

**CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

Regular Meeting, November 23, 2020, at 1:00 p.m.  
City Hall, 111 West Vine Street, Council Chambers, 1<sup>st</sup> Floor

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**A G E N D A**

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1. Call to order
2. Determination of a quorum
3. Consideration of minutes for the regular meeting on September 23, 2020
4. New Business

*Special Use Permit Requests*

- a. **Application Z-20-031 by Mr. R. Lyle Lynch of Johnson & Bailey Architects, PC, for Calvary Baptist Church**, is requesting a special use permit in order to expand an existing institutional group assembly use (a church) for property located in a Single-Family Residential (RS-15) zone at 431 Dejarnette Lane. (Project Planner: Brad Barbee)
  - b. **Application Z-20-032 by Mr. Jay B. Jackson, for Mr. Mahesh Patel**, is requesting a special use permit in order to establish an accessory apartment for property located in a Residential Single-Family (RS-15) zone at 911 Springleaf Court. (Project Planner: Brad Barbee)
5. Staff Reports and Other Business
6. Adjourn

# **Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals**

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**September 23, 2020 – 1:00 P.M.  
Council Chambers**

## **MEMBERS VIDEO PRESENT**

Davis Young, Chair

Misty Foy

Tim Tipps

Ken Halliburton

Julie King (present by phone in accordance with Executive Orders No. 16 issued by Governor Bill Lee on March 20, 2020, as subsequently amended on May 6, 2020, by Executive Order No. 34)

## **MEMBERS ABSENT**

## **STAFF PRESENT**

Jafar Ware, *Planner*

Roman Hankins, *Assistant City Attorney*

Matthew Blomeley, *Assistant Planning Director*

Marina Rush, *Principal Planner*

Brenda Davis, *Recording Assistant*

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Chairman Young called the meeting to order at 1:00 P.M.

Chairman Young determined there was a quorum stating four members of the Board were present in person and Ms. King was present by audio.

The minutes from the June 24, 2020 regular meeting were approved as submitted.

## **New Business**

### ***Special Use Permit***

**Application Z-20-029** by **Mr. Clyde Rountree of Huddleston-Steele, Inc., for CWC Partnership**, is requesting a special use permit in order to expand an existing self-service storage facility for property located in a Commercial Fringe (CF) zone at 1509 Brinkley Road.

Mr. Ware reviewed the application and staff comments. If the Board approves this request, Staff recommends the following conditions of approval:

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- 1) The applicant shall submit to the Planning Department a site plan for review and approval in accordance with the regulations set forth in the Zoning Ordinance. The tree survey submitted with the special use permit application shall be updated to include additional information on the existing vegetation along the south property line as well as the property adjacent to 1465 Brinkley Road. The updated tree survey shall be included in the site plan submittal.
- 2) Existing trees and other vegetation in good condition along the north, south, and west property lines must be preserved. A tree preservation plan must be included in the site plan submittal and appropriate tree protection measures must be in place during construction.
- 3) A 15'-wide Type D buffer shall be required along the north, south, and west property lines adjacent to Phases 3 and 4. The existing vegetation to be preserved shall be supplemented with new materials as needed to achieve the required Type D buffer.
- 4) All new buildings in Phases 3 and 4 shall be a minimum of 45' off of the north and west property lines with the exception of the easternmost building along the northern property line (the 14-unit, 3080 ft<sup>2</sup> building), which shall be a minimum of 35' off of the north property line.
- 5) The architecture of the proposed buildings in Phases 3 and 4 shall be subject to the final review and approval of the Planning Department. However, the architecture of the proposed buildings along the perimeter of the site shall be substantially consistent with the architectural elevations submitted with this special use permit application.
- 6) The gravel boat/RV storage area that is currently in violation must be remediated and brought into compliance as a part of the Phase 3 construction. Measures to be taken to remediate the violation shall be included in the Phase 3 site plan submittal.
- 7) The easternmost outdoor storage area to be constructed in Phase 4 shall be covered.

Mr. Blomeley spoke about the history of the property and the portion that is out of compliance. Mr. Blomeley showed the concept plan that went before the Board of Zoning Appeals back in 2014 when this was originally approved. He pointed out the area that is currently being used for outdoor storage has never received any approval to do that. Mr. Blomeley said it is currently graveled and in violation of the original special use permit and site plan. The applicant has been made aware and he is committed to bringing that into compliance. Mr. Blomeley said Staff has offered the applicant to bring that into compliance with the construction of Phase III, rather than seek immediate compliance. Mr. Blomeley gave the Board Members updated plans and conditions of approval. Mr. Blomeley showed the updated Phase III plan and went over some of the details of the plan.

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Mr. Blomeley said since this Special Use Permit was originally approved in 2014, the property to the north has developed with some homes that this application needs to be sensitive to. He also mentioned a Type D buffer will be required and suggested additional separation might be necessary to further mitigate any negative impact on the adjacent homes. Finally, Mr. Blomeley said Staff wants to make sure the applicant adheres to a certain level of quality regarding the elevations of their buildings, so that they do not have a negative impact on the surrounding residential uses.

Mr. Blomeley and Mr. Ware were available to answer any questions along with Mr. Rountree and Mr. Coleman.

Chairman Young referred to the northern and western boundary and asked if you would be able to see through into the center of the development.

Mr. Blomeley said Mr. Coleman has submitted a tree survey and he is committing to preserving the existing vegetation along the property line and anywhere there is a gap in that vegetation that doesn't qualify as a Type D buffer, he will supplement those existing trees with additional trees to meet the Type D buffer requirements. Mr. Blomeley said the tree survey that was provided depicts probably the least number of trees along the northern property line adjacent to the two residential lots in the Blackman Station Subdivision. This area will likely need some additional trees. One of the recommended conditions of approval was that additional information is needed on the tree survey regarding the vegetation along the southern property line and adjacent to the property at 1465 Brinkley Road. Mr. Blomeley said beyond that Type D buffer the buildings will create a fortress around the perimeter of the site.

Mr. Clyde Rountree said the northern property line does have some gaps and the applicant will do as Staff requires for the landscaping.

Mr. Young opened the public hearing.

Ms. Linda Robertson, 1465 Brinkley Road, said the storage facility itself has not been much of a problem however the lighting and the RVs have been a problem as is people playing radios late at night. She expressed concern about having more construction since the construction has been on-going since 2015. Ms. Robertson said the things that concern her are the RVs parked where she can see them. She said the existing trees are only heavy in the summer, because they are deciduous trees; so, from October until April all she sees are lights because her property sits up higher, so the lights shine upward. She was very concerned about having more lights added to even more of her property.



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Mr. Tipps asked Ms. Robertson about the noise she spoke of and to explain what she was referring to.

Ms. Robertson said she was not sure how late the facility stayed open but at 9:00 or 10:00 P.M. people come and unload their cars into their storage units. She said they have their car doors open with their radios playing. She said it just gets noisy particularly during good weather. She added that sometimes construction occurs in the evening as well.

Vice-Chairman Halliburton verified that Ms. Robertson is seeing the RVs and lights above the building that aligns with her property on the south side of the development.

Ms. Robertson said yes. She said she can only see about 12-inches of the top of the RVs, but all the air conditioner units are clearly visible. She didn't know what height those buildings are that border her property, but they are not tall enough to hide an RV or screen out the light that faces her property. She said the front of the building where the office is located is very dark. All of the lights that are on the side of the property, which are bright for security reasons, are also coming on to her property.

There being no one else to speak, Chairman Young closed the public hearing.

Mr. Blomeley asked Chairman Young if Mr. Coleman could address the noise issue adding he feels this to be a management issue. Mr. Blomeley said the application states the hours of operation are 8:00 AM to 5:00 PM Monday thru Saturday and noon – 4:00 PM on Sunday. Mr. Blomeley referred to the lighting stating that over the years we have received some complaints from Ms. Robertson and her husband about the lighting. Staff has been in contact with Mr. Coleman about that. Mr. Blomeley said since this was originally approved, we have adopted Design Guidelines with lighting standards and our Zoning Ordinance has lighting standards. He said Staff could take a comprehensive look at the lighting with the applicant to see if there is anything that can be done not only about what is proposed but what is existing. He said it is a balance because we certainly want to be aware of the impact to the neighbors but we also want to make sure there is adequate lighting for safety and security purposes for people that are going to be using the facility.

Chairman Young asked what type of buffer was currently in place next to Ms. Robertson's property.

Mr. Blomeley was not sure but he thinks a Type D buffer would have been required in 2014 by the Zoning Ordinance. He said it looks like they attempted to utilize some of the existing vegetation and it looks like there are a row of trees planted along the property line as well, pointing out there is newer vegetation closer to the building itself. He added that new vegetation takes years to mature.

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Mr. Tipps asked Mr. Blomeley when the photo was taken.

Mr. Blomeley said in the winter of 2020.

Mr. Tipps verified that the landscaping Mr. Blomeley just described would be considered a Type D buffer.

Mr. Blomeley said that is correct.

Mr. Tipps asked about the maximum light fixture height.

