

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, August 22, 2018, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order
2. Consideration of minutes for the regular meeting on June 27, 2018
3. Nominations and Elections
 - a. Nominations and Election of Chair
 - b. Nominations and Election of Vice-Chair
4. New Business

Special Use Permit Requests

- A. **Application Z-18-043 by Bobby Copeland**, requesting a Special Use Permit in accordance with the City of Murfreesboro Zoning Ordinance, Section 2 and Chart 2, to operate a Group Shelter of 25 beds, for men, women and children. Property is zoned Heavy Industrial (H-I), located at 1417 Mark Allen Lane.
5. Staff Reports and Other Business
6. Adjourn

Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals

June 27, 2018 – 1:00 P.M.
Council Chambers

MEMBERS PRESENT

Ken Halliburton, Vice-Chair
Frances Mosby
Tim Tipps
Julie King

MEMBERS ABSENT

Davis Young, Chairman

STAFF PRESENT

Marina Rush, *Principal Planner*
David Ives, *Assistant City Attorney*
Robert Holtz, *B&C Director*
Brenda Davis, *Recording Assistant*

Vice-Chair Halliburton called the meeting to order at 1:00 P.M. He announced application Z-18-041 has been withdrawn by the applicant on today's agenda.

The minutes from the May 23, 2018 regular meeting were approved as submitted.

New Business

Variance Requests

Application – Z-18-039 by **Blackman Mountain Builders**, requesting a 5-foot Variance from the City of Murfreesboro Zoning Ordinance, Chart 2, requiring 10-foot side setback, for a new house constructed 5.9 feet from the side property line. Property is zoned Single-Family Residential (RS-12), located at 2615 Ritz Lane.

Ms. Rush reviewed the application and recommended against the Variance because it did not meet the necessary Findings of Fact and Variance standards.

The applicant, Sam Denton, was present to answer questions.

Sam Denton at 4217 Princeton Oaks Lane in Murfreesboro came to the podium. Mr. Denton gave a brief explanation of what happened and referred to the site plan distributed in the agenda package. He said that at the right rear of this property there were two pins marked as 11.01 apart and the total across the back is 58.12. Mr. Denton

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said normally on a plat, you would add those together for a total of 69.13 ($11.01 + 58.12 = 69.13$). He said the photo exhibit showed a pin there, adding this was in a drainage ditch. He said they pulled the line on a February morning and landed on what they thought to be the correct stake. Mr. Denton said that is where the mistake was made, as it is exactly 11.05 off.

Mr. Tipps verified Mr. Denton was referring to two pins on the plat, one that would be the corner pin for the house and the other corner pin to the rear.

Mr. Denton said correct.

Mr. Tipps asked if that were 11.01 feet.

Mr. Denton said yes.

Mr. Tipps asked if the absence of the pin at the corner on lot 34 is where the mistake lies.

Mr. Denton said yes.

Mr. Tipps asked if there was a pin there.

Mr. Denton said they went out and pulled the measurements again yesterday and the stake had been removed but the hole was still there. He said when measuring in the back, you add those numbers, stating this was an honest mistake.

Ms. King asked if the stake at the rear of the property would have measured further to the front of the road than what would be in the survey. If you were using that rear property's pin wouldn't you have gotten a different number.

Mr. Denton said no, stating when they pulled from the front to the rear, they had the right number.

Ms. King questioned it was the same number as on the survey even though it wasn't the same pin, 11.01 feet apart.

Mr. Denton said it came out correctly on the back and from the front to back, and that is why they went with it. He said this was from the plat they were using, adding the plat was revised and the drainage ditch has been adjusted.

Ms. Mosby asked if Mr. Denton's builder measured it also.

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Mr. Denton said he was the builder and added the foundation subcontractor also measured it. He said it took them 1 ½ hours to get the measurements and believed it to be correct.

Ms. King verified Mr. Denton did not have a surveyor there.

Mr. Denton said no, there was not a surveyor.

Ms. King referred to two pins in the upper corner of the plat, pin located at the middle of the property and the other pin at the corner. She asked Mr. Denton, when he measured from the middle pin to the front of the road pin, was it the same number that was on the survey.

Mr. Denton said yes, the measurement was the same on the left side stating it was 121.32 and on the right, it was 143.89. He brought the plat they used the morning they measured.

Mr. Tipps asked if Mr. Denton checked the radius on the front of the lot and asked if he had 67.67 to one pin and then 47.40 to the other pin. He said even with that, there is a radius to it. Mr. Tipps asked if he used that for a radius.

Mr. Denton said they did.

Mr. Tipps said that was off then because of the radius. He did not have the survey plat but noted it was not referenced on the plat given to the BZA Members. Mr. Tipps said the lot is irregular in shape because of the radius and curvature of the front of the lot. He said you used those dimensions (which he did not have), you would not have included the front of the lot (where the curvature is) and the measurements would have possibly been off.

Mr. Denton said the curve data and the line data disagreed and believed the measurements they took to be correct.

Vice-Chair Halliburton opened the public hearing.

Ms. Vickie Montgomery at 2615 Ritz Lane in Murfreesboro came to the podium stating she is located across the street from the subject property. She spoke in opposition of the request stating she submitted a letter to that effect. Ms. Montgomery felt Mr. Denton should have known the property lines for the subject property since he built the two houses right behind this property. Again, she stated she was in opposition to this variance request.

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Ms. Lisa Howell at 2611 Ritz Lane in Murfreesboro came to the podium stating she lives adjacent to the subject house. She said when the house was originally started she said the back corner was angled in such a way it ruined their den window view. She said when you look out the den window sitting on her couch you can see them on their porch and in their bathroom. Ms. Howell did not know there was a 10-foot setback until they had an issue when the builder tore up their yard and landscaping. Ms. Howell said she sent an e-mail to the builder and got a response. She said the yard and landscaping were just fixed this week. Ms. Howell said after looking at their plat map and determining there was 86 feet behind them. They measured and determined the discrepancy in the measurement made by the builder. Ms. Howell stated that Mr. Denton built the house behind the subject property and next door on the corner lot, so he knew where the stakes were located. She feels she is sandwiched in between two houses that are not in compliance.

Vice-Chair Halliburton closed the public hearing.

Mr. Tipps verified according to Staff's research, the three conditions of which the BZA could approve a variance has not been met.

