

# RUTHERFORD COUNTY BOARD OF ZONING APPEALS

Regular Meeting October 12, 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 September 14, 2016 Meeting Minutes
- V. New Business
  - A. **Mark Cooper - BZA 2016-053**  
Location: 5404 Christiana Hoovers Gap Road and Broiles Road, Map No.:172, Parcel: 38, Request for temporary special exception approval for a seasonal attraction on a property located in the RL, Low Density Residential zoning district.
  - B. **Martin and Joan Crabtree - BZA 2016-054**  
Location: Dixie Lane, Map No.:79, Parcel: 4, Request for 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.
  - C. **Cody Brown - BZA 2016-055**  
Location: 670 McElroy Road, Map No.:110, Parcel: 6.05, Request for special exception approval for the establishment of an accessory structure before the principal structure for a property located in the RM, Medium Density Residential zoning district.
- VI. Board Business
- VII. Adjournment



**Minutes of the  
Rutherford County Board of Zoning Appeals  
Wednesday, September 14, 2016**

**Board Members Present:**

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

**Staff Members Present:**

Danielle Glouner, Assistant Director	Blake Garner, County Attorney
Shauntae Sherril, Administrative Support	Mike Hughes, County Engineer
David Jones, Codes Director	Joanne Criswell, Zoning Official
John Cortez, Engineering Inspector	

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

The Minutes of the August 10, 2016 meeting were presented. Chairman Cantrell asked for any corrections or additions. There being none, Chairman Cantrell called for a motion to accept the Minutes.

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

**Motion Carried (Unanimous Voice)**

**The Minutes of the August 10, 2016 meeting were Approved.**

**BZA 2016-049      Richard Reeves – Vicinity of 950 Jefferson Pike**

The Applicant requested temporary special exception approval for a borrow pit with relief from the area requirements for borrow pits located in the RM, Medium Density Residential zone. Danielle Glouner presented staff findings. There were a few phone calls with concerns of the dust and stabilization of the area. The site meets general requirement for special exception. Mike Hughes stated that during inspection there was an exposed bank that needed to be stabilized. During the inspection most of the dust was coming from the landfill extraction area and the landfill was notified to bring in some water trucks to moisten the ground to eliminate some of the dust. Mr. Hughes addressed these issues with the Applicant and the landfill. Attorney Ted Goodman spoke on behalf of the Applicant regarding the request and answered questions the Board had regarding the site. **The public hearing was opened.** Ms. Karen McConnell at 6907 Riverwalk Blvd spoke in opposition of the site due to the dust issues. **The public hearing was closed.**

**Gary Farley moved, seconded by Joe Meshotto, to Approve the request as presented by staff with the conditions listed in the staff report.**

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

**Request was Approved**

**BZA 2016-050 Lucas Thompson – Jackson Ridge Road**

Applicant requested a special exception approval for the establishment of a mini-storage business upon a property located in CS, Commercial Services zone. Danielle Glouner presented staff findings. There were concerns from neighbors regarding buffering requirements. The facility will undergo site plan review for a determination of compliance with the Rutherford County development regulations that were established to protect the public health, safety, and welfare of those property owners surrounding the site as well as those using the facility. There was a phone call from Heather Brown and Dorsey Meeks in opposition to the development of this parcel. They were concerned the site was not equipped with adequate fire protection, emergency protection, and water facilities to serve a commercial development. No other phone calls were received regarding this request. The Applicant spoke regarding the request and answered questions the Board had regarding the site. **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 2016-051 Esperanza Rosales – 3431 Adams Road**

The Applicant requested special exception approval for the establishment of an accessory structure before the principal structure for a property located in the RM, Medium Density Residential Zone. Danielle Glouner presented staff findings. The Applicant wishes to construct a handball court that will be used for private recreation. The Applicant did not indicate if there were plans to establish the primary residence within a given period. There were several informational calls, but none in opposition. Applicant spoke regarding the request and answered any questions the board has regarding the site. John Cortez translated questions to the applicant due to language barrier. **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 Deny Application 2016-051 due to the uncertainty surrounding the development of a principal structure in the future.**

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

**Request was Denied**

**BZA 2016-052 Price Hartman – 451 Annadel Street**

The Applicant requested variance relief from the Rutherford County Noise Control Resolution that would allow the firing or discharging of firearms in a major subdivision for a lot located in the RM, Medium Density Residential zone. Danielle Glouner presented staff findings. The Rutherford County Noise Resolution is a "stand-alone" resolution with its standards not being contained in the Rutherford County Zoning Ordinance. There were various informational calls and some were in opposition. Commissioner William Trey Gooch (District 20) submitted a letter in support of the request. Mr. Zane Cantrell read a letter from Commissioner Mike Kusch of (District 7) in opposition of the request. The Applicant spoke regarding the request and answered any questions the board had regarding the site. **The public hearing was opened.** **Russell Purdie of 403 Annadel Street** spoke in opposition of the