Mr. Blomeley said from memory he believes for buildings that are at this height, less than 35-feet, maximum lighting fixture height is either 16 or 20-feet. Mr. Blomeley asked Ms. Rush if she knew the height requirement.

Ms. Rush said for buildings of this height, less than 35-feet, maximum the lighting fixture height is 16-feet.

Mr. Blomeley said the maximum height for free-standing light fixtures is 16-feet. He didn't know if they planned to use free-standing light fixtures or if they would solely be using wall pack lights attached to the buildings. He asked Mr. Rountree or Mr. Coleman to address that. He said regardless of whether the lighting is attached or free-standing light fixtures there will have to be pointed downward and shields used to prevent the glare on the adjacent properties. Mr. Blomeley asked Mr. Coleman to address the type of lighting he plans to use at this facility.

Mr. Coleman said they only have wall packs. He said the Robertsons had an issue before regarding the lighting and he installed blinders on all the wall packs to force the light down. Mr. Coleman thought he had taken care of the lighting issue.

Vice-Chairman Halliburton asked if the wall-pack lights are located on the exterior walls.

Mr. Coleman said they didn't do anything on the exterior. Everything they have on a wall-pack is still interior.

Ms. King referred to page 13 of the agenda and said it looks like there are two of those lights in that picture. She asked Mr. Coleman if that is correct.

Mr. Coleman agreed stating that is an example of a wall-pack light.

Ms. King asked if those are the only types of lights in the facility.

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Mr. Coleman said yes, those are the only lights they have inside the facility.

Mr. Tipps referred to the RV storage and asked if those lights will be covered.

Mr. Coleman said some of the area won't have any lighting and some will have a canopy.

Mr. Blomeley reviewed the proposed changes for the site again.

Ms. Foy asked Mr. Coleman to address the hours of operation and the noise concern.

Mr. Coleman said the gate access hours are from 6:00 a.m. until 10:00 p.m. 7-days a week. He said office hours are 8:00 a.m. – 5:00 p.m.

Chairman Young asked if you make it thru the gate at 9:59 p.m., you can leave whenever you like?

Mr. Coleman said they can still get out, if they are in before 10:00 p.m.

Mr. Coleman said they try to be good neighbors and need input from the neighbors if there is noise that needs to be addressed.

Vice-Chairman Halliburton referred to the lighting issue as he is having a difficult time understanding. He said if the lights are on the interior of the facility, where is the light coming from that is hitting Ms. Robertson's trees and property.

Mr. Blomeley said he doesn't know for certain but knows there is a grade change stating Ms. Robertson's property is a little bit higher than the storage facility so maybe from her property you are looking down and the lights that are near the tops of those buildings could be going towards her property. Mr. Blomeley said he was not certain.

Ms. Robertson offered to explain the situation if the Board would allow her to speak again.

Vice-Chairman Halliburton and Mr. Tipps both agreed to hear from Ms. Robertson again.

Ms. Robertson said the lights have a screen across the top of it, but the bottom part of the lights is not screened and they face directly outward. She said if they were placed to shine downward or screened in a different way the problem might be eliminated.

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Mr. Coleman said when he got the contractor to go out there, he thought they had that worked out the lighting issues. Mr. Coleman said there is a shield on the light pack that shines the light down. He said his contractor turned down the brightness of the lights as well.

Chairman Young asked if this Board has given the Planning Commission information to work with regarding the site plan review of this project.

Mr. Blomeley said yes and that Staff can continue to work with the applicant on improving the lighting situation. He said that Ms. Rush will be reviewing the site plan and she is hearing these comments today. Mr. Blomeley said improving the lighting conditions can be made a condition of approval for Staff to continue to work through this issue during the site plan review process.

Ms. King asked if there were any conditions the Board could place on the approval as far as light footcandles along the perimeter of the property.

Mr. Blomeley said the Zoning Ordinance already speaks to that. He said it is a maximum of 0.5 footcandles at the property line which is really a negligible amount. He said the only lesser would be zero footcandles at the property line. Mr. Blomeley was not sure how much of a difference that would make from 0.5 to at the property line to 0 at the property line.

Ms. King said the BZA would be anticipating that Staff would be working with the applicant to make sure that the site is in line with the Zoning Ordinance.

Mr. Blomeley agreed and said with the additional information that Ms. Robertson has provided about how it is impacting her property will give Staff the information they need to work with Mr. Coleman and his team to see what can be done out in the field. He said perhaps there is a different type of shield that might direct the light further downward instead of the shield they are currently using. Mr. Blomeley asked Mr. Coleman his thoughts about working with Staff on reviewing the existing lighting to see if any improvements can be made.

Mr. Coleman said yes, he is open to working with Staff.

Chairman Young expressed again appreciation for everyone's cooperation.

**Vice-Chairman Halliburton made a motion to approve the request with the following conditions:**

- 1) The applicant shall submit to the Planning Department a site plan for review and approval in accordance with the regulations set forth in the Zoning Ordinance. The tree survey submitted with the special use permit**

application shall be updated to include additional information on the existing vegetation along the south property line as well as the property adjacent to 1465 Brinkley Road. The updated tree survey shall be included in the site plan submittal.

- 2) Existing trees and other vegetation in good condition along the north, south, and west property lines must be preserved. A tree preservation plan must be included in the site plan submittal and appropriate tree protection measures must be in place during construction.
- 3) A 15'-wide Type D buffer shall be required along the north, south, and west property lines adjacent to Phases 3 and 4. The existing vegetation to be preserved shall be supplemented with new materials as needed to achieve the required Type D buffer.
- 4) All new buildings in Phases 3 and 4 shall be a minimum of 45' off of the north and west property lines with the exception of the easternmost building along the northern property line (the 14-unit, 3080 ft<sup>2</sup> building), which shall be a minimum of 35' off of the north property line.
- 5) The architecture of the proposed buildings in Phases 3 and 4 shall be subject to the final review and approval of the Planning Department. However, the architecture of the proposed buildings along the perimeter of the site shall be substantially consistent with the architectural elevations submitted with this special use permit application.
- 6) The gravel boat/RV storage area that is currently in violation must be remediated and brought into compliance as a part of the Phase 3 construction. Measures to be taken to remediate the violation shall be included in the Phase 3 site plan submittal.
- 7) The easternmost outdoor storage area to be constructed in Phase 4 shall be covered.
- 8) The applicant shall work with the Planning Department during review of the Phase 3 and 4 site plans on ways to decrease the impact of the site lighting onto adjacent residential properties. In addition, the applicant shall work with the Planning Department on ways to decrease the impact of the existing site lighting in Phases 1 and 2.

The motion was seconded by Mr. Tipps. Upon roll call, the motion was passed by the following vote:

Aye:       Misty Foy  
              Julie King  
              Tim Tipps  
              Ken Halliburton  
              Davis Young

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**Nay:       None**

**Staff Reports and Other Business**

***Approval of the 2021 BZA Calendar***

Mr. Blomeley referred to the proposed BZA Calendar included in the agenda package today that reflects the submittal deadlines and monthly meeting dates. He asked for a motion to approve the calendar as submitted.

**Mr. Tipps made a motion to approve the 2021 BZA calendar. The motion was seconded by Ms. Foy. Upon roll call, the motion was passed by the following vote:**

**Aye:       Misty Foy  
             Julie King  
             Tim Tipps  
             Ken Halliburton  
             Davis Young**

**Nay:       None**

The meeting adjourned at 1:50 P.M.

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CHAIRMAN

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SECRETARY

**MURFREESBORO BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**NOVEMBER 23, 2020**  
**PROJECT PLANNER: BRAD BARBEE**