Ms. Rush said it is Staff's opinion that the applicant has not met the conditions of a variance.

Mr. Tipps said in the limited time he has been on this Board they have had similar situations where there was encroachment. He said there was one situation that came before the BZA twice, and it was denied for pretty much the same reasons. Mr. Tipps said the applicant did not do his due diligence to verify the location of the pin, and that this is probably why this all resulted. Based on the findings that this request does not meet the Variance standards presented by Staff, Mr. Tipps said the Board does not have any way of approving this variance.

Vice-Chair Halliburton realizes mistakes are made and hopes there would be a remedy to the problem without having to tear something out. He said Mr. Tipps was correct in stating the BZA denied a previous variance request because that applicant got into the setback. Vice-Chair Halliburton said in that application, the applicant was made aware on two different occasions and was notified, but still encroached. He also recalls a similar situation where a builder did not go off the correct property stake, and the lot next door to it was not been built on, so they were able to work out where they moved the property line in order to abide by the setback variance. Vice-Chair Halliburton said in this situation it does not look like moving the property line is a possibility. He said this is a difficult situation.

Mr. Tipps ask Mr. Ives if there is no motion would the request die.

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Mr. Ives said if there were not motion, the application request would fail for lack of a motion.

Vice-Chair Halliburton asked if anyone had a motion.

Ms. Mosby said it is unfortunate that so much of the house would have to be removed, but the Board needs to stick by the rules.

Ms. King said the Board did not hear from Building and Codes possible remedies, stating that might be informative.

Vice-Chair Halliburton asked Mr. Robert Holtz, Building and Codes Director, if there are any remedies.

Mr. Holtz came to the podium and said the ball is in the Mr. Denton's court. He was not sure how practical it would be to remove that corner of the house, relocate a bathtub, or other option to remove all the brick and possibility move the house within the setbacks. Mr. Holtz said those two are the only real remedies.

Ms. Rush said this application is very difficult and it is not unique. She said last year the BZA had one variance request and it was determined the applicant had to remove the portion that extended into the setback. Ms. Rush said there was also another application, located in the County that had their variance denied, and that builder had to remove the brick exterior and move the house onto a new foundation to comply. Ms. Rush again said it is a very difficult situation, but not a unique situation.

Vice-Chair Halliburton asked if there was a motion or any other comments from the Board Members.

Ms. Mosby asked if the request could be deferred until maybe something could be worked out.

Mr. Tipps asked if the Board made a motion to deny this request, it is not going to keep them from coming back and reapplying in the future with another plan that would meet compliance.

Mr. Ives said he didn't know if Mr. Denton would have to come back to the Board as he would need to figure out a way to comply to relocate some or all the house so that it is not encroaching into the setback. He said there would not be a reason for Mr. Denton to come back to get any other type of variance or relief as he would have to move whatever is necessary to abide by the setback.

Vice-Chair Halliburton asked if there was a motion. There did not seem to be a motion so he referred to Mr. Ives asking if there is no motion would that be a denial.

Mr. Ives said yes, generally it would be. He asked for a moment to look up something within the Zoning Ordinance.

Mr. Tipps made a motion to deny a 5-foot variance requiring 10-foot side setback for new house constructed 5.9 feet from the side property line zoned Single Family Residential (RS-12) located at 2615 Ritz Lane on findings for denial presented by the staff report and the facts presented today.

Mr. Ives said the Zoning Ordinance states that the BZA must make specific written findings with a fact on each of the standards and either granting or denying the variance.

Vice-Chair Halliburton said Mr. Tipps explained the reasons for the denial motion and asked for a second to the motion.

The motion was seconded by Ms. Mosby and carried unanimously in favor to deny the variance request.

Application – Z-18-040 by Andy Englehart for George Vernardakis, requesting a 6-foot Variance from the City of Murfreesboro Zoning Ordinance, Chart 2, requiring 12.5-foot side setback for an addition 7.5 feet from the side property line. Property is zoned Single-Family Residential (RS-15), located at 1442 Kensington Drive.

Ms. Rush reviewed the application and said Staff does not support this variance because it does not meet the variance standings. She said there is nothing unique or hardship related to the property as this would be of the applicant's own making and they are choosing to do the structure. Ms. Rush said the letter from the applicants stated a lot of this was for aesthetic purposes. She said they felt that enclosing it and putting it on the side of the house would be a much better aesthetic for the neighborhood, adding that was the reason for the location. Ms. Rush was available to answer any questions, along with the applicant and the Building Official regarding the ADA code and requirements.

Mr. Andy Englehart at 1414 Mercury Boulevard, Murfreesboro, TN came to the podium to speak for the applicant, George Vernardakis. Mr. Englehart said Mr. Vernardakis is a friend of his for several years. He said they have been talking about this project over the last several months and what he wants to do encroaches into the setback. Mr. Englehart said Mr. Vernardakis, understanding this request would encroach into the setback, directed him to proceed and see if they can get it done. Mr. Englehart said Mr. Vernardakis is currently in Greece and that is why he was there representing the applicant. Mr. Englehart said the applicant is aspiring to make his house more assessable as he is aging, he has been a resident of this city for 30+ years, he is a professor at the

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University and desires not to ever leave his home. He said the applicant is handicapped in that he has a permanent handicap tag. He is not incapacitated yet and he is trying to do this to get ahead of the ball so to speak. Mr. Englehart said it is for aesthetics, he does like his house and does like his neighborhood. The applicant was one of the original owners in that development when it was all under new construction. He said the applicant does not want to see a handicap ramp coming up the front of the house as it is a temporary structure. Mr. Englehart said they all realize it is aesthetic adding Ms. Rush explained that to him at the onset of the application process. Mr. Englehart said the addition is to build a handicap ramp and a modern handicap bathroom that meets ADA codes. He said it is a little impractical to go inside his house and redo it only from the aspect it would probably cost more money to restructure his house versus simply adding on. The other purpose is for the handicap ramp to be enclosed for access from his garage. Mr. Englehart said that is the purpose for the location on that side of the house. He said in 2011 another variance was granted in this neighborhood for much the same purpose. Mr. Englehart said those neighbors requested a variance and it was granted allowing the addition to be within 5-feet of the property line. He said the addition will be done with brick, matching windows, and matching roofline so it looks like it's meant to be there and certainly not a temporary structure.

