

# RUTHERFORD COUNTY BOARD OF ZONING APPEALS

Regular Meeting August 10, 2016

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



## AGENDA

- I. Call to Order: 4:30 PM
- II. Pledge of Allegiance
- III. Roll Call & Determine Quorum
- IV. Approval of July 13, 2016 Meeting Minutes
- V. New Business
  - A. **Kevin Ray Buck – BZA 2016-046**  
Location: 3815 John Bragg Highway, Map No.:104, Parcel: 120.02, Request for temporary special exception approval for a seasonal attraction on a property located in the RM, Medium Density Residential zoning district.
  - B. **Hubert Wayne Baskett – BZA 2016-047**  
Location: 1234 Veterans Parkway, Map No.:124, Parcel: 24, Request for special exception approval for the establishment of a major home based business involving auto repair upon a property located in the RM, Medium Density Residential zoning district.
  - C. **Thomas Gregory Hyde – BZA 2016-048**  
Location: 1605 Mount Herman Road, Map No.:111, Parcel: 31, Request for special exception approval for the placement of a single wide residence on a tract less than five (5) acres on a property located in the RL, Low Density Residential zoning district.
- VI. Board Business
- VII. Adjournment



**Minutes of the  
Rutherford County Board of Zoning Appeals  
Wednesday, July 13, 2016**

**Board Members Present:**

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

**Staff Members Present:**

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

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

The Minutes of the June 8, 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.

**Jerry Sartain moved, seconded by Joe Meshotto, to approve the Minutes as presented by Staff.**

**Motion Carried (Unanimous Voice)**

**The Minutes of the June 8, 2016 meeting were Approved.**

**BZA 2016-033          Mildred Jones – 5437 Bradyville Pike**

The Applicant requested special exception approval for a retreat (event venue) located in the RM, Medium Density Residential zone. Danielle Glouner presented staff findings. There were several informational calls regarding the request. If approved the Applicant will have to seek site plan approval to verify all development standards are met. The Applicant shall obtain all permits/approvals required for the proposed use and continually comply with specific standards established for retreats. The Applicant spoke regarding the request and answered questions the Board had regarding the retreat. **The public hearing was opened.** No one spoke for or against the request and **the public hearing was closed.**

**Jerry Sartain moved, seconded by Joe Meshotto, to Approve the request as presented by Staff.**

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

**Request was Approved**

**BZA 2016-040          Steve and Kim Wright – 106 Juliet**

Applicant requested a special exception approval for an accessory dwelling unit that does not meet the design standards for ADUs involving a property located in RM, Medium Density Residential zone. Danielle Glouner presented staff findings. There were several phone calls in favor and some in opposition of the request. The Applicant requested to convert a detached structure into a living unit. However, the Applicant does not reside on the property. Mr. Steve Wright spoke regarding the

request. Member Buchanan stated to Mr. Wright that specific standards for ADUs are the property owner must reside in either the principal structure or the ADU. **The public hearing was opened.**

**Margaret Jones at 2505 Main Street** spoke on the request. Ms. Jones was concerned with the zoning if the property was to be sold. **Todd Bell at 126 Juliet Avenue** spoke on the request. Mr. Bell was concerned with the septic system being able to support the amount of bedrooms proposed. He also was concerned with the well-being of the neighborhood. **The public hearing was closed.**

**Veronica Buchanan** moved, seconded by **Joe Meshotto**, to **Deny Application 2016-040** based on the request failing to meet the general provision for accessory dwelling units (ADUs) requiring the property owner must reside in either the principal structure or the ADU.

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

**Request was Denied**

**BZA 2016-041                      Michael Weidenhamer – Burnt Knob Road**

The Applicant requested special exception approval to allow the establishment of a non-commercial storage facility to be used for personal storage upon a property located in the RM, Medium Density Residential Zone. Danielle Glouner presented staff findings. The site meets the general requirements for special exception approval and the specific standard with the conditions that the use continually comply with the standards for non-commercial storage facility, garage, workshop, or other structure for the private use of the land owner. This site would not support a septic system. There were no phone calls regarding the request. Mr. Weidenhamer spoke regarding the request. Member Sartain stated to the Applicant since a lot of time will be spent at this location would he consider putting a portable bathroom at the location. **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 with the conditions of a portable bathroom “porta-potty” must be placed upon the site.**

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

**Request was Approved**

**BZA 2016-042                      Ray Barrett – 1592 Jefferson Pike**

The Applicant requested special exception approval for the establishment of a major home based business involving auto repair, in association with an off-site commercial business upon a property located in the RM, Medium Density Residential zone. Danielle Glouner presented staff findings. There were several phone calls regarding the request. The residents were experiencing issues with fumes and noise all hours of the night and weekends. Some residents were concerned about water runoff from the proposed activities. Mr. Ray Barrett and Russ Barrett spoke regarding the request. The Board asked the Applicant a series of questions to understand the activities of the proposed operation. **The public hearing was opened.** **County Commissioner, Steve Percy** spoke on behalf of a neighbor in the subdivision who had concerns about the paint fumes and noise. Mr. Percy asked the Board if the request was approved to consider the residents. He also asked that the times of operations be daylight hours and no weekend hours. **The public hearing was closed.**

Gary Farley moved, seconded by Jerry Sartain to Deny Application 2016-042 based on life and safety concerns.

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

Request was Denied

**BZA 2016-043 Jason Makuch – 2387 North Road**

The Applicant requested special exception approval for the establishment of a major home based business involving powder coating objects upon a property located in the RM, Medium Density Residential zone. Danielle Glouner presented staff findings. The Applicant spoke regarding the request. He answered a series of questions from the Board. Mr. Makuch stated the hours of operation would be nights and weekends, however his application reflected different hours of operation. If approved the Board could include conditions on hours of operation. **The public hearing was opened.** Cynthia Lack had concerns with traffic in the area and worried that this part time business would become something bigger. JoAnn Payne at 2337 North Road was concerned with the traffic and wanted to make sure this residential area did not turn in to commercial zone. Jeff Farmer at 2322 North Blvd spoke in opposition of the request. He had concerns with other businesses starting to be developed in the community. Ann Phillips at 2347 North Road was concerned with a home-based business disturbing the neighborhood. The noise and traffic would be a nuisance. **The public hearing was closed.**

Gary Farley moved, seconded by Joe Meshotto to Deny Application 2016-043.