request for too many factors at hand. He stated that it was a noise issue and requested the Board deny the request. **Elaine Allen of 462 Annadel Street** spoke in favor of the request. **Denton Hemphill of 3495 Shores Road** spoke in favor of the request. **Jerry Craddock of 331 Annadel Street** spoke in favor of the request. **Phillip Vining of 435 Royal Glen Blvd** spoke in favor of the request. **Donnie Rubel of 327 Annadel Street** spoke in favor of the request and he stated the noise is not excessive. **Mark Bolik of 116 Williamson Court** spoke in favor of the request. **Alison Hartman of 451 Annadel Street** spoke in favor of the request. **Steve Jepsen of 447 Annadel Street** spoke in favor of the request. **Chuck Phillips of 230 Sovereign Street** asked the Board to deny the variance request due to the safety of when the guns are fired. He stated if the Board decides to approve the request he would like notification from the Applicant before shooting. **Matt Brown of 217 Steelson Way** spoke in favor of the request, but wanted the Board to make an exception to the Noise Ordinance. Gary Farley explained the Noise Control Ordinance to Mr. Matt Brown. **Michael Baird of 213 Steelson Way** spoke in favor of the request, but would like notification from the Applicant beforehand. **The public hearing was closed.** After a lengthy discussion the Board decided more information was needed and a motion was made to defer the application until the next meeting.

**Veronica Buchanan moved, seconded by Gary Farley to Defer Application 2016-052 until the next Board of Zoning meeting on the 12<sup>th</sup> day of October, 2016.**  
**The motion carried (5 - For, 0 - Against).**  
**Request was Deferred**

There being no further business, the meeting was adjourned at 6:32 p.m.

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

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



APPLICATION BZA 2016-053

STAFF REPORT

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

**OWNER AND APPLICANT DATA**

Owner Name: Carol Cooper  
Applicant Name: Mark Cooper

**SITE DATA**

Location Address: 5404 Christiana Hoovers Gap Road Site Acreage: 115  
and Broiles Road  
Tax Map: 172 Parcel Number: 38.00  
Zoning District: RL, Low Density Residential Commission District: Joe Frank Jernigan

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

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

**AREA DESCRIPTION**

The subject property is agricultural land located off Broiles Road, Millersburg Road and Christiana Hoovers Gap Road in the Christiana area. This area includes both residential and agricultural uses. The Medium Density Residential (RM) zoning district surrounds the subject property to the north direction and the Low Density Residential zoning category surrounds the property in all other directions.

**DESCRIPTION OF REQUEST**

The Applicant is requesting temporary special exception approval for the period of October 21<sup>st</sup> to October 30<sup>th</sup> to establish a seasonal haunted trail. The proposed haunted trail will be located on the 115-acre site along with a temporary parking area. Volunteers will be used to aid in the operation of the trail. The trail will be open during the hours of 6:30 pm to 11 pm. The Applicant proposes to install a sign to advertise the proposed use for the duration of event.

**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 will be accessed from Broiles Road. Based on the temporary nature of the use, the haunted trail will not impose a burden on local streets in residential neighborhoods.*

*The applicant has obtained liability insurance for guests and volunteers that will work at the event. According to GIS data, there is a fire hydrant located at the 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;*

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 2016-053. 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. 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.)

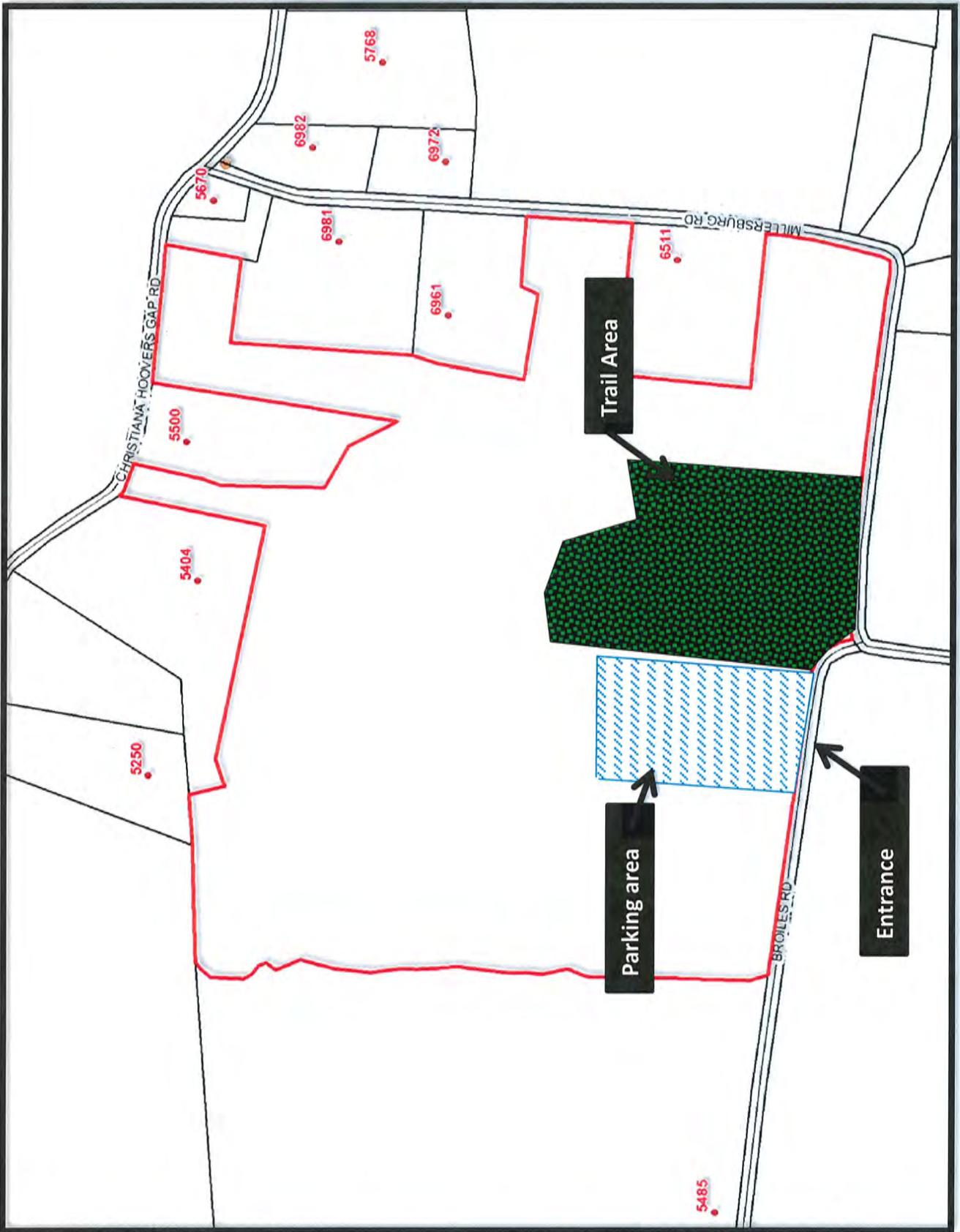
*Staff finds that the proposed use complies with specific standards for seasonal attractions.*