Vice-Chair Halliburton asked Mr. Ives if Mr. Englehart could show the Board Members the neighbor's variance he referred to.

Mr. Ives said yes.

Mr. Englehart distributed copies of the neighbor's variance. He said he was not aware of this variance but Mr. Vernardakis knew about it when it happened and asked Mr. Englehart to bring it to the Board's attention.

Ms. Rush said the map on the screen shows where the property is located. She said the address was 1547 and their backyard is adjacent to Todds Lake. Ms. Rush showed another screen stating that was a close-up version where you can see the addition better. She said a variance was granted in 2011, adding the applicant was correct as it was for 5-feet. Ms. Rush read from that 2011 staff report the findings for the Variance stating: *"The rear of the lot was used as a bury pit for debris associated with the construction of the subdivision. According to the applicants, because of the improper fill that was in the backyard that particular building addition they requested a variance so to put it on the side of the house because the rear was not something that was buildable."* Ms. Rush stated the circumstances for the subject property is different from the 2011, as the subject property is not a bury pit.

Mr. Tipps thanked Ms. Rush for the information. He said it is the Board's responsibility to determine whether this type of request meets the required standards, one of those standards being is the variance self-created. Mr. Tipps referred to the mentioned

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variance request in 2011 stating the bury pit was not self-created and therefore constituted approval of that variance.

Mr. Ives added, not only was the 2011 variance request not self-created but it was also a unique situation to that lot and maybe a couple of others next to it as he did not know the extent of the bury pit. He said it was a unique situation to have that amount of bad fill in a backyard that would be very difficult if not virtually impossible to deal with.

Ms. Rush said with the current request the BZA will need to look at the facts on its face value. Regarding the ADA accessible ramp, there is sufficient width for the owner to construct the ramp next to the garage within the existing setbacks, so there would be no need for a variance. Ms. Rush said the applicant did not provide any evidence to support the standards to make the variance findings. Ms. Rush said the applicant should put their best foot forward to show how they meet the findings for a variance, and restated that evidence was not presented in the application.

Mr. Ives said the drawing indicates the addition would be very close to the front of the house.

Mr. Englehart said yes.

Mr. Ives heard the access would be from the garage.

Mr. Englehart said yes and asked if the photo of the side of the house could be pulled up. He said the reason he did not go into any more detail on the actual plans was due to first seeing if it would even be granted. He said the entry to the garage, located by the trash can, would be closed in and a new entrance would be brought up towards the front of the garage. Mr. Englehart said they are proposing about a two-foot setback from that corner of the garage and the door would be cut into the existing wall of the house about three feet back from the corner. He said it would enter the house at the window just prior to the chimney, where there is a utility room. He said it would be from the corner of the house to that window right before you get to the chimney. Mr. Englehart said the reason for the extra width is not just for the ramp but for the bathroom also. He said if the applicant were wanting just a ramp, it would be within the setback. He said they envision a ramp coming up and turn instead of having such a long ramp so they can create the full-size bathroom.

Mr. Ives asked if the bathroom would have two doors, one into the house and one back down to the ramp.

Mr. Englehart said yes.

Mr. Ives asked if the house was a couple feet above the floor level.

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Mr. Englehart said about 2 ½ feet.

Ms. King was confused on where the bathroom was and where the ramp would be located. She asked if the bathroom would be located behind the ramp.

Mr. Englehart said yes, the bathroom would be toward the chimney end.

Ms. King verified there would be a ramp first and then a bathroom behind it.

Mr. Englehart agreed.

Ms. King verified the ramp and bathroom would not be side by side.

Mr. Englehart said you can get bathrooms in 6 X 8 feet but they are looking at having a full-size handicap tub, wheelchair accessibility which takes up a little more room.

Vice-Chair Halliburton opened the public hearing.

Jeannie Lynn Moore and Albert Moore live at 1446 Kensington Drive, next door to the subject property, and came to the podium. Ms. Moore sent an e-mail to Ms. Rush stating some of their concerns, one being the view from their deck as the addition will totally block their view to the street. She also said the proximity of the addition, as they look out their dining room window, would be only a few feet away and be a solid brick wall so that view would also be spoiled. Blocking and spoiling their views is what she is mainly concerned about.

Albert Moore requested that the picture where the addition was proposed to go be put back up. He pointed out the addition was initially designed showing it extend only to the garage door, and now a new door is proposed to be moved back toward the window where the utility room is located. Mr. Moore said if the door is going to be moved back that far, this addition onto the garage is going to go back almost completely to the chimney instead of just the garage length. He said the applicant is putting an addition extending for almost half the side of the house. Mr. Moore also referred to the existing landscaping and assumed landscaping would be added to the new addition, as well. If that happened, it would be even closer to their property line. He said instead of maybe five feet, you may have two or three feet. Mr. Moore said there is enough room to put a ramp there now and if they are going to have a new door installed the ramp could be built to the new door. He said they are just pointing out some things the Board may or may not have thought of. He agreed with what his wife pointed out that if you put an addition that far out, it just blocks the complete view of the street from their deck.

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Ms. Moore asked if the Board Members would like to see the pictures she brought to the meeting.

Mr. Halliburton was glad for Ms. Moore to pass out the pictures.

Mr. Tipps appreciated the concerns Mr. and Mrs. Moore expressed and asked how they would feel about a handicap ramp and the unsightliness of it being placed there if it were within the setback Codes.

Ms. Moore said it is fine if somebody were handicapped.

Mr. Tipps asked if that would affect their view.

Mr. Moore said if he is handicapped, he does not have a problem with the ramp being there. He said the applicant would like for it to be enclosed, but as far as having the handicapped bathroom there, there are enough bathrooms inside the house and possibility one of those could be converted and remodeled to a handicap bathroom.

Ms. Moore said the main problem is the brick structure and the shadow from it looking out the dining room window, it will be right there. She said the view from their deck would be completely gone.

Mr. Tipps asked if she could see a ramp there.

Ms. Moore said yes, but a ramp of 5-foot within the setback is very different as there would not be a brick wall. She said if somebody needs a ramp because they are handicap that is fine. Ms. Moore said they haven't seen anybody in a wheelchair but that is beside the point.

Vice-Chair Halliburton closed the public hearing.

Vice-Chair Halliburton said he couldn't get passed the whole self-created issue part of how the Board approves these variances. He said he was not in favor of this application.