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

Request was Denied

**BZA 2016-044 Daniel and Sherry Lynn – 3597 Betty Ford Road**

The Applicant requested special exception approval for a retreat (event venue) with variance relief to the setbacks for buildings used in association with a retreat on a property located in the RM, Medium Density Residential zone. Danielle Glouner presented staff findings. The site appears to meet most of the general requirements for special exception if the Applicant obtains all permits/approvals discussed for the proposed use. The Applicant spoke regarding request. **The public hearing was opened.** Edwin Burnette at 3657 Sanford Drive spoke in opposition of the request due to changing the community from residential to commercial. He was speaking on behalf of other neighbor as well. Glen Littlepage at 3664 Sanford Drive spoke in opposition of the request due to the traffic, noise, and concerns of their community becoming a commercial area. David Arnold at 3588 Betty Ford Road spoke regarding the request, and he did not have any issues with the request. Steve Strawn at 3547 Betty Ford Road spoke in favor of the venue. Linda Elrod at 3606 Sanford Drive spoke in favor of the request. Braden Hunsicker spoke in favor of the request. James and Nancy Murray at 3657 Betty Ford Road spoke in favor of the request. Carl Todd at 3584 Sanford Drive spoke in favor of the request. Jerry Compton spoke in favor of the request. **The public hearing was closed.**

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

Motion Carried (5 - For, 0 - Against)

Request was Approved

**BZA 2016-045**

**Aaron Duggin – Miller Road**

The Applicant requested special exception approval for the establishment of a mini-storage business upon property located in the EAC, Employment Activity Center zone. Danielle Glouner presented staff findings. The establishment of a mini-warehouse facility meets the “General Requirements for Special Exception”. Staff recommends approval. There were a few informational phone calls. One phone call was in opposition due to some concerns of the maintenance of the building. The Applicant spoke regarding request. **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 request as presented by Staff.  
Motion Carried (5 - For, 0 - Against)  
Request was Approved**

**There being no further business, the meeting was adjourned at 6:28 p.m.**

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

\_\_\_\_\_  
**Danielle Glouner, Assistant Director**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

# APPLICATION BZA 2016-046

## STAFF REPORT

REQUEST FOR TEMPORARY SPECIAL EXCEPTION APPROVAL FOR A SEASONAL ATTRACTION ON A PROPERTY LOCATED IN THE RM, MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT.

### OWNER AND APPLICANT DATA

Owner Name: Charlie Farrer Partnership  
Applicant Name: Kevin Ray Buck

### SITE DATA

Location Address:	3815 John Bragg Highway	Site Acreage:	9.23
Tax Map:	104	Parcel Number:	120.02
Zoning District:	RM- Medium Density Residential	Commission District:	Chantho Sourinho

### APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 11, Section 1101 M.
- Chapter 4, Section 402 C.

### AREA DESCRIPTION

The subject property is vacant and is located off John Bragg Highway near the intersection of Double Springs Road. This area includes both residential and agricultural uses. The Medium Density Residential (RM) zoning district surrounds the subject property in all directions with the exception of the adjacent property directly west of the subject parcel that is zoned Agriculture Residential (AR).

### DESCRIPTION OF REQUEST

The Applicant is requesting temporary special exception approval for the month of October to establish a seasonal haunted woods and corn maze in the RM zoning district. The proposed haunted woods will also be established on an adjacent 9.6 acre property zoned AR. Since seasonal events are permitted by right in the AR zoning district, approval for this parcel is not required. The two (2) properties total over 18 acres in area and the subject property primary function is to provide parking areas to serve the seasonal attraction. The Applicant estimates that about twenty five to forty volunteers will work the proposed attraction. Days of operation will include each Friday and Saturday during the month of October as well as Halloween night during the hours of 7 pm to 12 am. The Applicant proposes to install a 3' x 10' sign and (2) 4' x 4' signs to advertise the proposed use for the duration of event. The Board of Zoning Appeals previously approved the request sought in application 2016-046 in years 2010 through 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;

*The site, located off John Bragg Highway (a major arterial roadway), can be accessed easily and will not impose a burden on local streets in residential neighborhoods. A driveway located on John Bragg Highway will provide ingress and egress to the property and an emergency access is located towards the rear of the*

property. According to the Applicant, there will be someone directing traffic entering and exiting the site.

The applicant plans to provide two (2) temporary bathroom facilities to accommodate patrons. Consolidated Utility District supplies water to the subject property. According to the Applicant, two (2) fire hydrants are located within 1000' feet of the subject property.

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

*The proposed use, being temporary, should not have a substantial or undue adverse effect on adjacent properties.*

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

*To ensure that the proposed use conforms to the provisions of the Rutherford County Zoning Ordinance, staff recommends the following conditions:*

- *Signage shall meet the requirements of the Rutherford County Zoning Resolution;*
- *No parking within the right-of-way of John Bragg Highway;*

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

*No permanent structures are proposed in Application BZA 2016-046. Based on the seasonal nature of the proposed use and the fact that no permanent modifications are planned, the site will not be rendered incompatible with uses permitted by right nor interfere with the development and use of adjacent properties in accordance with the applicable district regulations. There have been no issues brought to the Planning Department's attention regarding safety incidents for those attending the seasonal use in past years. Staff finds that this criterion is met.*

### **SPECIFIC STANDARDS FOR TEMPORARY SEASONAL ATTRACTIONS**

Section 1101 M. 4. of the Rutherford County Zoning Ordinance addresses Seasonal Attractions, it states "A temporary use permit for various seasonal attractions (corn mazes, haunted houses, Christmas tree sales, pumpkin patches, etc.) may be issued in any district for a period of no longer than forty-five (45) days. Such use shall only be permitted on lots where adequate off-street parking can be provided and where adjoining uses will not be affected. (Seasonal Attractions allowed by right in the AR district do not require a temporary use permit.)

