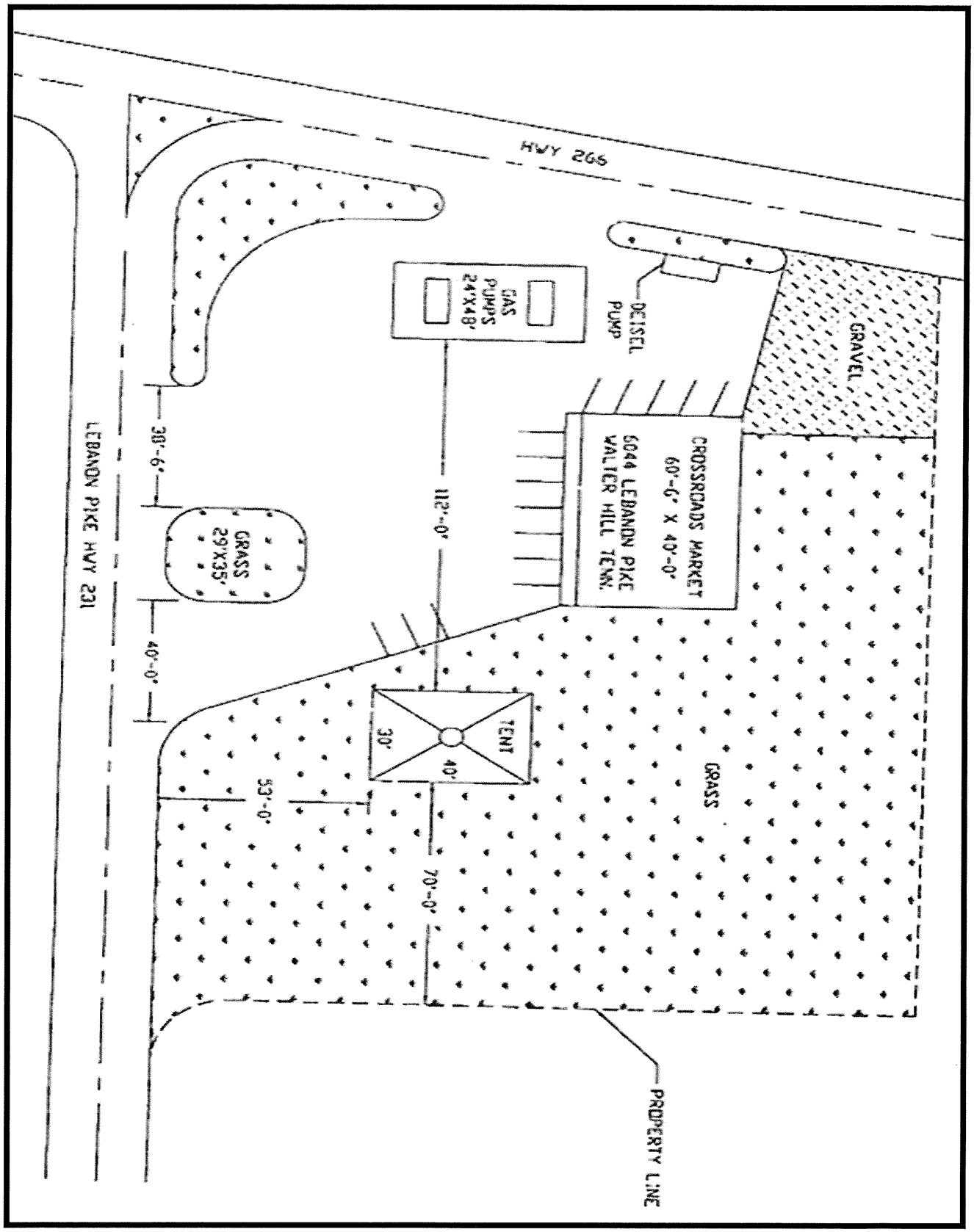
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-017 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

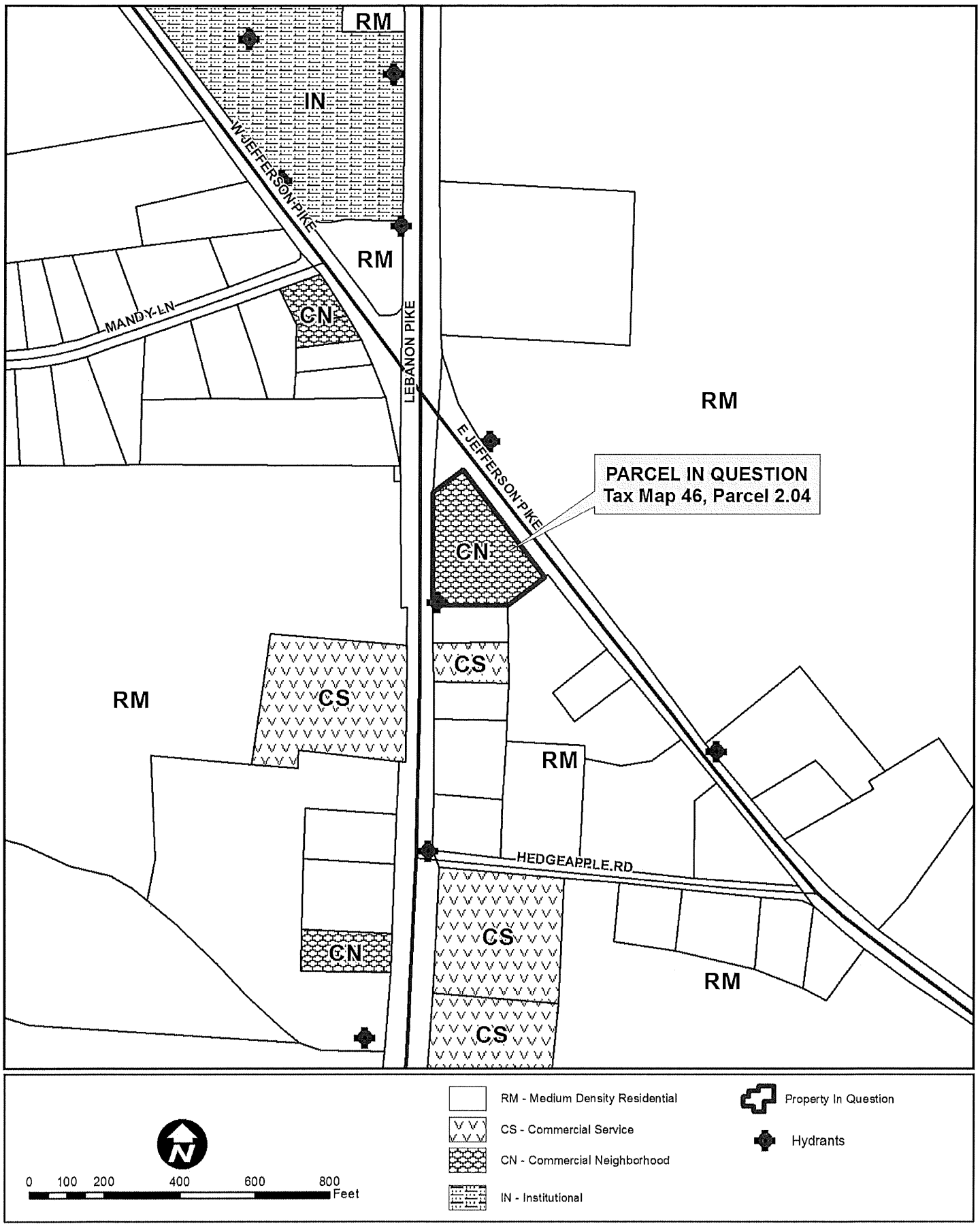
LIST OF ATTACHMENTS

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

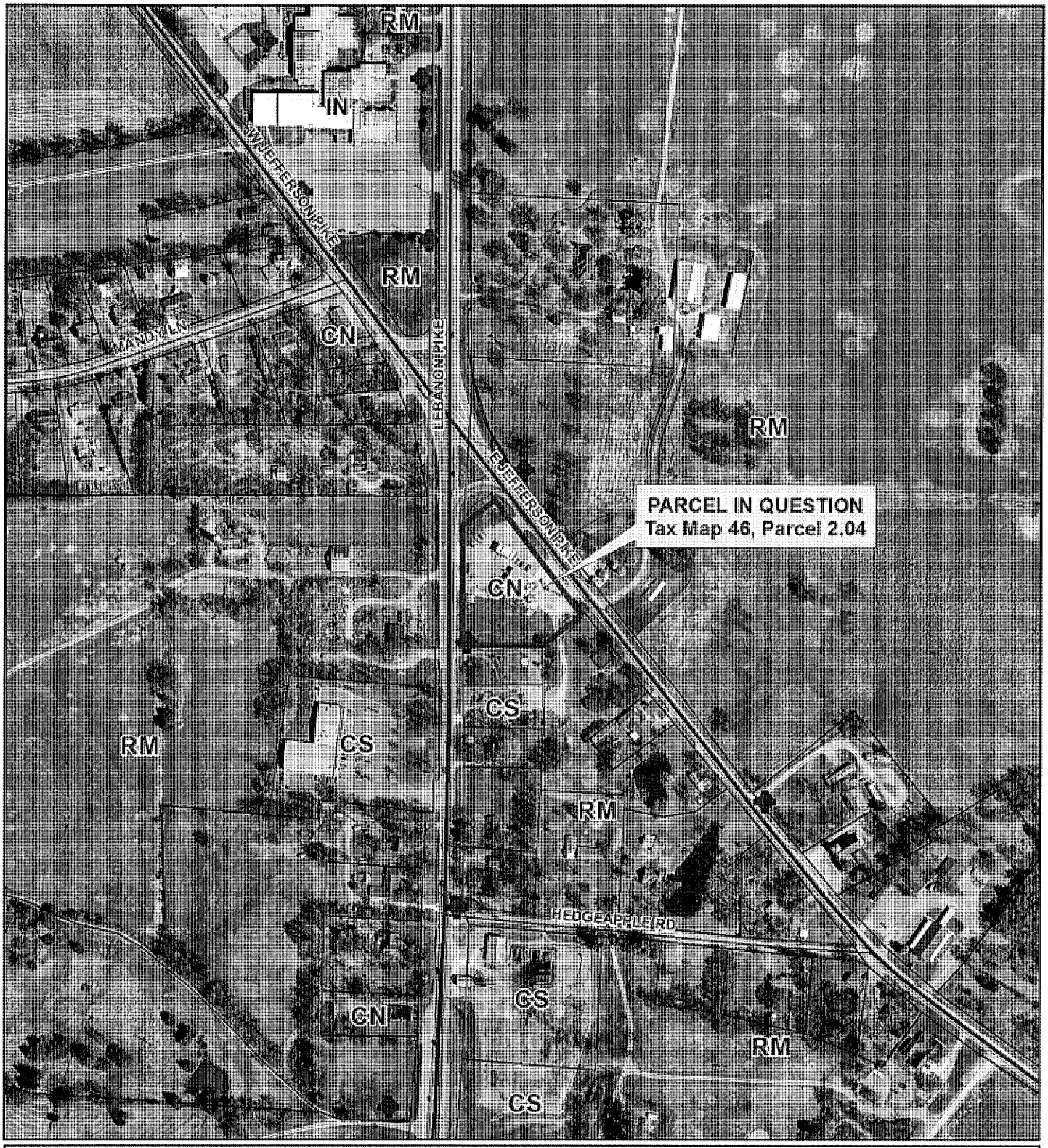
2016-017


PROPERTY LINE
GRASS
CROSSROADS MARKET
60'-0" X 40'-0"
6044 LEBANON PIKE
WALTER HILL TENN.
TENT
40'
30'
70'-0"
112'-0"
GAS
PUMPS
24'X48'
DEISEL
PUMP
GRAVEL
HWY 266
53'-0"
GRASS
29'X35'
40'-0"
38'-6"
LEBANON PIKE HWY 231

2016-017


RM
IN
W JEFFERSON PIKE
RM
MANDY LN
CN
LEBANON PIKE
RM
E JEFFERSON PIKE
PARCEL IN QUESTION
Tax Map 46, Parcel 2.04
CN
CS
CS
RM
RM
HEDGEAPPLE RD
CS
CN
RM
CS
RM - Medium Density Residential
CS - Commercial Service
CN - Commercial Neighborhood
IN - Institutional
Property In Question
Hydrants
0 100 200 400 600 800
Feet

2016-017



Property In Question

Hydrants

0 100 200 400 600 800 Feet

APPLICATION BZA 2016-018

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE CN, COMMERCIAL NEIGHBORHOOD ZONE.

OWNER AND APPLICANT DATA

Owner Name:	Bansari Nirav Patel
Applicant Name:	Surefire Fireworks

SITE DATA

Location Address:	5855 Shelbyville Highway	Site Acreage:	2
Tax Map:	158P Group: A	Parcel Number:	4.00 and 5.00
Zoning District:	CN- Commercial Neighborhood	Commission District:	Joe Frank Jernigan

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

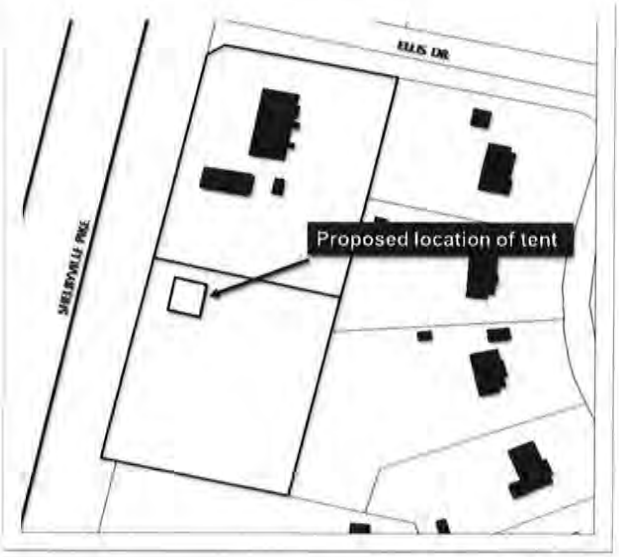
- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject site is located off Shelbyville Highway and Ellis Drive. It is one of two properties in this area zoned Commercial Neighborhood and is developed as convenience store/gas station. Residential uses surround the subject property in all directions and a retail commercial store is located across Shelbyville Pike.

DESCRIPTION OF REQUEST

The Applicant is seeking temporary special exception approval for the sale of fireworks from June 20 to July 5, 2016. The Applicant is requesting a 30' x 50' tent to be located in the next to the parking lot of the convenience store. The proposed hours of operation will be 9:00 a.m. to 11 p.m. for the duration of the sale The Applicant is proposing to install two banners measuring 32 square feet advertising the sales. Since the proposed use is temporary, the Rutherford County Zoning Regulations limits temporary signage to two per lot and the cumulative total of temporary signage is limited to 32 square feet. There will be two to three employees on site during the proposed sale.



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;

   If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

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

   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 site is accessed via Shelbyville Highway, a four-lane state highway and Ellis Drive. Existing parking areas on the site can accommodate the proposed use.

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

   Since the use is temporary and is located in a commercial area, the proposed use will not be incompatible to the surrounding area. For example for 2015, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks this site in Application 2015-010. The specific standards discussed below act ensure the safety of those using the facility.

Specific Standards For Temporary Use Activities Involving Fireworks Sales Tents

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents

   A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January 1st. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. The following shall apply:

   A. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

B. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the installation of the tent upon the site. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

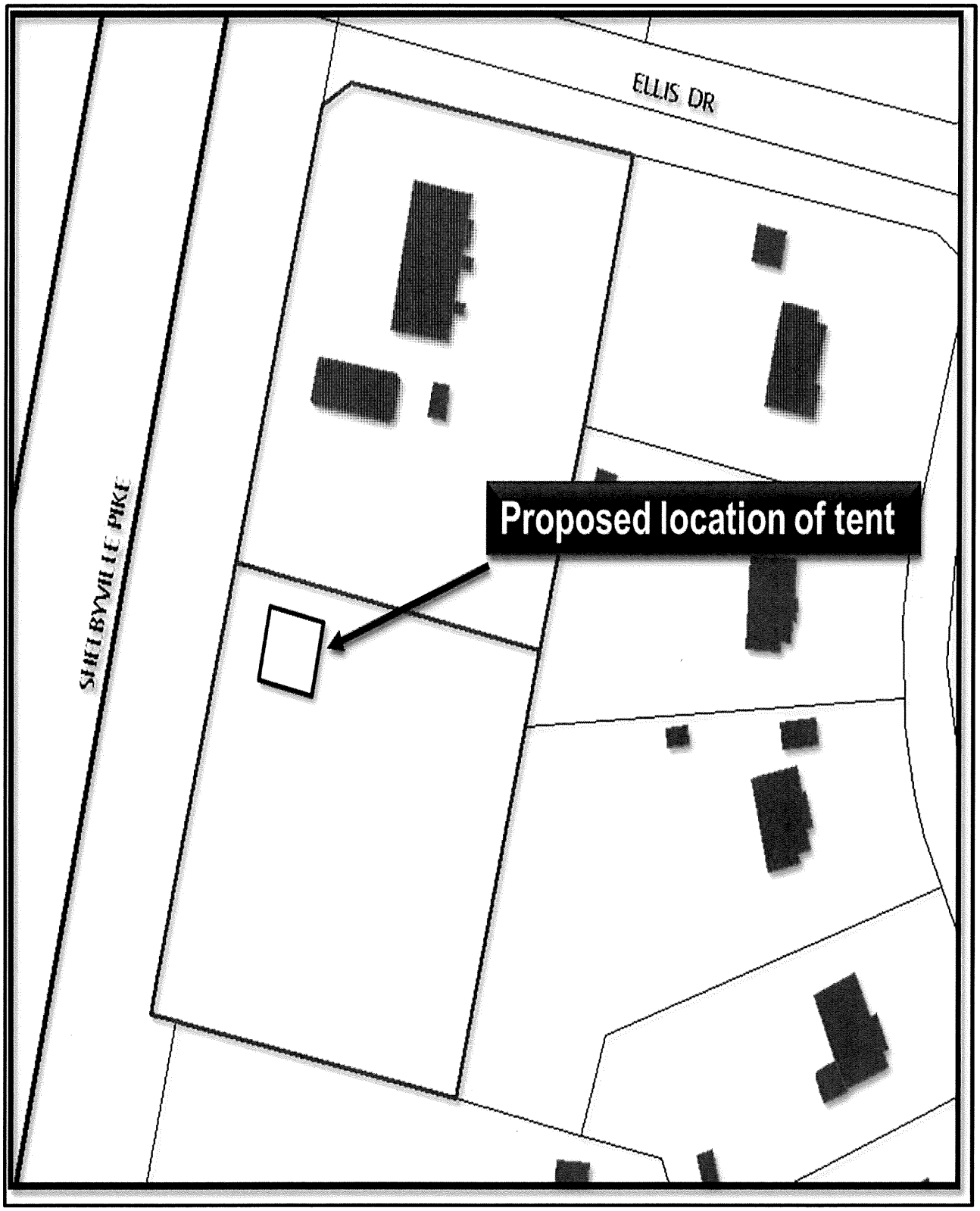
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-018 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

