

RUTHERFORD COUNTY BOARD OF ZONING APPEALS

Regular Meeting May 11, 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 April 13, 2016 Meeting Minutes
- V. New Business
 - A. **Jake Loyd – BZA 2016-028**
Location: N. Corner of Hwy 231 & Oak Meadow Dr., Map No.: 136, Parcel: 69.07, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Services zoning district.
 - B. **Jake Loyd – BZA 2016-029**
Location: 5630 Lebanon Pike, Map No.: 46, Parcel: 36.00, Request for temporary special exception approval allowing the sale of fireworks on a property located in the CS, Commercial Services zoning district.
 - C. **Patterson Baptist Church – BZA 2016-030**
Location: 12780 Patterson Road, Map No.: 98, Parcels: 31.00 and 31.01, Request for variance relief to allow an internally illuminated sign located within the RL, Low Density Residential zone.
 - D. **Danny Wallace and MidTenn Collision Properties, LLC – BZA 2016-031**
Location: 2406 & 2412 Blackman Road, Map No.: 78, Parcels: 31.01 and 31.04, Request for special exception approval to establish an automotive repair and servicing business on a property located in the CN, Commercial Neighborhood zoning district.
 - E. **Lesley Hurst – BZA 2016-032**
Location: 5363 Candy Cane Court, Map No.: 78H, Group: B, Parcel: 51.00, Request for special exception approval for a major home based business (cosmetology business) on 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, April 13, 2016**

Board Members Present:

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

Staff Members Present:

Doug Demosi, Planning Director	Nicholas Christiansen, County Attorney
Shauntae Sherril, Administrative Support	
JoAnn Criswell, Codes Enforcement	

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

The Minutes of the March 9, 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 Jerry Sartain, to approve the Minutes as presented by Staff.

Motion Carried (Unanimous Voice)

The Minutes of the March 9, 2016 meeting were Approved.

Gary Farley informed applicants to be aware of the Adopted Fire Code that requires firework stands to be on solid surface such as gravel, pavement, or concrete.

Staff gave a presentation discussing all four Surefire Fireworks Applications.

BZA 2016-016 Surefire Fireworks – 2712 Lascassas Pike

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the CS, Commercial Services Zone. The applicant's representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

Jerry Sartain moved, seconded by Gary Farley, to Approve the request as presented by Staff.

Motion Carried (5 - For, 0 - Against)

Request was Approved

BZA 2016-017 Surefire Fireworks – 6044 Lebanon Pike

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the CN, Commercial Neighborhood Zone. The applicant's representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

**Gary Farley moved, seconded by Jerry Sartain, to Approve the request as presented by Staff.
Motion Carried (5 - For, 0 - Against)
Request was Approved**

BZA 2016-018 Surefire Fireworks – 5855 Shelbyville Highway

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the CN, Commercial Neighborhood Zone. The applicant’s representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

**Joe Meshotto moved, seconded by Gary Farley, to Approve the request as presented by Staff.
Motion Carried (5 - For, 0 - Against)
Request was Approved**

BZA 2016-019 Surefire Fireworks – At the intersection of HWY 99 and Clearidge Dr.

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the CS, Commercial Services Zone. The applicant’s representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

**Gary Farley moved, seconded by Joe Meshotto, to Approve the request as presented by Staff.
Motion Carried (5 - For, 0 - Against)
Request was Approved**

BZA 2016-020 TNT Fireworks- 6137 Epps Mill Road

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the EAC, Employment Activity Center Zone. Doug Demosi presented staff findings. The applicant’s representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

**Joe Meshotto moved, seconded by Jerry Sartain, to Approve the request as presented by Staff.
Motion Carried (5 - For, 0 - Against)
Request was Approved**

Staff gave a presentation discussing all five Absolute Fireworks Applications.

BZA 2016-023 Absolute Fireworks – 5975 Lebanon Pike

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the CS, Commercial Services Zone. The applicant’s representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

**Gary Farley moved, seconded by Joe Meshotto, to Approve the request as presented by Staff.
Motion Carried (5 - For, 0 - Against)
Request was Approved**

BZA 2016-024 Absolute Fireworks- 2706 Lascassas Pike

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the CS, Commercial Services Zone. The applicant's representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

Joe Meshotto moved, seconded by Veronica Buchanan, to Approve the request as presented by Staff.

Motion Carried (5 - For, 0 - Against)

Request was Approved

BZA 2016-025 Absolute Fireworks- 6121 Highway 99

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the CS, Commercial Services Zone. The applicant's representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

Jerry Sartain moved, seconded by Gary Farley, to Approve the request as presented by Staff.

Motion Carried (5 - For, 0 - Against)

Request was Approved

BZA 2016-026 Absolute Fireworks- 9243 Old Nashville Highway

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the CN, Commercial Neighborhood Zone. The applicant's representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

Joe Meshotto moved, seconded by Gary Farley, to Approve the request as presented by Staff.

Motion Carried (5 - For, 0 - Against)

Request was Approved

BZA 2016-027 Absolute Fireworks- 3892 Shelbyville Pike

Applicant requested a special exception to allow the temporary sale of fireworks on property located in the CS, Commercial Services Zone. The applicant's representative had no additional comments to add to the Staff presentation. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.** Gary Farley stated that this site has some grassy areas and the applicant needs to make sure the fireworks stand is on solid surface.

Gary Farley moved, seconded by Veronica Buchanan, to Approve the request as presented by Staff.

Motion Carried (5 - For, 0 - Against)

Request was Approved

BZA 2016-021 Leanna Church of Christ

The Applicant requested a variance relief to allow an internally illuminated sign located within the RM zone. Doug Demosi presented staff findings. There were no phone calls in opposition of the request. The applicant wanted to replace the sign, but there was not a record found to prove it had been grandfathered in or not. Staff advised the applicant to seek a variance to allow them to continue to have the sign on the property. The reason the applicant had to come before the board was due to

records not found to prove it was legally established. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

Gary Farley moved, seconded by Jerry Sartain to Approve the request.

The motion carried (5- For, 0- Against).

Request was Approved

BZA 2016-022

Jason Roller

The Applicant requested a special exception approval allowing the establishment of a major home based business involving a music studio upon a property located in the RM zone. Doug Demosi presented staff findings. The site meets the conditions for a home based business. An issue that was addressed was regarding the noise for this type of business. Mr. Roller will be soundproofing the music studio where sound will not be heard from this site. Mr. Meshotto stated the applicant needs make sure to be in compliance with the setbacks. Mr. Sartain had concerns regarding the turnaround for traffic.

The public hearing was opened. No one spoke for or against the request and **the public hearing was closed.**

Joe Meshotto moved, seconded by Gary Farley to Approve the request.

The motion carried (5- For, 0- Against).

Request was Approved

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

Zane Cantrell, Chairman

Doug Demosi, Planning Director

Date

Date

APPLICATION BZA 2016-028

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: Charlie B. Mitchell, Jr.
Applicant Name: Jake Loyd

SITE DATA

Location Address:	3960 Shelbyville Pike	Site Acreage:	10.31
Tax Map:	136	Parcel Number:	69.07
Zoning District:	CS- Commercial Services	Commission District:	Mike Kusch

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

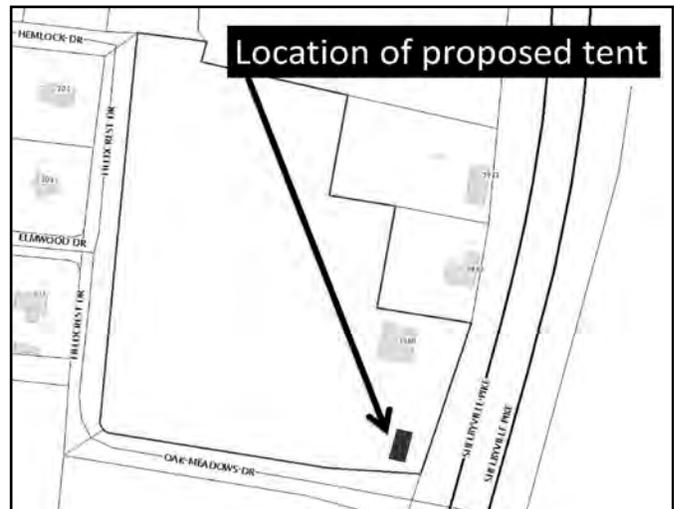
- Chapter 14, Section 1408
- Chapter 6, Commercial District Regulations
- Chapter 11, Section 1101 M. 5.
- Chapter 12, Sign Regulations

AREA DESCRIPTION

The subject property is vacant and is located at the intersection of Oak Meadow Drive and Shelbyville Pike. The surrounding area includes the 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 temporary sale of fireworks in the Commercial Services (CS) zone. The applicant is proposing to erect a 40' x 60' tent. The proposed hours of operation will be 8:30 a.m. To 10:00 p.m., 7-days a week, June 20 through July 5th. In addition, the applicant is seeking approval to remain open until midnight on July 4. The applicant is proposing to install a 16 square-foot sign and 24 square-foot banner 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 may be up to six (6) employees onsite during busier hours; however, the applicant states that a minimum of two employees will be onsite at all times the use is in operation. The proposed request is identical to the requests approved for years 2010-2015.