*Staff finds that the proposed use complies with specific standards for seasonal attractions.*

### **STAFF FINDINGS**

In conclusion, Staff finds that the request in Application 2016-046 meets the "General Requirements For Special Exception" approval and the specific standards for Temporary Seasonal Attractions. Staff recommends APPROVAL.

### **LIST OF ATTACHMENTS**

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



Entrance

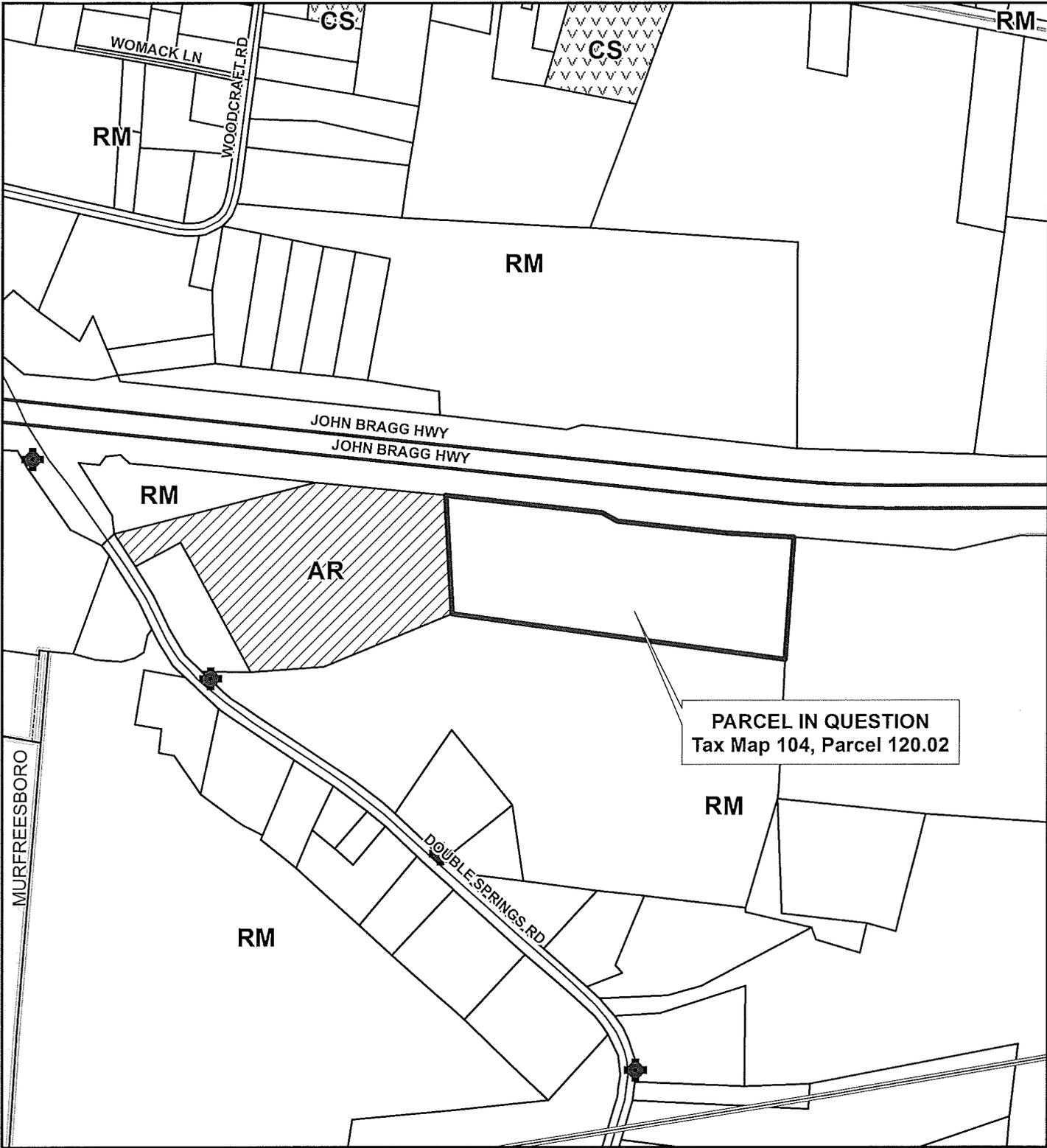
Exit

DOUBLE SPRINGS RD

JOHN BRAGG HWY

JOHN BRAGG HWY

# 2016-046



**PARCEL IN QUESTION**  
Tax Map 104, Parcel 120.02



AR - Agricultural Residential



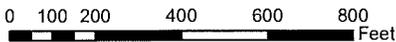
RM - Medium Density Residential



Property In Question



Hydrants



# 2016-046



PARCEL IN QUESTION  
Tax Map 104, Parcel 120.02



0 100 200 400 600 800  
Feet

-  Property In Question
-  Hydrants



# APPLICATION BZA 2016-047

## STAFF REPORT

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

### OWNER AND APPLICANT DATA

Applicant/Applicant Name: Hubert Wayne Baskettt

### SITE DATA

Location Address:	1234 Veterans Parkway	Site Acreage:	1.8
Tax Map:	124	Parcel Number:	24.00
Zoning District:	RM- Medium Density Residential	Commission District:	Mike Kusch

### 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 1.8-acre property located off Veterans Parkway and in the RM-Medium Density Residential zoning district. Surrounding the subject property to the west and north directions are residentially zoned properties (RS-10) located in the municipal boundary of Murfreesboro. To the north, east and south direction are properties developed as single- family homes, agricultural uses that are zoned RM, Medium Density Residential.