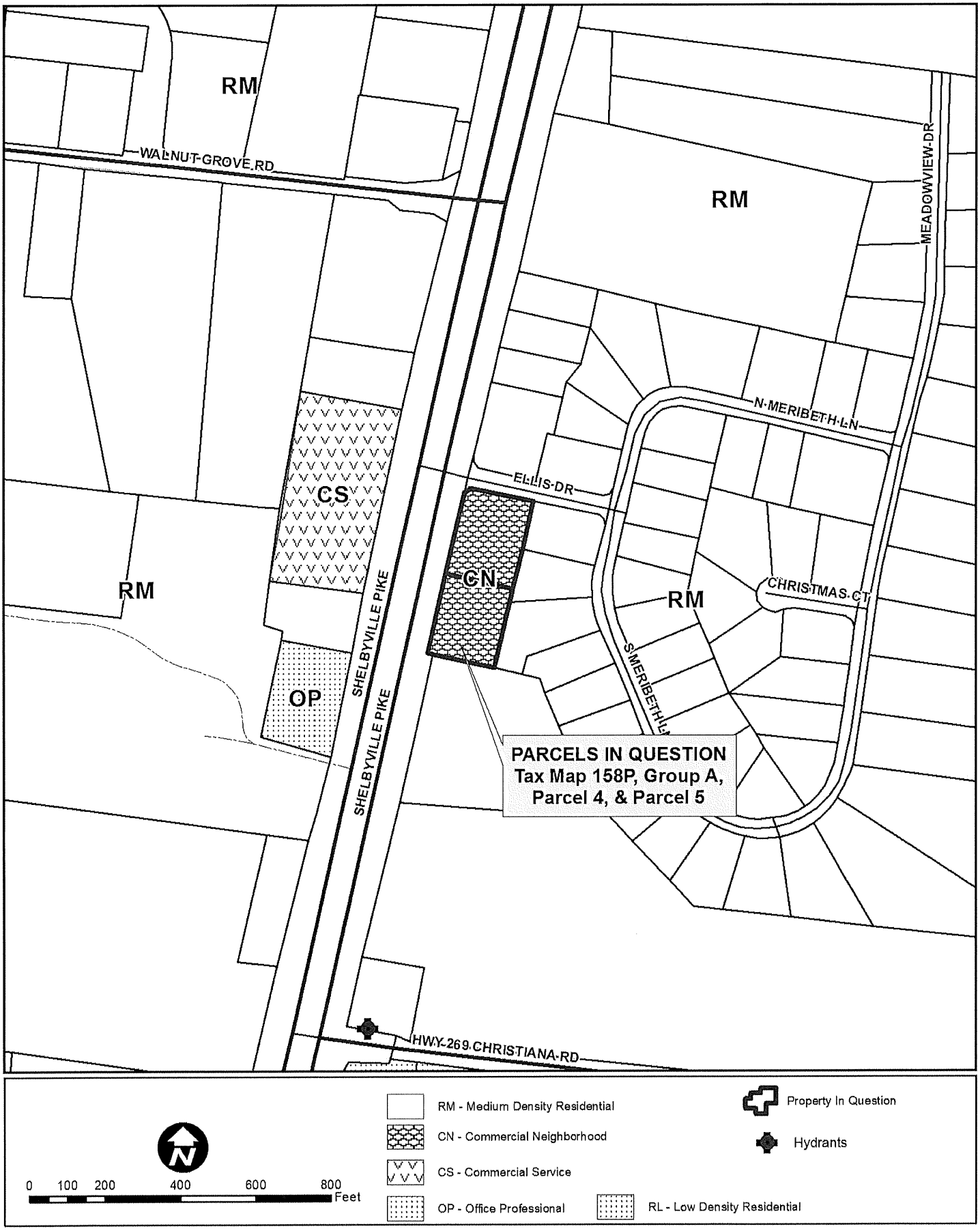
LIST OF ATTACHMENTS

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

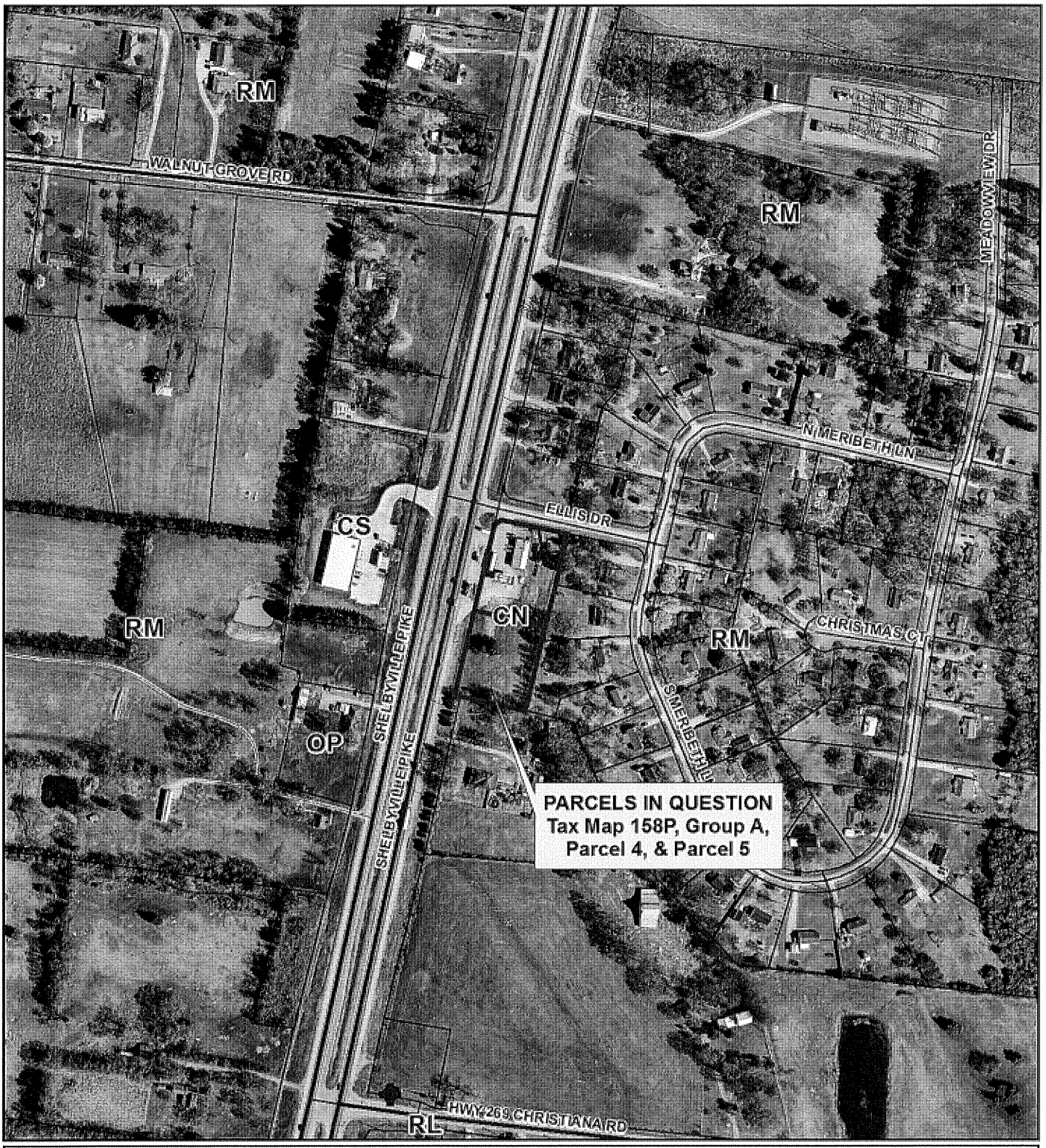
2016-018



2016-018


RM
WALNUT GROVE RD
RM
MEADOWVIEW DR
N MERIBETH LN
ELLIS DR
CS
CN
RM
CHRISTMAS CT
RM
SHELBYVILLE PIKE
OP
SHELBYVILLE PIKE
S MERIBETH LN
PARCELS IN QUESTION
Tax Map 158P, Group A,
Parcel 4, & Parcel 5
HWY 269 CHRISTIANA RD
0 100 200 400 600 800
Feet
RM - Medium Density Residential
CN - Commercial Neighborhood
CS - Commercial Service
OP - Office Professional
RL - Low Density Residential
Property In Question
Hydrants

2016-018



Property In Question

Hydrants

N

0 100 200 400 600 800 Feet

APPLICATION BZA 2016-019

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE CS, COMMERCIAL SERVICES ZONE.

OWNER AND APPLICANT DATA

Owner Name: Shane Fogle
Applicant Name: Surefire Fireworks

SITE DATA

Location Address:	At the intersection of HWY 99 and Clearidge Drive	Site Acreage:	2.24
Tax Map:	123G Group: A	Parcel Number:	1.02
Zoning District:	CS- Commercial Services	Commission District:	Pettus Read

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

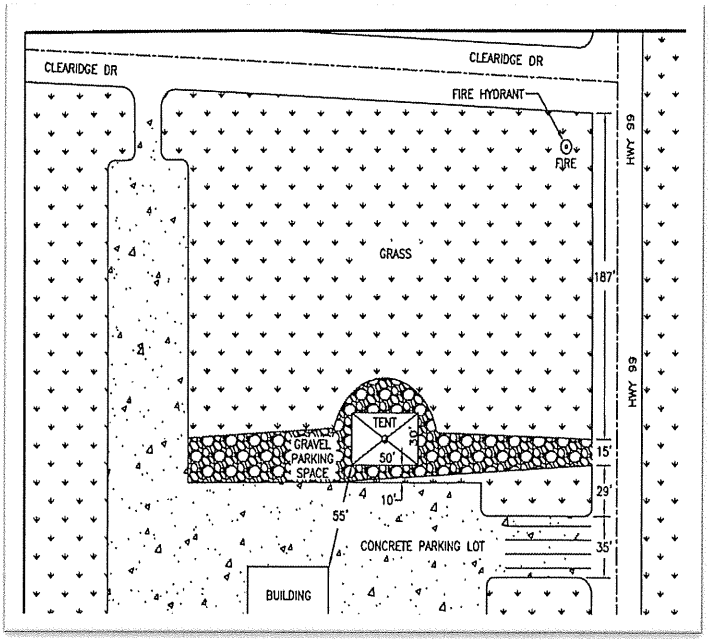
- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject site is located off HWY 99. It is one of three properties in this area zoned Commercial Services and is vacant. Adjacent properties to the east and south direction include a Dollar General retail store and a landscaping company. Agricultural and Residential uses are located to the north and south directions of the subject site.

DESCRIPTION OF REQUEST

The Applicant is seeking temporary special exception approval for the sale of fireworks from June 20 to July 5, 2016. The Applicant is proposing to erect a 30' x 50' tent. The proposed hours of operation will be 9:00 a.m. To 11 p.m., 7-days a week. There will be two employees on site. The request involves the same site previously approved in years 2008 through 2015. The Applicant is proposing to install two banners measuring 32 square feet advertising the sales. Since the proposed use is temporary, the Rutherford County Zoning Regulations limits temporary signage to two per lot and the cumulative total of temporary signage is



limited to 32 square feet.

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;

   If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

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

   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 site is accessed via Highway 99, a two-lane state highway. Existing parking areas on the site can accommodate the proposed use. A fire hydrant is located upon the subject property.

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

   Since the use is temporary and is located in a commercial area, the proposed use will not be incompatible to the surrounding area. For example in 2015, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks from the subject property in Application BZA 2015-011. The specific standards discussed below act ensure the safety of those using the facility.

Specific Standards For Temporary Use Activities Involving Fireworks Sales Tents

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents

   A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January 1st. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. The following shall apply:

A. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

B. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the installation of the tent upon the site. The site plan provided by the applicant indicates that the proposed tent will be located more than 40' from the front property line along Highway 99. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

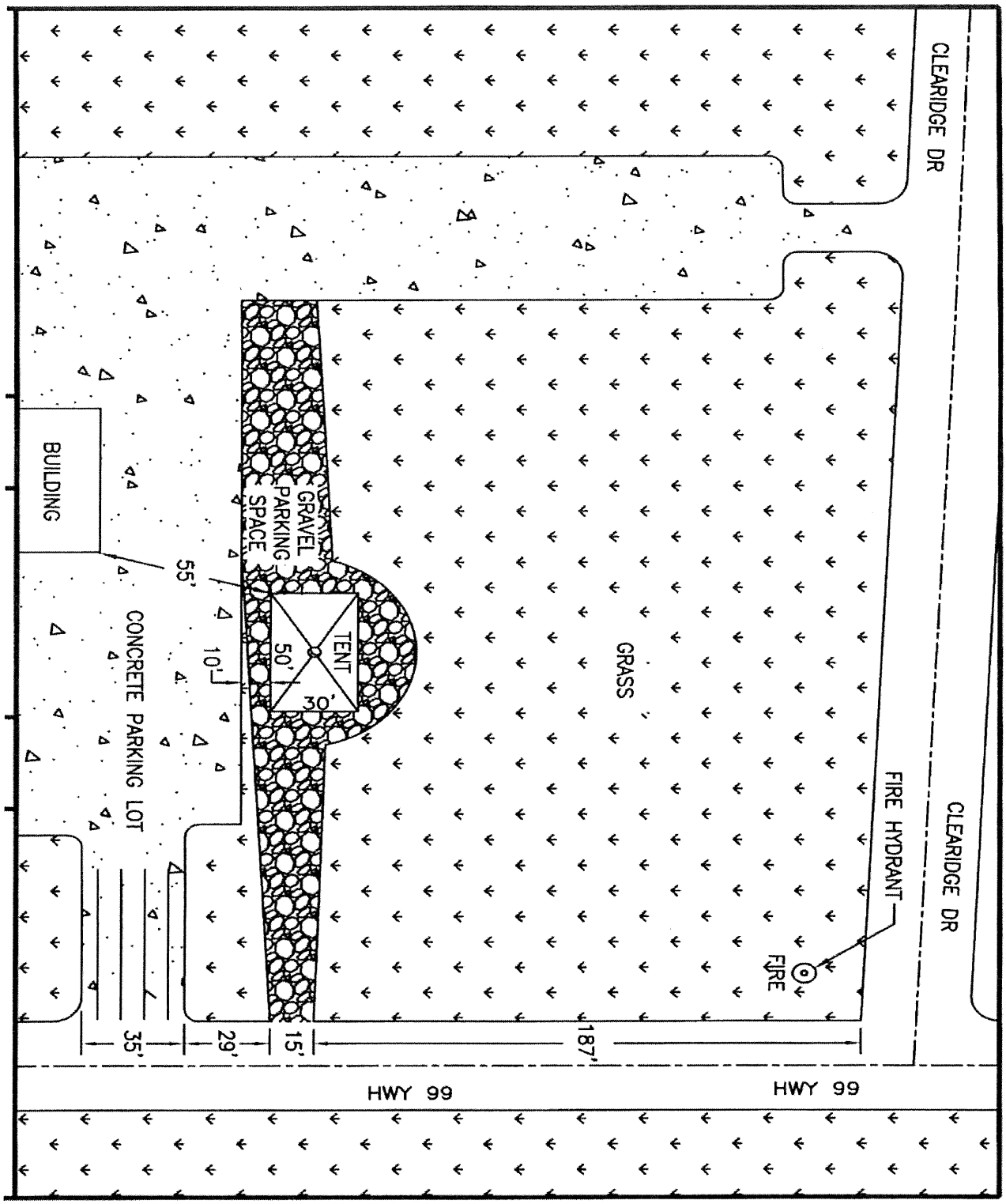
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-019 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

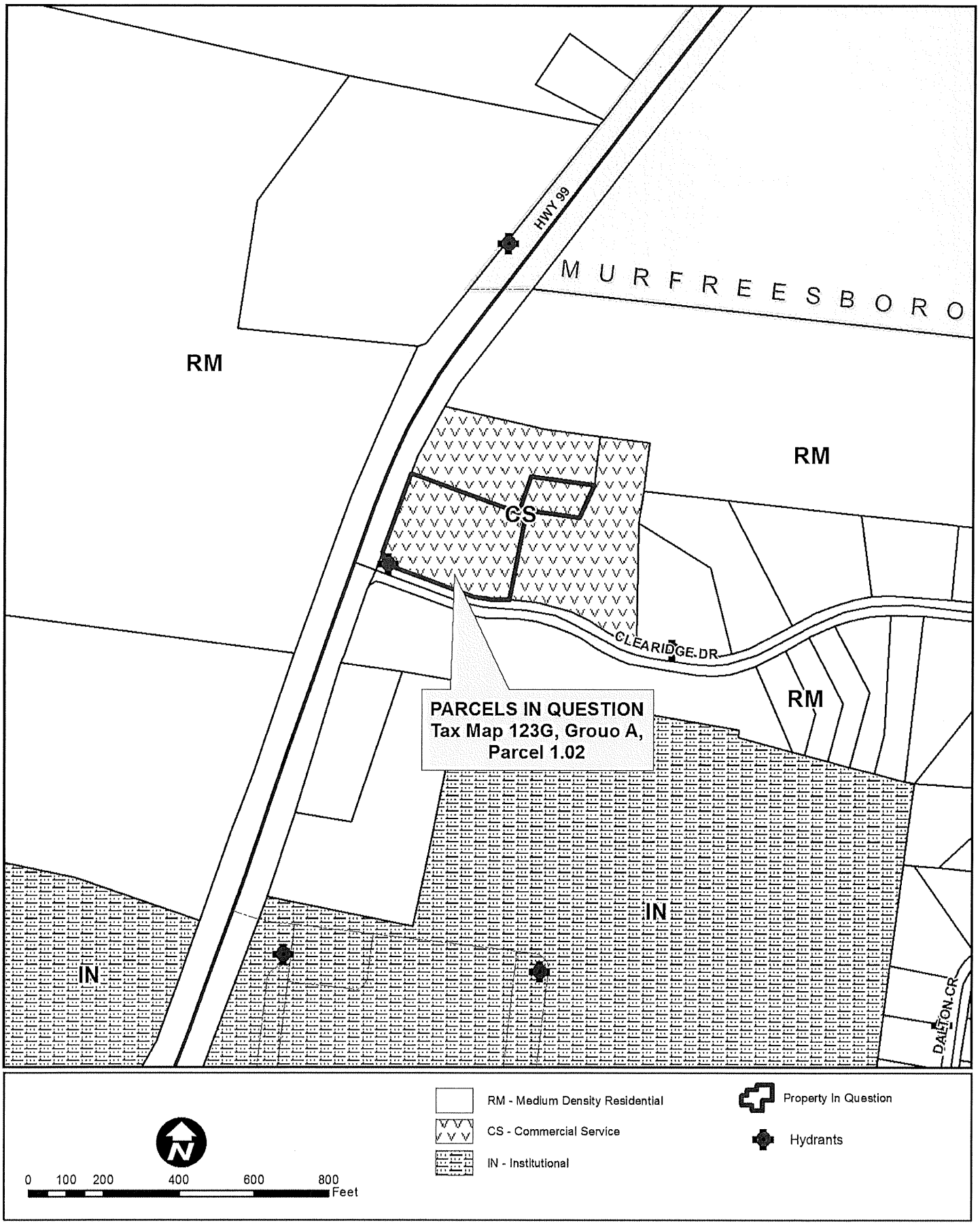
LIST OF ATTACHMENTS

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

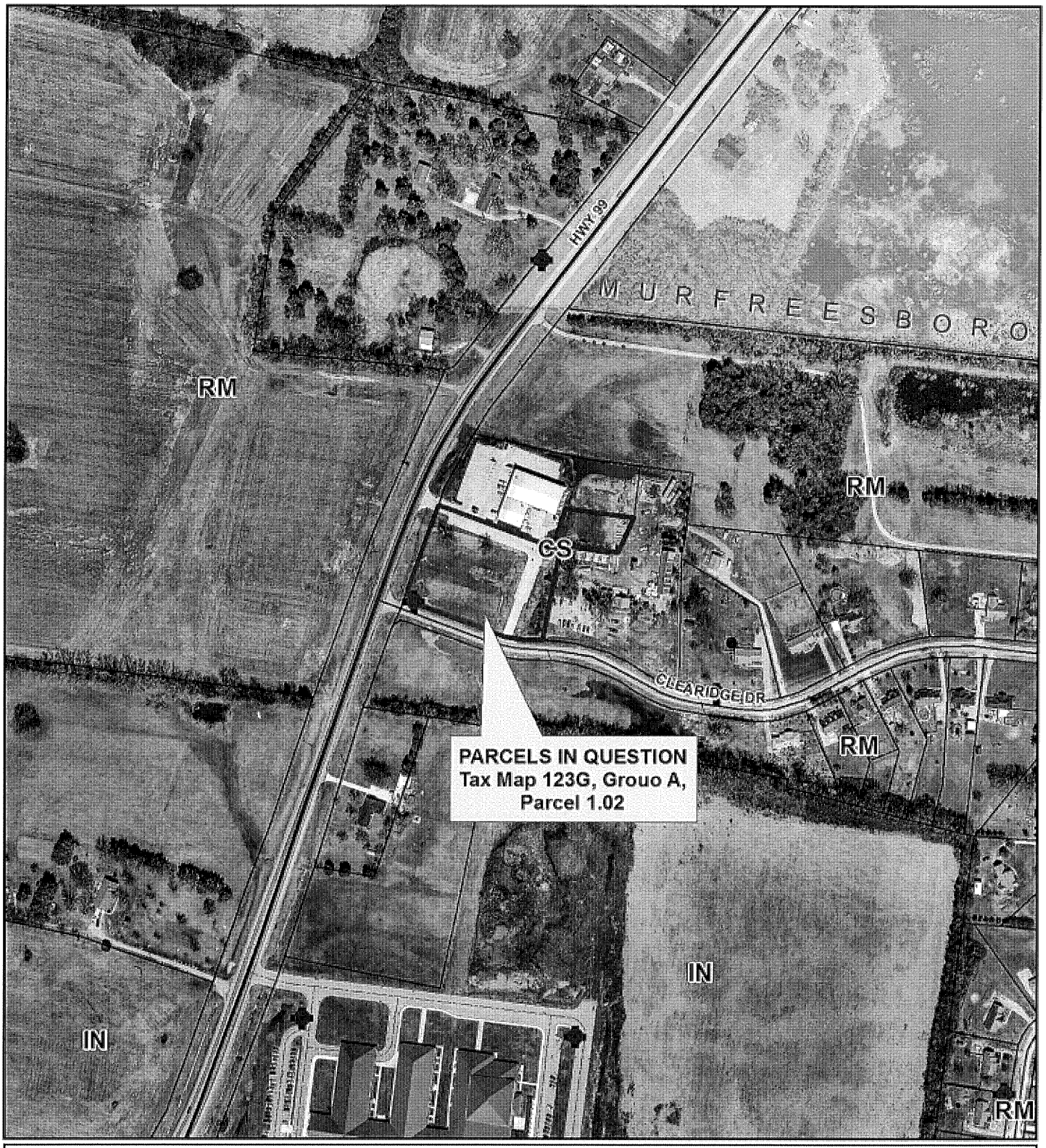
2016-019


CLEARIDGE DR
CLEARIDGE DR
FIRE HYDRANT
FIRE
GRASS
GRAVEL PARKING SPACE
TENT
50'
30'
55'
10'
BUILDING
CONCRETE PARKING LOT
35'
29'
15'
187'
HWY 99
HWY 99

2016-019


HWY 99
MURFREESBORO
RM
RM
CS
CLEARIDGE DR
RM
PARCELS IN QUESTION
Tax Map 123G, Grouo A,
Parcel 1.02
IN
IN
DALTON CR
RM - Medium Density Residential
CS - Commercial Service
IN - Institutional
Property In Question
Hydrants
N
0 100 200 400 600 800
Feet

2016-019



Property In Question

Hydrants

N

0 100 200 400 600 800 Feet

APPLICATION BZA 2016-020

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE EAC, EMPLOYMENT ACTIVITY CENTER ZONING DISTRICT.