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 Shelbyville Pike and Oak Meadow Drive. It is unclear based on materials submitted by the Applicant as to whether the proposed parking area is located in the right-of-way of Shelbyville. The provision of adequate parking not located in a right-of-way will need to be demonstrated prior to establishment of 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 in 2014, 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. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

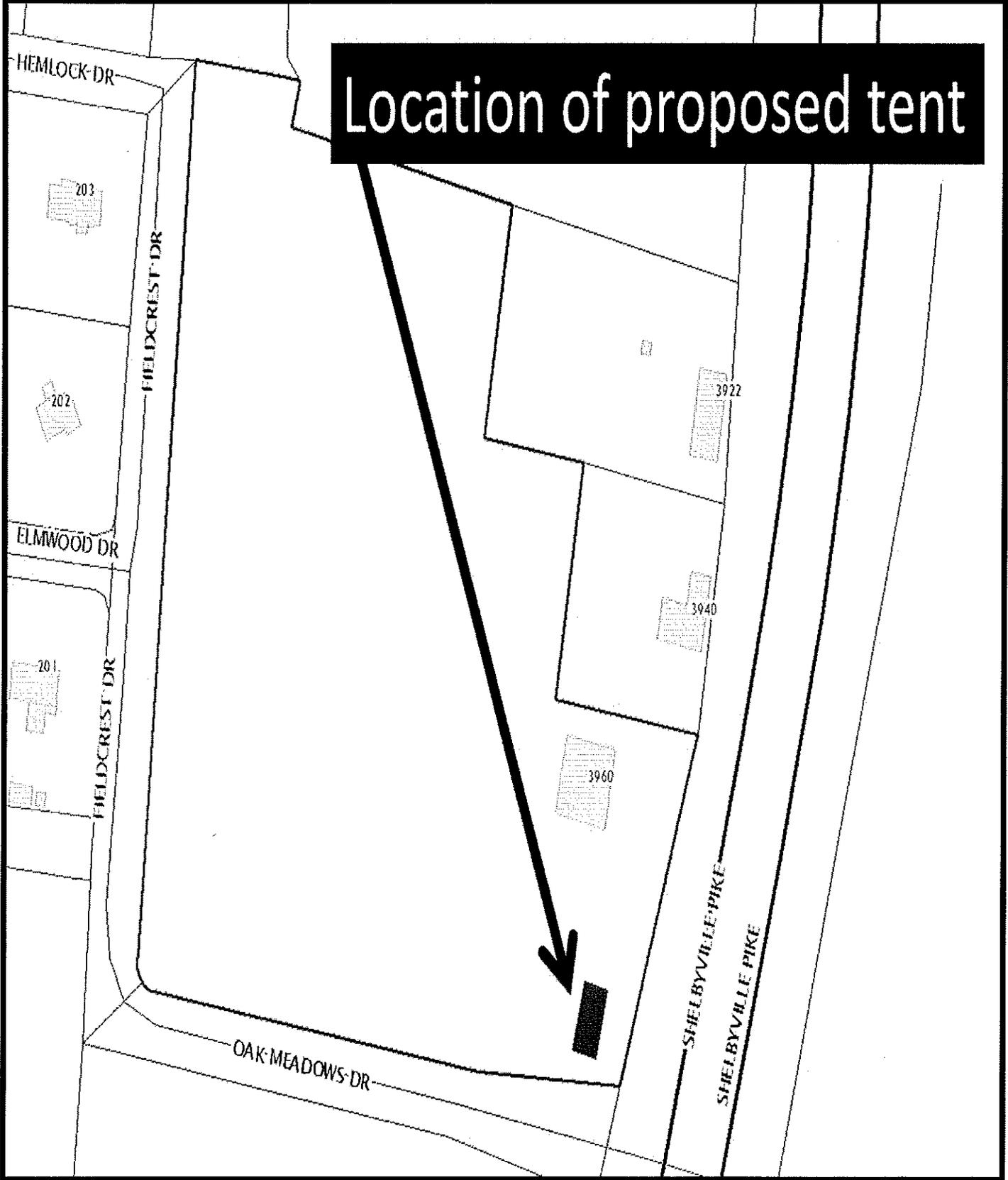
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2015-027 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

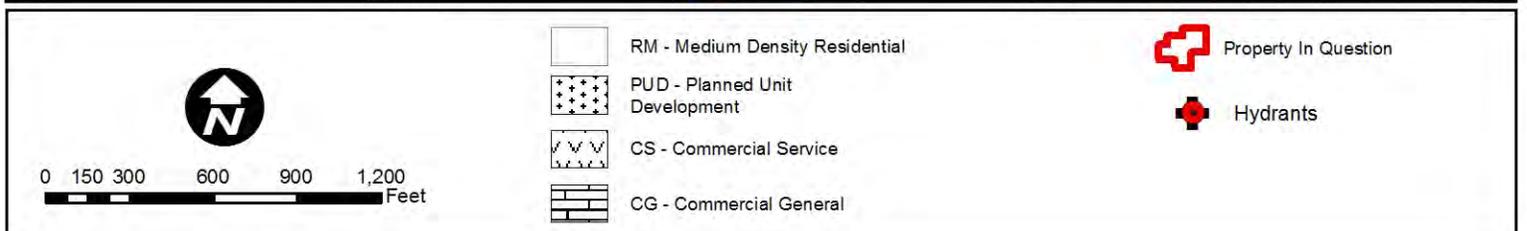
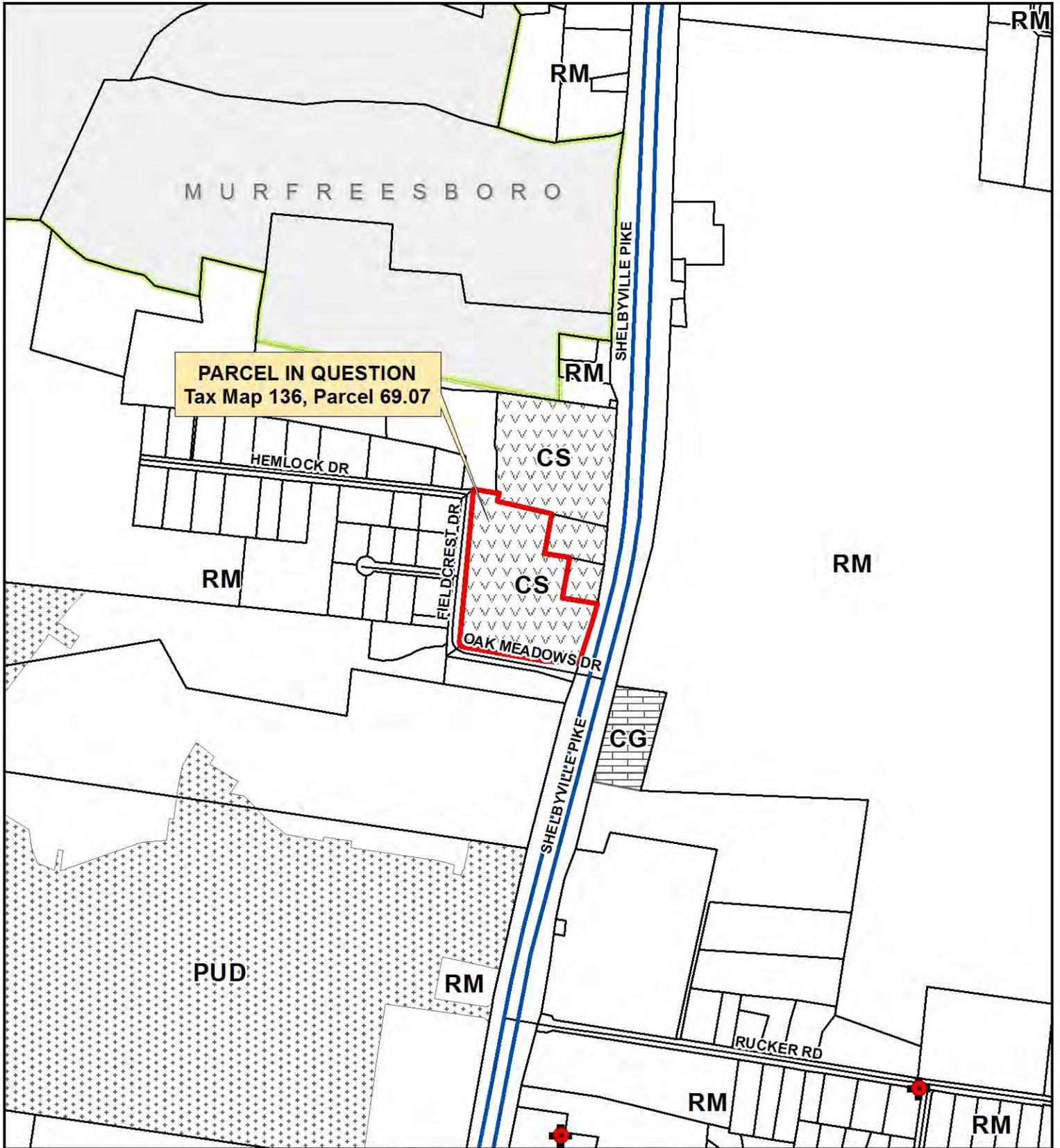
1. Site Plan
2. Zoning Map
3. Aerial Map