**STAFF FINDINGS**

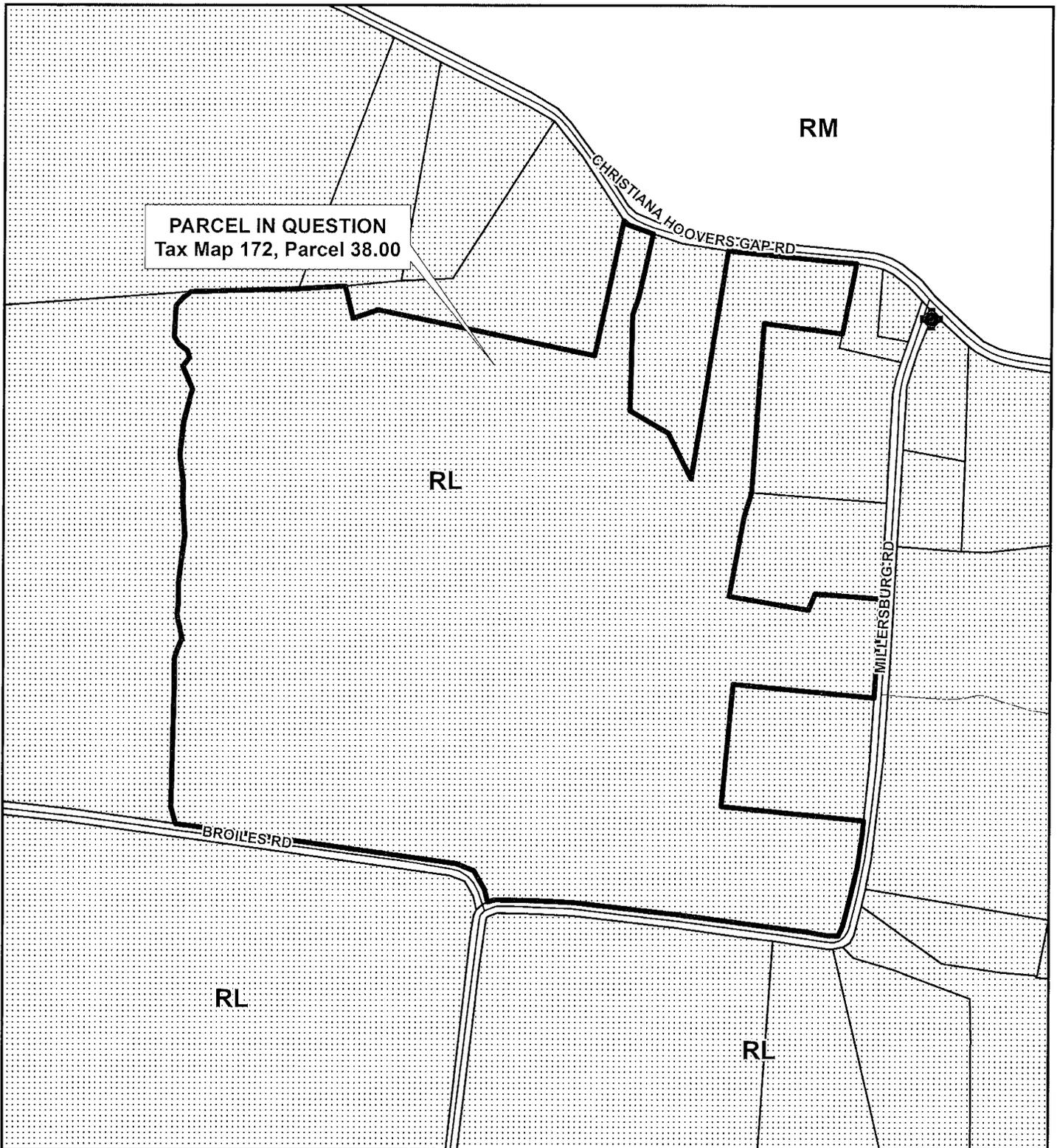
In conclusion, Staff finds that the request in Application 2016-053 meets the “General Requirements For Special Exception” approval and the specific standards for Temporary Seasonal Attractions. Staff recommends APPROVAL.