OWNER AND APPLICANT DATA

Owner Name: Love's Truck Stop
Applicant Name: TNT Fireworks

SITE DATA

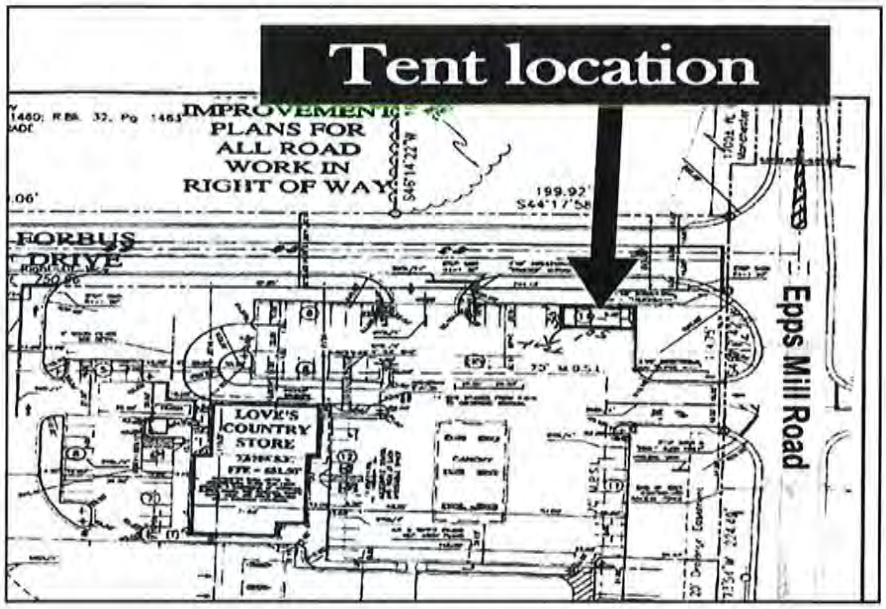
Location Address:	6137 Epps Mill Road	Site Acreage:	9.5
Tax Map:	156	Parcel Number:	26.00
Zoning District:	EAC-Employment Activity Center	Commission District:	Joe Frank Jernigan

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 8, Special Character District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject property is developed as a truck stop/convenience store/gas station and fast food restaurant and is located at the intersection of Forbus Drive and Epps Mill Road. The surrounding area includes I-24/Epps Mill Road Interchange, retail commercial businesses and industrial businesses (EAC-Employment Activity Center).



DESCRIPTION OF REQUEST

The Applicant is seeking temporary special exception approval for a fireworks tent located at the Love's Country Store #314 during a period starting June 21, 2016 through July 5, 2016. The Applicant is requesting approval to place a 20' x 60' tent in the parking lot of the Love's Country Store. The proposed hours of operation will be 10:00 AM to 10:00 PM, 7-days a week and will be open until midnight on the July 4, 2016. The Applicant is proposing to put up 9 business related signs ranging in sizes from 2' x 2' and 3' x 10'. Since the proposed use is temporary the Rutherford County Zoning Regulations limits temporary signage to two per lot and the cumulative total of

temporary signage is limited to 32 square feet. This request is identical to the requests approved from 2008-2015.

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;

   If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

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

   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 site is accessed via Epps Mill Road and Forbus Drive. Existing parking areas on the site can accommodate the proposed use. A fire hydrant is located directly in front of the subject property.

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

   Since the use is temporary and is located in a commercial area, the proposed use will not be incompatible to the surrounding area. For example for years 2008-2015, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks from this property. The specific standards discussed below act ensure the safety of those using the facility.

Specific Standards For Temporary Use Activities Involving Fireworks Sales Tents

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents

   A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January 1st. Such use shall only be permitted on lots where adequate off-street parking can be

provided and where adjoining uses will not be affected. The following shall apply:

A. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

B. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the installation of the tent upon the site. According to the conceptual plan submitted by the Applicant, the setback requirement is met along the Epps Mill frontage. Although, the tent is shown as being located approximately twelve feet (12') from the Forbus Road frontage. Section 1408 B. of the Zoning Ordinance of Rutherford County states that "The Board may impose such other conditions and restrictions upon the premises benefited by a special exception permit as may be necessary to comply with the provisions set out hereafter in this Section in order to reduce or minimize the injurious effect of such special exception upon and ensure compatibility with surrounding property and to better carry out the general intent of this ordinance." The Board is authorized to grant a temporary variance for the deficit as part of the conditions imposed on the proposed use and has approved a similar variance in prior applications submitted by TNT Fireworks.

STAFF FINDINGS

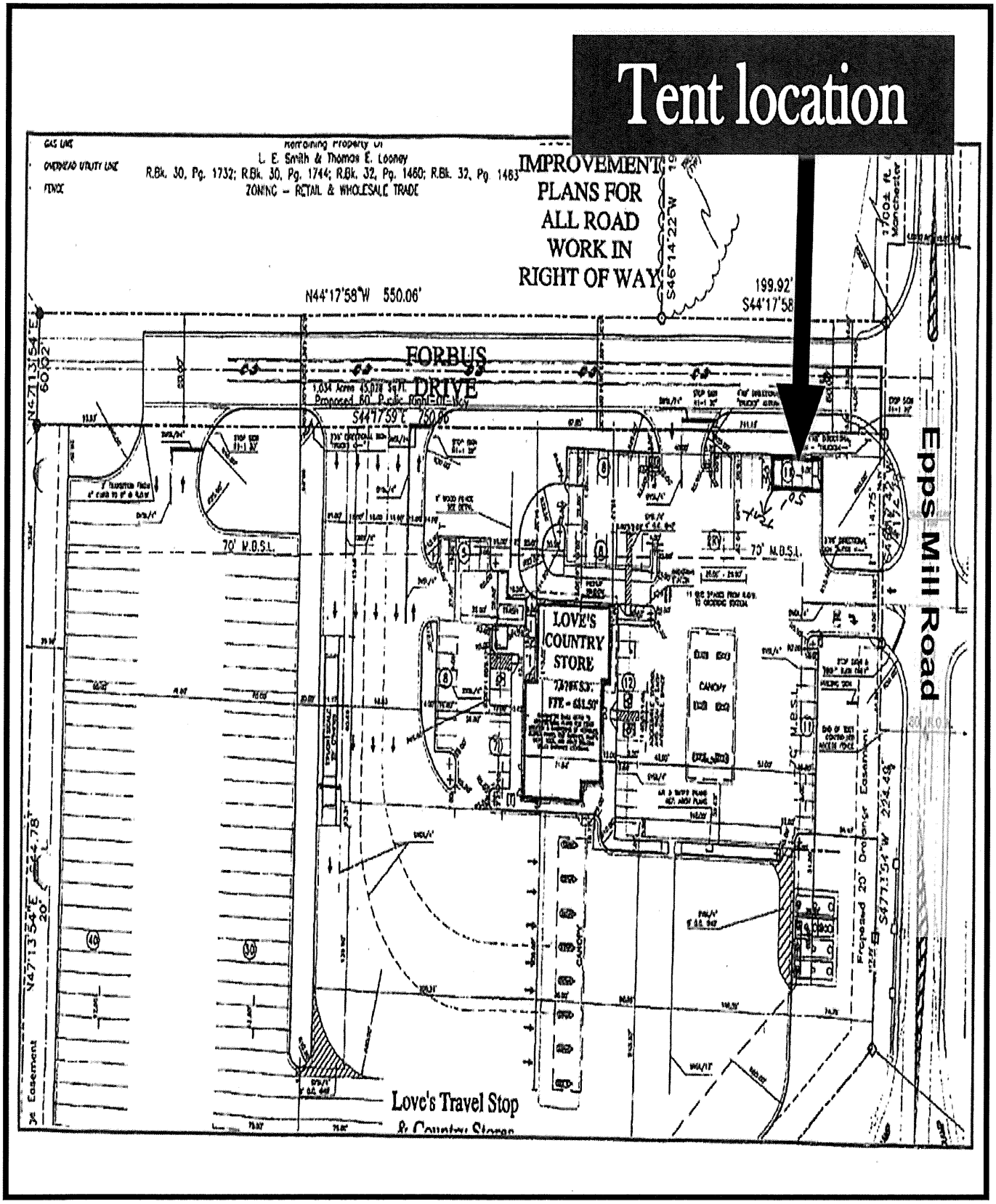
In conclusion, Staff finds that the request in Application 2016-0020 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception subject to the following conditions:

1. A temporary variance is granted which allows the tent to be placed approximately twelve (12) feet from the property boundary along Forbus Road, and
2. The use shall remain in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

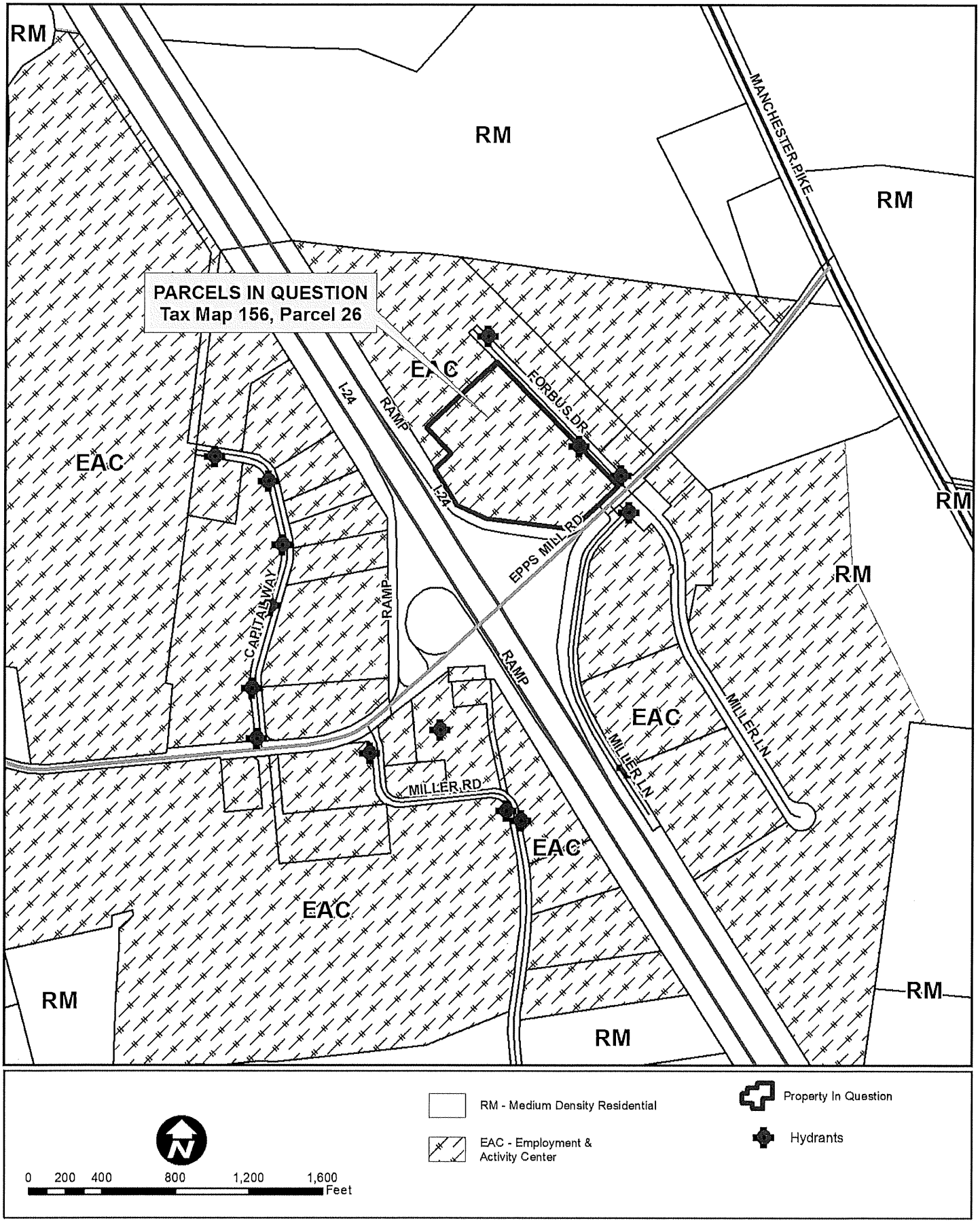
LIST OF ATTACHMENTS

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

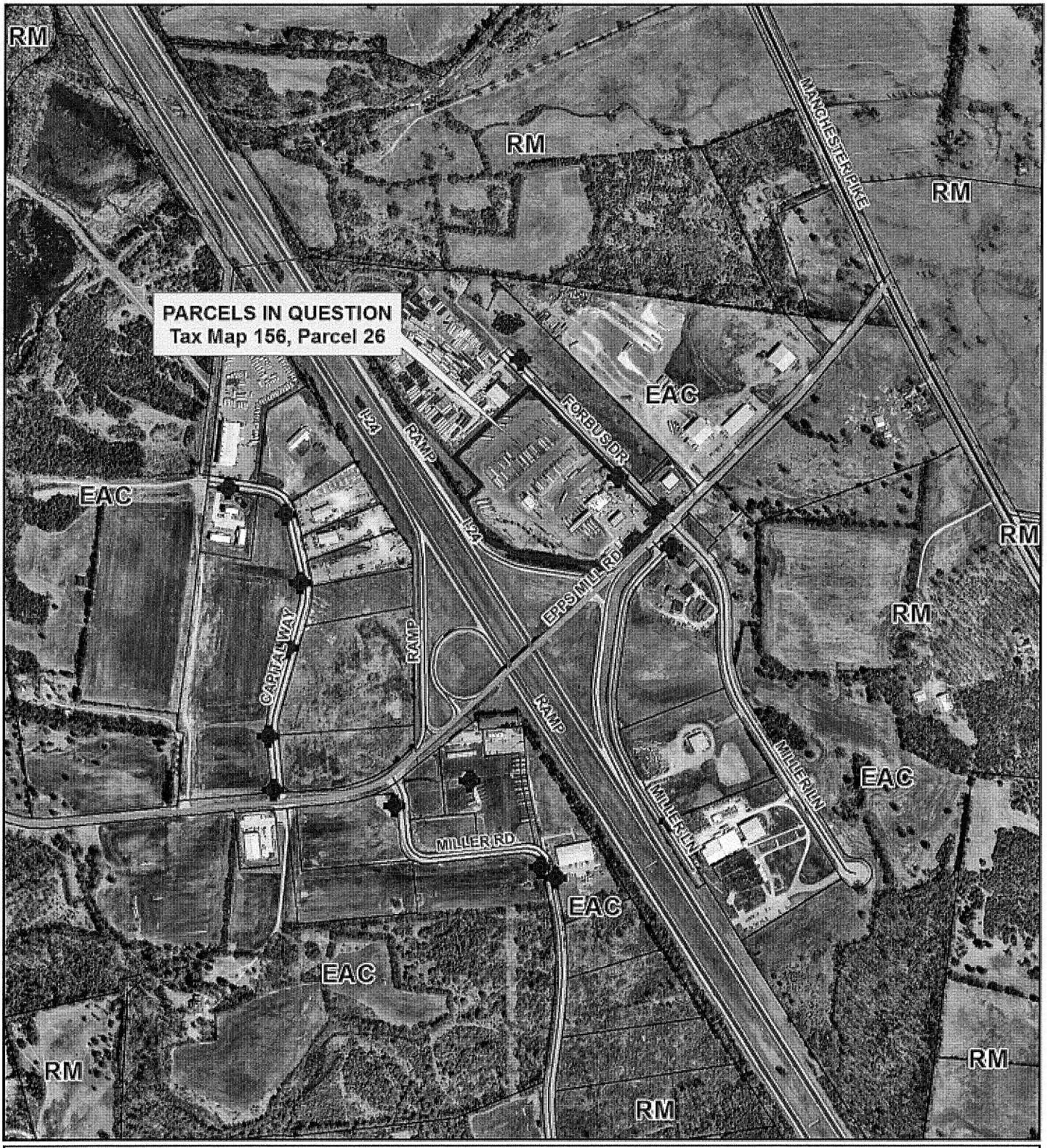
2016-020


Tent location
IMPROVEMENT PLANS FOR ALL ROAD WORK IN RIGHT OF WAY
N44°17'58"W 550.06'
199.92'
S44°17'58
FORBUS DRIVE
S44°17'59"E 750.96
70' M.B.S.L.
LOVE'S COUNTRY STORE
CANOPY
Epps Mill Road
Proposed 20' Drainage Easement
Love's Travel Stop
& Country Stores

2016-020


RM
RM
MANCHESTER PIKE
RM
PARCELS IN QUESTION
Tax Map 156, Parcel 26
EAC
FORBUS DR
I-24
RAMP
I-24
EAC
EPPS MILL RD
RM
RM
CAPITAL WAY
RAMP
RAMP
EAC
MILLER LN
MILLER LN
MILLER RD
EAC
EAC
RM
RM
RM
RM - Medium Density Residential
EAC - Employment & Activity Center
Property In Question
Hydrants
0 200 400 800 1,200 1,600
Feet

2016-020



Property In Question

Hydrants

0 200 400 800 1,200 1,600 Feet

APPLICATION BZA 2016-023

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE CS, COMMERCIAL SERVICES ZONING DISTRICT.