Location of proposed tent

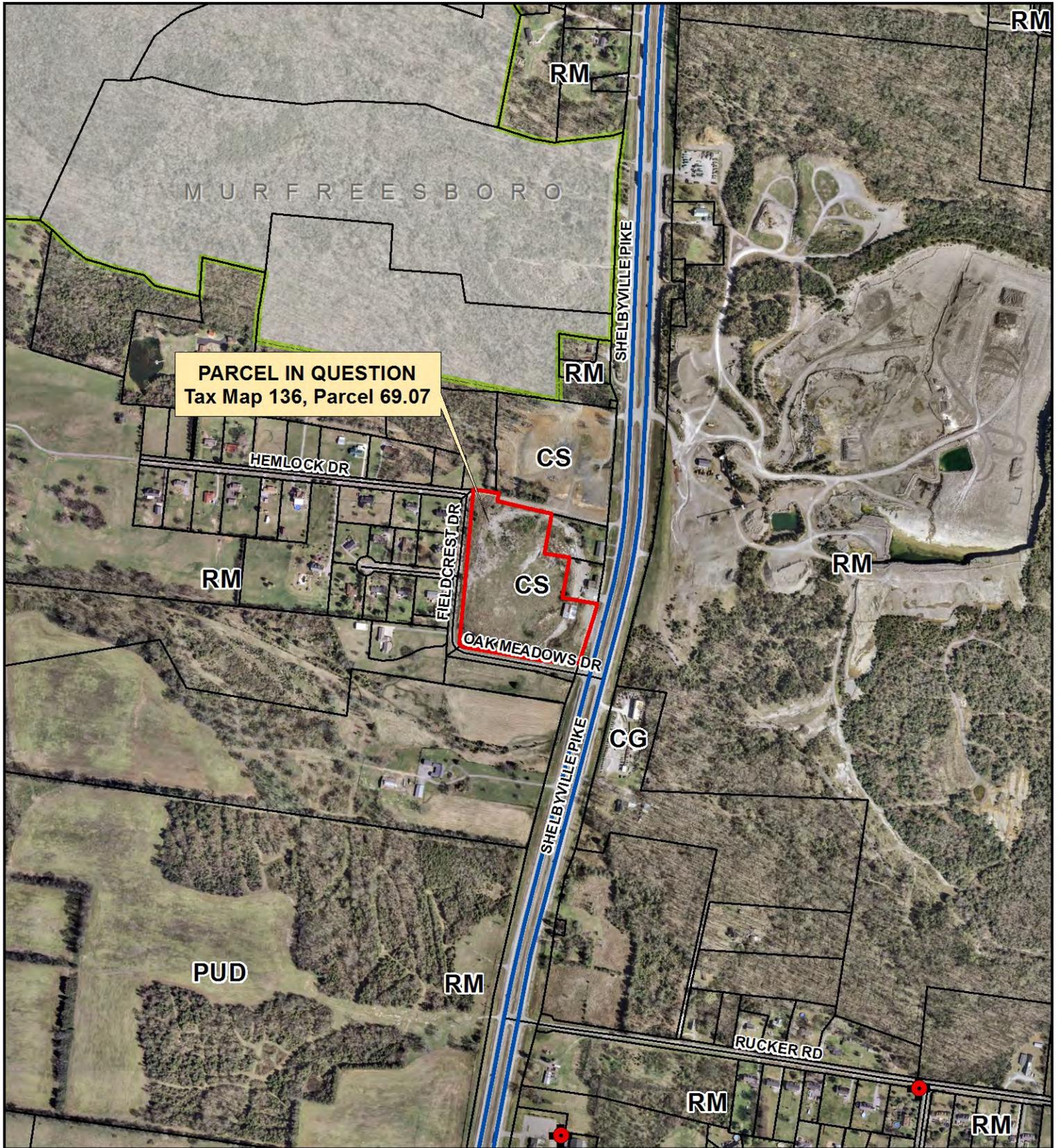




2016-028



2016-028



0 150 300 600 900 1,200
Feet

 Property In Question

 Hydrants

APPLICATION BZA 2016-029

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: Frank Bauer
Applicant Name: Jake Loyd

SITE DATA

Location Address:	5630 Lebanon Pike	Site Acreage:	7.41 acres
Tax Map:	46	Parcel Number:	36.00
Zoning District:	CS- Commercial Services	Commission District:	Steve Percy

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

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

AREA DESCRIPTION

The subject property is developed as a plumbing and building supply business and is located off Lebanon Pike. The surrounding area includes 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 Services (CS) zone. The applicant is proposing to erect a 60' x 30' tent. The proposed hours of operation will be 8:30 a.m. to 10:00 p.m., 7-days a week, June 20 through July 5. In addition, the Applicant is seeking approval to remain open until midnight on July 4. The applicant is proposing to install a 16 square-foot sign and a 32 square-foot banner 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 may be up to six (6) employees onsite during busier hours; however, the Applicant states that Tim Purvis, along with needed help, will be onsite and operate the proposed stand for the duration of the fireworks sale. The Applicant was approved for the same request in 2013, 2014 and 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 Lebanon Pike, a two-lane state highway. Existing parking areas on the site can accommodate the proposed use. A fire hydrant is located approximately 260' feet 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 2013 and 2014, 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. The site plan provided by the applicant indicates that the

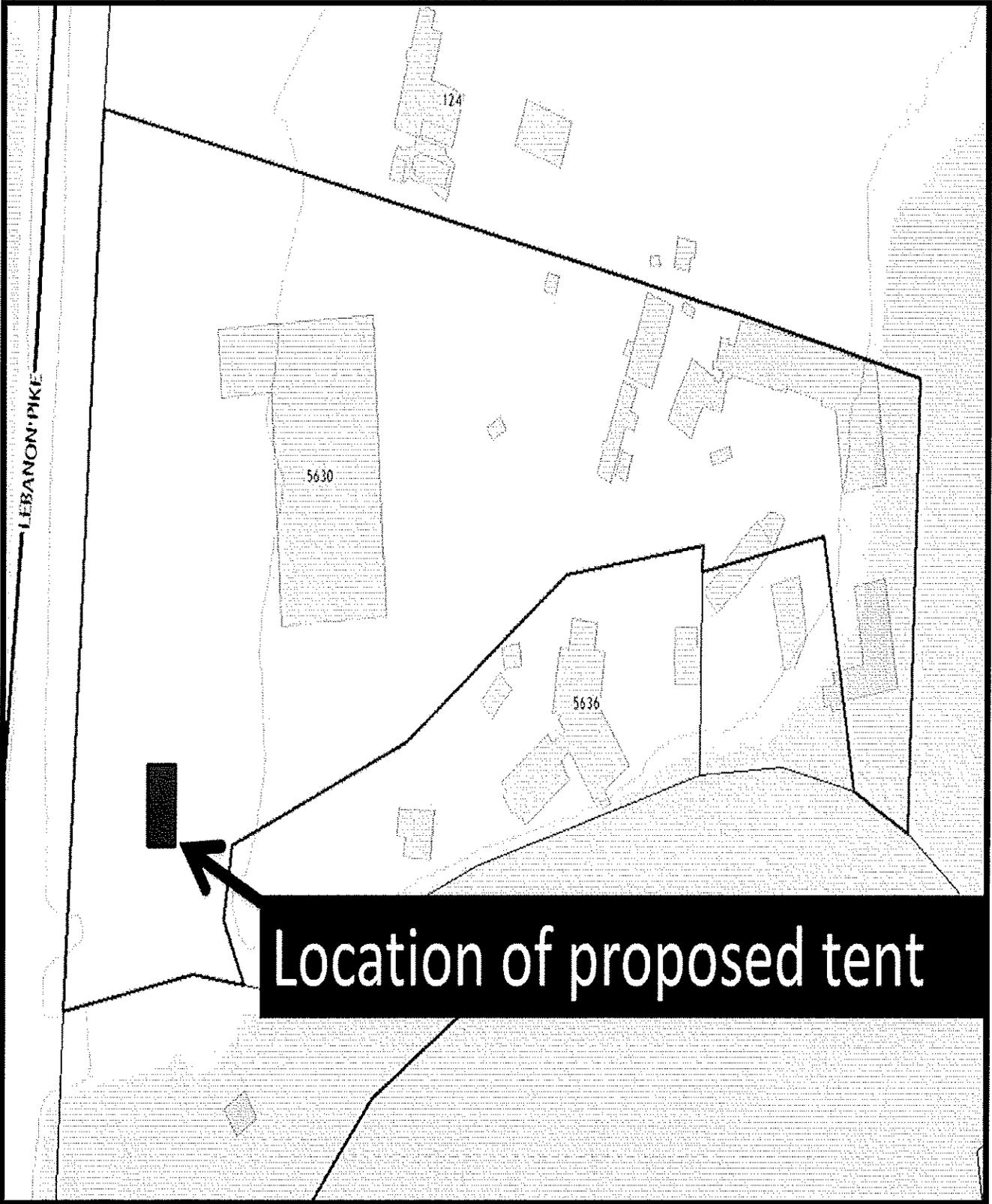
proposed tent will be located approximately 70' from the front property line along Lebanon Pike. At the time of permitting, the Applicant will need to demonstrate that the 40' setback from the front property line is met.

STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2015-026 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



LEBANON PIKE

124

5630

5636

Location of proposed tent



5830 Lebanon Pike

30x60 Tent

117'

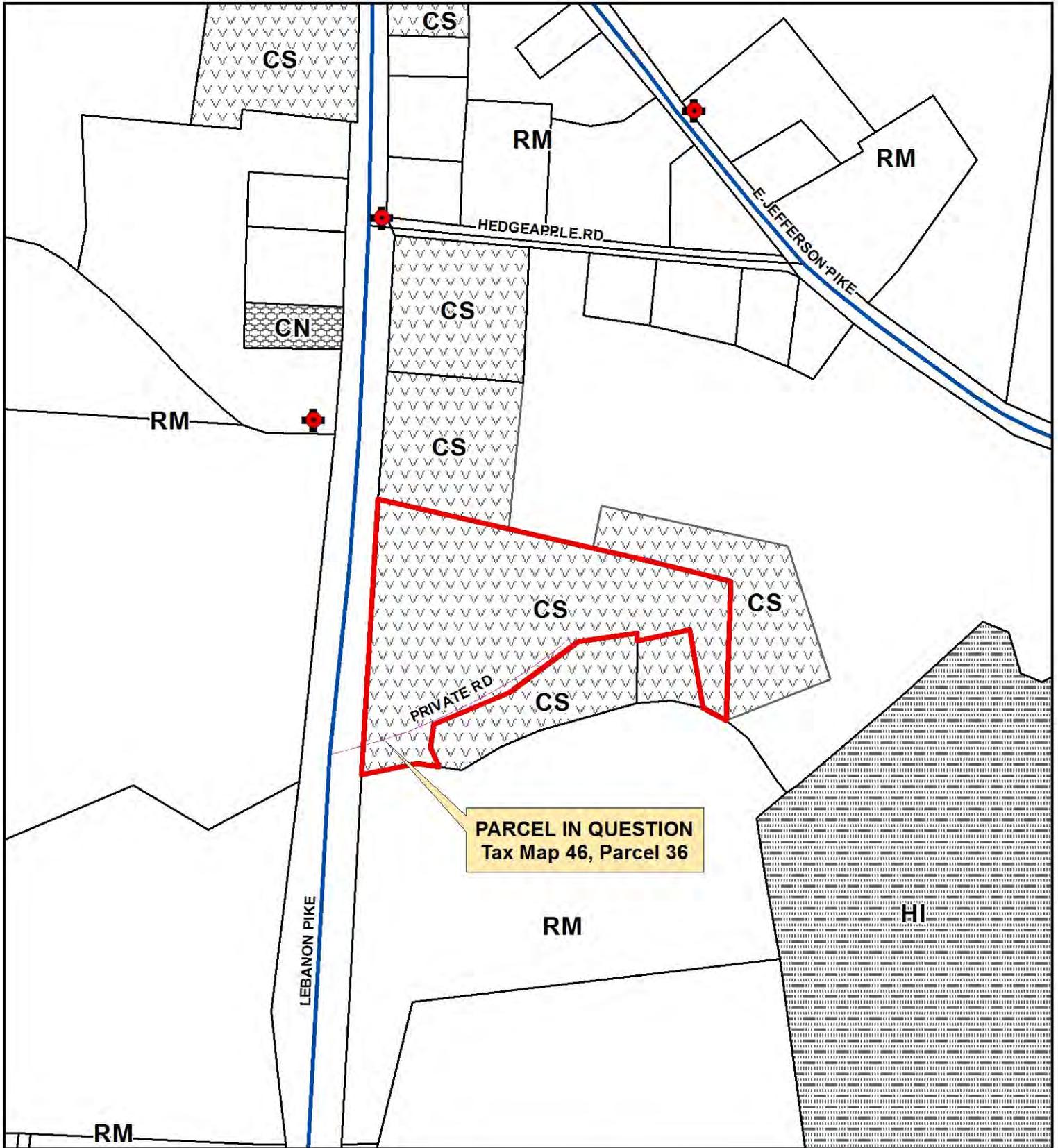
111'

Lebanon Pike

10

© 2013 Google

2016-029



 0 75 150 300 450 600 Feet	RM - Medium Density Residential	Property In Question
	CS - Commercial Service	Hydrants
	CN - Commercial Neighborhood	
	HI - Heavy Industrial	

2016-029



 Property In Question

 Hydrants



0 75 150 300 450 600 Feet

APPLICATION BZA 2016-030

STAFF REPORT

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

OWNER AND APPLICANT DATA

Owner/Applicant Name: Patterson Baptist Church (By Vandy Duke)

SITE DATA

Location Address:	12780 Patterson Road	Site Acreage:	2
Tax Map:	98	Parcel Number:	31.00
Zoning District:	RL-Low Density Residential	Commission District:	Pettus Read

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 the site of the Patterson Baptist Church. The property is zoned Residential Low-Density (RL). The surrounding property is also zoned RL and is composed of residential and agricultural properties.

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 replace their existing ground sign with an internally lit ground sign. The face of the sign will measure 10' x 4' for a total of 40 square feet in area, which is allowed in the RL district. The overall height of the sign will measure eight feet, which also meets current regulations. The existing sign is not illuminated. External illumination is permitted in this zoning district but the applicants desire for their sign to be internally lit.

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 states that an internally lit sign will be more attractive, modern and aesthetically acceptable to a community than and external spotlight. They also state that low emitting light would be less distracting for the area. 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, “The sign is located next to road frontage. External lighting will be more distracting and increase glare and distracting to drivers and traffic. Internal lit sign will be safer for area.” 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 states, "Although the area is zoned residential, one neighbor is directly across the property. External lighting will be brighter and more intrusive than internal lit. The modern design of sign will be more attractive as internal lit." 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 applicant states that, "This request is for community church that has been in place since 1897. The new signage for the church improves the community look and appearance. Internal lit is modern and less distracting."

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.

The applicant feels that external lighting will be more distracting to traffic, neighbors, and the community.

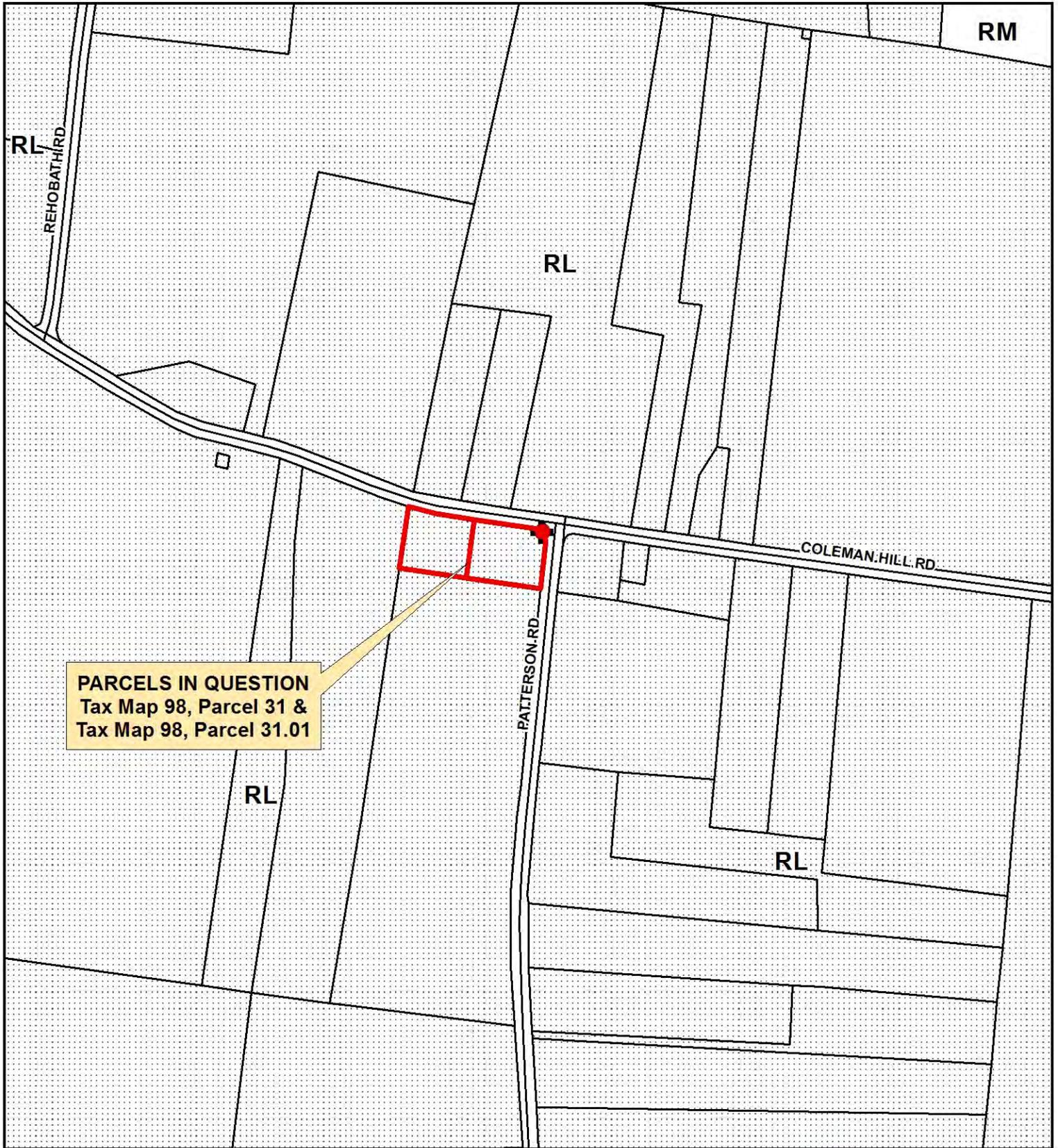
STAFF FINDINGS

It is Staff's opinion that Application 2016-030, requesting variance relief to allow an internally illuminated sign located within the RL, Low Density Residential zone fails to meet the variance criteria as stated above.