**Application:** Z-20-031

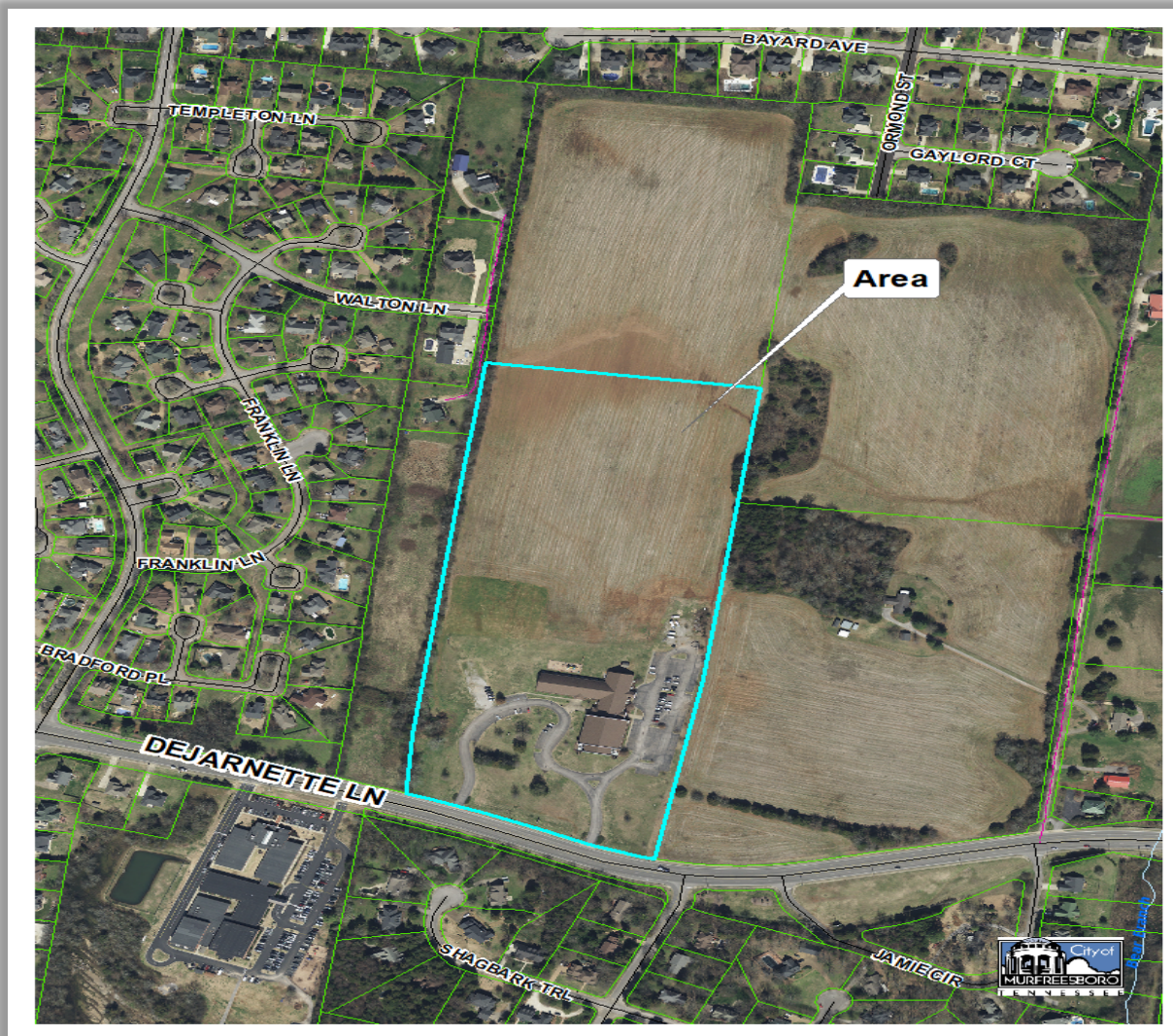
**Location:** 431 DeJarnette Lane

**Applicant:** Mr. R. Lyle Lynch of Johnson & Bailey Architects, PC

**Owner:** Calvary Baptist Church

**Zoning:** RS-15 (Single-Family Residential District)

**Request:** A special use permit for the expansion of an existing institutional group assembly use (a church)



## **Overview of Request**

Calvary Baptist Church, located along the north side of DeJarnette Lane and zoned RS-15 (Single-Family Residential District), requests a Special Use Permit for the expansion of their existing church facility, including a 15,332 square-foot building addition, covered passenger drop off, masonry Dumpster enclosure, and parking lot addition. Churches are classified as institutional group assembly uses, which are allowed only after the issuance of a Special Use Permit in the RS-15 zone. A preliminary special use permit for the church was approved in 2002. Their regular special use permit approval occurred in 2003 with the further progression of the church plans. In 2004, a special use permit was granted to operate a daycare and a private school on the church property. According to the applicant, the approval for the private school was only for a short period of time, while the church housed Providence Christian Academy on a temporary basis.

The property in question is located at 431 DeJarnette Lane, just to the northeast of the City of Murfreesboro's Sports\*Com facility. It is bordered by property that is located outside of the City limits of Murfreesboro to the north and east, including a single-family residence on a large estate lot to the east, an undeveloped tract and the Bradford Place single-family residential subdivision to the west, and Providence Christian Academy and the Northwoods single-family residential subdivision to the south and southwest across DeJarnette Lane.

The building expansion includes additions on both the west and north ends of the existing building, both of which will primarily be used for additional classrooms. The parking lot expansion is in the front of the church property and will entail the redesign of a portion of the existing parking lot. Access from DeJarnette Lane is not proposed to be modified with this request. The proposed Dumpster enclosure will be located at the location of the existing Dumpster along the eastern property line. There are two existing gravel parking areas that are not compliant with the Zoning Ordinance, which requires vehicular travel and parking surfaces to be constructed of a hard, dustless surface. The applicant is committing to bringing these areas into compliance with the proposed expansion. The architectural elevations submitted demonstrate that the exterior materials of the building additions will consist primarily of brick, matching the brick exterior of the existing church building. Fiber cement siding is proposed to be used on the facades where future expansions are planned.

## **Relevant Zoning Ordinance Sections**

Chart 2 of the City of Murfreesboro Zoning Ordinance allows institutional group assembly uses as a special use in the RS-15 district. City of Murfreesboro Zoning Ordinance Section 9(D)(zz) sets forth standards for institutional group assembly uses in addition to the Standards of General Applicability in Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them. After reviewing the criteria for the special use requirements for institutional group assembly uses, this project appears to meet the criteria.



### **Standards of General Applicability with Staff analysis**

- 1. 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, and utility facilities, and other matters affecting the public health, safety and general welfare.**

This expansion should have minimal impact on the character of the neighborhood, or the other items listed above. The church's operations will not change significantly as a result of the proposed expansion. In addition, because of the size of the subject parcel, both the existing and proposed church facilities are several hundred feet away from the nearest residence.

- 2. 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.**

The expansion should be compatible with the immediate vicinity. The church's operations will not change significantly as a result of the proposed expansion. In addition, because of the size of the subject parcel, both the existing and proposed church facilities are several hundred feet away from the nearest residence. Also, the proposed building additions will have a masonry exterior to match the existing church building.

- 3. 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.**

The proposed expansion should have minimal impact on the above items. Additional demand for utilities will be minimal, as should any additional traffic that will be generated.

- 4. 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.**

Neither Staff nor the applicant are aware of any such features associated with this property.

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

The proposed use will comply with the additional standards for institutional group assembly uses. (See below for additional detail.)

### **Additional Standards for Institutional Group Assembly with Staff Analysis**

**[1] Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;**

No parking areas requiring vehicles to back out onto public right-of-way are included, nor are any parking areas proposed to be located in the required front yard. The request depicts adequate off-street area for parking and for vehicles to load and unload.

**[2] In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size;**

According to the applicant, the property, which is zoned RS-15, consists of approximately 24.5 +/- acres or ~1,067,220 square-feet. The minimum lot size required in the RS-15 district is 15,000 square-feet, so the minimum lot size for an institutional group assembly use in an RS-15 zone is 45,000 square-feet. The subject property meets this requirement.

**[3] On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes;**

According to the applicant, proposed light pole locations have been shown on the site plan and are located away from the adjacent properties. In addition, the parking area is screened by trees. Any new site lighting will be required to adhere to all lighting standards found in the Zoning Ordinance and the Design Guidelines. A photometric lighting plan, as well as additional details on any new lighting fixtures, will be required to be submitted during the site plan review process.

**[4] Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize adverse effects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property;**

According to the submitted site plan, a proposed solid waste enclosure is located along the eastern property line at the rear of the parking area and will not be easily visible from the public right of way or adjacent properties. There is an existing Dumpster on the property where the enclosure is proposed to be located. This request will improve the situation by providing a masonry enclosure to screen the existing Dumpster.

**[5] Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA;**

According to the applicant, no additional outdoor recreation areas are included with this request.

**[6] The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the**

**institutional group assembly use by bus, bicycle, walking, or by carpooling or that off-street parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area;**

Chart 4 of the Zoning Ordinance requires 1 space for every 8 seats in the main worship center. The church is not increasing the size of the worship center; therefore, no new spaces are required. However, existing parking will be removed and replaced with a greater number of parking spaces as a part of this application. According to the applicant, the existing sanctuary has 558 seats, requiring 70 parking spaces. After the proposed parking lot modifications, the site will provide 285 off-street spaces, significantly exceeding minimum requirements.

**[7] an application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;**

According to the applicant, the facility is used for typical church activities and that the current uses will not change as a result of the proposed improvements.

Staff would like to make board members aware that the church currently operates a Mother's Day Out program at this location. While a special use permit for a daycare was approved in 2004, a Mother's Day Out program is slightly different, and staff is including this information in order to clarify that the existing childcare use at the church is different than what was considered previously by the BZA. The applicant has included a letter detailing the current operation. It currently operates on Tuesdays and Thursdays from 8:30 A.M. until 2:00 P.M. with a maximum of 105 children in attendance. No transportation is provided.

**[8] the BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit;**

According to the applicant, the church does not intend to install any water, sewer, or electrical utility connections for travel trailers or RV's.

**[9] the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use; and**

According to the applicant, the church is not requesting approval for any short-term land uses on site at this time.

**[10] the application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring**

**properties especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise. The applicant attests that the use will comply with this standard.**

According to the applicant, the proposed church facility does not use carillons, bells, chimes, or electronic speakers that produce sounds that would disturb neighboring properties.