Mr. Tipps concurred with Vice-Chair Halliburton.

Mr. Tipps made a motion to deny a 6-foot variance requiring 12.5 feet side setback for an addition 7.5 feet from the side property line at 1442 Kensington Drive. The motion was seconded by Ms. Mosby and carried unanimously in favor to deny.

Application Z-18-041 by Dayton Brown – [WITHDRAWN]

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Application Z-18-042 by **Huddleston-Steele, William Duke, for Jennifer Gillman Morrison**, requesting an 11-foot landscape variance from the City of Murfreesboro Zoning Ordinance, Section 24, Article III GDO, (F)(3)(d.1), requiring 20 feet planting yard. Property is zoned Highway Commercial and Gateway Overlay District (CH_GDO), located at Home Depot Subdivision Phase 3, Lot 2B along Robert Rose Drive.

Ms. Rush reviewed the application and recommended condition of approval contained in the BZA staff report.

Mr. Clyde Rountree with Huddleston-Steele was present to answer questions.

Ms. King asked if the Board denied this would they have to change their entire landscape buffer or would it only apply to the portion of the property that has not been developed.

Ms. Rush said it is just the portion of the property that is not developed. She said the existing landscaping buffer is nicely vegetated and complies with the old rules; if the variance is denied then the new landscaping would be additional and would not require any to be removed. She pointed out on the video image where things line up relative to parking and landscaping with the adjoining commercial area. Ms. Rush said there is also a landscape strip between the subject property and the adjacent parcel that will remain. She said this project development was before the Planning Commission this week for preliminary design conception review as a GDO project.

Vice-Chair Halliburton said the Planning Commission reviewed the design and the make-up of the building material. He said the actual materials did not meet the GDO Guidelines as we speak today, but it was the Planning Department's opinion that if they had to meet what the requirements were for today that it would not look right. He said for the same reasons that Ms. Rush is mentioning today with respects to in favor of the landscape variance was the same reasons why the Planning Commission was in favor of not requiring the building materials that are in today's Guidelines as it just wouldn't look right.

Mr. Clyde Rountree of Huddleston-Steele Engineering came to the podium stating this is a result of aesthetics to come into compliance with shifting the driveway which would be kind of curious. He said if you drive by the site, it is recessed back and the landscaping is very full and lush. Mr. Rountree said the client wanted to keep that consistent to make sure it looks that way all the way throughout. He said the goal was to stay consistent both in the architecture of the building and the geometry of the parking lot layout. He mentioned the Planning Commission didn't have any issue with it because they wrestled with trying to see if there was a way to bring it up to more of a

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current standard and that would probably create more of an inconsistency and chaotic look versus more of a clean, systematic look that is there now.

Vice-Chair Halliburton opined the public hearing. There being no one to speak for or against the application, Vice-Chair Halliburton closed the public hearing.

Mr. Tipps made a motion to approve an 11-foot landscape variance requiring 20-foot planning yard for property zoned Highway Commercial and Gateway Overlay District (CH-GDO), located at Home Depot Subdivision Phase 3, Lot 2B along Robert Rose Drive. The motion was seconded by Ms. Mosby.

Mr. Tipps said he did not see anything wrong with the old standard because it looks perfectly well and did not really understand why they would need to be more excessive landscaping than what it already is.

The motion carried unanimously in favor.

Staff Reports and Other Business

Ms. Rush announced for the BZA Board Meeting on July 25th, one of the items on the agenda will be to appoint the BZA Chair and Vice-Chair.

The meeting was adjourned at 2:00 P.M.

CHAIRMAN

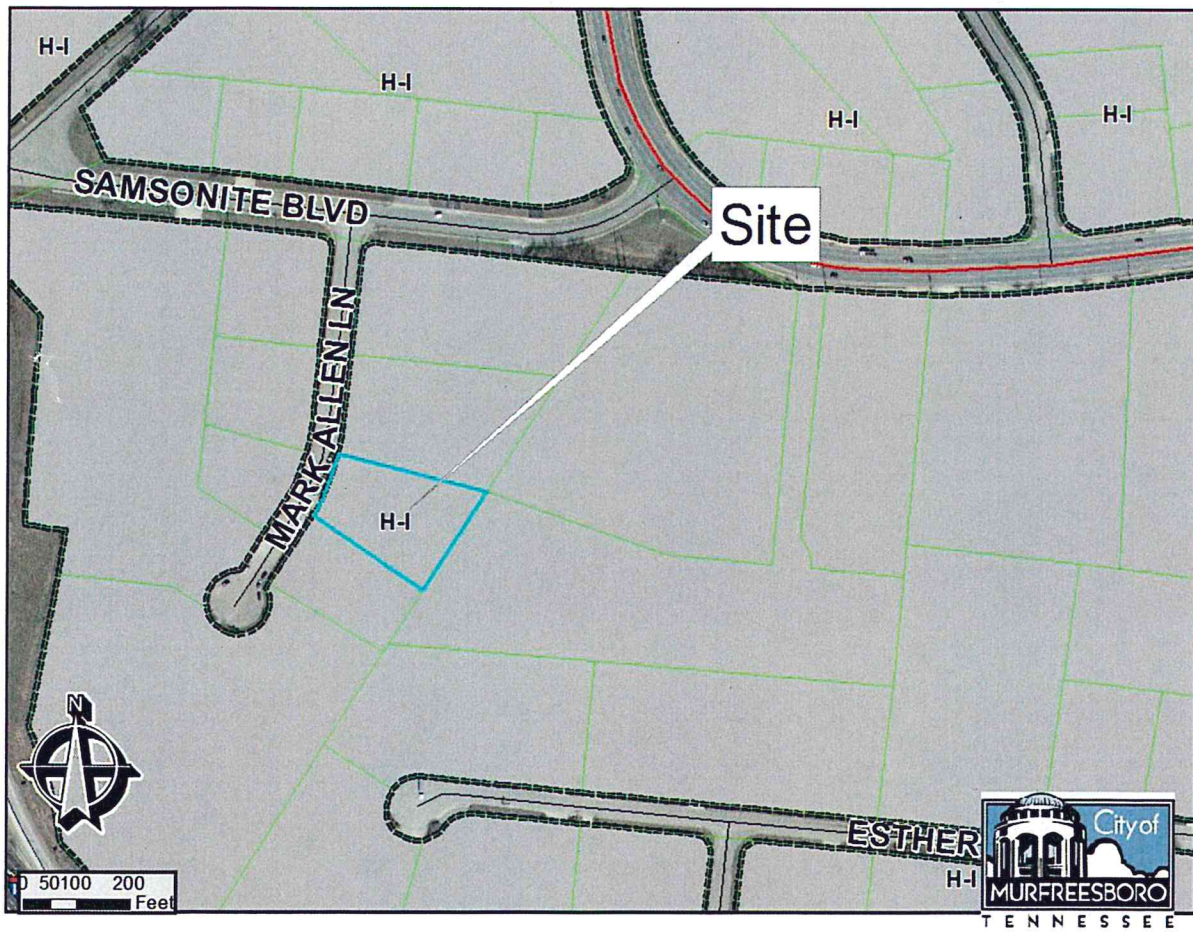
SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