LIST OF ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Sign Schematic
4. Photos of Property

2016-030



PARCELS IN QUESTION
Tax Map 98, Parcel 31 &
Tax Map 98, Parcel 31.01



0 100 200 400 600 800 Feet



RL - Low Density Residential



RM - Medium Density Residential



Property In Question



Hydrants

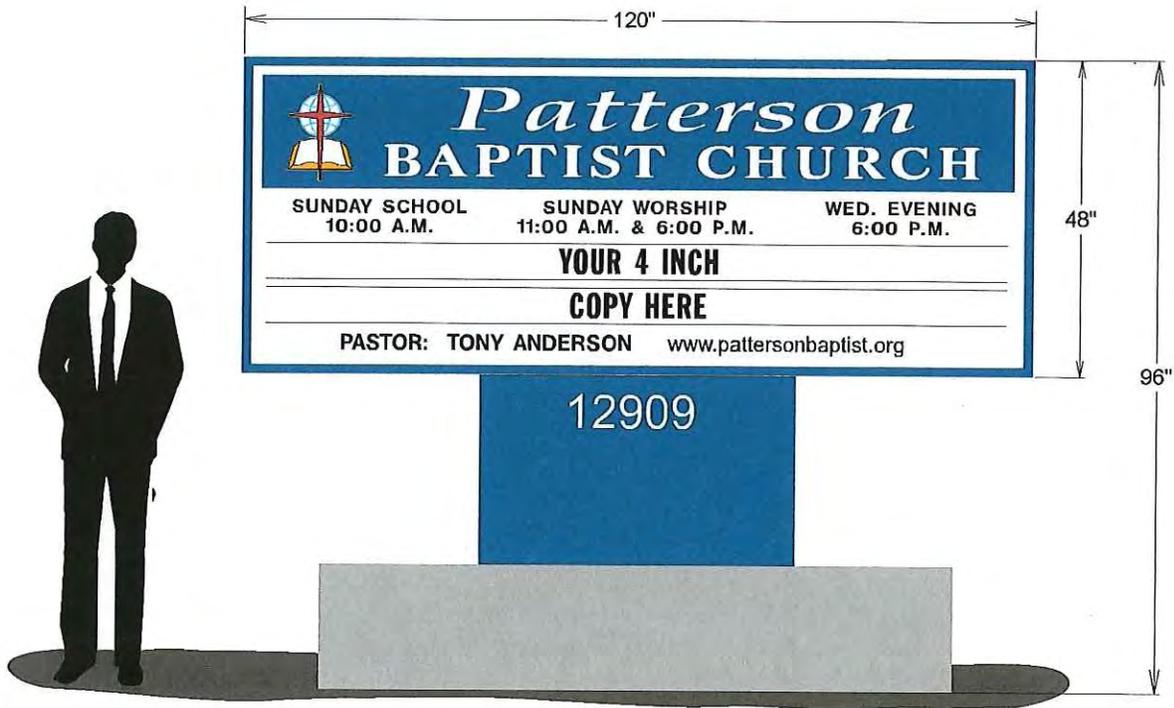
2016-030



0 100 200 400 600 800 Feet

 Property In Question

 Hydrants



Drawing # J012816A



Approximately 16' from property line to existing sign.



Existing sign and brick planter will be torn down and replaced with new sign and pole.

APPLICATION BZA 2016-031

STAFF REPORT

REQUEST FOR SPECIAL EXCEPTION APPROVAL TO ESTABLISH AN AUTOMOTIVE REPAIR AND SERVICING BUSINESS ON A PROPERTY LOCATED IN THE CN, COMMERCIAL NEIGHBORHOOD ZONING DISTRICT.

OWNER AND APPLICANT DATA

Owner Name: MidTenn Collision Properties, LLC
Applicant Name: Danny Wallace and MidTenn Collision Properties, LLC

SITE DATA

Location Address:	2406 & 2412 Blackman Road	Site Acreage:	5.92
Tax Map:	78	Parcel Numbers:	31.04, 32.01
Zoning District:	CN- Commercial Neighborhood	Commission District:	William T. Gooch

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Administration and Enforcement
- Chapter 6, Commercial District Regulations

AREA DESCRIPTION

The subject site is located along Blackman Road between SR 840 and Manson Pike. A modular home is located on the property and adjacent land uses include vacant and residential homes. The subject property and adjacent properties are zoned Commercial Neighborhood (CN). Properties located across Blackman Road and SR 840 are classified as RM, Medium Density Residential.

DESCRIPTION OF REQUEST

The applicant received special exception approval in 2015 for property located at 2400 Blackman Road, immediately south of the subject properties. A copy of the Order of Action for this request has been included with your agenda materials. The request was for an 8,000 square-foot automotive repair and servicing business.

The applicant is now asking for special exception approval for the subject properties for the same use. He proposes to construct a 15,000 square foot facility, utilizing all three properties, including the one approved for the use in 2015. A concept plan of the proposed development has been included with your agenda materials. The materials submitted by the applicant state that his business does not: 1.) Store cars on-site; 2.) Service messy engine or transmission parts; 3.) Generate much traffic impact; or 4.) Produce noxious noises or smells. Hours of operation would be from 7:30 AM to 5:00 PM Monday through Friday. While not storing cars, there would be a screened and fenced holding area for about 15-25 cars while they were awaiting pickup. If this application is approved, a site plan will be required to be submitted to the Rutherford County Regional Planning Commission for approval. A final plat will also have to be submitted to Staff to combine the properties into one tract.

GENERAL REQUIREMENTS FOR SPECIAL EXCEPTION

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

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

The Applicant states that the subject site “is surrounded by roads and highways, a low impact use, and an attractive and secure developer; this and the adjacent sites perfectly lends itself to this type of development.” As mentioned above, the site improvements for this project will be required to undergo site plan review where compliance with zoning and development regulations will be verified.

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

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

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

The Rutherford County Zoning Ordinance does not contain specific standards for the proposed use of an automotive repair and servicing facility. Prior to the construction of any improvements upon the site, the applicant will be required to demonstrate having met the regulations established for the CN, Commercial Neighborhood zoning district during site plan review as well as any other applicable building or development standards before permits can be issued for such work.

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

The subject properties are located along Blackman Road and SR 840. Immediately adjacent to these properties are additional parcels classified as CN. With SR 840 and other CN properties located alongside the subject property, Staff finds that proposed use compatible with the surrounding area. The safety of those using the facility will be considered during site plan review and building plan review at which time any potential hazards must be addressed in order to obtain final approval.