**LIST OF ATTACHMENTS**

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



# 2016-053



0 100 200 400 600 800 Feet



Property In Question



Hydrants



RM - Medium Density Residential



RL - Low Density Residential

# 2016-053



 Property in Question

 Hydrants

0 100 200 400 600 800  
Feet



APPLICATION BZA 2016-054

STAFF REPORT

REQUEST FOR 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.

OWNER AND APPLICANT DATA

Owner/Applicant Name: Martin and Joan Crabtree

SITE DATA

Location Address:	Dixie Lane	Site Acreage:	0.85
Tax Map:	79	Parcel Number:	4.00
Zoning District:	RM- Medium Density Residential	Commission District:	Shawn Kaplan

APPLICABLE SECTIONS OF THE RUTHERFORD COUNTY ZONING ORDINANCE

- Chapter 14, Section 1408
- Chapter 4, Residential District Regulations

AREA DESCRIPTION

The subject property is a vacant .85-acre parcel, zoned RM, Medium Density Residential and is located in the subdivision Confederate Glen Estates. Surrounding properties, also zoned RM, Medium Density Residential, consists of single-family homes and large vacant tracts. To the south direction, there are properties located within the city limits of Murfreesboro and is zoned PRD, Planned Residential Development.

DESCRIPTION OF REQUEST

Application 2016-054 requests special exception approval to establish non-commercial storage facility for personal storage upon the subject property. The property is located off Dixie Lane and measures .85 acres in area. The applicant wishes to construct a 50' x 40' (2,000 sf) garage that will be used for personal storage of the owner who lives on the adjacent property. The subject property does not contain sufficient soils for the construction of a subsurface sewage disposal to serve a residence according to information provided by the Applicant.

GENERAL REQUIREMENTS FOR SPECIAL EXCEPTION

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

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

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

2. Will not adversely affect other property in the area in which it is located;  
*According to information submitted by the Applicant, the proposed structure will be located in a manner on the property that meets all setback requirements. It will be used by the Applicant who resides on the adjacent property.*

*Construction of the proposed structure will not have a substantial or adverse effect upon adjacent properties if the use of the structure remains in compliance with the provisions of Section 1408 D. 4. of the Rutherford County Zoning Ordinance.*

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

*According to the information provided by the Applicant, the proposed location of the structure will be required to meet the minimum setback requirement from all property lines. It must be constructed in compliance with setbacks required for principal structures located in the RM zoning district, which requires a minimum 40' from front, 10' from the side and 20' from the rear property lines.*

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

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

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

- a. The owner of the property must provide verifiable proof that conditions on the property will not allow the establishment of a principal structure.

*The Applicant supplied verification that the proposed site is not suitable for the proper function of a septic system.*

- b. The property must be at least 1 acre in size.

*The subject property measures .85 acre, the Applicant seeks to vary from this condition. It should be noted that the Applicant owns/resides in the adjacent property that measures .87 acre.*

- c. The size of the structure must conform to the size limitations of accessory buildings found within Chapter 11.

*The proposed structure will measure 2,000 square feet in area. Based on the property size of .85 acres, a total of 2,000 square feet of detachable accessory structure area would be permitted on this size parcel.*

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

*As discussed above, the proposed location of the structure will be required to meet the minimum setback requirement from all property lines. It must be constructed in compliance with setbacks required for principal structures located in the RM zoning district, which requires a minimum 40' from front, 10' from the side and 20' from the rear property lines.*

- e. Only one (1) structure will be permitted per property, excluding approved agricultural structures (i.e. barns, silos, etc.).

*There is only one structure proposed as part of the request in Application 2016-054.*

- f. Outdoor storage of any material/vehicles is prohibited.

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

- g. The structure must not be used for any of the following activities:
  - i. Living quarters
  - ii. Commercial activities
  - iii. Storage for businesses that occur off of the property, including home-based businesses