APRIL 22, 2018

Application: Z-18-043
Location: 1417 Mark Allen Lane
Applicant: Bobby Copeland on behalf of Room In the Inn
Property Owner: Sabitha Hudek
Zoning: Heavy Industrial (H-I)
Request: Special Use Permit for a Group Shelter



Special Use Permit Request:

The applicant wishes to operate a group shelter for homelessness, Room in the Inn, located at 1417 Mark Allen Lane. The property currently has a vacant building and parking lot, which was constructed and previously used as a medical office. The property is 1.03 acres, the building is approximately 3,300 square feet, and the parking area can be striped for 18 spaces plus 2 ADA spaces. There is also a large grass area located behind the building. Surrounding land uses are trucking company, wood mill shop, cement mixer, and Department of Motor Vehicles.

The applicant states the Room in the Inn will provide beds for up to 25 persons, and will install showers within the bathrooms, install wall partitions to separate the men from the women and children, washer and dryer, construct full kitchen, and lay linoleum. There will be two to three staff members on site at all times. The applicant previously operated the Room in the Inn at 640 Main Street for approximately 20 years, which closed approximately one year ago.

The property is zoned Heavy Industrial (H-I).

Relevant City of Murfreesboro Zoning Ordinance Section:

City of Murfreesboro Zoning Ordinance, Chart 1, allows a Group Shelter, in accordance with the following sections:

- **Section 2 – Definitions:**

Group Shelter: A facility operated by a public or private agency, which may provide program of services in addition to room and board to persons under continuous protection or supervision.

- **Chart 1 – Uses Permitted by Zoning District:**

H-I District - Group Shelter is permitted with approval of a Special Use Permit.

- **Chart 4 – Required Off-Street Parking and Queuing:**

Group shelter- requires 1 space for every 5 beds plus 1 for each employee or volunteer working on the largest shift plus one for each business vehicle.

The minimum parking needed for the proposed use is five stalls.

Findings for Standards of General Applicability for Special Use Permits

In the applicant's request letter, he responds to each standard of general applicability for Special Use Permits, City of Murfreesboro Zoning Ordinance, Section 9 (C)(1-5):

- A. That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilitates, and other matters affecting the public health, safety and general welfare.

Applicant states the use will meet this standard because the facility will house up to the number of beds permitted (25), will construct improvements to accommodate the clients for this use, and will comply with the parking standards. In addition, there is a City of Murfreesboro Rover stop on South Church Street at Middle Tennessee Boulevard, approximately one mile from the subject property.

- B. That the proposed building or use will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations.

No new building structures would be constructed. The group shelter will be located in a heavy industrial zoned area developed with heavy industrial uses. As such, the proposed use will not interfere with the development and use of adjacent property.

- C. That the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or persons or agencies responsible would provide such services.

All these items are already provided. The parking lot will need to be striped to the City parking standards to ensure safe parking and circulation.

- D. That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance.

Applicant states group shelter would not result in destruction, loss or damage of any of these listed.

- E. That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing use.

Applicant states group shelter would comply with the standards of the City of Murfreesboro

Staff Comments

The proposed group shelter use is a different occupancy use than the building was constructed for, medical office. As such, this will require the applicant to apply for a building permit and complete the work for any necessary changes for this occupancy prior to initiating or opening the group shelter use. In addition, the parking lot is not striped and the applicant will need to submit a parking plan to the Planning Office for review and approval, and the parking lot striping will need to be completed before starting the group shelter use. The applicant's proposal does not appear that it will have a substantial or undue hardship on the surrounding properties, as these are developed with heavy industrial uses.

If the Special Use Permit is approved, staff recommends the following conditions of approval:

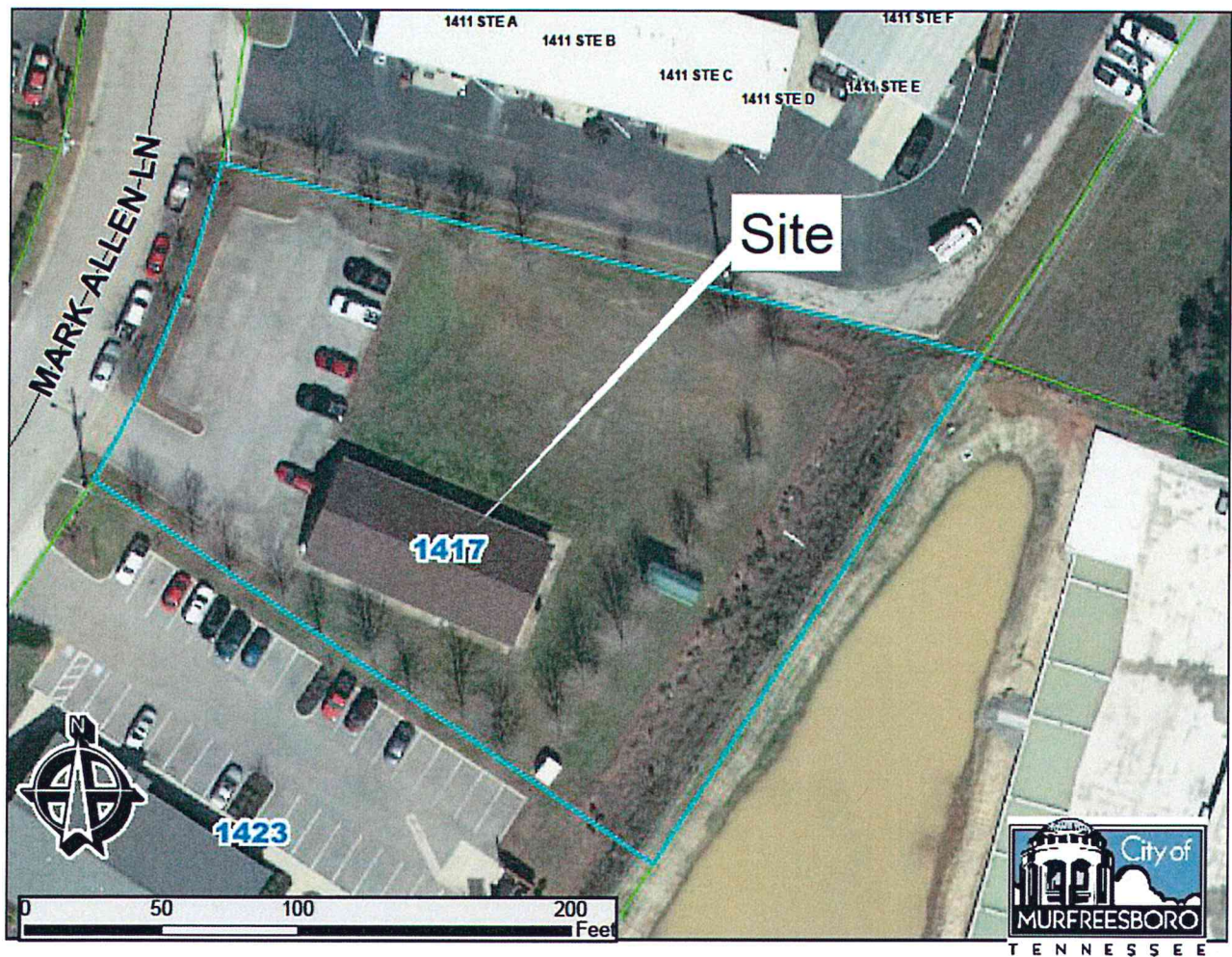
Recommended Conditions of Approval:

1. Prior to opening group shelter, applicant shall contact the Building and Codes Department to do the following:
 - a. Confirm with Codes staff the change of occupancy from medical office to group shelter for 1417 Mark Allen Lane, regarding possible need for building inspection, and list of building improvements or modifications necessary to operate group shelter
 - b. Apply for building permits, as necessary.
 - c. Obtain certificate of occupancy, as necessary.
 - d. Obtain a sign permit for any signs to be posted on site.
2. Prior to opening group shelter, applicant shall prepare an Onsite Parking and Circulation Plan for review and approval by the Planning Office.
3. Operational conditions:
 - a. Maximum of 25 beds (clients) unless applicant applies for and obtains approval to modify the Special Use Permit.

The applicant will be in attendance to respond to any questions the Board may have.

Attached Exhibits

- 1) BZA Application Materials
- 2) Site Photographs (ortho, site, adjacent neighbors)
- 3) Zoning Ordinance – Applicable Sections







Subject property. View looking east.



View looking north.



View looking south.

City of Murfreesboro

BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: 1417 Mark Allen Lane

Tax Map: Group: Parcel: Zoning District: H1

Applicant: Bobby R. Copeland E-Mail: (LAURA)

Address: 1010 E. Lytle Street Phone: 615-390-7359

City: Murfreesboro, State: TN. Zip: 37130

Property Owner: Sabitha Hudek

Address: 3043 Fieldview Dr. Phone: 615-289-6732

City: M. boro State: TN Zip: 37130

Request: special use permit from the BZA

for homeless shelter for up to 25 beds

Zoning District: H1

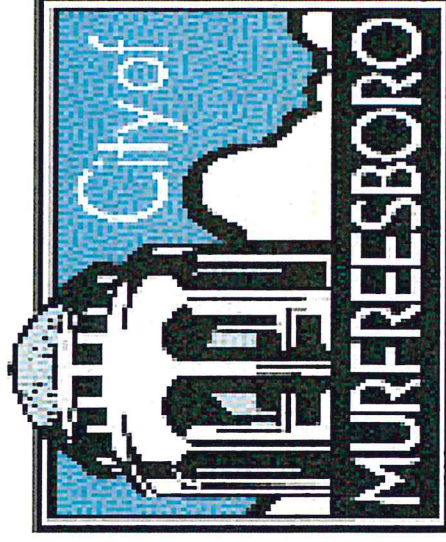
Applicant Signature: Bobby R. Copeland Date: 8-6-18

Received By: B. Davis Receipt #: 289672

Application #: 2018-043 Date: 8-6-18

Murfreesboro

Board of
Zoning Appeals



T E N E S S E E

HEARING APPLICATION

AND

GENERAL INFORMATION

**Room in the Inn
P.O. Box 11588
Murfreesboro, Tn. 37130**

August 2, 2018

Dear Council Members,

As I am sure you are well aware, there is a problem with Homelessness in Murfreesboro, Tn. Room in the Inn worked for close to 20 years at the 640 Main Street location without any serious issues. We thrived as the community started helping and donating items at that location. We have the support of close to 30 churches as well. Those churches rejoiced as the doors were opened on November 1, 1996 and stayed open until the city decided they wanted their building back.

We have searched a year for a suitable building to reopen our doors to the community and we think we have found this building at 1417 Mark Allen Lane. This is right off of Middle Tennessee Blvd. and right down the road from the current DMV. We have looked at this building for a year and have finally been able to look at it on the inside and it is perfect.

We have a few things to do inside such as: put in 2 washer and dryer connections, 2 showers (1 in men's bathroom and the other for the women's bathroom) paint all rooms and put down linoleum in rooms with carpet, put in kitchen (we have one already in storage), put partition and door up for office. Outside we need to paint distinctive lines for the parking lot.

Room in the Inn is a 24/7, 365 day a year homeless shelter. We provide many things for our residents and for those that are homeless in the community as well. We have found that the community is anxious to help the homeless but just don't know how to go about it. We offer many things to our clients on behalf of the community. Such as: clothing, shoes, coats, furniture (if we have it), towels, sheets, toiletries and many other goodies that the community brings in. We help the residents with where to look for employment and tell them about other resources available for them as well.