**Recommended Conditions of Approval:**

If the Board approves this request, Staff recommends the following conditions of approval:

- 1) A site plan shall be submitted to the Planning Department for review and approval prior to the issuance of a building permit. The site plan submittal shall include civil plans, landscape plan, photometric lighting plan, and building elevations and any other plans necessary to demonstrate compliance with the Zoning Ordinance and Design Guidelines.
- 2) The solid waste enclosure must be constructed as a component of this expansion and shall be of masonry construction and designed and constructed to meet minimum requirements in the Zoning Ordinance and Design Guidelines.
- 3) The existing gravel parking and maneuvering areas shall be removed and restored to a green condition prior to the issuance of the certificate of occupancy.

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

**Attached Exhibits**

- 1) BZA Application
- 2) Applicant Letter
- 3) Site Photos
- 4) Site Plan and Architectural Elevations

## 1. BZA Application

City of Murfreesboro <b>BOARD OF ZONING APPEALS</b>		<b>HEARING REQUEST APPLICATION</b>	
Location/Street Address: 431 DeJarnette Lane			
Tax Map: 68	Group:	Parcel: 133	Zoning District: RS-15
Applicant: R. Lyle Lynch E-Mail: rlynch@barchitects.com			
Address: 100 East Vine Street		Phone: 615-631-5372	
City: Murfreesboro		State: TN	Zip: 37130
Property Owner: Calvary Baptist Church			
Address: 431 DeJarnette Lane		Phone: 615-896-2626	
City: Murfreesboro		State: TN	Zip: 37130
Request: Special Use Permit for expansion of an institutional group assembly use (church) in a RS-15 zone. Zoning District: RS-15			
Applicant Signature: <i>R. Lyle Lynch</i> Date: 11-2-20			
Received By:		Receipt #:	
Application #:		Date:	

<p align="center"><b>Murfreesboro Board of Zoning Appeals</b></p>  <p align="center"><b>T E N N E S S E E</b></p> <p align="center"><b>HEARING APPLICATION AND GENERAL INFORMATION</b></p>	
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## 2. Applicant Letter

Johnson + Bailey Architects P.C.



November 2, 2020

Mr. Brad Barbee  
City of Murfreesboro  
Board of Zoning Appeals  
111 West Vine Street  
Murfreesboro, TN 37130

Re: Calvary Baptist Church  
Classroom Additions  
Murfreesboro, Tennessee  
J+B No. 1006

Dear Mr. Barbee:

This letter is to document the Scope of Work for the proposed Classroom Additions to Calvary Baptist Church. We propose the following:

- 1) A 5,107 SF Children's Area Addition to the end of the existing east childrens classroom wing, consisting of four (4) childrens classrooms and a 2,480 SF childrens assembly room. These spaces will supplement the thirteen (13) existing childrens classrooms.
- 2) A 10,255 SF Adult/Youth Area Addition to the north end of the adult classroom wing, consisting of ten (10) additional adult classrooms and an enlarged youth assembly room. These spaces supplement the four (4) existing adult classrooms.
- 3) Removing 42 circular layout parking spaces at the front of the building, and constructing a 132 space parking lot, for 92 additional parking spaces.

Parking calculations are as follows:

151 Existing Spaces to Remain  
42 Spaces to be Removed  
134 New Parking Spaces  
92 Parking Spaces Gained  
285 Parking Spaces Total

Building area calculations are as follows:

Existing Building Area	32,685 SF
Children's Area Addition	5,107 SF
Adult/Youth Area Addition	10,225 SF
Total Area with Additions	48,017 SF

The additions will allow expansion of the Sunday School program, however, the general functions of the facility will remain unchanged.

Sincerely,

JOHNSON + BAILEY ARCHITECTS P.C.

A blue ink signature of R. Lyle Lynch, written in a cursive style.

R. Lyle Lynch, AIA

City Center • Suite 700  
100 East Vine Street  
Murfreesboro, Tennessee 37130  
615 890 4560 • FAX 615 890 4564

Johnson + Bailey Architects P.C.



November 2, 2020

Mr. Brad Barbee  
City of Murfreesboro  
Board of Zoning Appeals  
111 West Vine Street  
Murfreesboro, TN 37130

Re: Calvary Baptist Church  
Classroom Additions  
Murfreesboro, Tennessee  
J+B No. 1006

Dear Mr. Barbee:

This letter is to address the Standards of General Applicability for the application for expansion of an institutional group occupancy use (church) in a RS-15 zone, for Calvary Baptist Church. We submit the following:

1. Show the BZA that the proposed building use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.

Response: The adjacent property to the west and north is residential, and the adjacent property to the west is agricultural use. The existing church has been in operation on this property since 2003, and the Church continue with the same functions with the expanded facilities. Most traffic to the facility occurs on Sunday mornings, and is accessed by two existing entrances onto DeJarnette Lane, which has turn lanes at these entrances. The proposed parking revisions increases the capacity from 193 spaces to 285 spaces (92 space increase), and the proposed building construction does not add seating capacity to the sanctuary. Utilities for the additions are from existing services.

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

Response: The proposed new construction has fourteen (14) additional classrooms in two classroom wing extensions for a total of 15,332 square feet of addition to the existing 32,685 square foot building. It is the intent that the design of the new classroom additions match the existing adjacent classroom wings. The proposed building setbacks will greatly exceed the minimum Planning Commission requirements. With these setback distances, the proposed new construction will not interfere with adjacent property.

3. Show that the proposed building 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 sewer OR that the persons or agencies responsible for establishment of the proposed use will provide adequately for such services.

Response: The proposed additions do not increase the sanctuary seating capacity. Utilities for the additions will be from existing services. Trash is a single dumpster emptied by private service, and will not be changed.

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100 East Vine Street  
Murfreesboro, Tennessee 37130  
615 890 4560 • FAX 615 890 4564



Mr. Brad Barbee  
Calvary Baptist Church  
November 2, 2020  
Page 2

4. Show that the proposed building or use will not result in the damage , loss, or destruction of any feature determined by the BZA to be of significant natural, scenic, or historical importance.

Response: No existing site features are to be demolished as part of the proposed work.

5. Show that the proposed building or use complies with all additional standards imposed on it by the particular provision of this zoning ordinance authorizing such special use.

Response: The proposed additions will conform to City of Murfreesboro ordinances and the requirements of the Murfreesboro Planning Commission.

If you have any questions concerning these responses, please do not hesitate to call.

Sincerely,

JOHNSON + BAILEY ARCHITECTS P.C.

A handwritten signature in blue ink, appearing to read 'R. Lyle Lynch'.

R. Lyle Lynch, AIA



Johnson + Bailey Architects P.C.



November 2, 2020

Mr. Brad Barbee  
City of Murfreesboro  
Board of Zoning Appeals  
111 West Vine Street  
Murfreesboro, TN 37130

Re: Calvary Baptist Church  
Classroom Additions  
Murfreesboro, Tennessee  
J+B No. 1006

Dear Mr. Barbee:

This letter is to address the Standards of Applicability for Institutional Group Assembly uses for the application for expansion of an institutional group occupancy use (church) in a RS-15 zone, for Calvary Baptist Church. We submit the following:

1. Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard.

Response: The facility will have 285 off-street parking spaces and three (3) dedicated passengers loading areas, all located off of the required front yard setback.

2. In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size.

Response: Three times the lot size for RS-15 zone is 45,000 square feet. The site is over 40 acres in size.

3. On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes.

Response: Site lighting pole locations for the existing parking area and the proposed parking area are shown on the Site Plan. The new parking area is located away from adjacent property, and is screened by trees.

4. Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize adverse affects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property.

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100 East Vine Street  
Murfreesboro, Tennessee 37130  
615 890 4560 • FAX 615 890 4564



Mr. Brad Barbee  
Calvary Baptist Church  
November 2, 2020  
Page 2

Response: Existing trash dumpster location is shown on the Site Plan. Screening will be constructed as part of the proposed construction.

5. Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA.

Response: No new outdoor recreational use facilities are to be constructed with this project.

6. The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the institutional group assembly use by bus, bicycle, walking, or by car pooling or that off-street parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area.

Response: Sanctuary seating capacity is 558 seats. Chart 4 requires 1 parking space per 8 seats. Therefore, 558 seats/8 seats per space = 70 parking spaces required. The facility will have 285 off-street parking spaces.

7. An application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use.

Response: The facility is currently used for normal activities for a church used as a place for worship and learning. This use will not change with the proposed improvements.

8. The BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit.

Response: The Site Plan does not show provisions for utility connections for recreational vehicles.

9. The BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use.



Mr. Brad Barbee  
Calvary Baptist Church  
November 2, 2020  
Page 3

Response: No variances for short term uses are requested.

10. The application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring properties especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise.

Response: The Church does not intend to use external loudspeakers.

If you have any questions concerning these responses, please do not hesitate to call.

Sincerely,

JOHNSON + BAILEY ARCHITECTS P.C.

A handwritten signature in blue ink, appearing to read 'R. Lyle Lynch'.

R. Lyle Lynch, AIA

Johnson + Bailey Architects P.C.