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

**STAFF FINDINGS**

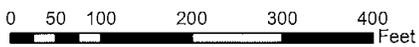
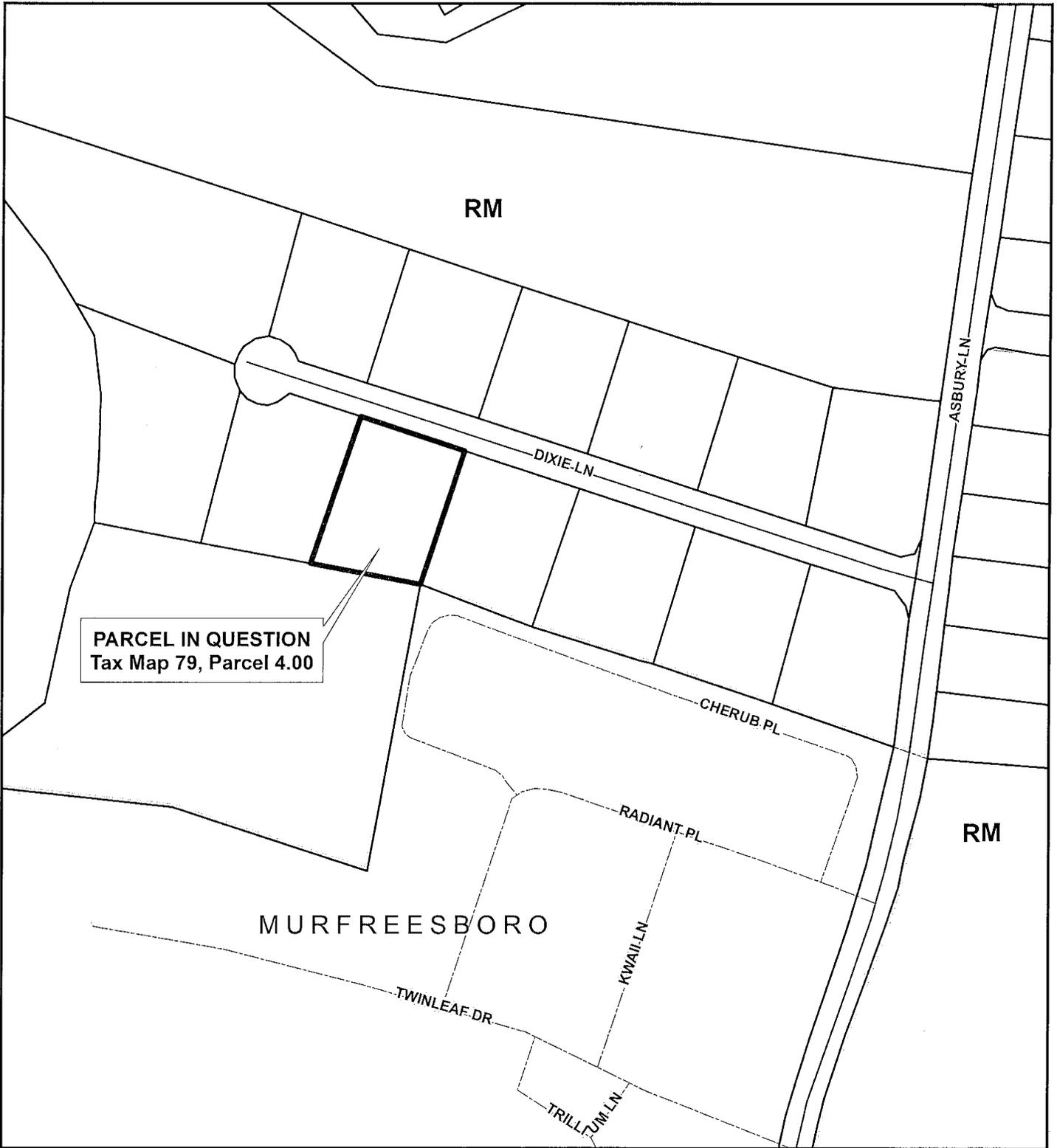
In conclusion, Staff finds that the request in Application 2016-054 meets the "General Requirements For Special Exception" approval and the specific standards for the construction of non-commercial storage facility with the condition that the use continually comply with the standards for non-commercial storage facility, garage, workshop, or other structure for the private use of the landowner established in Section 1408 D.4. Staff recommends APPROVAL.