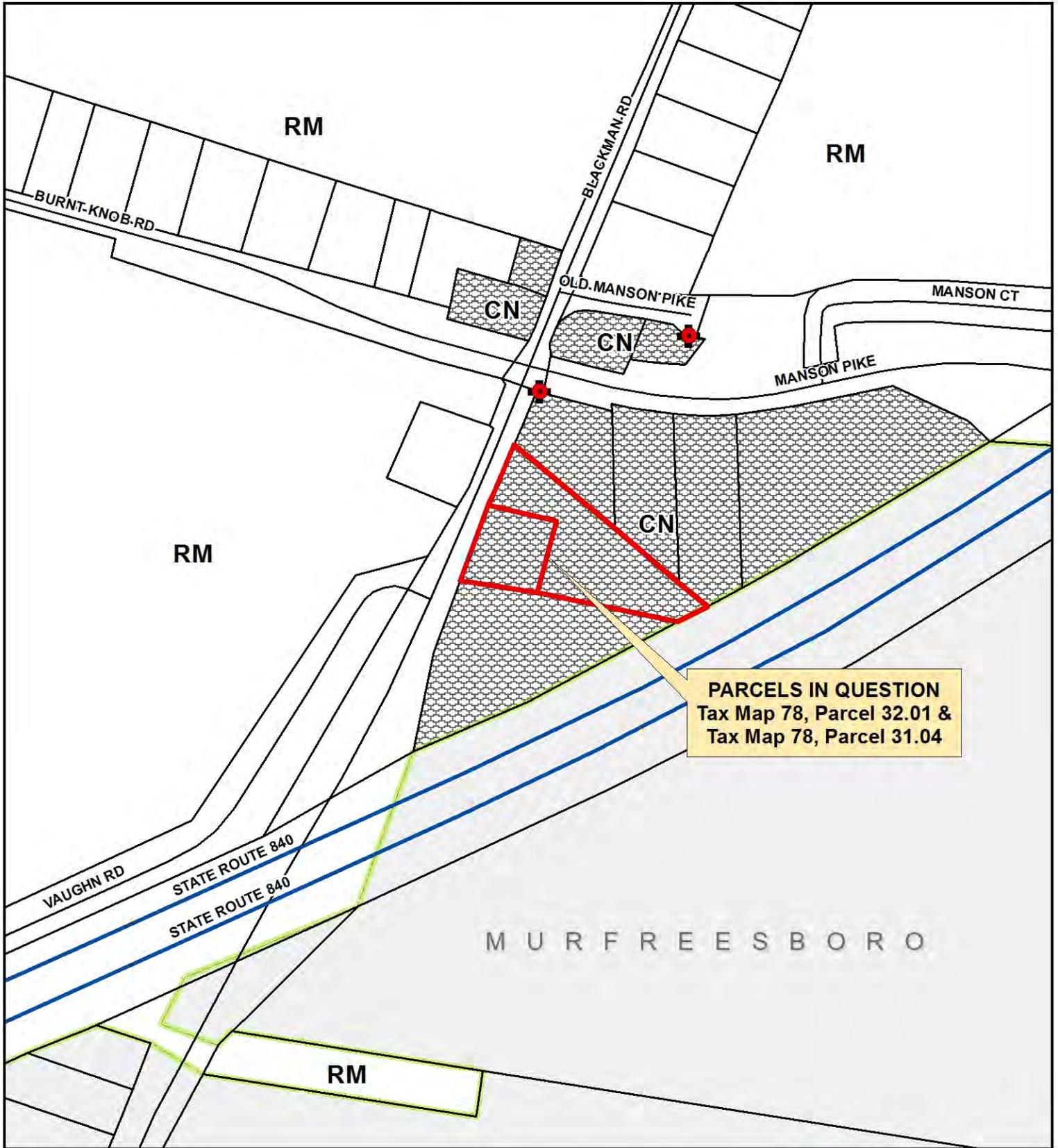
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2015-028 meets the “General Requirements For Special Exception”. Staff recommends APPROVAL.

LIST OF ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Order of Action for Application 2015-028
4. Site Plan

2016-031



MURFREESBORO

PARCELS IN QUESTION
Tax Map 78, Parcel 32.01 &
Tax Map 78, Parcel 31.04

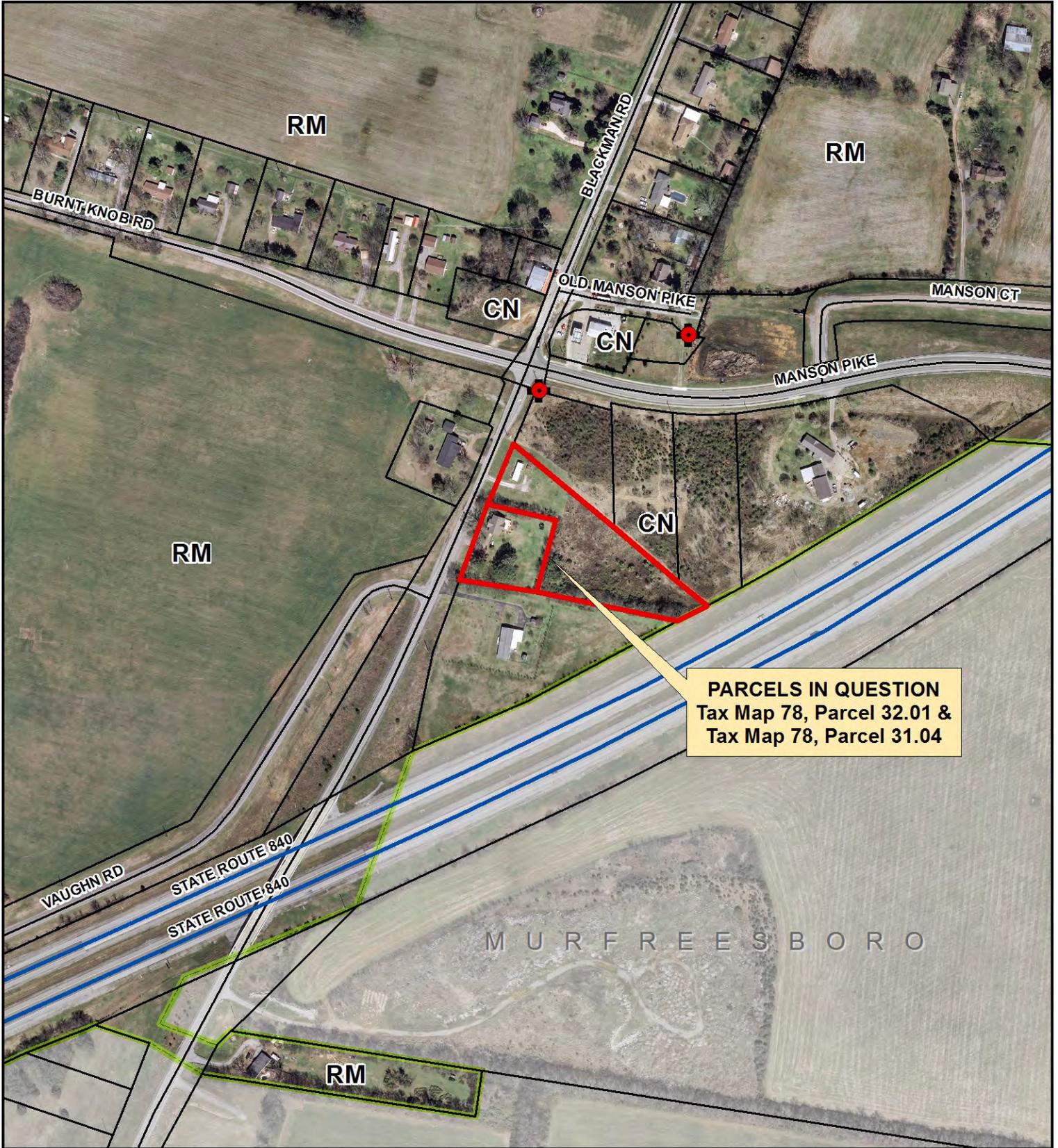


0 75 150 300 450 600 Feet

-  RM - Medium Density Residential
-  CS - Commercial Service
-  CN - Commercial Neighborhood

-  Property In Question
-  Hydrants

2016-031



PARCELS IN QUESTION
Tax Map 78, Parcel 32.01 &
Tax Map 78, Parcel 31.04



0 75 150 300 450 600 Feet

 Property In Question

 Hydrants

Document Prepared By:
Rutherford County Regional Planning Commission
One Public Square South, Suite 200
Murfreesboro, TN 37130

RUTHERFORD COUNTY
BOARD OF ZONING APPEALS
ORDER OF ACTION

APPEAL NUMBER: 2015-028 **DATE:** June 10, 2015
APPLICANTS: Danny Wallace and MidTenn Collision Properties, LLC
ADDRESS OF APPEAL: 2400 Blackman Road
TAX MAP: 78 **PARCEL NUMBER:** 31.02
CURRENT ZONING OF PROPERTY: CN- Commercial Neighborhood
RECORD BOOK: 604 **PAGE NUMBER:** 191
TYPE OF APPEAL: Special Exception

Request for special exception approval to establish an automotive repair and servicing business on a property located in the CN, Commercial Neighborhood zoning district.

FINDING OF FACT:

The Board found that the request met the general requirements for special exception as set forth by Section 1408 of the Rutherford County Zoning Ordinance.