MISSION STATEMENT

Room in the Inn shall exist to:

- 1. Shelter and feed the homeless.**
- 2. Assist with obtaining work and a permanent home.**
- 3. Assist with obtaining valid identification.**
- 4. Provide an address and telephone contact necessary to secure school placement, government aid, and employment opportunities.**
- 5. Provide kindness and encouragement as well as food and shelter.**

6. Provide counseling and spiritual help if requested
7. Gently steer those in need of direction to programs, such as AA, that will help them put their lives in order and become competent and productive members of society.
8. Lead and teach by our example and our compassion.
9. Work closely with other helping agencies which provide services to the homeless.
10. Inform our guests of educational (such as GED guidance) and literacy training opportunities so they may acquire the necessary tools to help themselves.
11. Especially focus upon the needs of children, who are displaced and homeless, in such a way as to minimize the scarring experience of homelessness in their lives and development.
12. To keep in touch with the families who have stayed with us and to help with little things that they might need to keep them from being in this situation again. Such as, clothing, food, help possibly with a bill, etc.
13. To serve and glorify God in this ministry.

One thing we have found out with homeless people is that every story is different and homelessness can happen to anyone. There is no blueprint for a homeless person. All cases are handled with love and compassion. Room in the Inn is proud of their success stories and equally proud of those that keep at it.

Due to space limitations, we anticipate that Room in the Inn will be able to serve approximately twenty to twenty-five homeless people during a 30 day period, with any where from 60-100 on a wait list. Room in the Inn operates on a first come first serve policy; however, there are exceptions, as you will see under Criteria for Acceptance.

If for some reason we cannot accommodate a person, for one reason or another, we will help them in anyway we can to find a place for them to go. We would love to help everyone but we find that it just isn't that way for some individuals. If we run across a person like that, we just do what we can for them (a shower, a meal and clean clothes are always appreciated).

The main thing to remember about homeless people is: They are a person and you need to treat them that way and not like an object to be thrown away. Again, love and compassion must be used at all times.

We miss being able to help homeless people in this community. We have compassionate people in this community that call us all the time to see if we have a building yet so they can bring their donations. We hope to be able to tell them that we have finally found a home.

BASIC RULES OF *ROOM IN THE INN*:

Guidelines for Volunteers

1. Don't hesitate to enforce the rules! Be consistent. Some guests will test the rules. Stop a bad situation before it gets started. If anyone refuses to follow the rules, they will be asked to leave, and if anyone becomes rowdy or abusive, call the police.
2. No volunteer will attempt to handle a bad situation by themselves. This includes, but is not limited to domestic quarrels and/or violence, child abuse or any indication thereof, fighting, drug or alcohol usage and/or the presence of knives, guns or other weapons.
3. Do not give personal information to any guest. Do not give rides to any guest. Do not give or loan money to any guest. If a guest has a monetary need, take it to the Shelter Director.
4. All volunteers must complete an orientation session prior to taking charge of the Day Shelter.
5. Do not allow horseplay or verbal altercations between guests. Some persons using the shelter may be unstable and such events can be upsetting to them as well as to everyone else.
6. Do not become emotionally involved with guests; this will cloud your judgement. It is inappropriate and dangerous to flirt with any guest or to lead a guest of the opposite sex to believe that you are romantically/sexually interested in him/her. Do not ever let any guest invade or cross your personal boundaries.
7. Appropriate attire should be worn when working at the Day Shelter. You should not call attention to yourself by the way you dress.
8. Familiarize yourself with all shelter rules, operation of the kitchen, the location of supplies and the first aid kit, and any other equipment or procedures with which you may need to be familiar. Debrief the volunteer you are relieving to familiarize yourself with the current situation and be sure to provide similar information for the volunteer relieving you.
9. Be friendly and treat our guests with dignity and respect. They are people, not a problem. Please do not refer to them as clients or patients. . . they are our guests. Treat them with hospitality and compassion. Feel free to engage in an activity such

as a card game or puzzle, but always be aware of what is going on. Our message is one of tough love: "I love you, I'm glad to help you, as long as you obey the rules."

10. There will always be at least two volunteers present; every attempt will be made to insure that one of those volunteers is male.
11. If you must clean up after a sick visitor or provide first aid in any way, always wear surgical gloves. Two pairs of gloves are always available in the first aid kit and with the cleaning supplies.
12. Volunteers for weekdays will work in pairs or threes and will cover the hours of 7 a.m. until 7 p.m. At 7 p.m. each evening Monday - Friday, the church responsible for a given evening will take over staffing and feeding from 7 p.m. until 7 a.m. including dinner and breakfast. Daytime volunteers will prepare lunch on days not covered by a church or other organization.
13. Day volunteers will be trained by the SD or Volunteer Coordinator or someone they appoint.
14. Volunteers acting in an inappropriate manner will be given a verbal warning by the Shelter Director. If a volunteer must be asked to leave, the SD will present in writing the reason for dismissal to said volunteer and that volunteer's Mission Coordinator (if the volunteer comes from a church).
15. Volunteers will usually work in pairs. Heavy guest volume and the demands of lunch preparation may necessitate a third volunteer.
16. Churches are free to conduct their nights in ways they see fit in the central shelter, as long as guests working late shifts are not forbidden from arriving after curfew, and as long as church procedures do not conflict with the shelter's established guidelines.
17. No guest may be expelled from the shelter for refusal to participate in a religious service or activity planned and conducted by a host church, as long as the guest's refusal is respectful and as long as no disturbance to said religious activity is caused.
18. Volunteers should remember that any guest going through the paperwork and entrance procedures may not be able to read. This situation should be handled with consideration. Information about adult literacy and GED training will be available, but should not be pushed initially on tired, hungry guests. Take time and consideration in evaluating a guest's needs. Make sure the SD is aware of any needs. Not all needs have to be solved within the first few hours, but food, warmth, rest, and human concern are probably paramount.