November 3, 2020

Mr. Brad Barbee  
City of Murfreesboro  
Board of Zoning Appeals  
111 West Vine Street  
Murfreesboro, TN 37130

Re: Calvary Baptist Church  
Classroom Additions  
Murfreesboro, Tennessee  
J+B No. 1006

Dear Mr. Barbee:

A Special Use Permit was issued to Calvary Baptist Church on April 14, 2004, to operate a Daycare Center in a Residential Single-Family (RS-15) Zone. This letter is to outline the current Daycare Center operations.

Per State of Tennessee standards, the program that the Church is currently operating is categorized as Parents' Day Out, not Daycare, since it does not operate more than six hours per day on more than two days per week.

The current Parents' Day Out program at Calvary Baptist Church operates on Tuesdays and Thursdays, from 8:30 A.M. until 2:00 P.M. A maximum of 105 children are in attendance. The church does not provide transportation, so all children are delivered by parents.

If you have any questions concerning the above, please do not hesitate to call.

Sincerely,

JOHNSON + BAILEY ARCHITECTS P.C.

A handwritten signature in blue ink, appearing to read 'R. Lyle Lynch'.

R. Lyle Lynch, AIA

City Center • Suite 700  
100 East Vine Street  
Murfreesboro, Tennessee 37130  
615 890 4560 • FAX 615 890 4564



### 3. Site Photos

Front of Building



## West Side Building Addition Area





## North Side Building Addition Area



## New Portico Area

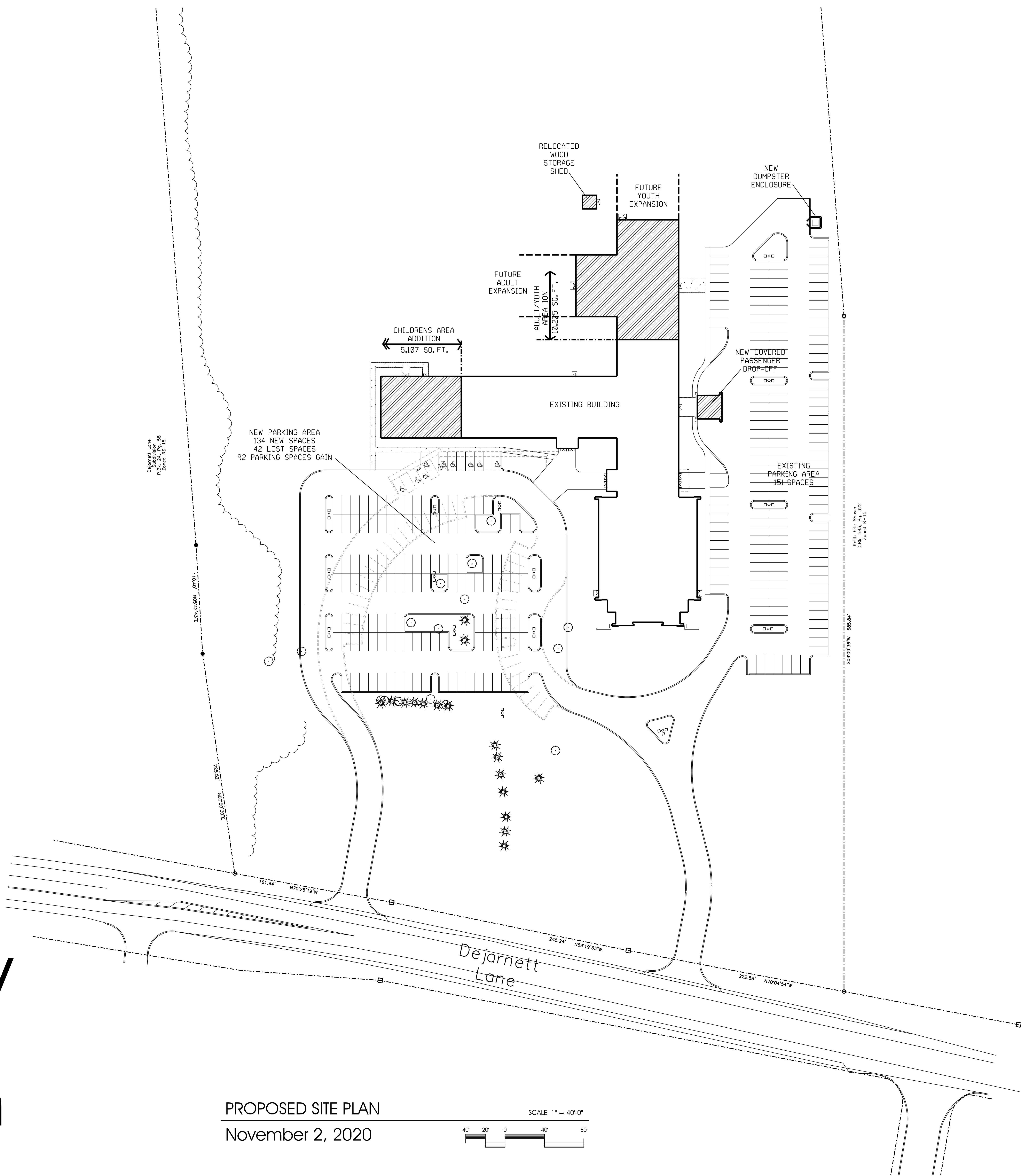




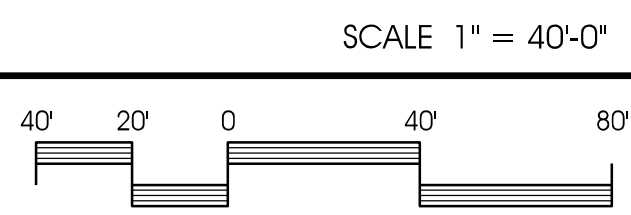
## Current Dumpster Location



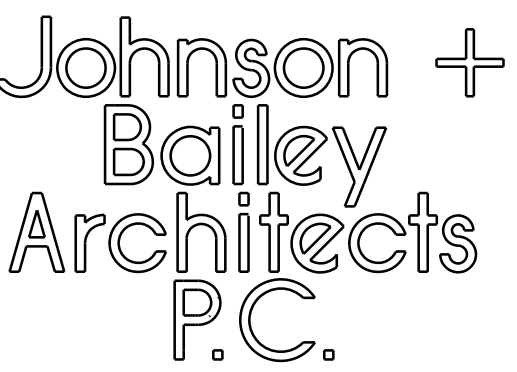
# Calvary Baptist Church



PROPOSED SITE PLAN  
November 2, 2020







City Center  
100 East Vine St.  
Murfreesboro Tennessee  
37130  
615-890-4560  
Fax: 615-890-4564

# Calvary Baptist Church Classroom Additions

Murfreesboro  
Tennessee

NOTES:

PROJECT NO. 1006  
DATE 11-2-20  
DRAWN BY  
CHECKED BY R.L.L.

Project Address:  
431 DeJarnette Lane  
Murfreesboro, Tennessee

## A6.1



SCALE 1/8" = 1'-0"



SCALE 1/8" = 1'-0"



SCALE 1/8" = 1'-0"



SCALE 1/8" = 1'-0"



SCALE 1/8" = 1'-0"