OWNER AND APPLICANT DATA

Owner Name: Montgomery G. Turner
Applicant Name: Absolute Fireworks

SITE DATA

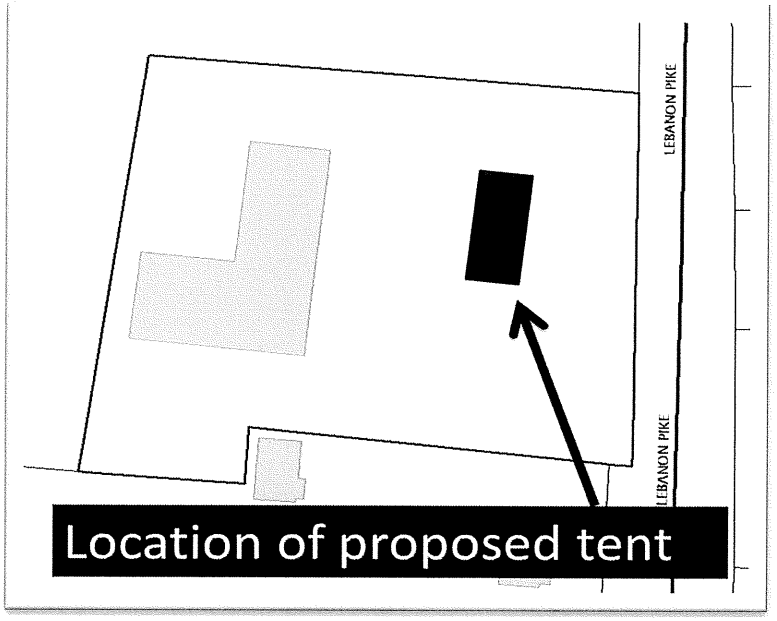
Location Address:	5975 Lebanon Pike	Site Acreage:	2.84
Tax Map:	47D Group: B	Parcel Number:	1.00
Zoning District:	CS- Commercial Services	Commission District:	Will Jordan

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject property is developed as a commercial shopping center and is located off 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).



The Applicant is seeking temporary special exception approval that will temporary sale of fireworks in the CS-Commercial Services zoning district. The applicant is proposing to erect a 60' x 30' tent. The proposed hours of operation will be 9:00 a.m. To 10:00 p.m., 7-days a week, June 20th through July 3rd and 9:00 AM to Midnight on July 4/5th. The applicant is proposing to install a 16 square-

foot sign advertising the sales. There will be two (2) employees stationed at the requested temporary fireworks stand. This site was approved for the same request in years 2010-2015.

DESCRIPTION OF REQUEST

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;

   If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

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

   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 site is accessed via Lebanon Pike. Existing parking areas on the site can accommodate the proposed use. A fire hydrant is located approximately 140' from the subject property.

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

   Since the use is temporary and is located in a commercial area, the proposed use will not be incompatible to the surrounding area. For example in 2015, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks from this property in Application 2015-017. The specific standards discussed below act ensure the safety of those using the facility.

SPECIFIC STANDARDS FOR TEMPORARY USE ACTIVITIES INVOLVING FIREWORKS SALES TENTS

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents

   A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January 1st. Such use shall only be permitted on lots where adequate off-street parking can be

provided and where adjoining uses will not be affected. The following shall apply:

A. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

B. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the installation of the tent upon the site. The site plan provided by the applicant indicates that the proposed tent will be located approximately 60' from the front property line. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

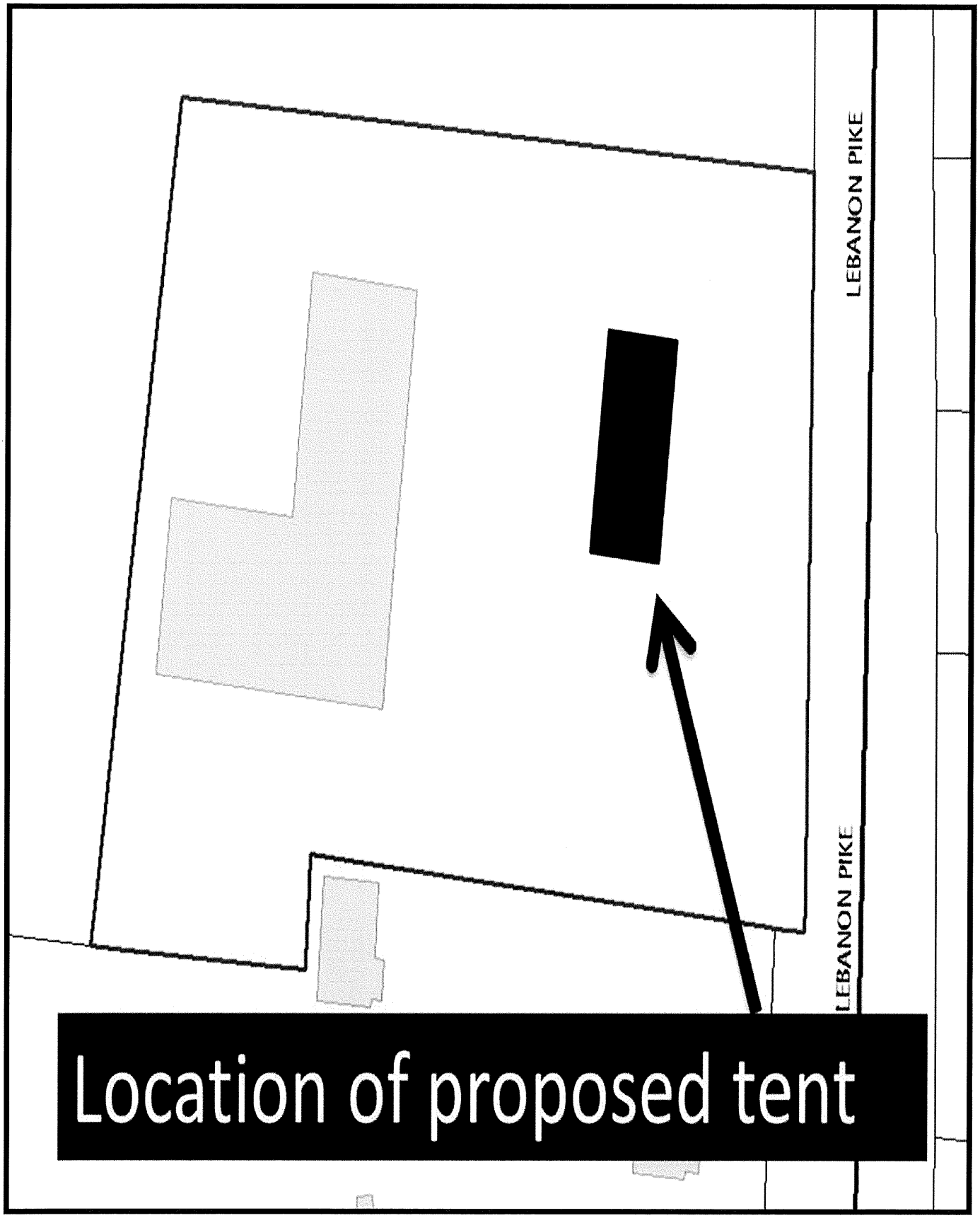
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-023 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

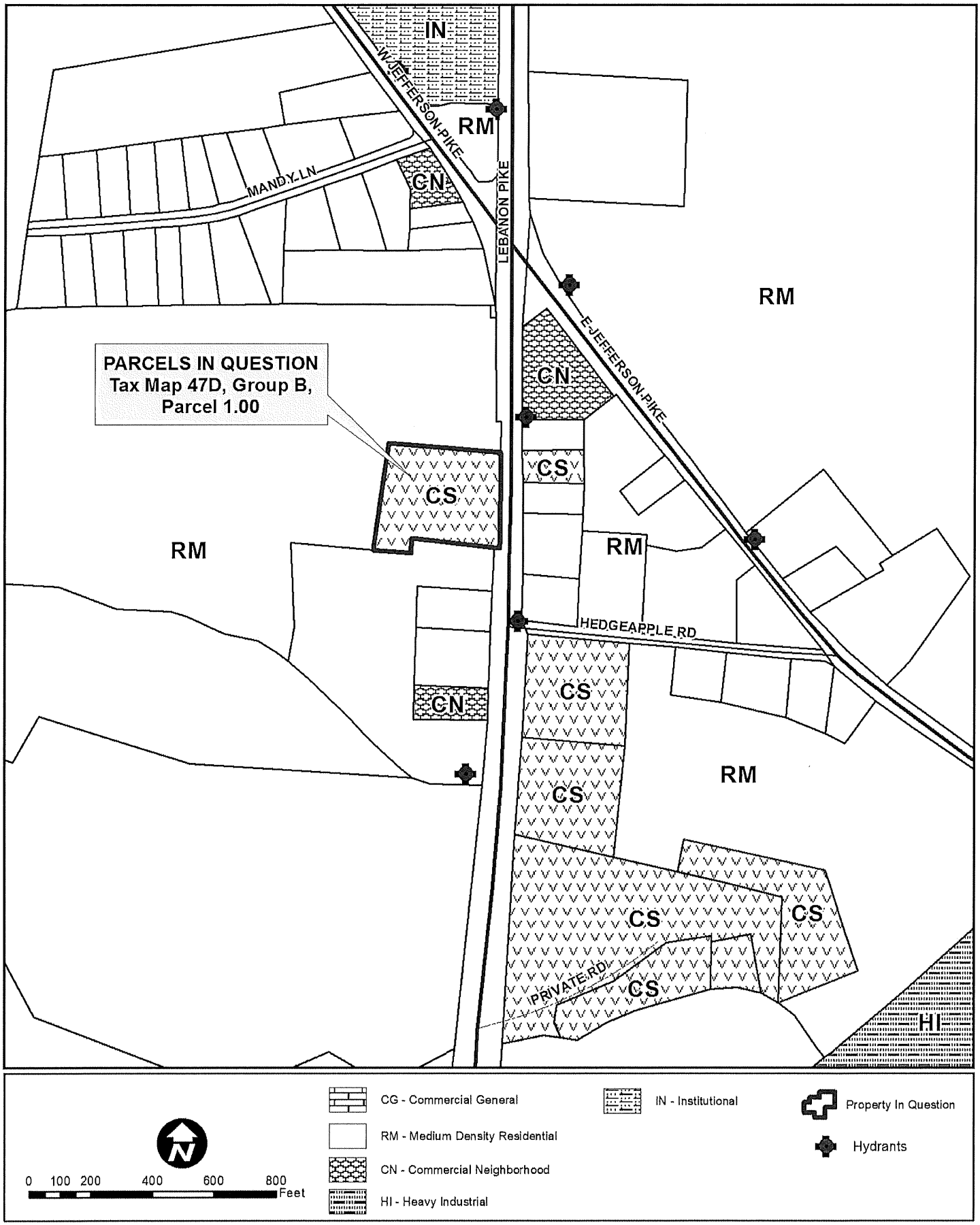
LIST OF ATTACHMENTS

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

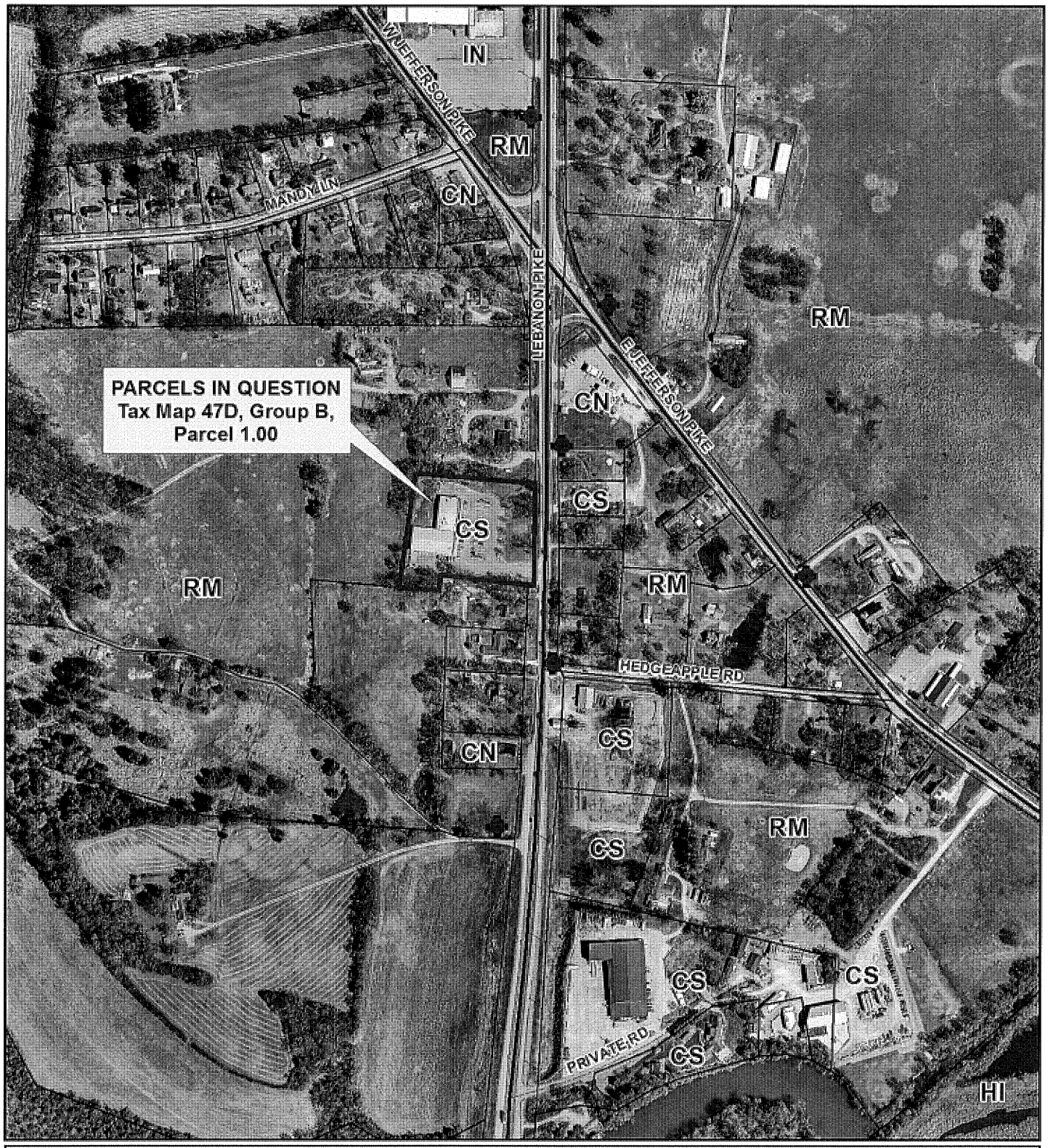
2016-023



2016-023


IN
W JEFFERSON PIKE
RM
MANDY LN
CN
LEBANON PIKE
RM
E JEFFERSON PIKE
PARCELS IN QUESTION
Tax Map 47D, Group B,
Parcel 1.00
CN
CS
CS
RM
RM
HEDGEAPPLE RD
CN
CS
RM
CS
CS
CS
PRIVATE RD
CS
HI
CG - Commercial General
RM - Medium Density Residential
CN - Commercial Neighborhood
HI - Heavy Industrial
IN - Institutional
Property In Question
Hydrants
0 100 200 400 600 800
Feet

2016-023



Property In Question

Hydrants

0 100 200 400 600 800 Feet

APPLICATION BZA 2016-024

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE CS, COMMERCIAL SERVICES ZONING DISTRICT.

OWNER AND APPLICANT DATA

Owner Name: Shon Suk Bin ETUX Jung JA
Applicant Name: Absolute Fireworks

SITE DATA

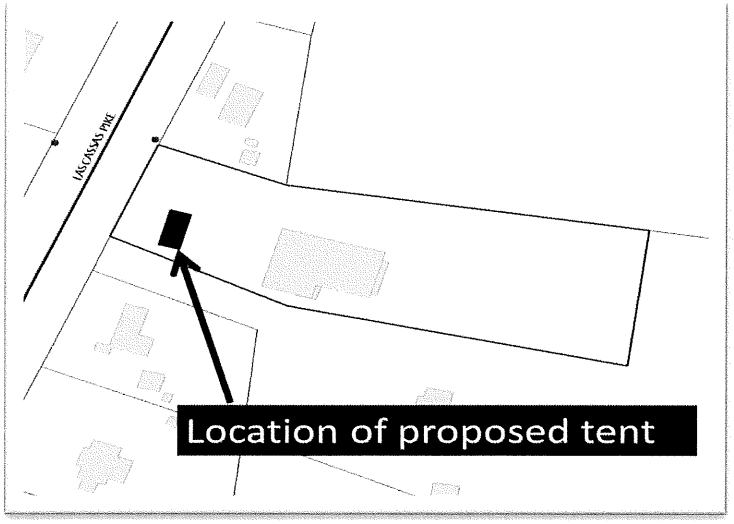
Location Address:	2706 Lascassas Pike	Site Acreage:	2.70
Tax Map:	68	Parcel Number:	106.00
Zoning District:	CS-Commercial Services	Commission District:	Robert Peay, Jr.

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject property is developed as a commercial shopping center and is located Lascassas Pike. The surrounding area includes a convenience store/gas station (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 that will allow the sale of fireworks on a developed commercial property located within the Commercial Services zone. In years 2011 – 2015, the Board of Zoning Appeals approved the same request for a fireworks stand on the subject site. The Applicant is requesting a 30' x 60' tent to be located in the Dollar General parking lot. The proposed hours of operation will be 9:00 a.m. to 10:00 p.m., 7-days a week from June 20 – July 5, 2016. The hours of operation will be extended to midnight on July 4. The Applicant is proposing to install a 16 square foot sign advertising the sales. Since the proposed use is temporary, the

Rutherford County Zoning Regulations limits temporary signage to two per lot and the cumulative total of temporary signage is limited to 32 square feet. There will be two employees on site during the proposed sale.

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;

   If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

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

   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 site is accessed via Lascassas Pike, a two-lane state highway. Existing parking areas on the site can accommodate the proposed use. A fire hydrant is located directly in front of the subject property.

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

   Since the use is temporary and is located in a commercial area, the proposed use will not be incompatible to the surrounding area. For example in 2015, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks from this property in Application 2015-018. The specific standards discussed below act ensure the safety of those using the facility.