**LIST OF ATTACHMENTS**

1. Site Plan
2. Information Supplied by Applicant
3. Zoning Map
4. Aerial Map



# 2016-054

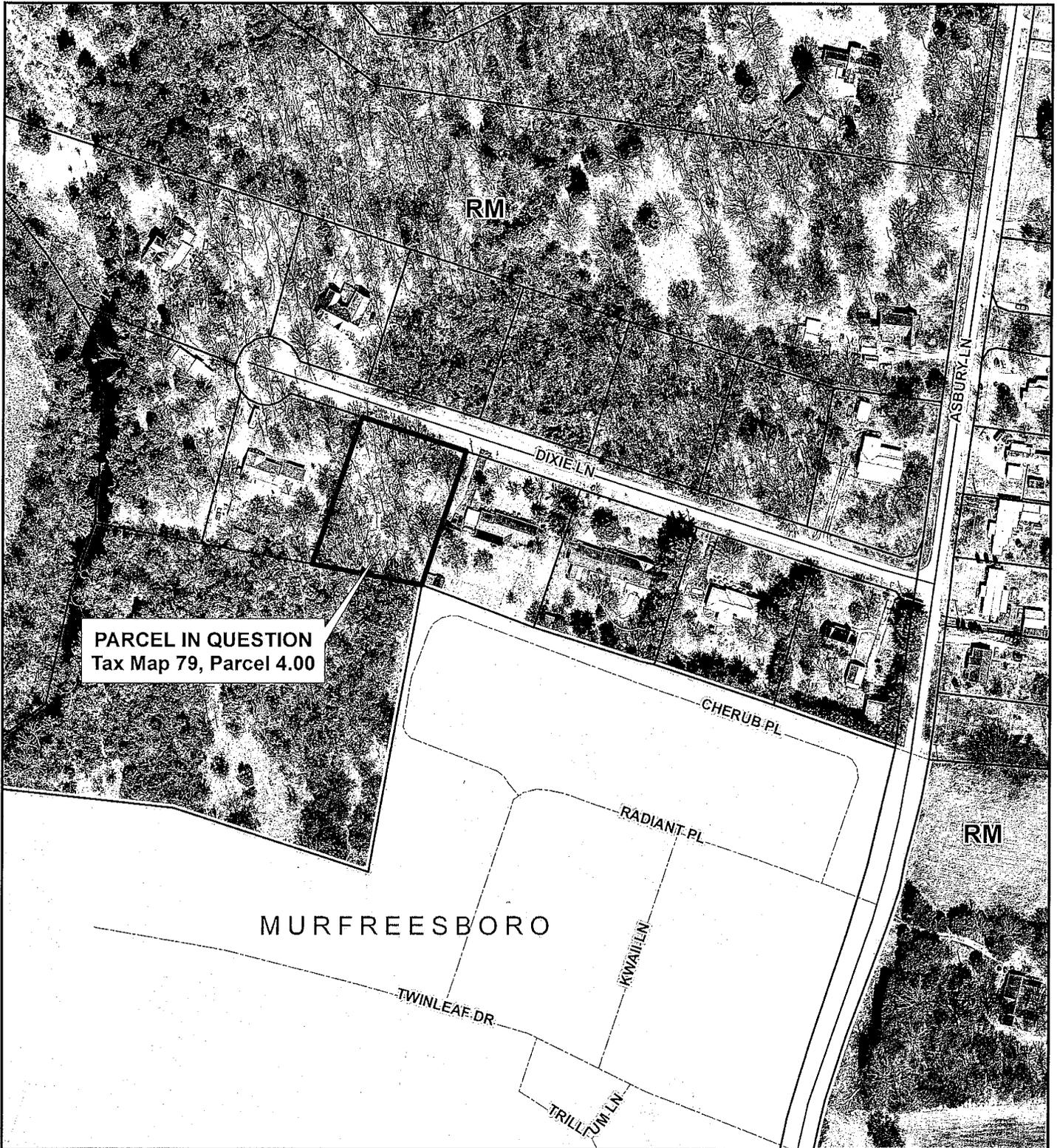


 Property In Question

 Hydrants

 RM - Medium Density Residential

# 2016-054



PARCEL IN QUESTION  
Tax Map 79, Parcel 4.00

MURFREESBORO

 Property In Question

 Hydrants



0 50 100 200 300 400  
Feet

APPLICATION BZA 2016-055

STAFF REPORT

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

OWNER AND APPLICANT DATA

Owner/Applicant Name: Cody Brown

SITE DATA

Location Address:	670 McElroy Road	Site Acreage:	40.72
Tax Map:	110	Parcel Number:	6.05
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 1101 D.

AREA DESCRIPTION

The subject property is a 40.72 acre parcel and is zoned RM, Medium Density Residential. Surrounding properties, also zoned RM, Medium Density Residential, are developed as single-family homes and agricultural uses on large tracts.

DESCRIPTION OF REQUEST

Application 2016-055 requests special exception approval to establish an accessory structure prior to the principal structure. The subject property is located off McElroy Road and measures 40.72 acres in area. The applicant wishes to construct up to a 60' x 40' (2,400 sf) shop building that will be used for personal storage of farm equipment as well as other personal items. The Applicant plans to establish the primary residence within the next 24 months.

GENERAL REQUIREMENTS FOR SPECIAL EXCEPTION

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

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

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

2. Will not adversely affect other property in the area in which it is located;  
*According to information submitted by the Applicant, the shop will be located more than 100 feet from any property line.*

*Construction of the proposed accessory structure will not have a substantial or adverse effect upon adjacent properties if the use of the structure remains in compliance with the provisions of Section 1101 D. 6. D. of the Rutherford County Zoning Ordinance.*

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

*The proposed structure is located more than 100' from all property lines. It must be constructed in compliance with setbacks required for detached accessory structures, which requires a minimum 5' from side and rear property lines.*

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

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

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

##### Section 1101 D. 6.

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

*The proposed structure measuring up to 2,400 square feet in area meets this requirement.*

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

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

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

*Only one structure is proposed.*

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

- Living quarters
- Commercial activities
- Storage for businesses that occur off of the property, including home-based businesses