Guidelines About Guests

1. The SD shall interview and approve each new guest and will have the final say on expulsions for infractions of rules, failure to seek work, or refusal of reasonable employment for fair pay.
2. Guests will be treated with the utmost respect. This includes their religious opinions and practices.
3. All guest rules will be clearly posted and individual copies will be distributed (with due regard for literacy problems) to each guest and signed by them at the time of their entrance into the program. Signed rules will be kept in SD's file with any appropriate paperwork filled out by each guest.
4. Guests must present such ID as they have upon entering the program. Any refusal to provide such ID or any fraud or misrepresentation in the presentation of said ID will constitute grounds for dismissal from the program.
5. The shelter will provide help in obtaining proper ID needed to search for employment.
6. Each guest who is employable and does not have small children to care for shall be actively engaged in seeking employment. Each guest shall be required at the end of three days to list at least five verifiable efforts to find employment.
7. Any guest who claims to be unable to work must provide proof in the form of a signed physician's statement to that effect. Refusal of able-bodied persons to search for work is not acceptable.
8. Children of guests must be up to date with all vaccinations and, if school age, must attend school. (Parents must provide proof of necessary inoculations and have necessary school documents available so children may be placed in city school system.)
9. Guests must enter the shelter with proof of majority. If they have no such ID, they will be required to obtain it . . . if they cannot, they must be checked through police computers to see if they are runaways. If they are, they must be turned over to the juvenile authorities.
10. No unmarried couples will be allowed to sleep together.

Criteria for Acceptance of Potential Guests Seeking Shelter

Room in the Inn will operate the proposed shelter under the constraints of the City Zoning Ordinance which restricts the stay of a guest to forty-five (45) days. Due to this time limit it is imperative that individuals be required to obtain employment quickly if they are to be able to secure a permanent residence. Because of our mission, guidelines and general philosophy the following criteria exist to evaluate accepting a guest into the shelter:

1. Families are given a priority over single individuals.
2. Families with children are given a priority over those without children.
3. People whose last address was within Rutherford County will be given priority over those from other areas.

4. Because of the work-requirement rule documented homeless individuals will be given priority over transients who are seeking to travel the country using shelters.
 5. Acceptance depends on the availability of sleeping space.
-


APPENDIX A - ZONING

(B) For buildings or structures any portion of which is located within five feet of a street line or lines, the curb level or the average of the curb levels, or their equivalent established ground surface, adjacent to such street line or lines.

Grocery store: A retail establishment that primarily sells food, including canned, packaged, and frozen foods; fresh fruits and vegetables; and fresh (raw) and prepared meats, fish, and poultry.

Gross land area: The area of a lot within the property lines.

Group day care home: A place providing, or designed to provide, care for more than seven (7), but less than thirteen (13) children, for less than twenty-four hours a day which is licensed by the Tennessee Department of Human Services. See also "Family day care home."

 Group shelter: A facility operated by a public or private agency, which may provide a program of services in addition to room and board to persons under continuous protection or supervision.

Hard dustless surface: A vehicular travel surface for a parking area, loading area, service area, driveway, private street, or the like, consisting of concrete, asphalt, pavers, or other equivalent material as determined by the Planning Director in consultation with the City Engineer.

Height: See "building height."

Heliport: A helicopter landing area for boarding and discharging the occupants of the craft. Maintenance or fueling is not permitted.

Home for the aged: A building represented and held out to the general public as a home which accepts aged persons for relatively permanent, domiciliary care. It provides room, board, and personal services to one or more non-related persons. The term includes any building, section of a building, or distinct part of a building, a residence, a private home, a boarding home for the aged, or other place, whether operated for profit or not, which undertakes to provide, for a period exceeding twenty-four hours, housing, food services and one or more personal services for aged persons who are not related to the owner or administrator by blood or marriage. For the purpose of this definition "personal services" are defined as those services that are rendered to residents who need supervision or assistance in activities of daily living. Personal services may include protective care of residents, responsibility for the safety of the resident when in the facility, daily awareness by the management of the resident's whereabouts and the ability and readiness to intervene if crises arise. Neither nursing nor medical care services are to be provided at a home for the aged. Homes for the aged shall be divided into classes based on the number of persons to be housed as follows:

Class Ione or more but less than nine

APPENDIX A - ZONING

CHART 1.

USES PERMITTED BY ZONING DISTRICT.

Revised: 03/08/18

Chart 1
Page 1 of 9

USES PERMITTED ³		ZONING DISTRICTS																								
		RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RS-A	R MO	OG R ₂	OG ₂	CL ₂	CF _{2,14}	CH ₂	MU ₂	CBD ₂	HI ₂	LI ₂	CM-RS-8 ²	CM-R ₂	CM ₂	CU	
DWELLINGS																										
Single-Family detached		X	X	X	X	X	X	X	X	X	X	X	X	X	X			X					X	X	X	X
Single-Family attached								X	X	X	X	X	X	X	X								X	X	X	X
Two-Family								X	X	X	X	X	X	X	X								X	X	X	X
Three-Family									X	X	X	X	X	X	X								X	X	X	X
Four-Family									X	X	X	X	X	X	X								X	X	X	X
Multiple-Family																		X								
OTHER HOUSING																										
Accessory Apartment		S ⁸	S ⁸	S ⁸	S ⁸	S ⁸					S ⁸															
Accessory Dwelling Unit																										
Assisted-Care Living Facility ¹⁵																										
Bed-and-Breakfast Homestay		S	S	S	S	S					X												X	X	X	S
Bed-and-Breakfast Inn		S	S	S	S	S					S												S	S	S	S
Boarding House ¹⁵																										
Emergency Shelter		X	X	X	X	X					X												X	X	X	X
Extended Stay Hotel/Motel																										
Family Crisis Shelter																										
Family Violence Shelter																										
Fraternity/Sorority																										
Group Shelter																										
Class I Home for the Aged ¹⁵		S	S	S	S	S					X															S
Class II Home for the Aged ¹⁵		S	S	S	S	S					S															S
Class III Home for the Aged ¹⁵																										S
Hotel																										
Mission ¹⁰																										
Mobile Homes												X														
Motel																										
Rooming House																										
Student Dormitory																										
Transitional Home																										
INSTITUTIONS																										
Adult Day Care Center		S	S	S	S	S																				X
Adult Day Care Home		S	S	S	S	S					S															X
Airport, Heliport		S	S	S	S	S																				X
Cemetery, Mausoleum		S	S	S	S	S					S															X
Church ¹³		S	S	S	S	S					S															X
College, University																										X

X = Use permitted by right.

S = Use requiring site plan review and approval subject to the issuance of a special use permit in accordance with the provisions of Sections 8 and 9 of this article.