Specific Standards For Temporary Use Activities Involving Fireworks Sales Tents

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents

   A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January

1st. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. The following shall apply:

A. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

B. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the installation of the tent upon the site. The site plan provided by the applicant indicates that the proposed tent will be located approximately 40' from the front property line. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

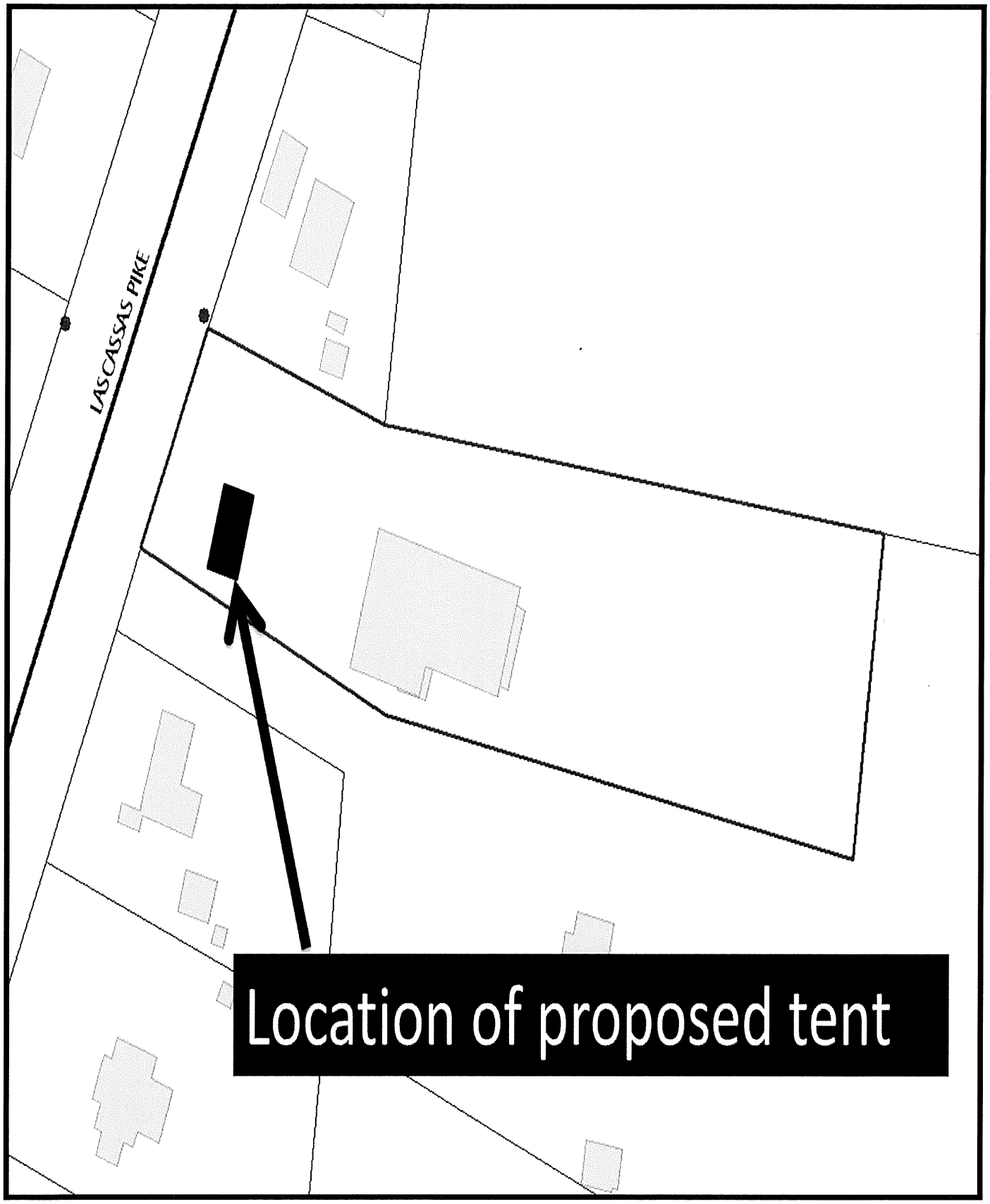
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-024 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

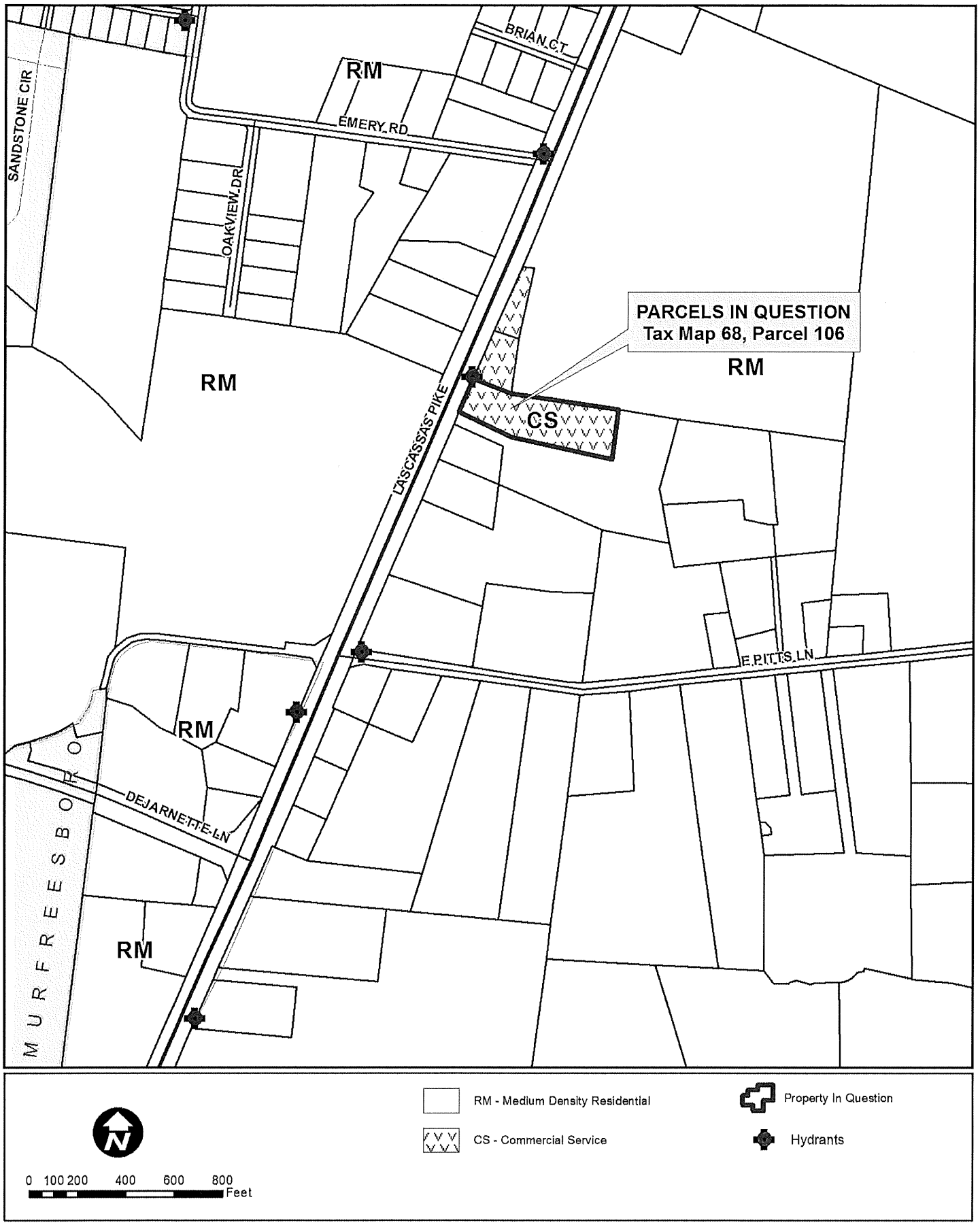
LIST OF ATTACHMENTS

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

2016-024



2016-024


BRIAN CT
RM
EMERY RD
SANDSTONE CIR
OAKVIEW DR
PARCELS IN QUESTION
Tax Map 68, Parcel 106
RM
RM
CS
LASCASSAS PIKE
E PITTS LN
RM
DEJARNETTE LN
MURFREESBORO
RM
RM - Medium Density Residential
CS - Commercial Service
Property In Question
Hydrants
0 100 200 400 600 800
Feet

2016-024

Property In Question

Hydrants

0 100 200 400 600 800 Feet

APPLICATION BZA 2016-025

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE CS, COMMERCIAL NEIGHBORHOOD ZONING DISTRICT.

OWNER AND APPLICANT DATA

Owner Name: Togethar, LLC.
Applicant Name: Absolute Fireworks

SITE DATA

Location Address:	6121 Highway 99	Site Acreage:	1.93
Tax Map:	123G Group: A	Parcel Number:	1.03
Zoning District:	CS- Commercial Services	Commission District:	Pettus Read

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject property is developed as a commercial shopping center and is located at the intersection of Highway 99 and Clearidge Drive. The surrounding area includes single-family residential homes (RM-Medium Density Residential), a landscaping business (CS- Commercial Services), vacant commercial properties (CS- Commercial Services) and agricultural properties (RM-Medium Density Residential).

DESCRIPTION OF REQUEST

The Applicant is seeking temporary special exception approval that will allow the temporary sale of fireworks in the Commercial Services zone. The Applicant is proposing to erect a 30' x 60' tent. The proposed hours of operation will be 9:00 a.m. to 10:00 p.m., 7-days a week, June 20 through July 3rd and from 9:00 a.m. to midnight on June 5th. The applicant is proposing to install a 16 square foot sign advertising the sales. There will be two (2) employees stationed at the requested temporary fireworks stand. Application 2016-025 represents the Applicant's second request to locate a fireworks sale from 6121 Hwy 99.

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;

If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

2. Will not adversely affect other property in the area in which it is located;
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 site is accessed via Highway 99, a two-lane state highway. Existing parking areas on the site can accommodate the proposed use. A fire hydrant is located nearby at the intersection of Clearidge Drive and Highway 99.

4. Shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
Since the use is temporary and is located on a commercially developed property, the proposed use will not be incompatible to the surrounding area. For example last month, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks from the adjacent property to the west direction. The specific standards discussed below act ensure the safety of those using the facility.

SPECIFIC STANDARDS FOR TEMPORARY USE ACTIVITIES INVOLVING FIREWORKS SALES TENTS

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents
A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January 1st. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. The following shall apply:

A. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

B. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the

installation of the tent upon the site. The site plan provided by the applicant indicates that the proposed tent will be located approximately 40' from the front property line. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

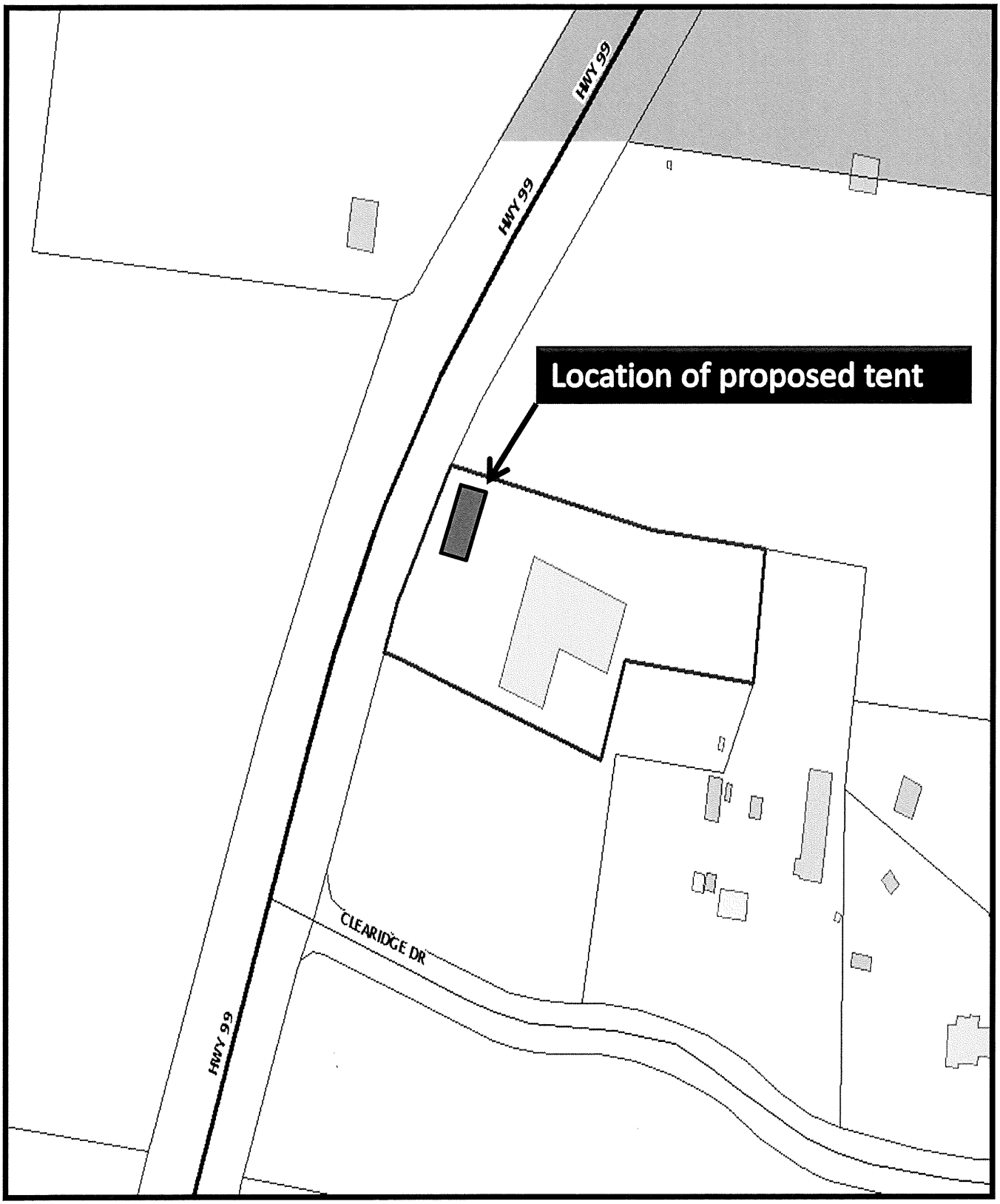
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-025 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

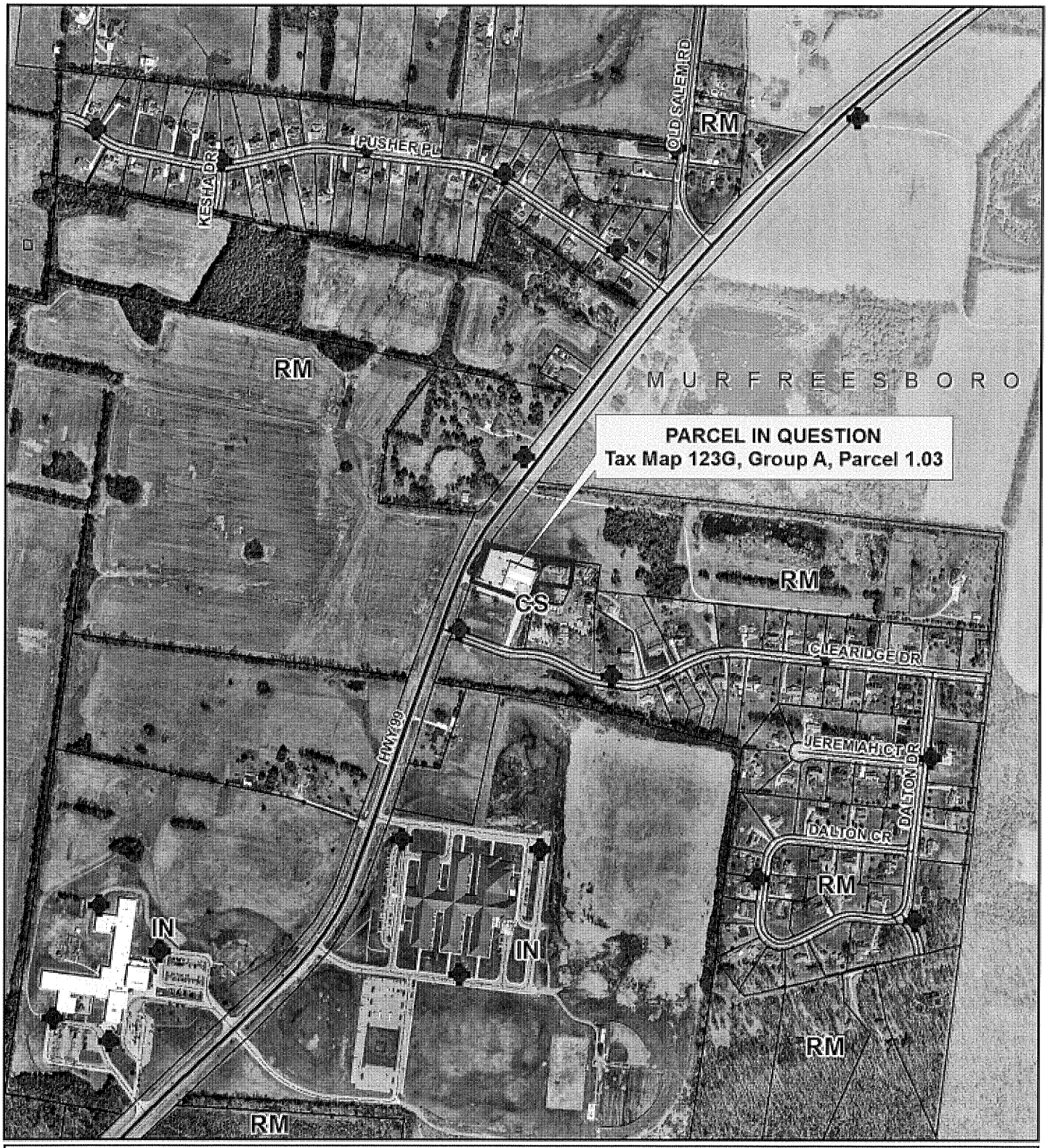
LIST OF ATTACHMENTS

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

2016-025



2016-025

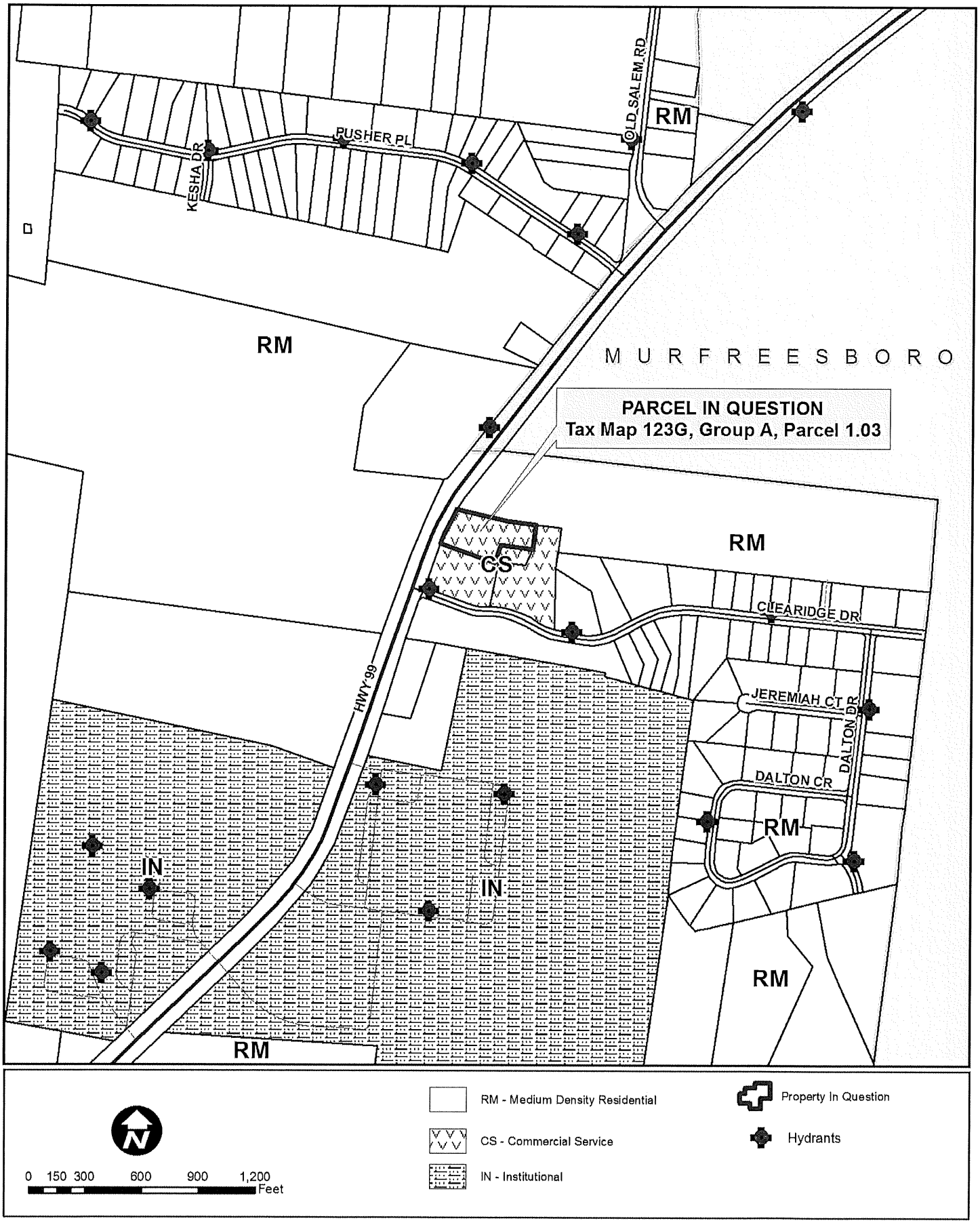


Property In Question

Hydrants

0 150 300 600 900 1,200 Feet

2016-025


OLD SALEM RD
RM
PUSHER PL
KESHA DR
RM
M U R F R E E S B O R O
PARCEL IN QUESTION
Tax Map 123G, Group A, Parcel 1.03
RM
CS
CLEARIDGE DR
HWY 99
JEREMIAH CT
DALTON DR
DALTON CR
RM
IN
IN
RM
RM
RM - Medium Density Residential
CS - Commercial Service
IN - Institutional
Property In Question
Hydrants
0 150 300 600 900 1,200
Feet

APPLICATION BZA 2016-026

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE CN, COMMERCIAL NEIGHBORHOOD ZONING DISTRICT.