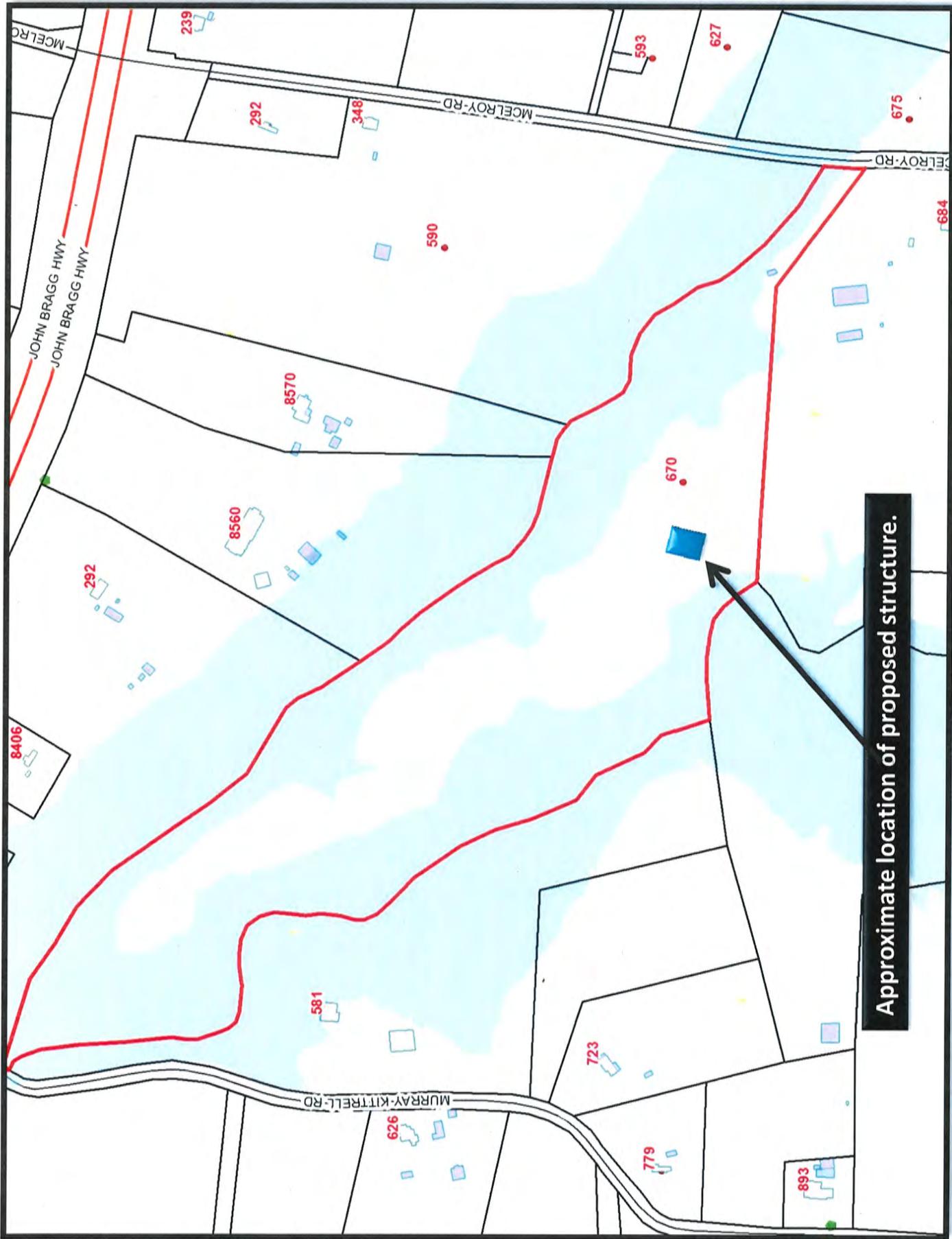
*The use of the proposed structure must continually comply with this requirement. According to the Applicant, the garage will be used for the storage of personal items.*

#### **STAFF FINDINGS**

In conclusion, Staff finds that the request in Application 2016-055 meets the "General Requirements For Special Exception" approval and the specific standards for the construction of an accessory structure prior to the establishment of a principal structure with the condition that the use continually comply with the standards for non-commercial storage facility, garage, workshop, or other structure for the private use of the landowner established in Section 1101 D. 6. Staff recommends APPROVAL.