### DESCRIPTION OF REQUEST

Application 2016-047 seeks special exception approval for a major home based business of involving the repair of autos. The Applicant had obtained approval for the proposed use in a Type III Conditional Use Permit in August 2005 subject to conditions (see attached Conditional Use Permit), however the use was discontinued for an extended period.

The Applicant would like to offer automotive maintenance and repair services from an existing detached accessory structure located on the property. The Applicant proposes to repair approximately 3-5 cars per day. There is the possibility that two vehicles (customer) would be parked upon the property overnight if needed. The Applicant would like to have a five square foot sign, which is allowed under the Major Home Based Business provisions but required to be attached to the structure the business is operating within, to advertise the location of the business. Business days of operation will be Monday through Friday, 8AM to 5 PM.

Until June 2016, the list of prohibited major home based businesses included "automobile/vehicle repair"; however, the Board of County commissioners approved an amendment to the Rutherford County Zoning Ordinance that removed this term from the list of prohibited home based businesses. It was felt some requests for this type of home based business may be able to demonstrate compliance with the provisions for home based businesses and not pose a nuisance to surrounding areas.

### 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 1.1-acre property and the proposed business will be located in an existing detached accessory structure, 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.

*The Applicant indicated that two vehicles (being repaired and in relation to the off-site business) will be stored at a time at the subject property.*

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 an existing detached accessory structure.*

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:

- 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.

*Storage of two vehicles is proposed in Application 2016-047.*

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 a five square foot sign is requested as part of this Application.*

**STAFF FINDINGS**

In conclusion, Staff finds that the request in Application 2016-047 to allow a major home based business involving auto repair 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 2016-047 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. A-725 Type III Conditional Use Permit
3. Zoning Map
4. Aerial Map

3517

758.166073

220.445312

526.635646

VETERANS-PKWAY



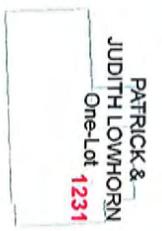
Gravel Parking Area

RIVER DOWNS KIMBRO  
One-Lot  
06-25



SOUTHWOOD EST.

76-15



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 No. 2003-29

Date: April 14, 2003

Applicants: Timothy Harrell

Address of Appeal: 1605 Mt. Herman Road, Murfreesboro 37130

Tax Map: 111

Parcel No. 31

Current Zoning of Property: Residential-15

Record Book: 218 Page No. 1605

Type of Appeal: Conditional Use Permit

To allow a Type "B" Mobile Home on a lot of less than five (5) acres to be used as a second residence to be rented out.

**FINDING OF FACT:**

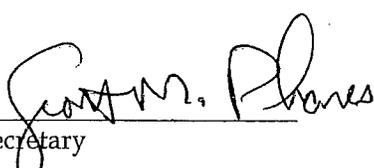
The Board found that the request met all six (6) Standards of General Applicability as set forth by Article VII, Section 7.02 of the Rutherford County Zoning Resolution

**MOTION:** Betty Lester moved, seconded by Jerry Sartain, to approve the conditional use permit on the above described property with the following conditions being appropriate to attach to the Type II Conditional Use Permit:

- The conditional use permit shall be reviewed every two (2) years.
- In the event of a written complaint, staff shall review this Conditional Use Permit. If the complaint is found to be valid, the Conditional Use Permit shall be brought back before the Board of Zoning Appeals for their review.

VOTE:        AYES 5        NAYES 0

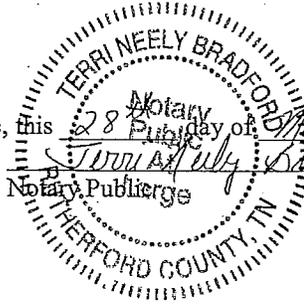
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Chairman

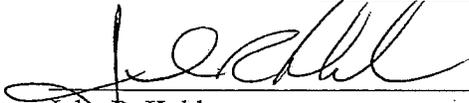
  
\_\_\_\_\_  
Secretary

The Rutherford County Board of Commissioners granted the Executive Director of Planning authorization to issue this **TYPE III CONDITIONAL USE PERMIT** at its regularly scheduled meeting on **August 11, 2005**.

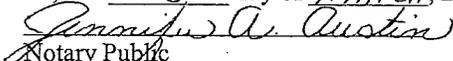
  
\_\_\_\_\_  
John R. Davis  
Executive Director

Witness My hand and official seal at Murfreesboro, Tennessee, this 28<sup>th</sup> day of March, 2006  
My Commission Expires: 4-21-08

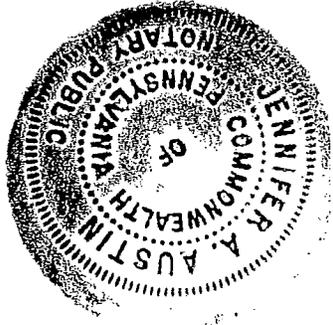


  
\_\_\_\_\_  
John R. Kohler  
Owner

Witness My hand and official seal at McKean County <sup>PENNSYLVANIA</sup> Tennessee, this 23<sup>rd</sup> day of March, 2006  
My Commission Expires: \_\_\_\_\_