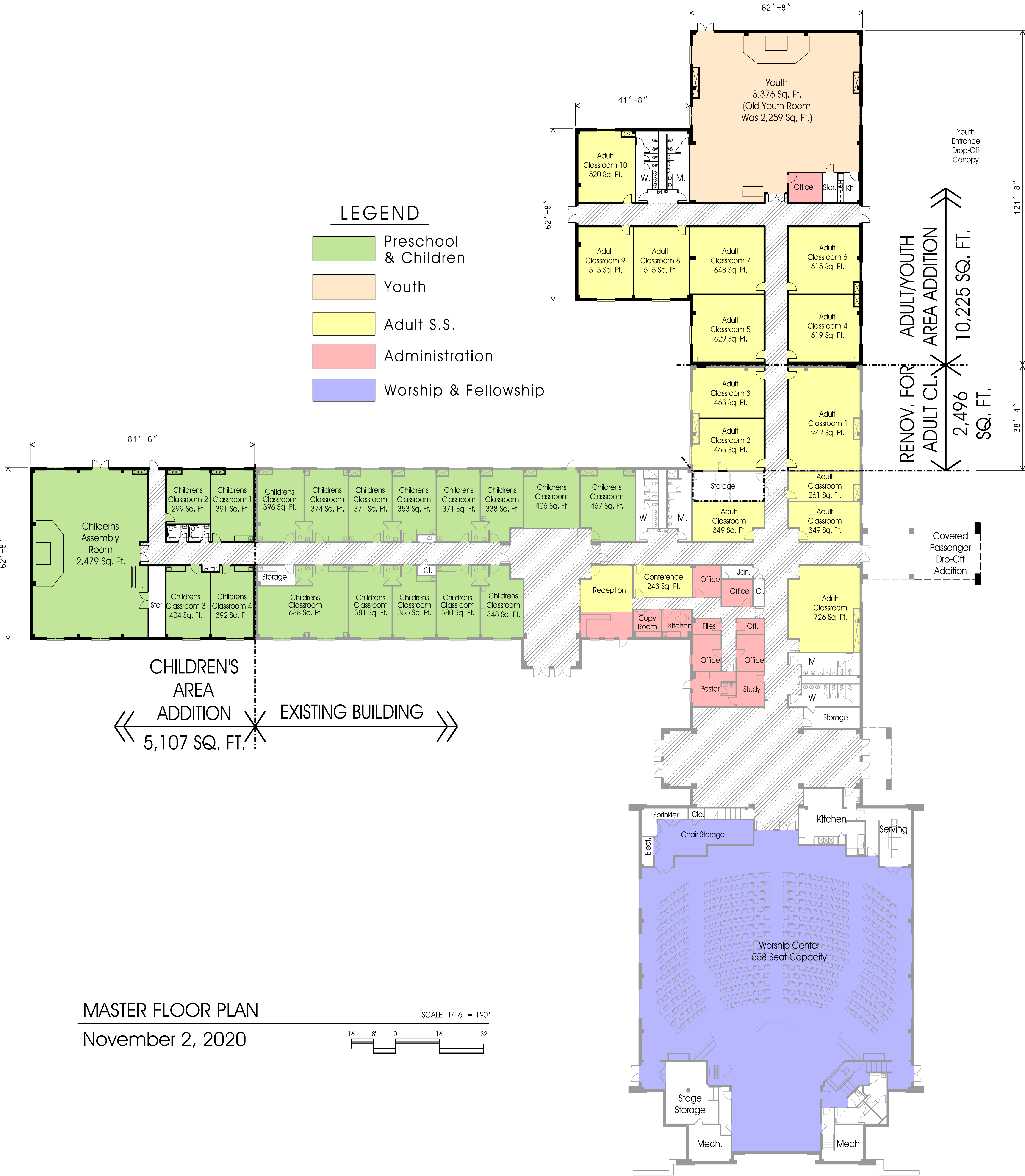


SCALE 1/8" = 1'-0"





# Calvary Baptist Church



# MASTER FLOOR PLAN

November 2, 2020

SCALE 1/16" = 1'-0"



**MURFREESBORO BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**NOVEMBER 23, 2020**  
**PROJECT PLANNER: BRAD BARBEE**

**Application:** Z-20-032

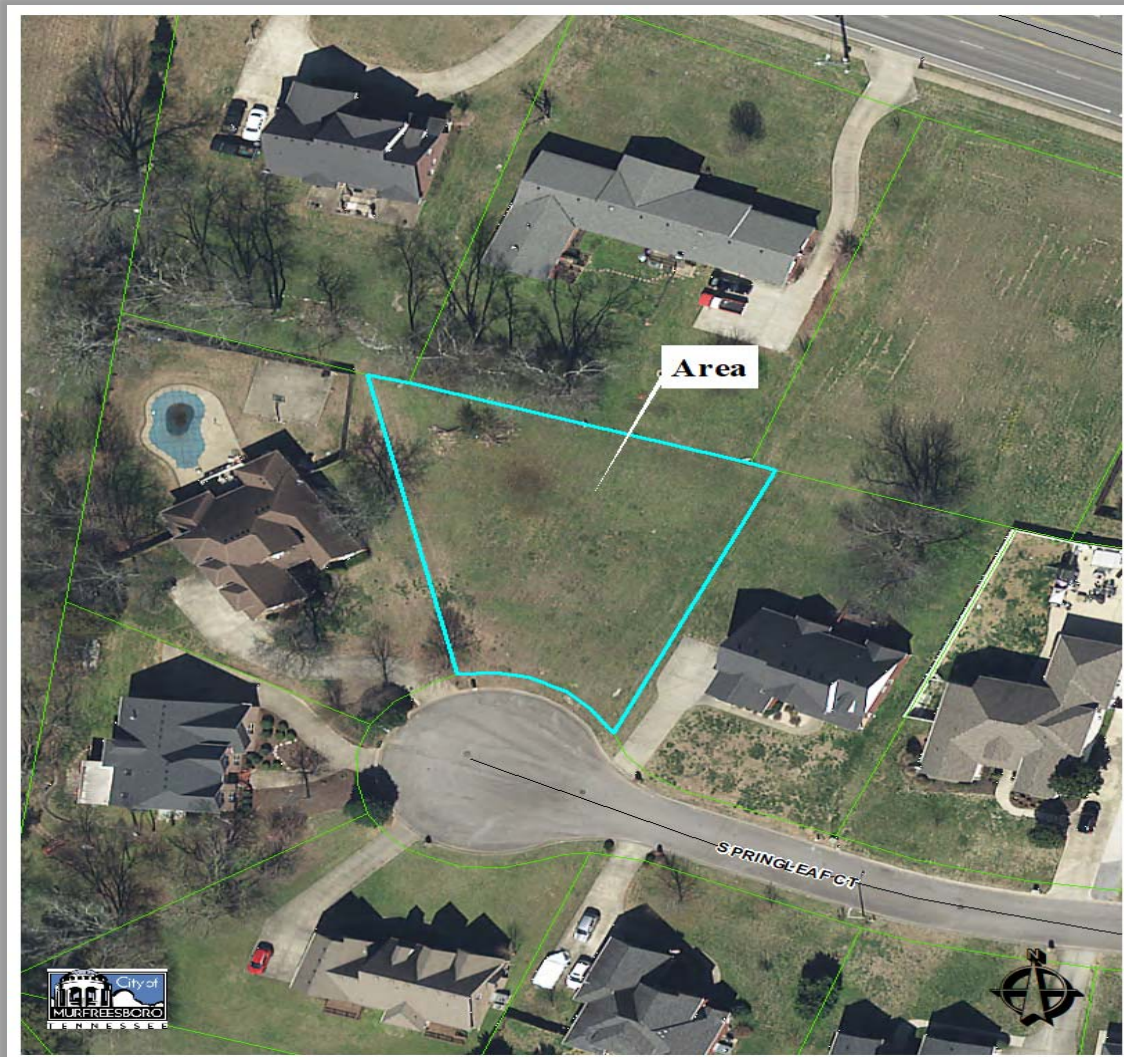
**Location:** 911 Springleaf Court

**Applicant:** Mr. Jay B. Jackson

**Owner:** Mr. Mahesh C. Patel

**Zoning:** RS-15 (Single-Family Residential District)

**Request:** A special use permit in order to establish an accessory apartment





## **Overview of Request**

Mr. Mahesh Patel requests a Special Use Permit in order to establish an accessory apartment in a Residential Single-Family District (RS-15) zone. The property in question is located at 911 Springleaf Court in the Northsprings Subdivision, just to the east of the City of Murfreesboro's Sports\*Com facility and the Murfreesboro Airport runway. It is bordered on all sides by other single-family residential lots located in the Northsprings Subdivision, which are also zoned RS-15. A Special Use Permit from the Board of Zoning Appeals is required for an accessory apartment in a single-family residential zoning district. The applicant has submitted a letter describing the request and addressing Sections 8 and 9 of the Zoning Ordinance, as well as a floor plan of the house, building elevations, and a plot plan of the lot, all of which are included in the agenda package for the Board's review. Staff has also included photographs of the current state of the kitchen as well as the rear entrance for the Board's reference.

On March 13, 2020, a building permit was issued in order to construct a new single-family residence on the subject lot. In October 2020, it was discovered by the Buildings and Codes Department that the residence was being constructed with two full kitchens. According to the applicant, his family cooks frequently, including some dishes with strong odors, and they want the second kitchen in order to prevent the cooking odors from permeating throughout the home. The second kitchen area does have a separate entrance/exit at the rear of the home as is depicted in the photographs and shown on the floor plan. After reviewing the floor plan, Staff made the determination that the inclusion of the second kitchen creates the potential for an accessory apartment within the principal structure. After this determination was made, the applicant applied for a Special Use Permit. The applicant is moving forward with construction of the house, which has been modified to eliminate some of the elements of the second full kitchen and hence the need for a Special Use Permit; however, it is his desire to have the second kitchen and he intends to complete it if the request is approved.

According to the Zoning Ordinance, an accessory apartment is defined as, "A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot of record, for use as an independent living facility with provision within the accessory apartment for food preparation, sanitation, and sleeping. Such a dwelling unit shall be accessory to the main dwelling." The subject of this application is the rear area of the structure labeled "sunroom" on the attached floor plan. This area has a separate entrance/exit located at the rear of the home. The Board should note that the layout of the sunroom has been reversed from what is shown on the floor plan, meaning that the kitchen area is to the left and the seating area is on the right. The proposed kitchen has an adjacent master suite located on each side. If the second kitchen were to be combined with one of the two adjacent master suites, all of the elements of an accessory apartment would be present, especially if a doorway were to ever be constructed leading from the second kitchen into one of the two adjacent master suites.