OWNER AND APPLICANT DATA

Owner Name: Harold Vaughn
Applicant Name: Absolute Fireworks

SITE DATA

Location Address:	9243 Old Nashville Highway	Site Acreage:	15
Tax Map:	49	Parcel Number:	124.00
Zoning District:	CN- Commercial Neighborhood	Commission District:	William T. Gooch

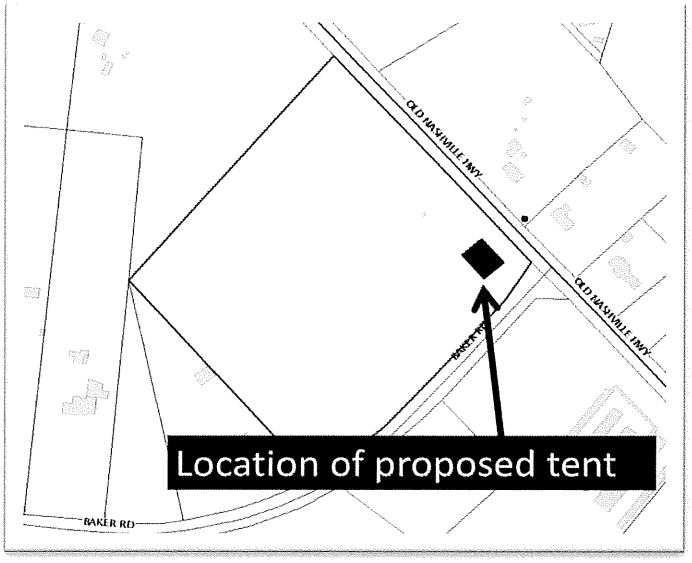
APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject property is vacant and is located at the intersection of Old Nashville Highway and Baker Road. The surrounding area includes a mini-storage facility (CS-Commercial Services) and single-family residential homes (RM-Medium Density Residential).

DESCRIPTION OF REQUEST



The Applicant is seeking temporary special exception approval that will allow the sale of fireworks on a vacant Commercial Neighborhood site. The applicant is requesting a 30' x 60' tent to be located in the corner of the lot. The enclosed site plan shows the location of the tent adjacent to Old Nashville Hwy. The proposed hours of operation will be 9:00 a.m. to 10:00 p.m., 7-days a week from June 20 – July 5, 2016. On July 4, hours will be extended to midnight. The applicant is proposing to install a 16 square foot sign advertising the sales. Since the proposed use is temporary, the Rutherford County Zoning Ordinance limits temporary signage to two per lot and the cumulative total of temporary signage is limited to 32 square feet. There will be two employees on

site. This request is identical to previously considered by the Board and approved in years 2008-2014.

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;

   If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

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

   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 site is accessed via Old Nashville Highway. Existing parking areas on the site can accommodate the proposed use. A fire hydrant is located directly in front of the subject property.

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

   Since the use is temporary and is located in a commercial area, the proposed use will not be incompatible to the surrounding area. For example in 2015, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks from this property in Application 2015-020. The specific standards discussed below act ensure the safety of those using the facility.

Specific Standards For Temporary Use Activities Involving Fireworks Sales Tents

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents

   A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January

1st. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. The following shall apply:

A. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

B. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the installation of the tent upon the site. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

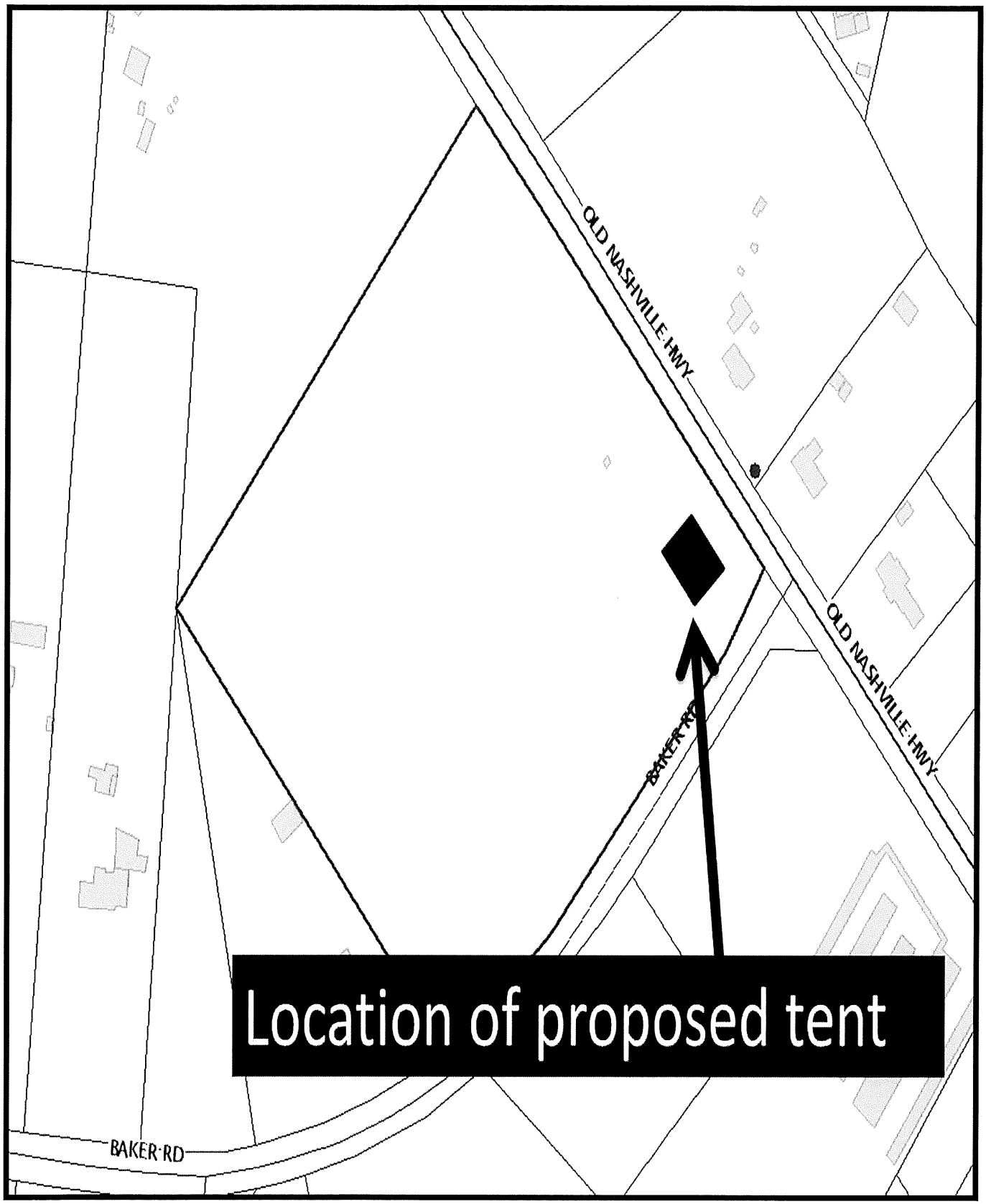
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-026 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

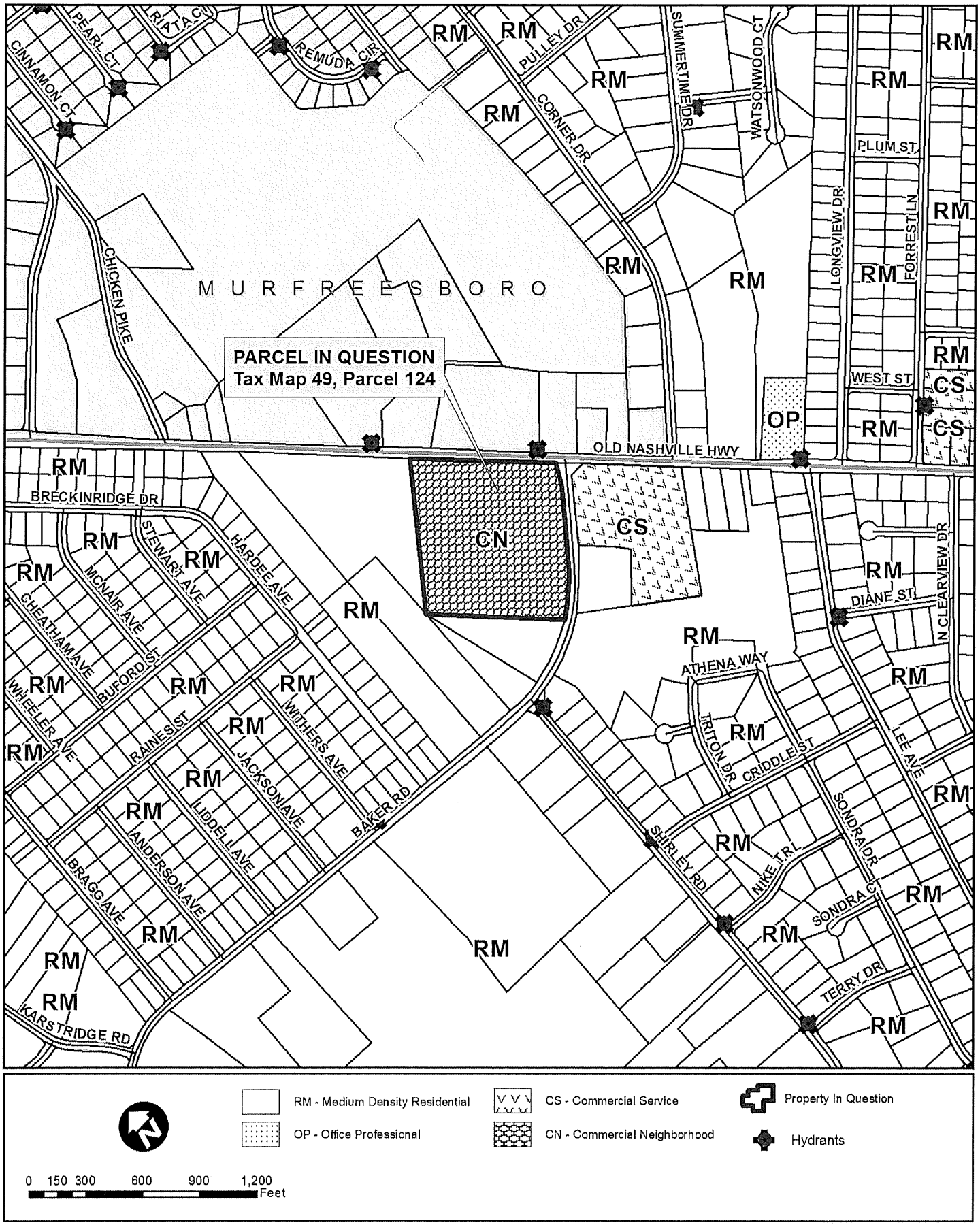
LIST OF ATTACHMENTS

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

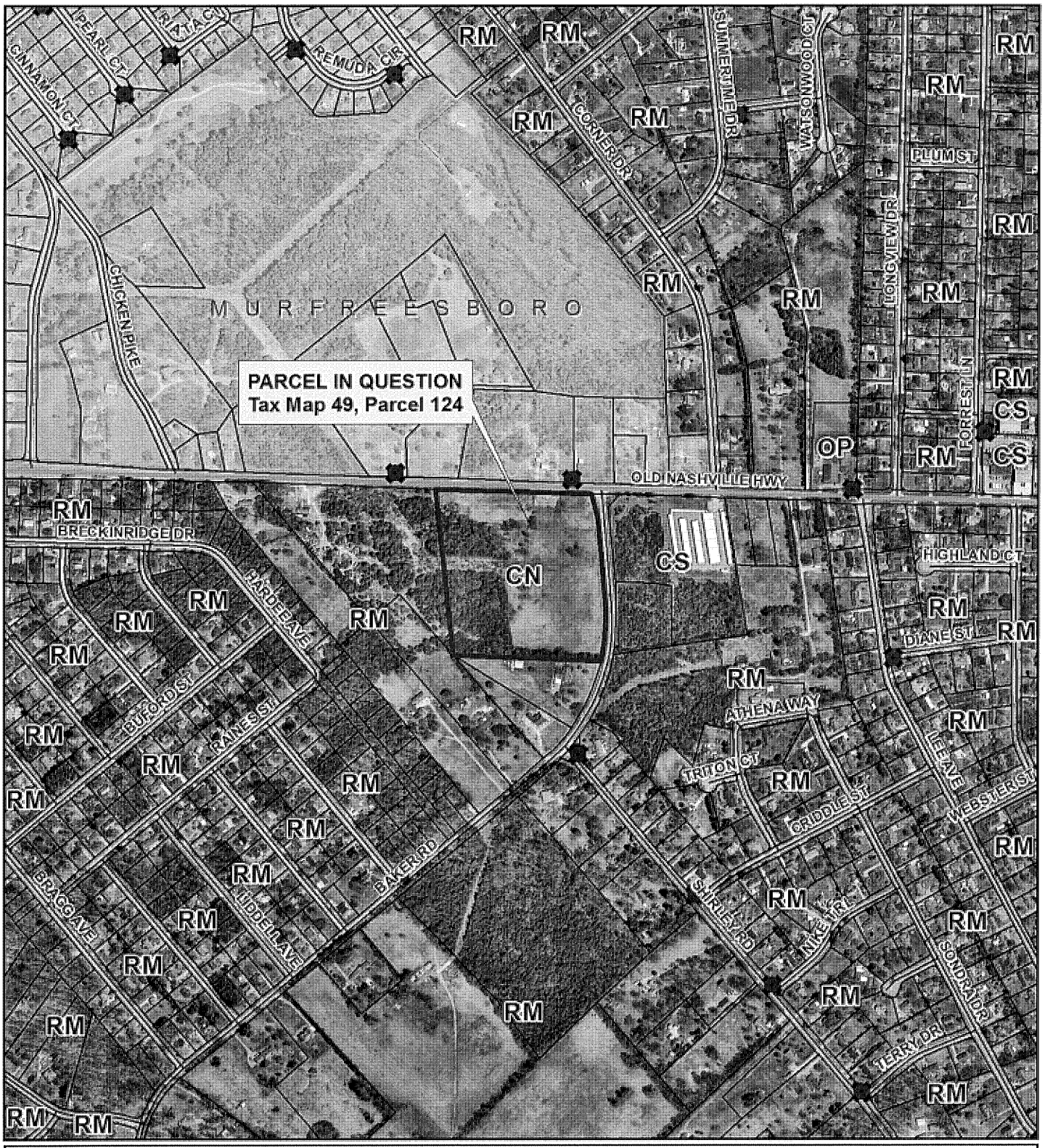
2016-026


OLD NASHVILLE HWY
OLD NASHVILLE HWY
BAKER RD
BAKER RD
Location of proposed tent

2016-026


PARCEL IN QUESTION
Tax Map 49, Parcel 124
MURFREESBORO
OLD NASHVILLE HWY
CHICKEN PIKE
CINNAMON CT
PEARL CT
RATA CT
REMUDA CIR
PULLEY DR
CORNER DR
SUMMERTIME DR
WATSONWOOD CT
PLUM ST
LONGVIEW DR
FORREST LN
WEST ST
BRECKINRIDGE DR
STEWART AVE
HARDEE AVE
MCNAIR AVE
CHEATHAM AVE
BUFORD ST
WHEELER AVE
RAINES ST
JACKSON AVE
WITHERS AVE
LIDDELL AVE
ANDERSON AVE
BRAGG AVE
BAKER RD
KARSTRIDGE RD
DIANE ST
N CLEARVIEW DR
ATHENA WAY
TRITON DR
CRIDDLE ST
LEE AVE
SHIRLEY RD
NIKE TRL
SONDRA DR
SONDRA CT
TERRY DR
RM
CS
CN
OP
RM - Medium Density Residential
OP - Office Professional
CS - Commercial Service
CN - Commercial Neighborhood
Property In Question
Hydrants
0 150 300 600 900 1,200
Feet

2016-026



Property In Question

Hydrants

0 150 300 600 900 1,200 Feet

APPLICATION BZA 2016-027

STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL ALLOWING THE SALE OF FIREWORKS ON A PROPERTY LOCATED IN THE CS, COMMERCIAL SERVICES ZONING DISTRICT.

OWNER AND APPLICANT DATA

Owner Name: Edgar F. Arnold
Applicant Name: Absolute Fireworks

SITE DATA

Location Address:	3892 Shelbyville Pike	Site Acreage:	8.05
Tax Map:	136	Parcel Number:	42.02
Zoning District:	CS- Commercial Services	Commission District:	Mike Kusch

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

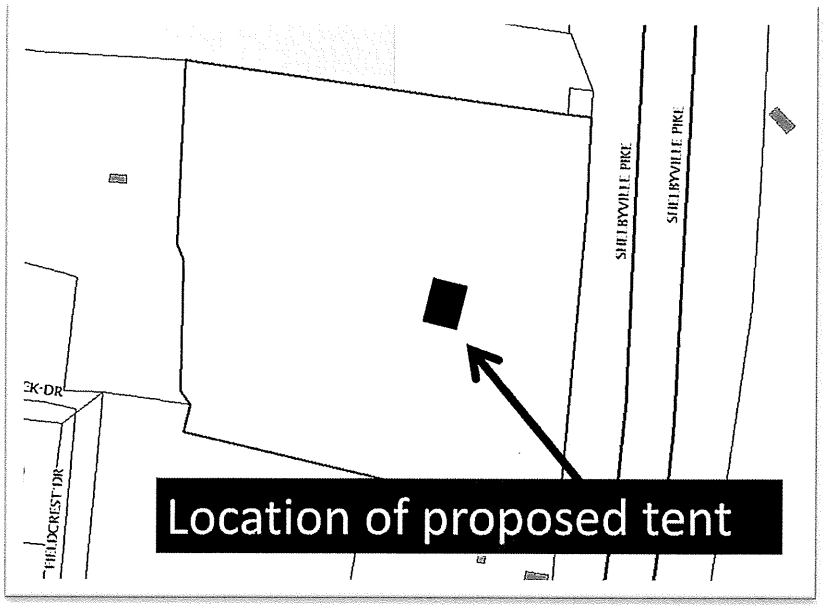
- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject property is vacant and is located near the intersection of Oak Meadow Drive and Shelbyville Pike. The surrounding area includes MT Bottle (CS-Commercial Services), auto repair/sales (CG- Commercial General), Rutherford County's rock quarry and single-family homes (RM-Medium Density Residential).

DESCRIPTION OF REQUEST

The Applicant is seeking temporary special exception approval that will allow the sale of fireworks on an undeveloped commercial property located within the Commercial Services zoning district. The applicant is requesting to erect a 30' x 60' tent on the vacant property. The proposed hours of operation will be 9:00 a.m. to 10:00 p.m., 7-days a week from June 20th – July 5th. The hours of operation will be extended to midnight on July



4. The applicant is proposing to install a 16 square foot sign advertising the sales. Since the proposed use is temporary, the Rutherford County Zoning Regulations limits temporary signage to two per lot and the cumulative total of temporary signage is limited to 32 square feet. There will be two employees on site during the proposed sale.

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;

   If the proposed fireworks stand remains in compliance with the specific standards for fireworks sales tents discussed below, the proposed use should not have a negative effect upon the public health, safety and welfare.

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

   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 site is accessed via Shelbyville Pike, a four-lane state highway, via two driveways. Parking areas serving the proposed use will be located onsite.

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

   Since the use is temporary and is located in a commercial area, the proposed use will not be incompatible to the surrounding area. For example in 2015, the Board of Zoning Appeals approved a temporary use permit for the sale of fireworks from this property in Application 2015-021. The specific standards discussed below act ensure the safety of those using the facility.