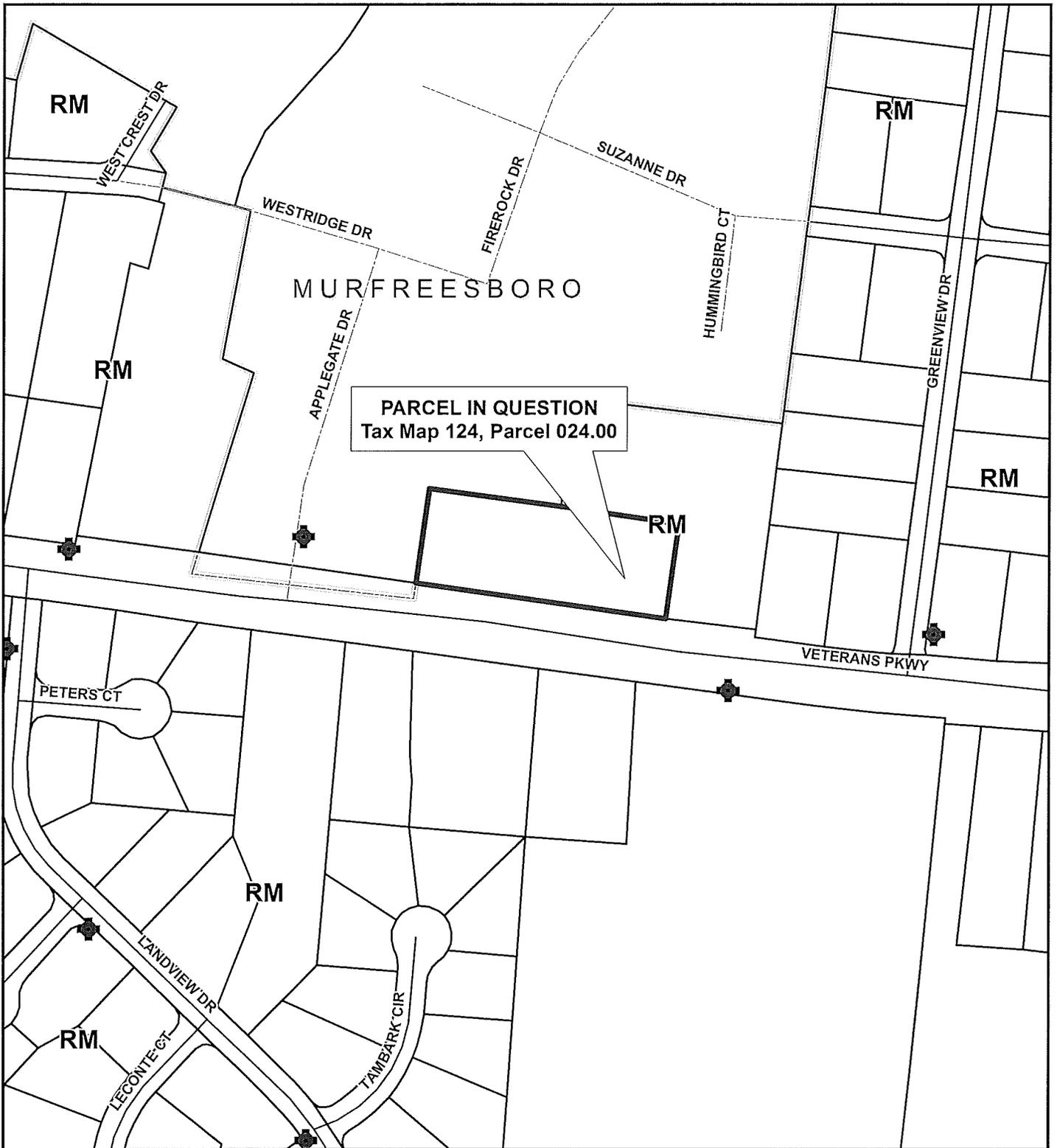
  
\_\_\_\_\_  
Notary Public

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Jennifer A. Austin, Notary Public  
City of Bradford, McKean County  
My Commission Expires Aug. 1, 2009



Jennifer W Gerhart, Register  
Rutherford County Tennessee  
rec #: 467405  
rec'd: 10.00 Instrument #: 1408627  
date: 0.00  
clerk: 0.00 Recorded  
DP: 2.00 3/30/2006 at 1:31 PM  
total: 12.00 in  
Record Book 605 Pgs 3962-3963

# 2016-047



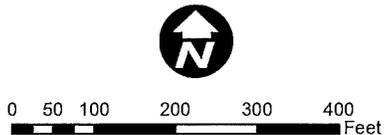
0 50 100 200 300 400 Feet

 RM - Medium Density Residential

 Property In Question

 Hydrants

# 2016-047



-  Property In Question
-  Hydrants



# APPLICATION BZA 2016-048

## STAFF REPORT

REQUEST FOR SPECIAL EXCEPTION APPROVAL FOR THE PLACEMENT OF A SINGLE WIDE RESIDENCE ON A TRACT LESS THAN FIVE (5) ACRES ON A PROPERTY LOCATED IN THE RM, LOW DENSITY RESIDENTIAL ZONING DISTRICT

### OWNER AND APPLICANT DATA

Owner/ Applicant Name: Thomas Gregory Hyde

### SITE DATA

Location Address:	1605 Mount Herman Road	Site Acreage:	1.25
Tax Map:	111	Parcel Number:	31.00
Zoning District:	RM- Medium Density Residential	Commission District:	Joe Frank Jernigan

### APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 4, Residential District Regulations
- Chapter 11, Section 1103 A.1.

### AREA DESCRIPTION

The subject property is a 1.25-acre parcel located in the RM, Medium-Density Residential zoning district. Surrounding properties include the both the RM zoning district and the LI, Light Industrial zoning district. Surrounding existing uses include an auto salvage yard, residential homes and agricultural uses.

### DESCRIPTION OF REQUEST

Application 2016-048 requests special exception approval for the installation of a singlewide mobile home on a parcel less than five acres in area. The applicant was approved for a Type II Conditional Use Permit in April 2003 to "allow a Type B Mobile Home on a lot less than five acres to be used as a second residence to be rented out." The Conditional Use Permit was never recorded and it does not appear that the mobile home was ever established upon the property. The subject property was developed with a single family home, which was recently demolished, as it was uninhabitable. The Applicant requests approval to place a 12' or 14' x 70' singlewide mobile home on the subject property and make it available to rent.