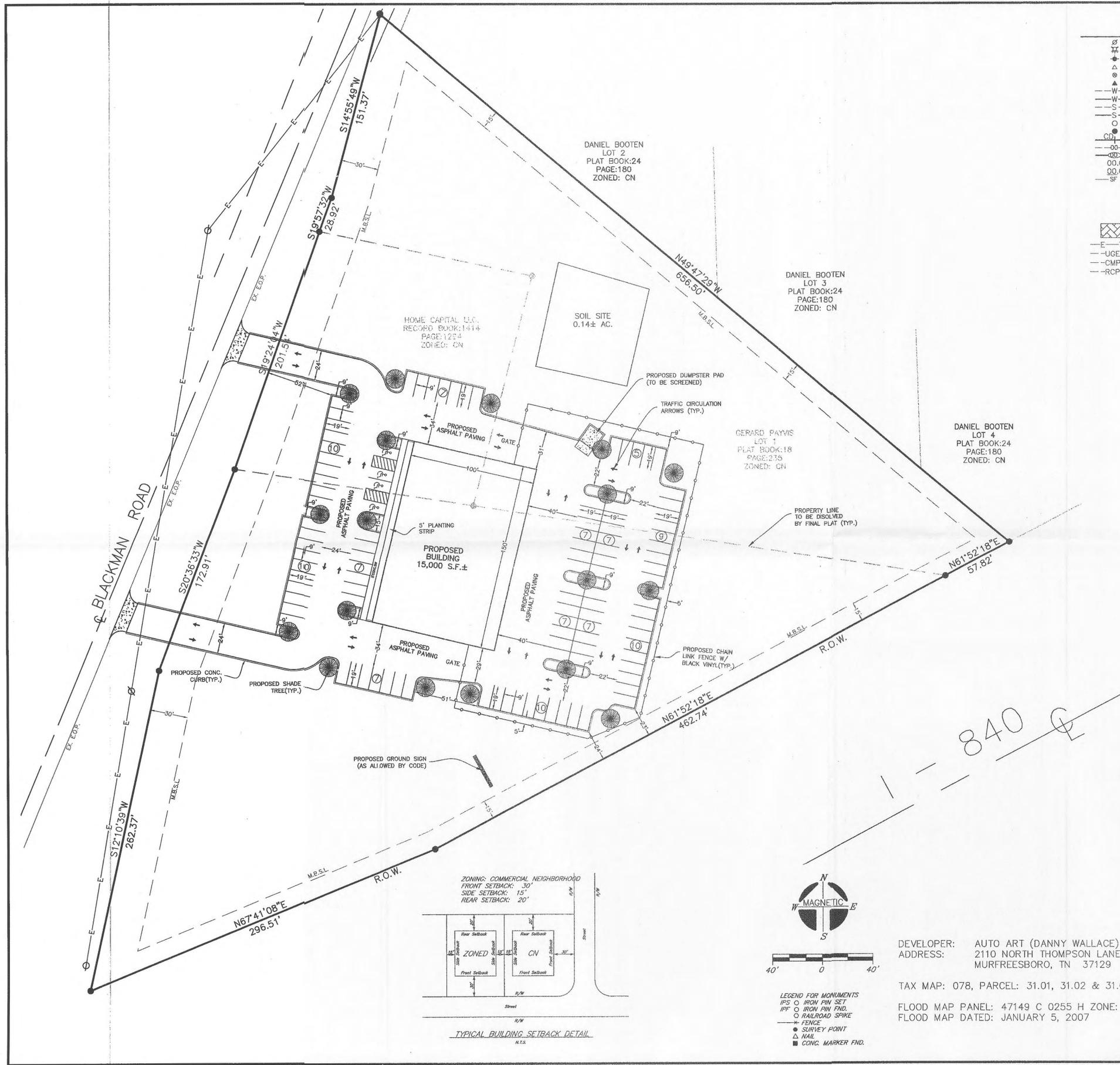
MOTION:

A motion was made by Board Member Farley, seconded by Board Member Sartain, to approve Application 2015-028 as requested.

VOTE: **AYES** 5 **NAYS** 0

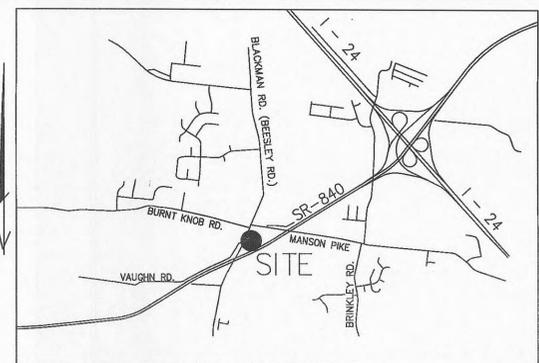
Chairman

Secretary



LEGEND

- ⊗ Power Pole
- ⊕ Existing Fire Hydrant
- ⊕ Proposed Fire Hydrant
- △ Reducer
- ▲ Concrete Thrust Block
- W— Existing Water Line
- W— Proposed Water Line
- S— Existing Sanitary Sewer Line
- S— Proposed Sanitary Sewer Line
- Existing Manhole
- Proposed Manhole
- CD— Sewer Line Check Dam
- OO— Existing Contours
- OO— Proposed Contours
- 00.0 Existing Spot Elevations
- 00.0 Proposed Spot Elevations
- SF— Siltation Fence
(to be installed before grading and left in place until a good stand of grass is established over all disturbed areas.)
- ▨ Turf Reinforcement Mat
- E— Existing Telephone & Electric Line
- UCE— Existing Underground Electric Line
- CMP— Corrugated Metal Pipe
- RCP— Reinforced Concrete Pipe



LOCATION MAP

N.T.S.

NOTES:

1. IN TENNESSEE, IT IS A REQUIREMENT PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT" THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN THREE NOR MORE THAN TEN WORKING DAYS OF THEIR INTENT TO EXCAVATE. A LIST OF THESE UTILITIES MAY BE OBTAINED FROM THE COUNTY REGISTER OF DEEDS. THOSE UTILITIES THAT PARTICIPATE IN THE TENNESSEE ONE CALL SYSTEM CAN BE NOTIFIED BY CALLING TOLL FREE 1-800-351-1111.
2. UNDERGROUND UTILITIES SHOWN WERE LOCATED USING AVAILABLE ABOVE-GROUND EVIDENCE, AND ALSO FROM INFORMATION OBTAINED FROM THE RESPECTIVE UTILITY COMPANIES. THE EXISTENCE OR NON-EXISTENCE OF THE UTILITIES SHOWN AND ANY OTHER UTILITIES WHICH MAY BE PRESENT ON THIS SITE OR ADJACENT SITES SHOULD BE CONFIRMED WITH THE UTILITY OWNER PRIOR TO COMMENCING ANY WORK.

SITE DATA:

TOTAL AREA: 5.92± ACRES
258,048 SQ. FT.

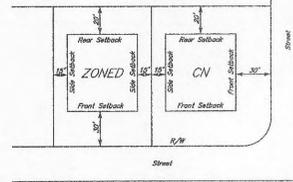
ZONED: CN (COMMERCIAL NEIGHBORHOOD)

PROPOSED USE: AUTOMOTIVE REPAIR & SERVICES

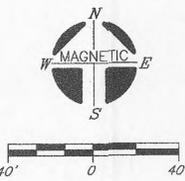
PARKING REQUIRED:
Automotive Repair & Services:
1 space for each employee, plus 4 spaces for each service bay
4 BAY DOORS= 16 SPACES
4 EMPLOYEES= 4 SPACES
20 SPACES TOTAL

PARKING PROVIDED:
103 SPACES + 4 H.C. SPACE

ZONING: COMMERCIAL NEIGHBORHOOD
FRONT SETBACK: 30'
SIDE SETBACK: 15'
REAR SETBACK: 20'



TYPICAL BUILDING SETBACK DETAIL



- LEGEND FOR MONUMENTS**
- IPF ○ IRON PIN SET
 - IPF ○ IRON PIN END
 - RAILROAD SPIKE
 - FENCE
 - SURVEY POINT
 - ▲ NAIL
 - CONC. MARKER FND.

DEVELOPER: AUTO ART (DANNY WALLACE)
ADDRESS: 2110 NORTH THOMPSON LANE
MURFREESBORO, TN 37129

TAX MAP: 078, PARCEL: 31.01, 31.02 & 31.04
FLOOD MAP PANEL: 47149 C 0255 H ZONE: X
FLOOD MAP DATED: JANUARY 5, 2007



CONCEPT PLAN
AUTO ART
(BLACKMAN ROAD)

MURFREESBORO, RUTHERFORD CO. TENNESSEE

Date: APRIL, 2016 Scale: 1"=40' SH: 1 OF 1

APPLICATION BZA 2016-032

STAFF REPORT

REQUEST FOR SPECIAL EXCEPTION APPROVAL FOR A MAJOR HOME BASED BUSINESS (COSMETOLOGY BUSINESS) ON A PROPERTY LOCATED IN THE RM, MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT.

OWNER AND APPLICANT DATA

Owner Name: Jameson & Lesley Hurst
Applicant Name: Lesley Hurst

SITE DATA

Location Address:	5363 Candy Cane Court	Site Acreage:	Approx. .5
Tax Map:	78H Group: B	Parcel Number:	51.00
Zoning District:	RM- Medium Density Residential	Commission District:	Joe Gourley

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

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

AREA DESCRIPTION

The subject property is approximately .5 acres in size and is located in the Sugartree Subdivision. The property, as well as the surrounding parcels, are zoned Residential Medium-Density (RM). This lot is considered a double-frontage lot, as it has frontage along both Candy Cane Court and Burnt Knob Road. The property does not currently have access to Burnt Knob Road and none is being requested with this application.

DESCRIPTION OF REQUEST

Application 2016-032 seeks special exception approval for a major home based business of a cosmetology business in the RM zoning district. The applicant plans to remodel an area of her home for the business. A copy of the house layout has been included with your agenda materials. The applicant will be the only employee at the business. Customers will be seen by appointment only. Days and hours of operation are Monday and Tuesday from 11:00 AM to 7:00 PM; Wednesday from 9:00 AM to 7:00 PM; Friday from 9:00 AM to 5:00 PM and Saturday from 9:00 AM to 3:00 PM. There will not be any Sunday hours. She has indicated that she would work 3-5 days per week with no more than five clients per day. The applicant has indicated that she will have a small sign on the entrance window, measuring less than five square feet in size. The County's Zoning Ordinance allows for major home-based businesses to have one attached sign measuring no greater than five square feet. She has also indicated that the current gravel driveway will be paved in the near future.