Even though the current layout without such a doorway connection does not lend itself to use as an accessory apartment, Staff has determined that the second full kitchen is sufficient enough to classify the rear of the house as an accessory apartment for zoning purposes. While granting this special use permit would allow the homeowners to use the structure in the future as a separate dwelling unit for family members or short-term guests, the applicant has indicated that they have

no intentions of using it in such a manner. The applicants are aware that the accessory apartment cannot be used as a rental unit to non-family members. Staff recommends that the Board require the applicant to record a deed restriction to that effect, as has been done with previous such Special Use Permit requests. The deed restriction will put any future buyer on notice that the accessory apartment cannot be used as a rental unit to non-family members.

### **Relevant Zoning Ordinance Sections**

Chart 2 of the City of Murfreesboro Zoning Ordinance allows accessory apartments as a special use in the RS-15 district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(a) sets forth standards for accessory apartments in addition to the Standards of General Applicability in Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them. After reviewing the criteria for the special use requirements for accessory apartments this project appears to meet the criteria.

### **Standards of General Applicability with Staff analysis**

- 1. 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, and utility facilities, and other matters affecting the public health, safety and general welfare.**

This request should have minimal impact on the character of the neighborhood, or the other items listed above. The structure will appear as a single-family home from the exterior.

- 2. 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.**

The request should be compatible with the immediate vicinity. The structure will appear as a single-family home from the exterior.

- 3. 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.**

The request should have minimal impact on the above items.

- 4. 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.**

Neither Staff nor the applicant are aware of any such features associated with this property.

**5. That the proposed building/use complies with all additional standards imposed on it by the particular provision of this section authorizing use.**

The proposed use will comply with the additional standards for an accessory apartment. (See below for additional detail.)

**Additional Standards for Accessory Apartments with Staff Analysis**

**[1] only one accessory apartment shall be allowed upon a lot zoned for single family purposes;**

Only one accessory apartment is requested.

**[2] except for bona fide temporary absences, the owner(s) of the residence or lot upon or in which the accessory unit is created shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members;**

According to the applicant, the owner and his family will be the only occupants on the premises.

**[3] the accessory apartment shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances in an existing structure shall be located on the side or in the rear of the building;**

According the applicant, the second kitchen is located in a sunroom, which is a typical room in a home, and the second kitchen will not change the look of the home in any way from the exterior. The exterior door from the second kitchen appears as a typical back door.

**[4] if attached to or located within the principal structure, the accessory apartment shall be designed and constructed to allow it to be part of the principal structure at such time as the use of the accessory apartment discontinues or approval of the special permit lapses;**

According to the applicant, the second kitchen is integrated into the home through a sunroom that adjoins the remainder of the home and is intended to remain a part of the main residence.

**[5] the design and size of the accessory apartment shall conform to all applicable standards in the health, building, and other codes;**

According to the applicant, the second kitchen is in compliance with all standards including health, building, and other codes. The City Building and Codes Department has inspected the structure and will further inspect the structure if and when the construction of the second kitchen is completed.

**[6] the accessory apartment shall not exceed seven hundred square feet of floor area;**

The kitchen in question is smaller than seven hundred square-feet. Since the second kitchen does not have a direct connection at this time to either of the adjacent master bedroom suites, it is difficult at this time to determine what the square-footage of such an area might be. If at such time in the future the applicant constructs a doorway from the second kitchen to one of the adjacent master bedroom suites, a



determination of the square-footage would be made at that time, which, if over 700 square-feet, would necessitate a variance to this requirement.

**[7] the BZA may condition approval upon the special use permit lapsing at such time as the ownership of the property is transferred; and,**

According to the applicant, he understands that the BZA has this authority but requests that the use of the second kitchen should be allowed to remain if the property is ever sold.

**[8] the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties and to maintain the integrity of the single-family zoning district.**

The applicant understands that the BZA may place additional conditions on the approval of the Special Use Permit.

### **Recommended Conditions of Approval:**

If the Board approves this request, Staff recommends the following conditions of approval:

1. Electrical, gas, and other applicable permits must be obtained for the completion of the second kitchen.
2. Any direct connection (e.g., a doorway) from the second kitchen to an adjacent master bedroom area will first require an amendment to this Special Use Permit. Depending on the square-footage of the combined area, a variance to the maximum square-footage of 700 ft<sup>2</sup> may also be required.
3. A deed restriction must be recorded stating that the accessory apartment will not be used as a rental unit to non-family members and that it will be used in a manner consistent with the zoning regulations for accessory apartments.

The applicant's representative, Mr. Jay Jackson, will be in attendance to answer any questions that the Board may have.

### **Attached Exhibits**

- 1) BZA Application
- 2) Applicant Letter
- 3) Site Photos
- 4) House plans and plot plan

## 1. BZA Application

City of Murfreesboro <b>BOARD OF ZONING APPEALS</b>		<b>HEARING REQUEST APPLICATION</b>	
Location/Street Address: 911 SPRINGLEAF COURT LOT#13 NORTHSRING SUB DIVISION			
Tax Map:	Group:	Parcel:	Zoning District:
Applicant: MAHESH C PATEL		E-Mail: maheshpatel1945@yahoo.com	
Address: 911 SPRINGLEAF COURT LOT#13		Phone: (615) 556-9538	
City: MURFREESBORO		State: TN	Zip: 37130
Property Owner: SAME			
Address:		Phone:	
City:		State:	Zip:
Request: APPROVAL FOR SECOND KITCHEN IN HOUSE			
Zoning District:			
Applicant Signature: <i>Mahesh Patel</i>		Date: 10-26-2020	
Received By:		Receipt #:	
Application #:		Date:	

Murfreesboro Board of Zoning Appeals	
	
T E N N E S S E E	
HEARING APPLICATION AND GENERAL INFORMATION	

## 2. Applicant Letter



November 2, 2020

JOHN G. MITCHELL, JR.  
JOHN G. MITCHELL, III  
DARWIN K. COLSTON  
JAY B. JACKSON

Matthew Bromley  
Assistant Planning Director  
111 West Vine St  
Murfreesboro, TN 37130

Re: *Maresh Patel; BZA Hearing Request; Lot #13, Northsprings; 911 Springleaf Court*

Dear Matthew,

Please find enclosed the application and drawings for a special exception related to the second kitchen that is located in my client's house. I understand that you and others have had numerous conversations with him. This second kitchen is not installed in order to rent out the space or to use the home as anything other than a single-family dwelling.

My client does a lot of cooking and some of which includes hard or heavy-duty cooking that creates odors throughout the house, so the second kitchen is designed with that in mind. As you can see from the plans, the house is not set up in a way that this area would or could be used as a rental space. There is no adjoining bedroom or separate entrance area that would be typical if a rental space were contemplated.

As required by the City of Murfreesboro, Tennessee, we provide the following information:

Section 8:

a. Maresh Patel  
911 Springleaf Court  
Murfreesboro, TN 37129

c/o Jay Jackson  
Attorney at Law  
106 East College Street  
Murfreesboro, TN 37130

b. The Applicant is an individual owner of the property located in the North Springs subdivision.

106 E. College St.  
Post Office Box 1336  
Murfreesboro, TN 37133-1336  
Office: (615) 896-4211  
Fax: (615) 895-5485

1  
[www.mitchellattorneys.com](http://www.mitchellattorneys.com)

121 E/S Public Square  
Post Office Box 160  
Woodbury, TN 37190  
Office: (615) 563-4522  
Fax: (615) 563-4523

c. The Plan is attached to the application showing the exterior of the house along with a diagram of the interior of the house where the second kitchen is located. A plat of the property and its location relative to the lot are also attached;

d. 911 Springleaf Court  
Murfreesboro, TN 37129

e. The attached maps show the vicinity of the property.

f. The zone is a residential zone.

g. The special use involves the use of a second kitchen. It is located in the main house. The purpose of the second kitchen is to allow the family to do more heavy-duty cooking that helps isolate the smells from the main part of the home. The use is not designed to be used as a rental or to establish an accessory apartment use. Rather, the area where the kitchen is does not have an attached bedroom. It does not have a separate entrance either. There are no hours of operation involved. The use will be perpetual in the sense that it is part of the home. There will be no customers, clients or patients utilizing the second kitchen. There will be no additional traffic use generated as a result of the family's use of a second kitchen.

h. There will be no harmful characteristics of this use to the home or to any neighbors or the community as a whole.

#### Section 9(c)

1. The second kitchen will not have any undue or substantial adverse effect upon any other property. The kitchen is located inside the home. It is for family use only and is not being used for any commercial purpose. It will not produce traffic, customers or any excess use of resources on the neighborhood.

2. The second kitchen is simply part of the home and is therefore compatible with the uses in the neighborhood since it is being used as a home no different than any other home in the neighborhood;

3. The second kitchen will not use any other or require any other public utilities different than would be used by the home if the second kitchen did not exist.