### 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 subject property will be used for residential purposes. The Applicant's intentions are to rent the property for income. According to the Applicant, the proposed singlewide will be placed approximately 100' from the road. If the applicant desires to construct a residence in the future, the mobile home will have to be removed from the property. Access to the property will be provided via private driveway located off Mount Herman Road. If approval for the requested special exception is granted by the Board of Zoning Appeals, the Applicant will be required to obtain all applicable permits from the Department of Environment and the Rutherford County Building Codes Department prior to the installation of the singlewide mobile home upon the property. Staff finds that this criterion has been met.*

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

*According to the Applicant, "There are several abandoned homes and mobile homes along Mount Herman Road, along with a junk yard directly across the street." The Applicant also indicates that the property will be regularly maintained.*

*The installation of a singlewide mobile home in accordance with the specific standards established in Section 1103 A. 1 and special conditions for mobile homes found in Section 1408 D. 1. Of the Rutherford County Zoning Ordinance should not result in any adverse effects to the surrounding properties since the proposed use of the property is residential.*

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.

*Prior to issuance of a zoning compliance certificate, Staff will ensure that the placement of the singlewide mobile upon the subject property will conform with the provisions applicable for the RM zoning district and specific standards established for singlewide mobile homes. Based upon the site plan submitted by the Applicant, the home will be placed over 100 feet off the front property line located along Mount Herman Road.*

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

*In consideration of the existing development found in this area, the proposed singlewide home does not appear to be incompatible with surrounding properties. The subject property is located within 500' of a fire hydrant. The request in Application 2016-048 does not pose any safety concerns.*

## SPECIFIC STANDARDS FOR RESIDENTIAL ACTIVITIES

Section 1408 D. 1. of the Rutherford County Zoning Ordinance lists the following conditions for mobile homes:

1. Special Conditions for Mobile Homes

- a. If the Board determines that this type of development is consistent with the character of the surrounding area a smaller acreage may be considered.

*Application 2016-048 requests the Board of Zoning Appeals to consider the approval of the installation of a singlewide mobile home upon the 1.25-acre parcel.*

- b. The mobile home shall be setback 20 feet from the side property lines.

*Compliance with this condition will be verified at the time the Applicant submits for zoning compliance approval.*

Section 1103 A. 1. of the Rutherford County Zoning Ordinance lists the following use-specific standards for mobile homes:

1. Mobile Homes

- a. Approval process shall be determined by the chart in Appendix B. – Dwelling, Mobile Home.

*The request to install the singlewide mobile home upon a 1.25-acre property must obtain special exception approval from the Board of Zoning Appeals.*

- b. The frame, wheels, crawl space, and utility connections of the mobile home shall be concealed from view by skirting made of durable all-weather construction material that is consistent with the exterior of the mobile home.

*Approval of 2016-048 will include the requirement to meet this standard, which will be verified at the time of installation by building inspectors.*

- c. A modular home or manufactured home (a doublewide) shall be considered the same as a single-family dwelling for the purpose of this Ordinance.

*This criterion is not applicable to the request in Application 2016-048.*

- d. These standards do not apply to approved Mobile Home Parks.

*This criterion is not applicable to the request in Application 2016-048.*

#### **STAFF FINDINGS**

In conclusion, Staff finds that the request in Application 2016-048 meets the "General Requirements For Special Exception" approval and the specific standards for mobile homes. Staff recommends APPROVAL of the special exception if the use remains in compliance with the provisions found in Section 1103 A. 1 and Section 1408 D. 1. of the Rutherford County Zoning Ordinance.

#### **LIST OF ATTACHMENTS**

1. Concept Plan
2. Order of Action from 2003-029
3. Zoning Map
4. Aerial Map

Mt. Herman Road

Mt. Herman Road

(Graveyard Road)