Specific Standards For Temporary Use Activities Involving Fireworks Sales Tents

Section 1101 M. 5 of the Rutherford County Zoning Ordinance establishes the following standards for fireworks sales tents:

1. Fireworks Sales Tents

   A temporary use permit for fireworks sales tents and stands may be issued in any commercial or industrial district for up to two (2) weeks prior to July 4th and January 1st. Said tent or stand must be removed no later than seven (7) days after July 4th or January

1st. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. The following shall apply:

A. All stands and tents must comply with all state and local codes prior to issuing a temporary use permit.

B. All stands and tents must set back a minimum of forty (40) feet from the front property line.

The proposed dates of the fireworks sales tent are compliant with this provision. The Applicant must also obtain all other state and local permits required for the sale of fireworks as well as the installation of the tent upon the site. The site plan provided by the applicant indicates that the proposed tent will be located approximately 40' from the front property line.

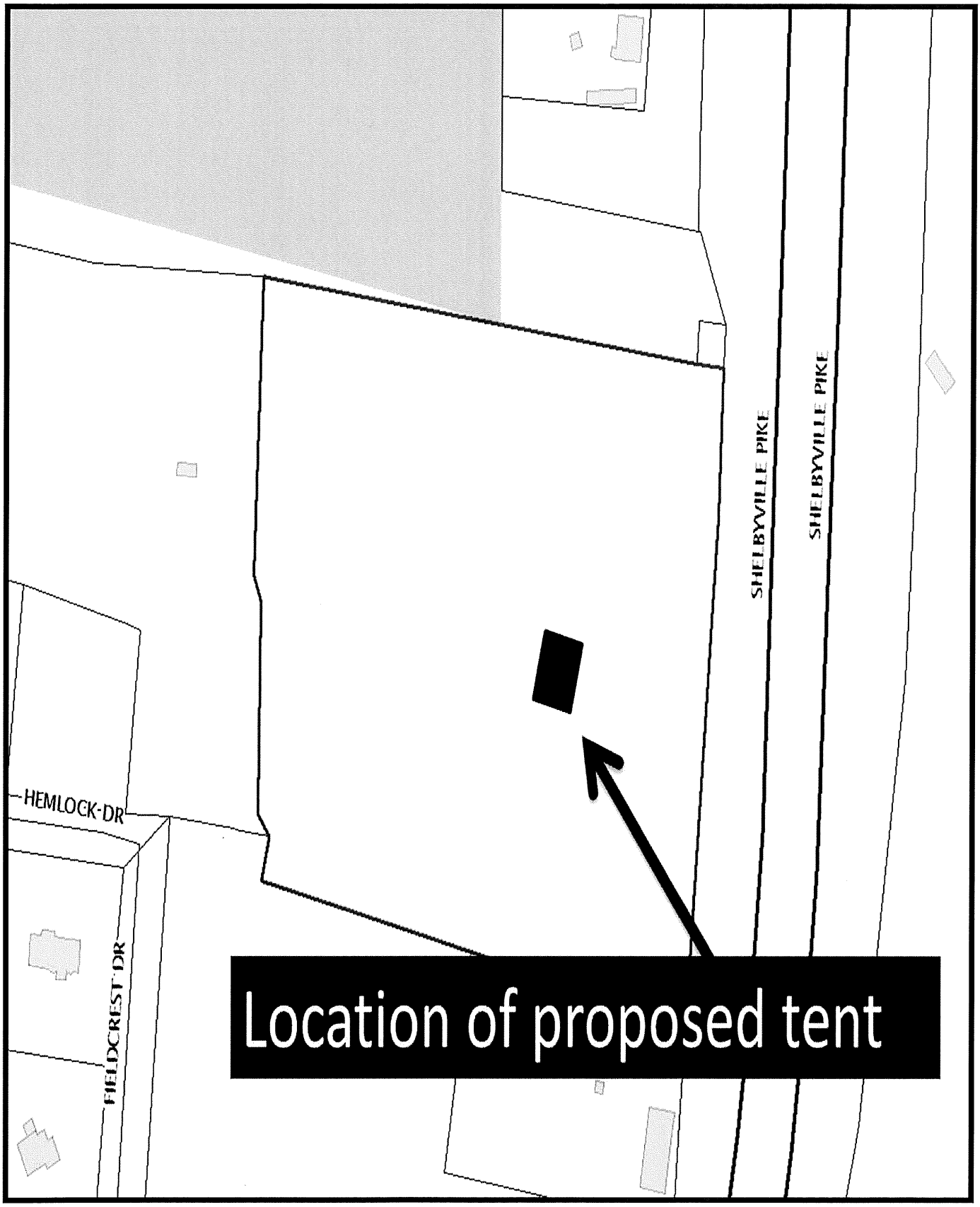
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-027 meets the "General Requirements For Special Exception" approval and the specific standards for Fireworks Sales Tents. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1101 M. 5 and Chapter 12, Sign Regulations of the Rutherford County Zoning Ordinance.

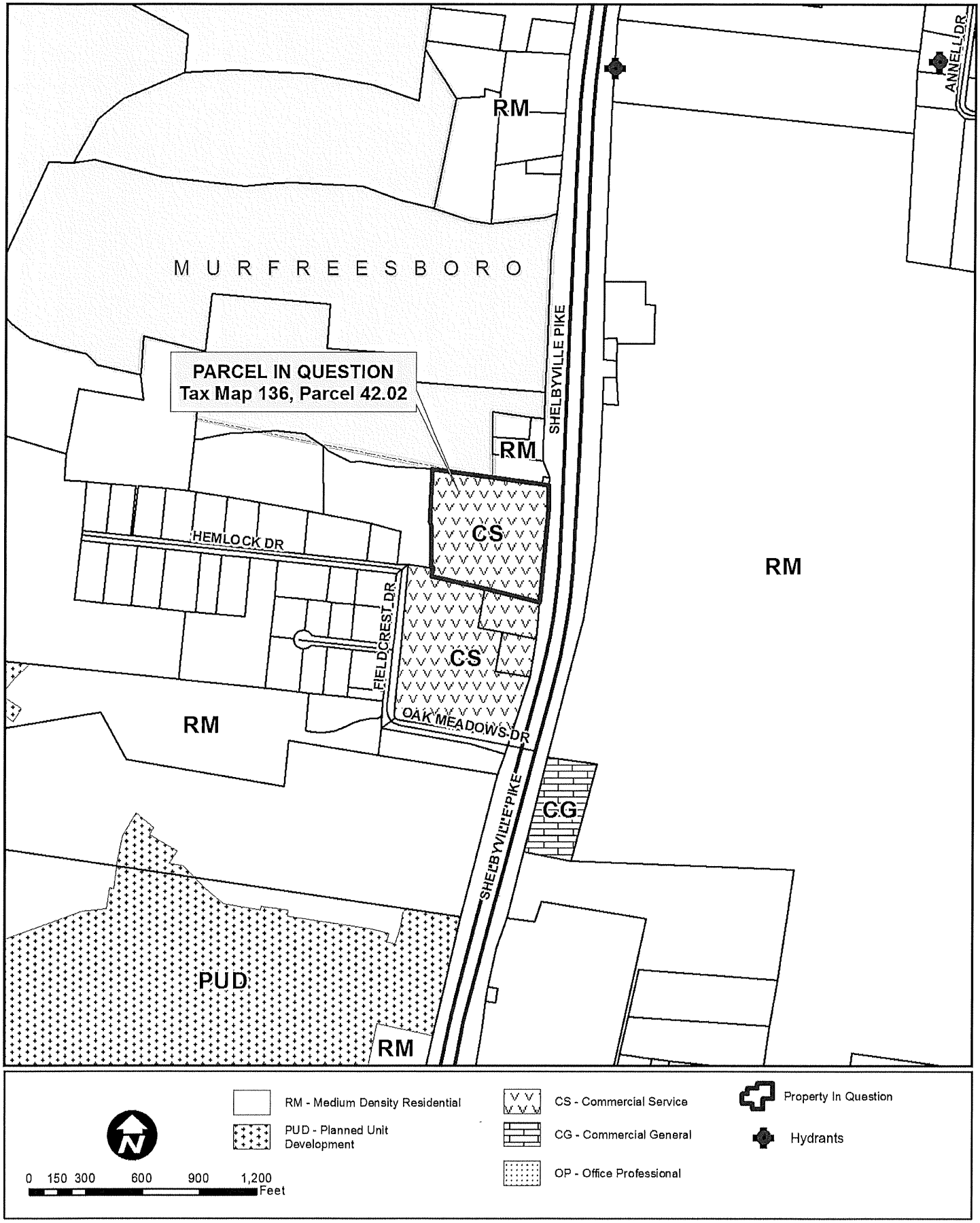
LIST OF ATTACHMENTS

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

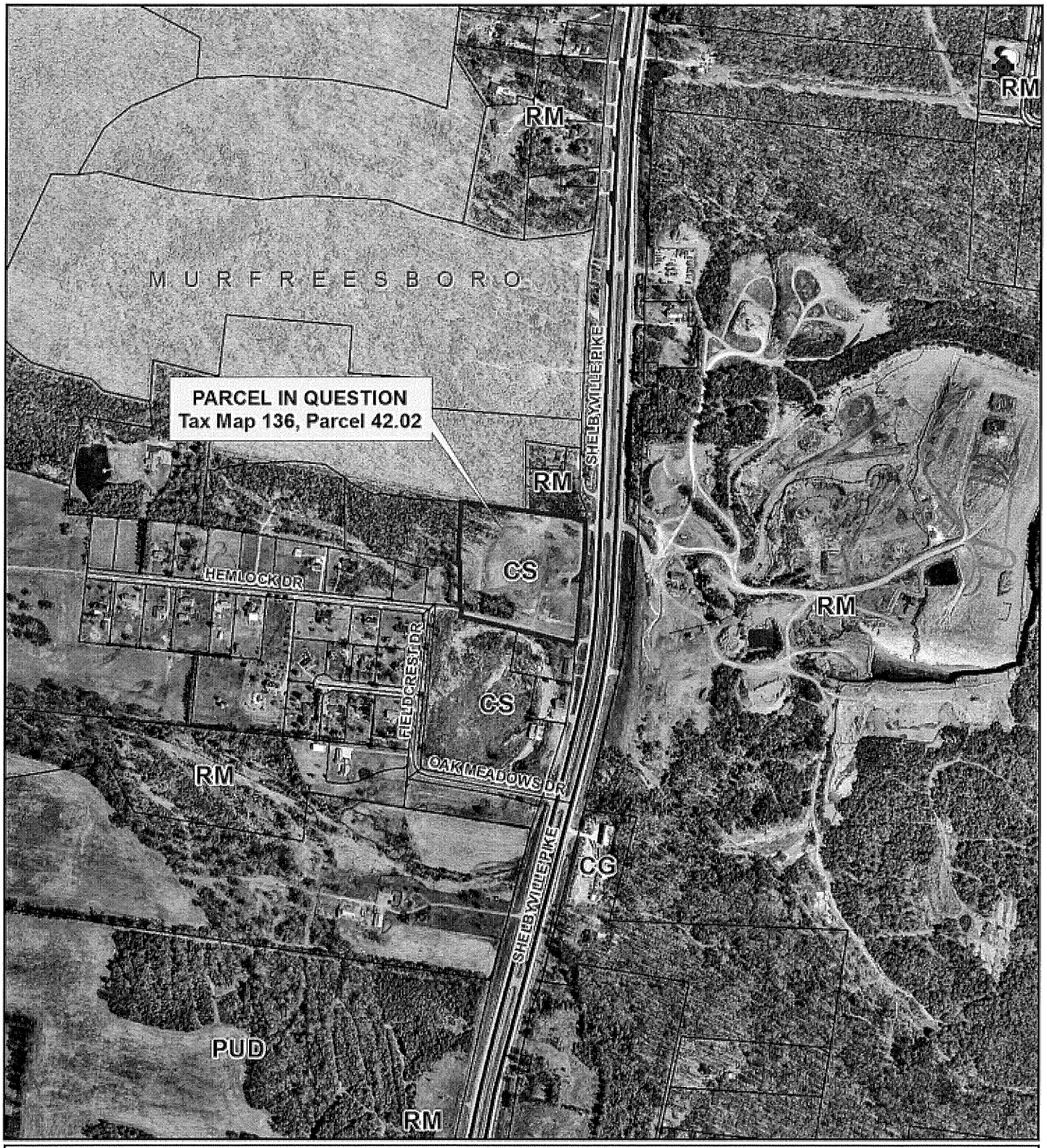
2016-027


HEMLOCK DR
FIELDCREST DR
SHELBYVILLE PIKE
SHELBYVILLE PIKE
Location of proposed tent

2016-027


RM
MURFREESBORO
PARCEL IN QUESTION
Tax Map 136, Parcel 42.02
SHELBYVILLE PIKE
RM
CS
HEMLOCK DR
RM
FIELDCREST DR
CS
RM
OAK MEADOWS DR
SHELBYVILLE PIKE
CG
PUD
RM
ANNELL DR
RM - Medium Density Residential
PUD - Planned Unit Development
CS - Commercial Service
CG - Commercial General
OP - Office Professional
Property In Question
Hydrants
0 150 300 600 900 1,200
Feet

2016-027



Property In Question

Hydrants

0 150 300 600 900 1,200 Feet

APPLICATION BZA 2016-021

STAFF REPORT

REQUEST FOR VARIANCE RELIEF TO ALLOW AN INTERNALLY ILLUMINATED SIGN LOCATED WITHIN THE RM, MEDIUM DENSITY RESIDENTIAL ZONE.

OWNER AND APPLICANT DATA

Owner/ Applicant Name: Leanna Church of Christ

SITE DATA

Location Address:	4198 Sulphur Springs Road	Site Acreage:	6
Tax Map:	57D Group: A	Parcel Number:	1.00
Zoning District:	RM- Medium Density Residential	Commission District:	Will Jordan

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 4, Section(s) 402. B and 404
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject property is developed as a church and is located along Sulphur Springs Road. It is zoned RM, Medium Density Residential. The site is surrounded by agricultural and residential properties also zoned RM.

DESCRIPTION OF REQUEST

The Applicant is seeking a variance from Section 1205 B. of the Rutherford County Zoning Ordinance (RCZO) that only permits external lighting and automatic changeable copy messages (which is limited to 25% of the sign area or 50% for manual changeable copy messages). The Applicant proposes to install the internally lit ground sign. The face of the sign will measure 8' x 5' or a total of 40 square feet in area. The overall height of the sign will measure 8'. The proposed sign will replace an existing internally illuminated sign located on the property. After an unsuccessful attempt to locate any records of the site having previous approval for an internally illuminated sign, Staff advised the Applicant to seek variance approval for the proposed sign.

GENERAL REQUIREMENTS FOR VARIANCE REQUESTS

Section 1208 D. of the Rutherford County Zoning Ordinance details the variance criteria for signage, it states:

1. A variance to sign regulations may be approved where the literal enforcement of the provisions of this ordinance would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs permitted on other parcels of land in the same district. The modification of the standards established in this ordinance shall not be granted to relieve a self-created or personal hardship, not for financial reason alone, nor shall

such modification be granted to permit any person a privilege in placing a sign on a parcel of land not permitted by this ordinance to other parcels of land in that district

2. A hardship is intended to include a change in elevation or curve in a roadway that obstructs visibility.

3. No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance of the zone in which a sign is allowed."

Section 1208 D. 4. further states that in order to make a finding of hardship and to grant a variance, the Board shall find:

a. The requested variance does not eliminate any requirement of this ordinance and does not allow any prohibited signs.

The proposed variance if approved will not eliminate any requirement of this ordinance and will not allow a prohibited sign.

b. That the special circumstances of the subject property are not the result of the actions of the applicant, the owner of the property, or a self-induced hardship.

The Applicant indicates that the existing sign and all other church signs in the area are internally illuminated and have been for some time. Staff finds that no special circumstances exist.

c. The hardship is peculiar to the property of the applicant and the variance is necessary because of special circumstances relating to the size, shape, topography, location, or surroundings of the subject property to provide it with use rights and privileges allowed to other properties in the vicinity and zone in which the subject property is located. Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance.

The Applicant states, "We are in the country on a two-lane road. Being able to more easily see and read our new sign would be safer and be beneficial by allowing the church to better serve the community and make them aware of events at the church building. Our new sign would be visible from 300 feet." Staff finds that no hardships peculiar to the property exists.

d. That the literal interpretation and strict application of the provisions and requirements of the sign regulations would cause undue and unnecessary hardship because of the unique or unusual conditions pertaining to the specific building, parcel, or subject property.

The Applicant indicates, "Literal interpretation and strict application of the provisions for the

new sign would cause hardship." However, Staff finds that literal interpretation and strict application of the provisions for signs would not cause undue and unnecessary hardship since the sign may be externally illuminated.

e. That the variance is not granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign.

The variance sought will provide visibility as well as to allow for easier maintenance of the sign.

f. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is located.

Approval of the variance will not be materially detrimental to the public welfare or injurious to the surrounding zone/are for which the subject sign will be located

STAFF FINDINGS

Application 2016-021, requesting variance relief to allow an internally illuminated sign located within the RM, Medium Density Residential zone fails to meet all of the variance criteria as stated above.

LIST OF ATTACHMENTS

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

2016-021

Vinyl Color: Burgundy	Paint Color: Silver Gray	Approved as shown
Text Color: White	Draft: White	Date
Cowling Text Vinyl:	SIGN DESIGN #	Approved with listed changes
		Date

GRAPHICS DISCLAIMER: This custom artwork is not intended to provide an exact match between ink, vinyl, paint, or LED color. Brickwork, masonry and landscaping is not included in the proposal. Measurements shown are approximations; dimensions of final product may vary. LED images shown are simulated to replicate optimum viewing distance. Sign is designed to be illuminated at all times. Sketches are based off of this premise.

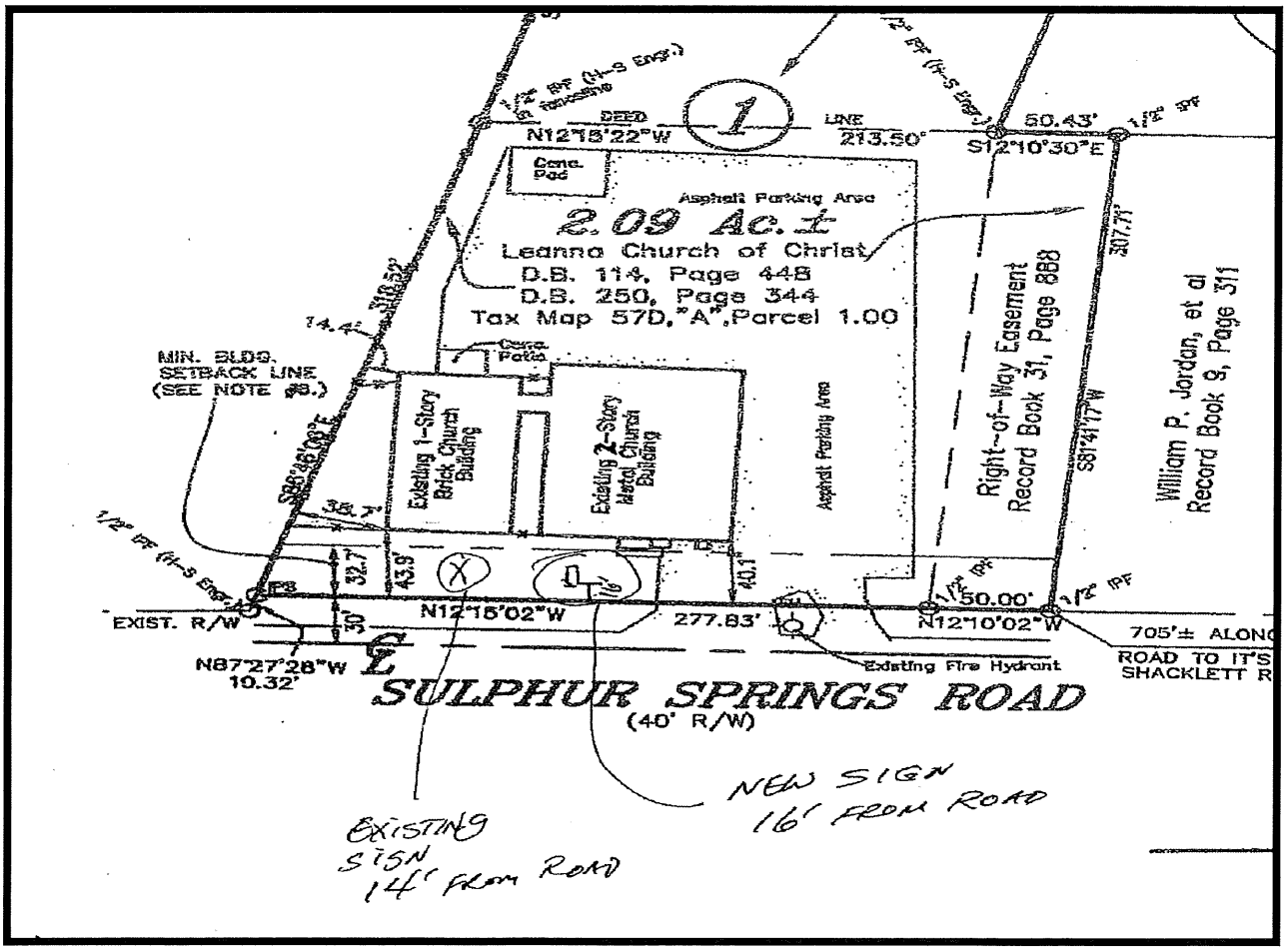
stewartsigns
America's Premier Sign Company

1/2"=1'
Sk: 810038-6a
Cust: 1968259
3/3/2016
Ca/tMorris
PROPOSAL

ORIGINAL DESIGN DO NOT DUPLICATE

PH. 1-800-237-3928 - FAX 1-800-485-4280

45 Years EXPERIENCE



2016-021

PARCEL IN QUESTION
Tax Map 57D, Group A, Parcel 1
RM
RM
RM
RM
RM
RM
SULPHUR SPRINGS RD
JAMES B WARD RD
SHACKLETT RD
ALLEN RD
RABBIT RD
ACORN AVE
CRICKETT LN
BIRDSONG AVE
RIVER OAKS DR
RM - Medium Density Residential
Property In Question
Hydrants
0 100 200 400 600 800
Feet

2016-021

RM - Medium Density Residential

Property In Question

Hydrants

0 100 200 400 600 800 Feet

APPLICATION BZA 2016-022

STAFF REPORT

REQUEST FOR SPECIAL EXCEPTION APPROVAL ALLOWING THE ESTABLISHMENT OF A MAJOR HOME BASED BUSINESS INVOLVING A MUSIC STUDIO UPON A PROPERTY LOCATED IN THE RM, MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT.