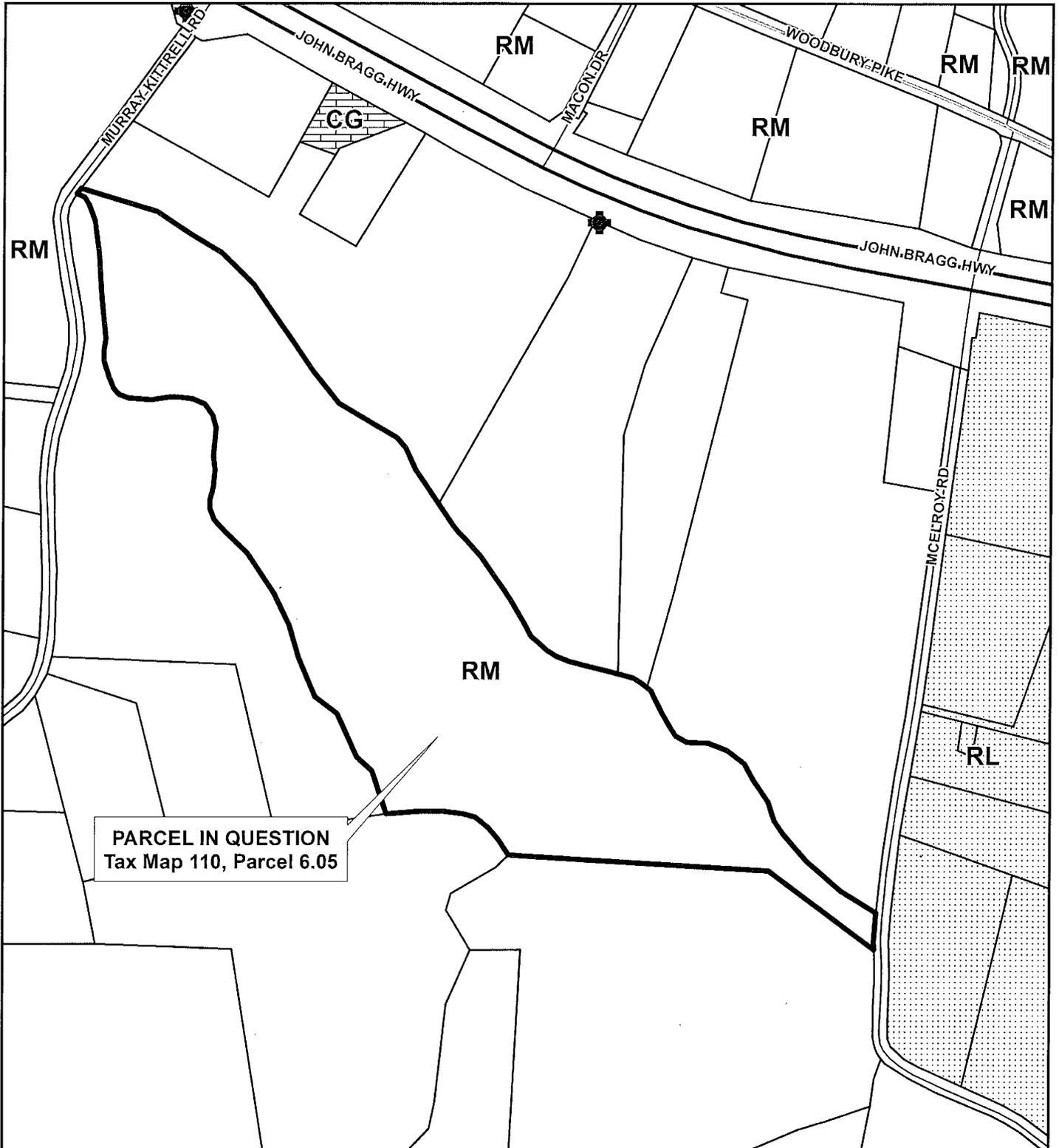
#### **LIST OF ATTACHMENTS**

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



Approximate location of proposed structure.

# 2016-055



**PARCEL IN QUESTION**  
Tax Map 110, Parcel 6.05



0 100 200 400 600 800 Feet

 Property In Question

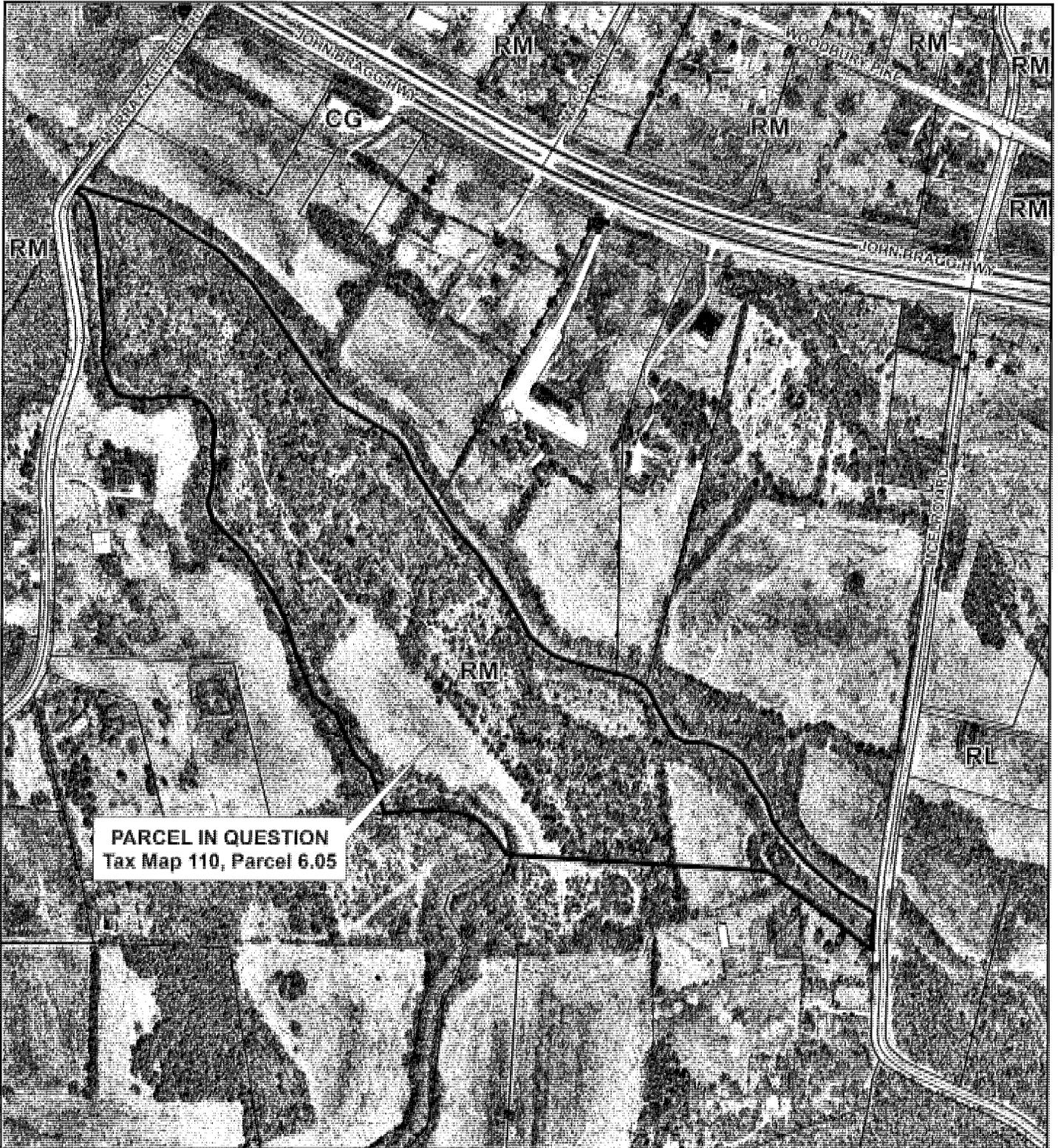
 Hydrants

 RM - Medium Density Residential

 RL - Low Density Residential

 CG - Commercial General

# 2016-055



**PARCEL IN QUESTION**  
Tax Map 110, Parcel 6.05

 Property In Question

 Hydrants