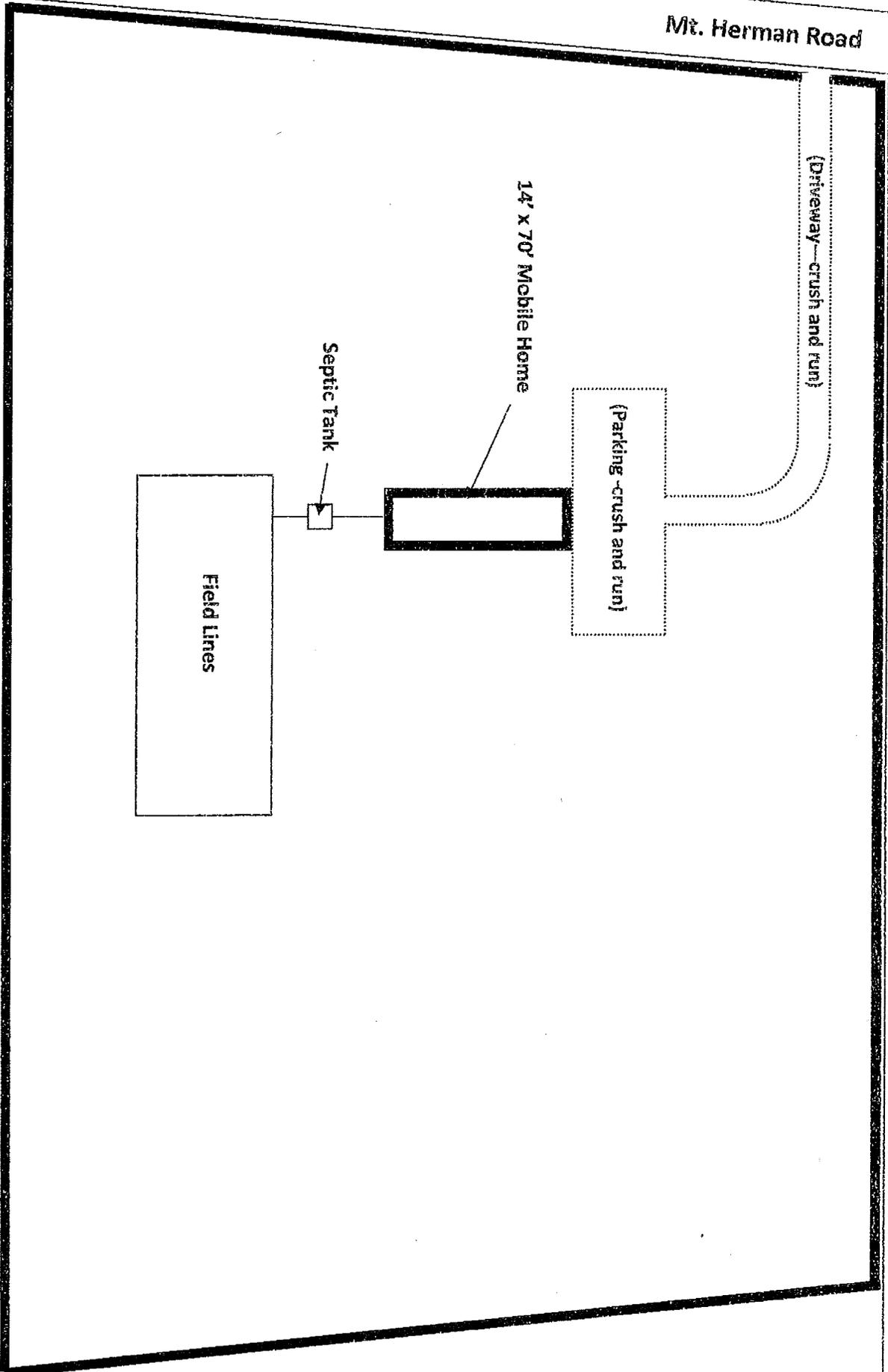
(Driveway—crush and run)

(Parking—crush and run)