OWNER AND APPLICANT DATA

Applicant /Owner Name: Jason Roller

SITE DATA

Location Address:	1051 Laramie Court	Site Acreage:	0.99
Tax Map:	148 F Group: E	Parcel Number:	19.00
Zoning District:	RM- Medium Density Residential	Commission District:	Pettus Read

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 11, Section 1101 N. 1.
- Appendix A, Definitions
- Chapter 12, Section(s) 1205 B.1.a. and 1208 D.

AREA DESCRIPTION

The subject property is a .99-acre property located in Harrison Glen Subdivision and in the RM-Medium Density Residential zoning district. The immediate area surrounding the subject property is developed as single- family homes and the RM, Medium Density Residential zoning district.

DESCRIPTION OF REQUEST

Application 2016-022 seeks special exception approval for a major home based business of a music studio on a .99 acre property located in the RM zoning district. No persons, in addition to the Applicant, will be employed as part of the requested business. Customers will be seen by appointment only. Days of operation and hours of operation are Monday- Saturday, 9 AM to 6PM.

GENERAL REQUIREMENTS FOR SPECIAL EXCEPTION

Section 1408 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;

   Since the subject site is a .99-acre property and the proposed business will be located in an addition the Applicant proposes to add to the home, it is unlikely that the proposed home-based business will negatively affect adjacent properties, the neighborhood, traffic, or other matters affecting public health, safety, and general welfare. Acting to prevent adverse effects associated with the operation of a home-based business is Section 1101 N. 1. of the Rutherford County Ordinance establishes "Requirements for Home-Based Businesses" that all proposed home-based businesses must continually comply. If the proposed major home-

based business is approved these requirements shall be incorporated as mandatory conditions in the official Order of Action. They include the following:

a. *Home-based businesses must be conducted within a residential dwelling unit which is the bona fide residence of the principal practitioner or within an approved accessory building thereto which is normally associated with a residential use.*
b. *No home-based business shall be permitted that changes the outside appearance or character of the dwelling unit.*
c. *No display of stock-in-trade products shall be visible from the street.*
d. *The equipment used by the home-based business and the operation of the home-based business shall not create any vibrations, heat, glare, dust, odors, noise, or smoke discernable at the property lines.*
e. *Home-based businesses shall not create any electrical, magnetic or other interference off the premises, consume utility quantities that negatively impact the delivery of those utilities to surrounding properties, or use and/or store hazardous materials in excess of quantities permitted in residential structures.*
f. *Delivery vehicles used to deliver goods to the home-based business are limited to passenger vehicles, mail carriers, and express carriers such as, but not limited to, UPS, Fed Ex or DHL.*
g. *None of the regulations listed in this section shall prohibit or restrict approved agricultural uses as defined by this Resolution or Tennessee State Law.*

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

If the proposed major home-based business continually operates in compliance with the general conditions for home based businesses above and the specific conditions for major home-based businesses, adverse effects to other properties in this areas should not 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 site itself appears compliant with the provisions of the RM- Medium Density Residential zoning district.

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, with the continued compliance with the regulations established for home-based businesses found in the Rutherford County Zoning Ordinance, should not interfere with the development and use of adjacent property.

SPECIFIC STANDARDS FOR MAJOR HOME-BASED BUSINESS ACTIVITIES

a. Major home-based businesses shall have no more than three (3) nonresident employees on the

premises at any one time. The number of nonresident employees working at locations other than the home-based business is not limited.

Only the Applicant will operate the proposed home based business.

b. Major home-based businesses shall be limited to the parking/storage of two (2) business vehicles on the premises. Vehicles shall not be stored in the front yard. For the purposes of this section, front yard shall be defined as the area from the front line of the dwelling unit to the property line. Vehicles with more than three (3) axles shall not be permitted on lots of less than two (2) acres.

No business vehicles are used for the proposed home based business.

c. Major home-based businesses shall not use more than 25 percent of the gross floor area of the principal structure. Businesses in approved accessory structures may be permitted to use more than the 500 square feet allowed for minor home-based businesses if approved by the Board of Zoning Appeals.

The Applicant proposes to operate the home based business from a proposed addition to be added to the home. Since the proposed addition exceeds 500 sf, the home based business requires BZA approval of a special exception.

d. The Board of Zoning Appeals may require parking beyond what is required for the residential use of the property and may require any additional parking to meet the parking design and maintenance standards found in Chapter 11 of the Zoning Resolution.

Should the need ever occur, the subject property contains sufficient area for employee parking.

e. Major home-based businesses shall not create more than ten (10) customer/client visits in any one day and no more than five (5) customers/clients can be present at any one time.

It is anticipated that the activities associated with the proposed major home-based business will comply with the standard limiting the business to 10 customer/client visits per day.

f. The following activities shall not be approved as major home-based businesses by the Board of Zoning Appeals:

- Automobile/vehicle repair
- Kennels and veterinarian clinics/hospitals
- Medical and dental clinics/hospitals
- Restaurants, clubs, drinking establishments
- Undertaking and funeral parlors
- Adult Entertainment, as defined in Appendix A

The proposed major home-based business does not involve any of the activities listed above.

g. Outdoor storage of any material used in connection with the home-based business, is permitted with Board of Zoning Appeals approval.

There is no outdoor storage proposed in Application 2016-022.

h. Signage for home-based businesses shall be limited to five (5) square feet and shall be attached to the principal or accessory structure where the business is located. Only one (1) sign per residential lot is permitted.

The Applicant indicates that no sign is proposed.

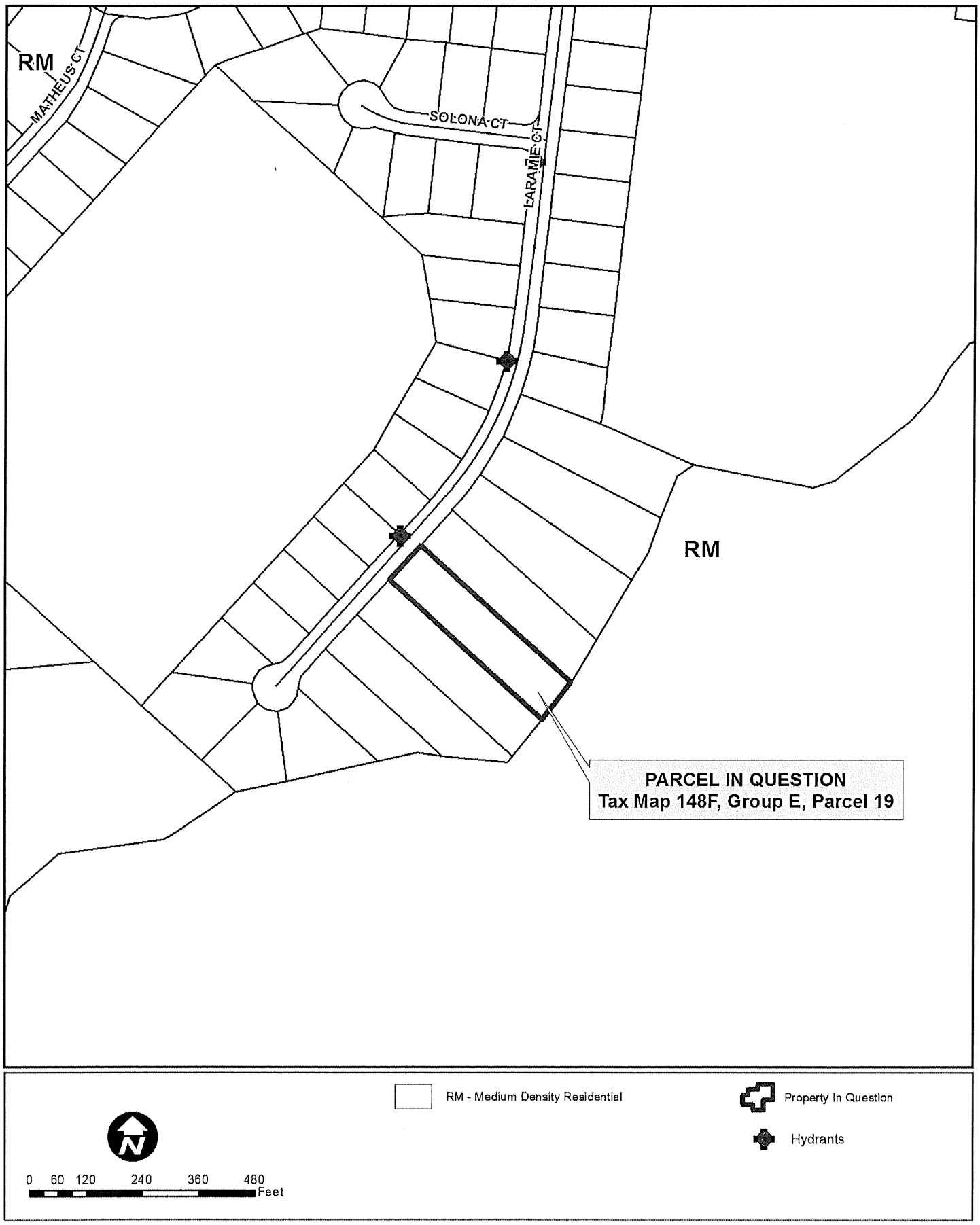
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-022 to allow a music studio in the RM zoning district meets all of the "General Requirements For Special Exception" and the specific standards for major home-based businesses. Staff recommends APPROVAL of 2016-022 with the condition that the use continually complies with the provisions found in Section 1101 N. 1. and Section 1408 D. 2. of the Rutherford County Zoning Ordinance.

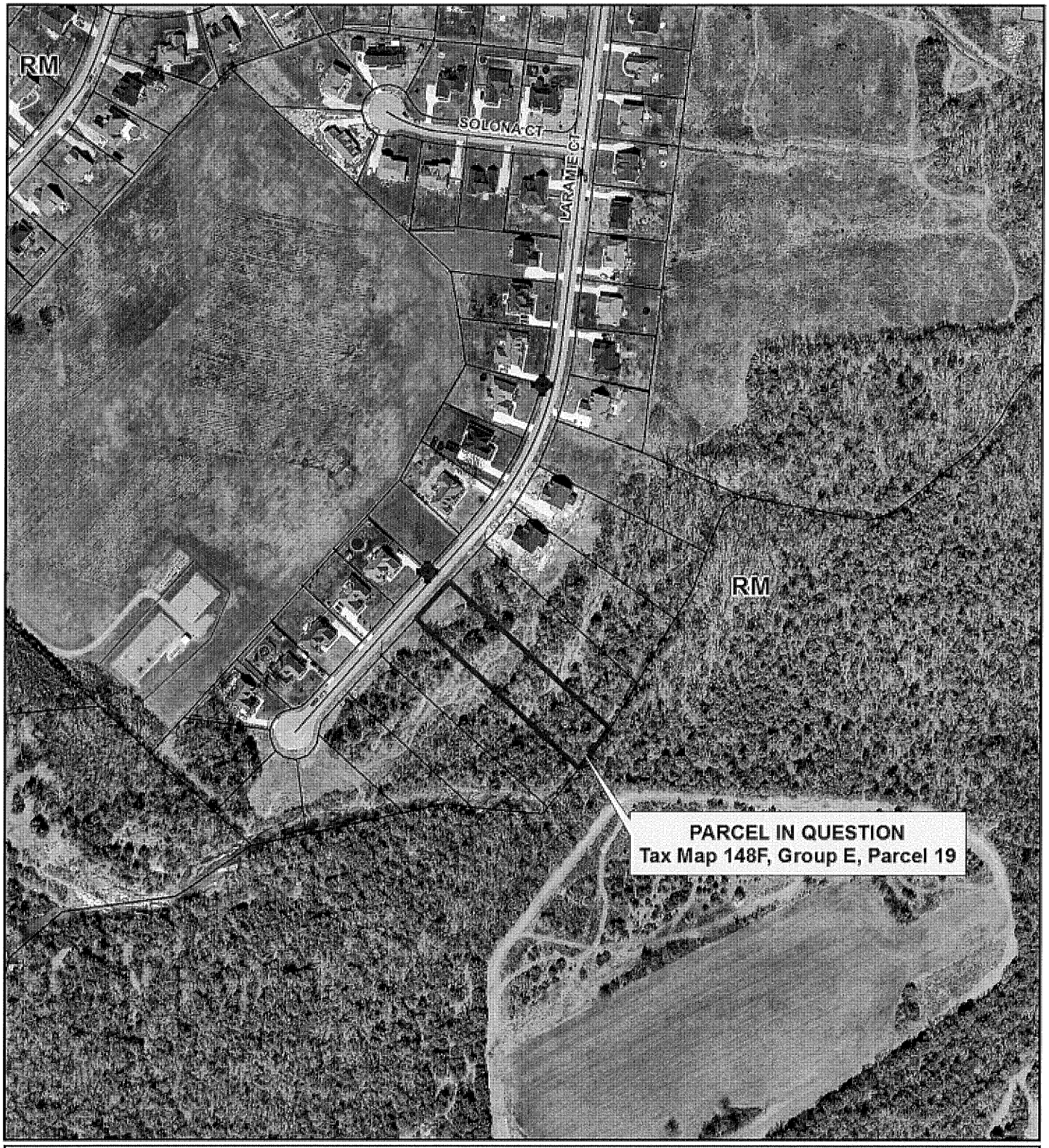
LIST OF ATTACHMENTS

1. Site Plan
2. Information from the Applicant
3. Zoning Map
4. Aerial Map

2016-022


RM
MATHEUS CT
SOLONA CT
LARAMIE CT
RM
PARCEL IN QUESTION
Tax Map 148F, Group E, Parcel 19
RM - Medium Density Residential
Property In Question
Hydrants
0 60 120 240 360 480
Feet

2016-022

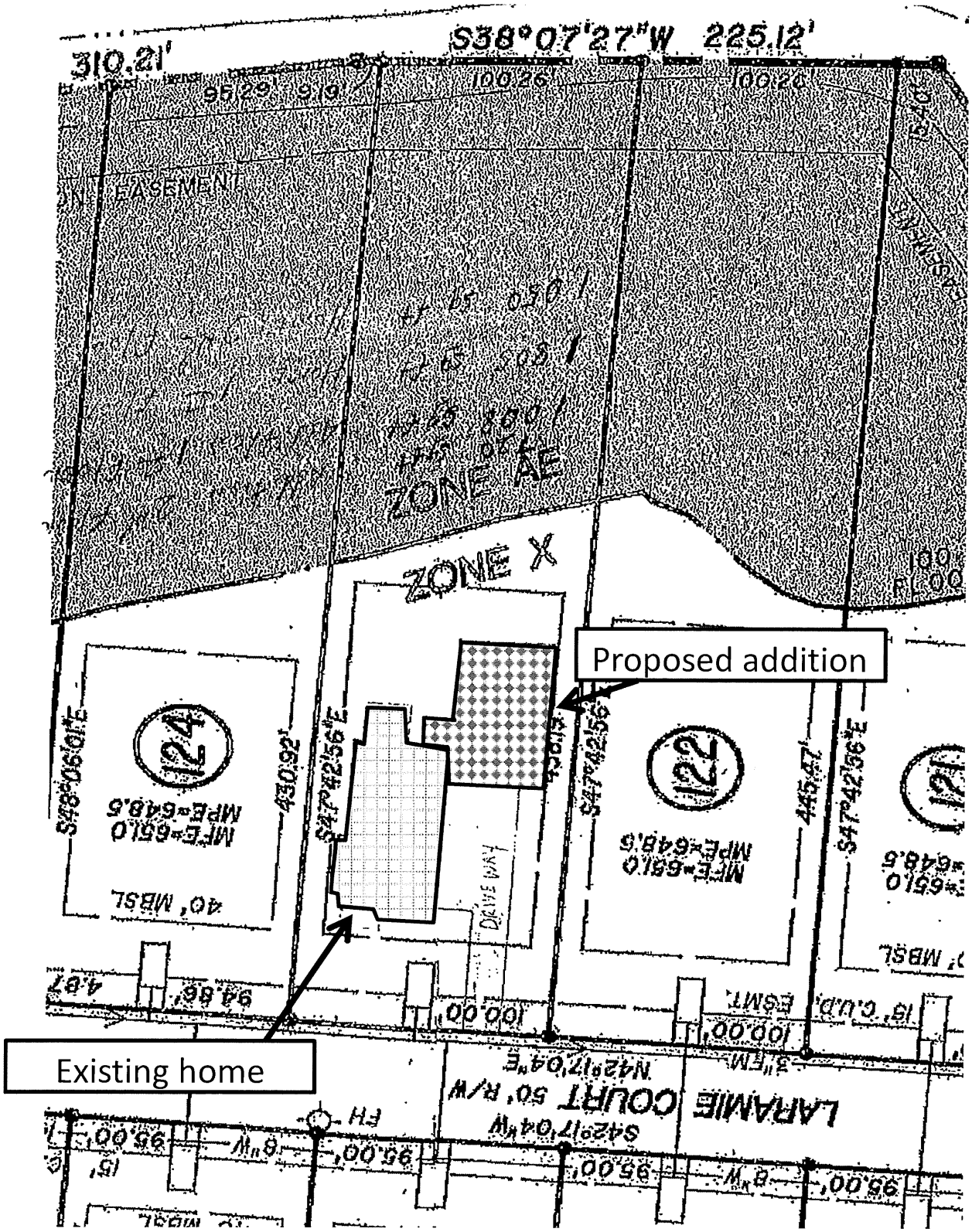


Property In Question

Hydrants

0 60 120 240 360 480 Feet

2016-022



S38°07'27"W 225.12'
310.21'
100.26'
EASEMENT
ZONE AE
ZONE X
Proposed addition
Existing home
124
122
MFE=651.0
MPE=648.5
40' MBSL
430.92'
445.47'
S47°42'56"E
S48°06'01"E
DRIVE WAY
LARAMIE COURT 50' R/W
N42°17'04"E
S42°17'04"W
100.00'
95.00'