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 .5-acre property and the proposed business will be located completely within the existing structure and operate by appointment only, 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 states that the business will not occupy more than 25 percent of the gross floor area of her home.

- 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 client parking. No access to Burnt Knob Road is being requested as part of this application.

- 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 ten (10) customer/client visits per day and no more than five (5) present at any one time.

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

- Automobile/vehicle repair
- Restaurants, clubs, drinking establishments
- Kennels and veterinarian clinics/hospitals
- Undertaking and funeral parlors
- Medical and dental clinics/hospitals
- 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 with this application.

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 they will have a sign and that it will be less than five square feet.

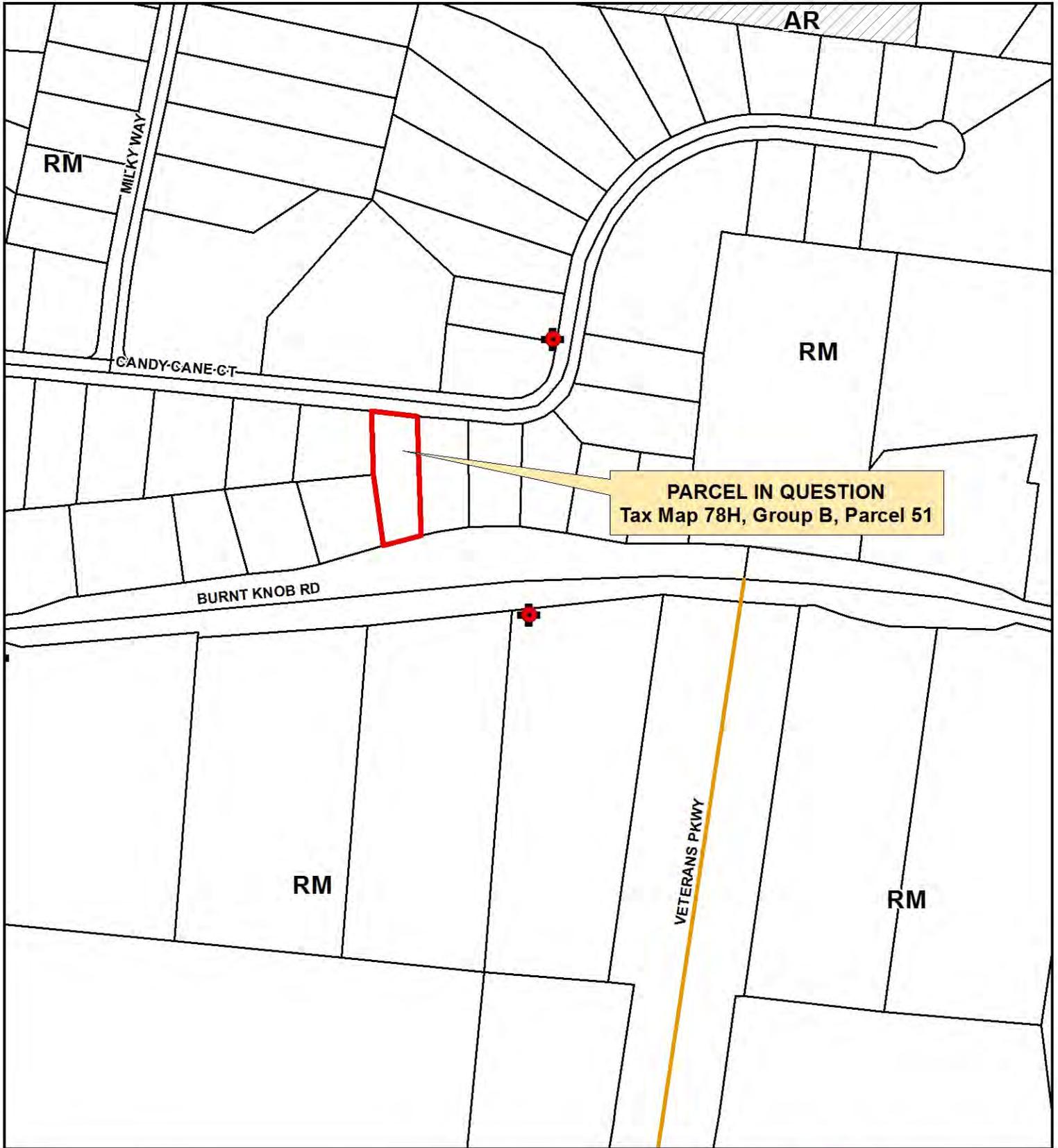
STAFF FINDINGS

In conclusion, Staff finds that the request in Application 2016-032 to allow a cosmetology major home-based business 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 2016-032 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, as well as any other requirements from outside agencies, such as the Tennessee State Board of Cosmetology.

LIST OF ATTACHMENTS

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

2016-032



0 50 100 200 300 400 Feet

 RM - Medium Density Residential
 AR - Agricultural Residential

 Property In Question
 Hydrants

2016-032



PARCEL IN QUESTION
Tax Map 78H, Group B, Parcel 51



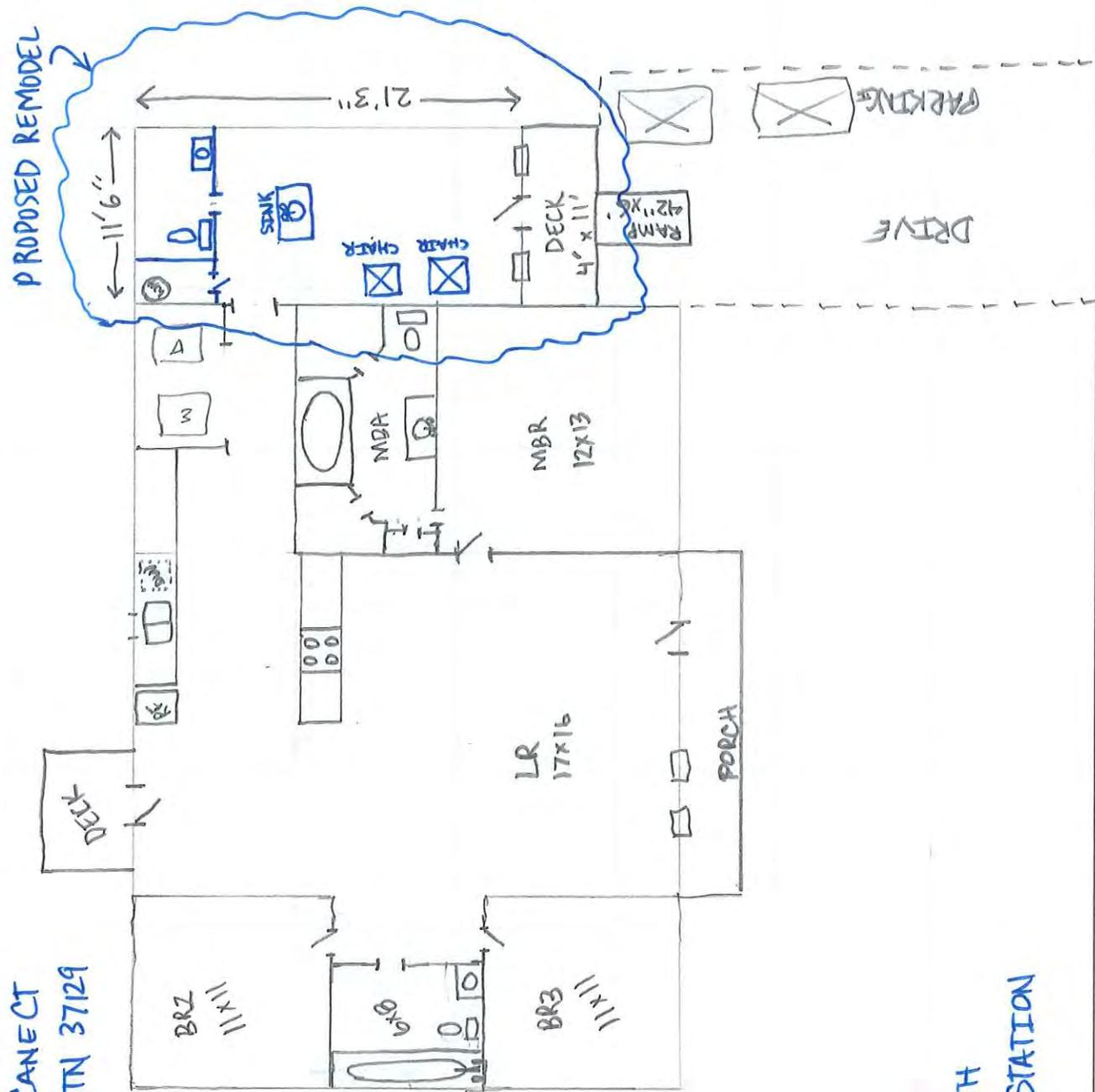
0 50 100 200 300 400
Feet

 Property In Question

 Hydrants

52

5363 CANDY CANECT
MURFREESBORO, TN 37129



ADD
 1- 1/2 BATH
 1- SINK STATION

52