14' x 70' Mobile Home

Septic Tank

Field Lines



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

Record Book  
605 Pg 0962

**RUTHERFORD COUNTY BOARD OF COMMISSIONERS  
TYPE III CONDITIONAL USE PERMIT**

**CASE NUMBER:** A-725

**DATE:** August 12, 2005

**PROPERTY OWNER:** John R. Kohler

**APPLICANT:** Hubert Wayne Basket

**PROPERTY ADDRESS:** 1444 Kimbro Road

**TAX MAP:** 124

**PARCEL NUMBER:** 24

**DEED BOOK:** 403

**PAGE NUMBER:** ~~218~~

2186

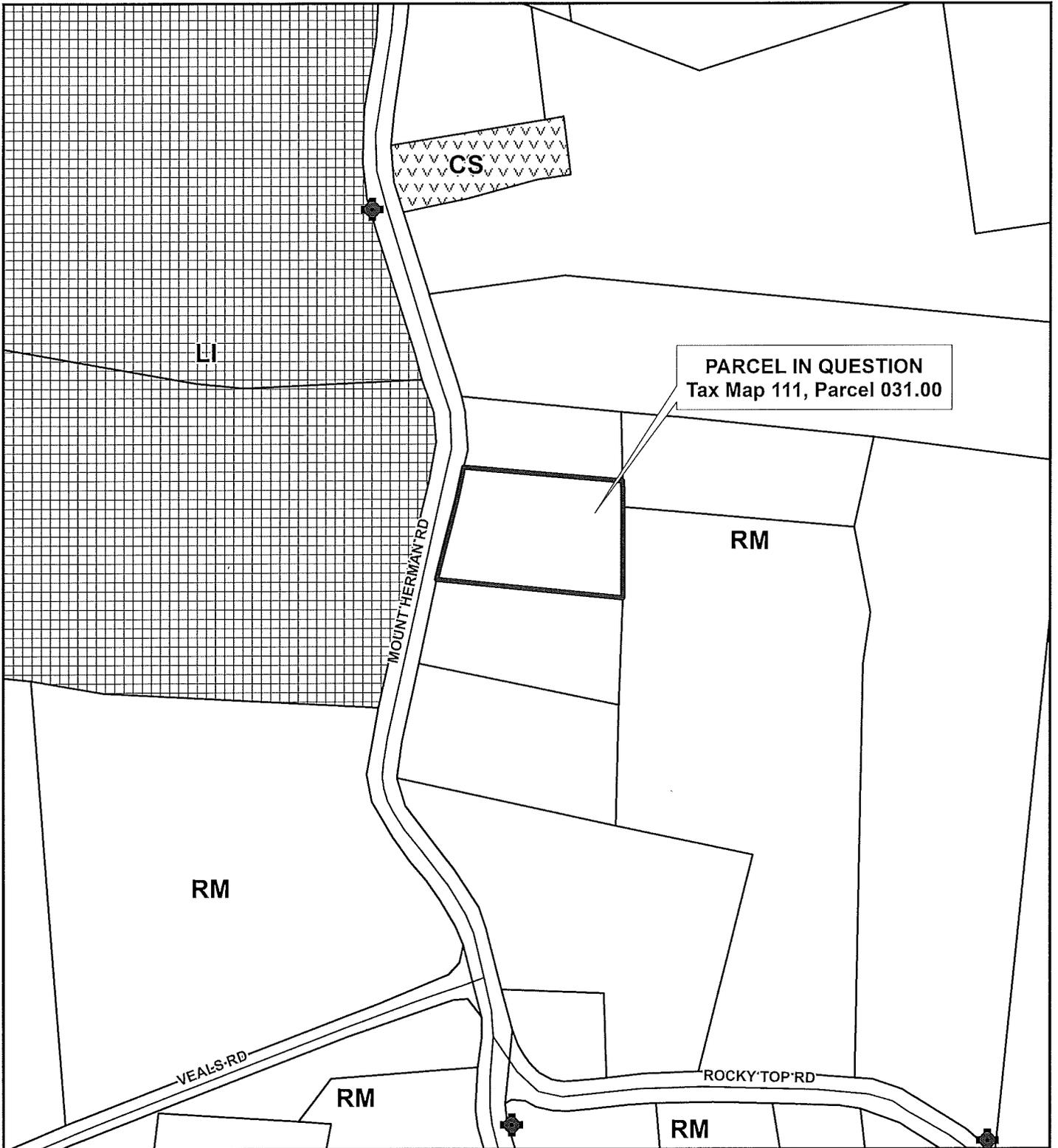
**ZONING DISTRICT:** Residential-15

**PROPOSED USE:** General Automotive Repair

**CONDITIONS:**

- A twenty (20) foot wide strip of the applicant's property parallel to the right-of-way of Kimbro Road shall be grassed or landscaped except for points of ingress and egress.
- There shall be only one (1) sign. The sign size shall be limited to eight (8) square feet, ground-mounted, low-profile, and unilluminated.
- The maximum number of vehicles under repair allowed on site at any one time shall be three (3);
- No unlicensed vehicles will be allowed on site;
- Scavenging of parts will not be allowed;
- All fluids must be handled according EPA guidelines and standards;
- All work must be done inside;
- Only one employee will be allowed on site at any one time;
- Outside storage is prohibited unless totally screened from all adjacent property owners by a wood or masonry fence or vegetative screen.
- The Conditional Use Permit shall expire upon transfer of property.

# 2016-048



0 50 100 200 300 400 Feet



LI - Light Industrial



CS - Commercial Service



RM - Medium Density Residential

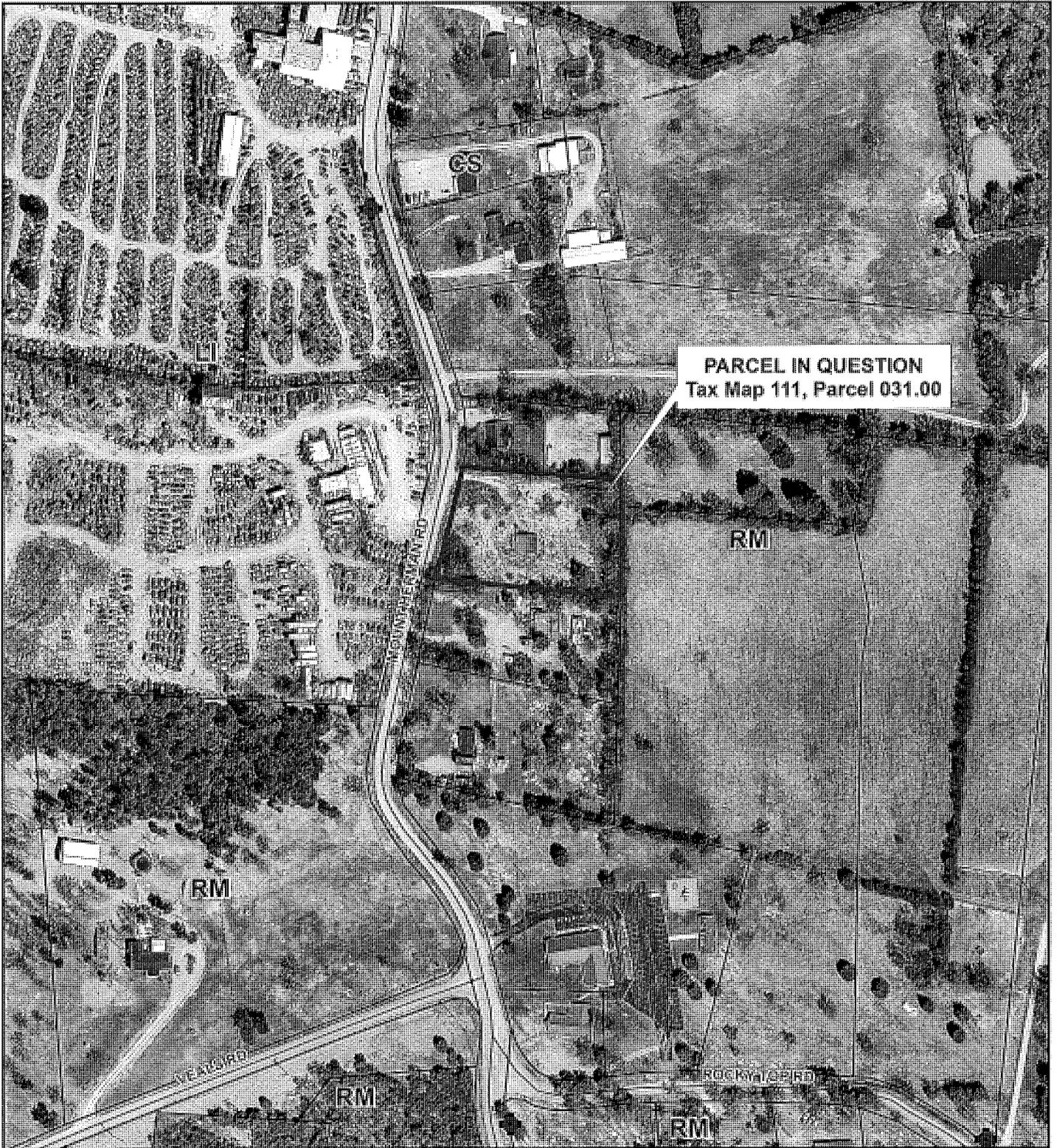


Property In Question



Hydrants

# 2016-048



PARCEL IN QUESTION  
Tax Map 111, Parcel 031.00

RM

RM

RM

RM



0 50 100 200 300 400  
Feet

 Property In Question

 Hydrants