4. The second kitchen will not result in destruction, loss or damage to any feature determined by the BZA to be significant natural, scenic or historic;

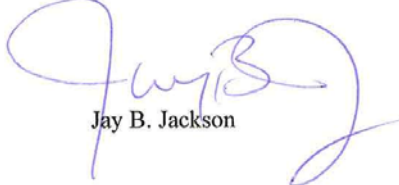
5. The proposed second kitchen complies with all standards required of it;

Section 9(D)(2)(a)

1. This second kitchen is the only thing different than a normal home and it is not intended to be an accessory apartment or used as one;
2. The owner and applicant and his family will be the only occupants of the premises;
3. The second kitchen is located in a sunroom which is a typical room in a home and the placement of the second kitchen there does not change the look of the home in any way from the exterior and only changes the use from the exterior.
4. The second kitchen is integrated into the home through a sunroom that adjoins the remainder of the home and will if ever discontinued remain a part of the main residence.
5. The second kitchen is in compliance with all standards including health, building and other codes;
6. The Kitchen is smaller than 700 square feet;
- 7 & 8 The applicant understands that the BZA may do these two things but states that the use as a second kitchen should be allowed to remain if the property is ever sold

Thank you for your time and attention to this matter.

Sincerely,



Jay B. Jackson

JBj/emn

### 3. Site Photos

Rear of Building (kitchen exterior entrance/exit)





Interior of the kitchen (Left View)



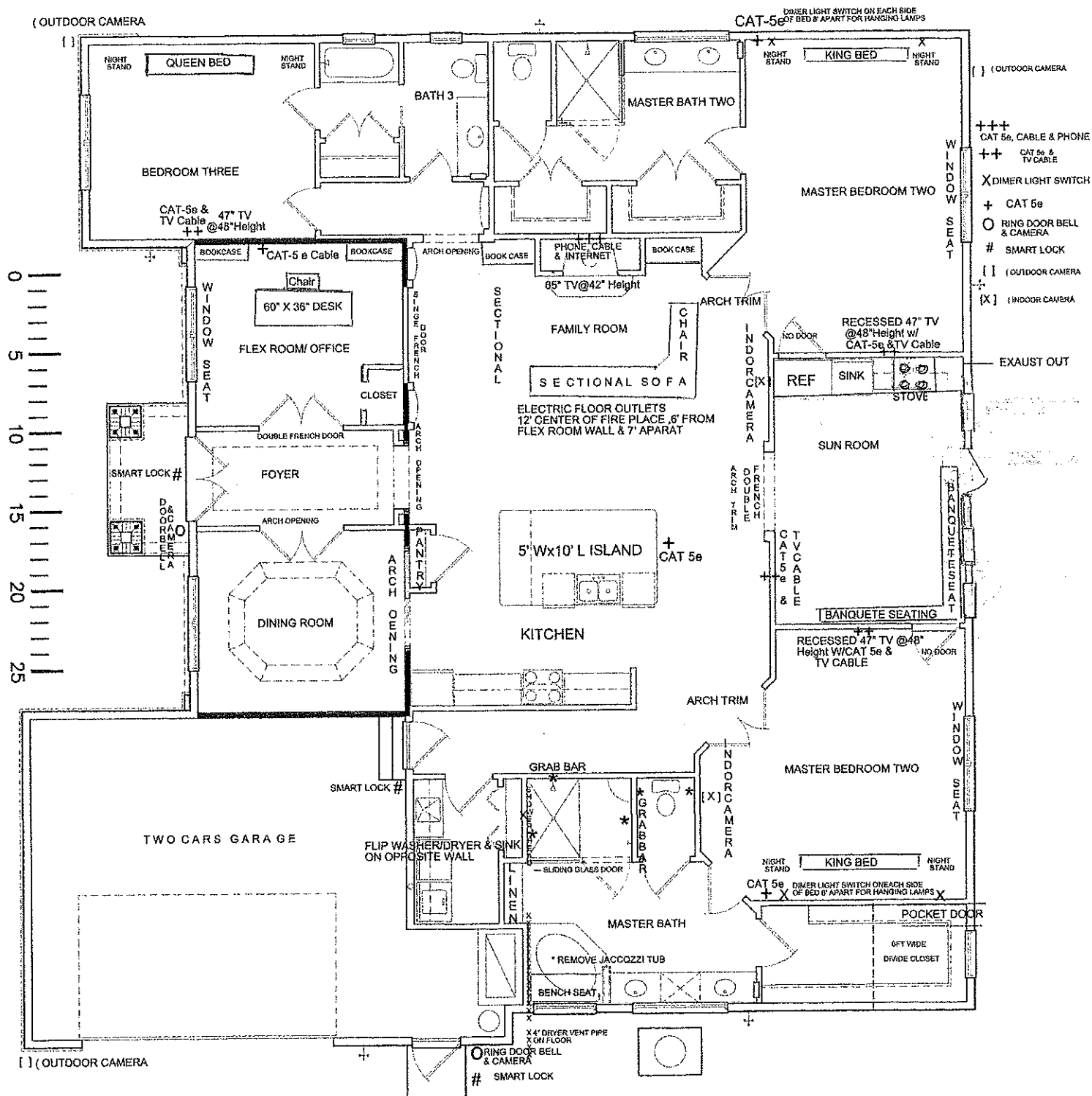
**Interior of the Kitchen (Right View)**





## Interior of Kitchen

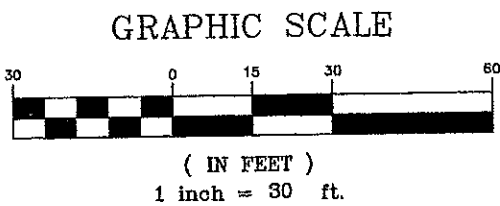
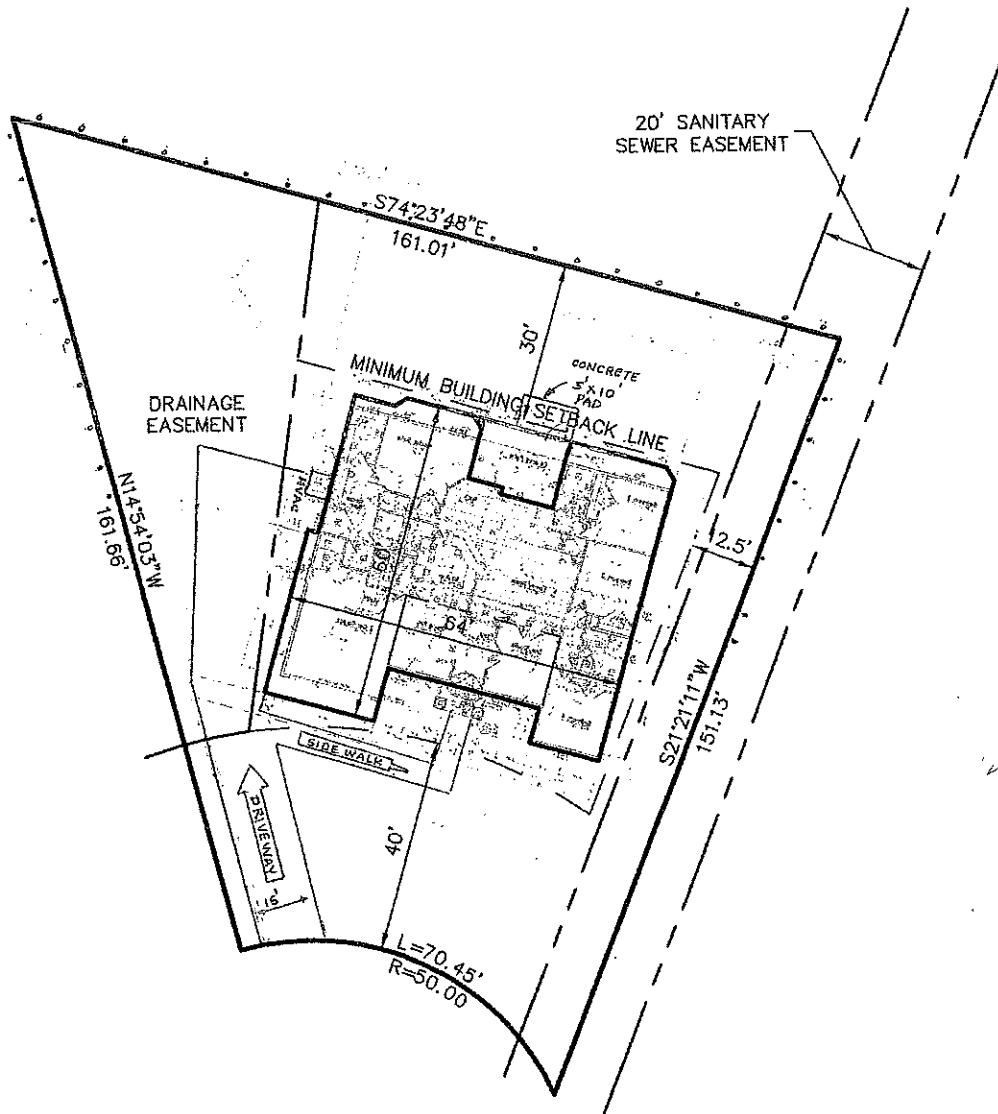








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HOUSE PLOT

***NORTHSPRING***

SECTION 1, LOT 13

**ROBERTS**  
LAND SURVEYING

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